

# WAVERLEY WAR MEMORIAL HOSPITAL REZONING REVIEW SUBMISSION

AUGUST 2019



WAVERLEY  
COUNCIL

Title: Waverley War Memorial Hospital Rezoning Review Response  
Date: August 2019



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## PLANNING PROPOSAL TIMELINE

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
5 March 2019	Reported to March Strategic Planning and Development Committee
7 May 2019	Reported to May Strategic Planning and Development Committee

# REZONING REVIEW RESPONSE

This document provides Council's response to the Rezoning Review lodged 21 March 2019 for the site known as the Waverley War Memorial Hospital. This Rezoning Review is the same as the Planning Proposal lodged 4 July 2017, and amended 25 May 2018 and 5 November 2018. However Council Officers have a key concern regarding the proposal itself.

## **Please note:**

During the period of assessment, the proponent and Council discussed the addition of the sites along Birrell Street to the Planning Proposal. The proponent has included these sites in the Rezoning Review submission, however the supporting documentation has not been updated to justify why these sites have now been included, nor has any evidence been provided to support the significant increase in FSR and height for these specific sites. It is noted that the documentation submitted by Council to the Department of Planning, Industry & Environment on 8 May 2019 (endorsed by Council 7 May 2019) does not support the inclusion of these sites in the Planning Proposal, but does however indicate that Council is open to reviewing a proposal for those sites in the future when additional justification is provided.

Our concern with these sites being included in this Rezoning Review is that they provide significant uplift without justification or a plan for what will be delivered. The impacts of this uplift have not been taken into account from an urban design and heritage perspective, not only within the site, but also the impacts upon Birrell Street and the Botany Road Heritage Conservation Area. Nor has this additional uplift been addressed from a traffic movement and access perspective. Traffic movement and access is a serious concern for this site, given the existing congestion on nearby roads, as well as Church

Street being used for school pick-up and drop-off. Church Street is currently indicated as being the primary vehicle entrance to the site, which will put significant pressure on already congested roads. The existing indicated site access and proposed increase in car parking is not supported by Council, however this is something that we would look to work through with the proponent at DA stage. In providing the proposed uplift to these sites, it is likely that additional traffic movements would be induced, which has not been accounted for. Council would likely look to support no additional car parking on these sites given the excellent service of public transport to the site, and the proximity to Bondi Junction Transit Interchange (800m).

It is Council's strong recommendation that additional information be requested to provide justification for the increase in height and FSR of these sites, or that the Rezoning Review be amended to remove the sites, until further justification can be provided. **The Panel may wish to consider the amended proposal as supported by Council.**

Council did not progress the Planning Proposal within 90 days, as Council was in discussion with the Proponent regarding some key concerns outlined in this response. Council repeatedly demonstrated support for the aims of the proposal, however was clear that the support of the proposal would be with amendments.

The Planning Proposal has been with Council for two years, and has undergone a number of changes to the proposed mechanisms to achieve the aims. The timeline of the Planning Proposal is provided in the table below. The timeline is also indicative of the long delays in receiving information from the applicant after a request for information was made.



The Rezoning Review 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 curtilage of the Heritage Items, and compromise a number of key aims of the WLEP2012.

The Proposal is supported with amendments (and endorsed by Council on 7 May 2019) as it has strategic merit in accordance with the District and Region Plans, and the Draft Waverley Local Strategic Planning Statement, 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.
- 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 the Planning Proposal Assessment Report - **Attachment 1**.

# PLANNING PROPOSAL SUMMARY

<b>Council Reference</b>	PP-1/2017	
<b>LEP to be amended</b>	Waverley Local Environmental Plan 2012	
<b>LEP amended in the last five years?</b>	No	
<b>LEP</b>	<b>Current</b>	<b>Proposed</b>
<b>Zone</b>	SP2 Infrastructure (Health Related Uses) R3 Medium Density Residential	SP2 Infrastructure (Health Related Uses) R3 Medium Density Residential Change to location of zoning
<b>Additional Permitted Use</b>	Nil	<ul style="list-style-type: none"> <li>Seniors housing (in the SP2 zone);</li> <li>Community facilities (in the SP2 zone);</li> <li>Centre-based child care facility (in the SP2 zone);</li> <li>Retail premises (capped at 450sqm)(in the R3 and SP2 zone);</li> <li>Business premises (capped at 5,390sqm)(in the R3 and SP2 zone); and</li> <li>Hotel or motel accommodation (capped at 127 beds) (in the R3 and SP2 zone);</li> <li>Serviced apartments (provided the use is ancillary to the health services facility);</li> <li>Function centre (provided the use is ancillary to the health service facility).</li> </ul>
<b>FSR</b>	0.6:1 and 0.9:1	1.5:1
<b>Height</b>	9.5m and 12.5m	15m, 17m, 21m, and 28m
<b>Heritage</b>	Yes	Yes
<b>Additional Site Specific Provision</b>	Nil	site-specific zone boundary of 20m to enable a use in an adjacent zone to be permissible



<b>Council Recommendation</b>	<b>Strategic Planning and Development Committee Meeting 7 May 2019</b>
<b>Consideration</b>	<b>Comments</b>
Key Points	<p>On 8 May 2019, Council submitted to Department of Planning, Infrastructure and Environment (DPIE) the Proponent's Planning Proposal, <b>supported with amendments</b> as outlined in this document. Council's amendments reflected the proposed masterplan submitted in 2017. The Planning Proposal is currently with DPIE, awaiting the determination of this Rezoning Review.</p> <p>The submitted Rezoning Review <b>has not provided justification as to the inclusion of the sites along Birrell Street</b> (the semi-detached dwellings). These sites have been added to the Rezoning Review, however the masterplan and justification have not been updated to reflect this.</p> <p>Council strongly urges the DPIE, and the Sydney Eastern City Planning Panel, to <b>exclude these sites from the planning proposal, or to require additional information and justification for the sites.</b></p>
Does the proposal have strategic merit?	<p><b>Partially.</b></p> <p>Council is generally supportive of the redevelopment of the site, given the location of the site and the proposed services. Council wishes to support the provision of seniors housing in the area, as well as retain the heritage significance of the site, and open it up to the community.</p>
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	<p><b>Yes.</b></p> <p>The redevelopment of the site has strategic merit in accordance with the Region Plan, the District Plan and the Waverley Local Strategic Planning Statement.</p> <p>The increase in capacity on the site to allow the redevelopment of additional seniors residential accommodation and health services for seniors, as well as the retention of the hospital is crucial to maintaining adequate services to support ageing in place.</p>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<p><b>Partially.</b></p> <p>The redevelopment is generally consistent with the strategic intent of the Draft LSPS, in that it co-locates services, and provides additional seniors housing close to those services. The site is ideally located in close proximity to Bondi Junction.</p> <p>The proposal is inconsistent with the Draft LSPS due to the impacts upon the heritage and the character of the site of the proposed scale of redevelopment, and due to the erosion of the useful portion of the SP2 Infrastructure (Health Related Uses) zone.</p>
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.	<p>Waverley has an ageing population. Accordingly providing additional seniors housing in the area will assist with ageing in place.</p>

Does the proposal have site specific merit?	<p><b>No.</b> The overdevelopment of the site is not considered to have site specific merit for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposed heights and FSRs significantly exceed what is required to deliver the proposed masterplan. Council's proposed amendments reflect the capacity as indicated in the masterplan.</li> <li>The proposed bulk and scale is inconsistent with the low scale prevailing character and surrounding streetscapes.</li> <li>The proposed heights compromise the heritage significance and curtilage of the site. Council's proposed heights are more sensitive to the heritage.</li> <li>The proposed zoning will permit additional RFB developments which will likely erode the delivery of the proposed uses, or if delivered under the Seniors SEPP will be able to utilise the Vertical Villages Bonus and be out of character with the area, and again further impact upon the heritage nature of the site.</li> <li>The submitted Rezoning Review does not indicate what the additional sites along Birrell Street will be used for, and the masterplan has not been updated to indicate this. Council's proposed amendment was to retain the existing planning proposal and masterplan, and revisit the Birrell Street sites after the Gateway exhibition.</li> </ul>	
With regards to the natural environment (including known significant environmental values, resources or hazards); and	No. The redevelopment of the site is likely to impact upon a number of significant trees being removed with regard to heritage, character, and habitat corridor. The additional basement car parking and total footprint of the proposed buildings also drastically decreases the deep soil available on site which will have an impact upon the stormwater infrastructure in the area which has not been considered.	
With regards to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	<p>No. The existing and likely future uses of the surrounding area are compatible with the proposed uses on the site, however the proposed scale of development is not consistent with the local surrounds.</p> <p>Council is not supportive of the proposed re-location of the R3 Zone, as this will permit increased residential density under the Seniors SEPP than available under the SP2 Zoning, or could simply be used for RFB developments which do not contribute to seniors housing or to the character and masterplan of the site, and reduce the extent and effectiveness of the SP2 (Health Related Uses) zone.</p>	
With regards to the services and infrastructure that are or will be available to meet the demands arising from the proposal; and	No. This has not been addressed. Additional traffic will be generated by the site. The area is already significantly congested in peak periods, with a number of schools in the immediate vicinity. Traffic management of the site will need to be dealt with in detail at DA stage, with preference given to limited additional parking capacity on site, and emphasis placed on shared transport and public transport.	
Any proposed financial arrangements for infrastructure provision.	Nil.	
Has Council prepared the planning proposal?	No	The Rezoning Review has been prepared by the Proponent Ethos Urban on behalf of Uniting.
Has Council prepared a planning proposal relevant to the site?	Yes	Council submitted to the Department of Planning & Environment a Planning Proposal on 8 May 2019. This proposal supported the delivery of the masterplan vision, and respects the surrounds and a zoning arrangement that delivers seniors housing and not market residential. This Planning Proposal has not yet been considered.

Does Council support the planning proposal? What are the reasons?	<b>Yes with amendments.</b>	<p>Council is supportive of the redevelopment of the site, and an increase in density of the same uses on the site.</p> <p>Council has serious concerns about:</p> <ul style="list-style-type: none"> <li>The encroachment of development and its impacts on the heritage significance of the site</li> <li>The erosion of SP2 uses with the relocation of the R3 zoned land, as Council will comfortably meet its housing targets without the need to up zone additional land</li> </ul> <p>Accordingly Council's proposed amendments were to:</p> <ul style="list-style-type: none"> <li>increase the existing FSR and Height to a more moderate amount, reflective of the masterplan, and appropriate to the Heritage significance (State) of the site</li> </ul> <p>Retain the existing zoning pattern, and add some additional permitted uses</p>
<b>Waverley Local Planning Panel Recommendation</b>	<b>24 January 2019</b>	
<b>Consideration</b>	<b>Comments</b>	
Does the WLPP support the planning proposal? What are the reasons?	Yes with amendments.	The Waverley Local Planning Panel (WLPP) endorsed Council's amended 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 agreed 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.
Does the proposal have strategic merit?	Yes	<ul style="list-style-type: none"> <li>expands the health and ageing provision on the site</li> </ul>
Does the proposal have site specific merit?	No	<ul style="list-style-type: none"> <li>represents a significant overdevelopment of the site</li> <li>the level of development will have a serious and detrimental impact on the important heritage values of the site</li> <li>the proposed increase in maximum height of buildings to 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</li> <li>Waverley LGA, as one of the most densely populated areas in Australia, should comfortably meet its housing targets under the relevant strategic plans and, therefore, there is no justification for the proposed extension of the R3 Zone, which would permit residential flat buildings</li> <li>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</li> </ul>

Strategic Framework		
Document	Relevant Directions, Planning Priorities, Actions, Goals, Strategies	Consistent
Region Plan	Eastern Harbour City Vision	Yes
	30 minute city	Yes
	A city supported by infrastructure	No - compromised SP2 zone
	Housing the city	
District Plan	<p>PPE3 – Providing services and social infrastructure to meet people's changing needs</p> <ul style="list-style-type: none"> <li>Action 8. Deliver social infrastructure that reflects the needs of the community now and in the future.</li> </ul>	No – compromised SP2 zone
	<p>PPE6 – Creating and renewing great places and local centres, and respecting the District's heritage</p> <ul style="list-style-type: none"> <li>Action 20c. Identify, conserve and enhance environmental heritage by managing and monitoring the cumulative impact of development on the heritage values and character of places.</li> </ul>	No – reduced height recommended
Local Strategic Planning Statement	<p>PP4 – Ensure the community is well serviced by crucial social infrastructure</p> <ul style="list-style-type: none"> <li>Action 4, Maintain SP2 Infrastructure zoned land in WLEP review to continue to provide crucial social infrastructure for the area.</li> <li>Action 6, Review planning controls to encourage co-location of health, education, social and community facilities both in Bondi Junction, and along strategic corridors</li> </ul>	<p>No – SP2 zone is compromised</p> <p>Yes</p>
	<p>PP6 – Facilitate a range of housing opportunities to support and retain a diverse community</p> <ul style="list-style-type: none"> <li>Action 6. Review planning controls to encourage adaptable and accessible housing in locations close to existing services, amenities and accessible recreation activities.</li> <li>Action 8. Review the demand for seniors housing in the Eastern Suburbs area</li> </ul>	<p>Yes</p> <p>Yes</p>
	<p>PP7 – Recognise and celebrate Waverley's unique place in the Australian contemporary cultural landscape.</p> <ul style="list-style-type: none"> <li>Action 1. Undertake a heritage review and implement recommendations into Council's LEP and DCP</li> <li>Action 6. Enhance and protect views of scenic and cultural landscapes from the public realm in Council's LEP and DCP</li> </ul>	<p>The status of this site as Local or State will be investigated as part of the heritage review.</p> <p>Yes.</p>
	<p>PP8 – Connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport.</p> <ul style="list-style-type: none"> <li>Action 12. Investigate opportunities for precinct-based car parking and infrastructure in lieu of private car parking.</li> </ul>	Potential at DA stage
	<p>PP9 – Support and grow Waverley's local economy with a focus on wellbeing, knowledge and innovation</p> <ul style="list-style-type: none"> <li>Action 4. Any increase in job or residential density is to be supported by improved transport connectivity and services to deliver the 30-minute city.</li> </ul>	No – potential at DA stage to work to achieve transport connectivity through alternate means

	<p>PP12 – Conserve our water resources and protect our coasts and beaches</p> <ul style="list-style-type: none"> <li>Action 2. Review and implement strengthened LEP provisions for reduced excavation, particularly in flood prone areas</li> <li>Action 7. Increase permeability both in the public and private domains through development controls and public domain improvements</li> <li>Action 16. Identify opportunities to reduce stormwater runoff by implementing water sensitive urban design on public and private land</li> </ul>	<p>No – increasing excavation</p> <p>No – reducing permeability</p> <p>Potential at DA stage</p>
	<p>PP13 – Protect and grow our areas of biodiversity and connect people to nature</p> <ul style="list-style-type: none"> <li>Action 3. Review Council’s development controls to identify canopy as a crucial element of the LGA’s character.</li> </ul>	<p>Potential at DA stage</p>
	<p>PP16 – Plan for and manage our assets and urban environment to adapt and be resilient to a changing climate</p> <ul style="list-style-type: none"> <li>Action 2. Review and update planning controls to implement stronger controls and mechanisms to protect and increase canopy in the private domain</li> <li>Action 17. Planning to be integrated with water management to enable most effective management of stormwater and mitigation of flooding</li> <li>Action 18. Identify opportunities for retention of water and water bodies in the landscape to contribute to urban cooling</li> <li>Action 19. Prioritise enhanced amenity around areas of highest density</li> </ul>	<p>Potential at DA stage</p> <p>Potential at DA stage</p> <p>Potential at DA stage</p> <p>Yes</p>

# DISCUSSION

## LAND USE ZONING MAP

### 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.

### 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.

### 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.

### 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.

### 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.

### 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 BOUNDARY

### Undermines all reasons listed in 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.

### 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.

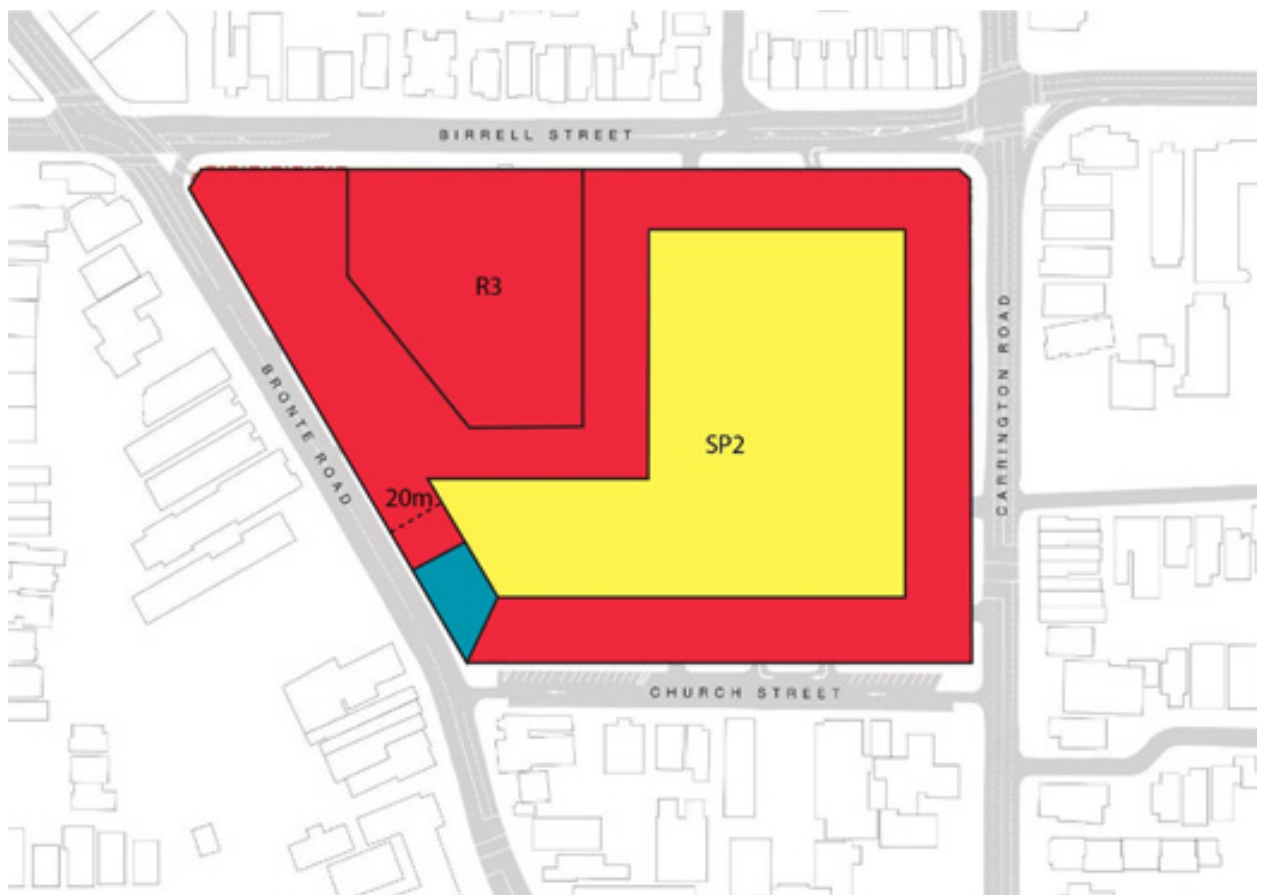


Figure 1. Map showing Effective Site Specific Zone Boundary under Proponent's Proposed Controls

Additional Permitted Use	1	2	3	Discussion
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.

Table 1. Additional Permitted Uses

## 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 the Planning Proposal assessment report submitted in **Attachment 1**, and summarised in Table 1.

## HEIGHT

### 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.

### 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).

### 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.

### In excess of what is required to deliver 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.

### **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.

### **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.

### **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**

### **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.

### **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.

## CONSERVATION MANAGEMENT PLAN

**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 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.

**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 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.

**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).

**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.

Figure 2. Policies as outlined in the Conservation Management Plan

## INCLUDED LOTS

### **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.

### **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.

### **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.

## HERITAGE

### **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.

### **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.

## DESIGN EXCELLENCE AND PLACE

### **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.

### **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.



## PUBLIC BENEFIT OFFER

### 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.

### 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)

## RENDERS

The following section comprises a series of images that show:

1. Black - the Proponent's submitted masterplan (Black)
2. Teal - the Proponent's submitted masterplan adjusted to reflect the maximum proposed height in the Planning Proposal
3. Purple - The Masterplan adjusted to reflect Council's preferred maximum heights

## 3D MODEL

**Council has prepared a 3D model comparison of:**

- the existing built form;
- the Proponent's proposed masterplan extended to the proposed maximum controls;
- Council's preferred maximum controls.

**To view a video of the model, click the link below.**

<https://www.youtube.com/watch?v=Tu3gTDfVZIk&feature=youtu.be>

## AERIAL - OVERVIEW

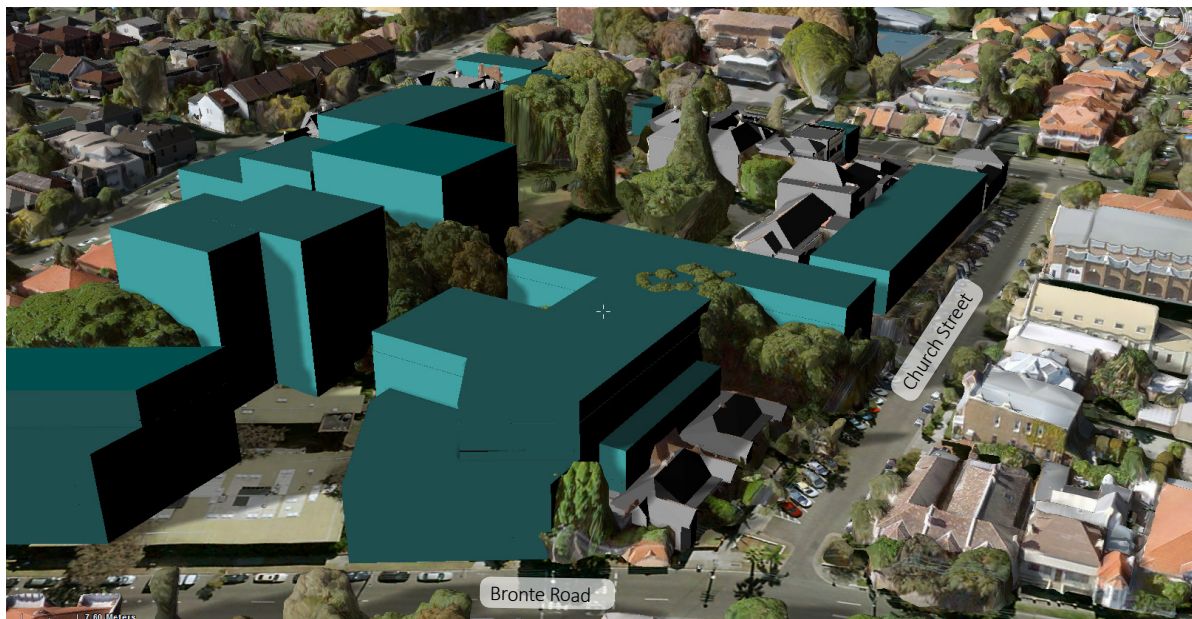


Figure 3A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height

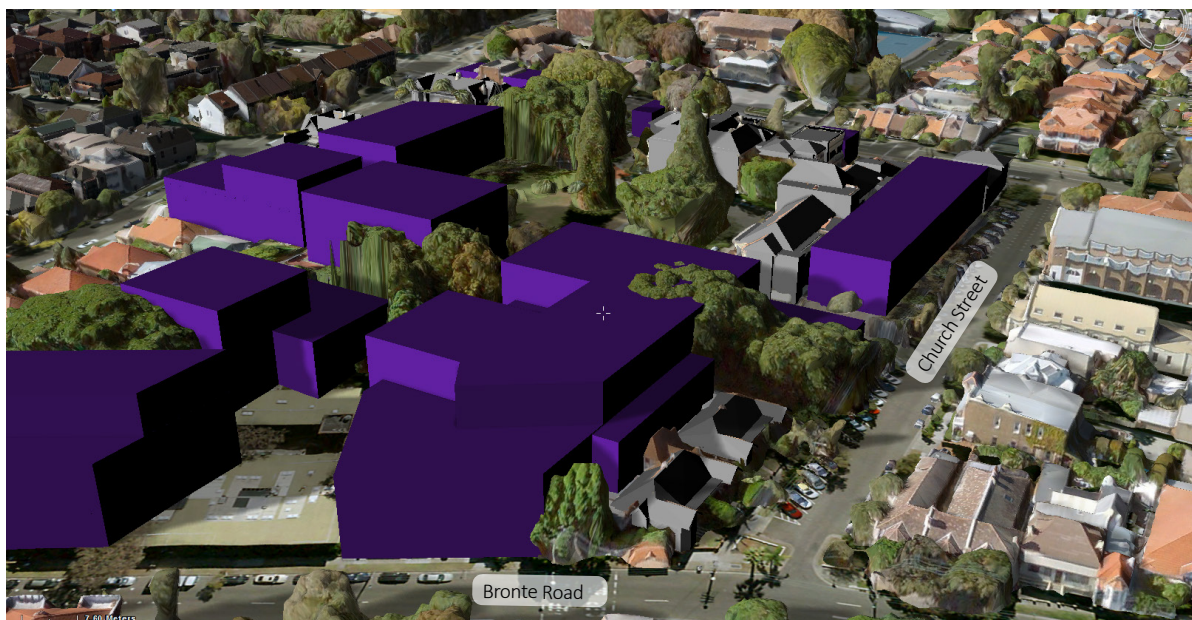


Figure 3B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height

## AERIAL - IMPACTS ON WAR MEMORIAL HOSPITAL

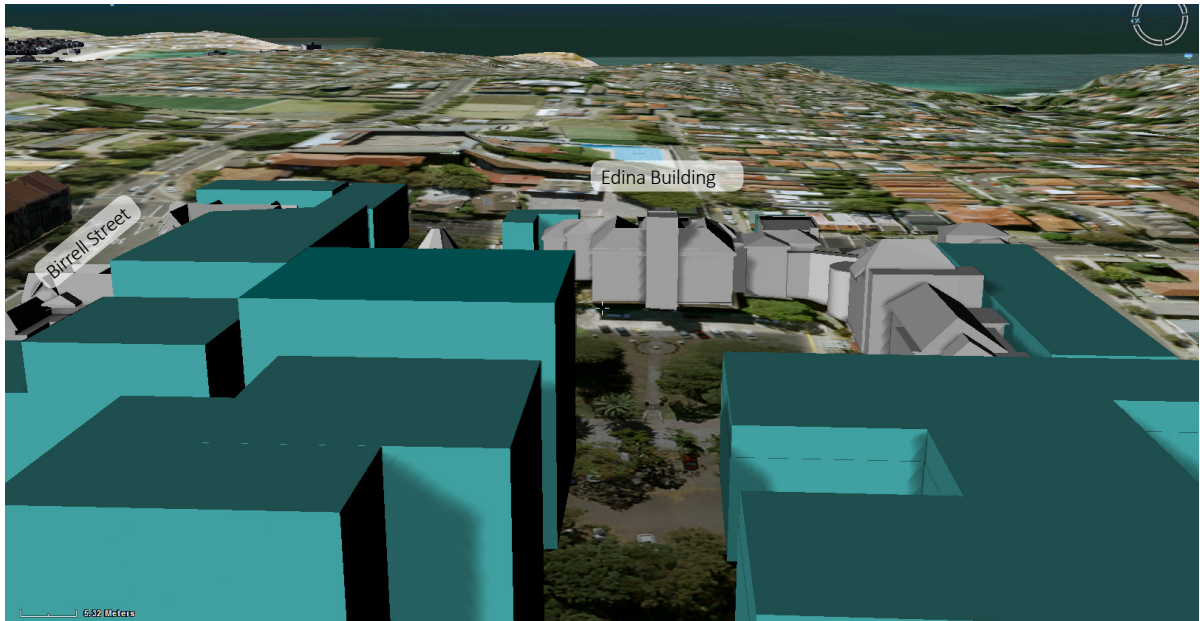


Figure 4A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height

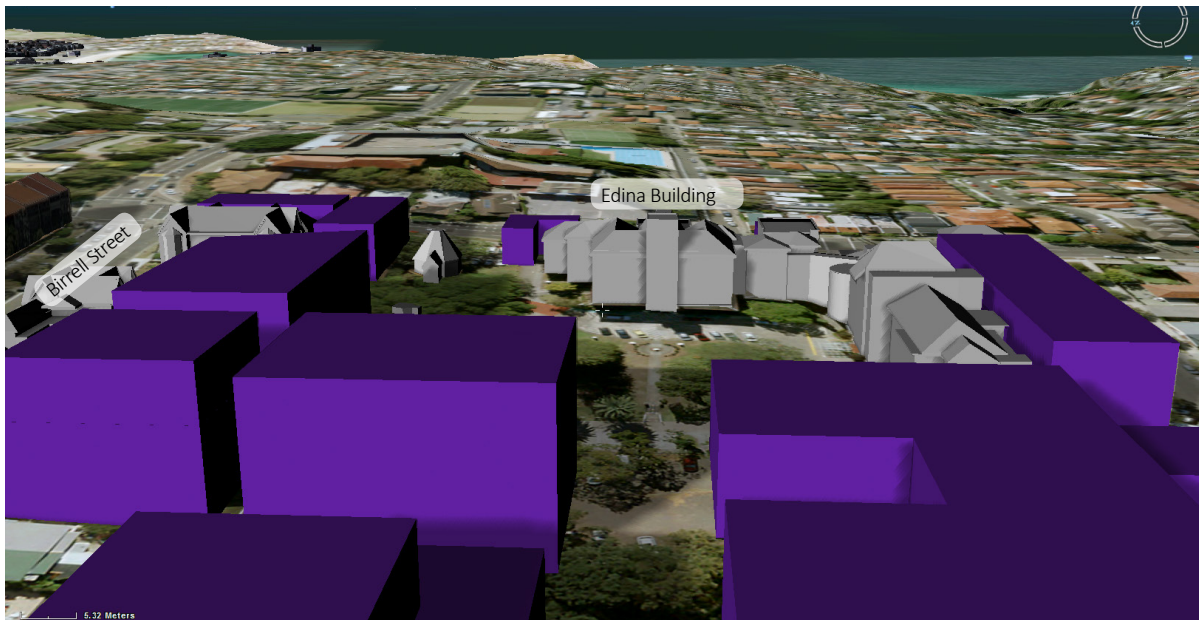


Figure 4B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height



## AERIAL - IMACTS ON WAR MEMORIAL HOSPITAL

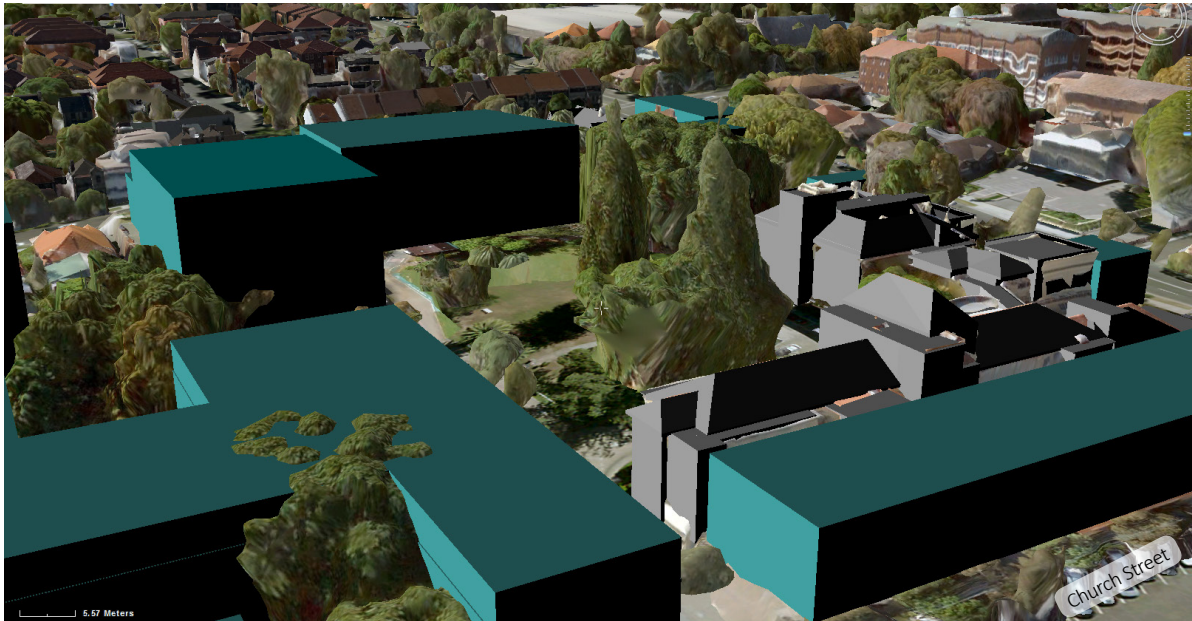


Figure 5A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height

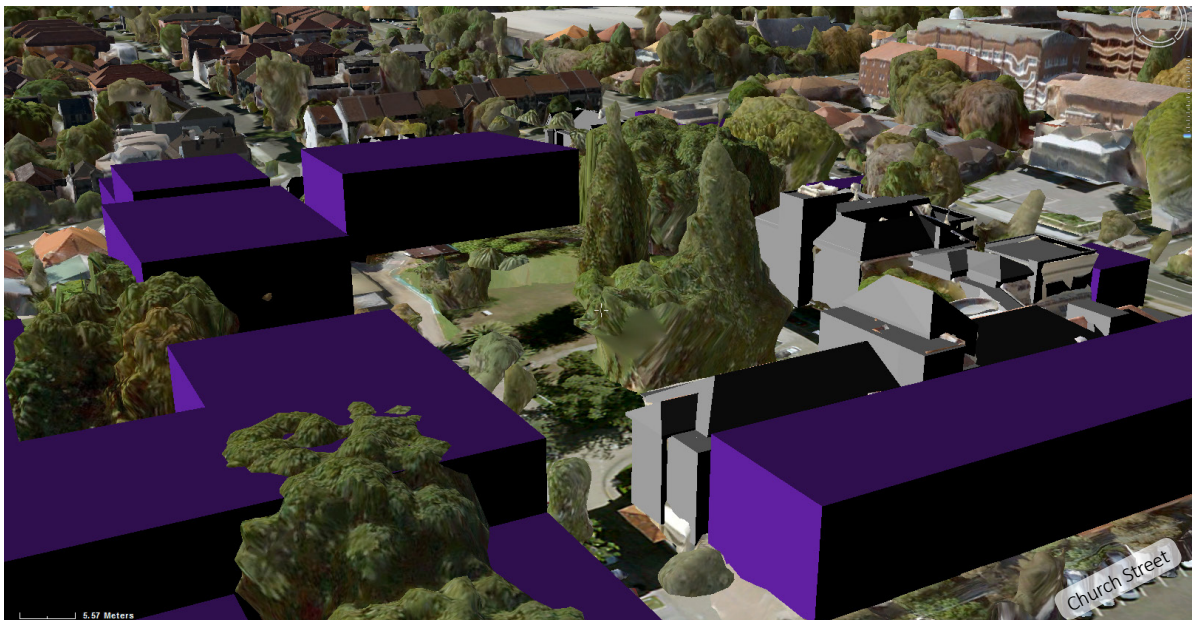


Figure 5B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height

## AERIAL - IMACTS ON WAR MEMORIAL HOSPITAL

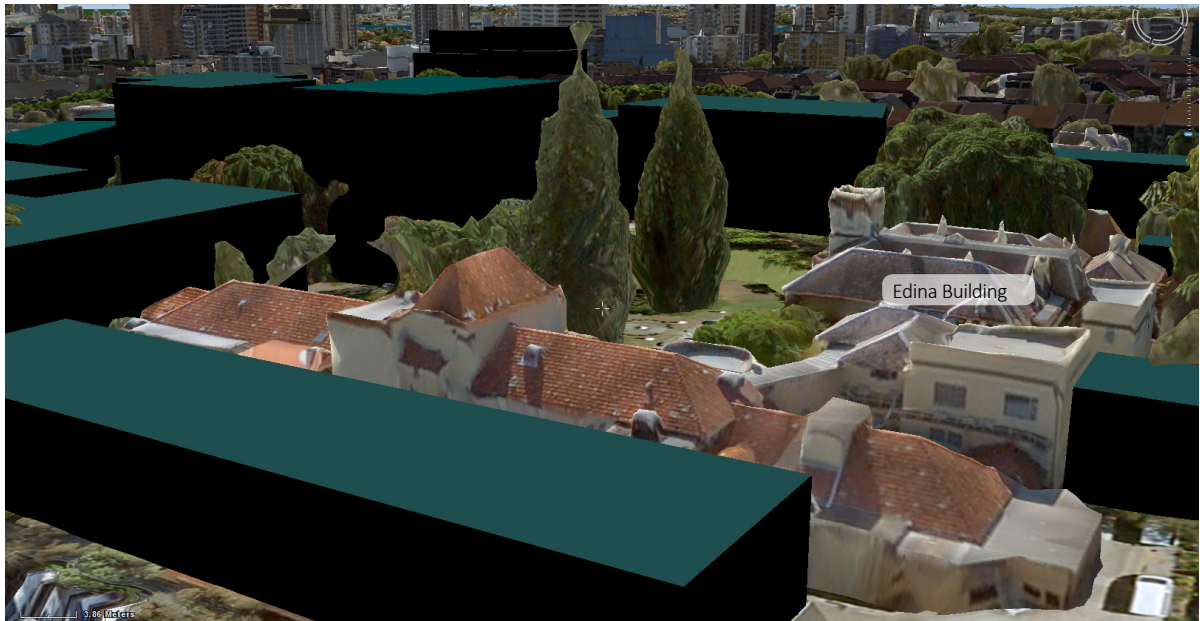


Figure 6A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height

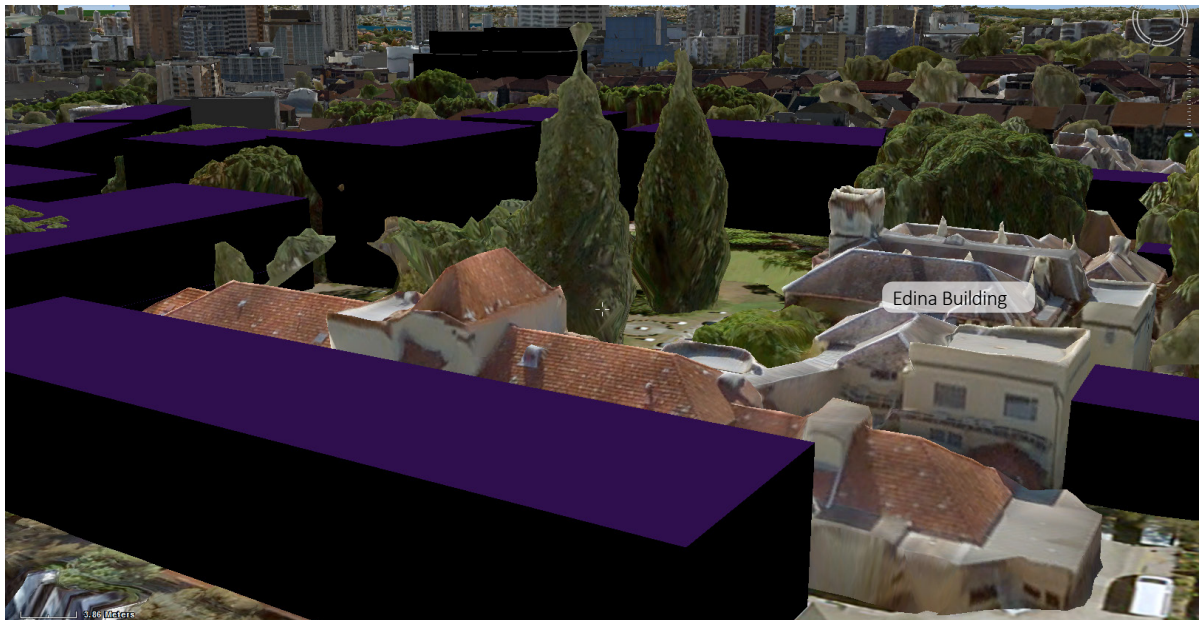


Figure 6B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height



## AERIAL - BIRRELL STREET

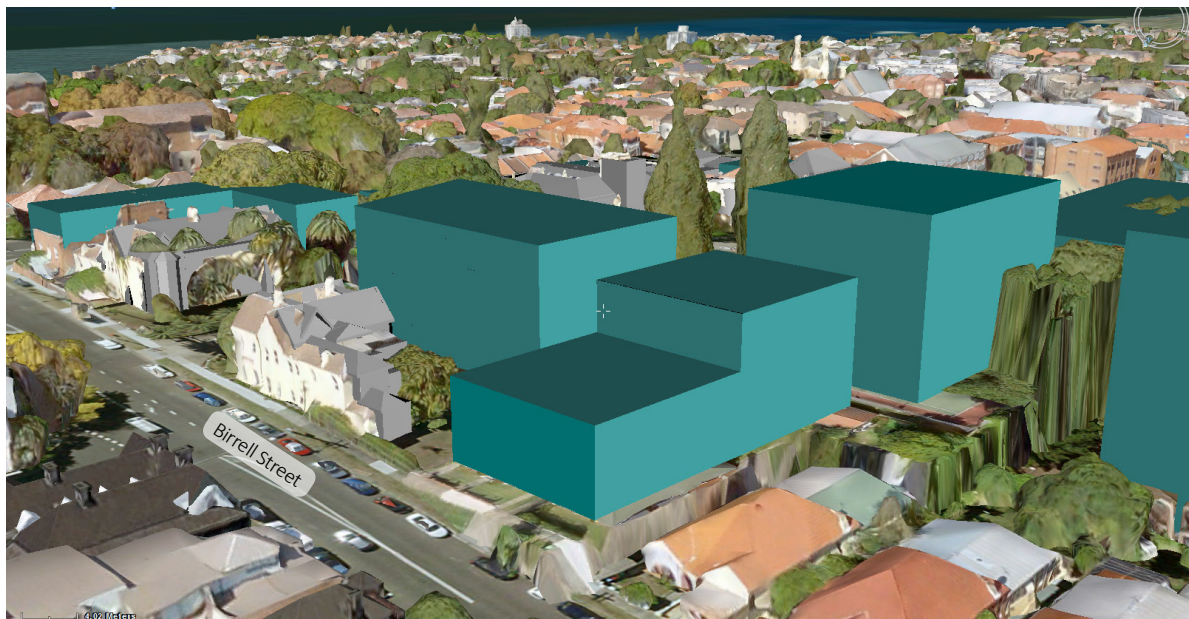


Figure 7A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height



Figure 7B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height



## STREET LEVEL - CNR BIRRELL ST AND BRONTE RD



Figure 8A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height



Figure 8B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height

## AERIAL - VIEW FROM BIRRELL STREET



Figure 9A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height



Figure 9B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height

## STREET LEVEL - CNR BIRRELL AND CARRINGTON ROAD

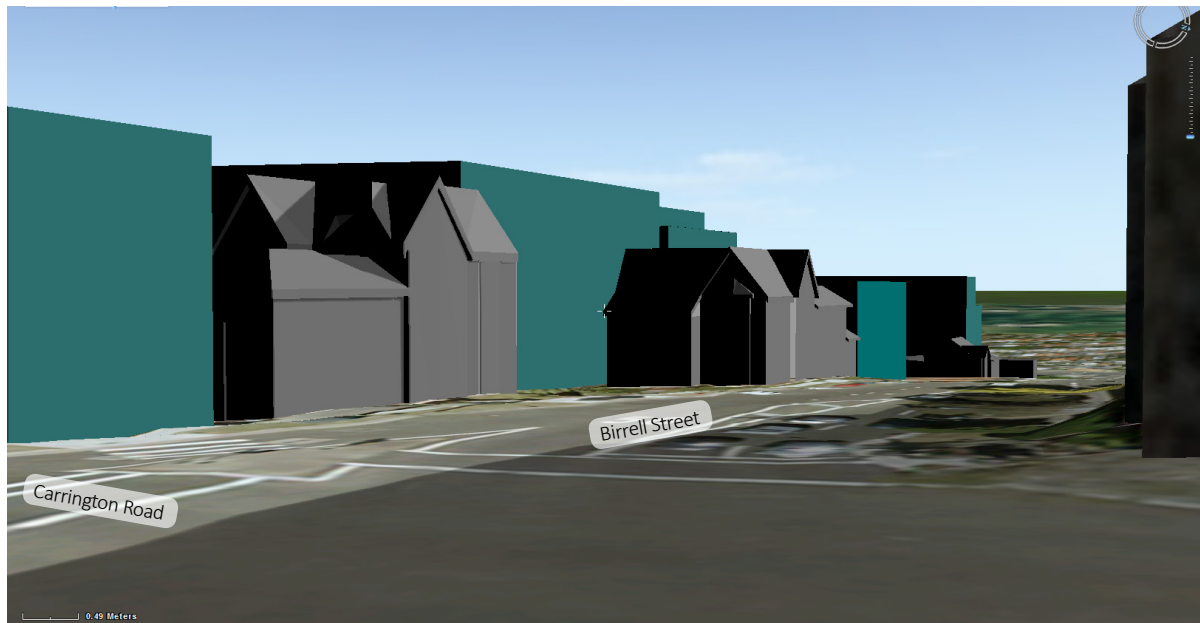


Figure 10A - Proponent's submitted masterplan, with buildings adjusted to the maximum permitted height



Figure 10B - Proponent's submitted masterplan, with buildings adjusted to the Council's preferred maximum permitted height

