



Charing Square Planning Proposal Assessment Report

203 – 209 Bronte Road & 94 Carrington Road, Waverley

Planning Proposal Information

Council versions:

No.	Author	Date	Version
1	Waverley Council	04/04/19	Pre-gateway

Contents

Executive Summary	5
INTRODUCTION	8
Affected Land	8
Existing Development on the site	9
Surrounding Context	10
Surrounding Development	12
Current Planning Controls	15
Background to this Planning Proposal	18
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	19
1.1 Description Statement.....	19
1.2 Intended Outcomes.....	19
PART 2 – EXPLANATION OF PROVISIONS.....	20
2.1 Draft Development Standards.....	20
PART 3 – JUSTIFICATION.....	20
3.1 Section A – Need for the planning proposal.....	20
3.1.1 Is the planning proposal a result of any strategic study or report?	20
3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	21
3.2 Section B – Relationship to strategic planning framework.....	22
3.2.1 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)?.....	22
Strategic Merit Test	27
a) Does the proposal have strategic merit? Is it:	27
Site-specific Merit Test	27
b) Does the proposal have site-specific merit, having regard to the following:	27
3.2.2 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?.....	29
3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?.....	41
3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?.....	41
3.3 Section C – Environmental, social and economic impact	43
3.3.1 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?	43

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	43
3.3.3 Has the planning proposal adequately addressed any social and economic effects?	46
3.3.4 Is there adequate public infrastructure for the planning proposal?.....	47
PART 4 - CONCLUSION.....	47
Attachments	49

Executive Summary

This report outlines the assessment of a proponent led Planning Proposal (PP) for 203-209 Bronte Rd and 94 Carrington Rd, Waverley. There are positive elements associated with a redevelopment of this site. The proponent's height and FSR controls are not supported as submitted, however Council officers have outlined amendments to this PP which result in a positive outcome. Following endorsement of the amended PP by Council, we would forward our amended PP to the DPE for Gateway Determination.

The proponent originally lodged a PP with a proposed height of 24m and a FSR of 2.85:1. Council officers met with the proponent on 3 December 2018 and informed them that this was unacceptable. Following this meeting the proponent made revisions to the PP and submitted an amended PP, reducing the proposed height to 18m and reducing the FSR to 2.65:1. The amended PP was submitted to Council on 5 February 2019. On 22 March 2019 the applicant formally lodged a Rezoning Review to be considered by the State Planning Panel.

The proponent's proposal intends to create a destination for residents and travellers to revitalise the Charing Cross centre. The public space is to be surrounded by artisan cafes and restaurants whilst also providing increased patronage numbers to the centre through the increase in residential in the centre. The proponent's proposal intends to enhance the identity and character of Charing Cross.

The proposed height of 18m would be twice the size of the majority of the existing buildings within Charing Cross. The anomalous and incongruous Eastern Suburbs Legion Club has a height of 12.3m. The Eastern Suburbs Legion Club at 12.3m appears out of place with the rest of the Bronte Road streetscape and the Charing Cross village. It dominates the streetscape and diminishes the visual character of Bronte Road. Having said that, it is nearly 6m less than the proposed PP. A greater height on the Carrington Road facing lots could be considered as the fall of the site means these lots are about 2m lower than the Bronte Road facing lot. There is also no distinct streetscape and significant heritage on Carrington Road and as such a taller building height here would have less of an impact on the character of Charing Cross.

The proposed FSR of 2.65:1 will allow for a much larger bulk in the built form than what is currently allowed in the 1:1 control. This will differ significantly from the existing built form for buildings in Charing Cross. Again, a larger bulk could be considered on the Carrington Road facing lots as there is no consistent streetscape like Bronte Road and as such the impact on the character of the centre is lessened.

The proponent's proposed courtyard space is small. While it measures approximately 135m² in total, the functional outdoor dining space is only around 40m². Due to the proposed heights it will be under shadow for most of the year. This would create a negative and unwelcoming perception of the space. However, a lower scale building wall height would create a more inviting space with greater access to sunlight, daylight and sky-exposure.

Charing Cross is an important heritage centre and as such detailed studies have been completed and instigated in detailed planning controls for this centre to respect and maintain the important character. Recent development in and around the Charing Cross centre has respected the important heritage and distinctive low-scale character by complying with Council's controls and objectives. This PP should not be an exception.

In summary, the proponent’s proposal would:

- Be out of scale with the surrounding streetscape of Charing Cross, particularly Bronte Road, and the prevailing low-density neighbourhood surrounds.
- Adversely impact the setting of the draft heritage item at 94 Carrington Road and challenge the landmark status of the heritage listed Robin Hood Hotel.
- Diminish the character of the broader Charing Cross Urban Conservation Area by dominating the streetscape and impeding district view corridors of the State Listed Mary Immaculate Church.
- Reduce residential amenity for dwellings to the south with additional overshadowing.
- Reduce redevelopment potential of the neighbouring Reece site to the south.
- Provide a low amenity internal courtyard which would be overshadowed, have limited sky exposure and minimal functional space.

Notwithstanding, Council officers support the notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy. Charing Cross is a suitable location for residential development given the transport connections to Bondi Junction and proximity to high amenity surrounds of Queens and Centennial Park and beaches. However, Council officers believe that these positive outcomes can be achieved and improved under more appropriate and sensitive built form controls that respect and celebrate the existing character and built form of Charing Cross. Therefore Council officers have made amendments to the proponent’s proposal to maximise the positive elements and eliminate any negative impacts from a more intensive mixed use redevelopment of the site – see below table.

WLEP2012 Provision	Existing Control	Proposal	Council amended PP
Zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
FSR	1:1	2.65:1	1.5: 1
Minimum non-residential FSR	NIL	NIL – concept scheme is 0.8:1	0.6:1
Height	9m	18m	Lot A DP 332733: 13m Lot B DP 332733: 10.5m Lot A DP 105665: 13m
Heritage Conservation Area	94 Carrington Road	Maintain*	Maintain
	Existing Control	Proposal	Council amended PP
Through site link	NIL	Yes	To be secured as part of a site specific DCP
Public space	NIL	25%	To be secured as part of a site specific DCP and Additional Local Provision in the LEP.

* 94 Carrington Road is currently under assessment as part of a separate Planning Proposal for its inclusion within Schedule 5 Environmental Heritage of the Waverley LEP

Council officers’ proposed built form controls are derived from a holistic and strategic analysis of the centre as part of our updated draft Village Centres Study. This proposed future scheme for the site considers and incorporates the redevelopment of this site in context to the neighbouring site to the south (Reece Plumbing). Council officers’ draft scheme allows for a much larger, higher amenity and more functional public square, residential and commercial uses and a scale that respects the significant heritage character of Charing Cross and is sympathetic with the prevailing character by stepping down to neighbouring sites. This draft scheme needs to be finalised as part of the draft Village Centres Study and can be viewed in Attachment A. This public square is intended to be secured

through the provision of a site specific DCP and an Additional Local Provision within the LEP to secure the space.

Increasing the FSR and height controls on the site in line with the proponent's controls would result in a development that is out of scale with the surrounding streetscape of Charing Cross, particularly Bronte Road, and the prevailing low density neighbourhood surrounds. This would ultimately diminish the character of Charing Cross. Council officers' proposed amendments to FSR and height would:

- respect the streetscape and existing heritage character and built form of Charing Cross
- improve residential amenity for dwellings to the south
- ensure equitable sharing of sunlight with the Reece site to the south to ensure that this site is not sterilised, and
- create a much larger, higher amenity and more functional public square outcome (Attachment A).

INTRODUCTION

Affected Land

The Planning Proposal is located on 203 – 209 Bronte Road (Lot A DP 105665), Waverley and 94 Carrington Road (Lot A and Lot B DP 332733), Waverley. Figure 1 below identifies the lots involved in the PP and their respective Lot and DPs.

Figure 1 – Site of the Planning Proposal, 203 – 209 Bronte Road and 94 Carrington Road, Waverley

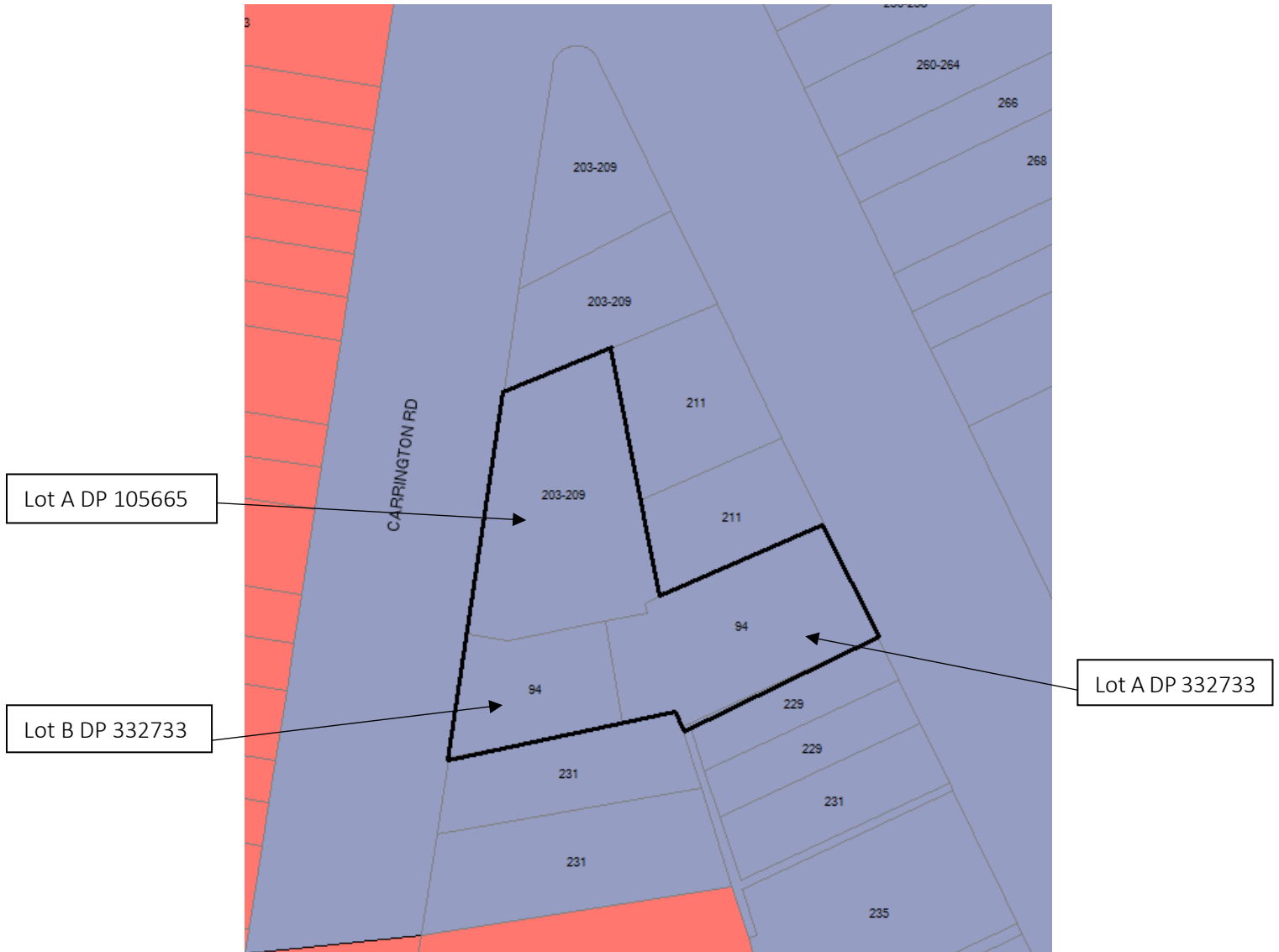


Figure 2 – Aerial photograph of the site of the planning proposal



The combined lot size of the three lots is approximately 1,229m². The site is adjacent to both the Robin Hood Hotel and the Eastern Suburbs Legions Club; neither of which are subject to this the PP.

Existing Development on the site

The three sites each have separate existing uses. Lot A DP 105655 is currently used as a retail premises in the form of a drive-through bottle shop known as the Robin Hood Bottle Shop.

Figure 3 – Existing retail premises on Lot A DP 105655



Lot A DP 332733 is currently used as shop top housing with a mix of retail shops on the ground floor and residential apartments above. The retail premises include a hair studio and a garage door sales place. The residential apartments above are in a dilapidated state and as such are not occupied, this site is within a Heritage Conservation Area (HCA) and the residential apartments are items of heritage interest currently being assessed as part of the Waverley Local Environment Plan 2012 (the LEP) Housekeeping Amendment PP for inclusion within Schedule 5 Environmental Heritage of the LEP. This is discussed further in Section 3.2 of this report.

Figure 4 – Existing retail use and shop top housing (left) and residential apartments (right), Lot A DP 332733



Lot B DP 332733 currently has an existing dilapidated garage on the site. Whilst the garage was inspected as an item of heritage interest it was found that there wasn't enough heritage significance to merit inclusion within Schedule 5 of the LEP. Figure 5 below shows the garage on Lot B.

Figure 5 – Existing garage on Lot B DP 332733



Surrounding Context

The site is located in the commercial / retail centre of Charing Cross near the intersection of Bronte Road and Carrington Road. The village centre is distinguished by the acute intersection of major traffic routes Carrington and Bronte Roads and the secondary route of Victoria Street. The village centre is characterised by two storey retail facades of late Victorian, Federation and Inter War styles interspersed with rare early Victorian shop and residential forms and later Post War development.

Bronte Road is distinguished by being a village centre of predominantly two-storey commercial buildings (shop-top housing) dating from the late 19th century through to the early 20th century. The principal character of the locality is late 19th century with a strong overlay of early 20th century commercial development, which tends to consist of single buildings, rather than rows of shop-top housing as were being constructed in the 1880s and 1890s (for example the Heads Buildings, 245-263 Bronte Road, a row of ten commercial premises with flats above).

Figure 6 – Bronte Road Streetscape



Figure 7 – Bronte Road Streetscape (Heads buildings)



The eastern side of Carrington Road which contains the subject property, is mixed in character with late 20th century commercial buildings to the south of the Robin Hood Hotel and face brick mid-20th century residential flat buildings. The western side of Carrington Road consists of detached Victorian

terrace housing and workers cottages with 20th century commercial buildings at the northern end, culminating in the Charing Cross Hotel at the junction of Carrington Road and Victoria Street. Aside from the Charing Cross Hotel and the Robin Hood Hotel, this section of Carrington Road is not particularly distinguished.

Figure 8 – Carrington Road Streetscape



The maximum height of 9m maintains the two storey consistency seen on both Bronte and Carrington and the 1:1 FSR control ensures the fine grain lot size seen on Bronte Road. With the exception of the anomalous Eastern Suburbs Legions Club (1970s construction), the majority of the recent developments completed within Charing Cross have maintained the consistency of the existing streetscape with only minor exceptions to the development standards, usually seen in increases of FSR, this is explored further in the surrounding development section.

Surrounding Development

To the north of the site is the Robin Hood Hotel, to the east / north of the site is the Eastern Suburbs Legions Club, to the south of the site is Reece’s Plumbing and to the west across the road are residential uses. The Eastern Suburbs Legions Club exceeds the controls for the site and location and as such looks out of place with the rest of Bronte Road which is a fine grain mix of shop top housing with a very consistent streetscape and bulk and scale. The Robin Hood Hotel is a heritage item that faces both Carrington Road and Bronte Road that also has a much larger building envelope than much of the development on Bronte Road, it is not inconsistent with the prevailing streetscape of Carrington Road because there is no clear building envelope consistency on Carrington Road.

The Charing Cross village is a Heritage Conservation Area (HCA) and contains many heritage items under Schedule 5 of the LEP. The heritage and low-density character of this village is highly valued and as such this centre is the subject of strict controls in the LEP and particularly the DCP. The importance of maintaining the scale, character and heritage of this centre was outlined in the comprehensive Waverley Local Villages Study of 2005 (Charing Cross excerpt attached). Recent development in and around the Charing Cross centre has respected the important heritage and distinctive low-scale character by complying with the controls and objectives set out in this document. Council’s longstanding stance on this issue has ensured that all recent DAs were consistent with the study and in turn, have respected the existing character and built form of the Charing Cross Centre. Figure 8 below outlines recent DAs and the controls to which they were developed. These developments are good examples of complying with or minimally exceeding the controls within reason whilst still respecting the streetscape and prevailing low-density neighbourhood character. Many of these developments have done this by setting back of the top level so that it is less visible to the streetscape

and the existing façade can be maintained. These developments were completed prior to the lodgement of this proposal and demonstrate that redevelopment of the subject site of this PP can be achieved without uplift; demonstrating that the PP represents rent-seeking rather than anything inherently wrong with the controls.

Figure 8 – Recent developments within Charing Cross



Figure 9 – Recent developments respecting the streetscape



Site 1 – 173 – 179 Bronte Road, Waverley



Site 2 – 226 – 232 Bronte Road, Waverley



Site 3 – 284 – 292 Bronte Road, Waverley



Site 4 – 235 – 239 Bronte Road, Waverley



Site 5 – 306 – 312 Bronte Road, Waverley



Site 6 – 314 – 316 Bronte Road, Waverley

Current Planning Controls

The Waverley Local Environmental Plan 2012 (WLEP2012) applies to the subject site.

The aims of the WLEP2012 are as follows:

- (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,
- (b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,
- (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,
- (d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,
- (e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,
- (f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,
- (g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.

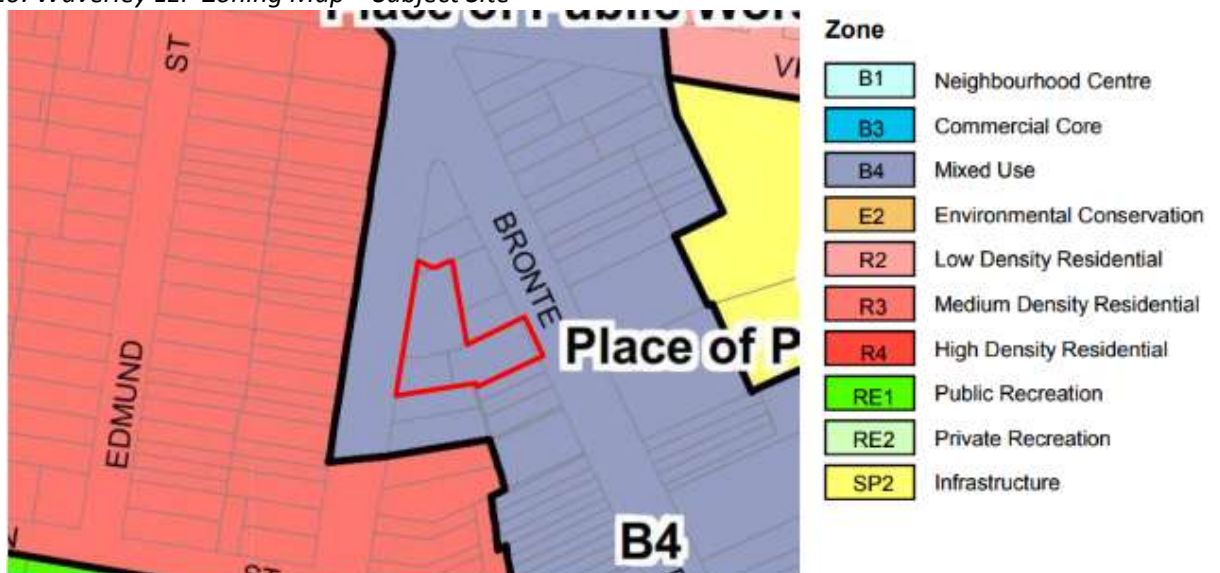
The current development standards pertaining to the site are:

WLEP 2012 Provision	Site
Zoning	B4 Mixed Use
Height of Buildings	9m
FSR	1:1
Heritage	Lot A DP 332733 pending outcome of WLEP Housekeeping Amendment 2018 PP
Heritage Conservation Area	Lot A DP 332733

Zoning: The zoning of the site is B4 Mixed Use. The objectives of the B4 Mixed Use zone are as follow:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.

Figure 10: Waverley LEP Zoning Map – Subject Site



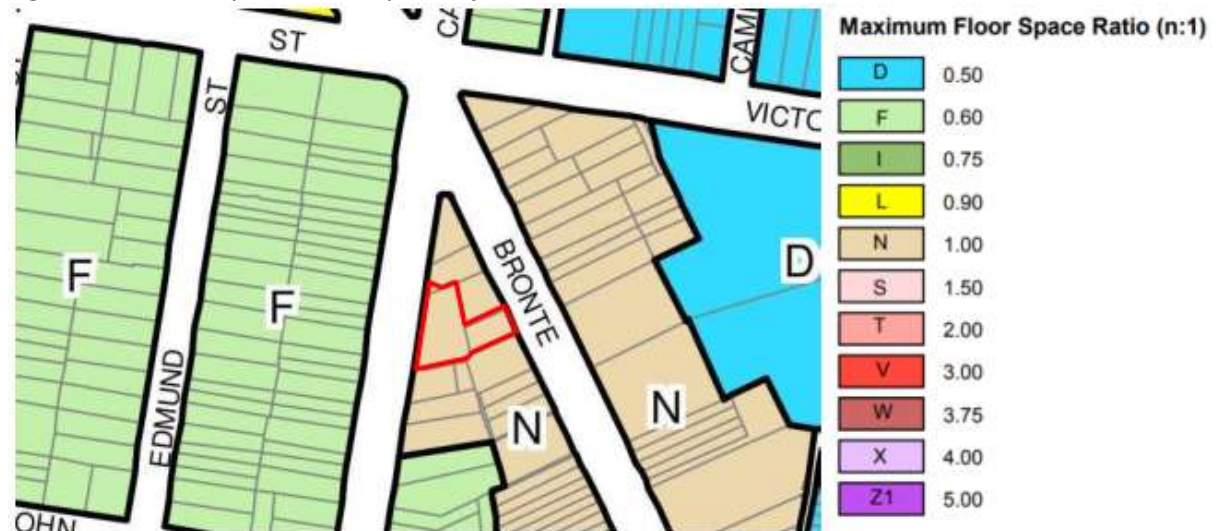
Height of buildings: The maximum height of buildings control applying to the site is 9m. This height is consistent with much of the Charing Cross centre and surrounding area. Currently the height of the bottle shop on Lot A DP 105665 is 5.4m and the height on Lot A DP 332733 is 11.5m.

Figure 11: Waverley LEP Height of buildings map – Subject site and surrounds



FSR: The FSR of the subject site is 1:1. This FSR is consistent with the surrounding area. This conservative FSR helps to create and maintain the fine grain building envelopes seen throughout much of the Charing Cross village centre and especially the built form character of Bronte Road. Figure 12 below shows the FSR for the site and surrounding area.

Figure 12: Waverley LEP FSR map – Subject site and surrounds

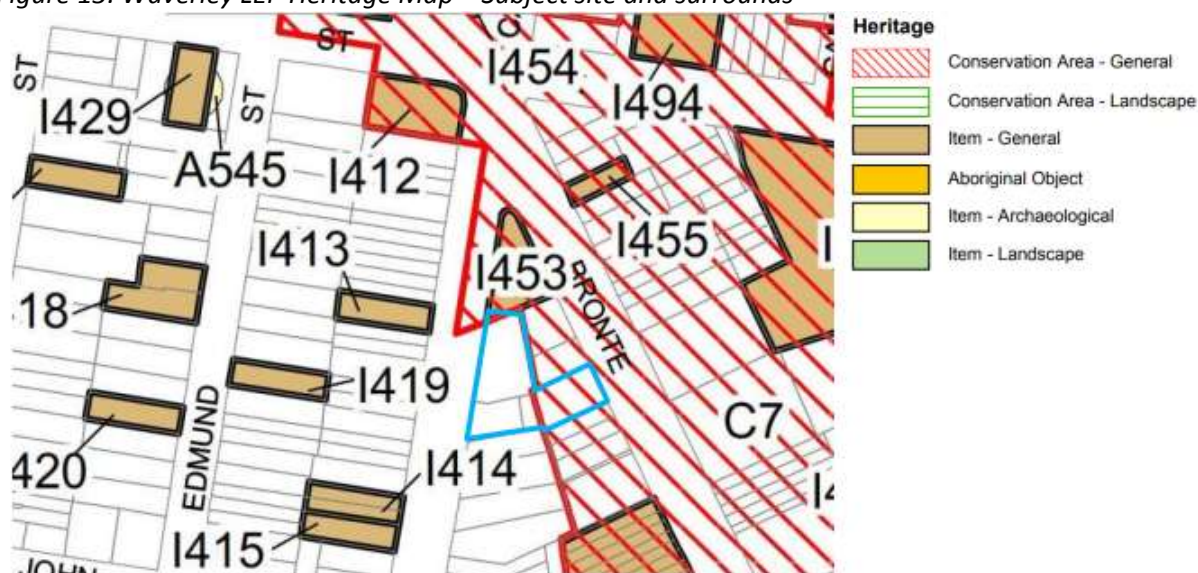


Heritage: Whilst there are currently no heritage items (heritage conservation area to be discussed in the next section) on the subject site, Lot A DP 332733 is currently being assessed for heritage listing as part of the Waverley LEP Housekeeping Amendment 2018 Planning Proposal. The lot is being considered for the building façade and Spanish Mission style residential flat buildings present on the site.

Heritage Conservation Area: The shop building at 223-227 Bronte Road is a strong contributing visual element in the Charing Cross Urban Conservation Area, being a well detailed Georgian Revival commercial building with two surviving shopfronts substantially intact. Although simple in detailing, the contrast between the face brick and rendered elements to the upper façade and the strong parapet design make the building stand out from its neighbours, and the buildings’ scale serves as a good transition between the contemporary Legion Club building and the Edwardian style shops along this portion of Bronte Road.

The Charing Cross heritage conservation area is listed for its heritage values in demonstrating late 19th and early 20th century commercial buildings of both state and local heritage significance; therefore it is important the heritage conservation area is retained. 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.

Figure 13: Waverley LEP Heritage Map – Subject site and surrounds



Background to this Planning Proposal

This Planning Proposal was lodged by Knight Frank on behalf of the land owner on 22 June 2018. This lodgement followed discussions with Council officers from as early as 2016 and a presentation to Council officers on 21 June 2018. The initial Planning Proposal proposed a height of 24m and a FSR of 2.85:1. Council officers met with the proponent on 3 December 2018 to discuss the initial assessment of the Planning Proposal. Following this meeting the proponent made revisions to the Planning Proposal and submitted an amended Planning Proposal having made changes to both the height of buildings and FSR, reducing the proposed height from 24m to 18m and reducing the FSR from 2.85:1 to 2.65:1. The amended Planning Proposal was submitted to Council on 5 February 2019. On 22 March 2019 the applicant formally lodged a Rezoning Review to be considered by the State Planning Panel.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement

The submitted proposal seeks to amend the WLEP2012 as follows:

WLEP2012 Provision	Existing Control	Proposal	Council amended PP
Zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
FSR	1:1	2.65:1	1.5: 1
Minimum non-residential FSR	NIL	NIL – concept scheme is 0.8:1	0.6:1
Height	9m	18m	Lot A DP 332733: 13m Lot B DP 332733: 10.5m Lot A DP 105665: 13m
Heritage Conservation Area	94 Carrington Road	Maintain*	Maintain
	Existing Control	Proposal	Council amended PP
Through site link	NIL	Yes	To be secured as part of a site specific DCP
Public space	NIL	25%	To be secured as part of a site specific DCP and Additional Local Provision in the LEP.

The proponent’s proposal seeks to amend WLEP 2012 by increasing both the FSR and the height of buildings on each of the three sites. The proposal seeks to double the height of buildings on the site from 9m to 18m and intends to increase the FSR on the sites from 1:1 to 2.65:1. The zoning is to remain as B4 Mixed Use.

For reasons that will be discussed as part of this report Council officers do not agree with the controls set in the proponent’s report. Council officer’s future scheme for this site requires split heights and FSRs for each of the lots and are outlined above.

1.2 Intended Outcomes

The intended outcome of the proponent’s proposal is to increase the height and FSR of the three subject sites to allow for a greater yield of commercial and residential floor space. The proposal intends to create controls on the site that enable the development of five storey buildings. The intention of these five storey buildings is to be able to yield up to 29 residential apartments and 1283m² in retail and commercial floor space. The proposal also intends to dedicate 25% of the lot area to create a through site link from Carrington Road to Bronte Road and a public space.

The proponent’s proposal intends to create a destination for residents and travellers to revitalise the Charing Cross centre. The public space is to be surrounded by artisan cafes and restaurants whilst also providing increased patronage numbers to the centre through the increase in residential in the centre. The proponent’s proposal intends to enhance the identity and character of Charing Cross.

Council officers support the notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy. Charing Cross is a suitable location for residential development given the proximity and high amenity surrounds of Queens and Centennial Park, Bondi Junction and the beaches. However, Council officers believe that these positive outcomes can be achieved and improved under more appropriate and sensitive built form controls that respect and celebrate the existing character and built form of Charing Cross. Therefore Council officers have made

amendments to the proponent’s proposal to maximise the positive elements and eliminate any negative impacts from a more intensive mixed use redevelopment of the site. Council officer’s proposed built form controls are derived from a holistic and strategic analysis of the centre as part of our updated draft Village Centres Study. This proposed future scheme for the site considers and incorporates the redevelopment of this site in context to the neighbouring site to the south (Reece Plumbing). Council officers’ draft scheme allows for a much larger, higher amenity and more functional public square, residential and commercial uses and a scale that respects the significant heritage character of Charing Cross and is sympathetic with the prevailing character by stepping down to neighbouring sites. This draft scheme needs to be finalised as part of the draft Village Centres Study and can be viewed in Attachment A. The public square is intended to be secured through the provision of a site specific DCP and an Additional Local Provision within the LEP to secure the space. In order to secure the commercial benefits Council officers’ proposal will also add a non-residential FSR of 0.6:1 over the sites ensuring any future development incorporates sufficient space to be used for commercial purposes.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Draft Development Standards

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

WLEP2012 Provision	Existing Control	Proposal	Council amended PP
Zone	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
FSR	1:1	2.65:1	1.5: 1
Minimum non-residential FSR	NIL	NIL – concept scheme is 0.8:1	0.6:1
Height	9m	18m	Lot A DP 332733: 13m Lot B DP 332733: 10.5m Lot A DP 105665: 13m
Heritage Conservation Area	94 Carrington Road	Maintain*	Maintain
	Existing Control	Proposal	Council amended PP
Through site link	NIL	Yes	To be secured as part of a site specific DCP
Public space	NIL	25%	To be secured as part of a site specific DCP and Additional Local Provision in the LEP.

PART 3 – JUSTIFICATION

3.1 Section A – Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

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

The Planning Proposal is not the result of a strategic study or report.

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

For the proponent's PP, going through the gateway process is the only means of achieving their amendments to the Waverley LEP. The proposed variations to the development standards would result in a 100% increase in height and a 165% increase in FSR. It is considered that the size of these variations are too large to be considered as part of a Clause 4.6 variation. As a Clause 4.6 variation to development standards would not be considered, the only means of changing the LEP controls on the site would be through a Planning Proposal.

The intention of creating a destination and increasing patronage can be achieved on the site under the current controls. The B4 Mixed Use zoning allows for a mix of commercial and residential uses that could be developed on the site to help create the artisan cafes and residential mix that the proposal is trying to achieve. Under the current controls shop top housing could be developed to create this mix, this development is already existing on Lot A DP 332733 and could be replicated on the remaining two lots. The current controls would produce a lower yield of apartments (12 fewer apartments) than what is proposed under this PP (although as demonstrated from recent development would still be viable). Redevelopment under the current controls allows for 17 apartments and would still enhance the identity and character of Charing Cross and would be much more in keeping with the existing character and streetscape of the Charing Cross village centre.

Increasing the FSR and height controls on the site in line with the proponent's controls would result in a development that is out of scale with the surrounding streetscape of Charing Cross, particularly Bronte Road, and the prevailing low density neighbourhood surrounds. This would ultimately diminish the character of Charing Cross. Council officers' proposed amendments to FSR and height:

- respect the streetscape and existing heritage character and built form of Charing Cross
- improve residential amenity for dwellings to the south
- ensure equitable sharing of sunlight with the Reece site to the south to ensure that this site is not sterilised, and
- create an improved public square outcome (Attachment A).

3.2 Section B – Relationship to strategic planning framework.

3.2.1 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)?

Eastern City District Plan

The *Eastern City District Plan*, prepared by the Greater Sydney Commission, provides actions and strategies to implement the Aims and Objectives of the Region Plan *A Metropolis of Three Cities*. The District Plan is applicable to the proposal. The following objectives set out in the District Plan are applicable to this proposal:

E4: Fostering healthy, creative, culturally rich and socially connected communities

The proposal helps to foster a creative and culturally rich community through two aspects of the plan. The proposal intends to utilise the open space area for public art. As the proposal also intends to retain the façade of Lot A DP 332733 it could be argued that this would help to ensure that the visual amenity of Bronte Road is maintained, however the proposed height for this lot would undermine this amenity. The maintenance of more than the façade (i.e. retaining some or all of the fabric of the original building) of Lot A DP 332733 and the setting back of one additional level would achieve this objective better; this is reflected in Council officers' suggested controls.

E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport

The proposal will provide housing supply that, given the proximity of the site to Bondi Junction, has good access to jobs, services and public transport. The site has access to various bus routes on Carrington Road and Bronte Road and has proximity to Bondi Junction train station as well.

It is not considered that the proposed residential dwellings will be affordable in nature given their location, views (being on a ridgeline) and the premium of newly built apartments. It is also considered that these benefits can be realised under current controls on the site without the need to increase the height and FSR controls to the limits the proponent is proposing. Additional height and FSR in line with Council officers' amended proposal respect the existing built form allow for an increased amount of commercial and housing supply and a functional public square, whilst still maintaining the character of Charing Cross.

E6: Creating and renewing great places and local centres, and respecting the District's heritage

Under the current proposal the height, bulk and scale of PP do not respect the District's heritage as it will undermine the Charing Cross Heritage Conservation Area. The Charing Cross Heritage Conservation Area is defined by individual buildings rich in detail, presenting focal points of interest. Each shop front commands attention, yet through their cohesiveness of scale and height, provide a rhythm to the facade which presents an impressive vista when viewed along the length of Bronte Road. The proposal significantly interrupts this rhythm. Council officers' proposed controls and setback levels respect the views along Bronte Road and the prevailing streetscape that is integral to the Charing Cross Conservation Area.

Lot A DP 332733 is currently under assessment for heritage listing as part of the Waverley LEP Housekeeping Amendment 2018 PP, this includes the façade, commercial shops and residential flats located on the building. Redevelopment of this building to the scale proposed by the proponent would also disrespect the draft heritage item and the conservation area. Whilst the proposal to maintain the façade is a more positive outcome than demolition, retaining the fabric of the dwelling is also a desirable outcome given its possible importance as a heritage item that is currently being assessed.

If the public courtyard that is to be created is complemented with good retail offerings it has the potential to create a destination and a public benefit. However, at the current proposed height, the courtyard would be dark, windswept and of general low amenity due to issues of overshadowing and limited sky exposure. If however, the height of buildings were a more reasonable and sympathetic scale with the surrounds, then the amenity would be much improved and a great place would be more achievable, Council officers' proposal reflects this and is shown in figures 15 and 16 below.

The provision of a greater amount of commercial and retail floorspace would assist in reinforcing the commercial / retail role and function of Charing Cross centre by potentially adding greater footfall. The proponent claims that Charing Cross centre is underperforming due to a high vacancy rate and that their scheme would redress this issue. Our analysis demonstrates that there are no structural problems with the performance or viability of Charing Cross as a centre. Based on a recent audit completed in January 2019 the vacancy rate is currently 4%; a slight increase from the 2% vacancy rate as at June 2018. A vacancy rate of 5% is considered a 'natural' attrition rate allowing for the turnover of businesses. As the vacancy rate has historically been very low for Charing Cross and has slightly increased to the natural attrition rate, the performance of Charing Cross as a successful village centre is not in question.

Council officers' proposal does allow for an increase in both commercial floorspace and residential floorspace which can assist in bringing more people and jobs to the centre but it will do so using a built form that is in keeping with the surrounding area.

E11: Growing investment, business opportunities and jobs in strategic centres

Not applicable. Whilst Charing Cross is outside of the strategic centre of Bondi Junction it is within proximity to Bondi Junction and as such can contribute to jobs and business opportunities within the centre. Whilst the proposal will contribute more jobs than developing under current controls due to the commercial/retail floor space that is generated, both will only create minor increases in jobs and business opportunity in the strategic centre.

E18: Delivering high quality open space

Whilst the proposal intends on delivering open space the quality of the open space would be low. The idea of the activated space with artisan cafes and restaurants is supported. However, the proposed courtyard space is small. While it measures approximately 135m² in total, the functional outdoor dining space is only around 40m² (Figure 14). Due to the proposed heights it will be under shadow for most of the year. This would create a negative and unwelcoming perception of the space. However, a lower scale building wall height would create a more inviting space with greater access to sunlight, daylight and sky-exposure. Sky-exposure is an urban design principle influencing the pedestrian perception of scale of a space, which in turn impacts upon the general perception of the character of a place. If a development occupies a large amount of the sky-exposure as perceived along Bronte Road in either direction, the development will not be read as part of the transition, and instead will be perceived as out of place.

Developing the three sites together means that under the requirements of the Apartment Design Guide (SEPP 65) and BASIX there would likely be a space in the centre of the lots left undeveloped (seen in the proposal as the public space) in order to meet privacy, solar access and cross-ventilation requirements. This ‘incidental’ space would likely be used for open space (public or private). Therefore, the central organising principle of this PP – a ‘public square’ - which underpins the significant uplift, is effectively incidental space masquerading as a public space. Council officers’ amended proposal intends to incorporate the adjacent Reece’s site to the south as part of a future scheme to enable a larger public space to be created which will have a much higher amenity due to greater levels of sky-exposure and more functional space for public use. This public square is intended to be secured through the provision of a site specific DCP and an Additional Local Provision within the LEP to secure the space. The proposed height and FSR will not impact on likely future uses for land in the vicinity of the proposal.

Figure 14 – Dimensions of uses with proposed public space



Council officers’ proposed controls coupled with a future scheme that will be enforced through a site specific DCP and Additional Local Provision allows for a much greater level of sky-exposure, functional space and sunlight than the proponent’s proposal. Figures 15 and 16 below show the difference in space between both proposals and the amount of sunlight each receives at 12pm at the winter and summer solstice. Council officers’ proposal presents as a much more inviting and usable area given the larger space and sky-exposure.

Figure 15 – Shadow diagrams for the proponents public space



Winter solstice, 12pm



Summer solstice, 12pm

Figure 16 – Shadow diagrams for Council public space



Winter solstice, 12pm



Summer solstice, 12pm

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. Each of the above objectives within the Eastern City District Plan give effect to objectives within *A Metropolis of Three Cities*, the connections are set out below.

Strategic Merit Test and Site Specific Merit Test

All planning proposals in NSW must be prepared in accordance with the *Guide to preparing Planning Proposals*. The table below assesses the proposal against the strategic merit test as set out in this document.

Guide to preparing Planning Proposals

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	<p>Partly.</p> <p>The increase in the FSR and Height of the site however contravenes the strategic direction of the District Plan, specifically Actions 18 and 21 which require Council to take a place-based and holistic approach to development, and Actions 18, 20, 21 and 38 which require the heritage and character of an area to be respected and enhanced.</p> <p>The proposed increase in Height and FSR is grossly out of character with the area, allowing a doubling of what is currently permissible on the site, and double of any other recent development in the area.</p> <p>The proposal is consistent with some aspects of both <i>A Metropolis of Three Cities</i> and the <i>Eastern City District Plan</i> as discussed in section 3.2.1. However, the objectives that the proposal is consistent with can be delivered under current controls on the site. Under current controls the impact that the resulting development could have on the objectives of the plans is lower due to a lower yield in commercial and residential floor space. Under Council officers' amended proposed controls the resulting development can have an increased yield whilst still respecting the surround area.</p>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	There are no local strategies that have been endorsed by the Department that apply to the site.
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.	There have been no changing circumstances economically, socially or environmentally that apply to the site that are not reflected in the existing planning controls.
Site-specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant environmental values, resources or hazards); and	There is no known environmental values that would be diminished as part of this proposal. The biggest impact with regards to the surrounding environment would be the loss of solar access to surrounding residences as the height of the proposal would cast a shadow on directly adjoining residences (see figure below).
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	<p>The proposed 18m height and 2.65:1 FSR have little or no site-specific merit based on the existing, approved and future uses in the vicinity.</p> <p>In terms of the existing uses surrounding the sites, Bronte Road is distinguished by being a village centre of predominantly two-storey commercial buildings (shop-top housing) dating from the late 19th century through to the early 20th</p>

	<p>century. The centre and surrounds to have some three-storey forms, which tend to be set-back from the street frontage.</p> <p>The proposed height of 18m would be twice the size of the majority of the existing buildings within Charing Cross. The anomalous and incongruous Eastern Suburbs Legion Club has a height of 12.3m. The Eastern Suburbs Legion Club at 12.3m is visually intrusive and out of place with the rest of the Bronte Road streetscape and the Charing Cross village. It dominates the streetscape and diminishes the visual character of Bronte Road. Having said that, it is nearly 6m less than the proposed PP.</p> <p>The heritage and low-density character of this village is highly valued and as such this centre is the subject of strict controls in the LEP and particularly the DCP. Critically, this is why recent development in the past 15 years in this area (Figure 8) has been consistent with the scale of the prevailing low-density neighbourhood and character of the heritage streetscape. Recent development in and around the Charing Cross centre has respected the important heritage and distinctive low-scale character by complying with the controls and objectives set out in this document. Council’s longstanding stance on this issue has ensured that all recent DAs were consistent with the study and in turn, have respected the existing character and built form of the Charing Cross Centre.</p> <p>Many of these developments have done this by setting back of the top level so that it is less visible to the streetscape and the existing façade can be maintained.</p> <p>A greater height on the Carrington Road facing lots could be considered as the fall of the site means these lots are about 2m lower than the Bronte Road facing lot. There is also no distinct streetscape and significant heritage on Carrington Road and as such a taller building height here would have less of an impact on the character of Charing Cross.</p> <p>Regarding site specific merit in context of likely future uses in the vicinity, the Waverley Local Planning Panel has advised that: “the wider Charing Cross area is not likely to change due to the number of heritage items, the extent of the heritage conservation area (HCA) and the size and fragmented ownership of properties. In light of this, the Panel does not see justification or rationale for any major increases in height or FSR on the site. The Panel, does recognise that this site, together with adjoining properties, has the potential for redevelopment at a height and FSR greater than the current controls, but that any increase in height and FSR should respect the character and the heritage significance of the wider area.”</p> <p>On this basis, there is little to no site specific merit to justify the proposed height and FSR increase proposed by the proponent.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal; and</p>	<p>The site is well located within walking distance to the Bondi Junction Transport Interchange and many bus routes along Bronte Road.</p>
<p>Any proposed financial arrangements for infrastructure provision.</p>	<p>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. The proposal does offer public space in lieu of a monetary contribution in the form of 25% of the lot area being given for public use.</p>

3.2.2 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

Waverley Local Environmental Plan 2012

Waverley Local Environment Plan 2012	
Objective	Proposal
to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community	The proposal does intend to co-ordinate a range of commercial and residential uses that will service the local community, however this can be done under the existing controls. The proposed controls can deliver this objective but will negatively impact on the amenity of the surrounding area and the heritage importance of the area. Council officers’ amended proposal will deliver this objective whilst respecting the existing streetscape, built form and heritage of Charing Cross.
to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley	<p>Lot A DP 332733 is currently under assessment for heritage listing as part of the Waverley LEP Housekeeping Amendment 2018 PP, this includes the façade, commercial shops and residential flats located on the building. Redevelopment of this building would also disrespect the built and aesthetic heritage of Waverley. Whilst the proposal to maintain the façade is a more positive outcome than demolition, retaining the fabric of the dwelling is also a desirable outcome given its possible importance as a heritage item that is currently being assessed.</p> <p>Under the current proposal the height, bulk and scale of PP do not respect the built or aesthetic heritage of Waverley as it will undermine the Charing Cross Heritage Conservation Area.</p> <p>Council officers’ amended proposal respects the built heritage of Charing Cross as it only proposes one setback level on top of Lot A DP 332733 which does not take away from the prevailing streetscape which is integral to the heritage conservation area. Council officers’ proposal also intends to respect the listing Lot A in Schedule 5 of the LEP pending its assessment in the Housekeeping Amendment PP.</p>

Zoning: B4 Mixed Use	
Objective	Proposal
To provide a mixture of compatible land uses	The proposal does provide a mixture of land uses as it proposes to have a mix of commercial, retail and residential land uses. As much of Charing Cross has a commercial mix of shop top housing it is considered that the proposed uses on the site are compatible land uses.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling	The site is in an accessible location to various modes of public transport including bus services and the train station. The site is accessible to cycle paths as well with Queens Park directly opposite the site. The land uses that are proposed are suitable for the area.
To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core	Not applicable. The site is not directly surrounded by B3 Commercial Core zoned land.

Height	
Objective	Proposal
To establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,	Under the current controls it is considered that a maximum height of 9m will preserve the environmental amenity of neighbouring properties and public spaces. As seen in the shadow diagrams, the proposed 18m will cause overshadowing for the residential residences to the South of the site. Whilst the proposal intends on delivering open space the quality of the open space would be low. The idea of the activated space with artisan cafes and restaurants is supported. However, functional element of the courtyard space would only be around 40m ²) and due to the proposed heights will be under shadow for most of the year. This would create a negative and unwelcoming perception of the space. However, a lower scale building wall height would create a more inviting space with greater access to sunlight, daylight and sky-exposure. Council officers' proposed amended heights create a development scenario that is in keeping with the surrounding built form and does not detract from the Bronte Road streetscape. The buildings do not detract from the visual presence of the Robin Hood and do not diminish views. The setback level on Lot A DP 332733 is in line with the height of the Legions club and the height proposed on Lot A DP 105665 has the first three levels in line with the parapet of the Robin Hood and a fourth storey set back.
To increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,	Not applicable.
To accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,	Not applicable.
To ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.	<p>It is considered that the proposed height is not compatible with the height, bulk and scale of the desired future character of development within Charing Cross. It is not considered that a proposed height twice the size of the current limit will complement the existing physical definition of the street and in diminishing the visual amenity of the street, will have a negative impact on public space as well. The desired future character is centered on a low scale precinct that complements the important historic fabric and unique local character of the centre. The Waverley Local Villages Study 2005 (Attachment B) comprehensively outlined this vision and this has been reflected in the 9m height controls and the detailed DCP controls applying to this centre.</p> <p>The proposed height of 18m would be twice the size of the majority of the existing buildings within Charing Cross. The anomalous and incongruous Eastern Suburbs Legion Club has a height of 12.3m. The Eastern Suburbs Legion Club at 12.3m appears out of place with the rest of the Bronte Road streetscape and the Charing Cross village, dominating the streetscape and diminishing the visual character of Bronte Road. Having said that, it is nearly 6m less than</p>

Height	
Objective	Proposal
	<p>the proposed PP; underlining the incompatibility of the proposed 18 metre height.</p> <p>As the lots facing Carrington Road sit approximately 2m lower in elevation than the lot facing Bronte Road a taller height than the 9m limit could be considered.</p> <p>Council officers’ amended proposal has taken careful consideration of the future character outlined in the Waverley Local Villages Study 2005 and the updated draft Village Centre Study. As a result, the height and bulk are compatible with the surrounding buildings and do not challenge the landmark status of the Robin Hood Hotel or detract from the visual amenity of the Bronte Road streetscape. The officers’ amended proposal does not create a precedence that will negatively impact Charing Cross as the proposed building height and bulk are in keeping with the surrounding area.</p>

FSR	
Objective	Proposal
To ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,	Not applicable.
To provide an appropriate correlation between maximum building heights and density controls,	<p>Whilst the FSR control and height control proposed are suitable when used together they are not suitable in the context of Charing Cross or the Bronte Road streetscape.</p> <p>Council officers’ proposed FSR was created as an appropriate correlation to the building height that was chosen that would be in keeping with the height of the surrounding buildings.</p>
To ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,	The proposed FSR of 2.65:1 will allow for a much larger bulk in the built form than what is currently allowed in the 1:1 control. Having a built form of this size alongside existing buildings of a much smaller size will undermine the significance of the Bronte Road streetscape which will detract from the character of the village centre. A larger bulk could be considered on the Carrington Road facing lots as there is no consistent streetscape like Bronte Road and as such the impact on the character of the center is lessened. The FSR and height controls proposed in Council officers PP are compatible with the desired future character of the locality (Attachment A).
To establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.	It is considered that an FSR of 2.65:1 across each of the sites would create a bulk that is much larger than properties in the immediate vicinity (especially on Bronte Road), with exceptions to the anomalous Eastern Suburbs Legion Club. Having a smaller FSR will enable a development that will be more consistent with the scale of development found along Bronte Road which would therefore maintain the amenity of Charing Cross.

Heritage	
Objective	Proposal
to conserve the environmental heritage of Waverley,	<p>The proposal diminishes, rather than conserves, the environmental heritage of Waverley. It would:</p> <ul style="list-style-type: none"> • Overwhelm the contributory building and draft heritage item on Lot A DP 332733 • Impede on district view corridors of the State Listed Mary Immaculate Church, detrimentally impacting on the landmark significance of this item. • Diminish the character of the broader Charing Cross Urban Conservation Area by dominating the streetscape • Adversely impact the setting of the heritage significance of the Robin Hood Hotel inclusive of its landmark status.
to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	<p>The proposed height and bulk overwhelms the contributory building and draft heritage item on Lot A DP 332733. The proposal diminishes the significance of the item and its contribution towards the rest of the heritage conservation area. The lot is currently being assessed within the Waverley LEP Housekeeping Amendment 2018 for its inclusion within Schedule 5 of the LEP. Furthermore, the proposed 18m height would:</p> <ul style="list-style-type: none"> • Impede on district view corridors of the State Listed Mary Immaculate Church, detrimentally impacting on the landmark significance of this item. • Diminish the character of the broader Charing Cross Urban Conservation Area by dominating the streetscape • Adversely impact the setting of the heritage significance of the Robin Hood Hotel inclusive of its landmark status. <p>Council officers’ proposal supports the protection of the existing building on Lot A.</p>
to conserve archaeological sites,	The site does not have any archaeological heritage significance
to conserve Aboriginal objects and Aboriginal places of heritage significance.	The site does not have any Aboriginal objects or is not an Aboriginal place of heritage significance.

In summary, the proponent’s proposed 18 m height and 2.65:1 FSR would:

- Be out of scale with the surrounding streetscape of Charing Cross, particularly Bronte Road, and the prevailing low density neighbourhood surrounds.
- Adversely impact the setting of the draft heritage item at 94 Carrington Road (223-227 Bronte Road) and the heritage significance of the Robin Hood Hotel inclusive of its landmark status.
- Impede on district view corridors of the State Listed Mary Immaculate Church, detrimentally impacting on the ‘landmark’ significance of this item.
- Diminish the character of the broader Charing Cross Urban Conservation Area by dominating the streetscape and impeding district view corridors inclusive of the State Listed Mary Immaculate Church.
- Reduce residential amenity for dwellings to the south with additional overshadowing.
- Reduce redevelopment potential of the neighbouring Reece site to the south.
- Provide a low amenity internal courtyard which would be overshadowed, have limited sky exposure and minimal functional space.

Council officer amendments recommended to the PP are as follows:

- 13 m height on Lot A DP 332733 and Lot A DP 105665.
- 10.5 m on Lot B DP 332733.
- an FSR of 1.5:1 across all sites.

The controls listed, along with a site specific DCP to be created in conjunction and an Additional Local Provision that secures the delivery of the public square, allow for a development that does not diminish the visual amenity of the Bronte Road streetscape, the landmark status of the Robin Hood Hotel and is consistent in size with the surrounding development. The proposal will also maintain the heritage item on Lot A DP 332733 being assessed for inclusion within Schedule 5 of the LEP as part of the Waverley LEP Housekeeping Amendment PP. In order to secure the commercial benefits of redevelopment with uplift, Council's proposal will add a non-residential FSR of 0.6:1 over the sites ensuring any future development incorporates sufficient space to be used for commercial purposes.

In summary, the proposed Council officer amendments to FSR and height would:

- Respect the streetscape and existing heritage character and built form of Charing Cross, including the contributor building draft heritage item at 94 Carrington Road (223-227 Bronte Rd), the landmark Robin Hood Hotel and State Listed Mary Immaculate Church.
- Improve residential amenity for dwellings to the south.
- Ensure equitable sharing of sunlight with the Reece site to the south to ensure that this site is not sterilised
- Create provision for a much larger, higher amenity and more functional public square.

The figures overleaf outline the development possible under both the proponent's controls (in blue) and under Council's controls (in pink).

Figure 17. View from Bronte Road, north of the site – Proponent (blue) vs Officer amended scheme (pink).



Figure 18. View from Carrington Road, south of the site – Proponent (blue) vs Officer amended scheme (pink).

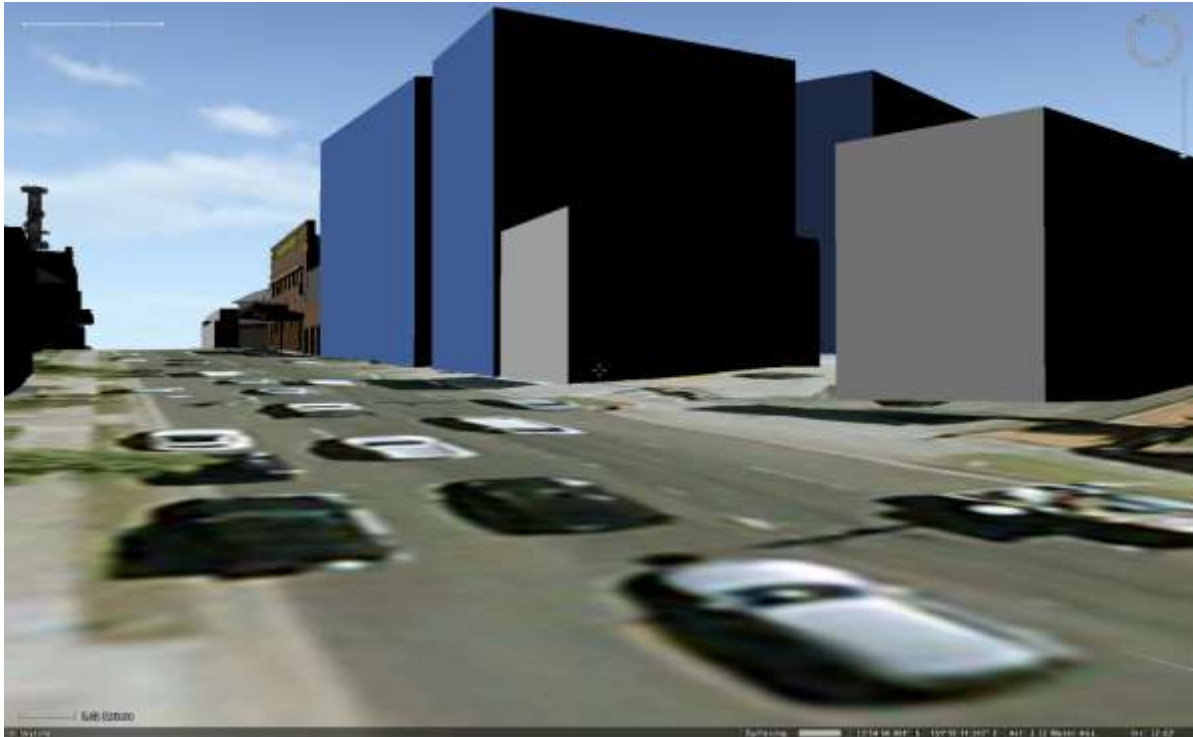


Figure 19. View from Carrington Road, north of the site – Proponent (blue) vs Officer amended scheme (pink).



Figure 20. View from Bronte Road, south of the site – Proponent (blue) vs Officer amended scheme (pink).

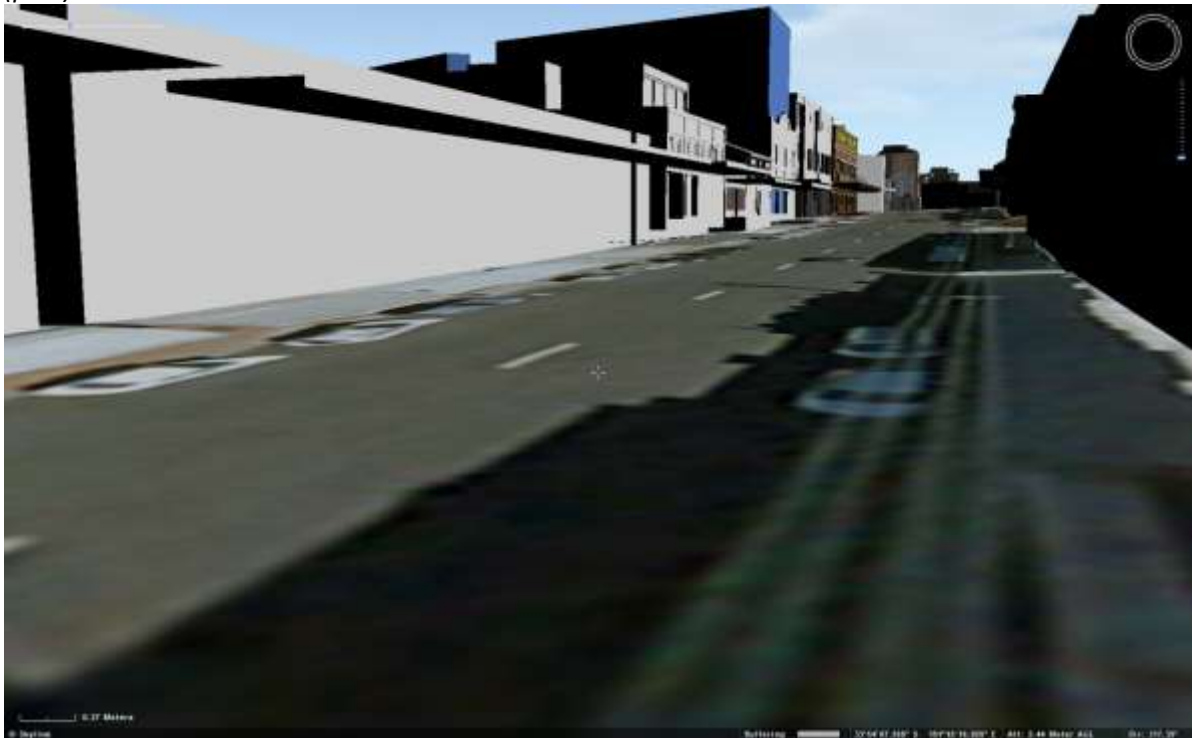


Figure 21. View of site from south west – Proponent (blue) vs Officer amended scheme (pink).

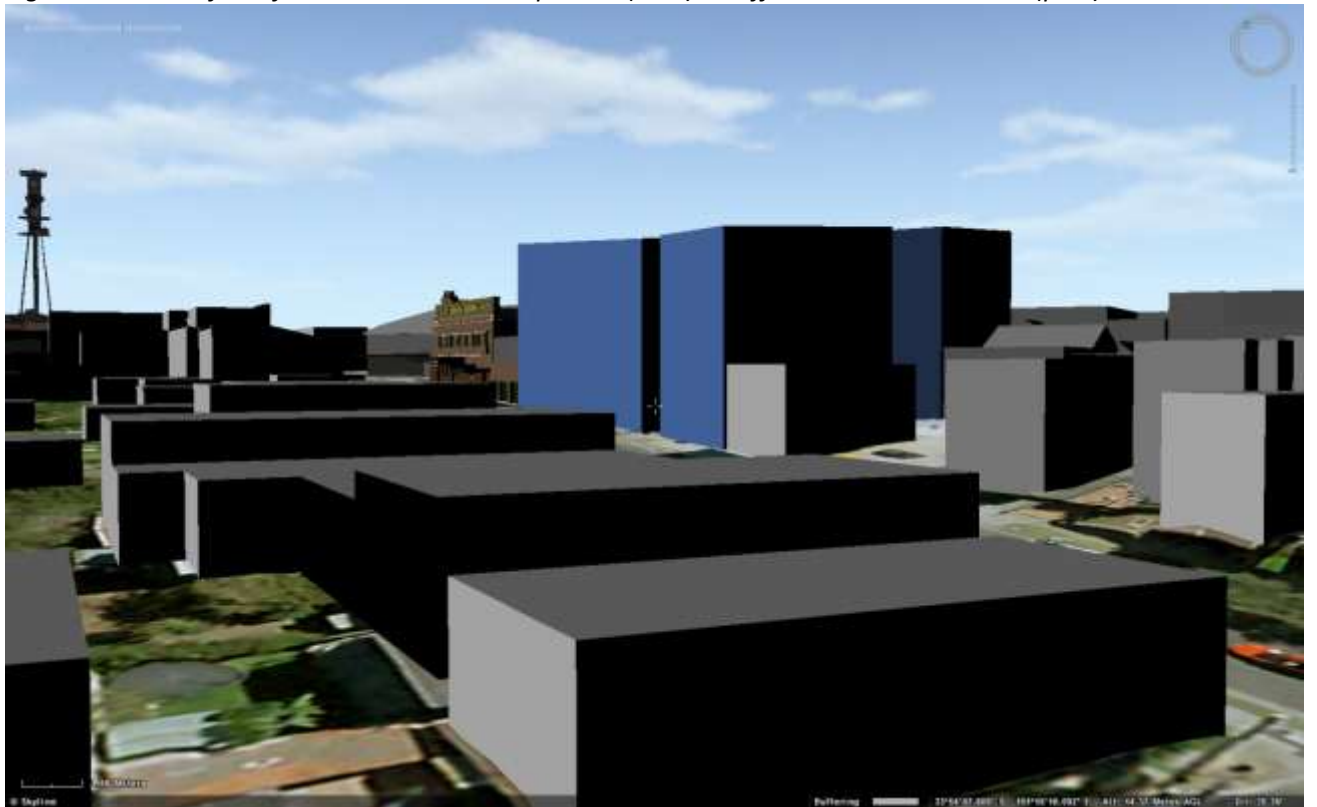


Figure 22. View of site from Queens Park, west of the site – Proponent (blue) vs Officer amended scheme (pink).



Waverley Community Strategic Plan 2018-2029

Section	Consistency
1.2 Preserve and interpret the unique cultural heritage of Waverley	In maintaining the façade of Lot A DP 332733 the proposal is protecting the significance of the Bronte Road streetscape. In order to protect the heritage conservation area as a whole and the item as it is considered for inclusion in Schedule 5 of the LEP the commercial shop buildings and the residential flats also need to be preserved to maintain its contribution towards the rest of the heritage conservation area. Council officers' amended proposal supports the protection of the existing building on Lot A. Council officers' proposal also respects the façade of Lot A and in turn the rest of the Bronte Road streetscape by setting back the upper level, this is an integral part to the Charing Cross heritage conservation area.
3.2 Expand the network of parks and open spaces, sporting and recreational facilities	Whilst the proposal intends on delivering open space, the quality of the open space would be low as argued above. Council officers' proposed amended controls coupled with a future scheme that will be enforced through a site specific DCP and Additional Local Provision to facilitate an improved public space outcome.
4.2 Ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services	The proposal will allow for a diverse range of businesses within Waverley villages as the development of each lot for shop top housing means there must be a commercial or retail premises on each. It is noted that this outcome can be achieved under existing controls and Council officers' proposed controls as well.
5.2 Value and embrace Waverley's heritage items and places	Maintaining the heritage of Lot A DP 332733 is consistent with this objective
6.2 Build and maintain streetscapes that have a welcoming sense of place	If the proposal was to be approved with the controls of 18m height of buildings and 2.65:1 FSR it is considered that the proposal would be inconsistent with this objective. A building that is twice the height and more than twice the size of other buildings on Bronte Road (Lot A DP 332733) would ultimately interrupt the consistent streetscape that is present on Bronte Road. Reducing the visual amenity of the Bronte Road streetscape would negatively impact the Charing Cross village sense of place. Council officers' amended proposal which is respectful of the streetscape and setbacks upper levels so as to reduce their impact on visual amenity is consistent with this objective. All buildings are proposed to be at a height that is consistent with the existing development and therefore will not interfere with the sense of place as the character of Charing Cross will remain the same.
6.3 Create safe streets and footpaths with fair access to parking	The proposal intends to provide 35 car parking spaces with the possibility of 6 on street car parking spaces to be created.

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

SEPP	Name	Applicable	Consistent
55	Remediation of Land	Yes	There is asbestos present on each of the sites but it is contained within the structures that it is found in. Any demolition occurring on the sites would have ensure the correct safety measures are used to maintain the asbestos, this would be considered at the development application stage. The existing and historical uses on the site have not contaminated the land and as such it is not considered that remediation is needed.
65	Design Quality of Residential Apartment Development	Yes	The design and separation of the buildings is compliant with SEPP 65 with regards to visual privacy, communal space, setbacks and building separation requirements. The height, FSR and context responsiveness are less compliant with SEPP 65, it is considered that these issues would be addressed as part of a development application.
70	Affordable Housing (Revised Scheme)	N/A	Whilst all Greater Sydney Councils are now technically a part of SEPP 70, Council does not yet have the mechanism within the LEP to be enable the use of SEPP 70 to levy developments for affordable housing. This will be considered further as part of the DA stage.

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

Table 8 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.

Ministerial Directions	Comment
<p>1.1 Business and Industrial Zones</p> <p><i>(1) Objectives</i></p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p><i>(c) support the viability of identified centres.</i></p> <p><i>(4) A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p><i>(a) give effect to the objectives of this direction,</i></p> <p><i>(b) retain the areas and locations of existing business and industrial zones,</i></p> <p><i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i></p> <p><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p>	<p>The proposal will encourage employment growth in a suitable area as the site is located within close proximity to the strategic centre of Bondi Junction and many residential areas.</p> <p>The proposal intends to keep the existing B4 Mixed Use business zoning and protect lands that permit business land uses.</p> <p>The proposal will not reduce potential business floor space as in any shop top housing development that is to occur on the site the bottom floor is required to be commercial or retail development, regardless of increase to FSR or height.</p> <p>Maintaining employment floor space is in accordance with the Eastern City District Plan and the Waverley Community Strategic Plan 2018 – 2029.</p>

Ministerial Directions	Comment
<p><i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</i></p>	<p>In order to secure these commercial benefits Council officers’ proposal will add a non-residential FSR of 0.6:1 over the sites ensuring any future development incorporates sufficient space to be used for commercial purposes.</p>
<p>2.3 Heritage Conservation</p> <p><i>(1) Objectives</i></p> <p><i>(a) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p><i>(4) A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p><i>(a) 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></p> <p><i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p><i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land 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>The Proposal includes the potential for significant redevelopment within a heritage conservation area.</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 Charing Cross Conservation Area in which Lot A DP 332733 is a part of.</p> <p>Council officers’ amended proposal supports the protection of the existing building on Lot A. Council officers’ proposal also respects the façade of Lot A and in turn the rest of the Bronte Road streetscape by setting back the upper level, this is an integral part to the Charing Cross heritage conservation area.</p>
<p>3.4 Integrating Land Use and Transport</p> <p><i>(1) 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> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p>	<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 proximate to a Strategic/District Centre.</p>

Ministerial Directions	Comment
<p>(d) <i>supporting the efficient and viable operation of public transport services, and</i></p> <p>(e) <i>providing for the efficient movement of freight.</i></p> <p>(4) <i>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:</i></p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	
<p>6.1 Approval and Referral Requirements</p> <p>(1) <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></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>7.1 Implementation of A Plan for Growing Sydney</p> <p>(1) <i>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.</i></p> <p>(4) <i>Planning proposals shall be consistent with:</i></p> <p>(a) <i>the NSW Government’s A Plan for Growing Sydney published in December 2014.</i></p>	<p>As indicated above in 3.3 the planning proposal is consistent with the aims and priorities of the Metropolitan Strategy as it protects commercial lands whilst also encouraging residential development and creative and cultural communities.</p>

3.3 Section C – Environmental, social and economic impact

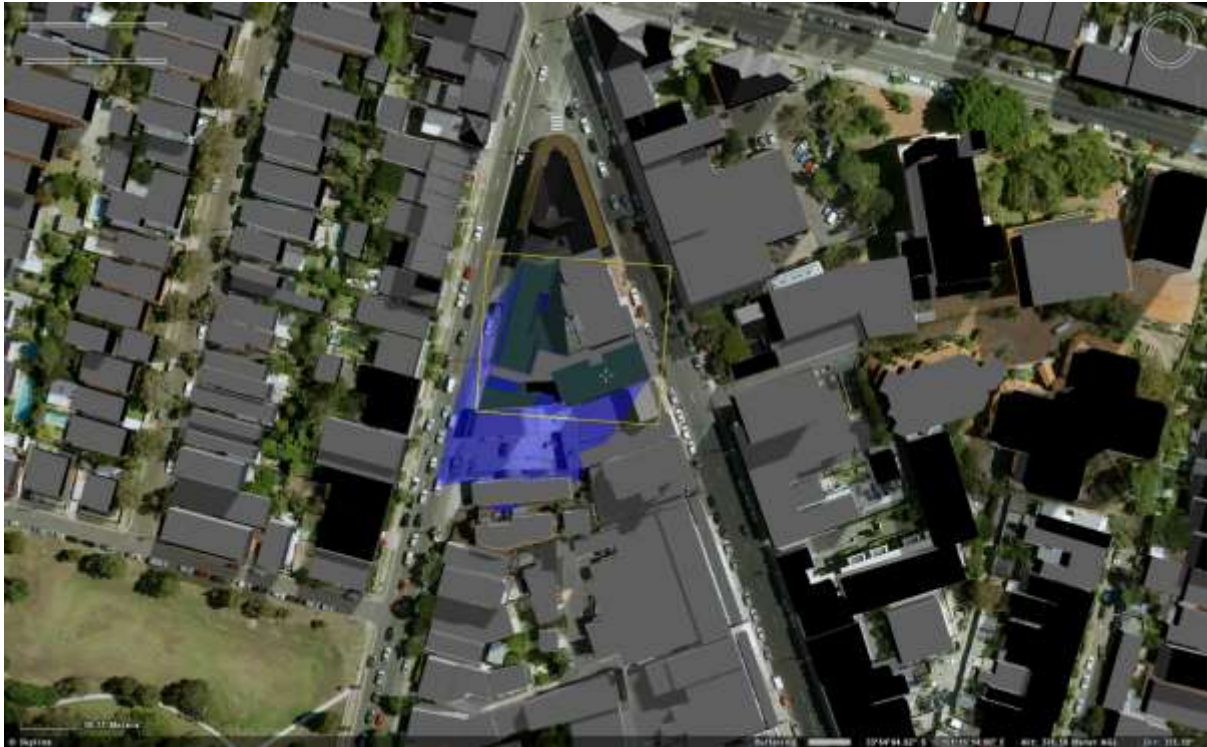
3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is unlikely that there will be any impact on critical habitat or threatened species as part of this proposal.

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

The proposal will overshadow the buildings to the South as it will stand much taller than the surrounding buildings. This is demonstrated in the shadow diagrams in Figure 23 below. This overshadowing would mean that residents of the dwellings to the south of the development, and any future development on the Reece site, would receive less natural sunlight.

Figure 23 Shadow diagrams Proponent & Council officers' proposals



Proponent winter solstice, 12pm



Council winter solstice, 12pm



Proponent summer solstice, 12pm



Proponent summer solstice, 12pm

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

The Planning Proposal aims to create the opportunity for increased residential dwellings within Charing Cross, additional commercial uses and a public square. The proponent's proposal intends to create a destination for residents and travellers to revitalise the Charing Cross centre. These notions would have positive social and economic benefits and Council officers support the notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy. Council officers support the notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy. Furthermore, Charing Cross is a suitable location for residential development given the transport connections to Bondi Junction and proximity to high amenity surrounds of Queens and Centennial Park and beaches.

In terms of social benefits, the proponent argues that the proposed public square is a significant public benefit and as such is using this as the primary justification for any uplift. As outlined above, the requirements of SEPP 65 and BASIX would require a central light well space and so this 'public square' is effectively incidental space masquerading as a public space. The proponent's proposed courtyard space is small and would be under shadow for most of the year.

Council officers' amendments to the proponent's proposal to maximise the positive elements and reduce and negative impacts from the proponent's scheme. Council officers' draft scheme allows for a much larger, higher amenity and more functional public square, residential and commercial uses and a scale that respects the significant heritage character of Charing Cross and is sympathetic with the prevailing character by stepping down to neighbouring sites. To this extent, Council officers' amended proposal results in a more positive social and economic effects. In order to secure these commercial benefits Council officers' proposal will add a non-residential FSR of 0.6:1 over the sites ensuring any future development incorporates sufficient space to be used for commercial purposes.

The proponent suggests that redevelopment of the sites under current controls would not be feasible – although tellingly the report does not explicitly state that redevelopment would be unfeasible on the site and no numbers are provided. The recent development in the surrounds (Figure 8), which all generally complied with existing controls and are predominantly three storeys, suggest that development under existing controls is feasible. Notwithstanding, independent feasibility modelling (Attachment C) suggests that development under current controls is feasible (scenario 2). The feasibility modelling tested two additional scenarios under current controls with a higher and significantly higher retail proportion (and lower residential) – both scenarios were unfeasible. Given that retail / commercial development is supported on site, some uplift as per Council officer's amendments, is required to improve the feasibility of redevelopment. In summary, the proponent's scheme would produce a 57% development margin, while Council officer's amended scheme would produce a 51% profit margin.

The five redevelopment scenarios that were modelled were:

1. **Proponent's Planning proposal** – **57%** development margin
2. **Current controls** (*minimal* retail/commercial) – **22%** development margin
3. **Current controls v2** (*significant* retail/commercial) – **1%** development margin
4. **Current controls v3** (*high* retail/commercial) – **11%** development margin
5. **Council amended scheme controls** (0.6:1 retail/commercial) – **51%** development margin.

3.3.4 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 are likely to be required due to the proposal. Additional upgrades with regards to water and power may be required.

PART 4 - CONCLUSION

The Planning Proposal lodged on Lot A DP 332733, Lot B DP 332733 and Lot A DP 105665 proposes to increase the FSR on the sites from 1:1 to 2.65:1 and maximum height permissible from 9m to 18m. The sites are well located to public transport services and are within close proximity to the strategic centre of Bondi Junction. The proposal intends to maintain retail and commercial floor space whilst also encouraging residential development. It is noted that this retail and commercial floor space and residential development can occur under existing controls. Lot A DP 332733 is within a heritage conservation area and is currently being assessed for inclusion with Schedule 5 of the LEP as part of the WLEP Housekeeping Amendment 2018 PP. The façade of the building Lot A DP 332733 and the building itself is proposed to be retained as part of the proposal.

In summary, the proponent's proposed 18 m height and 2.65:1 FSR would:

- Be out of scale with the surrounding streetscape of Charing Cross, particularly Bronte Road, and the prevailing low density neighbourhood surrounds.
- Adversely impact the setting of the draft heritage item at 94 Carrington Road (223-227 Bronte Road) and the heritage significance of the Robin Hood Hotel inclusive of its landmark status.
- Impede on district view corridors of the State Listed Mary Immaculate Church, detrimentally impacting on the 'landmark' significance of this item.
- Diminish the character of the broader Charing Cross Urban Conservation Area by dominating the streetscape and impeding district view corridors inclusive of the State Listed Mary Immaculate Church.
- Reduce residential amenity for dwellings to the south with additional overshadowing.
- Reduce redevelopment potential of the neighbouring Reece site to the south.
- Provide a low amenity internal courtyard which would be overshadowed, have limited sky exposure and minimal functional space.

The notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy is supported. Charing Cross is a suitable location for residential development given the transport connections to Bondi Junction and proximity to high amenity surrounds of Queens and Centennial Park and beaches. However, these positive outcomes can be achieved and improved under more appropriate and sensitive built form controls that respect and celebrate the existing character and built form of Charing Cross. Therefore, amendments to the proponent's proposal to maximise the positive elements and eliminate and negative impacts from a more intensive mixed use redevelopment of the site. The proposed built form controls are derived from a holistic and strategic analysis of the centre as part of our updated draft Village Centres Study. This proposed future scheme for the site considers and incorporates the redevelopment of this site in context to the neighbouring site to the south (Reece Plumbing).

The draft scheme allows for a much larger, higher amenity and more functional public square and residential and commercial uses. The draft scheme recommends a scale that respects the significant heritage character of Charing Cross and is sympathetic with the prevailing character by stepping down in height to neighbouring sites. This draft scheme needs to be finalised as part of the draft Village Centres Study and will form part of the background studies associated with the draft Comprehensive LEP 2021.

Amendments recommended to the PP are as follows:

- 13 m height on Lot A DP 332733 and Lot A DP 105665.
- 10.5 m on Lot B DP 332733.
- an FSR of 1.5:1 across all sites.

The controls listed, along with a site specific DCP to be created in conjunction and an Additional Local Provision that secures the delivery of the public square, allow for a development that does not diminish the visual amenity of the Bronte Road streetscape, the landmark status of the Robin Hood Hotel and is consistent in size with the surrounding development. The proposal will also maintain the heritage item on Lot A DP 332733 being assessed for inclusion within Schedule 5 of the LEP as part of the Waverley LEP Housekeeping Amendment PP. In order to secure the commercial benefits of redevelopment with uplift, Council's proposal will add a non-residential FSR of 0.6:1 over the sites ensuring any future development incorporates sufficient space to be used for commercial purposes.

In summary, the proposed amendments to FSR and height would:

- Respect the streetscape and existing heritage character and built form of Charing Cross, including the contributor building draft heritage item at 94 Carrington Road (223-227 Bronte Rd), the landmark Robin Hood Hotel and State Listed Mary Immaculate Church.
- Improve residential amenity for dwellings to the south.
- Ensure equitable sharing of sunlight with the Reece site to the south to ensure that this site is not sterilised
- Create provision for a much larger, higher amenity and more functional public square.

Recommendation:

That Council support the planning proposal with amendments which are listed as follows:

- Increase the height of buildings on Lot A DP 332733 and Lot A DP 105665 to 13m and Lot B DP 332733 to 10.5m
- Increase the FSR across all lots to 1.5:1
- Maintain the façade and building on Lot A DP 332733 as part of any future development application
- Create a site specific DCP for the redevelopment of these sites
- Add an Additional Local Provision to the LEP that requires the delivery of an internal public square consistent with the site specific DCP.
- Add a minimum non-residential FSR of 0.6:1 to the sites to replace the current commercial floorspace that would be lost as a result of this planning proposal and provide additional capacity to accommodate the retail and commercial objectives of the proposal.

Attachments

A: Council officer’s proposed scheme and proponent proposed scheme

B: Charing Cross excerpt from Local Villages Study

C: Feasibility assessment