



## **STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at  
Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.30PM, TUESDAY 5 MARCH 2019**

A handwritten signature in grey ink, appearing to read 'R. B. McLeod'.

Ross McLeod  
**General Manager**

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**REPORT**  
**PD/5.4/19.03****Subject:** Planning Proposal - Waverley War Memorial Hospital**TRIM No:** PP-1/2017**Author:** Jaime Hogan, Senior Strategic Planner**Director:** Peter Monks, Director, Waverley Futures

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**RECOMMENDATION:**

That Council:

1. Notes the submission of a planning proposal to amend the Waverley Local Environmental Plan 2012 (WLEP2012) lodged by Ethos Urban on behalf of Uniting, as amended on 5 November 2018.
2. Note the advice given by the Waverley Local Planning Panel on 24 January 2019.
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:
  - (a) That the Planning Proposal only apply to the lots as identified in the original Planning Proposal submitted July 2017.
  - (b) No alteration to the Land Zoning Map.
  - (c) No site-specific zone boundary flexibility clause.
  - (d) The following Additional Permitted Uses only to apply across the site as follows:
    - i. Seniors housing
    - ii. Community facilities
    - iii. Centre-based child care facility
  - (e) The following Additional Permitted Uses to apply in the R3 zone:
    - i. Health service facility and any development which is ordinarily incidental or ancillary to health service facility.
  - (f) Increase the maximum permissible height from 9.5m and 12.5m, to 15m and 21m only.
  - (g) Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1, to 1.2:1.
  - (h) New site specific provisions to include:
    - i. Maximum site coverage to ensure open space provision.
    - ii. Minimum deep soil and landscaped area to ensure significant trees, biodiversity corridors, and heritage landscaped areas are protected.
    - iii. Include the site on the Key Sites Map and apply clause 6.9 Design Excellence.

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.
5. Accepts the role of the Relevant Planning Authority from the Department of Planning and Environment, if offered, to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.

## 1. Executive Summary

Council has received a Planning Proposal for the site known as the Waverley War Memorial Hospital. The proposal aims to increase the provision of existing health and aged care services on the site and allow residential uses as a permissible use. The Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 (WLEP2012) as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m 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 20m into and cover most of the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:
  - 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 450sqm)(in the R3 and SP2 zone);
  - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
  - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
  - Serviced apartments (provided the use is ancillary to the health services facility);
  - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

Council Officers are supportive of the stated aim of the Planning Proposal, however any reduction to the extent and effectiveness of the SP2 zone to deliver this outcome is not supported; the need for seniors housing (both ILU and aged care) across the LGA is critical and there are limited sites to fulfil this need. Furthermore, the proposed maximum height and FSR would result in a gross overdevelopment of the site, and significantly impact upon the Heritage significance of the Items, and compromise a number of key aims of the WLEP2012.

The Planning Proposal is generally supported as it has strategic merit in accordance with the District and Region Plans, provided that the amendments recommended by Council Officers are adopted. These amendments have been recommended to ensure that the site continues and expands its role as an important health and seniors living site and delivers the intended uses via a SP2 Infrastructure zoning. Only uses that are strictly supportive of this vision are supported as additional permitted uses. In addition, an

increase in the capacity of the site is supported with amendments, to ensure that the character of the area is retained, and that the significance on the heritage items of the site are not compromised.

Council Officers recommend that the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway, subject to the following amendments:

- That the Planning Proposal only apply to the lots as identified in the original Planning Proposal submitted July 2017.
- No alteration to the Land Zoning Map.
- No site-specific zone boundary flexibility clause.
- The following Additional Permitted Uses only to apply across the site as follows:
  - Seniors housing
  - Community facilities
  - Centre-based child care facility
- The following Additional Permitted Uses to apply in the R3 zone:
  - Health service facility and any development which is ordinarily incidental or ancillary to health service facility.
- Increase the maximum permissible height from 9.5m and 12.5m, to 15m and 21m only.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1, to 1.2:1.
- New site specific provisions to include:
  - Maximum site coverage to ensure open space provision.
  - Minimum deep soil and landscaped area to ensure significant trees, biodiversity corridors, and heritage landscaped areas are protected.
  - Include the site on the Key Sites Map and apply clause 6.9 Design Excellence.

To ensure that a public benefit is delivered on the site, Council proposes that the above controls be provided as incentive provisions of an additional local provision clause in the WLEP2012. These incentive provisions could only be accessed subject to a public benefit such as a dedicated percentage of affordable housing, road upgrades, publicly accessible open space, 5-Star Green Star Rated buildings, and minimum landscaped areas, are provided. In addition Council Officers recommend that a site-specific Development Control Plan be prepared for the site.

## 2. Introduction/Background

### History of the Planning Proposal

The Planning Proposal has had a number of iterations to the proposed permissibility and development standards. Table 1 provides an overview of the key dates of the project. More information on each stage is provided below and a timeline documenting the proposed changes at each amendment is provided in Attachment 1, Table 3.

<b>Table 1 – Planning Proposal Key Dates</b>	
<b>Date</b>	<b>Matter</b>
4 July 2017	Planning Proposal lodged with Council
17 August 2017	Council request for additional information

8 September 2017	Initial meeting with Council Planners and Proponent
19 January 2018	Response to request for additional information submitted to Council
14 February 2018	Second meeting with Council Planners and Proponent
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 and Proponent
5 November 2018	Third response (amended planning proposal) submitted to Council
24 January 2019	Final Local Planning Panel advice received

#### 4 July 2017 - Planning Proposal lodged with Council

The initial Planning Proposal was lodged to amend the WLEP2012 as follows:

- Change the zoning from SP2 Health Services Facility to R3 Medium Density Residential.
- 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.
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

As part of the proposal, the proponent engaged consultants to prepare the following reports:

- Planning Proposal Justification Report, Ethos Urban (Previously JBA)
- Uniting Waverley Master Plan, COX
- Communication and Engagement Report, KJA
- Heritage Conservation Management Plan, Hector Abrahams and Associates
- Landscape Master Plan, Taylor Brammer
- Heritage Impact Statement, Hector Abrahams and Associates
- Traffic and Transport Assessment, Traffic
- Civil Services and Infrastructure Statement, Wood & Grieve Engineers
- Site Contamination Assessment, JBS Environmental
- Arborist Report, Taylor Brammer
- Peer Review and Photomontage Certification, Richard Lamb & Associates

Council officers requested additional information in August 2017 and met with the proponents in September 2017 to discuss the preliminary feedback for the proposal. In January 2018, the proponent submitted the additional information that had been requested, and met with Council officers in February. The feedback of Council officers was that the heights and FSR were not supported to the extent proposed, and that the rezoning of the site to R3 Medium Density Residential was not going to serve the primary purpose of the site. Council officers provided the following feedback:

- For the proponent to consider applying the Planning Proposal to the entire site if they acquire the remaining sites along Birrell Street.
- Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.
- Add required Additional Permitted Uses that are secondary to the use of the site as a Health Services Facility.
- Reduce the maximum permissible height to the frontages of the site to 12.5m, and to reduce the overall maximum of the site to 20m within the centre of the site. This was based on a cross-section of Bronte Road that was taken between Ebley St and Birrell St, not between Birrell St and Church St.
- Reduce the maximum permissible FSR from 1.5:1 to 1.2:1.

#### 25 May 2018 - Amended Planning Proposal lodged with Council

A modified proposal was submitted on 25 May 2018 to amend the WLEP2012 as follows:

- The affected sites of the Planning Proposal increased 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.
- Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.
- 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.
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible FSR from 0.6:1 and 0.9:1 to 1.5:1.

#### 5 November 2018 - Amended Planning Proposal lodged with Council

A modified proposal was submitted on 5 November 2018 to amend the WLEP2012 as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m 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 20m into and cover most of the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:
  - 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 450sqm)(in the R3 and SP2 zone);
  - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
  - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
  - Serviced apartments (provided the use is ancillary to the health services facility);
  - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

#### **Waverley Local Planning Panel Advice**

The Planning Proposal was submitted to the Waverley Local Planning Panel (the Panel) for advice as per the Local Planning Panels Ministerial Direction effective 1 July 2018.

The Planning Proposal was reported to the Panel on 29 August 2018, on a full Agenda with other Development Applications. The meeting ran over time, and the matter was postponed to a full day meeting of the Panel at a separate time, with the invitation for the Proponent to present.

The matter was reviewed by the same Panel on 24 September 2018 over a full day format. The outcome of the meeting of the Panel was to adjourn the meeting to seek further clarification and information regarding certain items. The Minutes of this meeting are provided in Attachment 2 and are reproduced below.

*DECISION: The panel notes that there have been discussions and that clarifications are required. The panel has decided that it will adjourn the consideration of the advice, and that the advice at the moment is:*

*The Panel Advises that:*

1. *The meeting be adjourned to allow the proponent to provide the following information:*

a. *Justification for the proposed 1.5:1 FSR including GFA figures of the proposed uses in buildings identified in the masterplan.*

- b. Heights of proposed buildings to be related to AHD information of the proposed buildings in the masterplan and existing ground level.*
- 2. The meeting be adjourned to also allow Council to meet with the owners of the properties not owned by the applicant having a frontage to Birrell Street within the R3 Zone to determine whether those sites should be included in the planning proposal.*
- 3. That the further details indicated in the advice is to be provided within 14 days.*

The additional information was forwarded to the Panel on 10 January 2019. Attachment 3 contains the advice from the Panel as finalised 24 January 2019, and is summarised below.

*The Panel endorses the support of the aim of the Planning Proposal, which is to expand the health and ageing provision of the site, however the Panel agrees that the Planning Proposal, as submitted, requires amendment to ensure that the character of the area is retained and the significance of the heritage items of the site are not compromised.*

*In particular, the Panel does not support the Planning Proposal as submitted, for the following reasons:*

- 1. The Planning Proposal represents a significant overdevelopment of the site.*
- 2. The level of development will have a serious and detrimental impact on the important heritage values of the site.*
- 3. The proposed increase in maximum height of buildings to 9 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.*
- 4. 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.*
- 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.*

*For the reasons outlined in points 1-5 above, the Panel is of the opinion that the planning proposal does not demonstrate site specific merit.*

*The Panel supports the amendments proposed in the Report (Attachment 1) and agrees that an alternative planning proposal, incorporating the amendments proposed by Council Officers, and a site specific Development Control Plan, should be able to achieve the realistic objectives for the site and have both strategic and site specific merit*

### **3. Relevant Council Resolutions**

Nil.

### **4. Discussion**

A brief discussion of each item is outlined here, and detailed further in the Assessment Report provided in Attachment 1.

**Land Use Zoning Map****i. SP2 Zone must be retained**

The retention of the SP2 Health Services Facility zone is critical as the zoning is the only mechanism to ensure the continued operation and expansion of the important social infrastructure on the site. This is in accordance with the Eastern City District Plan and the Region Plan to ensure that residents in this region are adequately serviced by social infrastructure including hospitals. Removing the use of Health Service Facility is also incongruous with Policy 4 and 5 of the Heritage Conservation Management Plan (CMP) submitted with the proposal.

<b>Policy 4:</b> The existing institutional governance and hospital use is a historic use that should be continued.
<b>Policy 5:</b> The historic use should be broadly defined to include uses related to health, aged care and training.

**ii. No additional residential capacity required**

Waverley Council has prepared its draft Local Housing Strategy which identifies that there is no additional residential up-zoning required to meet the dwelling targets set by the Greater Sydney Commission.

**iii. Current and future need for Seniors Housing**

Waverley Council also has research (discussed further in Attachment 1) that demonstrates a current and future shortage of Residential Aged Care beds and Independent Living Units (seniors housing) in the LGA and Eastern Suburbs. Accordingly it is imperative that no additional residential land is provided that would impact upon the optimisation (reduce capacity) of the site for seniors housing. There are many sites available for residential development in Waverley LGA, but few specifically allocated for seniors housing.

**iv. R3 will compromise delivery of Seniors Housing**

Whilst the proposal retains a large area of SP2 land, Council Officers are not supportive of a change in the Land Zoning Map, as the altered zoning pattern provides a larger area of useable R3 zone which permits Residential Flat Buildings. An RFB on this site serves a 'highest and best use' from a financial perspective, but would have an undesirable social and economic outcome for the LGA by compromising the delivery of health service facilities and seniors housing.

**v. Vertical Villages bonus**

The R3 zone permits RFB development and therefore the use of the Vertical Villages (Part 6) bonus (additional 0.5:1 FSR) under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) (Seniors SEPP). Council Officers have noted that the 1.2:1 FSR is adequate to achieve a reasonable redevelopment of the site that is more appropriate with the surrounding context. The current location of the R3 zone to the corner of Bronte Road and Church Street contains four heritage items which limit the amount of redevelopment available on these lots, and accordingly is unlikely to attract a significant built form that would be supported by Council as part of a Development Assessment.

**vi. Sale of this land**

Any rezoning of this section of the site would make a large contiguous section of R3 zone very attractive to divest. Given the significance of the whole of the site being conceptualized as one estate, as outlined in the Conservation Management Plan submitted July 2017, this could impact upon the delivery of a holistic vision for the overall site, compromise the delivery of seniors housing in the LGA, as well as the retention of certain heritage characteristics of the site.

### **Site Specific Zone Boundary**

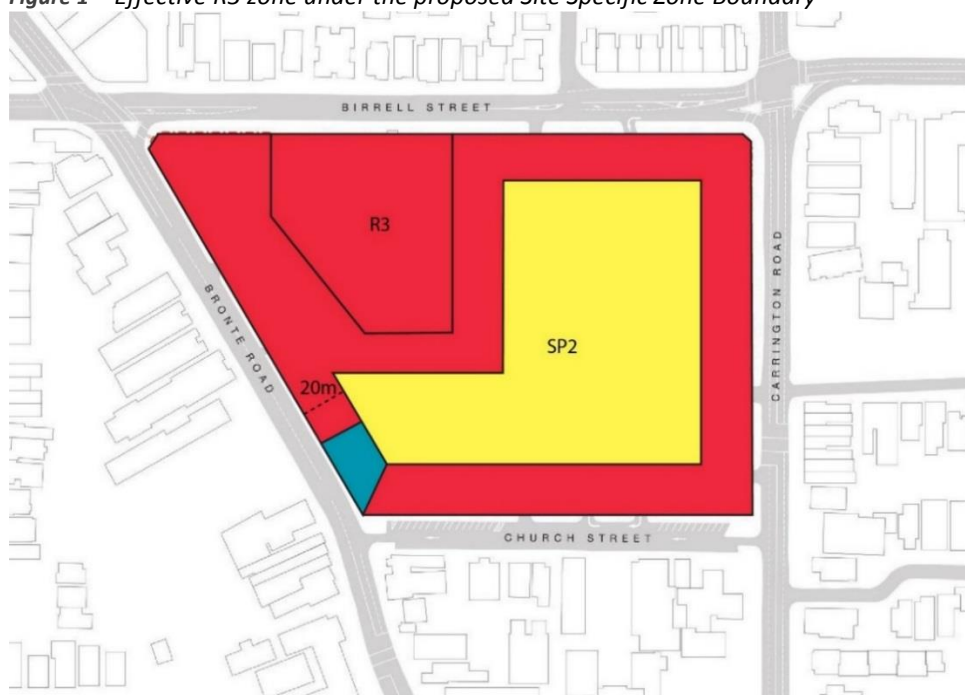
#### **i. Undermines all reasons listed above in 1. Land Use Zoning Map**

The proposed site specific zone boundary is not supported by Council Officers. This undermines the vision of the whole site being maintained for the purposes of a Health Services Facility. The proposed site specific zone boundary of 20m would significantly extend into the SP2 zone, as the entire surrounding area is zoned R3, excluding a small section of B1 Neighbourhood, as demonstrated in Figure 1. This again is not in accordance with the vision as expressed in the Masterplan – nor does it align with Council’s position that the site should be primarily utilised for a Health Services Facility to continue delivering and expanding the social focus of the site.

#### **ii. Additional permitted uses are sufficient**

Whilst the zone boundary might be able to be altered to reduce the effective R3 zone, Council is not supportive of the site specific zone boundary, as the proposed additional permitted uses are considered to be sufficient to permit all of the uses required across the site.

*Figure 1 – Effective R3 zone under the proposed Site Specific Zone Boundary*



Source: Waverley Council

### **Additional Permitted Uses**

Council Officers are supportive of some additional permitted uses. To ensure that the vision of an integrated aged care and health facility is able to be provided across the site, it is recommended that the following use is added to Schedule 1 Additional Permitted Uses for the R3 Medium Density Residential Zone lots:

- Health service facility and any development which is ordinarily incidental or ancillary to health service facility.

The following uses are recommended to apply to the SP2 Infrastructure (Health Service Facility) zone:

- Seniors housing
- Community facilities
- Centre-based child care facility

A three part test has been undertaken to assess each of the uses to apply to the SP2 Infrastructure (Health Service Facility) Zone as follows:

1. There is a demonstrated need for the use in the Waverley LGA or Eastern Suburbs region.
2. This site is an appropriate site for the use.
3. The use aligns with the vision for the site.

This is discussed in detail in Section 3.2.5 of the report in Attachment 1, and summarised in Table 2 below.

<i>Table 2 – Summary of Supported Additional Permitted Uses</i>				
<b>Additional Permitted Use</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>Discussion</b>
Seniors housing (in the SP2 zone);	Yes	Yes	Yes	Seniors housing is supported as an additional permitted use across the site.
Community facilities (in the SP2 zone);	Yes	Yes	Yes	Community facilities is supported as an additional permitted use across the site.
Centre-based child care facility (in the SP2 zone);	No	Yes	Yes	Centre-based child care facility is supported as an additional permitted use across the site.
Retail premises (capped at 450sqm)(in the R3 and SP2 zone);	Yes	No	No	Retail premises are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses, such as retail, that are ordinarily incidental or ancillary to a Health Services Facility.
Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and	Yes	No	No	Business premises are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses, such as business premises, that are ordinarily incidental or ancillary to a Health Services Facility. Any existing businesses on site are assumed to be operating under either an ancillary use, or existing use rights. Either case is valid in any new Development Consent.
Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);	Yes	No	No	Hotel or motel accommodation, and serviced apartments are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility. The serviced apartment function within the site could continue under existing use rights or as an ancillary function.
Serviced apartments (provided the use is ancillary to the health services facility);	Yes	No	No	
Function centre (provided the use is ancillary to the health service facility).	No	Yes	No	Function centre is not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility.

## **Height**

### **i. Compromises heritage significance**

The site comprises three heritage item groupings, containing 11 buildings. The heritage statement highlights that a number of the buildings, and the groupings themselves, are of Regional or State significance. Council Officers maintain that the proposed height of 21m in the eastern part of the site is too tall as this would permit a six to seven storey building immediately adjacent to the two storey Ellerslie building, and that would challenge the landmark qualities of the Edina tower and the Norfolk Island Pines. This would severely compromise the heritage significance of not only individual buildings but the group itself. The proposed building heights are incongruous with Policies 10, 11 and 12 of the CMP (see below).

**Policy 10:** The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.

**Policy 11:** the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines

**Policy 12:** the character of new buildings and new landscape features should appear to be a development of the estate as a whole, in a similar way that the 1935 War Memorial Hospital appears in relation to Edina.

## ii. Compromises estate character

The site has significance not only because of the remaining buildings and landscape that provide remarkable examples of period architecture, but also because of the nature of the redevelopment of the estate. The proposed 28m height in the centre of the site, and the 21m height to the eastern portion of the site, both compromise the character of the estate due to the bulk and scale permitted under these controls, which are not of a scale consistent with the estate. This is incongruous with Policies 10, 11 and 12 from the CMP for the site (see above).

## iii. Challenges landmarks

The proposed heights of 21m and 28m would permit a building of seven and nine storeys respectively, and both will impede the views of the Vickery tower from Birrell Street. The 28m height, whilst not being taller than the two Norfolk Island Pines, will challenge the landmark qualities of the two pines from district views from Centennial and Queens Park. This is incongruous with Policies 3 and 11 of the CMP for the site.

**Policy 3:** The fabric, views and spatial relationships ranked Exceptional and High should be conserved. They are:

Victorian buildings and estate planning: topography, plantings, fences, statuary and spatial order (including the private street, original drive and distinction of service areas (stables and kitchen) from formal areas; War Memorial Hospital buildings of aesthetic importance: main building, chapel; 1920s landscape items: palm trees, cast iron bollards, reconfigured gates to Birrell Street / Bronte Road and new gates to Carrington Road; External views from Centennial Park of the Norfolk Island Pines; Existing views of the houses along Birrell Street and tower from Carrington Street.

**Policy 11:** the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.

## iv. In excess of what is required by the masterplan

The submitted masterplan does not require maximum heights of 28m or 21m to be delivered. The buildings as shown in the masterplan, are able to be delivered under envelopes of a maximum of 21m and 15m. Accordingly Council Officers recommend that these are the maximum permissible heights.

#### **v. Challenges amenity on site**

The proposed 28m of the central building would permit a building of eight to nine storeys. This is proposed to be immediately adjacent to open spaces and plazas for public use. The overshadowing caused by this building, as well as the cumulative overshadowing of all of the buildings proposed by the masterplan, cannot be supported, as many of the open spaces would be in shade for the majority of the day.

#### **vi. Inconsistent with prevailing residential character**

The proposed 28m of the central building would be grossly out of scale with the prevailing low to medium residential character.

#### **vii. Sensitive interface with Heritage Conservation Areas**

The site interfaces with a number of Heritage Conservation Areas and demands a sensitive treatment of the built form at these edges. A site specific DCP is recommended by Council Officers to manage this interface through appropriate setbacks, significant planting, and capping the number of storeys that are able to present to the street frontage.

### **Floor Space Ratio**

#### **i. FSR of 1.2:1 more accurately reflects the submitted masterplan**

Council Officers have measured and modelled the FSR of the proposed masterplan to be 1.2:1. Further detail on the assumptions behind this modelling and how this differs to the applicant's modelling is provided in Section 3.2.5 of this report. Given that the planning proposal is seeking to implement the masterplan, a maximum of 1.2:1 is sufficient to achieve what has been demonstrated.

#### **ii. The masterplan is an overdevelopment of the site**

The masterplan is considered to be the maximum amount of development that Council Officers would recommend being located on the site. The masterplan demonstrates that the quantum of development proposed already compromises the heritage significance of the site, and is incongruous with Policies 3, 6, 9, 10, 11, 12 and 12[sic] of the CMP (see below). Accordingly this would be the absolute maximum amount of development of the site that Council Officers would support. Should the Proposal proceed to Gateway, Council will prepare a DCP which delivers the Policies of the CMP.

**Policy 3:** The fabric, views and spatial relationships ranked Exceptional and High should be conserved. They are:

Victorian buildings and estate planning: topography, plantings, fences, statuary and spatial order (including the private street, original drive and distinction of service areas (stables and kitchen) from formal areas;  
War Memorial Hospital buildings of aesthetic importance: main building, chapel;  
1920s landscape items: palm trees, cast iron bollards, reconfigured gates to Birrell Street / Bronte Road and new gates to Carrington Road;  
External views from Centennial Park of the Norfolk Island Pines;  
Existing views of the houses along Birrell Street and tower from Carrington Street.

**Policy 6:** The following historic spatial uses relating to the Victorian period should continue or be re-instated:

early entrances and driveway;  
upper garden areas as garden / passive recreation.

**Policy 9:** The following reconstructions, removals and plantings should be considered:

Removal of glass portico to reveal front entrance of 1935 Hospital;  
Replacement of concrete driveways with more sympathetic material;  
Reconstruction of grass bank to western side of Edina;  
Recreation of the original driveway path, in a manner similar to the original path (this would require the

removal of buildings); Reconstruction of lower garden area (currently a carpark) to a garden area; Planting of trees which are missing from north west corner of the upper garden; Construction of a built form to close north end of service space behind Edina (where a Victorian outbuilding formerly stood); Construction of some built or garden form on site of original gatehouse (to mark entrance).
<b>Policy 10:</b> The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.
<b>Policy 11:</b> the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.
<b>Policy 12:</b> the character of new buildings and new landscape features should appear to be a development of the estate as a whole, in a similar way that the 1935 War Memorial Hospital appears in relation to Edina.
<b>Policy 12 [sic]:</b> Should works involve areas of potential archaeological deposits, plan for proper investigation and interpretation of those deposits.

### **Lots included in the Planning Proposal**

#### **i. Some lots on Birrell Street are not owned by the Proponent**

Council Officers' recommendation is that the Planning Proposal proceed to Gateway with amendments, including only the lots that were originally included by the Proponent. This is due to owners' consent not being provided for the remaining lots, and no demonstrated evidence or justification as to why the Planning Proposal should now apply to this additional part of the site. Should the exhibition period after gateway raise appropriate reasons for these lots to be included, Council will revisit any changes to the planning controls for these sites at that date.

#### **ii. The lots on Birrell Street are not required to deliver the masterplan**

The Proposal seeks to deliver the masterplan, and to update and expand the existing services on site. The residential lots along Birrell Street are not required to deliver this vision. However given the estate nature of the site as outlined in Policies 1 and 7 (see below) of the CMP, it is considered important to rectify the local listing of the site to incorporate the whole of the setting of the estate, which is bounded by Bronte Road, Birrell Street, Church Street and Carrington Road.

<b>Policy 1:</b> The place and curtilage should be defined as that part of the Edina estate which became the War Memorial Hospital in 1922. The setting should be defined as the original Edina estate boundaries and the streets which surround those boundaries: Bronte Road, Birrell Street, Church Street, and Carrington Street.
<b>Policy 7:</b> The place should be interpreted as the whole estate developed by the Vickery Family as a residence, and then as a result of a major gift, developed as a War Memorial Hospital.

#### **iii. The lots on Birrell Street are a great example of development in Waverley**

The CMP identifies that a part of the significance of the site is that it demonstrates an example of the development patterns in Waverley on a consolidated site. A larger estate which was subdivided to provide smaller pockets of residential development. The semi-detached dwellings along the Birrell Street frontage provide a group of dwellings which have been largely unchanged. They present a strong streetscape character to Birrell Street adjacent to the Botany Street Heritage Conservation Area and appropriate transition to the larger scale aged care development to the rear of these lots.

### **Heritage**

**i. Rectify listing to apply to whole site**

Council Officers' have noted that the heritage listing for the 'War Memorial Hospital Group' and 'War Memorial Hospital Grounds' apply to only part of the site, and should correctly apply to the area identified as the estate. The key reason for this is that the sandstone and wrought iron fence and gate at Bronte Road and Birrell Street are stated to have high significance. These components of the item are currently on a lot that is not identified as heritage. Accordingly the local listing is recommended to be applied to the whole site.

**ii. Statements of significance note 'State significance'**

The Statement of Significance for a number of items and individual building components state that the item has 'State' or 'Regional' significance. Council wishes to investigate further whether this item should be elevated to a State Heritage item. This is to be a separate process and not to interfere with any planning proposal for the site.

**Public Benefit Offer****i. No public benefit offer**

There has been no public benefit offer made by the Proponent to the Council for hard or social infrastructure improvements. An intensification of this site and the resultant impacts on the area should be offset by the provision of public infrastructure.

**ii. Public Benefit**

Given the significant uplift on site to the landowner, Council Officers' recommendation is that any changes to the WLEP2012 be provided as an incentive site specific provision, which can be achieved, provided a number of public benefits are provided such as:

- Affordable housing units;
- Publicly accessible open space;
- Landscaping, Deep Soil and Open Space provisions; and
- Green Star Buildings (minimum 5 Star rating) or Green Star Communities rating for whole of site.

**Design Excellence and Urban Outcomes****i. Included in key sites map for Design Excellence**

To ensure that design excellence is achieved on the site Council Officers recommend that the site be added to the WLEP2012 Key Sites Map, and clause 6.9 applied.

**ii. Site Specific DCP**

To ensure that the built form has appropriate edges to the boundary of the site, and that the CMP is more adequately respected, a site specific DCP is recommended to be developed, to ensure maximum number of storeys, minimum setbacks, and significant planting throughout the site.

**5. Financial impact statement/Timeframe/Consultation**

There are no financial implications for Council relating to this report.

Should the Department of Planning and Environment (DPE) provide a Gateway determination to proceed, clause 3.34 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority (RPA) to consult with the community in accordance with the Gateway determination.

It is therefore anticipated that the planning proposal would be required to be publicly exhibited for 28 days in accordance with the requirements of the DPE guidelines *A Guide to Preparing Local Environmental Plans* and dependent on the outcome of the Gateway determination.

The public exhibition would be undertaken by Council by way of:

- A public notice in the local newspaper(s).
- A notice on the Council website.
- Written correspondence to adjoining and surrounding landowners.

The planning proposal would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

## **6. Conclusion**

The proposal aims to increase the provision of existing health and ageing services on the site. The Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 (WLEP2012). Council Officers are supportive of the aim of the Planning Proposal, however, any proposal to reduce the extent and effectiveness of the SP2 zone to deliver this outcome is not supported. Furthermore, the maximum height and FSR proposed by the Proponent would result in a gross overdevelopment of the site and significantly impact upon the heritage significance of the Items.

The Proposal subject to amendments is supported as it has strategic merit in accordance with the District and Region Plans. These amendments have been recommended to ensure that the site delivers the intended uses via a SP2 Infrastructure zoning and only uses that are strictly supportive of the vision being supported as additional permitted uses. In addition, an increase in the capacity of the site is supported with amendments, to ensure that the character of the area is retained, and that the significance of the heritage items of the site are not compromised.

To ensure that a public benefit is delivered on the site, Council proposes that the above be provided as incentive provisions of a local provision clause in the WLEP2012, provided that a public benefit such as a certain proportion of affordable housing, road upgrades, publicly accessible open space, 5 Star Green Star Rated buildings or Communities rating for the whole site, and minimum landscaped areas, are provided. In addition Council Officers recommend that a site-specific Development Control Plan be prepared for the site.

It is recommended that the Planning Proposal subject to the following amendments be forwarded to the DPE for Gateway Determination:

- That the Planning Proposal only apply to the lots as identified in the original Planning Proposal submitted July 2017.
- No alteration to the Land Zoning Map.
- No site-specific zone boundary flexibility clause.
- The following Additional Permitted Uses only to apply across the site as follows:
  - Seniors housing
  - Community facilities
  - Centre-based child care facility
- The following Additional Permitted Uses to apply in the R3 zone:

- Health service facility and any development which is ordinarily incidental or ancillary to health service facility.
- Increase the maximum permissible height from 9.5m and 12.5m, to 15m and 21m only.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1, to 1.2:1.
- New site specific provisions to include:
  - Maximum site coverage to ensure open space provision.
  - Minimum deep soil and landscaped area to ensure significant trees, biodiversity corridors, and heritage landscaped areas are protected.
  - Include the site on the Key Sites Map and apply clause 6.9 Design Excellence.

If the DPE is to support a Gateway Determination, the proposal as modified is to be placed on public exhibition for a minimum of 28 days and subject to any other conditions outlined by the DPE.

The proponent, should they wish, may seek a Rezoning Review of Council's determination with the DPE. As part of this process, Council would be consulted accordingly.

## **7. Attachments**

1. Planning Proposal Assessment Report February 2019 [↓](#)
2. WLPP - Minutes for meeting held 24 Sept 18 [↓](#)
3. WLPP - Final Advice Received 24 January 2019 [↓](#) .



## PLANNING PROPOSAL ASSESSMENT REPORT

Waverley War Memorial Hospital Site, Waverley

*Planning Proposal – Waverley War Memorial Hospital*

### Report Information

Council versions:

No.	Author	Date	Version
1	Waverley Council	15 August 2018	Report to Waverley Local Planning Panel
2	Waverley Council	9 January 2019	Report to Waverley Local Planning Panel
3	Waverley Council	15 February 2019	Report to Strategic Planning and Development Committee Add discussion regarding finalised advice from WLPP received 24 January 2019.

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*Planning Proposal – Waverley War Memorial Hospital*

## EXECUTIVE SUMMARY

Council has received a Planning Proposal for the site known as the Waverley War Memorial Hospital. The Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 (WLEP2012) as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m 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 20m into the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:
  - 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 450sqm)(in the R3 and SP2 zone);
  - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
  - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
  - Serviced apartments (provided the use is ancillary to the health services facility);
  - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

Council Officers are supportive of the aim of the Proposal, which is to expand the health and ageing provision on the site. However, any proposal to reduce the extent and effectiveness of the SP2 zone to deliver this outcome is not supported; the need for seniors housing (both ILU and aged care) across the LGA is critical and there are limited sites to fulfil this need. Furthermore, the proposed maximum height and FSR would result in a gross overdevelopment of the site, and significantly impact upon the Heritage significance of the Items, and compromise a number of key aims of the WLEP2012.

The Proposal is supported as it has strategic merit in accordance with the District and Region Plans, provided that the amendments recommended by Council Officers are adopted. These amendments have been recommended to ensure that the site delivers the intended uses via a SP2 Infrastructure zoning and only uses that are strictly supportive of the vision being supported as additional permitted uses. In addition, an increase in the capacity of the site is supported with amendments, to ensure that the character of the area is retained, and that the significance of the heritage items of the site are not compromised.

Council Officers recommend that the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway, subject to the following amendments:

- That the Planning Proposal only apply to the lots as identified in the original Planning Proposal submitted July 2017.
- No alteration to the Land Zoning Map.
- No site-specific zone boundary flexibility clause.

*Planning Proposal – Waverley War Memorial Hospital*

- The following Additional Permitted Uses only to apply across the site as follows:
  - Seniors housing
  - Community facilities
  - Centre-based child care facility
- The following Additional Permitted Uses to apply in the R3 zone:
  - Health service facility and any development which is ordinarily incidental or ancillary to health service facility.
- Increase the maximum permissible height from 9.5m and 12.5m, to 15m and 21m only.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1, to 1.2:1.
- New site specific provisions to include:
  - Maximum site coverage to ensure open space provision.
  - Minimum deep soil and landscaped area to ensure significant trees, biodiversity corridors, and heritage landscaped areas are protected.
  - Include the site on the Key Sites Map and apply clause 6.9 Design Excellence.

To ensure that a public benefit is delivered on the site, Council proposes that the above be provided as incentive provisions of an Additional local provision clause in the WLEP2012, provided that a public benefit such as a certain proportion of affordable housing, road upgrades, publicly accessible open space, 5 Star Green Star Rated buildings, and minimum landscaped areas, are provided. In addition Council Officers recommend that a site-specific Development Control Plan be prepared for the site.

A brief discussion of each item is outlined here, and detailed further in this report.

#### a. Land Use Zoning Map

##### i. SP2 Zone must be retained

The retention of the SP2 Health Services Facility zone is critical as the zoning is the only mechanism to ensure the continued operation and expansion of the important social infrastructure on the site. This is in accordance with the Eastern City District Plan and the Region Plan to ensure that residents in this region are adequately serviced by social infrastructure including hospitals. Removing the use of Health Service Facility is also incongruous with Policy 4 and 5 of the Heritage Conservation Management Plan (CMP) submitted with the proposal.

**Policy 4:** The existing institutional governance and hospital use is a historic use that should be continued.

**Policy 5:** The historic use should be broadly defined to include uses related to health, aged care and training.

##### ii. No additional residential capacity required

Waverley Council has prepared its draft Local Housing Strategy which identifies that there is no additional residential up-zoning required to meet the dwelling targets set by the Greater Sydney Commission.

##### iii. Current and future need for Seniors Housing

Waverley Council also has research that demonstrates a current and future shortage of Residential Aged Care beds and Independent Living Units (seniors housing) in the LGA and Eastern Suburbs. Accordingly it is imperative that no additional residential land is provided that would impact upon the optimisation of the site for seniors housing. There are many sites available for residential development in Waverley LGA, but few for seniors housing.

*Planning Proposal – Waverley War Memorial Hospital***iv. R3 will compromise delivery of Seniors Housing**

Whilst the proposal retains a large area of SP2 land, Council Officers are not supportive of a change in the Land Zoning Map, as the altered zoning pattern provides a larger area of useable R3 zone which permits Residential Flat Buildings. An RFB on this site serves a 'highest and best use' from a financial perspective, but would have an undesirable social and economic outcome for the LGA by compromising the delivery of health service facilities and seniors housing.

**v. Vertical Villages bonus**

The R3 zone permits RFB development and therefore the use of the Vertical Villages (Part 6) bonus (additional 0.5:1 FSR) under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* (Seniors SEPP). Council Officers have noted that the 1.2:1 FSR is adequate to achieve a reasonable redevelopment of the site that is more appropriate with the surrounding context.

The current location of the R3 zone to the corner of Bronte Road and Church Street contains four heritage items which limit the amount of redevelopment available on these lots, and accordingly is unlikely to attract a significant built form that would be supported by Council as part of a Development Assessment.

**vi. Sale of this land**

Any rezoning of this section of the site would make a large contiguous section of R3 zone very attractive to divest. Given the significance of the whole of the site being conceptualized as one estate, as outlined in the Conservation Management Plan submitted July 2017, this could impact upon the delivery of a holistic vision for the overall site, compromise the delivery of seniors housing in the LGA, as well as the retention of certain heritage characteristics of the site.

**b. Site Specific Zone Boundary****i. Undermines all reasons listed above in 1. Land Use Zoning Map**

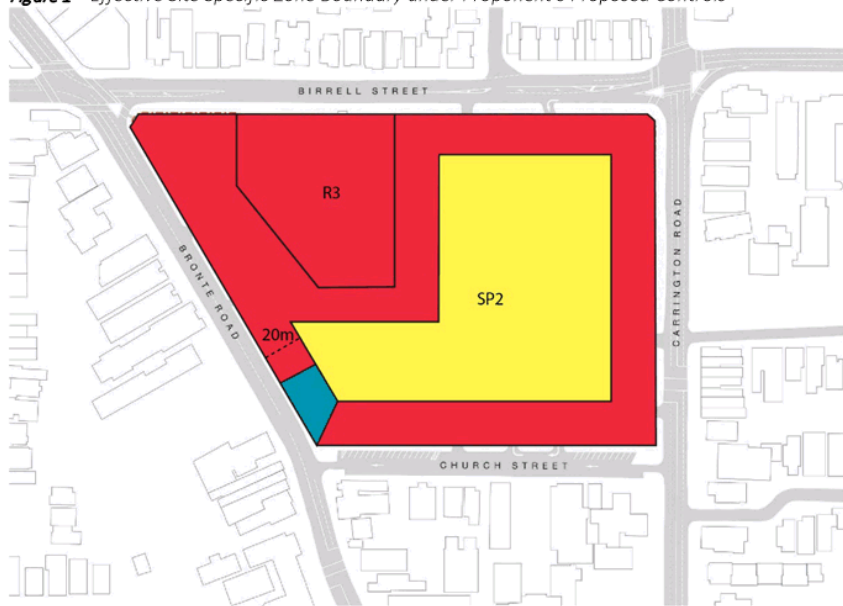
The proposed site specific zone boundary is not supported by Council Officers. This undermines the vision of the whole site being maintained for the purposes of a Health Services Facility. The proposed site specific zone boundary of 20m would significantly extend into the SP2 zone, as the entire surrounding area is zoned R3, excluding a small section of B1 Neighbourhood, as demonstrated in Figure 1. This again is not in accordance with the vision as expressed in the Masterplan – nor does it align with Council's position that the site should be primarily utilised for a Health Services Facility to continue delivering and expanding the social focus of the site.

**ii. Additional permitted uses are sufficient**

Whilst the zone boundary might be able to be altered to reduce the effective R3 zone, Council is not supportive of the site specific zone boundary, as the proposed additional permitted uses are considered to be sufficient to permit all of the uses required across the site.

Planning Proposal – Waverley War Memorial Hospital

**Figure 1** – Effective Site Specific Zone Boundary under Proponent's Proposed Controls



Source: Waverley Council

### c. Additional Permitted Uses

Council Officers are supportive of some additional permitted uses. To ensure that the vision of an integrated aged care and health facility is able to be provided across the site, it is recommended that the following use is added to Schedule 1 Additional Permitted Uses for the R3 Medium Density Residential Zone lots:

- Health service facility and any development which is ordinarily incidental or ancillary to health service facility.

The following uses are recommended to apply to the SP2 Infrastructure (Health Service Facility):

- Seniors housing
- Community facilities
- Centre-based child care facility

A three part test has been undertaken to assess each of the uses to apply to the SP2 Infrastructure (Health Service Facility) Zone as follows:

1. There is a demonstrated need for the use in the Waverley LGA or Eastern Suburbs region.
2. This site is an appropriate site for the use.
3. The use aligns with the vision for the site.

This is discussed in detail in Section 3.2.5 of this report, and summarised in Table 1 below.

Planning Proposal – Waverley War Memorial Hospital

<b>Table 1 – Summary of Supported Additional Permitted Uses</b>				
<b>Additional Permitted Use</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>Discussion</b>
Seniors housing (in the SP2 zone);	Yes	Yes	Yes	Seniors housing is supported as an additional permitted use across the site.
Community facilities (in the SP2 zone);	Yes	Yes	Yes	Community facilities is supported as an additional permitted use across the site.
Centre-based child care facility (in the SP2 zone);	No	Yes	Yes	Centre-based child care facility is supported as an additional permitted use across the site.
Retail premises (capped at 450sqm)(in the R3 and SP2 zone);	Yes	No	No	Retail premises are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses, such as retail, that are ordinarily incidental or ancillary to a Health Services Facility.
Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and	Yes	No	No	Business premises are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses, such as business premises, that are ordinarily incidental or ancillary to a Health Services Facility. Any existing businesses on site are assumed to be operating under either an ancillary use, or existing use rights. Either case is valid in any new Development Consent.
Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);	Yes	No	No	Hotel or motel accommodation, and serviced apartments are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility. The serviced apartment function within the site could continue under existing use rights or as an ancillary function.
Serviced apartments (provided the use is ancillary to the health services facility);	Yes	No	No	
Function centre (provided the use is ancillary to the health service facility).	No	Yes	No	Function centre is not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility.

#### d. Height

##### i. Compromises heritage significance

The site comprises three heritage item groupings, containing 11 buildings. The heritage statement highlights that a number of the buildings and the groupings themselves, are of Regional or State significance. Council Officers maintain that the proposed height of 21m in the eastern part of the site is too tall as this would permit a six to seven storey building immediately adjacent to the two storey Ellerslie building, and that would challenge the landmark qualities of the Edina tower and the Norfolk Island Pines. This would severely

*Planning Proposal – Waverley War Memorial Hospital*

compromise the heritage significance of not only individual buildings but the group itself. The proposed building heights are incongruous with Policies 10, 11 and 12 of the CMP.

**Policy 10:** The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.

**Policy 11:** the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.

**Policy 12:** the character of new buildings and new landscape features should appear to be a development of the estate as a whole, in a similar way that the 1935 War Memorial Hospital appears in relation to Edina.

ii. **Compromises estate character**

The site has significance not only because of the remaining buildings and landscape that provide remarkable examples of period architecture, but also because of the nature of the redevelopment of the estate. The proposed 28m height in the centre of the site, and the 21m height to the eastern portion of the site, both compromise the character of the estate due to the bulk and scale permitted under these controls, which are not of a scale consistent with the estate. This is incongruous with Policies 10, 11 and 12 from the CMP for the site (see above).

iii. **Challenges landmarks**

The proposed heights of 21m and 28m would permit a building of seven and nine storeys respectively, and both will impede the views of the Vickery tower from Birrell Street. The 28m height, whilst not being taller than the two Norfolk Island Pines, will challenge the landmark qualities of the two pines from district views from Centennial and Queens Park. This is incongruous with Policies 3 and 11 of the CMP for the site.

**Policy 3:** The fabric, views and spatial relationships ranked Exceptional and High should be conserved. They are:

- Victorian buildings and estate planning: topography, plantings, fences, statuary and spatial order (including the private street, original drive and distinction of service areas (stables and kitchen) from formal areas;
- War Memorial Hospital buildings of aesthetic importance: main building, chapel;
- 1920s landscape items: palm trees, cast iron bollards, reconfigured gates to Birrell Street / Bronte Road and new gates to Carrington Road;
- External views from Centennial Park of the Norfolk Island Pines;
- Existing views of the houses along Birrell Street and tower from Carrington Street.

**Policy 11:** the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.

*Planning Proposal – Waverley War Memorial Hospital***iv. In excess of what is required by the masterplan**

The submitted masterplan does not require maximum heights of 28m or 21m to be delivered. The buildings as shown in the masterplan, are able to be delivered under envelopes of a maximum of 21m and 15m. Accordingly Council Officers recommend that these are the maximum permissible heights.

**v. Challenges amenity on site**

The proposed 28m of the central building would permit a building of eight to nine storeys. This is proposed to be immediately adjacent to open spaces and plazas for public use. The overshadowing caused by this building, as well as the cumulative overshadowing of all of the buildings proposed by the masterplan, cannot be supported, as many of the open spaces would be in shade for the majority of the day.

**vi. Sensitive interface with Heritage Conservation Areas**

The proposed 28m of the central building would be grossly out of scale with the prevailing low to medium residential character.

**vii. Sensitive interface with Heritage Conservation Areas**

The site interfaces with a number of Heritage Conservation Areas and demands a sensitive treatment of the built form at these edges. A site specific DCP is recommended by Council Officers to manage this interface through appropriate setbacks, significant planting, and capping the number of storeys that are able to present to the street frontage.

**e. Floor Space Ratio****i. FSR of 1.2:1 more accurately reflects the submitted masterplan**

Council Officers have measured and modelled the FSR of the proposed masterplan to be 1.2:1. Further detail on the assumptions behind this modelling and how this differs to the applicant's modelling is provided in Section 3.2.5 of this report. Given that the planning proposal is seeking to implement the masterplan, a maximum of 1.2:1 is sufficient to achieve what has been demonstrated.

**ii. The masterplan is an overdevelopment of the site**

The masterplan is considered to be the maximum amount of development that Council Officers would recommend being located on the site. The masterplan demonstrates that the quantum of development proposed already compromises the heritage significance of the site, and is incongruous with Policies 3, 6, 9, 10, 11, 12 and 12[sic] of the Conservation Management Plan. Accordingly this would be the absolute maximum amount of development of the site that Council Officers would support. Should the Proposal proceed to Gateway, Council will prepare a DCP which delivers the Policies of the CMP.

**Policy 3:** The fabric, views and spatial relationships ranked Exceptional and High should be conserved. They are:

- Victorian buildings and estate planning: topography, plantings, fences, statuary and spatial order (including the private street, original drive and distinction of service areas (stables and kitchen) from formal areas;
- War Memorial Hospital buildings of aesthetic importance: main building, chapel;

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<ul style="list-style-type: none"> <li>• 1920s landscape items: palm trees, cast iron bollards, reconfigured gates to Birrell Street / Bronte Road and new gates to Carrington Road;</li> <li>• External views from Centennial Park of the Norfolk Island Pines;</li> <li>• Existing views of the houses along Birrell Street and tower from Carrington Street.</li> </ul>
<p><b>Policy 6:</b> The following historic spatial uses relating to the Victorian period should continue or be re-instated:</p> <ul style="list-style-type: none"> <li>• early entrances and driveway;</li> <li>• upper garden areas as garden / passive recreation.</li> </ul>
<p><b>Policy 9:</b> The following reconstructions, removals and plantings should be considered:</p> <ul style="list-style-type: none"> <li>• Removal of glass portico to reveal front entrance of 1935 Hospital;</li> <li>• Replacement of concrete driveways with more sympathetic material;</li> <li>• Reconstruction of grass bank to western side of Edina;</li> <li>• Recreation of the original driveway path, in a manner similar to the original path (this would require the removal of buildings);</li> <li>• Reconstruction of lower garden area (currently a carpark) to a garden area;</li> <li>• Planting of trees which are missing from north west corner of the upper garden;</li> <li>• Construction of a built form to close north end of service space behind Edina (where a Victorian outbuilding formerly stood);</li> <li>• Construction of some built or garden form on site of original gatehouse (to mark entrance).</li> </ul>
<p><b>Policy 10:</b> The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.</p>
<p><b>Policy 11:</b> the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.</p>
<p><b>Policy 12:</b> the character of new buildings and new landscape features should appear to be a development of the estate as a whole, in a similar way that the 1935 War Memorial Hospital appears in relation to Edina.</p>
<p><b>Policy 12 [sic]:</b> Should works involve areas of potential archaeological deposits, plan for proper investigation and interpretation of those deposits.</p>

*Planning Proposal – Waverley War Memorial Hospital*

#### **f. Lots included**

##### **i. The lots on Birrell Street are not owned by the Proponent**

Council Officers' recommendation is that the Proposal proceed to Gateway with amendments, including only the lots that were originally included by the Proponent. This is due to owners' consent not being provided for the remaining lots, and no demonstrated evidence or justification as to why the Planning Proposal should now apply to this additional part of the site. Should the exhibition period after gateway raise appropriate reasons for these lots to be included, Council will revisit any changes to the planning controls for these sites at that date.

##### **ii. The lots on Birrell Street are not required to deliver the masterplan**

The Proposal seeks to deliver the masterplan, and to update and expand the existing services on site. The residential lots along Birrell Street are not required to deliver this vision. However given the estate nature of the site as outlined in Policies 1 and 7, it is considered important to rectify the local listing of the site to incorporate the whole of the setting of the estate, which is bounded by Bronte Road, Birrell Street, Church Street and Carrington Road.

**Policy 1:** The place and curtilage should be defined as that part of the Edina estate which became the War Memorial Hospital in 1922. The setting should be defined as the original Edina estate boundaries and the streets which surround those boundaries: Bronte Road, Birrell Street, Church Street, and Carrington Street.

**Policy 7:** The place should be interpreted as the whole estate developed by the Vickery Family as a residence, and then as a result of a major gift, developed as a War Memorial Hospital.

##### **iii. The lots on Birrell Street are a great example of development in Waverley**

The CMP identifies that a part of the significance of the site is that it demonstrates and example of the development patterns in Waverley on a consolidated site. A larger estate which was subdivided to provide smaller pockets of residential development. The semi-detached dwellings along the Birrell Street frontage provide a group of dwellings which have been largely unchanged and hence present a strong streetscape character to Birrell Street adjacent to the Botany Street Heritage Conservation Area.

#### **g. Heritage**

##### **i. Rectify listing to apply to whole site**

Council Officers' have noted that the heritage listing for the 'War Memorial Hospital Group' and 'War Memorial Hospital Grounds' apply to only part of the site, and should correctly apply to the area identified as the estate. The key reason for this is that the sandstone and wrought iron fence and gate at Bronte Road and Birrell Street are stated to have high significance. These components of the item are currently on a lot that is not identified as heritage. Accordingly the local listing is recommended to be applied to the whole site.

##### **ii. Statements of significance note 'State significance'**

The Statement of Significance for a number of items and individual building components state that the item has 'State' or 'Regional' significance. Council wishes to investigate further

*Planning Proposal – Waverley War Memorial Hospital*

whether this item should be elevated to a State Heritage item. This is to be a separate process and not to interfere with any planning proposal for the site.

**h. Public Benefit Offer****i. No public benefit offer**

There has been no public benefit offer made by the Proponent to the Council for hard or social infrastructure improvements. An intensification of this site and the resultant impacts on the area should be offset by the provision of public infrastructure.

**ii. Public Benefit**

Given the significant uplift on site to the landowner, Council Officers' recommendation is that any changes to the WLEP2012 be provided as an incentive site specific provision, which can be achieved, provided a number of public benefits are provided such as:

- Affordable housing units
- Publicly accessible open space
- Landscaping, Deep Soil and Open Space provisions
- Green Star Buildings (minimum 5 Star rating)

**i. Design Excellence and Urban Outcomes****i. Included in key sites map for Design Excellence**

To ensure that design excellence is achieved on the site Council Officers recommend that the site be added to the WLEP2012 Key Sites Map, and clause 6.9 applied.

**ii. Site Specific DCP**

To ensure that the built form has appropriate edges to the boundary of the site, and that the CMP is more adequately respected, a site specific DCP is recommended to be developed, to ensure maximum number of storeys, minimum setbacks, and significant planting throughout the site.

*Planning Proposal – Waverley War Memorial Hospital*

## INTRODUCTION

### a. Purpose of this Report

This report provides Council's assessment of the amended Planning Proposal submitted by Ethos Urban on behalf of Uniting Waverley (the proponent) on 5 November 2018 that aims to implement a masterplan as prepared by COX Architects for the proponent to allow the staged redevelopment of the site.

This report is to be forwarded to the Waverley Local Planning Panel for advice, and to be reported to Council.

### b. Description of the Planning Proposal

The amended Planning Proposal aims to facilitate the redevelopment of the site. A masterplan prepared by COX Architects has been provided to illustrate a potential built form outcome to the site. The masterplan includes the retention of the existing War Memorial Hospital, the redevelopment and expansion of existing aged care and seniors living uses, the development of additional ancillary and associated uses, and the development of residential uses.

The proposal has been through a number of iterations detailed further in 'c. History of the Planning Proposal.' The current Planning Proposal seeks to amend the *Waverley Local Environmental Plan 2012* (WLEP2012) in relation to the subject site as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m 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 20m into the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply across the site:
  - 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 450sqm)(in the R3 and SP2 zone);
  - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
  - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
  - Serviced apartments (provided the use is ancillary to the health services facility);
  - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

The Planning Proposal seeks to include lots that are not in the ownership of the proponent.

*Planning Proposal – Waverley War Memorial Hospital*

### c. History of the Planning Proposal

The Planning Proposal has had a number of iterations to the proposed permissibility and development standards. Table 2 provides an overview of the key dates of the project. More information on each stage is provided below and in Table 3.

**Table 2 – Planning Proposal Key Dates**

Date	Matter
4 July 2017	Planning Proposal lodged with Council
17 August 2017	Council request for additional information
8 September 2017	Initial meeting with Council Planners and Proponent
19 January 2018	Response to request for additional information submitted to Council
14 February 2018	Second meeting with Council Planners and Proponent
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 and Proponent
5 November 2018	Third response (amended planning proposal) submitted to Council

#### 4 July 2017 - Planning Proposal lodged with Council

The initial Planning Proposal was lodged to amend the WLEP2012 as follows:

- Change the zoning from SP2 Health Services Facility to R3 Medium Density Residential.
- 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.
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

As part of the proposal, the proponent engaged consultants to prepare the following reports (contained in Attachments 1-11):

- Planning Proposal Justification Report, Ethos Urban (Previously JBA)
- Uniting Waverley Master Plan, COX
- Communication and Engagement Report, KJA
- Heritage Conservation Management Plan, Hector Abrahams and Associates
- Landscape Master Plan, Taylor Brammer
- Heritage Impact Statement, Hector Abrahams and Associates
- Traffic and Transport Assessment, Traffix
- Civil Services and Infrastructure Statement, Wood & Grieve Engineers
- Site Contamination Assessment, JBS Environmental
- Arborist Report, Taylor Brammer
- Peer Review and Photomontage Certification, Richard Lamb & Associates

Council officers requested additional information in August 2017 and met with the proponents in September 2017 to discuss the preliminary feedback for the proposal.

In January 2018, the proponent submitted the additional information that had been requested, and met with Council officers in February. The feedback of Council officers was that the heights and FSR were not supported to the extent proposed, and that the rezoning of the site to R3 Medium Density Residential was not going to serve the primary purpose of the site. Council officers provided the following feedback:

*Planning Proposal – Waverley War Memorial Hospital*

- For the proponent to acquire the remaining sites along Birrell Street, and for the Planning Proposal to apply to the entire site if appropriate.
- Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.
- Add required Additional Permitted Uses that are secondary to the use of the site as a Health Services Facility.
- Reduce the maximum permissible height to the frontages of the site to 12.5m, and to reduce the overall maximum of the site to 20m within the centre of the site. This was based on a cross-section of Bronte Road that was taken between Ebley St and Birrell St, not between Birrell St and Church St.
- Reduce the maximum permissible FSR from 1.5:1 to 1.2:1.

25 May 2018 - Amended Planning Proposal lodged with Council

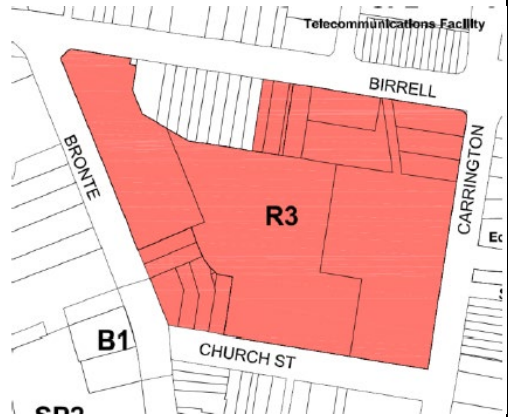
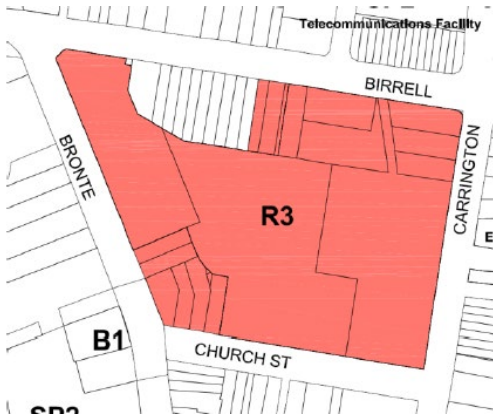
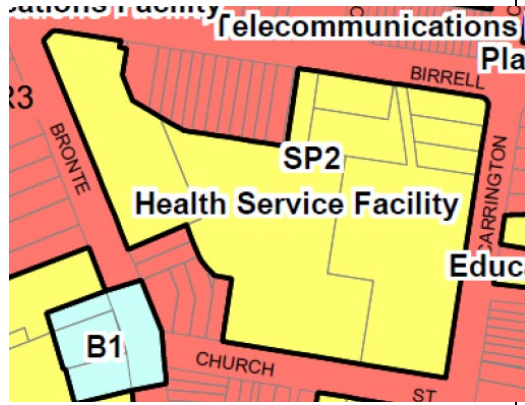
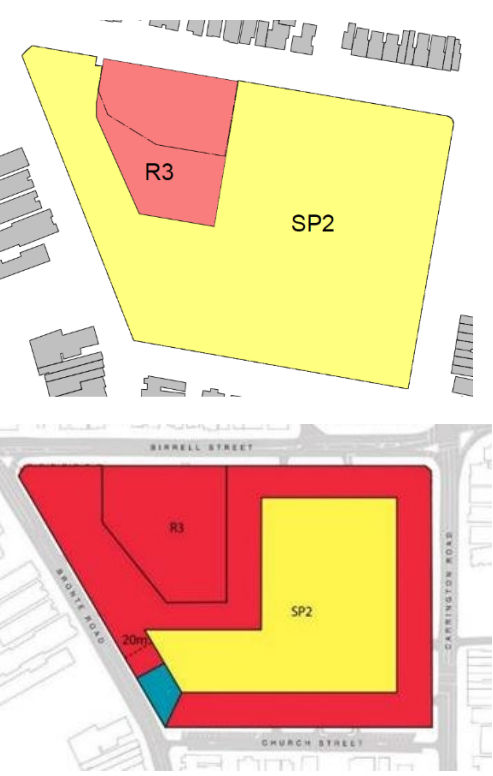
A modified proposal was submitted on 25 May 2018 to amend the WLEP2012 as follows:






- The affected sites of the Planning Proposal increased 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.
- Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.
- 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.
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible FSR from 0.6:1 and 0.9:1 to 1.5:1.

5 November 2018 - Amended Planning Proposal lodged with Council

A modified proposal was submitted on 5 November 2018 to amend the WLEP2012 as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m 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 20m into the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:
  - 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 450sqm)(in the R3 and SP2 zone);
  - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
  - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
  - Serviced apartments (provided the use is ancillary to the health services facility);
  - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

Table 3 – Proposal History					
WLEP2012 Provision	Planning Proposal 4 July 2017	Additional Information 19 January 2018	Amended Planning Proposal 25 May 2018	Amended Planning Proposal 5 November 2018	Amended Council Position
<b>Zone</b>	<p>R3 Zone to apply to entire site.</p> 	<p>R3 Zone to apply to entire site.</p> 	<p>Retain existing SP2 (Health Services Facility) and part R3 Medium Density Residential.</p> 	<p>Change SP2 and R3 zoning locations to rationalize building locations on site. Proposal for a 20m zone setback from boundary of other zone.</p> 	<p>Council officers recommend the retention of the existing land use zoning pattern with some additional permitted uses as outlined below.</p> <p>Council is not supportive of the 20m site specific zone boundary as this would render the majority of the site as R3.</p>
<b>Additional Permitted Uses</b>	<p>Nil.</p>	<p>Nil.</p> <p>Potential to cap retail uses.</p>	<p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Business premises; Food and drinks premises; Function centre; Retail premises; Residential Flat Building; Tourist and visitor accommodation</p>	<ul style="list-style-type: none"> <li>Seniors Housing</li> <li>Community Facilities</li> <li>Centre-based child care facility</li> <li>Retail premises (capped at 450m<sup>2</sup>)</li> <li>Business Premises (capped at 5,390m<sup>2</sup>)</li> <li>Hotel or motel accommodation (capped at 127 beds)</li> <li>Serviced apartments (where shown to be ancillary)</li> <li>Function centre (where shown to be ancillary)</li> </ul>	<p>Council officers support the following additional uses across the site:</p> <ul style="list-style-type: none"> <li>Seniors housing</li> <li>Community facilities</li> <li>Centre-based child care facility</li> </ul> <p>Council officers support the following additional uses where the consent authority is satisfied that the activities proposed are ancillary to and associated with the health services facility:</p> <ul style="list-style-type: none"> <li>Serviced apartments</li> <li>Function centre</li> <li>Retail premises</li> <li>Business Premises</li> <li>Hotel or motel accommodation</li> </ul>

<b>FSR</b>	1.5:1	1.5:1	1.5:1	1.5:1	<p>Council officers are not supportive of the FSR proposed. Council's calculations show that the proposed masterplan is approx. 1.2:1.</p> <p>Given the heritage nature of the site, and large areas of the site that will remain unchanged, the FSR potential of these areas can be used elsewhere on the site. Accordingly Council officers recommend an FSR of 1.2:1.</p>
<b>Height</b>	15m, 21m, 28m	15m, 21m, 28m	15m, 17m, 21m, 28m	15m, 17m, 21m, 28m	<p>Council officers are not supportive of the height proposed by the applicant. This is due to the encroachment of the height on heritage items, and the heights challenging the landmark qualities of the Norfolk Pines and the tower of the Vickery Building on the site.</p> <p>Council officers recommend 15m, with 21m to the centre of the site.</p>
					
<b>Sites the Planning Proposal is to be applied to</b>	All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street, excluding the majority of the residential lots along Birrell Street.	All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street, excluding the majority of the residential lots along Birrell Street. Confirmed that 119 Birrell Street was to be included.	All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street (pending outcome of landowners support)	All sites bounded by Bronte Road, Birrell Street, Carrington Road and Church Street (pending outcome of landowners support)	Council does not support all of the sites being included in the Planning Proposal if they are not in the one ownership, or if the owners have not agreed to the Planning Proposal.
<b>Other issues</b>	Nil.	Nil.	Nil.	Nil.	<ul style="list-style-type: none"> <li>• Site Specific DCP</li> <li>• Heritage investigations (see below)</li> <li>• VPA</li> <li>• Include site on Key Sites Map</li> </ul>
<b>Heritage</b>	Nil.	Nil.	Nil.	Nil.	<p>Review listing as to whether or not there is merit to:</p> <ul style="list-style-type: none"> <li>• List the whole site including the remainder of the lots on the subject site.</li> <li>• Elevate the site listing from Local to State Significance.</li> </ul>

*Planning Proposal – Waverley War Memorial Hospital*

#### d. Local Planning Panel

The Planning Proposal was reported to the Waverley Local Planning Panel on 29 August 2018, on a full Agenda with other Development Applications. The meeting ran over time, and the matter was postponed to a full day meeting of the Panel at a separate time, with the invitation for the Proponent to present.

The matter was reviewed by the same Panel on 24 September 2018. The outcome of the Panel to adjourn the meeting. The Minutes of this meeting are provided in Appendix 1 and reproduced below.

*DECISION: The panel notes that there have been discussions and that clarifications are required. The panel has decided that it will adjourn the consideration of the advice, and that the advice at the moment is:*

*The Panel Advises that:*

- 1. The meeting be adjourned to allow the proponent to provide the following information:*
  - a. Justification for the proposed 1.5:1 FSR including GFA figures of the proposed uses in buildings identified in the masterplan.*
  - b. Heights of proposed buildings to be related to AHD information of the proposed buildings in the masterplan and existing ground level.*
- 2. The meeting be adjourned to also allow Council to meet with the owners of the properties not owned by the applicant having a frontage to Birrell Street within the R3 Zone to determine whether those sites should be included in the planning proposal.*
- 3. That the further details indicated in the advice is to be provided within 14 days.*

*Item 1* - The Proponent's submission made on 5 November 2018 provided this additional information, and has been submitted at Appendix B.

Discussion of these issues is made in Section 3.2 of this report.

*Item 2* – Council has made contact with each of the landowners. The landowner of 117 Birrell Street has provided their written consent to be provided in the Planning Proposal, however the two other land owners have not given their verbal or written consent.

*Item 3* – The information was submitted on 5 November 2018, and was forwarded to the Panel with this report in early January 2019.

The additional information was forwarded to the Panel on 10 January 2019. Attachment 3 contains the advice from the Panel as finalised 24 January 2019, and is summarised below.

*The Panel endorses the support of the aim of the Planning Proposal, which is to expand the health and ageing provision of the site, however the Panel agrees that the Planning Proposal, as submitted, requires amendment to ensure that the character of the area is retained and the significance of the heritage items of the site are not compromised.*

*In particular, the Panel does not support the Planning Proposal as submitted, for the following reasons:*

- 1. The Planning Proposal represents a significant overdevelopment of the site.*

*Planning Proposal – Waverley War Memorial Hospital*

2. *The level of development will have a serious and detrimental impact on the important heritage values of the site.*
3. *The proposed increase in maximum height of buildings to 9 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.*
4. *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.*
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.*

*For the reasons outlined in points 1-5 above, the Panel is of the opinion that the planning proposal does not demonstrate site specific merit.*

*The Panel supports the amendments proposed in the Report and agrees that an alternative planning proposal, incorporating the amendments proposed by Council Officers, and a site specific Development Control Plan, should be able to achieve the realistic objectives for the site and have both strategic and site specific merit*

## DESCRIPTION OF SITE

### a. Affected Land

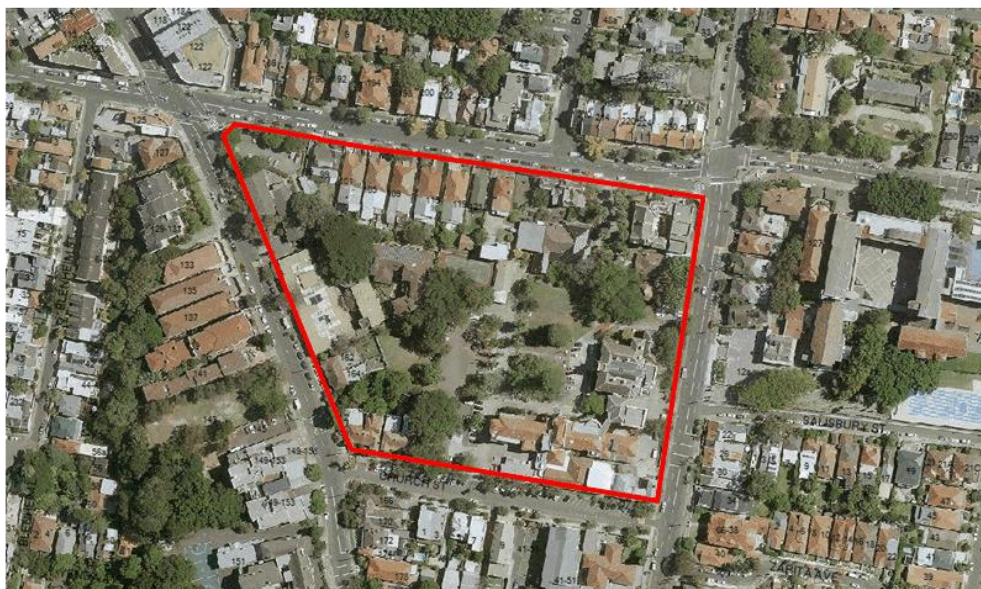
The subject site is located in the suburb of Waverley with an approximate area of 3.2 hectares, and is bound by Carrington and Bronte Roads, and Birrell and Church Streets. The site slopes from Carrington Road (100m AHD), downwards towards Bronte Road (86m AHD). The amended Planning Proposal submitted by the applicant includes three parcels along Birrell Street that are not owned by Uniting Care. The original Proposal excluded a number of sites along Birrell Street as shown in Figure 3.

Council Officers' recommendation is that the Proposal proceed to Gateway with amendments, including that only the lots that were originally included by the Proponent be included in the Proposal. That is, that the Birrell Street properties originally excluded from the Proposal are recommended to be excluded from any changes.

This is due to owners' consent not being provided, and no demonstrated evidence or justification as to why the Planning Proposal should now apply to this additional part of the site. Should the exhibition period after gateway raise appropriate reasons for these lots to be included, Council will revisit any changes to the planning controls for these sites at that date.

The Proposal seeks to deliver the masterplan, and to update and expand the existing services on site. The residential lots along Birrell Street are not required to deliver this vision. However given the estate nature of the site as outlined in Policies 1 and 7, it is considered important to rectify the local listing of the site to incorporate the whole of the setting of the estate, which is bounded by Bronte Road, Birrell Street, Church Street and Carrington Road

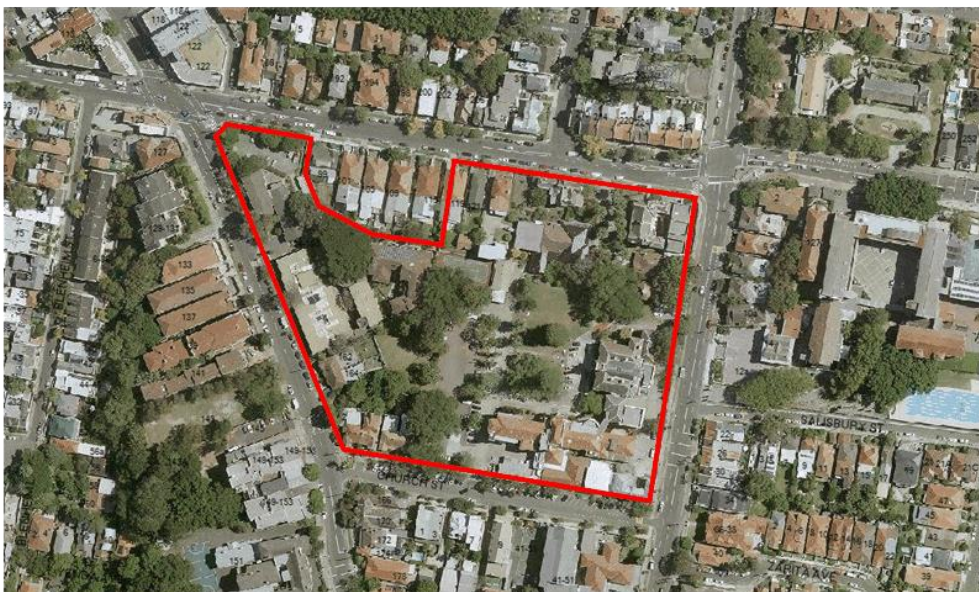
**Figure 2** -Aerial of the subject site



Source: Waverley Council 2018

*Planning Proposal – Waverley War Memorial Hospital*

**Figure 3** -Aerial of the subject site



Source: Waverley Council 2018

**b. Current Planning Controls**

The primary environmental planning instrument that applies to the site is the WLEP2012.

The site comprises three locally listed heritage items in Schedule 5 of the WLEP2012:

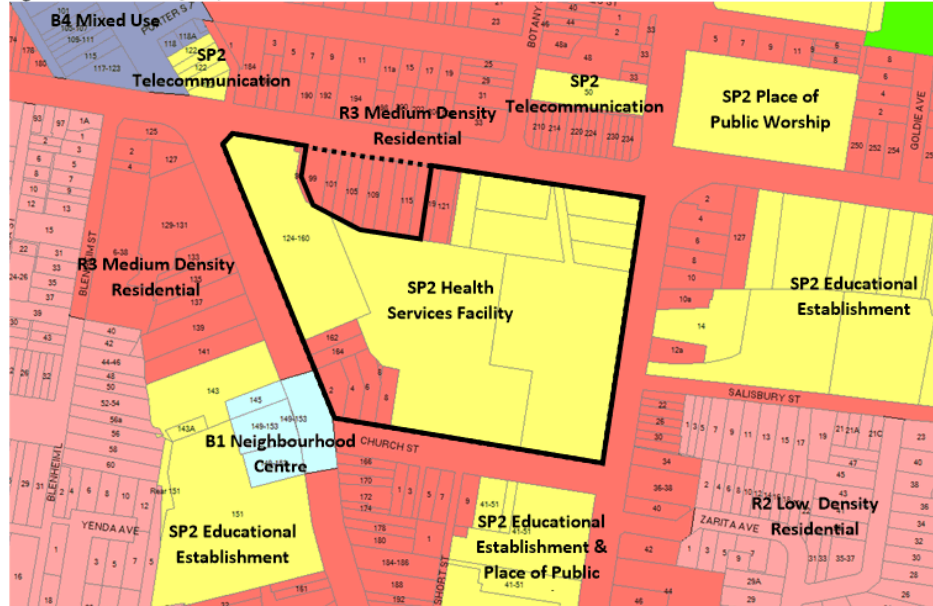
- I449 - War Memorial Hospital Group - Late Victorian buildings and former stables
- I519 - War Memorial Hospital Grounds - Landscape
- I473 – 2-8 Church Street, Federation style semi-detached residences

The key statutory controls are described in Table 4 below.

<b>Table 4</b> – WLEP2012 Permissibility and Development Standards applying to the site		
	<b>Existing</b>	<b>Surrounds</b>
<b>Zone</b>	SP2 Health Services Facility R3 Medium Density Residential	R3, SP2 and B1 Neighbourhood centre
<b>FSR</b>	0.6:1 & 0.9:1	0.6, 0.9 & 1:1
<b>Height</b>	9.5 & 12.5m	9.5 & 12.5m
<b>Prevailing built form</b>	1, 2, 3 and 4 storey	1-2 storey dwellings, 3-4 storey flats and large institutional buildings (schools and courthouse)

## Planning Proposal – Waverley War Memorial Hospital

Figure 4 – Land Zoning Map



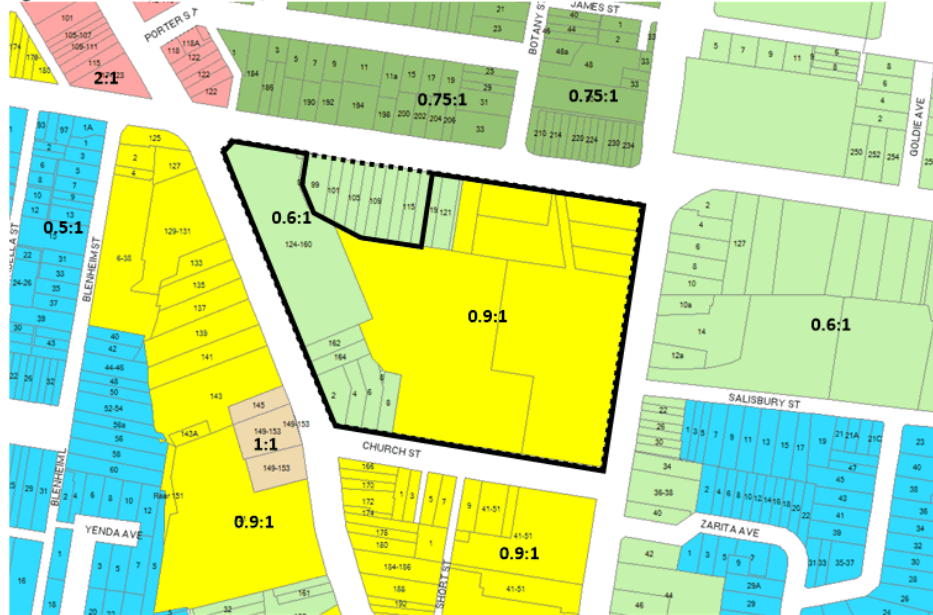
Source: Waverley Local Environment Plan 2012

Figure 5 – Height of Buildings Map



Source: Waverley Local Environment Plan 2012

## Planning Proposal – Waverley War Memorial Hospital

**Figure 6 – Floor Space Ratio Map**

Source: Waverley Local Environment Plan 2012

**Figure 7 – Heritage Map**

Source: Waverley Local Environment Plan 2012

*Planning Proposal – Waverley War Memorial Hospital*

**c. Existing Development on the site**

The existing development on the subject site includes approximately 28 buildings including the War Memorial Hospital, Edina residential aged care facility, independent living units and detached dwellings.

The site comprises a number of heritage items as discussed below.

**War Memorial Hospital Group – WLEP2012 Item 449**

**Figure 8 - War Memorial Hospital Group (except stables)**



Source: Hector Abrahams, 2017.

The buildings that form the War Memorial Hospital Group are heritage listed, as outlined in Table 5 below.

**Table 5 – Buildings forming the War Memorial Hospital Group listing**

Item Name	Statement of Significance	Current Use of Building	Significance	
			LEP	SHI
Group	Outstanding historic grouping incorporating three magnificent late Victorian buildings and former stables. Complete as a group and essentially intact despite some loss of integrity. Earlier buildings retain much of their original setting, and more recent buildings reasonably sympathetic in their design and siting. Special social and historic significance for the long association of the site and the hospital with the Vickery family. Original gates	The Group forms part of the Uniting Waverley site.	Local	State

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	and associated fencing of special note. (See accompanying forms for individual buildings and grounds). State significance.			
Edina	Outstanding Late Victorian "Boom Style" mansion. One of the grandest ever built in Waverley and certainly the best surviving. Exterior appears essentially intact. Attractively set in its original grounds. Considerable social and historical interest for its association with the Vickery family. The key building in the present hospital grouping. State significance.	The former Vickery residence (originally known as "Edina") and other buildings built by the Vickery family comprise important built components within the site. The Vickery building is used partly for administrative and meeting functions allied to the Hospital and also includes a renal dialysis unit.	Local	State
Ellerslie	Remains an outstanding example of late Victorian architecture despite some loss of integrity. Considerable historical interest for its long association with the Vickery family. Important part of the hospital group, complementing "Banksia" and "Wytchazel" opposite. Regional significance.	The building provides administrative services to the site.	Local	Regional
Banksia and Wytchazel	Impressive, late Victorian, semi-detached villa. Essentially intact and one of the best surviving examples in the Waverley Council area. Historical interest for its long association with the Vickery family and the hospital. Part of the hospital group, complementing "Ellerslie" opposite. Regional significance.	A commercial lease is in place for this building.	Local	Regional
Morgan Building (Maternity Buildings)	Good example of a 1930's institutional building. Limited architectural interest due to some loss of integrity, but special historic and community interest as part of the hospital group. Helps frame the garden area to "Edina" and remains reasonably sympathetic in its scale and styling. Local significance.	The Morgan Building contains the hospital facility. It is a good example of a 1930's institutional building.	Local	Local
Former Stables	Important element in the historic "Edina" grouping, as an original outbuilding. Integrity compromised, but much of the original fabric survives and the original form and function may still be appreciated. Local significance.	It is currently used as a staff training centre.	Local	Local
Chapel	Unusual brick chapel with considerable charm. Part of hospital group and complementing twentieth century and earlier buildings nearby. Local significance.	Religious Services	Local	Local
Bungalow	Part of the hospital group and fitting in reasonably well with the older buildings nearby. Good, late example of the		Local	Local

*Planning Proposal – Waverley War Memorial Hospital*

	Federation bungalow style. Local significance.			
Cottage	Part of the hospital group with limited interest of its own. Local significance.		Local	Local

## War Memorial Hospital Landscape – WLEP2012 Item 519

**Figure 9 - War Memorial Hospital Grounds**

Source: JBA, 2017.

**Table 6 – War Memorial Hospital Landscape listing**

Item Name	Statement of Significance	Current Use	Significance	
			LEP	SHI
War Memorial Hospital Grounds	Fine grounds with elegant lawn and majestic trees of considerable age. Forming an impressive setting to an outstanding grouping of Victorian period buildings. Rare example of a Late Victorian mansion conserving original grounds and setting. State significance.	The associated grounds / landscape is utilised by patients and visitors within the facility.	State	State

*Planning Proposal – Waverley War Memorial Hospital*

2-8 Church Street – WLEP2012 Item 473

**Figure 10** - 2-8 Church Street



a) 2 – 4 Church Street



b) 6 – 8 Church Street

*Source: Waverley Council, 2018.*

*Planning Proposal – Waverley War Memorial Hospital*

<b>Table 7— Buildings forming the 2-8 Church Street listing</b>				
Item Name	Statement of Significance	Current Use	Significance	
			LEP	SHI
2-8 Church Street	Excellent pair of Federation style semi-detached featuring some outstanding and individual detailing. Local significance	These residences are owned by Uniting and currently utilized as dwellings.	Local	Local

#### Other buildings

Various other buildings across the site include:

- A number of single storey buildings including various community functions including a Men's Shed, Day care and outpatient rehabilitation including senior's gym.
- Bushell & Johnson rental apartments.
- Residential aged care buildings including the Edina building addressing Bronte Road.
- The former theatre block is a link building adjoining both Vickery and Morgan Buildings. Associated workshops and maintenance areas.
- Hunter Lodge.

The masterplan submitted by the applicant demonstrates the intention to redevelop these buildings as they do not contribute to the aesthetic quality of the site or the heritage significance of the site.

#### d. Surrounding Context

The site is bounded by two arterial roads, one collector road, and a local street. The site interfaces with four existing streetscapes and has the potential to impact on the character of these areas. The site must consider the four 'contexts' or 'streetscapes.' These are:

- Bronte Road – Mixed Use Street;
- Birrell Street – Residential Street;
- Carrington Road – Mixed Use Street; and
- Church Street – Mixed Use Street.

#### Site Ownership / Consolidation

The site is bound by Birrell and Church Streets, and Bronte and Carrington Roads. Figure 11 outlines the land that Council Officers' recommend be included in the Planning Proposal in Bold.

Council Officers in their meeting with the proponent in February 2018 provided the advice that the preferred outcome would be to include all of the remaining sites along Birrell Street within the Planning Proposal, if the proponent was able to acquire all of the sites. Uniting Care has been acquiring and expressed the intention to acquire all of the remaining sites to ensure that the entire subject site is able to be redeveloped as one estate, which is consistent with the Heritage Conservation Management Plan.

The proponent has acquired the majority of the sites along Birrell Street, however there are a number of sites that remain in separate ownership, shown in red in Figure 11. The Owner of 117 Birrell Street has submitted to Council a letter of support to be included in the Planning Proposal. The remaining land owners have been contacted by Council as part of this assessment process, and declined to give consent over the phone to be included in the Planning Proposal.

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Figure 11 – Planning Proposal Application



## Bronte Road – Mixed Use High Street

The two-storey Edina Aged Care building, Bushell and Johnson apartments and several single storey dwellings face Bronte Road. The existing streetscape along this section of Bronte Road ranges from the single and two-storey buildings on the WMH site to 3-4 storeys on the western side of the road, with a mix of residential apartments, single dwellings, and institutional buildings.

The built form on both the eastern and western sides of the road have moderate to significant setbacks which has allowed for mature tree growth and a sense of space for pedestrians on the footpath. The distance between buildings allows for ample light to filter onto the road and creates a pleasant streetscape.

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**Figure 12** - Bronte Road streetscape



a) View of the heritage listed gates at the intersection of Birrell Street and Bronte Road



b) View of the heritage listed gates at the intersection of Birrell Street and Bronte Road

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c) View south along Bronte Road. The subject site is to the left with significant tree planting, and the two storey residential units.



d) View south along Bronte Road. Residential flat buildings line the western side of Bronte Road and are setback from the street.

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e) View north along Bronte Road, showing mature tree planting and setbacks to both sides of the street



f) View north along Bronte Road, showing mature tree planting and setbacks to both sides of the street

Source: Waverley Council, 2018.

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#### Birrell Street – Residential Street

The two-storey Banksia and Whychazel and Ellerslie buildings, the two/three storey Hunter lodge buildings, and a row of semi-detached dwellings front Birrell Street. The existing streetscape along this section of Birrell Street comprises a mix of single storey semi-detached dwellings and two-storey buildings on the southern side of the street and 2-3 storey apartments, detached houses and terraces on the northern side of the street. The northern side of Birrell Street is the commencement of the *Botany Street Heritage Conservation Area* (refer to Figure 7). The Statement of Significance as outlined in the inventory sheet for the area is:

*The urban form of the Botany Street Heritage Conservation Area is the result of late 19th and early 20th Century subdivision of remaining open lands to the eastern periphery of Bondi Junction. The building streetscape is diverse and although buildings are not consistent to adjoining developments, they form a cohesive streetscape combining a variety of styles, materials and distribution of buildings along the street.*

*The range and compatible residential types from 1890's to 1940's records the consolidation of open lands about Bondi Junction following the establishment of regular tram services. The conservation area includes representative examples of varied styles from Victorian filigree through the Inter War Art Deco. The area retains notable streetscapes, characterised by the width of road easements and the quality of residential groupings.*

**Figure 13 - Birrell Street streetscape**



a) View west from intersection of Birrell Street and Carrington Road showing the corner of the War Memorial Hospital Site.

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*b) View west along Birrell Street.*



*c) Terrace houses to the north of Birrell Street.*

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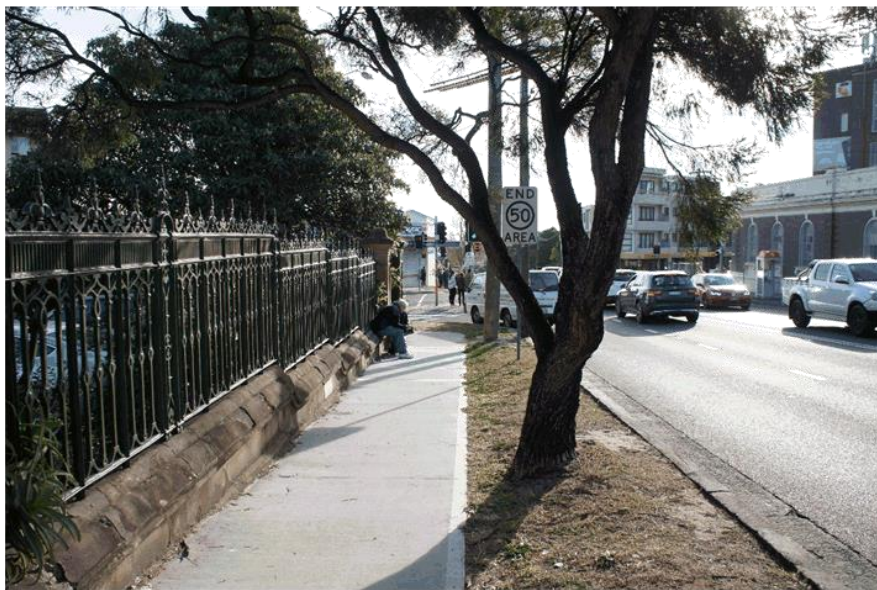
*d) View west along Birrell Street showing district views and wide streetscape.*



*e) View west along Birrell Street showing wide streetscape, typical residential flat building development to the north, and the line of semi-detached dwellings as part of the subject site.*

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*f) View of the semi-detached dwellings that form part of the subject site.*



*g) View of part of the heritage listed fence at the intersection of Bronte Road and Birrell Street.*

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*h) View east along Birrell Street showing slight incline, wide streetscape and mature planting.*

*Source: Waverley Council, 2018.*

*Carrington Road – Mixed Use Street*

The two-storey former stable building, two/three storey Hunter lodge buildings, the two-storey Vickery building, single storey chapel and early onset dementia building front Carrington Road. The existing streetscape along this section of Carrington Road ranges from mostly single storey detached and two storey attached dwellings on the eastern side and two-storey institutional buildings on the WMH, western side of the street.

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**Figure 14-** Carrington Road streetscape



a) View looking north along Carrington Road at the corner of Church Street.



b) View looking north along Carrington Road showing the single to two storey dwellings to the east, and the out of character five storey school building.

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c) View north along Carrington Road showing mature and significant foliage within the subject site.



d) View looking south along Carrington Road at the corner of Birrell Street.

Source: Waverley Council, 2018.

*Planning Proposal – Waverley War Memorial Hospital***Church Street – Mixed Use Street**

The two-storey old stable building, hydrotherapy building, single-storey support facility and semi-detached dwellings front Church Street. The existing streetscape along this section of Church Street ranges from 2-3 storey dwellings and institutional buildings on the southern side and single storey dwellings and two-storey institutional buildings on the northern side of the street. The southern side of Church Street is the commencement of the *Charing Cross Heritage Conservation Area* (refer to Figure 7). The Statement of Significance as outlined in the inventory sheet for the area is:

*The streetscape retains notable 19<sup>th</sup> and early 20<sup>th</sup> century buildings of both state and local heritage significance. The high integrity of built form in the area records the historic evolution of a place from an early village east of Sydney. The layered fabric dominated by Federation Style buildings indicates a streetscape generated by tram transport beginning in the 1880s. The slowing of growth in post-World War Two ensured the preservation of Waverley's earliest history.*

**Figure 15** – Church Street character



a) View east along Church Street showing mature tree canopy and wide street with parking.

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*b) Heritage Item 472 at 1-3 Church Street with significant contributory character to the south of Church Street.*



*c) View east along Church Street showing mixed character of buildings to the south of the street, with residential and institutional buildings.*

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d) View of historic wall and the two trees of Exceptional Heritage Significance as identified in Figure 17 from the Heritage Conservation Management Plan.



e) View east along Church Street showing infill development behind the War Memorial Hospital Building.

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*f) St Clare's College to the south of Church Street*



*g) St Clare's College to the south of Church Street.*

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*h) View to the Heritage Listed Stables at the corner of Church Street and Carrington Road.*



*i) View west along Church Street showing significant view of sky and tree canopy.*

*Source: Waverley Council, 2018.*

#### District Views to the Site

The CMP submitted by the proponent notes that the site is identifiable from locations in the district due to the landmark qualities of the Norfolk Pine trees. The images below demonstrate that the Pines

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can be clearly seen from a number of nearby locations and notable public open spaces including Centennial Park and Queens Park.

The CMP notes that the landmark quality of the Pines is to be protected and not challenged by new built form.

**Figure 16** – District Views to the Site



a) View east along Birrell Street near Rawson Avenue showing landmark qualities of the two Norfolk Pines that form part of the Landscape Listing.



b) View from Centennial Park near York Gates entrance showing the Norfolk Pines

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c) View from Centennial Park near York Gates



d) View from Queens Park towards the site showing the two Norfolk Pines.

Source: Waverley Council, 2018.

e. **Recent Development**

There have been no major DAs or works at the subject site in recent years. Minor works include pruning and removal of trees, installation of signage and fire sprinklers. There is currently an active DA on the site for upgrades to amenity block.

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## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

### 1.1 Description Statement

To amend the *Waverley Local Environmental Plan 2012* (WLEP2012) to enable the redevelopment of the War Memorial Hospital site and immediate surrounds to:

- Ensure the retention and ongoing functioning of the hospital.
- Maintain the heritage significance of the site.
- Increase public accessibility within the site.
- Allow the expansion of existing aged care and seniors living uses.
- Provide for additional ancillary and associated uses.

## PART 2 – EXPLANATION OF PROVISIONS

### 2.1 Draft Development Standards

The proposed changes are as follows:

- Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.
- Add a site-specific zone boundary of 20m 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 20m into the SP2 zone.
- Add Additional Permitted Uses that are proposed to apply to the site as follows:
  - 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 450sqm)(in the R3 and SP2 zone);
  - Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
  - Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
  - Serviced apartments (provided the use is ancillary to the health services facility);
  - Function centre (provided the use is ancillary to the health service facility).
- Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

Council Officers support these changes with the following amendments:

- That the Planning Proposal only apply to the lots as identified in the original Planning Proposal submitted July 2017.
- No alteration to the Land Zoning Map.
- No site-specific zone boundary flexibility clause.
- The following Additional Permitted Uses only to apply across the site as follows:
  - Seniors housing
  - Community facilities
  - Centre-based child care facility
- The following Additional Permitted Uses to apply in the R3 zone:

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- Health service facility and any development which is ordinarily incidental or ancillary to health service facility.
- Increase the maximum permissible height from 9.5m and 12.5m, to 15m and 21m only.
- Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1, to 1.2:1.
- New site specific provisions to include:
  - Maximum site coverage to ensure open space provision.
  - Minimum deep soil and landscaped area to ensure significant trees, biodiversity corridors, and heritage landscaped areas are protected.
  - Include the site on the Key Sites Map and apply clause 6.9 Design Excellence.

These development standards are discussed in more detail in Section 3.2 of this report.

## PART 3 – JUSTIFICATION

### Section A – Need for the planning proposal

#### 3.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal has not been the subject of recent strategic studies or reports commissioned by Council, however is the result of a number of reports prepared by consultants on behalf of the proponent.

#### 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcomes for the Planning Proposal are to:

- Ensure the retention and ongoing functioning of the hospital.
- Maintain the heritage significance of the site.
- Increase public accessibility within the site.
- Allow the expansion of existing aged care and seniors living uses.
- Provide for additional ancillary and associated uses.

The continued use of the site as a health services facility is dependent upon the site being able to expand the capacity of its services. To ensure that such an important community use is retained and supported in this location in Waverley, an amendment to increase the capacity of the site is an adequate means to achieve the intended outcomes and will allow for the more efficient assessment of Development Applications in the future. Council supports the proposed changes with amendments, in acknowledgement that a reasonable increase in developable capacity of the site would assist in achieving the intended outcomes.

##### 3.2.1 Demand for the site

###### a. Demand for Residential Accommodation

Waverley is set to achieve the 5 year residential housing targets as set by the Eastern City District Plan, and can comfortably meet its 6-10 year housing targets without the subject site being redeveloped for residential purposes.<sup>1</sup> Accordingly the site is not required to provide increased residential densities for Waverley to achieve any residential targets.

<sup>1</sup> Waverley Council, 2018, Draft Local Housing Strategy.

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## b. Demand for Seniors Housing and Aged Care Facilities

The population in Waverley aged over 65 years is projected to increase by 38% by 2036 to a total of approximately 8,800 residents.<sup>2</sup> With this increase in seniors population, the need for additional community health and aged care services and seniors residential facilities in the LGA is likely to increase. The allocation for aged care residential facilities set by the Australian Government is 80 beds per 1000 people for population aged over 70 years.

The demand for these services however is not isolated to Waverley residents, and facilities that address this need will help to serve the population of the Eastern Suburbs and Inner City. Currently within the Eastern Suburbs there are 16 facilities providing Residential Aged Care (RAC) in Waverley, Randwick and Woollahra offering 1200 beds.<sup>3</sup> Table 8 outlines the projected demand and increase of Aged Care beds and Independent Living Units to 2036. This reveals a projected shortage of 1,880 RAC beds in the Eastern Suburbs alone.

<b>Table 8 - Projected Demand for Aged Care and Seniors Living Services in Eastern Suburbs<sup>4</sup></b>			
<b>Year</b>	<b>Population aged over 70</b>	<b>Demand</b>	
<b>Aged Care Demand - Currently 1,200 (beds)</b>			
2016	25,300	2,176 (beds)	Current Shortage 976 (beds)
2036	38,500	3,080 (beds)	Projected Shortage 1,880 (beds)
<b>Independent Living Unit (ILU) Demand</b>			
2016	25,300	1,442 (dwellings)	
2036	38,500	2,888 (dwellings)	1,446 increase (dwellings)

This Planning Proposal aims to increase the provision of aged care facilities and senior's residential development that is co-located in easy access of aged care and community facilities, and will greatly help to achieve the projected needs for the area. Accordingly residential uses such as 'Residential flat buildings' or 'Boarding houses,' which make competitive financial returns, are not supported in order to ensure the optimal provision of seniors and aged care facilities.

The indicative masterplan shows the potential to increase the RAC provision from 81 to 114 beds, and 27 ILUs to 210-230 dwellings which includes ILUs, affordable, social, disability and 'potentially others.'

Whilst this development site cannot possibly answer to the demand for the all of the Eastern Suburbs, this site is an optimal location to provide these types of services and accommodations as it is centrally located, near public transport, retail and services. Accordingly it is imperative that the maximum number of RAC and ILUs are provided on the site. To ensure this, it is recommended that no additional residential accommodation be provided on the SP2 site, other than 'seniors housing.'

## 3.2.2 Lots to be included in the Planning Proposal

Council Officers' recommendation is that the Proposal proceed to Gateway with amendments, including only the lots that were originally included by the Proponent. That is, that the Birrell Street properties originally excluded from the Proposal are recommended to be excluded from any changes.

This is due to owners' consent not being provided, and no demonstrated evidence or justification as to why the Planning Proposal should now apply to this additional part of the site. Should the

<sup>2</sup> Waverley Council, 2016, Research Report: The support and accommodation needs of older residents and the anticipated impacts of aged care reform.

<sup>3</sup> Ibid.

<sup>4</sup> Waverley Council, 2016, Research Report: The support and accommodation needs of older residents and the anticipated impacts of aged care reform.

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exhibition period after gateway raise appropriate reasons for these lots to be included, Council will revisit any changes to the planning controls for these sites at that date.

The Proposal seeks to deliver the masterplan, and to update and expand the existing services on site. The residential lots along Birrell Street are not required to deliver this vision. However given the estate nature of the site as outlined in Policies 1 and 7, it is considered important to rectify the local listing of the site to incorporate the whole of the setting of the estate, which is bounded by Bronte Road, Birrell Street, Church Street and Carrington Road.

### 3.2.3 *Waverley Local Environmental Plan 2012*

The WLEP2012 applies to the site. The consistency of the proposal with the aims of the WLEP2012 are outlined in Table 9 below.

<b>Table 9 – Consistency of Planning Proposal with the Aims of the WLEP2012</b>	
<b>Aim</b>	<b>Discussion</b>
<i>(a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community</i>	<b>Consistent.</b> The Proposal promotes the retention and expansion of existing cultural and community uses that service the local and wider community. Through the redevelopment of the site, the heritage significance of the site is made available to the public.
<i>(b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs</i>	<b>Consistent.</b> The Proposal is located near Bondi Junction, and is an attractive place to increase the provision of seniors housing, and related services, that serve more vulnerable groups of the community.
<i>(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,</i>	<b>Consistent.</b> The Proposal promotes the provision of residential typologies that service more vulnerable groups of our community including affordable housing and seniors housing. The majority of residential developments in the Waverley area are for market housing to be sold or rented at market rates, and minimal affordable, social or seniors housing is provided to suit the remainder of the community for whom which market housing is not appropriate.
<i>(d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas</i>	<b>Not consistent.</b> The proposed 28m height limit does challenge the existing building scale at the edge of Bondi Junction Centre, and challenges the Bondi Junction skyline from key regional open spaces.
<i>(e) to protect, maintain and accommodate a range of open space uses, recreational</i>	<b>Consistent.</b> The Proposal seeks to protect, maintain and accommodate the existing community uses and

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<i>opportunities, community facilities and services available to the community</i>	facilities within the site. The Proposal also seeks to maintain and make more accessible the exiting open space within the site, to make more accessible to the community the heritage significance of the site.
<i>(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees</i>	<b>Not consistent.</b> The Proposal seeks to redevelop the whole site, which will likely result in the loss of a number of significant trees, unless appropriate protective mechanisms are in place. The illustrative masterplan and the proposed increase to 17m shows two significant Morton Bay Fig trees to be removed, which currently form part of an important biodiversity corridor in the <i>Waverley Development Control Plan 2012</i> . Large areas of the site are proposed to be developed upon, especially through extensive basement car parking, which will significantly reduce the deep soil provision currently on the site, and increases the amount of hard surfaces on site that contribute to the urban heat island.
<i>(g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley</i>	<b>Largely consistent.</b> The Proposal seeks to conserve and promote the significant environmental, aesthetic, social and built heritage of the site.

**3.2.4 Heritage**

A Heritage Impact Statement (HIS) and updated CMP were prepared by the applicant. The HIS is based on the masterplan and argues that there are elements of the proposed masterplan that could respect and enhance heritage, while other elements of the masterplan could have a detrimental impact on the heritage significance of the site. The following elements of the masterplan are suggested to enhance or respect the existing heritage:

- Retention of all fabric, spaces and uses ranked Exceptional and High in the CMP – however it is noted that a number of spaces and trees of Exceptional Significance are impeded by the masterplan discussed below.
- Construction of major new entrance from Bronte Road, and landscape axial path, framing and terminating on the central space of the estate, and its focus on the Vickery Building.

The following elements of the masterplan could detrimentally impact on heritage significance:

- Construction of large new forms in lower part of the estate, and to the west and south of Ellerslie (Exceptional and High Significance).
- Removal of two Moreton Bay Figs (Exceptional Significance).
- Removal of Street Trees to Birrell Street, Carrington Street and Church Street.

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Figure 17 illustrates the ranking of different buildings, trees and spaces important to the site. As outlined in the HIS, the masterplan envisages the protection of buildings ranked as 'Exceptional' or 'High' significance; all located on the eastern part of the site. However, the proposed removal of 'Exceptional' Moreton Bay Figs to the south of the site would be detrimental. This would have to be addressed at the development assessment stage.

The proponent's proposed 21m height standard to the south and west of Ellerslie building would be detrimental to this item; although sensitive development can occur within the curtilage of this item as it is not marked as a 'space to be preserved' as shown in Figure 17 by the red-dashed line.

**Figure 17** - Significance Ranking of fabric and spaces



Source: Hector Abrahams 2017.

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The masterplan does not propose new development in the eastern part of the site in the area marked as a 'space to be preserved', but does propose significant building forms in the centre of the site in the 'space to be preserved'. Restricting development to the eastern portion of the site would also ensure that the 'views to be preserved' from Birrell and Bronte Road (1), the corner of Church and Carrington Road (2) and Birrell Street (3); are retained as outlined in Figure 18. While these views are important perspectives of heritage items along the periphery of the site, they provide views of the Vickery building façade and tower, which can be seen along Carrington Road outside the Chapel and along Birrell Street to the west of Ellerslie. The latter of which would be obscured by development to the west of Ellerslie.

**Figure 18** -Site plan illustrating conservation policies



Source: Hector Abrahams, 2017.

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Further comment on how the planning proposal responds to the CMP policies is outlined below. Given that a planning proposal simply seeks changes to planning controls and doesn't propose any buildings, the consistency with some of these policies is a matter for the lodgement of a development application. Nevertheless, the proposed masterplan has been referenced in some instances as it illustrates a close to permissible development under Council Officers recommended amendments.

<b>Table 10 – Conservation Management Plan Policies</b>	
<b>CMP Policy</b>	<b>Council comment</b>
<b>Definition of Place, Curtilage and Setting</b>	
<b>Policy 1:</b> The place and curtilage should be defined as that part of the Edina estate which became the War Memorial Hospital in 1922. The setting should be defined as the original Edina estate boundaries and the streets which surround those boundaries: Bronte Road, Birrell Street, Church Street, and Carrington Street.	Noted.
<b>Policy 2:</b> The name of the place "Waverley War Memorial Hospital" should continue to refer to the nature of the original hospital's establishment as a memorial to the First World War.	Noted.
<b>Significant Fabric, Views, Spaces and Spatial Relationships</b>	
<b>Policy 3:</b> The fabric, views and spatial relationships ranked Exceptional and High should be conserved. They are: <ul style="list-style-type: none"> <li>• Victorian buildings and estate planning: topography, plantings, fences, statuary and spatial order (including the private street, original drive and distinction of service areas (stables and kitchen) from formal areas;</li> <li>• War Memorial Hospital buildings of aesthetic importance: main building, chapel;</li> <li>• 1920s landscape items: palm trees, cast iron bollards, reconfigured gates to Birrell Street / Bronte Road and new gates to Carrington Road;</li> </ul>	<p>The planning proposal only seeks to change planning controls which would then likely result in the redevelopment of the site. The planning proposal does not in and of itself diminish Exceptional and High significance items. Notwithstanding, the following comments are made on the masterplan and potential built form outcomes that may be implemented under new controls.</p> <p>The masterplan retention of Vickery, Banksia and Wychazel, Ellerslie and Morgan buildings, Chapel, original Stables, summer house, and kiosk would achieve this policy intention. As would the retention of most exceptional and high significance trees.</p> <p>The potential removal of two large trees (Moreton Bay Figs) would be a significant loss of fabric in the landscape and would be in contravention of this policy.</p>

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<ul style="list-style-type: none"> <li>External views from Centennial Park of the Norfolk Island Pines;</li> <li>Existing views of the houses along Birrell Street and tower from Carrington Street.</li> </ul>	<p>The views of the houses along Birrell Street (Banksia and Wychazel, Ellerslie) could be diminished with the proposed 21m height plane surrounding these buildings. Ensuring that the curtilage of these buildings is retained is crucial and will be dealt with through the site specific DCP.</p>
<b>Uses and Governance</b>	
<p><b>Policy 4:</b> The existing institutional governance and hospital use is a historic use that should be continued.</p>	<p>It is important to retain the dominant health use on the site and the proposed zoning to R3 Medium Density Residential would compromise this policy.</p> <p>The masterplan seeks to retain and expand the existing uses and therefore the zoning should guarantee this outcome.</p>
<p><b>Policy 5:</b> The historic use should be broadly defined to include uses related to health, aged care and training.</p>	<p>As per Policy 4 comment.</p>
<p><b>Policy 6:</b> The following historic spatial uses relating to the Victorian period should continue or be re-instated:</p> <ul style="list-style-type: none"> <li>early entrances and driveway;</li> <li>upper garden areas as garden / passive recreation.</li> </ul>	<p>While the planning proposal does not seek to implement the following changes, the masterplan indicates the return of pedestrian use to the original entrance on corner of Birrell Street and Bronte Road, though this pathway is not in the original location and does not have the same effect of directing the journey up the hill towards the Vickery Building.</p> <p>The existing vehicle and pedestrian historic entrances to Birrell, Carrington and Church Streets are sought to be retained. These changes are supported and should be sought as part of a site specific DCP.</p> <p>Additional vehicle entrances on Church and Birrell Streets will create traffic issues (see Section 3.8.3) but will also impact upon the heritage setting and existing landscape. From a heritage perspective it is a better outcome that these entrances to basement parking are from the external streets, rather than the internal driveway as ramps, safety railings, signage, median strips and turning arcs will generally increase the extent and prominence of hard paving within the complex.</p>
<b>Interpretation and Reconstruction</b>	
<p><b>Policy 7:</b> The place should be interpreted as the whole estate developed by the Vickery Family as a residence, and then</p>	<p>Noted. A Site Specific DCP is proposed to be prepared for the site to ensure that the whole of the estate is to be interpreted together.</p>

## Planning Proposal – Waverley War Memorial Hospital

as a result of a major gift, developed as a War Memorial Hospital.	
<p><b>Policy 8:</b> Creatively interpreting aspects of the history of the place should be considered as opportunities arise, including:</p> <ul style="list-style-type: none"> <li>• Develop the site with an appreciation of its identity as a single planned estate;</li> <li>• Develop the site with an appreciation of the spatial order of the estate, which is contiguous over all of its history to date.</li> </ul>	<p>The masterplan seeks to construct a new entrance in Bronte Road to the main garden space to the west of the Vickery Building, stating that it “does serve to present the estate to the Bronte Road and in a new way improves its profile.”</p> <p>The masterplan seeks to reinstate a footpath in line of the original driveway and around main garden space. This is supported in principle and should be subject to a site specific DCP.</p> <p>The introduction of avenue trees to the four streets that border the estate as stated in the HIS would “obscure some of the fabric and character of its perimeter. In particular, the iron gates at the corner of Birrell and Bronte, the avenue of Palms at the Birrell Street entry, views of the Vickery Building from Carrington Road.” This element would not be supported.</p>
<p><b>Policy 9:</b> The following reconstructions, removals and plantings should be considered:</p> <ul style="list-style-type: none"> <li>• Removal of glass portico to reveal front entrance of 1935 Hospital;</li> <li>• Replacement of concrete driveways with more sympathetic material;</li> <li>• Reconstruction of grass bank to western side of Edina;</li> <li>• Recreation of the original driveway path, in a manner similar to the original path (this would require the removal of buildings);</li> <li>• Reconstruction of lower garden area (currently a carpark) to a garden area;</li> <li>• Planting of trees which are missing from north west corner of the upper garden;</li> <li>• Construction of a built form to close north end of service space behind Edina (where a Victorian outbuilding formerly stood);</li> </ul>	<p>The recreation of the original driveway path is supported.</p> <p>According to the masterplan, the carpark in place of the lower garden area is slated for removal, to be replaced by buildings. This would be a worse outcome than the existing carpark as it would reduce the expansive grounds in the centre of the site.</p> <p>The masterplan seeks to construct a built form in place of a former outbuilding behind Edina (Vickery building).</p>

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<ul style="list-style-type: none"> <li>Construction of some built or garden form on site of original gatehouse (to mark entrance).</li> </ul>	
<b>Alterations to the Site (new buildings and landscape)</b>	
<p><b>Policy 10:</b> The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.</p>	<p>The masterplan depicts most new buildings in the lower garden, in service court spaces and intends to replace moderate and low significance buildings. The masterplan does not indicate buildings in the upper garden space.</p> <p>Far greater use of setbacks and open colonnades/undercrofts needs to be made to ensure maintenance of sight lines through the grounds. This could be subject to a site specific DCP.</p>
<p><b>Policy 11:</b> the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.</p>	<p>The existing heights of the landmark Vickery tower and Norfolk Island Pines are 112.59AHD and 123.78AHD, respectively.</p> <p>The central heights proposed by the proponent – 28m and 21m - challenge and overwhelm the landmark qualities of the Vickery tower and the other Victorian buildings and are not consistent with the scale of the estate. The 28m height would result in a nine storey building and would sit at a maximum height of 121AHD. The 21m height would result in the appearance of a seven storey building and would sit at a maximum height of 117AHD in the eastern part of the site.</p> <p>The 21m height limit is also likely to be overbearing to Ellerslie and the 2-8 Church Street dwellings and existing Moreton Bay Figs. The 21m height could result in buildings that block all views of the Vickery tower from surrounding streets. The 15m height limit would result in the appearance of a five storey building and could result in buildings that are overbearing to the Banksia and Wychazel pair, the Chapel, the Morgan building (War Memorial Hospital).</p> <p>The above findings indicate that the proposed heights are not appropriate and need to be scaled down to be consistent with this policy.</p>
<p><b>Policy 12:</b> the character of new buildings and new landscape features should appear to be a development of the estate as a whole, in a similar way that the 1935</p>	<p>Elements of the masterplan including the new entrance to Bronte Road as the main focus of the estate, the return of the original pathway to pedestrian use and the respecting of the central grand space support this policy.</p>

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War Memorial Hospital appears in relation to Edina.	
<b>Policy 12 [sic]:</b> Should works involve areas of potential archaeological deposits, plan for proper investigation and interpretation of those deposits.	Noted.
<b>Technical Oversight and Review of plan</b>	
<b>Policy 13:</b> Involve the standard of professional and craft expertise appropriate to each grade of significance in each area of the site.	Noted.
<b>Policy 14:</b> Review this plan in step with the timing of review of the strategic plan of the Hospital and its masterplan, or when works are proposed to fabric or spaces of Exceptional or High Significance.	Noted.

**Significance**

The State Heritage Register describes a number of the buildings on the site as having regional or state significance, and also describes the grouping of the Iron Fence, the Victorian Buildings and the Edina Building as having state significance. The listing itself is however only a local listing.

It is recommended that Council undertake the appropriate studies and investigations to determine whether the listing for the Group should be elevated to a State listing, and whether this would impact upon the developable capacity of the site.

In addition to this, it is noted that the Heritage Conservation Management Plan prepared for the site describes the Place as the whole site bound by Carrington and Bronte Roads and Birrell and Church Streets. This is due to the nature of the history of the development on the site, involving the subdivision of the site from one larger estate for residential development, and then the handing over of the site as a public institution. The entirety of the site is deemed to have heritage significance, however the entirety of the site is not currently heritage listed under the WLEP2012. Accordingly it is recommended that a heritage review be undertaken to determine whether to expand the listing of the Group (Item 449) to include the entire site, so that the fence at the corner of Birrell Street and Bronte Road, and the row of houses along Birrell Street are included in the listing.

The row of houses along Birrell Street not only contribute significantly to the character of the streetscape, but are also an exemplar of the estate's development pattern through time.

It is recommended that the Planning Proposal address the expansion of the Group listing to include the entirety of the site and all significant buildings and features on site.

It is also recommended that concurrently to the Gateway Determination of the Planning Proposal, that Council undertake a heritage assessments to determine whether the significance of Item 449 'War

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Memorial Hospital Group' should be elevated from Local to State significance. It is emphasised that this is to be a separate process to the Planning Proposal.

### 3.2.5 Zoning

The Proposal seeks three key changes to the permissibility on the site as follows:

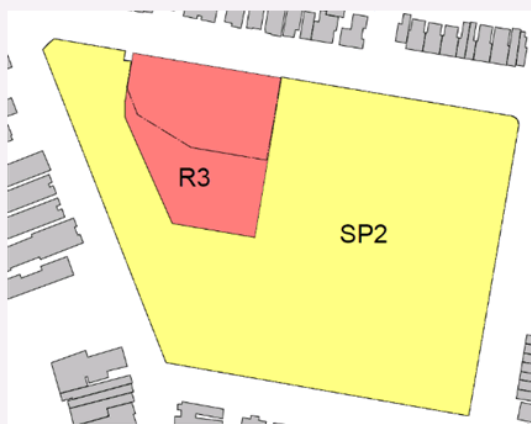
- i. Add new permitted uses to *Schedule 1 'Additional Permitted Uses'* of the WLEP2012 to apply across the site.
- ii. Amend the Land Zoning Map of the WLEP2012.
- iii. Create a new site specific zone boundary provision to increase the 'flexibility' at the boundary between zones.

The impacts of each is discussed in more detail below.

#### a. Amend the Land Zoning Map of the WLEP2012

##### **Planning Mechanism Proposed: Change to Land Zoning Map of the WLEP2012**

Redistribution of existing R3 zoned land across the site into a single and consolidated portion of developable land.



**Council position: No changes to the Land Zoning Map are supported.**

The proposed modified zoning pattern is shown in Figure 19. The site is proposed to comprise part SP2 Health Services Facility and part R3 Medium Density Residential.

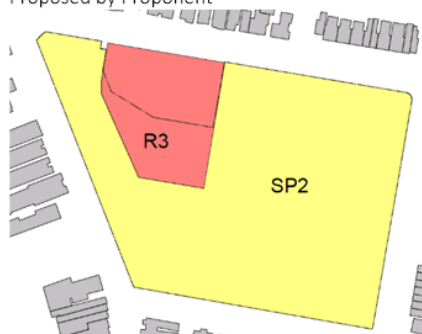
The altered zoning pattern significantly increases the developable quantum of the R3 zone, as the current location of the R3 zone to the Bronte Road and Church Street intersection contains four heritage items that limit the amount of redevelopment on the lots. In addition a number of properties along Birrell Street are proposed to be rezoned from R3 to SP2.

The relocation of the R3 zone is not supported. Council's reasoning for this is that an R3 zone of this scale in this location would attract the highest and best use of a Residential Flat Building, which would compromise the delivery of health service facilities and related uses on the site. In association with this zoning, this proposed location aligns with the proposed increase in height to 28m which would permit an RFB of eight to nine storeys. The Proponent's vision for the site is to expand the existing aged care and seniors housing facilities on site. Given the likely provision of an RFB in this location, the rezoning of this parcel of land to be R3 is not in accordance with the aim of the planning proposal.

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Another key element of concern is that the rezoning of this section of the site would make this contiguous section of R3 zone very attractive to divest. Given the significance of the whole of the site being conceptualized as one estate, as outlined in the Conservation Management Plan submitted July 2017, this would impact upon the delivery of a holistic vision for the overall site, and compromise the heritage significance of the site.

**Figure 19 – Proposed Zoning Pattern**  
Proposed by Proponent



Source: Proponent's Planning Proposal, 5 November 2018

Existing WLEP2012 Provision



Source: Extract from Waverley Land Zoning Map (WLEP2012)

**b. Site Specific Zone Boundary**

**Planning Mechanism Proposed: Introduction of a site-specific zone boundary provision**

Example Provision:

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

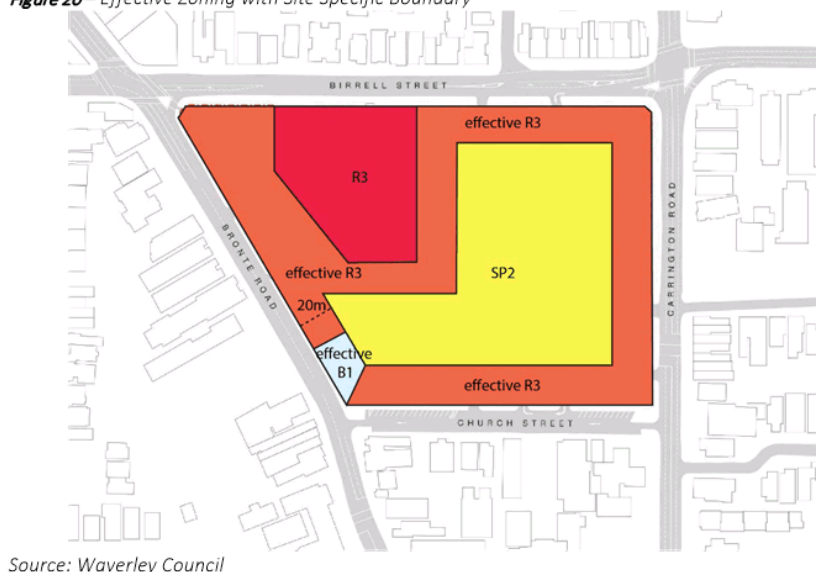
**Council position: A site-specific zone boundary is not supported.**

This provision is not supported, as this would result in a gross erosion of the SP2 Zone, as demonstrated in Figure 20. A flexible boundary provision would compromise the integrity of the SP2 Zone, as the economically more attractive use that would then be permissible in the effective R3 zone is a Residential flat building or Boarding house.

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These uses are not supported by Council, as discussed at length in Section 3.2.5a of this report.

**Figure 20**– Effective Zoning with Site Specific Boundary



**c. Additional Permitted Uses**

**Planning Mechanism Proposed: Change to Schedule 1 of the WLEP2012**

Additional Permitted Uses that are proposed to apply to the site are as follows:

- o Seniors housing (in the SP2 zone);
- o Community facilities (in the SP2 zone);
- o Centre-based child care facility (in the SP2 zone);
- o Retail premises (capped at 450sqm)(in the R3 and SP2 zone);
- o Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and
- o Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);
- o Serviced apartments (provided the use is ancillary to the health services facility);
- o Function centre (provided the use is ancillary to the health service facility).

**Council position: Supported with Amendments. See Table 12.**

The amendment to Schedule 1 seeks to allow a number of uses that aren't currently permissible under the SP2 Health Services Facility zoning. These include business premises, retail premises, function centre, child care centre, and tourist and visitor accommodation. Under the current zoning the following uses are deemed permissible with consent:

- Roads;
- The purpose shown on the Land Zoning Map (Health Services Facility), including any development that is ordinarily incidental or ancillary to development for that purpose.

The purpose shown on the Land Zoning Map is 'Health Services Facility'. The WLEP2012 defines 'health services facility' as:

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**Health services facility** means a building or place that is:

*a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:*

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital."*

Under the WLEP 2012 'residential care facilities' (i.e. aged care) are a type of 'seniors housing', as are independent living units (ILUs) which are considered 'a group of self-contained dwellings'. Neither of these uses are permissible under the current zone. These uses currently operate on the site under existing use rights and expansion of these uses would be permissible under Clause 42 of the *Environmental Planning & Assessment Regulations 2000*. Notwithstanding, these uses and any others proposed in the masterplan that are supported can be added to 'Schedule 1 Additional Permitted Uses' of the WLEP 2012. The WLEP2012 defines 'seniors housing' as:

**Seniors housing** means a building or place that is:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*

*and that is, or is intended to be, used permanently for:*

- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*

*but does not include a hospital.*

The retention of the SP2 Health Services Facility zoning of the site is the only instrument that ensures the continuation of the important community health and aged care facilities currently on the site, and protects the site from being changed to different or more profitable uses, such as residential uses for market-rate accommodation. Retaining the current zoning is the only lever to promote and secure an integrated health, aged care and seniors living precinct that serves the Waverley community (and the Eastern Suburbs) into the future.

The stated aims and objectives for the site are best supported by a change to *Schedule 1 Additional Permitted Uses* to allow for additional specific uses on the site that are not normally ancillary to the health services facility, and to allow for 'health services facilities' to also be provided across areas of the site that are currently R3, to deliver a campus style development.

With the potential to redevelop large areas of the site for market housing under an R3 Medium Density Residential zone, as originally proposed, or with residential uses such as 'Boarding House' or 'Residential Flat Building' permitted under *Schedule 1 Additional Permitted Uses*, as later proposed, the site could be transformed into a large-scale residential urban renewal precinct. This would be contrary

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to the strategic intent and aim of the Planning Proposal. Council Officers are supportive of the strategic merit of increasing the current services on site for the community. Permitting residential on large areas of the site will compromise the likelihood of these uses being provided.

Permitting only 'seniors housing' under *Schedule 1 Additional Permitted Uses* ensures that Waverley is able to meet the demand for its aging population into the future. It is noted that the current site has two areas that are R3 Medium Density Residential fronting Bronte Road, Church Street and Birrell Street.

The proponent's masterplan proposes retail, business, food and beverage outlets, and child care premises. It is acknowledged that some residents may find the easy access to services on site such as local grocery stores, GPs, pharmacies, hair dressers and cafes to be convenient. The development is, however, located close to Bondi Junction and Charing Cross village where an extensive range of retail, food, and health businesses are readily available. Therefore these uses that are proposed to serve the health and seniors living uses onsite should be restricted to reduce the impact on surrounding centres.

The continued provision of short term accommodation for regional family's visiting care recipients is noted and supported. However the potential to increase tourist and visitor accommodation to include independent hotels and serviced apartments that would service the wider community is not supported as these would compromise the delivery of the strategic aims of the Planning Proposal. Accordingly these uses are supported as ancillary only, which is currently permitted under the SP2 zone.

Council Officers are supportive of some additional permitted uses. A three part test has been undertaken to assess each of the uses as follows:

- iii. There is a demonstrated need for the use in the Waverley LGA or Eastern Suburbs region.
- iv. This site is an appropriate site for the use.
- v. The use aligns with the vision for the site.

<b>Table 11 – Additional Permitted Uses</b>		
<b>Additional Permitted Use</b>	<b>Supported</b>	<b>Discussion</b>
Seniors housing (in the SP2 zone);	Yes	<ol style="list-style-type: none"> <li>1. There is a demonstrated need for Seniors housing in both the Waverley LGA and Eastern Suburbs region.</li> <li>2. This site is an appropriate use for the site given the uses currently exist on the site, and the site is ideally located nearby transport, retail and services.</li> <li>3. This use aligns with the vision for the site, and supports the redevelopment of the existing Residential Aged Care and Independent Living Units on the site.</li> </ol> <p>Seniors housing is supported as an additional permitted use across the site.</p>
Community facilities (in the SP2 zone);	Yes	<ol style="list-style-type: none"> <li>1. There is a demonstrated need for community facilities in the Waverley LGA.</li> <li>2. This site is appropriate for community uses given the size and the campus-style nature of the site.</li> </ol>

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		<p>3. The use aligns with the vision for the site, and supports the important provision of social infrastructure.</p> <p>Community facilities is supported as an additional permitted use across the site.</p>
Centre-based child care facility (in the SP2 zone);	Yes	<p>1. Waverley Council has evidence to suggest that the use is not required in the Waverley LGA or Eastern Suburbs region.</p> <p>2. The site will provide mainly health services and seniors housing. Accordingly child care may be suitable to provide additional support to visitors of patients and/or residents at the site.</p> <p>3. The use aligns with the vision for a campus-style redevelopment of the existing facilities and provides facilities that will encourage engagement with the wider community.</p> <p>Centre-based child care facility is supported as an additional permitted use across the site.</p>
Retail premises (capped at 450sqm)(in the R3 and SP2 zone);	No	<p>1. There is a need for retail premises in centres in the Waverley LGA or Eastern Suburbs to provide jobs and services.</p> <p>2. The site is ideally located between the Bondi Junction Strategic Centre, and Charring Cross Village Centre. Both centres have a range of retail premises are within walking distance or a short drive from the site.</p> <p>3. Retail premises support the vision for the site to provide uses that will encourage engagement with the wider community.</p> <p>Retail premises are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility.</p>
Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and	No	<p>1. There is a need for business premises in centres in the Waverley LGA or Eastern Suburbs to provide jobs and services.</p> <p>2. The site is ideally located between the Bondi Junction Strategic Centre, and Charring Cross Village Centre. Both centres have a range of business premises are within walking distance or a short drive from the site.</p> <p>3. Retail premises support the vision for the site to provide uses that will encourage engagement with the wider community.</p> <p>Business premises are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility.</p>

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		Any existing businesses on site are assumed to be operating under either an ancillary use, or existing use rights. Either case is valid in any new Development Consent, or the use business premises is not required to be added to Schedule 1.
Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone);	No	<ol style="list-style-type: none"> <li>1. There is a demonstrated need for short term accommodation in the Waverley LGA, however Waverley LGA also has the highest density of Airbnb short term accommodation available in Australia.<sup>5</sup></li> <li>2. The site may offer opportunities for the development of a hotel or motel, however the site is more suited to a campus-style development of seniors and health services facilities. Short term accommodation for tourists not associated with the site is more appropriately located near key visitation sites in Waverley, such as Bondi Beach.</li> <li>3. The uses do not align with the vision of the site to create and nurture the community within and around the site.</li> </ol> <p>Hotel or motel accommodation, and serviced apartments are not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility.</p>
Serviced apartments (provided the use is ancillary to the health services facility);	No	
Function centre (provided the use is ancillary to the health service facility).	No	<ol style="list-style-type: none"> <li>1. There is no demonstrated need for a function centre in the Waverley LGA.</li> <li>2. The site offers sufficient capacity to deliver a function centre and is well located.</li> <li>3. The provision of a function centre that can be utilised by the external community does not support the vision for the site, as this use could occupy large development potential that is better served by the primary use of the site.</li> </ol> <p>Function centre is not supported as a use that is separate and independent to the Health Services Facility. The SP2 zone provides for uses that are ordinarily incidental or ancillary to a Health Services Facility.</p>

<sup>5</sup> Waverley Council, 2018, *Waverley Draft Sustainable Visitation Strategy*.

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**Table 12** – Supported Amended Additional Permitted Uses

Existing SP2 Zone		Existing R3 Zone	
Permitted	Schedule 1	Permitted	Schedule 1
Roads; Health Service Facility and any development which is ordinarily incidental or ancillary to health service facility.	Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Seniors housing;	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4	Health service facility and any development which is ordinarily incidental or ancillary to health service facility.

An amendment to Schedule 1 of the WLEP 2012 to include the uses listed in Table 12, while retaining the current Land Zoning Map, is the best means of achieving the objectives and intended outcomes for this site.

## 3.2.6 Height

**Planning Mechanism Proposed: Change to Height of Building Map**

Increase the maximum permissible height from 9.5m and 12.5m to 15m, 17m, 21m, and 28m.



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**Council position: Supported with Amendment.**

Increase the maximum permissible height from 9.5m and 12.5m to 15m and 21m.



The proposed changes to height sought are 15, 17, 21 and 28 metres across the site, which are substantially higher than the existing 9.5 and 12.5 metre limit on the site and in the surrounds. The surrounding built form is a mix of 1-2 storey dwellings, 3-4 storey flats and large institutional buildings. Under the proponent's sought heights, up to 9 storeys could be built in the centre of the site (28m), and 7 storeys in other areas (21m). In the first instance the maximum height of 28m is inconsistent with Aim (d) of the WLEP2012: 'to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas.'

Secondly this increase is contrary to Policies 3 and 11 within the Conservation Management Plan that seek to ensure that the height of the Norfolk Pines and the towers of the Vickery/Edina building are not challenged, as well as Policy 11 which state that new buildings should be consistent with the estate.

The impact of the proponent's masterplan built form and maximum heights within the site as well as on the surrounding neighbourhood character and streetscape has been assessed to determine their appropriateness or whether there is a better way to achieve the intended objectives and outcomes.

**a. Impact on State Significant Heritage Item**

As noted in Description of Site Section C of this report, Item 449, that is the grouping of buildings, and landscape elements including the wrought iron gates at Birrell Street and Bronte Road, is of regional and state significance.

The increase in height in the area identified in Figure 21 is not supported, as this building height would significantly challenge the heritage significance of the Ellerslie Building with the proposed six or seven storey building adjacent significantly imposing on the curtilage of the building itself. In addition the height of 21m would challenge the landmark qualities of the Edina tower and Norfolk Island pines by being placed in the upper garden area. This is incongruous with Policies 10 and 11 of the CMP. Council Officers are supportive of an increase in height from the existing 12.5m to 15m. This is considered adequate to allow a building that does not challenge the heights of the buildings that form the upper courtyard.

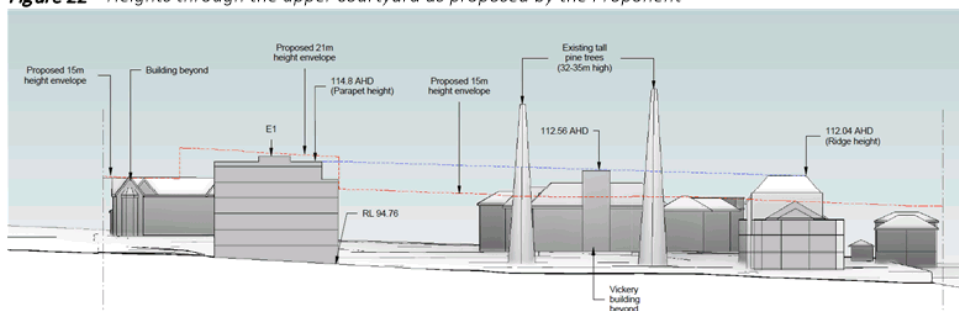
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**Figure 21 – Area of Height Contention**

Source: Proponent's Planning Proposal, 5 November 2018

**Policy 10:** The siting of new buildings must respect the integrity of estate, its orthogonal and picturesque layouts, and the historic sequence of spaces. New buildings may be placed in the historic lower garden and service court spaces provided those spaces remain discernible. They may replace buildings assessed as being of moderate or low significance. New buildings should not be placed in the upper garden space.

**Policy 11:** the scale of new buildings should be of a scale consistent with the estate. This allows for large buildings; however, new buildings should not challenge the landmark qualities of the Edina tower or the Norfolk Island pines.

**Figure 22 – Heights through the upper courtyard as proposed by the Proponent**

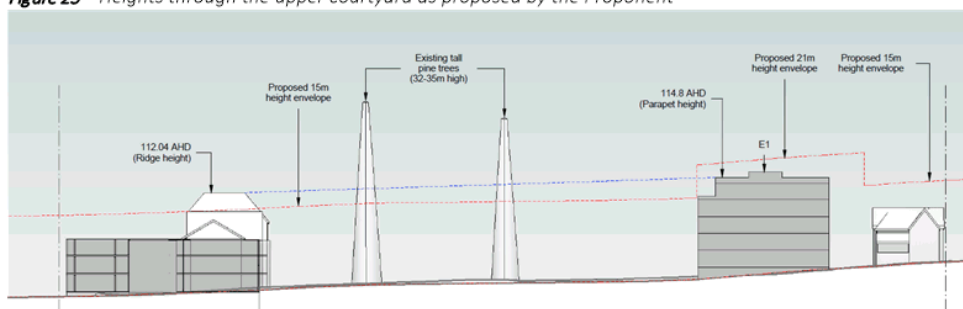
Source: Proponent's Planning Proposal, 5 November 2018

The proponent has supplied Figures 22 and 23 to demonstrate the proposed height of a building as illustrated in the Masterplan. The built form is demonstrated to present a parapet of five storeys to the

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courtyard with a parapet height of approximately 111.8AHD, and a sixth storey setback with a parapet height of 114.8AHD. A building of this scale, permissible under a 21m height limit, demonstrably challenges the scale of the existing group of buildings that form the heritage item. It is noted that the War Memorial Hospital itself (shown as having a ridge height of 112.04AHD) is perceived as a bulky building, and the proposed building is much larger in absolute height (AHD), perceived height (it is sited on a part of land sloping upwards), bulk and scale (the building has a flat roof and appears to be bulkier than a building of the same absolute height with a pitched roof).

**Figure 23** – Heights through the upper courtyard as proposed by the Proponent



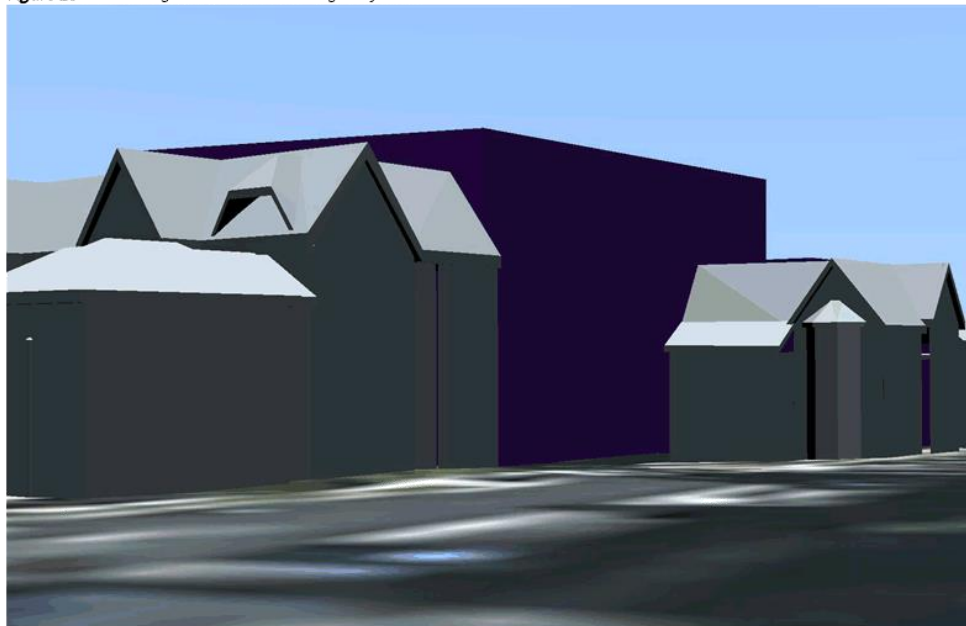
Source: Proponent's Planning Proposal, 5 November 2018

The same proposed building is shown to impose on the curtilage of the Ellerslie Building on Birrell Street. The envelope shown reflects the masterplan, however the actual height envelope of 21m is shown to extend to 1m from the Ellerslie Building. Council Officers have assessed that a building of the scale proposed would significantly impact upon the curtilage of the Ellerslie Building, the Banksia and Wychazel building, as well as the War Memorial Hospital Grouping which extends to include the War Memorial Hospital and the Vickery Building. Figure 24 is a photomontage of the proposal submitted by the Proponent, and Figure 25 shows the same building 'E1' at the maximum building height of 21m. Figure 26 is the same building footprint shown at a maximum building height of 15m.

To ensure that the integrity of the heritage item is retained, both with regards to impacts upon the curtilage of the Ellerslie Building and the courtyard formed by the grouping of the buildings, Council Officers propose an amendment to the height to a maximum of 15m in this section of the site.

*Planning Proposal – Waverley War Memorial Hospital***Figure 24** – Photomontage submitted by Proponent

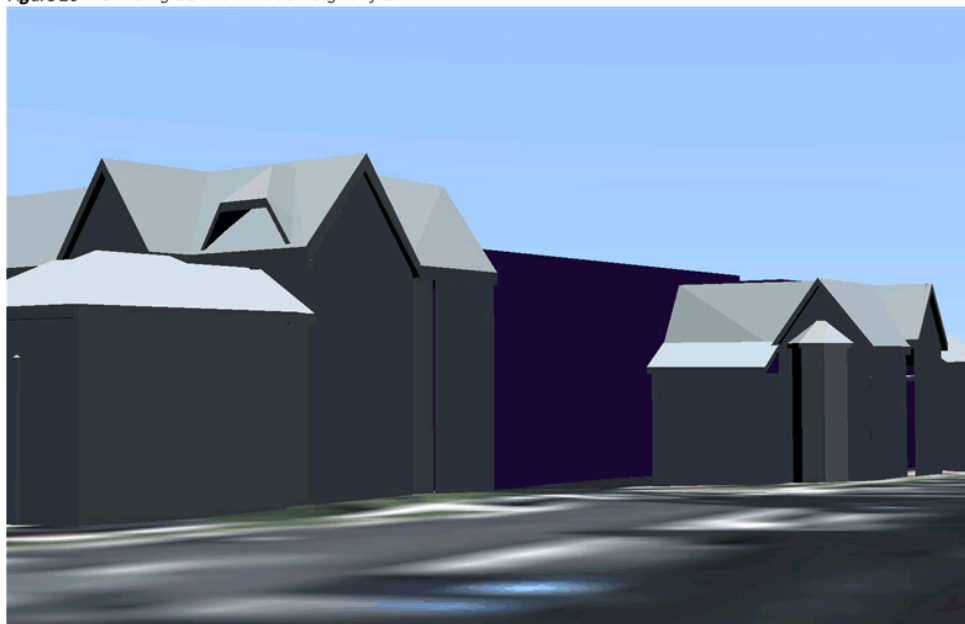
Source: Proponent's Planning Proposal, July 2017

**Figure 25** – Building E1 shown at a height of 21m

Source: Waverley Council

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Figure 26– Building E1 shown at a height of 15m



Source: Waverley Council

b. *Impact on neighbourhood character and streetscape*

In determining the impact consideration has been given to a number of planning principles derived from Land and Environment Court including ‘compatibility in the urban environment,’ ‘principle for public domain views’ and ‘assessment of height and bulk’, as well as consideration of the description of the surrounds from above and consideration of different viewpoints surrounding the site.

The appropriateness of the proposed heights have been assessed with regard to the planning principle ‘compatibility in the urban environment’ derived from *Project Venture Developments v Pittwater Council* [2005]. The question of whether the proposed standards are compatible with the surrounding urban environment – and hence consistent with the existing neighbourhood character and streetscape – should have regard to the proposal’s physical and visual impact. The following questions are relevant:

1. *Are the proposal’s physical impacts on surrounding development acceptable?*

The physical impacts include noise, overlooking, overshadowing and constraining development potential. This is addressed below under ‘Amenity Impacts’ section.

2. *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.

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The photomontages (Appendix K) attached to the proponent's proposal depict the proposed masterplan built form, which is lower than the maximum heights sought by this planning proposal. This does not represent the potential impacts of the planning proposal and are thus not referenced in this assessment. Instead this assessment has had regard to an internal Urban Design review that is modelled on the actual heights being proposed in the form of building envelopes.

The key contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. To retain the character of the streets that form part of a Heritage Conservation Area, the tallest height should be focused within the site, away from the edges, to reduce the perceived bulk and scale.

An assessment of the interface with each streetscape is detailed below.

*i. Bronte Road*

The existing WLEP2012 maximum building height control establishes a height plane of 9m and 12.5m with mostly three storey residential flat buildings on the western side of the road.

The 15m height limit is proposed to permit 4 storeys only in the masterplan. The 15m is justified due to the need to accommodate floor to ceiling heights that are more generous than standard RFBs to service the additional needs of various seniors housing uses. To the western side of Bronte Road, the buildings are generally 3-4 storeys, and are set back from the footpath. This streetscape forms part of the Blenheim Street/Bronte Road Landscape Heritage Conservation Area (C24). To match this condition to the east of Bronte Road, the 15m is supported (limited to 4 storeys), with a setback provided to the street for significant planting to contribute to the Bronte Road Streetscape. Whilst the 4 storey condition is then continued along Bronte Road to the north, the trees and setbacks will serve to reduce the impact on the streetscape and maintain a walkable street and significant distance between building faces. This setback (to be controlled in the site specific DCP) is intended to achieve the same envelope plane as a 12.5m building that is built to the boundary, and hence permit the same amount of visual impact and sunlight, whilst providing additional opportunities for planting to soften the built form.

Accordingly to encourage the redevelopment of the western portion of the site and to minimise development in the eastern portion, the 15m height to Bronte Road is supported.

*Are the proposal's physical impacts on surrounding development acceptable?*

15m – Yes, with setbacks imposed through a Site Specific DCP.

*Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

15m - Yes, with setbacks imposed through a Site Specific DCP.

*ii. Church Street*

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m - 12.5m with the existing streetscape along this section of Church Street consisting mostly of two to three storey dwellings and institutional buildings. The Charing Cross Conservation Area (C7) begins at Church Street.

The applicants planning proposal documentation states that zero setbacks along Church Street are consistent with Victorian building form.

The proposed zero setbacks in the masterplan are not supported, however this will be addressed through a site specific DCP. The significant increase in height from 9.5m to 17m (Figure 27) adjacent to the 2-8 Church Street heritage item is not supported as this additional height is co-located with two

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significant trees that Council Officers do not support the removal of. The height is justified by the Proponent as being required to permit a stepping down of the built form to permit the total height of 5 storeys, which would have a minor non-compliance with a 15m height. Council Officers note that a minor non-compliance should seek to utilise cl 4.6 of the WLEP2012, rather than permit additional height which would set the baseline for a cl 4.6 argument for an additional storey.

An increase in this location to 15m only is supported, provided that sufficient setback to the heritage item is provided at the Development Application stage. Again this can be addressed through a site specific DCP and is also currently addressed through Part B9 Heritage of the WDCP2012.

The 15m proposed height limit to Church Street is supported, again with setbacks to be determined within the site specific DCP to ensure that the character of the streetscape is retained. These setbacks will require mature planting to ameliorate the increase in height and will ensure the quality of the street is retained as a quiet residential street.

*Are the proposal's physical impacts on surrounding development acceptable?*

17m – No.

15m – Yes, with setbacks imposed through a Site Specific DCP.

*Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

17m – No.

15m – Yes, with setbacks imposed through a Site Specific DCP.

**Figure 27**– Area of Height Contention



Source: Proponent's Planning Proposal, 5 November 2018

iii. *Birrell Street*

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m to 12.5m to the southern side of Birrell Street. The northern side of Birrell Street marks the edge of the Botany Street HCA, which is characterised by 2-3 storey detached houses, terraces and apartments. The character of this streetscape is mixed, however moderate setbacks and planting exist along the northern side of the street.

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Similar to Bronte Road, the increased height to 15m is supported along this frontage, provided appropriate setbacks are identified in the site specific DCP to ensure planting contributes to the streetscape, and to ameliorate the built form.

The increase to 21m immediately adjacent to the Ellerslie building proposed by the Proponent is not supported, as this significantly imposes on the curtilage of the heritage item and is incongruous with Policies 10 and 11 of the CMP. Instead Council Officers recommend a maximum height of 15m and a DCP control of four storeys.

*Are the proposal's physical impacts on surrounding development acceptable?*

21m – No.

15m – Yes, with setbacks imposed through a Site Specific DCP.

*Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

21m – No.

15m – Yes, with setbacks imposed through a Site Specific DCP.

*iv. Carrington Road*

The existing WLEP2012 maximum building height control establishes a height plane of 9.5m with the existing streetscape comprising mostly single storey detached and two storey attached dwellings on the eastern side and two-storey institutional buildings on the WMH site.

The proposed 15m is supported to Carrington Road, again with sufficient setbacks to protect the curtilage of the heritage items.

*Are the proposal's physical impacts on surrounding development acceptable?*

15m – Yes, with setbacks imposed through a Site Specific DCP.

*Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

15m – Yes, with setbacks imposed through a Site Specific DCP.

*c. Impact on adjoining HCAs*

Given the adjacent Heritage Conservation Areas to the north and south, the character of this area is to be conserved and given strong protection when considering the scale and bulk of a proposal. This protection includes not only development within the bounds of the conservation area, but also development that will impact upon the curtilage of the conservation area, and development that would have an impact upon the perceived character from within the site.

The 17m (Figure 27) and part of the 21m (Figure 21) height limits proposed by the proponent would likely result in building forms that do not sensitively respond to the streetscapes or HCAs, and in general would have an adverse impact upon the character of the area.

The 15m is considered appropriate provided adequate setbacks are imposed via a site specific DCP.

To maintain the significance of the setting and built fabric the above issues must be incorporated into a site specific DCP. The site specific DCP will restrict development to certain areas of the site and regulate built form impacts beyond the relatively 'blunt' instruments of height and FSR in the WLEP2012.

*d. Central height*

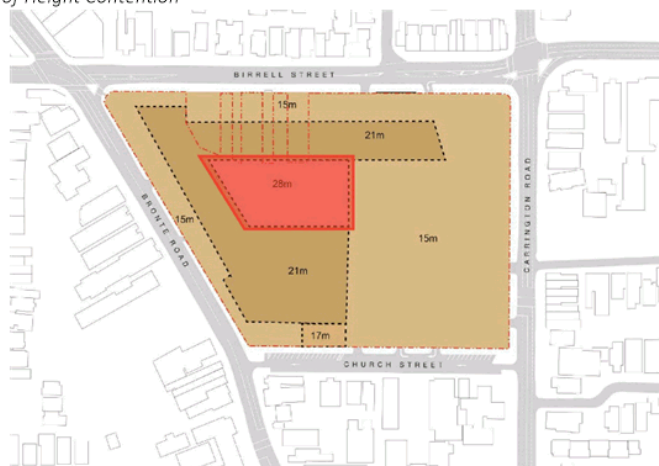
The 28m proposed by the proponent shown in Figure 28 would permit a building of eight to nine storeys, which is taller than any surrounding building by a significant amount. The 28m building height would challenge the landmark significance of the Vickery tower and the Norfolk Pines (CMP Policy 11)

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that are to be protected from the surrounding area and district open spaces (see Section 3.2.4 Heritage). The 21m limit is more appropriate to permit an appropriate scale of development and retain a fairly consistent tree canopy punctuated by the Norfolk Pines.

Council Officers recommend a maximum height limit of 15m to the periphery of the site, and an increase to 21m to the centre of the site. This 21m area is to be setback from the site boundary by 15m measured at ground level and concentrated to the western portion of the site (Refer to Figure 28). This increase will be sufficient enough to permit increased redevelopment throughout the site, as well as retaining the scale of the estate, and the character of the surrounding streetscapes.

**Figure 28**—Area of Height Contention



Source: Proponent's Planning Proposal, 5 November 2018

#### d. Visual impact

An assessment of the visual impact goes beyond the assessment of the compatibility of the development within the immediate streetscape and neighbourhood context, taking a 'wider' and 'deeper' view of the proposal. This section examines how the development would be viewed from the public domain – including parks and streets – within the district.

From a regional perspective Bondi Junction dominates the skyline, particularly from low lying parklands to the west, from North Randwick in the south, and from the harbour in the north. Beyond Bondi Junction centre, the skyline of the Waverley LGA – as viewed from different parts of the LGA – is characterised by a semi-continuous tree canopy punctuated by tall Norfolk Island Pines, palm trees and large gum trees. Most buildings do not protrude above this canopy line, with the exception of some 1970s eight-storey residential towers.

The heights sought by the proponent, particularly the 28m in the centre of the site, would negatively impact on important distant views of the eastern suburbs ridgeline as well as challenging the Norfolk Pines and Vickery tower.

To assess the visual impact as seen from the public domain, reference is given to 'A planning principle for public domain views' from *Rose Bay Marina Pty Limited v Woollahra Municipal Council [2013]*. This case outlines a series of tests to understand the significance of the impact on public domain views. These are outlined in Table 13 below.

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**Table 13** - Planning principle for public domain views

Test	Council comment
<p>Identify the nature and scope of the existing views from the public domain, encompassing:</p> <ul style="list-style-type: none"> <li>the nature and extent of any existing obstruction of the view;</li> <li>relevant compositional elements of the view (such as is it static or dynamic and, if dynamic, the nature and frequency of changes to the view);</li> <li>what might not be in the view - such as the absence of human structures in the outlook across a natural area;</li> <li>is the change permanent or temporary; or</li> <li>what might be the curtilages of important elements within the view.</li> </ul>	<p>The primary view to the War Memorial Hospital site is from Queens Park and Centennial Park.</p> <p>The view consists of a skyline set by dwellings and tree canopy with notable protrusions of both Norfolk Island Pines. Less noticeable is the tower on the Vickery building, the ridge of the Morgan building as well as the Waverley Public School and College. To the north a large telecommunications tower is the most visually intrusive element of the landscape and further to the south the towers of the Mary Immaculate church are also visible.</p> <p>The view of this Waverley ridgeline from the east is a static view and partly diminished by the existence of other built structures, primarily the telecommunications tower.</p> <p>The increase in maximum building height to 28m could facilitate a building to this height, although this is not depicted in the master plan. The 28m would challenge the landmark qualities of the Norfolk Pines not only from views from Bronte Road and Birrell Street, but also from Queens Park and Centennial Park.</p>
Identify the locations in the public domain from which the potentially interrupted view is enjoyed.	Queens Park, Centennial Park and partial views from Birrell Street, Bronte Road and Carrington Road.
The third step is to identify the extent of the obstruction at each relevant location.	The 28m height proposed in the centre of the site would be the only element that could facilitate a building that would obstruct distant views of the site. The proposed 21m and 15m heights could partially obscure views to the site, but only from locations nearby the site, such as surrounding streets.
The fourth step is to identify the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.	Queens Park and the streets surrounding this park would be most affected. These areas, including the park itself are heavily used for passive and active recreation. The amenity of this park and surrounds is underpinned by the natural setting and further built form landscape would start to erode the natural vista.

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<p>The final step to be identified is whether or not there is any document that identifies the importance of the view to be assessed.</p>	<p>Objective (b) of Clause 5.10 'Heritage conservation' of the WLEP2012 aims to 'conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.' The Conservation Management Plan prepared for the site identifies the view to be retained.</p>
<p>Other factors to be considered in undertaking a qualitative assessment of a public domain view impact include:</p> <ul style="list-style-type: none"> <li>a) Is any significance attached to the view likely to be altered?</li> <li>b) If so, who or what organisation has attributed that significance and why have they done so?</li> <li>c) Is the present view regarded as desirable and would the change make it less so (and why)?</li> <li>d) Should any change to whether the view is a static or dynamic one be regarded as positive or negative and why?</li> <li>e) If the present view attracts the public to specific locations, why and how will that attraction be impacted?</li> <li>f) Is any present obstruction of the view so extensive as to render preservation of the existing view merely tokenistic?</li> <li>g) However, on the other hand, if the present obstruction of the view is extensive, does that which remains nonetheless warrant preservation (it may retain all or part of an iconic feature, for example)?</li> <li>h) If the change to the view is its alteration by the insertion of some new element(s), how does that alter the nature of the present view?</li> </ul>	<ul style="list-style-type: none"> <li>a) The view is not a significant one compared to harbour or ocean views in the area.</li> <li>b) As above.</li> <li>c) The present view is desirable and any changes resulting from increase built form would diminish the view as it further intrudes upon the naturalistic height limit established by the mature tree canopy.</li> <li>d) Not applicable.</li> <li>e) Not applicable.</li> <li>f) The two Norfolk Island Pines are very prominent landmarks and their obstruction would not be tokenistic. Distant views of these trees from the east and south east would not be obstructed however, as the proposed 28m height is to the north-east of these heritage trees. Existing views to the Vickery tower and Morgan building are partially obstructed by the Waverley Public School and existing canopy / skyline. These are only viewable from the south-eastern side of Queens Park and the proposed 28m height would not impede on the view of these items. Views to the heritage trees and buildings from the public domain would be most affected from the north and north-east of the site. This issue is addressed above in the neighbourhood character section.</li> <li>g) Views to the less conspicuous elements of the War Memorial Hospital site do warrant preservation given the iconic nature of the site to the Waverley LGA.</li> <li>h) The potential insertion of a 28m building on the site could result in another commanding built form element to the Waverley ridgeline landscape. This would further diminish the integrity of the relatively uniform skyline currently only penetrated by large mature trees, significant institutional buildings and the intrusive telecommunications tower.</li> </ul>

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An assessment of the potential height and bulk impacts from the planning proposal has been completed with reference to 'Planning principle: assessment of height and bulk' from *Veloshin v Randwick Council* [2007].

The height and floor space ratio being sought could create excessive bulk and scale that is unsuitable for the subject site, constituting an overdevelopment in the context of the surrounding built form.

<b>Table 14- Planning principle for height and bulk</b>	
<b>Test</b>	<b>Council comment</b>
Are the impacts consistent with impacts that may be reasonably expected under the controls?	Not applicable as this seeks to change the controls.
<p>How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?</p> <p>Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are:</p> <p><i>Does the area have a predominant existing character and are the planning controls likely to maintain it?</i></p> <p><i>Does the proposal fit into the existing character of the area?</i></p>	<p>Clause 4.3 'Height of buildings' of the WLEP 2012 includes objectives that seek to preserve the environmental amenity of neighbouring properties, provide an appropriate transition in height from the Bondi Junction centre and "ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space". Clause 4.4 'Floor space ratio' has similar objectives to Clause 4.3. Council is currently preparing a housekeeping amendment to the WLEP2012 to change the phrase "existing character" to "desired future character" to prevent development applications relying on historical non-compliant buildings (i.e. 60s and 70s three and four storey walk-up flats) as precedent for character. These buildings instead should be seen as anomalous to the desired future scale and character of a locality.</p> <p>Given that this is a planning proposal and not a development application, the assessment is completed against the surrounding sites height and FSR not the existing site development standards.</p> <p>As aforementioned in this report, the proposed FSR would also be between 50% and 150% higher than the surrounding residential and mixed use FSR and the potential heights (up to 9 storeys) and also disparate to the prevailing 1-2 storey dwellings and 3-4 storey flats and institutional buildings.</p> <p>With reference to the sub-questions, the current development standards for the site would maintain the predominant existing character. The proposed heights do not fit into the existing character of the area.</p>

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Does the proposal look appropriate in its context?	Again, the proposed 28m height and FSR are significantly beyond the existing and surrounding controls. The proposed controls, providing varying height limits, up to 28m may result in a built form outcome that would not look appropriate in its context.
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**e. Amenity**

The changes proposed by the proponent would result in buildings that are bulkier and taller than the existing buildings on site. Prima facie, the increases do appear to be significant considering that the subject site is surrounded by a mix of low density residential and medium density residential and institutional buildings. The Proponent's proposed increases in bulk and scale have the potential to impact on the amenity of neighbouring properties with regard to overshadowing and privacy and streetscape amenity, however the main impact to amenity will be within the site itself. The 28m height limit would permit a building of eight to nine storeys, which would significantly overshadow the proposed public space throughout the day.

**i. Overshadowing**

The proposed increases in height and FSR are likely to have an impact on the amenity of neighbouring properties, particularly in regards to overshadowing impacts. The residential properties to the west, south and east could suffer from additional overshadowing impacts from the proposed form. The overshadowing typically does not extend into the private open space of surrounding development, or overshadow the properties for long enough to gain concern, however the overshadowing within the site is a concern, as the increased height of the buildings is likely to create wind tunnels and landscaped areas that are often in the shade. Whilst within the site these issues are better able to be mitigated due to the flexibility of building arrangements, the masterplan has not organised the built form to preference the open space and solar access, and the alignment of the buildings is likely to increase wind flow along the promenade from Bronte Road to the Vickery building.

**ii. Privacy**

It is possible that the redevelopment of the site will lead to increased overlooking to the neighbouring properties to the north, west and south. In the modified proposal the proponent has indicated that they intend to acquire the sites to the north, along Birrell Street and already own the properties to the west and south. This impact could be mitigated or ameliorated through design solutions such as screening and additional setbacks to ensure that the current level of amenity for residents is maintained.

**e. Conclusion**

The proponent's proposed heights would be visible from neighbouring low scale residential and heritage conservation areas, as well as key regional open spaces including Queens Park and Centennial Park. The building height of 28 metres – a potential form of eight to nine storeys – is above the tree canopy and does not respond to any building heights in the area (with the exception of the anomalous five storey Waverley College building sitting atop the Waverley ridgeline).

These heights are not in keeping with the current or desired future character of the area. Whilst the scale of the site may justify increased heights within the centre of the site, these heights should not compete with surrounding urban markers or impact upon the reading of the topography and landscape of the area. A more appropriate height in the centre of the site is supported at six storeys (21m) as this would reflect a medium density built form which will not impose on the surrounding streetscapes, nor challenge the height of the Norfolk Pines or Vickery building tower as stated in Policy 3 and Policy 11 of the CMP as prepared on behalf of the proponent (see Section 3.2.5 Heritage).

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The development standards proposed by the proponents may permit building forms that would dominate the streetscape, and would permit buildings that compromise the landmark qualities of the Norfolk Pines and Vickery tower, overshadow some surrounding residential development, and would not be in keeping with the existing or desired future character of the area. To ensure that the streetscape character is retained, the site specific DCP is an important tool to set storeys and setbacks.

Notwithstanding the significant impact of the proposed heights and floor space ratio advocated by the proponent, there is merit for greater building heights and floor space ratio. While the site needs to read as a whole within the surrounds and cannot be viewed in isolation, the site is afforded separation from surrounding residential areas by virtue of being encircled by roads and in between the distinguishable neighbourhoods of Queens Park, Waverley and Bondi Junction. Accordingly the proposed height of 15m to the surrounding streets and 21m to the interior of the site is appropriate to maintain the surrounding streetscapes, whilst allowing additional development within the centre of the site.

### 3.2.7 Floor Space Ratio

#### Planning Mechanism Proposed: Change to Floor Space Ratio Map

Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.

#### Council position: Supported with Amendments as follows

Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to **1.2:1**.

An increase in the FSR and height development standards is sought to support the further intensification of uses on site. Based on the combined site area of 31,640sqm, there is currently floor space capacity for 28,100sqm under current FSR controls (applying the existing 0.6:1 and 0.9:1 FSR). The existing uses on the site account for approximately 11,505sqm. The Proponent has submitted FSR calculations to support the masterplan in Figure 29.

Option A (ex. Birrell Street properties) reflects the original masterplan and Planning Proposal. The Proponent submits that the total Gross Floor Area (GFA) delivered by the masterplan is 46,255sqm, based on a building envelope efficiency of 85% across the site.

<b>Table 15 – Proposed Areas Excluding Birrell Street Sites</b>	
<b>Item</b>	<b>Area</b>
Site Area	31,640sqm
Existing Capacity	28,100sqm
Existing Built Form	11,505sqm
Capacity under 1.2:1	37,968sqm
Capacity under 1.5:1	47,460sqm
Masterplan Built Form – as measured by Proponent	46,255sqm
Masterplan Built Form – as measured by Council	37,556sqm to 38,890sqm

Council Officers have also checked the GFA modelling (Figure 30), applying however an envelope efficiency of:

- 70-75% for new residential buildings on site;
- 85% for the Residential Aged Care building (Building B); and
- 85% for the existing heritage buildings on site.

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The various efficiencies more correctly reflect the building typology, and 70-75% is in line with the Apartment Design Guide, which is a NSW Government benchmark document for high density residential design. Accordingly these rates have been utilised. Council Officers measured the footprints of the buildings from the masterplan submitted in July 2017.

The variation in GFA is significant between the two measurements.

The Proponent demonstrates that the GFA of the masterplan is 46,255sqm, and Council Officers demonstrate the masterplan to have a GFA between 37,556sqm (70% efficiency) and 38,890sqm (75% efficiency).

An FSR of 1.5:1 for the entire site would permit 47,460sqm of floor space; effectively a ~20% increase of the uses demonstrated in the masterplan by Council Officers, and a doubling of the existing capacity. The proposed FSR would be between 50% and 150% higher than the surrounding residential and mixed use area. The FSR of 1.5:1 is not supported.

An FSR of 1.2:1 would allow 37,968sqm of floor space across the site. Council Officers are certain that this capacity will more than support the delivery of the masterplan, as well as ensuring that there is adequate open space throughout the site.

Whilst larger sites are typically better able to accommodate an increased FSR, the site has significant heritage buildings and landscaping which cannot be redeveloped. Accordingly the latent potential of FSR on this portion of the site can be used elsewhere on the site to increase development potential and protect the heritage significance on the site.

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Figure 29 – FSR Calculations Provided by Proponent

Building Envelopes

at

85.00%

Buildings (Existing and New)	SUBMITTED PROPOSAL		AMENDED SCHEME POST-LPP CONTROLS	
	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

Source: Proponent

Figure 30 – FSR Calculations by Council Officers

Building	Bld Ftpt	Storey	Envelope	ORIGINAL MASTERPLAN SUBMISSION					
				GFA		GFA		GFA	
				Option A	Option B	Option A	Option B	Option A	Option B
A1	848	4	3390	2882	2882	2543	2543	2373	2373
	612	2	1224	1040	1040	918	918	857	857
A2	835	4	3340	2839	2839	2505	2505	2338	2338
	633	2	1266	1076	1076	950	950	886	886
B - RAC	2615	5	13075	11114	11114	11114	11114	11114	11114
	782	2	1565	1330	1330	1330	1330	1330	1330
C1	423	6	2538	2157	2157	1904	1904	1777	1777
	358	5	1790	1522	1522	1343	1343	1253	1253
D1	851	5	4255	3616	3616	3191	3191	2978	2978
D2	859	6	5156	4382	4382	3867	3867	3609	3609
E1	944	4	3775	3209	3209	2831	2831	2643	2643
F1	1458	6	8747	0	7435	0	6560	0	6123
Ellerslie	200	2	400	340	340	340	340	340	340
Banksia/Wych Hazel	427	2	855	727	727	727	727	727	727
Zante	332	2	665	565	565	565	565	565	565
Chapel	106	1	106	90	90	90	90	90	90
Vickery Building	737	2	1475	1254	1254	1254	1254	1254	1254
Hospital	1209	3	3627	3083	3083	3083	3083	3083	3083
Semis on Church St	400	1	400	340	340	340	340	340	340
Total GFA				41566	49001	38892	45453	37556	43679
Total Site Area				31640	31640	31640	31640	31640	31640
Total Birrell St Site Area					3340		3340		3340
Total FSR				1.31	1.40	1.23	1.30	1.19	1.25
Residential Building Efficiency				85%	85%	75%	75%	70%	70%
Health related uses				17512	17512	17512	17512	17512	17512
Residential - market				2157	9592	1904	8464	1777	7900
ILU Residential - commercial				11089	11089	9097	9097	8101	8101

Source: Waverley Council

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### 3.2.8 Other Matters

#### a. Design Excellence

Council Officers recommend that the site is added to the Key Sites Map of the WLEP2012 and that clause 6.9 Design Excellence be applied to the site.

#### b. Site Coverage, Deep Soil and Landscape

To secure the benefits of open space, access to the heritage parts of the site, and to ensure the retention of mature planting and impervious surfaces, Council Officers recommend that additional site specific provisions in the WLEP2012 be applied to the site as follows:

- Maximum Site Coverage - to ensure that open space is provided throughout the site. Based on the submitted masterplan, this would be approximately 45%, however this can be finalised when preparing the Site Specific DCP.
- Minimum Landscaped Area – to ensure that open spaces are provided for amenity and that paved areas and roads are kept to a minimum. This can be finalised in conjunction with preparing the Site Specific DCP.
- Minimum Deep Soil – to ensure that the site will continue to contribute to the Habitat Corridor which runs through the centre of the site, and to ensure that mature trees have adequate and healthy soil to grow in. This can be finalised in conjunction with preparing the Site Specific DCP.

#### c. Site Specific DCP

To ensure that the built form is appropriately modulated, Council Officers recommend that a Site Specific DCP be prepared that applies to the entire site as bounded by Bronte Road, Birrell Street, Carrington Road, and Church Street.

The Site Specific DCP is recommended to reflect and endorse the Policies outlined in the CMP, to set maximum storeys, setbacks and identify desired through site links to be delivered.

It is recommended that the site specific DCP be reviewed by the Waverley Local Planning Panel.

## Section B – Relationship to strategic planning framework.

### 3.3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

#### 3.3.1 A Metropolis of Three Cities

*A Metropolis of Three Cities – the Greater Sydney Region Plan* (Region Plan) prepared by the Greater Sydney Commission is a high level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three 'Cities' of which Waverley falls into the 'Eastern Harbour City.' Each city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region. The Planning Proposal is consistent with the Ten Directions from the Region Plan.

#### 3.3.2 Eastern City District Plan

The *Eastern City District Plan* (District Plan), also prepared by the Greater Sydney Commission, provides actions and strategies to implement the Aims and Objectives of the Region Plan. The District Plan is applicable to the proposal. The actions specific to this proposal are outlined in Table 16.

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<b>Table 16 – Relevant Actions</b>	
<b>Relevant Item</b>	<b>Discussion</b>
<b>Direction: Infrastructure supporting new developments</b>	
<b>Planning Priority E1: Planning for a city supported by infrastructure</b>	
<b>Objective 1 – Infrastructure supports the three cities</b>	
<b>Objective 2 – Infrastructure aligns with forecast growth</b>	
<b>Objective 3 – Infrastructure adapts to meet future needs</b>	
<b>Objective 4 – Infrastructure use is optimised</b>	
1. Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities.	The aim to redevelop the War Memorial Hospital Site will ensure the continuation and expansion of a vital piece of social infrastructure to continue to service the local population as it grows. To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.
2. Sequence growth across the three cities to promote north-south and east-west connections.	N/A
3. Align forecast growth with infrastructure.	The redevelopment of the War Memorial Hospital Site will ensure the continuation and expansion of a vital piece of social infrastructure to continue to service the local population as it grows.
4. Sequence infrastructure provision using a place-based approach.	A masterplan has been prepared to inform the Planning Proposal, and a site specific DCP is recommended to be prepared to ensure a place-based approach.
5. Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans.	The subject site has significant heritage value and open space, which through a redevelopment process would be able to be opened up to the public and shared. This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal.
6. Maximise the utility of existing infrastructure assets, and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.	The existing infrastructure asset is proposed to be expanded to service a larger portion of the community. To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.
<b>Direction: Working together to grow a Greater Sydney</b>	
<b>Planning Priority E2: Working through collaboration</b>	
<b>Objective 5 - Benefits of growth realised by collaboration of governments, community and business.</b>	
7. Identify, prioritise and deliver Collaboration Areas.	N/A
<b>Direction: Celebrating diversity and putting people at the heart of planning</b>	
<b>Planning Priority E3: Providing Services and social infrastructure to meet peoples changing needs</b>	
<b>Objective 6 - Services and infrastructure meet communities' changing needs.</b>	
8. Deliver social infrastructure that reflects the needs of the community now and in the future.	The redevelopment of the War Memorial Hospital Site will ensure the continuation and expansion of a vital piece of social infrastructure to continue to service the local population as it grows.

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	To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.
9. Optimise the use of available public land for social infrastructure.	The subject site has significant heritage value and open space, which through a redevelopment process would be able to be opened up to the public and shared. This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal.
<b>Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities</b>	
<b>Objective 7 - Communities are healthy, resilient and socially connected.</b>	
<b>Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods.</b>	
<b>Objective 9 - Greater Sydney celebrates the arts and supports creative industries and innovation.</b>	
10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by: <ul style="list-style-type: none"> <li>a. providing walkable places at a human scale with active street life</li> <li>b. prioritising opportunities for people to walk, cycle and use public transport</li> <li>c. co-locating schools, health, aged care, sporting and cultural facilities</li> <li>d. promoting local access to healthy fresh food and supporting local fresh food production.</li> </ul>	The redevelopment of the site promotes increased residential density for seniors living, as well as other uses to serve the aged care and hospital facilities. The site is ideally located near Bondi Junction and is easily serviced by public transport, and offers residents and visitors alike the opportunity to walk to/from nearby destinations and increase active street life both on the surrounding streets and within the site itself. The site currently co-locates health and aged care facilities together, and is surrounded by schools and cultural facilities. To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.
11. Incorporate cultural and linguistic diversity in strategic planning and engagement.	The site currently provides care for the elderly and their families, serving an important role in the community. The proposal aims to ensure that diversity in age groups continues to be serviced.
12. Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations.	N/A
13. Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Land Councils to better understand and support their economic aspirations as they relate to land use planning.	N/A
14. Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including: <ul style="list-style-type: none"> <li>a. arts enterprises and facilities, and creative industries</li> <li>b. interim and temporary uses</li> <li>c. appropriate development of the night-time economy.</li> </ul>	N/A
15. Strengthen social connections within and between communities through better	The Planning Proposal aims to continue and grow the provision of a vital piece of social infrastructure in the

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understanding of the nature of social networks and supporting infrastructure in local places.	<p>Eastern Suburbs, not only through the health and aged care uses, but also by opening the site up to the public to share the heritage significance of the site. The masterplan demonstrates the intention to create a sense of place that will continue to foster local social networks.</p> <p>To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.</p>
<b>Direction: Giving people housing choices</b>	
Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport	
Objective 10 – Greater housing supply	
Objective 11 – Housing is more diverse and affordable	
<p>16. Prepare local or district housing strategies that address the following:</p> <ul style="list-style-type: none"> <li>a. the delivery of five-year housing supply targets for each local government area</li> <li>b. the delivery of 6-10 year (when agreed) housing supply targets for each local government area</li> <li>c. capacity to contribute to the longer term 20-year strategic housing target for the District</li> <li>d. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include: <ul style="list-style-type: none"> <li>i. creating capacity for more housing in the right locations</li> <li>ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area</li> <li>iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure</li> <li>iv. supporting the role of centres.</li> </ul> </li> </ul>	<p>The planning proposal aims to increase the provision of housing for more vulnerable members of the community in the area, particularly seniors housing, aged care and potentially affordable housing.</p> <p>To ensure that there is no provision of Market Housing on the site, Council Officers strongly recommend the retention of the SP2 zone, and excluding any residential uses from this portion of the site.</p> <p>Waverley Council is on track to deliver the housing supply target for the five years without the redevelopment of this site. This site offers an important opportunity however to increase the supply of housing for more vulnerable members of the community, especially seniors. This will help to serve the community as the population ages in place, as well as encouraging more active lifestyles and aging in place options. The development of the site as a precinct that is located nearby Bondi Junction and contains essential services on site will encourage walking and time spent outdoors in pleasant surrounds. This is key to a healthy lifestyle and for an aging population.</p>
17. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.	<p>The uplift on the site is considered to warrant an affordable housing target to be provided at 5-10% of the uplift.</p> <p>Waverley Council currently does not have a policy for affordable housing targets as yet, however the Planning Agreement Policy states that 10% of any planning agreement will go towards Waverley Council's affordable housing fund.</p> <p>No planning agreement has been offered.</p>
<b>Direction: Designing places for people</b>	
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	
Objective 12 – Great places that bring people together	
Objective 13 – Environmental heritage is identified, conserved and enhanced	

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18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by: <ul style="list-style-type: none"> <li>a. prioritising a people-friendly public realm and open spaces as a central organising design principle</li> <li>b. recognising and balancing the dual function of streets as places for people and movement</li> <li>c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres</li> <li>d. integrating social infrastructure to support social connections and provide a community hub</li> <li>e. recognising and celebrating the character of a place and its people.</li> </ul>	<p>The proposal aims to facilitate an improved people-friendly public realm and open spaces. Currently the site is privately owned and managed, however the masterplan demonstrates the intention to open the site for public use so that the public will benefit from through site links, open spaces and the heritage significance of the site.</p> <p>The proposal seeks to provide high amenity and walkability within a 10 minute walk of Bondi Junction Strategic Centre and integrates social infrastructure in a more public way to support social connections.</p> <p>This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal.</p>
19. In Collaboration Areas, Planned Precincts and planning for centres: <ul style="list-style-type: none"> <li>a. investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking</li> <li>b. ensure parking availability takes into account the level of access by public transport</li> <li>c. consider the capacity for places to change and evolve, and accommodate diverse activities over time</li> <li>d. incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations.</li> </ul>	<p>The subject site is large enough to supply car parking to service its own requirements.</p> <p>However the site is also well connected and serviced by public transport, and is walkable from Bondi Junction Strategic Centre, and will be able to encourage more active modes of transport.</p> <p>The site is also within walking distance of Charing Cross Village Centre.</p>
20. Identify, conserve and enhance environmental heritage by: <ul style="list-style-type: none"> <li>a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</li> <li>b. applying adaptive re-use and interpreting heritage to foster distinctive local places</li> <li>c. managing and monitoring the cumulative impact of development on the heritage values and character of places.</li> </ul>	<p>The proposal aims to adaptively reuse heritage to continue to foster a distinctive and significant local place.</p> <p>The revised development standards proposed in this Planning Proposal seek to facilitate redevelopment of the facilities on the site, while balancing the impact of the development on the heritage character of the place.</p>
21. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.	The planning proposal aims to redevelop and improve the sense of place, within walking distance of two centres - Bondi Junction Strategic Centre and Charing Cross Village Centre.
22. Use flexible and innovative approaches to revitalise high streets in decline.	N/A
<b>Direction: Developing a more accessible and walkable city</b>	
<b>Planning Priority E10: Delivering integrated land use and transport planning and a 30 minute city</b>	
<b>Objective 14 - A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</b>	
33. Integrate land use and transport plans to deliver the 30-minute city.	N/A

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34. Investigate, plan and protect future transport and infrastructure corridors.	N/A
35. Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.	N/A
36. Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public value and use of Sydney Metro City & South West, CBD and South East Light Rail, and Westconnex as well as other city shaping projects.	N/A
37. Investigate and plan for the land use implications of potential long-term regional transport connections.	N/A
<b>Direction: Creating the conditions for a stronger economy</b>	
<b>Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres</b>	
<b>Objective 22 - Investment and business activity in centres</b>	
38. Provide access to jobs, goods and services in centres by: <ol style="list-style-type: none"> <li>attracting significant investment and business activity in strategic centres to provide jobs growth</li> <li>diversifying the range of activities in all centres</li> <li>creating vibrant, safe places and quality public realm</li> <li>focusing on a human-scale public realm and locally accessible open space</li> <li>balancing the efficient movement of people and goods with supporting the liveability of places on the road network</li> <li>improving the walkability within and to centres</li> <li>completing and improving a safe and connected cycling network to and within centres</li> <li>improving public transport services to all strategic centres</li> <li>conserving and interpreting heritage significance</li> <li>designing parking that can be adapted to future uses</li> <li>providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts</li> <li>creating the conditions for residential development within strategic centres and within walking distance (10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.</li> </ol>	<p>The proposal aims to facilitate increased social infrastructure provision and housing for more vulnerable demographics in close proximity to Bondi Junction Strategic Centre and Charing Cross Village Centre.</p> <p>To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.</p>

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39. Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the economic corridor.	N/A
40. Prioritise transport investments that enhance access to the economic corridor and between centres within the corridor.	N/A
41. Co-locate health, education, social and community facilities in strategic centres along the economic corridor.	The proposal aims to co-locate health and community facilities, with education and other social infrastructure already located nearby.
42. Create new centres in accordance with the Principles for Greater Sydney's centres.	N/A
43. Review the current planning controls and create capacity to achieve the job targets for each of the District's strategic centres.	The redevelopment of the site will provide additional jobs in the area, however this is not the main aim of the proposal. Any jobs at the site will be easily serviced by public transport.
44. Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional retail floor space.	N/A
45. Encourage opportunities for new smart work hubs.	N/A
46. Strengthen Bondi Junction through approaches that: <ul style="list-style-type: none"> <li>a. protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre</li> <li>b. consider potential options for future public transport connections to the south east of the District to accommodate forecast population and employment growth, and better connect the District</li> <li>c. expand the centre's function and type of land uses, and knowledge-intensive jobs</li> <li>d. improve access from the centre of Bondi Junction to nearby open space and recreation facilities such as Queens Park, Centennial Park, Moore Park and Bondi Beach</li> <li>e. recognise the centre's health attributes to support the Randwick health and education precinct and mechanisms for increasing floor space for health uses, including a health-focused business incubator</li> <li>f. investigate opportunities to improve and diversify night-time economy offerings</li> <li>g. promote place making initiatives to improve the quality of public spaces.</li> </ul>	<p>The proposal aims to open the site up to the public including access to high quality open space and heritage.</p> <p>The proposal also provides increased opportunities for health related uses which complement the Randwick health and education precinct.</p> <p>This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal.</p>
<b>Planning Priority E12: Retaining and managing industrial and urban services land</b>	
<b>Objective 23 - Industrial and urban services land is planned, retained and managed.</b>	
51. Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans,	N/A

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councils are to conduct a strategic review of industrial land.	
52. Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.	N/A
<b>Planning Priority E13: Supported growth of targeted industry sectors</b>	
<b>Objective 24 - Economic sectors targeted for success.</b>	
53. Consider the barriers to the growth of internationally competitive trade sectors, including engaging with industry and assessing regulatory barriers.	N/A
54. Consider the following issues when preparing plans for tourism and visitation: <ul style="list-style-type: none"> <li>a. encouraging the development of a range of well-designed and located facilities</li> <li>b. enhancing the amenity, vibrancy and safety of centres, places and precincts</li> <li>c. supporting the development of places for artistic and cultural activities</li> <li>d. improving public facilities and access</li> <li>e. protecting heritage and biodiversity to enhance cultural and eco-tourism</li> <li>f. supporting appropriate growth of the night-time economy</li> <li>g. developing industry skills critical to growing the visitor economy</li> <li>h. incorporating transport planning to serve the transport access needs of tourists</li> </ul>	N/A
55. Provide a regulatory environment that enables economic opportunities created by changing technologies	N/A
56. Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.	N/A
57. Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation	N/A
<b>Direction: Valuing green spaces and landscape</b>	
<b>Planning Priority E14: Protecting and improving the health and enjoyment of Sydney Harbour and the District's Waterways</b>	
<b>Objective 25 - The coast and waterways are protected and healthier.</b>	
58. Protect environmentally sensitive areas of waterways and the coastal environment area.	N/A
59. Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport.	N/A
60. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.	N/A

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61. Work towards reinstating more natural conditions in highly modified urban waterways.	N/A
<b>Planning Priority E15: Protecting and enhancing bushland and biodiversity</b>	
<b>Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</b>	
62. Protect and enhance biodiversity by: <ul style="list-style-type: none"> <li>a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</li> <li>b. managing urban bushland and remnant vegetation as green infrastructure</li> <li>c. managing urban development and urban bushland to reduce edge-effect impacts.</li> </ul>	The masterplan demonstrates an intention to improve connections between habitat corridors in the area. The masterplan also shows a number of significant trees to be removed on the site, so a more detailed assessment at Development Application stage will be required. Council Officers do not support the removal of these trees.
<b>Planning Priority E16: Protecting and enhancing scenic and cultural landscapes</b>	
<b>Objective 28 - Scenic and cultural landscapes are protected.</b>	
63. Identify and protect scenic and cultural landscapes.	The site has significant scenic and cultural landscape qualities which are to be retained through the heritage listing of the site, the endorsement of the Conservation Management Plan and appropriately managed redevelopment on the site.
64. Enhance and protect views of scenic and cultural landscapes from the public realm.	The masterplan demonstrates the intention to open up and improve views to the heritage listed buildings on the site from the public realm. This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal.
<b>Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections</b>	
<b>Objective 30 - Urban tree canopy cover is increased.</b>	
<b>Objective 32 - The Green Grid links parks, open spaces, bushland and walking and cycling paths.</b>	
65. Expand urban tree canopy in the public realm.	N/A
66. Progressively refine the detailed design and delivery of: <ul style="list-style-type: none"> <li>a. Greater Sydney Green Grid priority corridors and projects important to the District</li> <li>b. opportunities for connections that form the long-term vision of the network</li> <li>c. walking and cycling links for transport as well as leisure and recreational trips.</li> </ul>	The site provides opportunities to grow new connections for the Green Grid and connections for walking.
<b>Planning Priority E18: Delivering high quality open space</b>	
<b>Objective 31 - Public open space is accessible, protected and enhanced.</b>	
67. Maximise the use of existing open space and protect, enhance and expand public open space by: <ul style="list-style-type: none"> <li>a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow.</li> <li>b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space.</li> <li>c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access</li> </ul>	The masterplan indicates an intention to open the site up to the public and improve the connections for habitat corridors, green infrastructure as well as open space. This space currently exists, however the intention to make it more public is greatly supported by Waverley Council. This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal.

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to, high quality and diverse local open space is maintained or improved.	
d. planning new neighbourhoods with a sufficient quantity and quality of new open space.	
e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses.	
f. delivering or complementing the Greater Sydney Green Grid	
g. providing walking and cycling links for transport as well as leisure and recreational trips.	
<b>Direction: Using resources wisely</b>	
Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently	
Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.	
Objective 34 - Energy and water flows are captured, used and re-used.	
Objective 35 - More waste is re-used and recycled to support the development of a circular economy.	
68. Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050, especially through the establishment of low-carbon precincts in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation projects.	The proposal is to increase height and FSR, however initiatives that contribute to net-zero emissions will be encouraged.
69. Support precinct-based initiatives to increase renewable energy generation, and energy and water efficiency, especially in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation Projects.	As above.
70. Protect existing and identify new locations for waste recycling and management.	N/A
71. Support innovative solutions to reduce the volume of waste and reduce waste transport requirements.	N/A
72. Encourage the preparation of low-carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimise car parking provision where an increase in total floor area greater than 100,000 square metres is proposed in any contiguous area of 10 or more hectares.	N/A
73. Investigate potential regulatory mechanisms such as a Protection of the Environment Policy (PEP) that sets low-carbon, high-efficiency targets to be met through increased energy efficiency, water recycling and waste avoidance, reduction or re-use. This could include a framework for the monitoring and verification of performance for Planned Precincts, Collaboration Areas, urban renewal precincts and housing growth areas that are planned to have an increase in total floor area greater than 100,000 square metres.	N/A
<b>Direction: Adapting to a changing world</b>	

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Planning Priority E20: Adapting to the impacts and natural hazards and climate change	
Objective 36 - People and places adapt to climate change and future shocks and stresses.	
Objective 37 - Exposure to natural and urban hazards is reduced.	
Objective 38 - Heatwaves and extreme heat are managed.	
74. Support initiatives that respond to the impacts of climate change.	N/A
75. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	N/A
76. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.	Increased tree canopy and other measures to reduce the urban heat island effect will be encouraged at Development Assessment stage.

## 3.3.3 Strategic and Site Specific Merit Test

The 'Guide to Preparing Planning Proposals' outlines two merit tests that the proposal should be assessed against. The proposal is consistent the Strategic Merit Test and the Site Specific Merit Test outlined in Tables 17 and 18 below.

**Table 17- Strategic Merit Test**

a) Does the proposal have strategic merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	As demonstrated in Table 15 above, the Proposal (with recommended amendments by Council Officers) does have strategic merit and is consistent with many of the actions of the Eastern City District Plan.
Consistent with a relevant local council strategy that has been endorsed by the Department; or	There are no relevant local strategies that affect this area.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	The Proposal aims to address changing demographic trends including an aging population. This will be addressed through an increase in the capacity of the site to deliver health related services, aged care, and seniors housing. To achieve this, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or eroded by other uses that are not subservient to the vision of the site.

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<b>Table 18 – Site-specific Merit Test</b>	
<b>b) Does the proposal have site-specific merit, having regard to the following:</b>	
The natural environment (including known significant environmental values, resources or hazards); and	As outlined in Section A 3.2, the proponent's proposed increase in development standards for height and floor space ratio do not have regard to the environmental values of the area including the character of the area, the heritage significance of the adjoining items, or the impacts upon the character of the adjacent Botany Street Heritage Conservation Area. The heights and density with amendments recommended by Council Officers, 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 existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The proposal has site-specific merit including the existing uses, and likely future uses of land as it will continue to provide vital social infrastructure to the area, as well as improve services and site connections that will benefit the locality.
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	The proposal aims to provide infrastructure to the surrounding area to continue to support the current and future population of Waverley and the Eastern Suburbs.
Any proposed financial arrangements for infrastructure provision.	The proposal offers no financial arrangements for infrastructure provision. There are no arrangements for additional infrastructure provision in place from Council or any other government agency for the immediate area.

## 3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

## 3.4.1 Waverley Community Strategic Plan 2018-2029

Waverley Council has prepared the *Waverley Community Strategic Plan 2018-2029* (WCSP), which was adopted in June 2018. Table 19 below outlines the strategies relevant to the proposal.

<b>Table 19 – Applicable Directions and Strategies from the Waverley Community Strategic Plan</b>		
<b>Relevant Directions and Strategies from the Waverley Strategic Plan</b>		<b>Is the proposal consistent with the Direction or Strategy?</b>
<b>Arts and Culture</b>		
<b>1.2 Preserve and interpret the unique cultural heritage of Waverley</b>		
1.2.1	Maintain the unique cultural value and heritage significance of key landmarks	The proposal retains the heritage item listing, and the reduced height and density will ensure that the heritage significance of the site is retained, and that the landmark qualities of the site are not challenged.
<b>Arts and Culture</b>		
<b>3.2 Expand the network of parks and open spaces, sporting and recreational facilities</b>		
3.2.1	Improve access to private and public recreation facilities and open spaces	The proposal aims to increase public access to the open spaces available on the site, as well as the community facilities.
<b>Planning, Development and Heritage</b>		
<b>5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods</b>		
5.1.1	Facilitate and enable a range of housing options and other land uses	The proposal aims to increase seniors and affordable housing options in the area to provide a range of housing options. However to ensure that the strategic vision of the site is achieved, the SP2 Zone must not be compromised with uses that will attract greater financial returns, such as Residential Flat Buildings, or

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		eroded by other uses that are not subservient to the vision of the site.
5.1.2	<i>Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods</i>	The proposal aims to maintain and improve the amenity and liveability of the area.
5.1.3	<i>Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of neighbours or the wider community</i>	The proposal aims to develop the site holistically as a masterplan to ensure that a cohesive vision for the site is delivered. This is proposed to be managed through the Council Officer's recommended amendments to the LEP and DCP provisions in the Proposal. The reduced height and density will minimise the impact on the amenity of neighbours. The masterplan indicates an intention to provide a development of high quality for the wider community.
<b>5.2 Value and embrace Waverley's heritage items and places</b>		
5.2.1	<i>Protect, respect and conserve items and places of heritage significance within Waverley</i>	The proposal retains the heritage item listing, and the reduced height and density as recommended by Council Officers will ensure that the heritage significance of the site is retained, and that the landmark qualities of the site are not challenged.
<b>Transport, Pedestrians and Parking</b>		
<b>6.1 Provide a wide range of transport options so people can easily travel within and beyond our local government area</b>		
6.1.3	<i>Reduce the need to own and travel by private motor vehicle</i>	The proposal aims to retain and expand the uses of the hospital on the site to continue to service the local community, provided the integrity of the SP2 zone is not compromised. The location of the site is well connected by public transport and is within easy walking distance of Bondi Junction and Charing Cross, encouraging visitors to travel by active or public transport. The proposal also aims to increase seniors housing and aged care, which is again within easy walking distance of nearby centres, reducing the need for private motor vehicle ownership and use. By allowing aging in place, less trips need to be taken by family to travel to see relatives or to have visitors come to the site.

## 3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal does not contain provisions that contradict or would hinder the application of these SEPPs:

- SEPP No 1—Development Standards
- SEPP No 6—Number of Storeys in a Building
- SEPP No 22—Shops and Commercial Premises
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage

## Planning Proposal – Waverley War Memorial Hospital

- SEPP No 65—Design Quality of Residential Apartment Development
- SEPP No 70—Affordable Housing (Revised Schemes)
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Major Development) 2005
- SEPP (Infrastructure) 2007
- SEPP (Temporary Structures) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009
- SREP (Sydney Harbour Catchment) 2005

The following State Environmental Planning Policies (SEPPs) may be relevant to a future development assessment, however they do not apply to the proposal to change the WLEP2012.

- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (State and Regional Development) 2011
- SEPP (Affordable Rental Housing) 2009
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP 55 Remediation of Land

### 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 20 documents Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.117 Directions as available on the DPE website.

<b>Table 20—Relevant Ministerial Directions</b>	
<b>Ministerial Directions</b>	<b>Comment</b>
<b>2.3 Heritage Conservation</b> <b>(1) Objectives</b> (a) <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i> (4) <i>A planning proposal must contain provisions that facilitate the conservation of:</i> (a) <i>Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> (b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> (c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land</i>	<p>The Proposal includes the potential for significant redevelopment within the curtilage of several significant heritage items and heritage trees.</p> <p>The scale of the proposal as proposed by the proponent does not respect the heritage significance of the adjacent items, and also does not respect the significance and urban character of the Botany Street Conservation Area immediately to the north of the site.</p> <p>Potential sites of archaeological significance have been identified in the CMP.</p> <p>No known Aboriginal heritage has been ascribed to, or identified on, the site.</p> <p>It is recommended that Council endorse the CMP and prepare a site specific DCP that achieves the Policies of the CMP.</p>

## Planning Proposal – Waverley War Memorial Hospital

<p><i>Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	
<p><b>3.1 Residential Zones</b></p> <p>(1) <i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></li> <li>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></li> <li>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></li> </ul> <p>(4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <ul style="list-style-type: none"> <li>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></li> <li>(b) <i>make more efficient use of existing infrastructure and services, and</i></li> <li>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></li> <li>(d) <i>be of good design.</i></li> </ul> <p>(5) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <ul style="list-style-type: none"> <li>(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></li> <li>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></li> </ul>	<p>This Planning Proposal aims to encourage seniors housing including aged care and some affordable housing, to contribute to the range of housing types across the LGA.</p> <p>The proposal seeks to maintain and grow the existing social infrastructure on the site, and provide some additional services and to increase the liveability of the site. This may be compromised by some of the uses as proposed by the Proponent. To ensure that the social infrastructure is retained and expanded, Council Officers recommendations are to retain the SP2 zone, and add specific additional permitted uses.</p> <p>The proposal involves the redevelopment of an existing site to improve the design of the site, and provide increased accessibility to the site for the community.</p> <p>The land is adequately serviced to increase the supply of residential development, and no provisions will decrease the permissibility of residential development on the site.</p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <li>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></li> <li>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> </ul>	<p>The objective of this direction is to ensure that urban land use locations improve accessibility for active and public transport and reduce car dependence.</p> <p>The site is well-connected to public transport, being a walking distance to heavy rail at Bondi Junction Interchange and being served by frequent bus services along Bronte Road.</p> <p>The proposed zone is for an urban purpose and is located within a Strategic/District Centre.</p>

## Planning Proposal – Waverley War Memorial Hospital

<p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	
<p><b>6.1 Approval and Referral Requirements</b></p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The proposal aims to ensure that the amended WLEP2012 would give effect to the redevelopment of the site and the appropriate assessment of development.</p>
<p><b>6.3 Site Specific Provisions</b></p> <p>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>The proposal aims to permit additional uses on the land to facilitate the redevelopment of the site. This is to be carried out by maintaining the existing zoning pattern, but adding additional permitted uses in the WLEP2012 Schedule 1.</p>
<p><b>7.1 Implementation of A Plan for Growing Sydney</b></p> <p>(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p> <p>(4) Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's A Plan for Growing Sydney published in December 2014.</p>	<p>As indicated above in 3.3 the planning proposal is consistent with the aims and priorities of the Metropolitan Strategy that encourages the expansion of social infrastructure, provided the SP2 zone is not compromised. To ensure that the social infrastructure is retained and expanded, Council Officers recommendations are to retain the SP2 zone, and add specific additional permitted uses.</p>

## Section C – Environmental, social and economic impact

### 3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site contains an important habitat corridor which must be maintained through any redevelopment of the site. The corridor is to be protected and enhanced through controls in the site specific DCP as well as potentially other mechanisms such as Tree Protection Orders and identifying trees on the Significant Tree Register. The proposed masterplan shows the potential to remove some key trees with environmental and heritage significance, which would not be supported at Development Application stage. Given the size of the site, the habitat corridor should be able to be maintained and improved.

The site contains no critical habitat or threatened species, however the habitat corridor is likely to provide habitat for important populations and accordingly should be not only protected but enhanced through any redevelopment of the site.

### 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

#### 3.8.1 Heritage

The impact on the heritage significance of the site has been discussed previously in Section 3.2.4 Heritage.

#### 3.8.2 Drainage

The increase in impervious surfaces across the site through larger buildings and increased paved areas will likely create increased runoff into the storm water system. At Development Application stage, a strategy for the site should be prepared that ensures the retention of water on site during a heavy storm event, and that water collection and reuse on the site is ensured.

#### 3.8.3 Traffic and Parking

The proponent submitted a Traffic Impact Assessment (TIA) as part of the planning proposal documentation. The assessment in this section incorporates observations and recommendations received from Council's traffic and strategic transport teams.

The TIA examines the likely traffic and parking impacts of the proposed masterplan. The results show that development on the site associated with the masterplan would generate additional traffic at surrounding intersections.

Due to the immediate proximity of four schools adjacent to the site, there is a concern that the additional traffic movements could impact on pedestrian safety and amenity for school children and parents.

Whilst parking generation rates are an issue to be dealt with at Development Application, traffic movements to and from the site should be minimised by the applicant due to the site's proximity to Bondi Junction Interchange (800m) with train services and 29 bus routes, and within 400m of 10 bus stops servicing a variety of local and regional bus routes.

There is in-principle support for the proposed through-site links for public pedestrian access to adjacent schools, bus stops, streets and public space, as well as any car parking being placed underground rather than at grade or above ground. The basement car parks could be linked, which would reduce the need

*Planning Proposal – Waverley War Memorial Hospital*

for several entrances to the street. However, this would need to be completed with consideration to the impact on the roots of heritage trees and deep soil zones.

Bronte Road is a major bus route for services into and out of the Bondi Junction interchange, with the road being one travel lane in each direction and one parking lane in each direction with parking in high demand. Having regard to the high traffic volumes on Bronte Road there should be no vehicular access to or from Bronte Road. Vehicular access to or from Bronte Road with the resultant increase in vehicular movements has the potential to increase traffic delays for Bronte Road traffic; increase the potential for rear end crashes; result in an additional on street parking spaces having to be removed to improve driver sightlines. Vehicular access points on Bronte Road near the traffic lights are generally not supported due to the impact upon the intersection.

In regards to a potential childcare use on site, the traffic impacts could be a concern depending on the scale of the centre. The dropping off and picking up of children would need careful consideration. This would be considered in more detail at the development application stage.

### 3.9 Has the planning proposal adequately addressed any social and economic effects?

#### 3.9.1 Social

The Planning Proposal addresses the changing demographic of the surrounding community in that the population forecasts predict an aging population, with an increase of 38% of Waverley residents over the age of 65 years by 2036.<sup>6</sup>

The increase in social infrastructure provision on the site to address this issue is strongly supported, and is facilitated through this Planning Proposal. This allows residents to be able to age in place, in a community that they are familiar with, which has been shown to greatly increase the quality of life into older age.

The retention and expansion of the following existing community and health services is also supported:

- War Memorial Hospital
- An aged day centre, including dementia care and allied health services
- Seniors Gym
- Men's Shed

#### 3.9.2 Economic

There are no obvious economic effects as a result of the development.

### 3.10 Is there adequate public infrastructure for the planning proposal?

The proposal is well located near a range of services and is well serviced via public transport, being a short walk from the Bondi Junction Transport Interchange. As such no increases in public transport infrastructure is likely to be required due to the proposal. Additional upgrades with regards to water and power may be required. Given the scale of the site and the redevelopment, a holistic energy and water generation and conservation plan may be requested through a Development Application to ensure power consumption is minimised and to investigate power generation options for the site.

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<sup>6</sup> NSW Department of Planning & Environment, 2016, *New South Wales State and Local Government Area Population and Household Projections, and Implied Dwelling Requirements*.

*Planning Proposal – Waverley War Memorial Hospital*

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The gateway determination will specify the level of public consultation that must be undertaken in relation to the Proposal.

## PART 4 – MAPPING

See Appendix C for Draft Maps.

## PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a newspaper advertisement, hard copy display in the Council's Library and Customer Service Centre, a display on the Council's web-site and written notification to landowners. The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

## PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by December 2019

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

<b>Table 21 – Project Timeline</b>	
<b>Tasks</b>	<b>Timeframe</b>
Gateway Determination	May 2019
Public Authority Consultation	May – July 2019
Community Consultation	May – July 2019
Post Exhibition Review	July – August 2019
Update Planning Proposal / Report to Council	September 2019
DPE review of final Planning Proposal	October 2019
Parliamentary Counsel drafting of LEP	October – December 2019
DPE to finalise LEP	December 2019

*Planning Proposal – Waverley War Memorial Hospital*

## APPENDIX A - Minutes of the Local Planning Panel

*Planning Proposal – Waverley War Memorial Hospital*

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBERS ON  
MONDAY 24 SEPTEMBER 2018**

**Panel members present:**

The Hon Angus Talbot (Chair)  
Penelope Mora  
Annelise Tuor  
Peter Brennan (by phone)

**Also present:**

Mr G Bramis	Executive Manager, Strategic Planning
Mr T Sneesby	Manager, Strategic Planning
Ms J Hogan	Strategic Planner
Ms R Siasi	Administration Officer

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*At the commencement of the reconvened proceedings at 10.30am, those panel members present were as listed above.*

*At 10.30am, the chair opened the meeting and invited the Proponents to present their Planning Proposal.*

*11.20am, the chair opened the meeting for the Proponents to address the Council members present directly for clarification of the recommendations put forward by council.*

*11.55am, the Panel convened the meeting to deliberate in closed session.*

*At 2.12pm, the Panel reconvened in open session.*

*At 2.25pm, the meeting closed.*

**WLPP-1808.A  
Apologies**

Peter Brennan (Expert) was unable to attend in person, and dialled in.

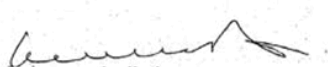
**WLPP-1808.DI  
Declarations of Interest**

The Chair called for declarations of interest and none were received

*Planning Proposal – Waverley War Memorial Hospital*

**WLPP-1808.R**  
**Determinations**

The Panel resolved to make the following determinations overleaf.



The Hon Angus Talbot  
**Chairperson**

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Minutes of the Waverley Local Planning Panel Meeting – Wednesday, 29 August 2018  
Meeting held Monday, 24 September 2018. 2

*Planning Proposal – Waverley War Memorial Hospital*

**WLPP-1808.PP**

**Planning Proposals – PP-1/2017**

**War Memorial Hospital, 125 Birrell Street, Waverley**

**Report dated:** 16 August 2018

DECISION: The panel notes that there have been discussions and that clarifications are required. The panel has decided that it will adjourn the consideration of the advice, and that the advice at the moment is:

The Panel Advises that:

1. The meeting be adjourned to allow the proponent to provide the following information:
  - a. Justification for the proposed 1.5:1 FSR including GFA figures of the proposed uses in buildings identified in the masterplan.
  - b. Heights of proposed buildings to be related to AHD information of the proposed buildings in the masterplan and existing ground level.
2. The meeting be adjourned to also allow Council to meet with the owners of the properties not owned by the applicant having a frontage to Birrell Street within the R3 Zone to determine whether those sites should be included in the planning proposal.
3. That the further details indicated in the advice is to be provided within 14 days.

The public session is now adjourned. Thank you for your attendance and assistance.

*A Ciano (Uniting), M Grave (Cox Architecture), G Kirkby, A Antoniazzi (Ethos Urban) and H Abrahams (Hector Abrahams Architects) addressed the meeting.*

**THE MEETING CLOSED AT 2.25PM.**

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Minutes of the Waverley Local Planning Panel Meeting – Wednesday, 29 August 2018  
Meeting held Monday, 24 September 2018. 3

Planning Proposal – Waverley War Memorial Hospital

## APPENDIX B – Letter of Support

PP-1/2017,  
Jaime Hojar.

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,

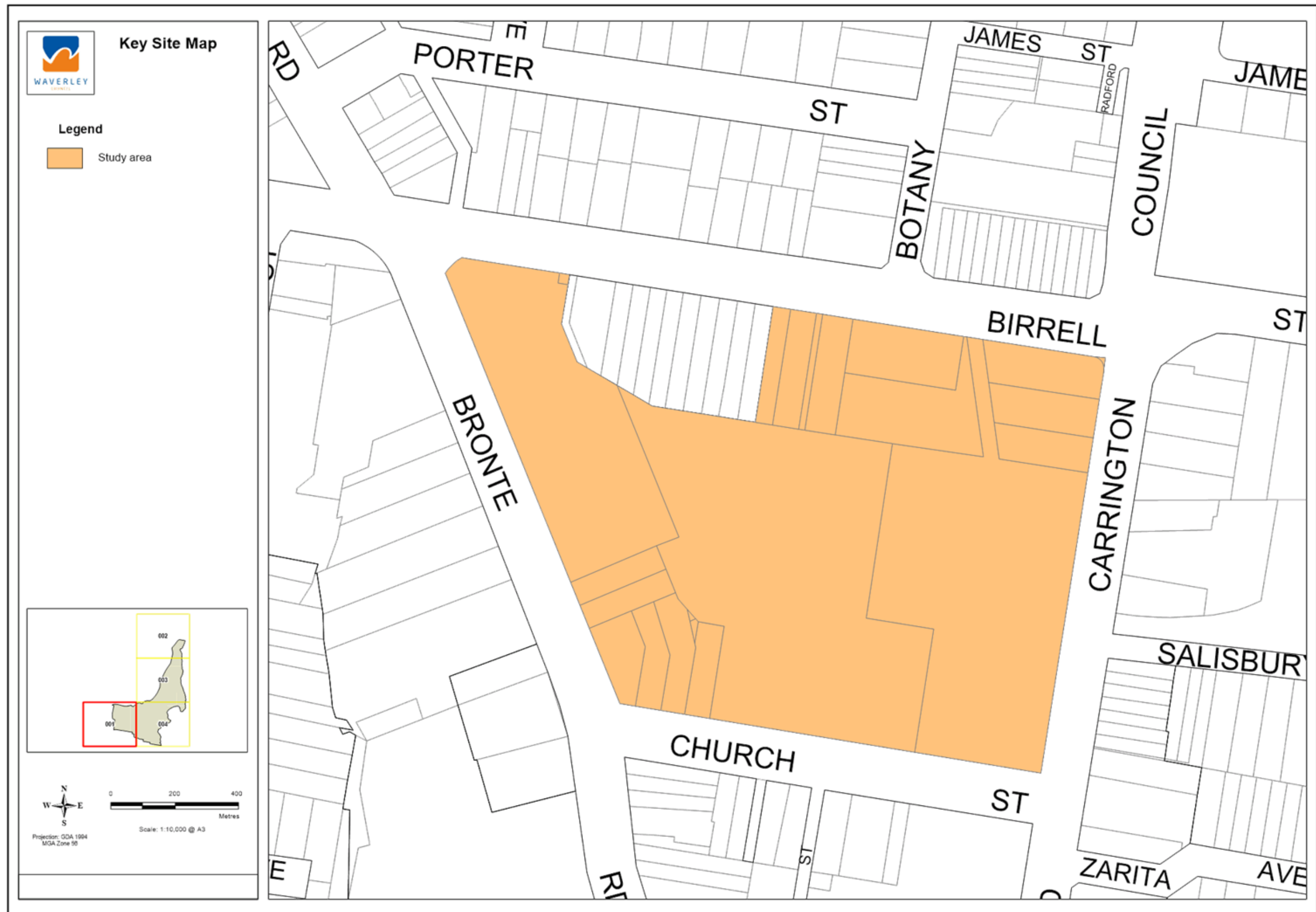


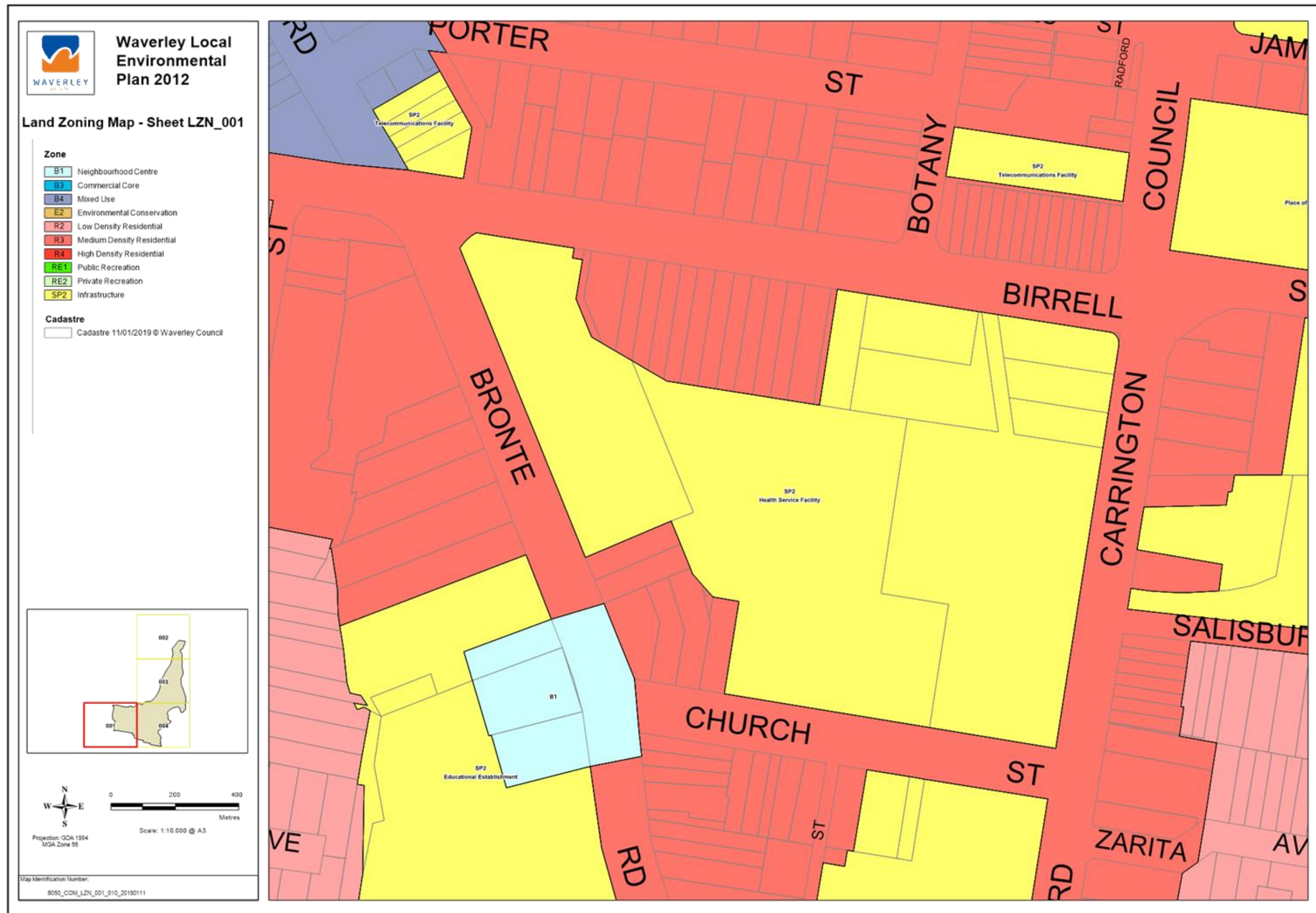
Guardian for Owner of Property 117 Birrell Street, Waverley

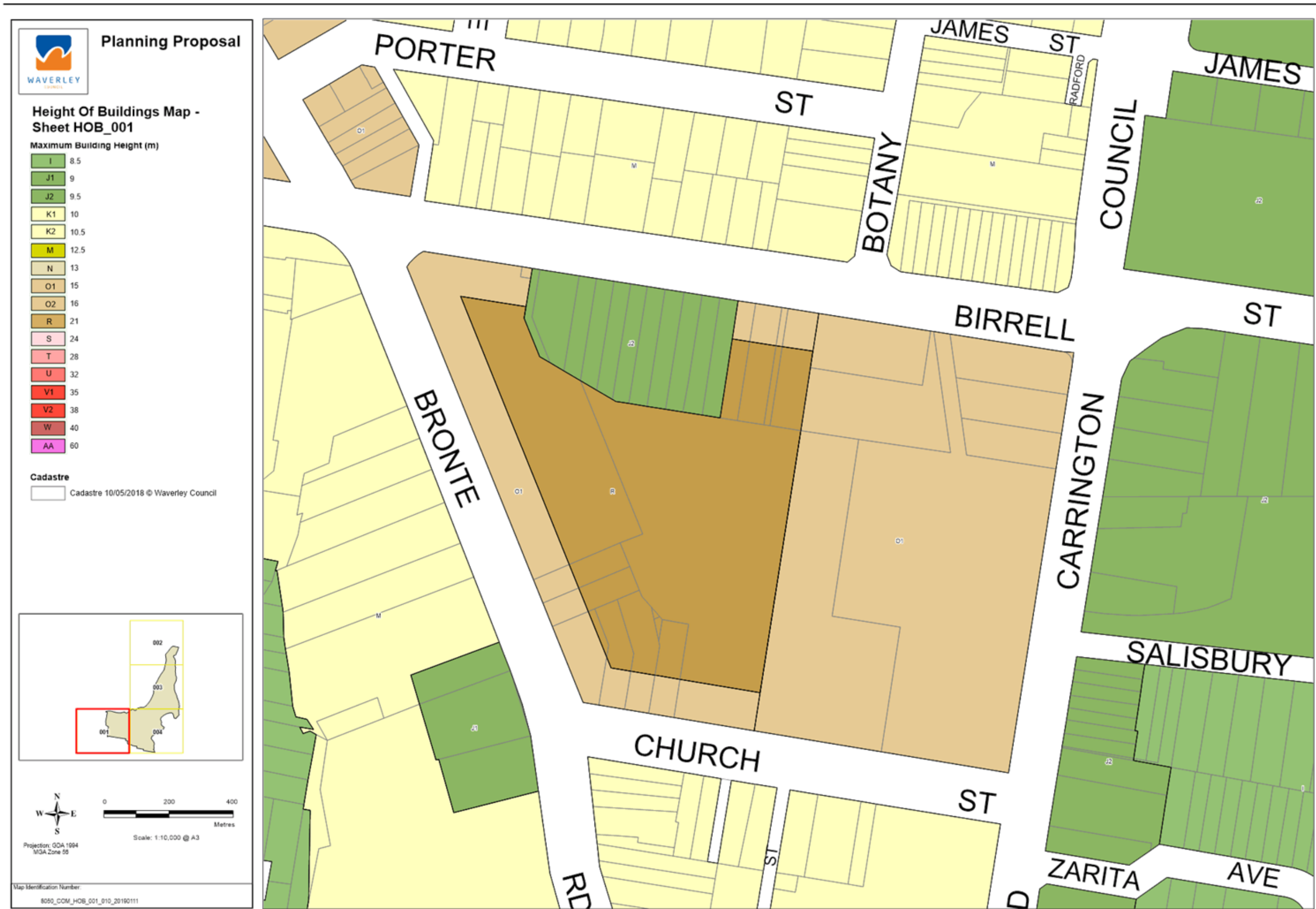
Dated 10th November 2018

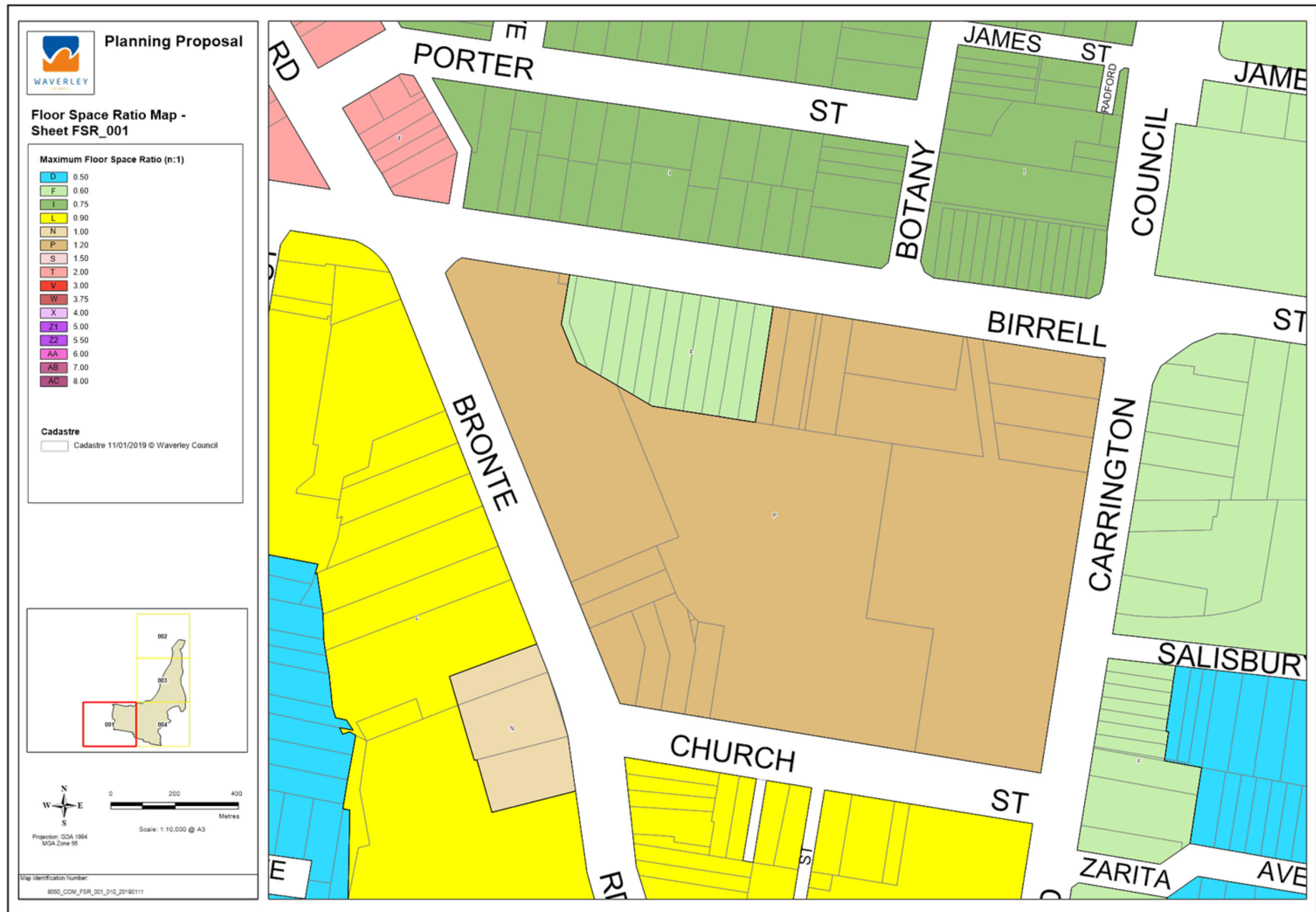
*Planning Proposal – Waverley War Memorial Hospital*

## APPENDIX C - Mapping









**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBERS ON  
MONDAY 24 SEPTEMBER 2018**

**Panel members present:**

The Hon Angus Talbot (Chair)  
Penelope Mora  
Annelise Tuor  
Peter Brennan (by phone)

**Also present:**

Mr G Bramis	Executive Manager, Strategic Planning
Mr T Sneesby	Manager, Strategic Planning
Ms J Hogan	Strategic Planner
Ms R Siaosi	Administration Officer

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*At the commencement of the reconvened proceedings at 10.30am, those panel members present were as listed above.*

*At 10.30am, the chair opened the meeting and invited the Proponents to present their Planning Proposal.*

*11.20am, the chair opened the meeting for the Proponents to address the Council members present directly for clarification of the recommendations put forward by council.*

*11.55am, the Panel convened the meeting to deliberate in closed session.*

*At 2.12pm, the Panel reconvened in open session.*

*At 2.25pm, the meeting closed.*

**WLPP-1808.A****Apologies**

Peter Brennan (Expert) was unable to attend in person, and dialled in.


**WLPP-1808.DI****Declarations of Interest**

The Chair called for declarations of interest and none were received

**WLPP-1808.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

The Hon Angus Talbot

**Chairperson**

**WLPP-1808.PP****Planning Proposals – PP-1/2017****War Memorial Hospital, 125 Birrell Street, Waverley****Report dated:** 16 August 2018

DECISION: The panel notes that there have been discussions and that clarifications are required. The panel has decided that it will adjourn the consideration of the advice, and that the advice at the moment is:

The Panel Advises that:

1. The meeting be adjourned to allow the proponent to provide the following information:
  - a. Justification for the proposed 1.5:1 FSR including GFA figures of the proposed uses in buildings identified in the masterplan.
  - b. Heights of proposed buildings to be related to AHD information of the proposed buildings in the masterplan and existing ground level.
2. The meeting be adjourned to also allow Council to meet with the owners of the properties not owned by the applicant having a frontage to Birrell Street within the R3 Zone to determine whether those sites should be included in the planning proposal.
3. That the further details indicated in the advice is to be provided within 14 days.

The public session is now adjourned. Thank you for your attendance and assistance.

*A Ciano (Uniting), M Grave (Cox Architecture), G Kirkby, A Antoniazzi (Ethos Urban) and H Abrahams (Hector Abrahams Architects) addressed the meeting.*

**THE MEETING CLOSED AT 2.25PM.**

**ADVICE OF THE WAVERLEY LOCAL PLANNING PANEL – 24 JANUARY 2019 – SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)**

PLANNING PROPOSAL BY ETHOS URBAN SUBMITTED ON BEHALF OF UNITING WAVERLEY FOR THE WAR MEMORIAL HOSPITAL SITE.

**REASONS**

The Waverley Local Planning Panel (WLPP) endorses the support of the Council Officers for the aim of the Planning Proposal, which is to expand the health and ageing provision on the site. However, for the reasons in the Council Officers Report dated 9 January 2019 (the Report), the Panel agrees that the Planning Proposal, as submitted, requires amendment to ensure that the character of the area is retained and the significance of the heritage items of the site are not compromised.

In particular, the WLPP, does not support the Planning Proposal, as submitted, for the following reasons:

1. The Planning Proposal represents a significant overdevelopment of the site,
2. The level of development will have a serious and detrimental impact on the important heritage values of the site.
3. The proposed increase in maximum height of buildings to 9 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.
4. 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.
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.

For the reasons outlined in points 1-5 above, the WLPP is of the opinion that the planning proposal does not demonstrate site specific merit.

The WLPP supports the amendments proposed in the Report and agrees that an alternative planning proposal, incorporating the amendments, and a site specific Development Control Plan, should be able to achieve the realistic objectives for the site and have both strategic and site specific merit

Consequently, the WLPP does not support the Planning Proposal, as submitted, being referred to the Department of Planning and Environment for Gateway.

#### **RESOLUTION**

That the Waverley Local Planning Panel (WLPP) advise Council it does not support the Planning Proposal for Waverley War Memorial Hospital and that it should not be forwarded to the Department of Planning and Environment for Gateway in its present form.

#### **DECISION**

Unanimous

Hon.R.N.Talbot  
Chair

24 January 2019