

Planning Proposal

94 Carrington Road,
203-209 and 223-227 Bronte Road,
Waverley

Amendment to Waverley Local Environmental Plan 2012

Amendments to height and FSR Controls

Submitted to
Waverley Council

Prepared on Behalf of
**Barbary Coast Investments Pty Ltd and
Rayda Investments Pty Ltd**

February 2019

Planning Proposal

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Knight Frank Town Planning Sydney

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Appendix A	Charing Square Urban Design Report, prepared by Roberts Day
Appendix B	Architectural Drawings, prepared by H&E Architects
Appendix C	Heritage Assessment Report, Prepared by John Oultram Heritage and Design
Appendix D	Economic Feasibility Assessment, prepared by Leyshon Consulting
Appendix E	Communication and Engagement Plan, prepared by KJA
Appendix F	Preliminary Geotechnical Investigation, prepared by JK Geotechnics
Appendix G	Phase 1 Contamination Statement and Cover Letter, prepared by Risk Tech
Appendix H	Transport Impact Assessment, prepared by GTA Consultants
Appendix I	Draft Public Art Strategy, prepared by Knight Frank Town Planning
Appendix J	Structural Assessment Report, prepared by Ashby Doble
Appendix K	Structural Site Inspection Report, prepared by Ashby Doble
Appendix L	Draft LEP Maps, prepared by Knight Frank Town Planning
Appendix M	Supplementary Heritage Impact Statement, prepared by GBA Heritage
Appendix N	Economic Feasibility Addendum Letter prepared by Leyshon Consulting
Appendix O	Public Benefit Offer Letter, prepared by Knight Frank Town Planning

Executive Summary

This Planning Proposal has been prepared on behalf of Rayda Investments Pty Ltd+ Barbary Coast Investments Pty Ltd and is seeking to amend the Waverley Local Environmental Plan 2012 building height and floor space ratio controls, as they relate to the sites at 203-209 Bronte Road, 223-227 Bronte Road and 94 Carrington Road, Waverley. The planning proposal does not seek to make any amendments to the existing Robin Hood Hotel.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and includes the requirements as set out in 'A guide to preparing planning proposals' published by the Department of Planning and Environment in October 2016.

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal

Accompanying this report is an Urban Design Report prepared by Roberts Day (**Appendix A**) and indicative Architectural Plans prepared by Humphrey and Edwards Architects (H&E Architects) (**Appendix B**). Other technical reports accompany the planning proposal and are provided as appendices.

Structure of the Planning Proposal Document

The structure of this Planning Proposal is set out below.

Section 1	Introduction
Section 2	Description of the site and context
Section 3	Existing planning framework
Section 4	Planning Proposal - An explanation of the proposed LEP amendments
Section 5	Justification of the Proposal - including the need for the Proposal, relation to the relevant strategic planning framework, potential environmental, social and economic impacts of the Proposal, and State and Commonwealth interest
Section 6	Mapping
Section 7	Consultation and Engagement
Section 8	Indicative Project Timeline
Section 9	Assessment of Planning Issues
Section 10	Conclusion

1. Introduction

Knight Frank Town Planning Sydney has been engaged by Barbary Coast Investments Pty Ltd and Rayda Investments Pty Ltd, to prepare a planning proposal to accompany a request to Waverley Council to amend the *Waverley Local Environmental Plan (LEP) 2012*. The planning proposal aims to support the urban renewal of Charing Cross by enabling an infill redevelopment through an amendment to Waverley LEP to the existing floor space ratio and maximum height of building development standards at the site, incorporating 203-209 Bronte Road, 223-227 Bronte Road and 94 Carrington Road, Waverley. The planning proposal does not seek to make any amendments to the existing Robin Hood Hotel.

It is envisaged that the redevelopment of the site will act as a catalyst project for the renewal of the western quarter of Charing Cross village, referred to as “Charing Square” for the purposes of this Planning Proposal.

The planning proposal has been informed and is supported by an Urban Design Report (**Appendix A**) for the site prepared by Roberts Day. A masterplan (indicative architectural scheme) has also been prepared by Humphrey and Edwards (H&E) to demonstrate how future development could be realised within the proposed building height and floor space ratio controls.

The Roberts Day concept plan envisages an infill redevelopment that transforms the western quarter of Charing Cross into a vibrant fine-grained village. The site will provide improved amenity and walkability by a laneway and urban courtyard centred development providing through-connections between Bronte and Carrington Roads. This in turn will link to the broader Charing Cross precinct. The outcome will make a significant and positive contribution to the vitality of Charing Cross. The concept plan demonstrates the strategic merit of the planning proposal.

The redevelopment of the site will complement the proposed further investment in the adjoining Robin Hood Hotel. The renewal and redevelopment will comprise a mix of ground floor retail and commercial uses with shop top housing fronting external roadways and internal laneways and an urban courtyard. The aim is to create a ‘square’ that is vibrant, interesting, safe and attractive. This will make a significant contribution to a much more permeable Charing Cross Village. The importance of the character of Charing Cross in terms of the village scale, the ‘main street’ and local heritage are all understood and are key aspects of the concept plan for the site. A Heritage Assessment Report (**Appendix C**) prepared by John Oultram Heritage Design, sets out the key heritage matters that have been considered as part of the broader concept plan for the site. A Supplementary Heritage Impact Assessment has also been provided by HBA Heritage (**Appendix M**).

The setting aside of land for the laneway connections and urban courtyard requires a viable scale of redevelopment. This is reflected in the overall proposed density and scale of development as illustrated by the Roberts Day concept plan and confirmed by the Economic Report, and cover letter prepared by Leyshon Consulting Pty Ltd (**Appendix D + N**).

The submission of the planning proposal follows a pre-lodgement meeting with Waverley Council to discuss considerations in regards to the proposed amendment to the Waverley LEP 2012. A summary of the proposed amendments is provided in **Table 1** below.

The written consent of the proponent of the Planning Proposal is provided with the lodgement documents.

Table 1 - Existing and proposed LEP controls

	Existing	Proposed
Floor Space Ratio	1:1	2.65:1
Building Height	9m	18m
Zoning	B4 Mixed Use	B4 Mixed Use (no change)
Heritage	Robin Hood Hotel (I453) Charing Cross Conservation Area	Robin Hood Hotel (I453) (no change) Charing Cross Conservation Area

The principal objective of this planning proposal is to facilitate the redevelopment of the site in order to support the urban renewal of Charing Cross village and transform the western quarter of the village. This will be supported by an increase in the density (floor space ratio) and scale (height of buildings) on the site. The planning proposal is not seeking to rezone permissible uses of the site. Crucial to the proposed scheme is the retention of the existing façade of Bronte Road, and response to the Charing Cross conservation area.

This planning proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the six parts of *A Guide for preparing planning proposals* (August 2016) prepared by the Department of Planning and Environment.

1.1 Background

The site is located adjacent the intersection of Bronte Road and Carrington Road in Waverley, and is referred to as Charing Cross village. The site is partly situated on a triangular-shaped block, which extends partially around the Eastern Suburbs Legion Club. The site covers an area of 1,229m² and is currently occupied by an existing building comprising of a shopfront to Bronte Road, and residential apartments in poor condition above and to the rear of the existing shops. Rear access is currently off Carrington Road. Additionally, the bottle shop of the Robin Hood Hotel is included in the planning proposal.

The planning proposal recognises the potential of contributing to the wider renewal of Charing Cross village. In turn, a village-wide approach has been taken to the planning proposal to ensure:

- That the scale of the infill proposed is sympathetic to the character of Charing Cross, particularly the heritage streetscape of Bronte Road and Charing Cross Conservation Area.
- That the proposed redevelopment makes a positive contribution to Charing Cross.
- That the planning proposal is supportable and justified in terms of its strategic and site specific merit.

Charing Cross is identified as a small village centre which includes a traditional strip of retail and commercial shops, cafes and 'pubs'. The Local Village Centres Public Domain Improvement Plan notes that the centre has a lack of 'structure and definition'. The proposed redevelopment aims to contribute to an improvement in the amenity, vitality and walkability of the village.

The planning proposal will also meet the strategic directions of the Waverley Local Village Centres DCP and Public Domain Improvement Plan, which recommends revitalisation of local centres, including Charing Cross village. This will be achieved by the site containing the highest and best use, and providing for a range of land uses, including retail premises and shop top housing. Redevelopment of the site will support and consolidate the role of Charing Cross village.

The proposed urban renewal of the site is consistent with supporting the role of Charing Cross village and the retention of its character and amenity. The planning proposal aims to:

- Demonstrate that the existing B4 zone is an appropriate zoning and that intensification of the site will make a positive contribution to the village precinct.
- Outline how the proposed development is consistent with Waverley Council's strategic planning policies and plans.
- Outline the merits of the development as a site specific amendment to the Waverley LEP 2012.
- Demonstrate that the proposed amendments to development standard (floor space ratio and height of buildings) are supported and justified in terms of both strategic and site specific merit.
- Seek the endorsement of Waverley Council to amend the Waverley LEP 2012 in the manner described in the planning proposal to facilitate the redevelopment of the site as part of the wider urban renewal of the western quarter of Charing Cross village.

2. Site Description and Locality

2.1 Locality

The site is located in Charing Cross, within the Waverley Council Local Government Area (LGA) and is located approximately 1km south of Bondi Junction commercial centre, 150m from Queens Park and approximately 6km south east of Sydney CBD. A location plan is provided at **Figure 1**, context plan provided at **Figure 2**, and a regional view photograph (looking south west) provided at **Figure 3**.

Charing Cross village comprises of Bronte Road as the main street, 'bookended' at the western end by the Carrington and Bronte Roads five ways intersection. Bronte Road functions as a traditional main street serving the Bronte and Waverley neighbourhoods. The village comprises of a fine-grained set of shops fronts and smaller businesses of principally three storey character, with residences located above the shops. Higher order shopping facilities, such as major supermarkets, are located in Bondi Junction.

The Charing Cross village is an established area, located within close proximity to Queens Park and with good public transport links to the wider residential areas of Bronte and Waverley. Charing Cross precinct is serviced regularly by bus services that travel between Bondi Junction, Coogee and Wolli Creek. Public transport connections to Bondi Junction allows for access to the Sydney train network.

The main commercial centre in the Eastern Suburbs is Bondi Junction. Charing Cross precinct contains localised services and amenities.

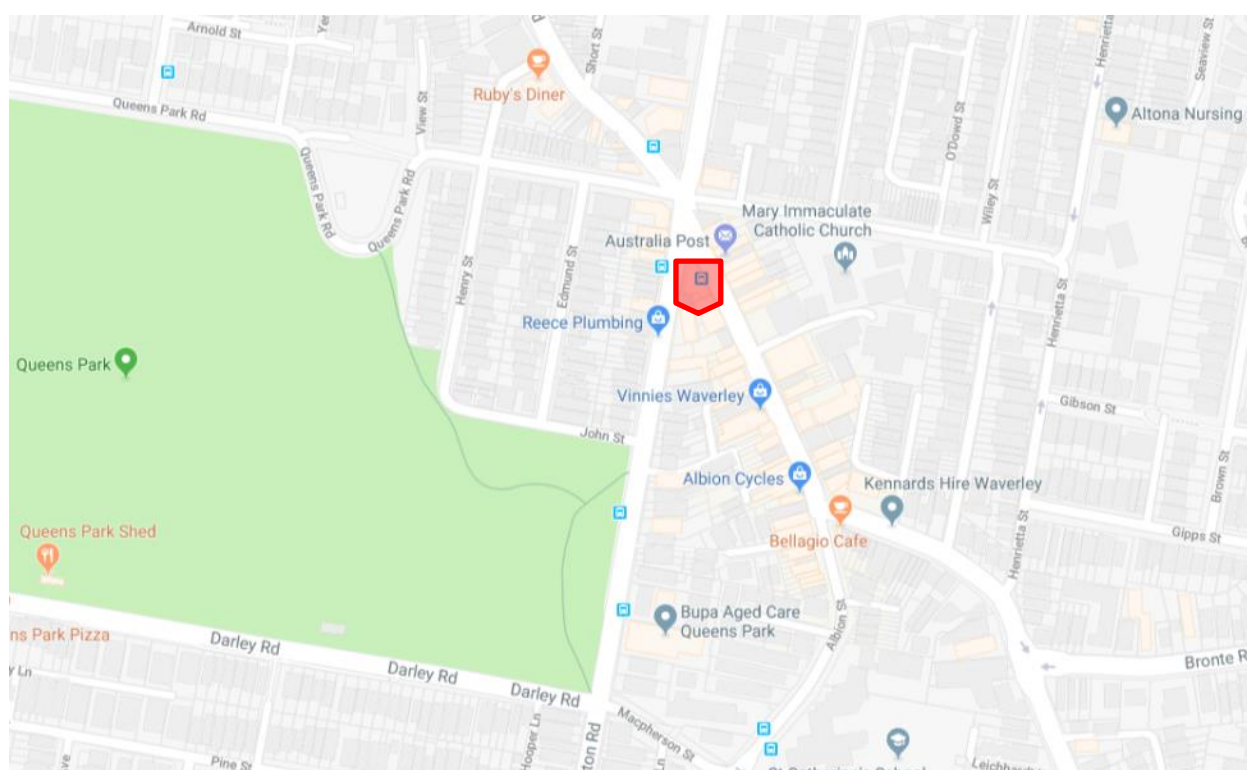


Figure 1 - Location Plan (site identified by red marker)



Figure 2 - Context Plan (prepared by Roberts Day)

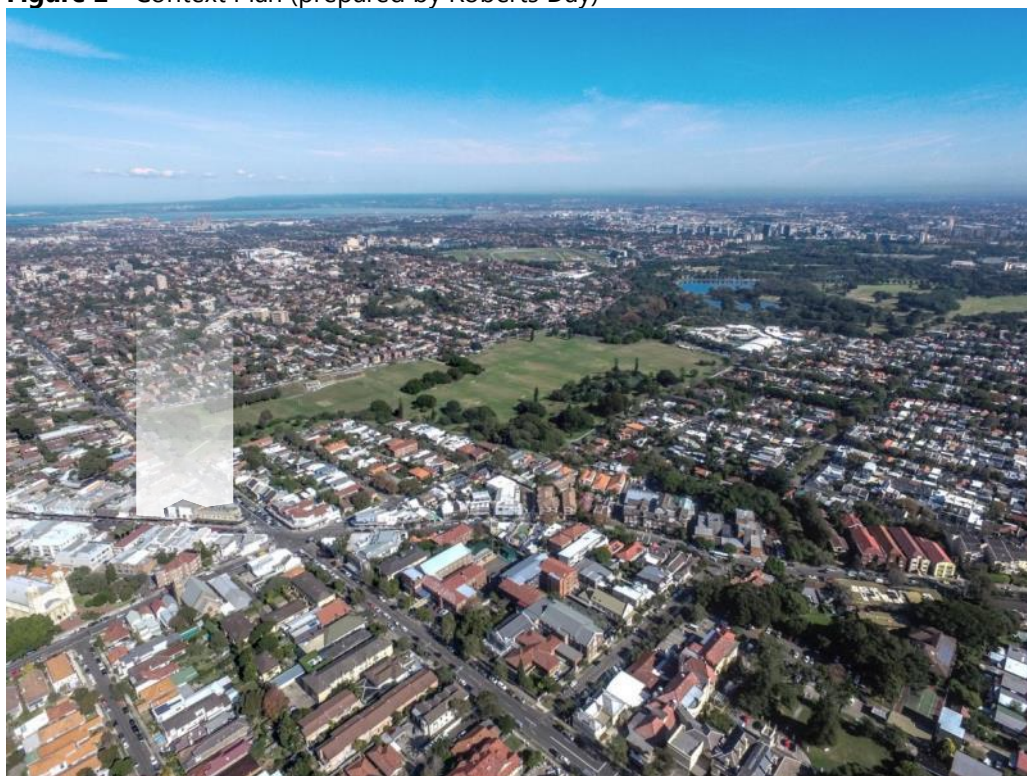


Figure 3 - Regional View photograph - looking south east

Source: Waverley Council

2.2 Site Description

The site includes four parcels of land with a total area of approximately 1,229m². The table below (**Table 2**) summarises the land subject to this Planning Proposal.

Table 2 - Identification of the site

Address	Lot and DP
203-209 Bronte Road	Part Lot 1, DP 59526 (Part lot only - small area in south west corner as shown in Figure 4) Lot A, DP105665
223-227 Bronte Road	Lot A, DP332733
94 Carrington Road	Lot A +B, DP332733

The site has frontage of 15m to Bronte Road, and 45m to Carrington Road. As shown in **Figure 4**, directly to the north east of the site is the Eastern Suburbs Legion Club, with the Robin Hood Hotel located to the north of the site. The combination of lots makes the site one of the largest within the Charing Cross precinct.



Figure 4- Aerial Photograph of the site (shown in red)

2.3 Existing Development

The site is currently occupied by the following buildings and improvements:

- Retail premises (shop front) with residential use (shop top housing) above and to the rear at 223-227 Bronte Road, including rear access via Carrington Road. Due to their dilapidated state, the residential apartments are not occupied (**Figure 5, 6 and 7**).
- The Robin Hood Hotel drive-through bottle shop (note that the Hotel itself is located on a separate lot). This building is apart one, part two storey buildings with large awning (**Figure 8**).



Figure 5 - 223-227 Bronte Road (left), adjacent the Eastern Suburbs Legion Club



Figure 6 - 223-227 Bronte Road



Figure 7 - Existing garages located at 94 Carrington Road



Figure 8 - Robin Hood Hotel bottle shop

2.4 Surrounding Development

The site is located in the commercial/retail centre of Charing Cross at the intersection of Bronte Road and Carrington Road. The surrounding buildings are typically 2-3 storey Victorian buildings with ground floor retail and residential above.

To the north of the site is the Eastern Suburbs Legion Club (**Figure 9**), a modern (not Victorian) building with three large levels and large telecommunications antennae, making the building considerably higher than adjoining buildings. On the Carrington Road side of the site, north is the existing Robin Hood Hotel, a good example of a two storey, Inter War, Art Deco style hotel (**Figure 10**).

To the east of the site, across Bronte Road, are generally two storey commercial/residential buildings with continuous awnings (**Figure 11**). These buildings are occupied by commercial/retail uses at ground floor and commercial/residential uses above.

To the west of the site, across Carrington Road, are two storey residential terraced and semi-detached dwellings (**Figure 12**). North west of the site, at the corner of Carrington Road and Queens Park Road, are two storey mixed use buildings, similar to Bronte Road, with ground floor retail/commercial and residential above, with the Charing Cross Hotel located on the corner (**Figure 13**).

South of the site to Bronte Road consists of two storey Victorian mixed use buildings. To the rear, south of the site on Carrington Road, is 2.5 storey brick commercial/industrial warehouse style building occupied by Reece Plumbing supplies (**Figure 14**).

Charing Cross today is a village centre with a fine-grain character created by narrow lots and buildings. Whilst predominately a two storey village, there is a diversity of heights with the street wall of some buildings reaching 3.5 to 4 storeys, such as the Eastern Suburbs Legion Club. The retail offer and shop vacancies suggest the overall main street traders are under performing.



Figure 9 - Eastern Suburbs Legion Club located on Bronte Road



Figure 10 - Charing Cross Hotel, located north west of the site



Figure 11 - Eastern elevation of Bronte Road, opposite the site



Figure 12 - Western elevation of Carrington Road, opposite the site



Figure 13 - Eastern Suburbs Legion Club located on Bronte Road

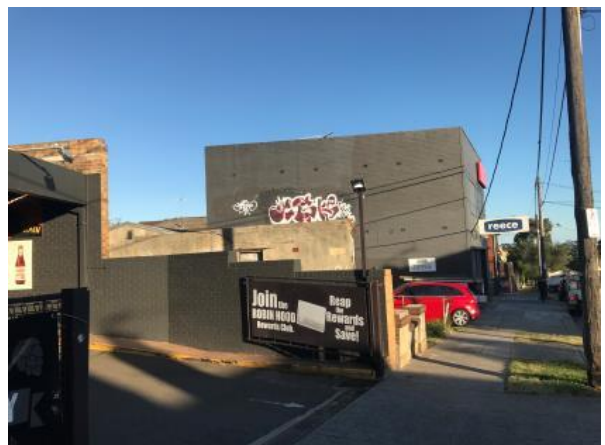


Figure 14 - Existing brick warehouse building (Reece Plumbing) located south of the site on Carrington Road

3. Existing Planning Controls

The Waverley LEP 2012 is the primary Environmental Planning Instrument (EPI) that applies to the site. The existing planning controls that apply to the site are outlined below. **Table 3** provides a summary of the existing controls.

Table 3 - Summary of key LEP Planning Controls

Waverley Local Environmental Plan 2012	
Zoning	B4 Mixed Use
Building Height	9m
Floor Space Ratio	1:1
Heritage	Lot 1, DP 59526 identified as part of local heritage item (I453) Robin Hood Hotel

3.1 Built Form Controls

3.1.1 Land Use Zoning

The site is zoned B4 – Mixed Use under the Waverley LEP 2012 which permits a range of residential and associated non-residential uses including shop top housing, retail and commercial premises. The sites zoning is shown in **Figure 15**. The Objectives of the zone are:

- 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.

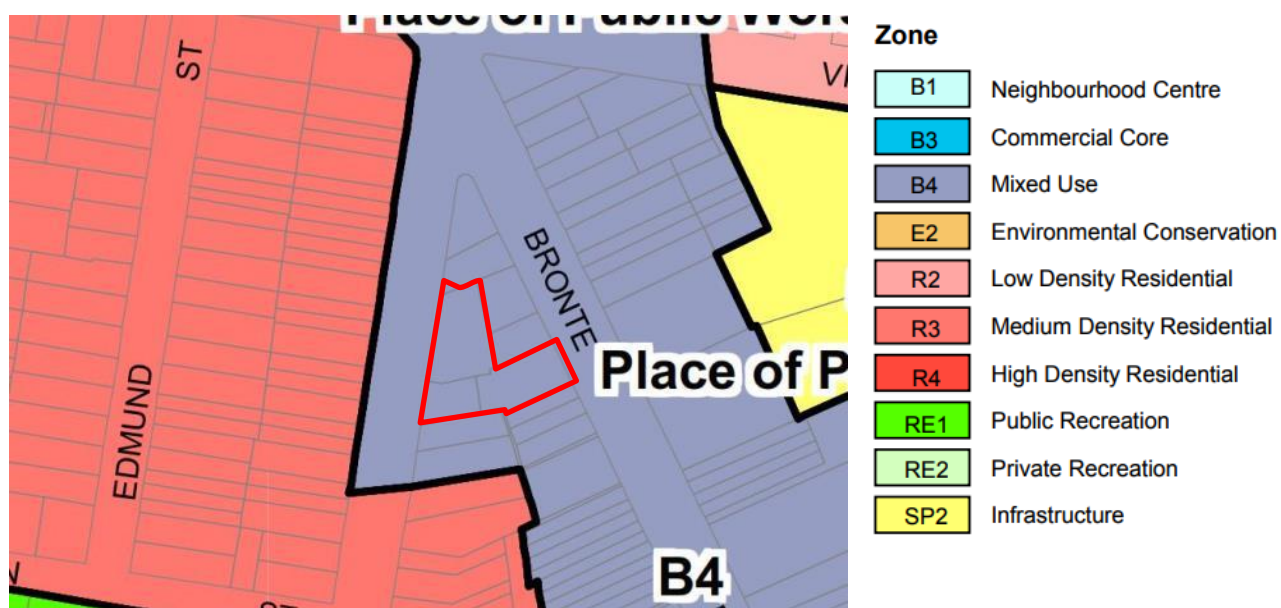


Figure 15- Waverley LEP 2012 – Zoning Map (site shown in red)

3.1.2 Building Height

The existing building height control for the site under Waverley LEP 2012 is 9m as shown in **Figure 16**. It is noted that the existing Eastern Suburbs Legion Club exceeds the current building height control of 9m.

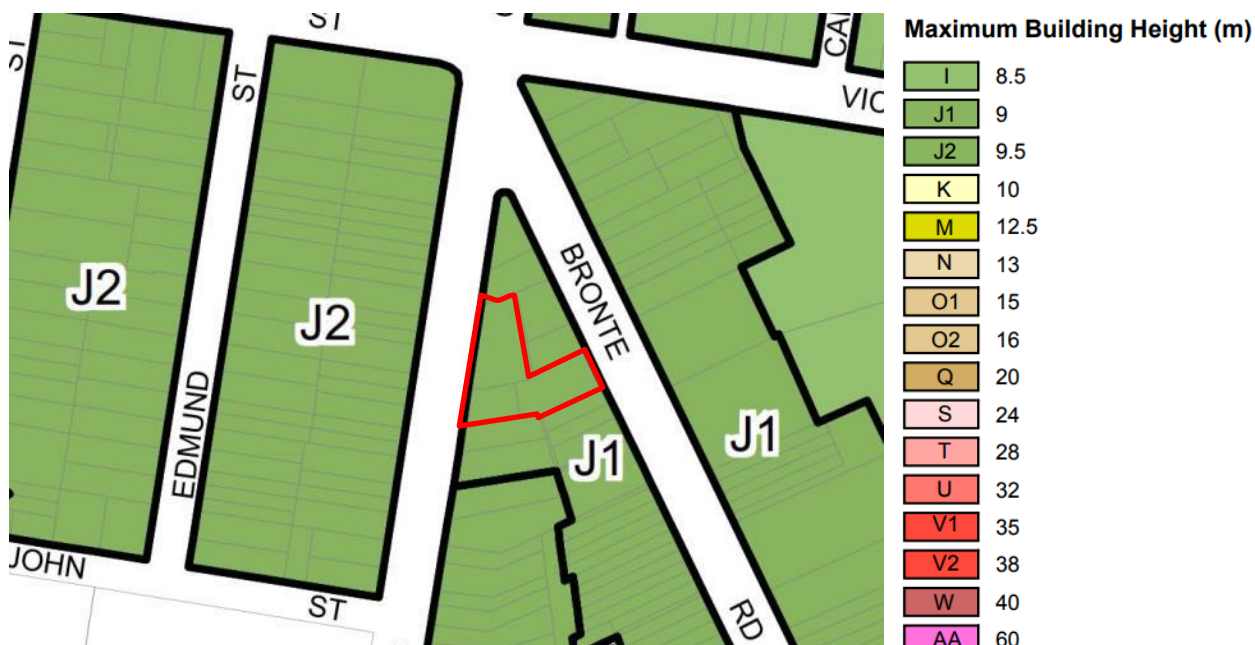


Figure 16- Waverley LEP 2012 – Building Height Map (site shown in red)

3.1.3 Floor Space Ratio

The FSR control that currently applies to the site is 1:1, as shown in **Figure 17**. A number of existing buildings within Charing Cross, including the Legion Club, currently exceed the maximum permissible height control and FSR.

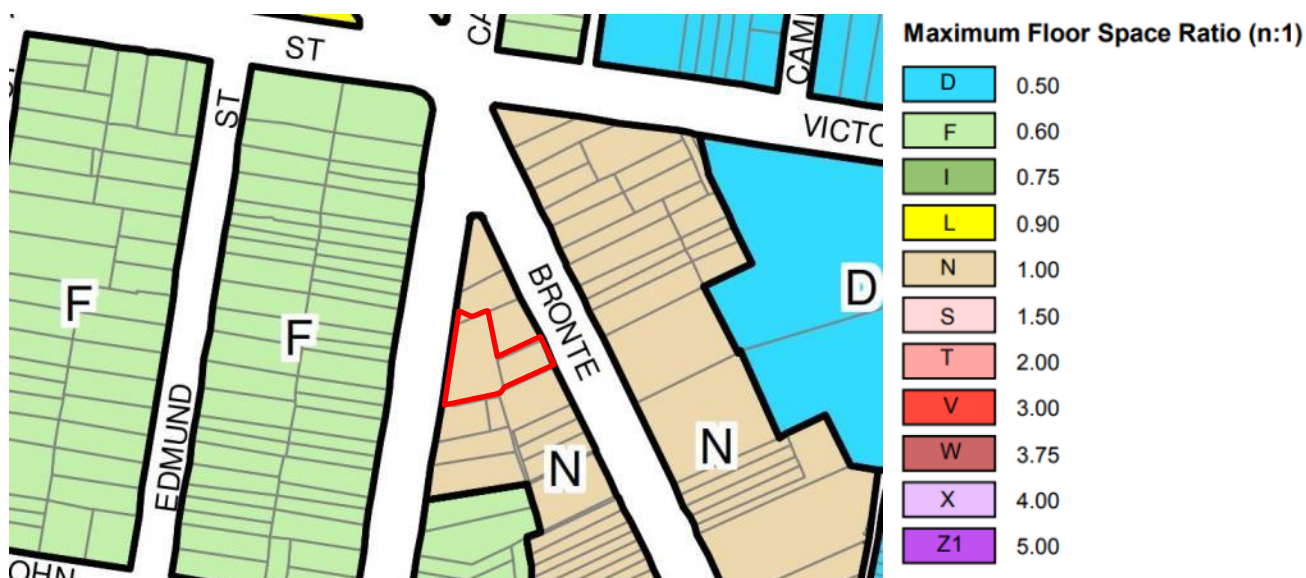


Figure 17- Waverley LEP 2012 – Floor Space Ratio Map (site shown in red)

3.2 Heritage

Part of the site (eastern side) is located within the Charing Cross Heritage Conservation Area (as shown in **Figure 18**). To the north of the site is heritage item I453 – Robin Hood Hotel. As shown in **Figure 4**, the proposal extents onto a small section of this lot, so as to align with the existing building on the south western corner of the Robin Hood Hotel (rather than this becoming un-utilised space locked between two buildings).

A Heritage Impact Statement has been prepared by John Oultram Heritage Design (**Appendix C**) to consider the impact of the proposal on the existing building and Charing Cross streetscape. A supplementary Heritage Impact Statement has also been prepared by GBA Heritage (**Appendix M**) in consultation with Oultram Heritage. As a result, the proposed scheme seeks to retain the existing building façade to Bronte Road, and incorporates guiding principles for appropriate design of future development, which have been incorporated as part of the indicative Architectural Scheme (**Appendix B**). Both Oultram Heritage and GBA Heritage confirm that no heritage building will be impacted and the proposal will have an acceptable impact.

The buildings to Bronte Road themselves are not heritage items and are described with the following heritage significance statement:

1940s style commercial building, Robin Hood Hotel

Excellent example of a modern commercial building in an Ocean Liner/International style, also featuring Art Deco motifs and detailing. Essentially intact and beautifully maintained. Characteristic streamlining makes a powerful streetscape contribution on this prominent corner. Complements "Charing Cross Hotel" on adjoining corner, which has much in common stylistically. Local significance.

The impact to existing heritage items is assessed at **Appendix C**, supplementary Heritage Impact Statement prepared by GBA Heritage (**Appendix M**) and further discussed in **Section 9.5**.

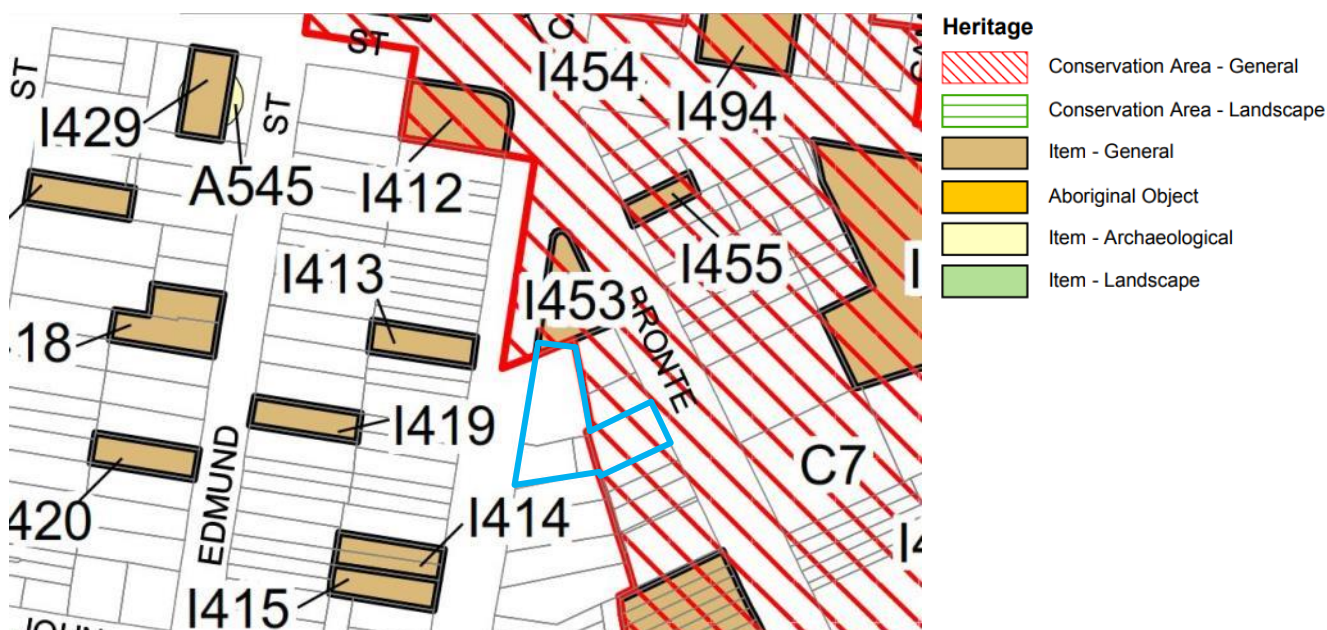


Figure 18- Waverley LEP 2012 – Heritage Map (site shown in blue)

4. Design Concept

4.1 Description of Proposed Scheme

The planning proposal seeks to support and facilitate the orderly and effective economic development on land by allowing amendments to the height of buildings and floor space ratio development standards contained in the Waverley LEP 2012.

The proposal is supported by a Master Plan that centres on a proposed infill redevelopment to act as a catalyst for the renewal of the western quarter of Charing Cross village. Montages of the proposed concept plan are provided below in **Figures 19 to 23** and in the Urban Design Report at **Appendix A**.

The Master Plan envisages:

- a publicly accessible courtyard to be known as 'Charing Square' with active retail frontages, together with a new thru-site pedestrian laneway link between Carrington and Bronte Roads.
- 3 new buildings comprising a mix of ground floor retail/commercial uses, along with 29 residential apartments; and
- underground car parking for 35 cars across two basement levels.

Architectural Plans have been prepared by H&E Architects (**Appendix B**), which provide the representation of how the site could be developed, including the layout of retail, commercial and residential uses. A proposed development schedule is provided in **Table 4**:

Table 4 - Development Schedule based on Architectural Plans

	Description
Key Figures	
Site area	1,229sqm
Retail Floor Space	801sqm
Commercial Floor Space	482sqm
Residential Floor Space	1,939sqm
Total Floor Space (sqm)	3,222sqm
Total Apartments	29 (19 x 1 bedroom and 10 x 2 bedroom,)
Car Parking Spaces	35 (as well as bicycle parking within basement)
Bicycle Parking	46 (23 racks on basement B1 and B2)
Vehicle Access	North western corner on Carrington Road
Storeys	Maximum 5 storeys Retail + 4 storeys to Carrington Road, upper level set back Retail + 4 storeys to Bronte Road, with upper level set back

It is noted that the concept plan/indicative architectural scheme does not include development of the entire site but rather, to set aside a large proportion of the site for a laneway and an urban courtyard and publicly accessible link between Bronte Road and Carrington Road (approximately 25% of the site). The laneway aims to be the catalyst for the renewal of the 'western quarter' of Charing Cross and to

support the urban renewal of Charing Cross as reflected more generally in Council's own *Waverley Local Village Centres – DCP and Public Domain Improvement Plan*. As a result, there will be a considerable net community benefit arising for Charing Cross in terms of; a better connected village; a greater level of amenity for the village; and, supporting the revitalisation of the village economy.



Figure 19- Montages of the proposed development as seen from Carrington Road (looking north east)
(Source: Roberts Day)



Figure 20- Montage of the proposed development – Carrington Road ground level entry
(Source: Roberts Day)



Figure 21- Montage of the proposed development – looking east from within the site
(Source: Roberts Day)



Figure 22- Montages of the proposed development – view from Bronte Road entry looking west
(Source: Roberts Day)



Figure 23- Visualisation of proposed development - aerial massing image.

(Source: Roberts Day)

4.2 Landscaping and Public Realm

As shown on the Architectural Plans and the montage images above, the proposal seeks to provide approximately 25% of the site area as publicly accessible through site links and square, to be utilised by residents, workers, and shoppers.

The layout enables direct access of retail and commercial tenancies onto this accessible link, whilst also providing opportunity for landscaping and public art. The final landscape elements will be incorporated as part of the detailed development application and will include ground level and wall planting.

4.3 Public Art

A draft Public Art Strategy (**Appendix I**) has been prepared to accompany the planning proposal. The strategy acknowledges the importance and opportunity of integrating public art into private developments. This is particularly the case given the substantial part of the site will be publicly accessible and a destination to the northern end of Charing Cross.

The draft Public Art Strategy provides core principles to be considered in the consideration and procurement of public art as part of the following steps in the project. The strategy aligns with the objectives and public art plans prepared by Waverley Council. The final strategy will form part of the future Development Control Plan for the site.

5. Planning Proposal

The following section includes an assessment against the requirements in 'A guide to preparing planning proposals'. This section demonstrates the need for the proposal and its relationship with the strategic planning framework.

5.1 PART 1 - Objective of the Proposal and Intended Outcomes

Objectives of the Proposal

The objective of this planning proposal is to seek the amendments to building height, and floor space ratio controls to facilitate a mixed use development commensurate with its location. The detailed Urban Design Report prepared by Roberts Day (**Appendix A**) sets the vision and key guiding principles. These include to:

- Create a Great Place
- Strengthening Economy
- Laneway Destinations
- Enhancing Identity and Character
- A Pedestrian Oasis

The overall benefit and contribution that the redevelopment will bring to Charing Cross is illustrated in the concept plan prepared by Roberts Day (**Appendix A**).

Intended Outcome

The intended outcome will enable a high quality development to be achieved on the site, providing increased and significantly improved retail, commercial and residential uses on the site, underpinned by substantial public benefit and improvements.

5.2 PART 2 - Explanation of Proposed Provisions

5.2.1 Purpose

The Planning Proposal seeks to amend the Waverley LEP 2012 to facilitate the proposed mixed use development outlined above, as well as to enable increased building height and FSR, with no proposed change to existing zoning or heritage. The amendments are proposed in order to provide for the general massing and scale of the renewal of the land as illustrated by the concept plan prepared by Roberts Day and H&E Architects. Detailed provisions for the site via a site specific Development Control Plan will be prepared prior to the finalisation of the planning proposal.

The existing and proposed LEP controls are set out in **Table 5** below

Table 5 Existing and proposed LEP controls

	Existing	Proposed
Floor Space Ratio	1:1	2.65:1
Building Height	9m	18m
Zoning	B4 Mixed Use	B4 Mixed Use (no change)
Heritage	Robin Hood Hotel (I453) Charing Cross Conservation Area	Robin Hood Hotel (I453) (no change) Charing Cross Conservation Area

5.2.2 Building Height

It is proposed to increase the maximum building height control across the site to 18m by amending the Height of Buildings Map as shown at **Appendix L**. The majority of the proposed buildings will be no higher than 15.5m, which will be articulated through a site specific development control plan/masterplan. The maximum 18m control is proposed to account for the fall of the site and lift overrun.

5.2.3 Floor Space Ratio

It is proposed to establish a maximum FSR of 2.65:1 across the site (See **Appendix L**); taking into account the devotion of a large part of the site (approximately 25%) over to publically accessible urban plaza (as Charing Square) and pedestrian link (see **Section 9.1** for further detail). As outlined in Section 4.1, the proposal includes a total of 1283sqm (0.95:1). This includes 801sqm of retail floor space (entire ground floor) and 482sqm of commercial floor space.

The maximum FSR is derived from the indicative architectural design scheme (**Appendix B**). Whilst this scheme provides an indicative FSR of 2.62:1, the FSR control is proposed at 2.65:1 (a difference of approximately 35sqm) to be consistent with the LEP template and allow for design development in the delivery of a final architectural scheme.

5.2.4 Heritage

No proposed amendments are sought to the existing heritage items or conservation area provisions of LEP 2012.

It is noted that the existing inter-war building façade and awning fronting Bronte Road is to be retained. The development to other sections of the site seeks to complement the Bronte Road streetscape by its use of a podium and incorporating pedestrian access through the site.

5.2.5 Zoning

The planning proposal does not seek to amend the existing B4 Mixed Use zoning or permissible land uses on the site, nor does it seek to amend the operation of any other clauses in LEP 2012 than those outlined above.

5.2.6 Land to Which the Plan will Apply

The land that is proposed to be included in the site specific LEP amendment is legally described as:

- Lot A, DP105665
- Lot A, DP332733
- Lot B, DP332733
- Part Lot 1, DP 59526 (Part lot only - small area in south west corner as shown in **Figure 4**).

5.3 PART 3 – Justification

5.3.1 The Need for the Planning Proposal

The planning proposal responds to the Council identified need and aim to support the village role of Charing Cross by providing for additional commercial, retail and residential floor space, as well as significant public benefit in the form of publicly accessible through site link and plaza, with expanded retail and commercial uses. The masterplan supports the planning proposal's aim to make a positive contribution to the amenity and walkability of the village, improving the pedestrian amenity. This requires a scale of development that supports viable urban renewal of the village.

In establishing how the planning proposal 'fits' in the context of the Charing Cross precinct and the wider strategic setting of the Eastern Suburbs, a review has been undertaken of the planning proposal against the local (Waverley) and regional (NSW Government) policy framework. As such, the planning proposal is considered to be justified and supportable in terms of its strategic and site specific merit.

A masterplan and indicative architectural scheme have been prepared for the site which envisages a laneway development with through connections between Bronte and Carrington Road.

The redevelopment of the site is expected to be the catalyst for the renewal of the 'western quarter' of Charing Cross. The redevelopment will be integrated into and complement the refurbishment of the adjoining Robin Hood Hotel.

5.3.2 Q1 - Is the Planning Proposal a result of any strategic study or report?

Whilst the planning proposal is not the result of any specific strategic study or report, due regard has been given to the Waverley Economic Development Strategy which includes key strategic directions for allowing *'established commercial centres with local business "villages" having strong growth potential.'* Charing Cross precinct is an established commercial centre which has the ability to accommodate additional commercial, retail and residential densities.

The masterplan illustrates and confirms that the extent of redevelopment anticipated in the planning proposal is consistent with the wider Charing Cross setting. Due regard has also been given to the Local Village Centres Public Domain Improvement Plan, adopted by Council, that was prepared in conjunction with the Waverley Development Control Plan (DCP) 2006. The proposal also aligns with the more recently released, People, Movement and Places Strategy (2017).

Whilst it is acknowledged that this plan has been superseded in the preparation of the Development Control Plan 2012 (Amendment 6 adopted on 4 September 2018), it is noted that the Improvement Plan describes Charing Cross as *'a lively and well used traditional strip with activation enhanced by cafes and pubs'*. However, the Improvement Plan recognises that the centre has *'little amenity for people using this centre'*, and that there is *'a lack of structure and definition'* to the centre.

As discussed in **Section 4.3**, The Planning Proposal seeks to deliver on the envisioned public amenity improvements within the public domain, as well as providing additional area of public space within the site, surrounded by retail, public art, and landscaping.

5.3.3 **Q2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

This Planning Proposal is the most suitable means of achieving the intended outcome, realising identified state and local objectives, and achieving identified aims, which is to facilitate a residential development on the site with a maximum building height of 18m and FSR of 2.65:1

The current height and FSR controls do not allow for or incentive development to achieve the objectives and intended outcomes of the project. Crucially, utilising a Planning Proposal enables the public benefit to be linked to the site, and the final development. The planning proposal is the best way of achieving a consistent approach to the LEP controls of the site which supports the long term commercial viability of the Charing Cross Precinct.

Consideration has also been given to a Schedule 1 Amendment of the Waverley LEP 2012, applying site specific provisions to the land to enable the delivery of the proposed scheme. This remains a potential option to facilitate the future development, should this be preferred by the Relevant Planning Authority.

5.4 **Section B – Relation to the Strategic Planning Framework**

5.4.1 **Q3 - Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy.**

State and Regional Strategic Framework

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan provides the metropolitan planning framework for the growth of Sydney over the next 40 years. The Sydney Region Plan, along with the Greater Sydney Services and Infrastructure Plans and Transport Strategy 2056, seeks to provide an integrated approach to managing growth, delivering infrastructure, protecting and enhancing employment and amenity, and delivering the housing required for the population.

The Sydney Region Plan identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney must provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.

The Plan sets 10 key directions under the three main headings of 'Liveability', 'Productivity' and 'Sustainability' in order to focus and priorities growth and investment in infrastructure. These are underpinned by a total of 40 objectives. The legislation requires that this Plan must be 'given effect' by subsequent planning authorities, and is therefore a relevant consideration for Waverley Council in assessment of this planning proposal.

In this regard, the planning proposal will enable and support the renewal of the site for residential, commercial and retail uses, providing both local employment and housing opportunities, as well as vibrant retail and community space. The planning proposal supports the growth of the existing commercial and economic centre of Charing Cross whilst also providing significant public benefits. The site is also well located to public transport connections and open space.

Although the site is located outside of a major commercial centre, it will provide improved local employment and housing opportunities without an adverse impact on the wider economy of Charing Cross village or higher order centres, particularly Bondi Junction. The proximity of the site to public transport and established services makes it well placed to support the urban renewal and revitalisation of the village. As an established village, Charing Cross is considered to be a suitable location for housing intensification and urban renewal.

Eastern City District Plan

The Eastern City District Plan, prepared by the Greater Sydney Commission in March 2018, provides the framework to manage growth whilst maintaining liveability and productivity across a key area in Sydney. The Eastern City District Plan stretches from Rhodes in the west to the Eastern Suburbs, and south to Kogarah. The District Plan also contains the key employment centres of the Sydney CBD, Sydney Airport, Port Botany and Bondi Junction.

The Plan is broken down into sections of Liveability, Productivity and Sustainability with a total of 10 directions (aligning with the Sydney Region Plan) and 20 Strategic Priorities, of which the following specifically relate to the site and proposed development. Within each Priority are a number of Objectives and Actions. The relevant Planning Priorities identified in the Eastern City District Plan are:

Planning Priority E4	Fostering healthy, creative, culturally rich and socially connected communities
Planning Priority E6	Creating and renewing great places and local centres, and respecting the District's heritage
Planning Priority E7	Growing a stronger and more competitive Harbour CBD
Planning Priority E18	Delivering high quality open space
Planning Priority E19	Reducing carbon emissions and managing energy, water and waste efficiently

Specifically relating to Bondi Junction, the following actions apply (of which can be appropriately applied to Charing Cross):

- *Consider potential options for future public transport connections to the south east of the District in order accommodate forecast population and employment growth and provide better connectivity between the south east of the District and the rest of Greater Sydney. This should enhance economic, social and environmental outcomes for the District.*
- *promote place making initiatives to improve the quality of public spaces.*
- *Improve access from the centre of Bondi Junction to nearby open space and recreation facilities such as Queens Park, Centennial Park and Bondi Beach.*
- *expand the centre's function and type of land uses, and knowledge-intensive jobs*

The site is strategically located to benefit from these priorities through improved public transport connections and increased employment and housing opportunities. The proposed amendments to the Waverley LEP 2012 will contribute to addressing the projected increase in both population and employment in the Eastern City District.

The proposed amendments to Waverley LEP 2012 will directly facilitate these priorities by creating additional high quality and accessible retail floor space, commercial and residential floor space, as well

as contributing to the pedestrian amenity infrastructure within Charing Cross, previously identified by Council.

The proposal will allow the actions and objectives listed in the District Plan to be realised, as opposed to the status quo on the site, preventing further economic growth and amenity improvements of Charing Cross.

The proposal will contribute towards all of the three focus areas by:

- increasing housing supply in a location well serviced by public transport (whilst minimising the number of private vehicles spaces provided and encouraging green travel options),
- providing expanded and high quality commercial and retail spaces fronting publicly accessible laneways and square
- protecting and enhancing the existing heritage qualities of the area whilst also significantly improving the public domain to create a great place within the established local centre,
- fostering healthy, creative and rich socially connected community through the facilitation of public art, open spaces and interconnection between sites,
- creation of new through site connections for better pedestrian access and permeability through Charing Cross and to Queens Park,
- significant improvement to the carbon footprint of building and the management of energy, water and waste, and
- create a distinct 'destination' for pedestrians to use in the local area.

5.4.2 Q4 - Is the Planning Proposal consistent with a council's plan, local strategy, or another local strategic plan?

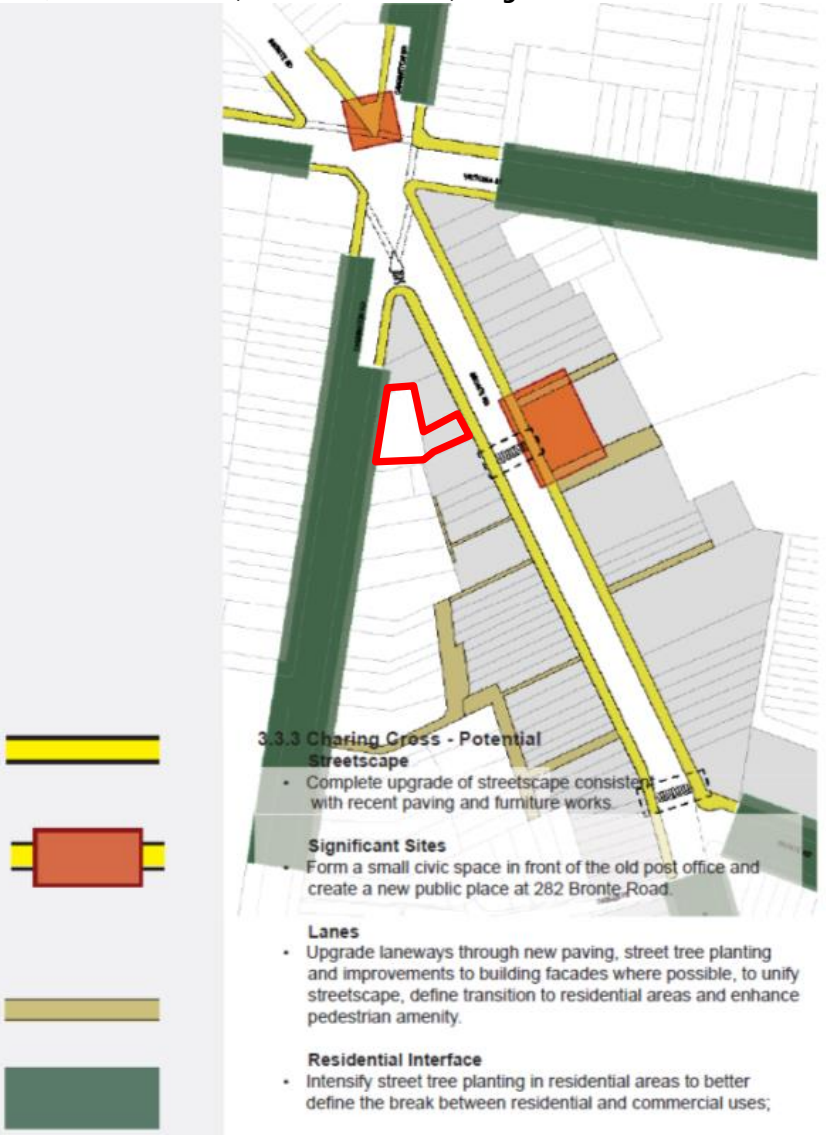
Local Planning Strategies

A review has been undertaken of the planning proposal against the following Waverley Council policies and plans (Table 6).













Table 6 - Assessment of Local Planning Strategies

Strategy	Comment
Eastern Suburbs Economic Profile	<p>The Eastern Suburbs Economic Profile provides an economic analysis of local centres and the wider 'subregion', and identifies economic development opportunities across the LGAs. The report was prepared jointly by Waverley, Randwick City and Woollahra Councils in December 2013.</p> <p>Charing Cross village is not identified as a key economic precinct, however, wider strategic directions and recommendations guiding economic growth in Waverley LGA include:</p> <ul style="list-style-type: none"> ▪ Ensuring the capacity of the existing employment precincts is maximised. This can be achieved by retaining and increasing employment self-containment and self-sufficiency. ▪ Identify areas for higher density residential development. ▪ Supporting the role of Bondi Junction as a Major Centre through increasing housing choice and providing reliable public transport options.
Waverley Community Strategic Plan 2013-2035	<p>The Waverley Community Strategic Plan sets the direction for what Council and the community want to achieve to 2035. The key priorities of the Plan are a Sustainable Community, Sustainable Living, a Sustainable Environment and Sustainable Governance. This is monitored against targets and indicators to support the long term vision for the local government area (LGA).</p>

Strategy	Comment
	<p>Key priorities include:</p> <ul style="list-style-type: none"> ▪ Ensuring a range of housing options are available. ▪ Improving public transport frequency, quality and integration in Waverley. ▪ Being an environmentally educated and committed community.
<p>Waverley Economic Development Strategy 2015-2020</p>	<p>The Waverley Economic Development Strategy sets the economic vision for the LGA with a focus on strengthening existing and established centres, and facilitating economic and employment opportunities.</p> <p>One of the key strategic directions outlined in the Strategy that is applicable to Charing Cross includes having <i>'established commercial centres with local business "villages" having strong growth potential.'</i></p> <p>This can be achieved through promoting the growth of small business and enhancing a sense of place and cultural character. Renewal and innovation are important objectives of the Strategy. The Strategy offers the opportunity to support local centres and villages through:</p> <ul style="list-style-type: none"> ▪ Clear branding of commercial and village centres that appeal to a variety of local communities, visitors and new businesses. ▪ Renewed place management initiatives and practices for commercial and village centres. ▪ Grow the number of local jobs available to an increasing population. ▪ Encourage local industries to collaborate on new initiatives.
<p>Waverley Local Village Centres – DCP and Public Domain Improvement Plan Economic Assessment 2006</p>	<p>The Waverley Local Village Centres DCP and Public Domain Improvement Plan Economic Assessment reviews the major and local centres in the LGA to identify planning and economic opportunities and issues.</p> <p>Specifically, Charing Cross is identified as a small 'Village Centre' which typically services a catchment of 2,000 to 10,000 households, and contains speciality retail premises anchored by a small supermarket. In 2006, Charing Cross village contained approximately 6,750m² of retail floor space.</p> <p>It is proposed that Charing Cross can accommodate a further 4,500m² of retail floor space to 2016, including 2,500m² of supermarket floor space.</p> <p>The village was viewed as underperforming due to a higher vacancy rate and a lack of a large anchor supermarket. Whilst the centre has changed since the preparation of this plan, the trend of underperforming businesses continues, as identified in Section 5.6 (Economic Impact Assessment).</p> <p>Revitalisation strategies that could encourage renewal and development in Charing Cross include:</p> <ul style="list-style-type: none"> ▪ Identify land that is suitable for redevelopment to maximise land use efficiencies. ▪ Reviewing centre boundaries to allow for larger retail premises. ▪ Encourage anchor tenants to make these centres 'destinations'. ▪ Encourage increased densities, including shop top housing.
<p>Local Village Centres Public Domain Improvement Plan 2006</p>	<p>The Local Village Centres Public Domain Improvement Plan was prepared in conjunction with the Waverley Development Control Plan (DCP) 2006 and informs the implementation of public domain improvements across 12 centres and villages.</p> <p>Charing Cross is identified as one of these centres and is described as <i>'a lively and well used traditional strip with activation enhanced by cafes and pubs'</i>. However, the Plan recognises that the centre has <i>'little amenity for people using this centre'</i>, and that there is <i>'a lack of structure and definition'</i> to the centre.</p>

Strategy	Comment
	<p>The desired character of the area is to improve the amenity and safety of the centre for pedestrians, the creation of focal points, and the upgrade of the public domain and streetscape. The Plan includes an illustration of the potential public domain for Charing Cross, as shown below (site identified in red) – Figure 24.</p>  <p>3.3.3 Charing Cross - Potential Streetscape</p> <ul style="list-style-type: none"> Complete upgrade of streetscape consistent with recent paving and furniture works. <p>Significant Sites</p> <ul style="list-style-type: none"> Form a small civic space in front of the old post office and create a new public place at 282 Bronte Road. <p>Lanes</p> <ul style="list-style-type: none"> Upgrade laneways through new paving, street tree planting and improvements to building facades where possible, to unify streetscape, define transition to residential areas and enhance pedestrian amenity. <p>Residential Interface</p> <ul style="list-style-type: none"> Intensify street tree planting in residential areas to better define the break between residential and commercial uses; <p>Figure 24 – Proposed public domain improvements to Charing Cross (site in red)</p>
<p>Waverley Transport Plan 2011</p>	<p>The Waverley Transport Plan was prepared to accompany the Waverley Community Strategy Plan and sets the strategic transport vision for the Waverley community. The Plan identifies and addresses both short and long term transport issues. The transport needs of Charing Cross village include:</p> <ul style="list-style-type: none"> Encouraging zero and one car households through high quality public transport and car share facilities. Encouraging pedestrian and cycle access to Bondi Junction through standard walking and cycling facilities. Addressing the use of Queens Park area being used as a cut through from Randwick LGA to Bondi Junction and beyond to Woollahra LGA.

Strategy	Comment
<p>Waverley Heritage Policy 2007</p>	<p>The Waverley Heritage Policy identifies and assesses environmental heritage across Waverley LGA, excluding Bondi Junction, and makes recommendations for the conservation of heritage items.</p> <p>The Policy recognises that the Robin Hood Hotel was originally established to service the local settlement, and that heritage considerations are contained in the Waverley Development Control Plan.</p> <p>The concept plan/indicative architectural scheme supporting the Planning Proposal respects and reflects the heritage values of its wider village setting and the adjoining Robin Hood Hotel in terms of the potential scale and form of development. The redevelopment of the site would be subject to any proposed amendments to the Waverley LEP and development controls which will specifically address heritage considerations.</p> <p>A heritage assessment has been prepared by heritage advisor – John Oultram Heritage and Design (Appendix C) and a supplementary statement provided by GBA Heritage (Appendix M). Both heritage specialists worked in details with the architects and urban designers to ensure the form and detailing of the proposed scheme was appropriate in the context and appropriately responded to the heritage context of the site.</p> <p>The assessment has reviewed more generally, the manner in which the proposed redevelopment fits within the wider setting of Charing Cross village. It also provides a set of heritage specific design principles to guide future development. The heritage Impact Assessment by Oultram Heritage concludes:</p> <p><i>The proposal provides considerable benefits to the local area in terms of enlivening a low quality retail area and introducing a laneway system off the main retail street that would activate the street frontages and the areas off. The contribution of the current building to Bronte Road will be maintained in the retention of its facade allowing an easy fit for the development into the local streetscape. The scale of the development is not excessive and responds well to the local context.</i></p>
<p>People Movement and Places Strategy – Sustainable Transport Action Plan</p>	<p>Waverley's People, Movement and Places aims to make it easier for people to move around by improving the quality of our streetscapes and public places. It acknowledges the future of transport and the changing nature of the demographic composition of the local government area, along with walking, cycling and public transport mode shift. The Strategy established a Strategic Transport Framework, with twelve signature transport projects and a total of 96 actions across the Waverley Council area.</p> <p>Charing Cross is identified as a strategic project with a focus on pedestrian safety and amenity (such as traffic calming and tree planning), as well as directing traffic away from Bronte Road and on to Carrington Road. A snapshot of the actions for Charing Cross is provided in Figure 25 below.</p>

Strategy	Comment
	<p>Charing Cross - actions</p> <p>● Feasibility ● Implementation</p> <p>2018 SHORT TERM 2020 MEDIUM TERM 2025 LONG TERM 2030 ▶</p> <p>62 Prioritise public transport, walking + cycling on Bronte Rd*</p> <p>63 Direct through-traffic away from Bronte Rd to Carrington Rd as arterial road*</p> <p>64 Provide traffic calming, landscaping + tree coverage along Bronte Rd</p> <p>65 Revise intersection of Carrington Rd/ Bronte Rd for preferred transport priorities + improved safety for all road users*</p> <p><i>Timeframes are indicative only – project scope, budget + delivery subject to further investigation. *In partnership with TfNSW, RMS.</i></p> <p>Mode     </p> <p>Benefits    </p> <p>Legend:  some benefit  significant benefit  major benefit</p> <p>Figure 25- Waverley's People, Movement and Places (Charing Cross)</p> <p>As discussed in Section 9.6, the proposal will significantly reduce the number of vehicle movements from the site (on Carrington Road) particularly on Thursday, Friday and Saturday evenings – as a direct result of the removal of the drive-through bottle shop.</p>
Green Infrastructure Masterplan	<p>The Green Infrastructure Masterplan provides a framework for the sustainable future of Bondi Junction. Whilst not directly applicable to the site, given its location, the key areas of Waste, Energy and Water, and the accompanying solutions to these items are relevant to the proposal. As shown in Appendix A, the planning proposal and redevelopment of the site enables these strategies to be delivered on the site – such as water reuse, photovoltaics, green walls, bio-retention and expansion of street tree planting.</p>

5.5 Relationship to Statutory Planning Framework

5.5.1 Relevant Legislation and Regulations

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EPA Regs) set out amongst other things the:

- requirements for rezoning land;
- requirements regarding the preparation of a local environmental study as part of the rezoning process;
- matters for consideration when determining a development application; and
- approval permits and/or licences required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in **Section 3.33** of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

5.5.2 Q5 - Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State and Regional Statutory Framework

An assessment of the planning proposal against the applicable State Environmental Planning Policies is provided in the table below. There are no Regional Environmental Plans (REPs) (deemed State Environmental Planning Policies) that apply to the Planning Proposal (**Table 7**).

Table 7 - Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Consistent			Comment
	Yes	No	N/A	
State Environmental Planning Policy No 1 – Development Standards			✓	No longer applies to the Waverley LEP 2012
State Environmental Planning Policy No 19-Bushland in Urban Areas			✓	There is no existing vegetation on the site.
State Environmental Planning Policy No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy No 50 -Canal Estate Development			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy No 55 – Remediation of Land	✓			The land is currently zoned B4 – Mixed Use and no change in use is proposed. The site has been utilised as a pub since the 1890's and is not known to be contaminated nor previously utilised for any industrial purpose that has caused land contamination (refer to Appendix G).
State Environmental Planning Policy No 60 –Exempt and Complying Development			✓	The SEPP (Exempt and Complying Development Codes) 2008 applies to the site but is not applicable as part of this Planning Proposal.
State Environmental Planning Policy No 64 – Advertising and Signage			✓	The relevance of the SEPP would be addressed at the development application stage.
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	✓			The planning proposal will achieve consistency with the SEPP through application of design excellence provisions. Appendix A provides the amenity analysis of the indicative scheme and quality principles of the SEPP. This demonstrates compliance with the key criteria of the Apartment Design Guide (ADG). Any future DA to be submitted to Council for this site will demonstrate the development satisfies the requirements of this SEPP.
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	✓			The planning proposal is not inconsistent with the application of this SEPP. The provision of affordable housing will be subject to the future DA
State Environmental Planning Policy No 71 – Coastal			✓	Not applicable to the subject site and

State Environmental Planning Policy	Consistent			Comment
	Yes	No	N/A	
Protection				proposed development
State Environmental Planning Policy (Affordable Rental Housing) 2009			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (BASIX) 2004			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	The SEPP may apply to any future development of the site.
State Environmental Planning Policy (Infrastructure) 2007			✓	Not relevant to the proposed amendment.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	The planning proposal will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (State and Regional Development) 2011			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (Urban Renewal) 2010			✓	Not relevant to the proposed amendment.

5.5.3 Local Statutory Planning Framework

Consistency with Waverley LEP 2012 Aims

The Proposal's consistency with the overall aims of the Waverley LEP 2012 is demonstrated in **Table 8** below.

Table 8 - Consistency Waverley LEP 2012 - Aims

Waverley LEP 2012 Aims				
Objective	Consistent			Comment
	Yes	No	N/A	
(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,	✓			The proposal is consistent with this aim and will deliver a well-coordinated and integrated mix of retail, commercial and residential uses along with open space and other services to cater for the local and wider community.
(b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,	✓			The proposed development is of a local, Charing Cross, scale and will not directly compete and erode the economic importance of Bondi Junction. The services and retail/commercial offering within the proposal will be at a local scale.
(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,	✓			The proposal will provide a total of 29 dwellings, in a location well serviced by public transport, close to open space, and availability to amenities and employment (also increased as part of the planning proposal). The unit mix and size reflects the changing nature of the population within the centre as outlined in the Urban Design Report.
(d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,	✓			The site is uniquely located to enable a transition in height to be accommodated, whilst protecting the amenity of surrounding residential areas, particularly to the western side of Carrington Road.
(e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,	✓			The proposal will create a new, publicly accessible, through site link and square that would not be possible without the redevelopment. This will enhance the liveability and amenity of Charing Cross and in turn lead to increased commercial/retail activation, strengthening the centre.
(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,	✓			The proposal will incorporate environmentally sustainable design techniques, including rain water collection, PV cells, green walls, and passive heating and cooling.
(g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley	✓			The proposal carefully considers the heritage and social impacts of the proposal. A Heritage Assessment has been undertaken (Appendix C) with supplementary Heritage Assessment by GBA Heritage (Appendix M). Opportunities have been made available for the provision of public art, embedded into the design (refer to Appendix A and Appendix I).

Consistency with Zone Objectives – B4 Mixed Use

The planning proposal is the best means of achieving the intended outcomes for the site from a land use and permissibility perspective. The site is currently zoned B4 – Mixed Use under the Waverley LEP 2012 (**Table 9**). In particular the zone objectives align with the intended outcomes of this planning proposal, being:

Table 9 - Consistency with WLEP 2012 – B4 Mixed Use Zone Objectives

Waverley LEP 2012 B4 Mixed Use zone				
Objective	Consistent			Comment
	Yes	No	N/A	
To provide a mixture of compatible land uses.	✓			The proposal will provide for a wider mix of compatible land uses, including shop top housing, and retail/business and commercial premises, supported by the publicly accessible through site link proposed.
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.	✓			<p>The site currently demonstrates its suitability to contain a mix of uses and the proposed increased density on the site would be integrated with the surrounding uses to make the precinct an activated, vibrant centre. This is supported by good public transport links, including both bus and train services (at nearby Bondi Junction station).</p> <p>The precinct's transport vision is reflected in the Waverley Transport Plan, where it identifies Charing Cross as having a high proportion of zero or one car households. Important objectives that the Plan outlines for Charing Cross includes further encouragement of high quality public transport options, car share facilities, and standardised pedestrian and cycle facilities.</p>
To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.	✓			<p>The proposed increase in density to the site will not impact adversely on the heritage or character of the building or precinct. Moreover it is an opportunity to demonstrate a leading example of compatible urban infill developments.</p> <p>The proposal seeks to reflect and respect both the wider heritage setting of Charing Cross village and the adjoining Robin Hood Hotel heritage item.</p>

Consistency with Building Height Objectives

Table 10 - Consistency with WLEP 2012 – Building Height Objectives

Waverley LEP 2012 Building Height				
Objective	Consistent			Comment
	Yes	No	N/A	
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,	✓			The proposal will facilitate redevelopment of the currently dilapidated and underutilised site, whilst ensuring the amenity of neighbouring properties is retained. The amenity of public spaces will be significantly enhanced by virtue of the planning proposal to increase building height, including the creation of a through site link and publicly accessible square.

Waverley LEP 2012 Building Height				
Objective	Consistent			Comment
	Yes	No	N/A	
to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,			✓	Not directly applicable as the site is located outside of Bondi Junction, however the proposal does facilitate retail and commercial floor space rejuvenation and expansion, commensurate with the scale of Charing Cross.
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. However, as shown in Appendix A and B , the proposed building height provides for an appropriate built form in the context of surrounding buildings, including consideration of the Heritage Character of Charing Cross. Built form and urban design has been a key consideration in this proposal and is discussed further in Section 9.2 .
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	✓			As shown in Appendix A and B , the proposed building height provides for an appropriate built form in the context of surrounding buildings, positively contributing to the streetscape and facilitating the desired future character of Charing Cross. The built form enables a publicly accessible through site link (including public square) to be realised.

Consistency with Floor Space Ratio Objectives

Table 11 - Consistency with WLEP 2012 – Floor Space Ratio Objectives

Waverley LEP 2012 Building Height				
Objective	Consistent			Comment
	Yes	No	N/A	
to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,			✓	The site is located outside of Bondi Junction.
to provide an appropriate correlation between maximum building heights and density controls,	✓			The proposed built form (as shown at Appendix B) and accompanying FSR, provide the appropriate density control to facilitate the delivery of significant public domain and amenity benefits, whilst ensuring appropriate feasibility for the project (See Section 5.6).
to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality	✓			Built form and urban design has been a key consideration in this proposal and is discussed further in Section 9.1 , and has been carefully considered to respect the exiting streetscape and desired future character of the locality. The ground plane will reflect that of the Charing Cross character.
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.	✓			As noted above, the proposal has been designed so as to consider the amenity impacts to surrounding development and neighbouring properties.

5.5.4 Q6 - Is the Planning Proposal consistent with applicable Section 9.1 Ministerial Directions (previously s 117 directions)?

The planning proposal is consistent with the relevant directions for planning proposals issued by the Minister for Planning under Section 9.1 of the EP&A Act.

Section 9.1 Ministerial Directions (Previously referred to a S117 Directions)

Ministerial directions under Section 9.1 of the EP&A Act require Councils to address a range of matters when seeking to rezone land. A summary assessment of the Planning Proposal against the Directions issued by the Minister for Planning and Infrastructure under Section 9.1 of the EP&A Act is provided in **Table 12** below.

The planning proposal is consistent with the relevant Section 9.1 Directions in that it achieves and/or gives effect to the principles, aims, objectives or policies set out in the Directions noted in the table below.

Table 12 - Assessment of relevant Ministerial Directions

Ministerial Direction	Comment
Employment and Resources	
1.1 Business and Industrial Zones	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> ▪ give effect to the objectives of this direction, ▪ retain the areas and locations of existing business and industrial zones, ▪ not reduce the total potential floor space area for employment uses and related public services in business zones, ▪ not reduce the total potential floor space area for industrial uses in industrial zones, and ▪ ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning 	<p>The proposal will not alter the existing zoning of the site or the existing permissible uses of the site.</p> <p>The proposal seeks to allow for an intensification of the site through amendments to the height and floor space ratio under the Waverley LEP.</p> <p>These changes will increase the extent and quality of employment generating uses and strengthen the location of Charing Cross as a local centre.</p>
2 Environment and Heritage	
2.1 Environmental Protection Zones:	
<ul style="list-style-type: none"> ▪ A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. ▪ A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). 	<p>The site and surrounds are not zoned for environmental protection purposes nor are they identified for this purpose under the Waverley LEP.</p>
2.3 Heritage Conservation:	
<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> ▪ 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, ▪ Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and ▪ 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. 	<p>The site is identified as part of a heritage conservation area under the Waverley LEP. A Heritage Assessment report has been prepared and assesses the proposed development as illustrated by the concept plan. The design process was undertaken with careful consideration of the heritage values of the site and locality.</p> <p>Separate peer review has been undertaken by GBA Heritage (Appendix M) and supports the recommendations</p> <p>The report notes that the proposal is at concept stage only, with no specific development details known. However, the Concept Plan shows how previously under-utilised spaces can be revitalised with modern elements and uses. The proposed massing and scale of the proposal will have limited impact on individual heritage elements and the character of the area. At the development application stage it is considered that the development and design would need to address the</p>

Ministerial Direction	Comment
	<p>following heritage matters:</p> <ul style="list-style-type: none"> ▪ Detail and style, including front facades and awnings. ▪ Materials and possibly colours. ▪ Streetscape pattern and form, including appropriate setbacks and street alignment. <p>The Waverley Development Control Plan states '<i>the original characteristics of traditional neighbourhood retail buildings are retained and enhanced</i>'. For any future development, particularly along Bronte Road, this would be a key consideration that would need to be addressed during the development application stage.</p>
3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> ▪ broaden the choice of building types and locations available in the housing market, and ▪ make more efficient use of existing infrastructure and services, and ▪ reduce the consumption of land for housing and associated urban development on the urban fringe, and ▪ be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> ▪ contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and ▪ not contain provisions which will reduce the permissible residential density of land. 	<p>The proposal will not alter the existing B4 – Mixed Use zone and will retain the location of the heritage listed pub.</p> <p>The proposal seeks to allow for an intensification of the site through amendments to the height of buildings and floor space ratio under the Waverley LEP 2012.</p>
3.4 Integrating Land Use and Transport	
<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> ▪ Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and ▪ The Right Place for Business and Services – Planning Policy (DUAP 2001). 	<p>The proposal will not alter the existing B4 – Mixed Use zone. As such, this Section 9.1 Direction is not applicable to this planning proposal.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils	
<p>The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid sulphate soils being present.</p>	<p>This Section 9.1 Direction is not applicable to this planning proposal.</p> <p>The site to which the proposal applies is not affected by acid sulphate soils under Waverley LEP.</p>

Ministerial Direction	Comment
<p>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulphate soils, those provisions must be consistent with:</p> <ul style="list-style-type: none"> the Acid Sulphate Soils Model LEP in the Acid Sulphate Soils Planning Guidelines adopted by the Director-General, or Such other provisions provided by the Director-General of the Department of planning that are consistent with the Acid Sulphate Soils Planning Guidelines. <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulphate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulphate soils on the Acid Sulphate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p>	
<p>4.3 Flood Prone Land</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> permit development in floodway areas, permit development that will result in significant flood impacts to other properties, permit a significant increase in the development of that land, are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the</p>	<p>This Section 9.1 Direction is not applicable to this planning proposal.</p> <p>The site to which the proposal applies is not affected by flooding.</p>

Ministerial Direction	Comment
<p>Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</p> <ul style="list-style-type: none"> the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or the provisions of the planning proposal that are inconsistent are of minor significance. 	
6 Local Plan Making	
6.1 Approval and Referral Requirements	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> the appropriate Minister or public authority, and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. 	<p>The planning proposal does not propose any such provisions listed in Direction 6.1.</p>
6.2 Reserving Land for Public Purposes	
<p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	<p>The planning proposal will facilitate the provision of a publicly accessible through site link as well as publicly accessible square, surrounding by retail, commercial and residential uses. The proposal does not involve the reduction or removal of any land dedicated for public purposes.</p>
6.3 Site Specific Provisions	
<p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> allow that land use to be carried out in the zone the land is situated on, or rezone the site to an existing zone already applying in the 	<p>The current B4 – Mixed Use zone allows for a range of compatible, flexible land uses. As such, this Section 9.1 Direction is not applicable to this planning proposal.</p> <p>The proposal will not restrict the overall</p>

Ministerial Direction	Comment
<p>environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <ul style="list-style-type: none"> allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>use of the land.</p>
7. Metropolitan Planning	
7.1 Implementation of a Sydney Region Plan	
<p>A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency the Sydney Region Plan:</p> <ul style="list-style-type: none"> is of minor significance, and the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its planning principles; directions; and priorities for subregions, strategic centres and transport gateways. 	<p>The planning proposal will create the opportunity for additional local employment through the intensification of the site.</p>

5.6 Section C – Environmental, Social and Economic Impacts

5.6.1 Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the site's urban location. A focus on sustainability is embedded into the project as demonstrated in **Appendix A**.

5.6.2 Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is unlikely to result in any land use conflicts within the immediate vicinity and will not limit the ongoing use of the surrounding lands, as the range of uses permitted in the current B4 – Mixed Use zone is not proposed to be amended. The proposal will complement the existing surrounding character and function of Charing Cross precinct and will create increased employment and housing opportunities. It is considered that the proposal has the ability to be a catalyst development for the overall renewal of Charing Cross.

The site is not affected by any known natural hazards such as flooding, land slip or bushfire. A detailed assessment of the environmental impacts of the Planning Proposal is provided in **Assessment of Planning Issues - Section 9** of this planning proposal.

5.6.3 Q9 - Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will contribute to a diversification of the local economy by providing for increased retail and commercial uses, and residential floor space. In turn, the proposal will increase local employment opportunities and the provision of higher density of housing within the village precinct. Both are consistent with Council's aim *to focus on strengthening existing and established centres, and facilitating economic and employment opportunities*.

By amending the Waverley LEP to allow for a change to the height and floor space development standards, the site can be utilised for its highest and best use, and support a viable redevelopment whilst mitigating any impacts to surrounding land uses.

An Economic Feasibility and Impact Assessment have been prepared by Leyshon Consulting (**Appendix D and N**).

The purpose of the Report is to review the existing development context of the Charing Cross centre and to comment on the economic feasibility of redevelopment under various planning controls and in relation to the redevelopment concept proposed for the site (as per **Appendix A and B**).

Existing Context

At the 2016 Census approximately 22,000 people lived within one kilometre of Charing Cross. Notwithstanding the centre's proximity to Bondi Junction, this population could (and should) support a more diverse range of local convenience retail facilities and services than is found in the Charing Cross centre at present.

In the last 10 years there have been an increase in the number of coffee shops/café's in the centre and an increase in the number of businesses retailing home decoration/renovation products. Renovation products and specific services (such as Reece Plumbing) serve a subregional or regional market and do not primarily attract customers to the immediately surrounding area. The report notes that this can, in some instances, lead to a crowding out of the area, leaving fewer retail offering that service the direct community.

Economic Feasibility

A height control of 9m and an FSR of 1:1 do not typically provide sufficient economic incentive in any locality for the demolition of existing property and its replacement with new buildings, given the financial requirements for lenders, return on investment and cost of construction. Therefore, repurposing is the only feasible option for land owners under the current controls. The various costs involved in repurposing existing assets makes this option not economically viable for many land owners. Nevertheless, most crucially, this leaves little or no opportunity for the delivery of any greater public benefit to the community.

The Economic Feasibility and Impact Assessment report indicates it is necessary to increase substantially the FSR applying to the site from the current level of 1:1 if redevelopment of existing properties in the centre is to be encouraged and facilitated. The proposed scheme with at an FSR of 2.65:1 would ensure adequate commercial return to enable the laneway redevelopment concept for Charing Square to be undertaken and a significant net community benefit to be realised.

5.7 Section D – State and Commonwealth Interests

5.7.1 Q 10 - Is there adequate public infrastructure for the planning proposal?

The Charing Cross precinct is an established residential/missed use area, located within close proximity to various public transport links. The area is serviced regularly by bus services that travel between Bondi Junction, Coogee and Wolli Creek, and provide connection to Bondi Junction rail/bus interchange.

The site is well connected to pedestrian and cycle paths, as documented in the Transport Report (**Appendix H**), and discussed further in **Section 9.6**. The redevelopment of the site will significantly improve the existing traffic conditions arising from the site, particularly on weekends, as well as improvements to the pedestrian networks and amenity.

Existing utility services will adequately service any future development and will be upgraded or augmented where required.

5.7.2 Q 11 - What are the views of State and Commonwealth public authorities consulted?

Representatives of the project team have met with Waverley Council on a number of occasions. Furthermore, a Communication and Engagement Plan has been prepared by KJA (**Appendix E**) which sets out the proposed strategy and framework for engagement with relevant stakeholders.

Upon lodgement, no formal consultation has been undertaken with other State or Commonwealth authorities. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination.

6. PART 4 - Mapping

The proposed amendments to the current Waverley LEP are provided at **Appendix L**. Should the planning proposal progress through the Gateway Determination and plan making process, additional mapping would be undertaken in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (issued by the Department of Planning and Environment).

7. PART 5 - Consultation and Engagement

The importance of engagement and community involvement is understood and acknowledged by the owners of the site. A Communication and Engagement Plan (**Appendix E**) has been prepared by KJA, to ensure an orderly and open approach to engagement with community, Council and stakeholders.

7.1 Consultation Process

The Communication and Engagement Plan has been prepared to ensure a consistent framework to facilitate two-way communication between stakeholders. It provides a summary of the primary community and stakeholder groups and their likely areas of interest, and includes a range of tools and activities to assist in the delivery of relevant and timely information. The intent is to establish the engagement approach with each of these groups as part of planning proposal process.

Communication activities are primarily focused on businesses, residential neighbours, hotel patrons, Councillors and relevant community groups. Formal consultation with the Relevant Planning Authority and other agencies will take place as part of the formal planning proposal process.

The key objectives of this plan are to:

- Inform the community and stakeholders about the proposal in a timely, accurate, and accessible manner.
- Provide clear and factual information about the proposal and the planning process.
- Proactively engage stakeholders and community members most likely to have an interest in the proposal.
- Ensure a coordinated and consistent approach to communication and engagement by all members of the project team.
- Demonstrate the proponent's commitment to engaging in two-way communication and engagement with adequate opportunities for feedback.

7.1.1 Consultation Prior to lodgement of the Planning Proposal

As referenced at **Appendix E**, early engagement has taken place with representative of the Charing Cross Village Precinct. This engagement involved a presentation of the proposed scheme via PowerPoint to the Precinct organisers, with images matching those provided with this planning proposal.

On 13 June 2018, a briefing was also given to the Charing Cross Village Precinct and invited local residents which included a presentation of the components of the planning proposal and indicative architectural scheme. Leaflet invitations were circulated by the Precinct organisers in the week prior to the meeting to invite

the public to attend. Approximately 30-40 people attended including two Waverley Councillors. The Precinct includes members of the community and local business owners. Ongoing briefings have also been provided to the Eastern Suburbs Legion Club in regards to the Planning Proposal.

7.2 Engagement During Public Exhibition

It is noted that public exhibition of the planning proposal is generally undertaken in the following manner:

- notification in a newspaper that circulates in the area affected by the planning proposal
- notification on the website of the Relevant Planning Authority (RPA)
- notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them
- a communication and engagement action plan specific to the planning proposal has also been prepared by KJA engagement consultants (**Appendix E**).

During the exhibition period, the following material is to be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Gateway determination,
- the Gateway determination, and
- any information or technical information relied upon by the planning proposal.

Proposals that are considered to be of low-impact are to be exhibited for a minimum of 14 days, whilst all other proposals are to be exhibited for a minimum 28 days.

It is important to note that Council (or the Relevant Planning Authority) can undertake additional consultation if this is deemed appropriate or necessary. This may include, but is not limited to broad consultation by letter, open days or public forum.

8. Indicative Project Timeline

The Department's *Planning Proposals: A guide to preparing planning proposals* (August 2016) requires an indicative project timeline to be included with the Planning Proposal. This is provided below (**Table 13**) and assumes Council's endorsement of the Proposal and issue of a Gateway determination.

The planning proposal timeline will be determined in consultation with Waverley Council.

Assuming the planning proposal is endorsed by Council, the timeframe for the consideration and completion of the planning proposal is dependent upon a number of variables including:

- Council's consideration of the proposal and need or otherwise for additional information.
- The need or requirement for referrals to any relevant Government agencies.
- The extent and duration of community consultation (public exhibition).

Table 13 - Indicative Project Timeline (noting that final timeline will be subject to the Council)

Stage	Indicative Timeframe
Consideration by Council of Planning Proposal (including review by Local planning Panel)	February/March 2019
Referral to Department of Planning & Environment for Gateway Determination	April 2019
Gateway Determination	June 2019
Timeframe for completion of any technical information and any government agency referrals	August 2019
Public exhibition	September 2019
Timeframe for consideration of submissions and consideration of Planning Proposal following public exhibition	December 2019
Anticipated date the RPA will make the plan (assuming delegation to Council)	February 2020
Overall estimated timetable	End January/Early February 2019 to February 2020 (12-13 months)

9. Assessment of Planning Issues

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development.

9.1 Urban Design Analysis and Architectural Scheme

In establishing the Planning Proposal, an indicative architectural scheme and montages have been prepared to ensure that all relevant built form, separation, amenity, and design parameters are appropriately considered. This included working closely with Oultram Heritage and GBA Heritage in response to the heritage aspects of the site and built form response. The outcomes of these investigations, has guided the content of the Planning Proposal.

As part of the Urban Design Report, and in response to discussion with Council, a broader analysis of the Charing Cross Precinct was also carried out by Roberts Day. The purpose of the analysis was to consider the potential future development pattern and the relationship between the Planning Proposal and future development. By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA scheme) can be tested, understood and clearly presented. However, it is important to note that the indicative scheme and planning proposal are not reliant on the future redevelopment of surrounding sites.

9.2 Built Form

The proposed building envelope (as show in both the Architectural Plans and Urban Design Report (**Appendix A** and **B**) seeks to provide appropriate building heights and setbacks to provide a feasible development, whilst also achieving a fine grain vertical street rhythm and heritage response that provides significant design and public benefit, from the creation of pedestrian through site links and publicly accessible square. Through collaboration with the heritage specialists (Oultram Heritage and GBA Heritage) the following principles are incorporated into the design.

- Preserving the prominence of the Robin Hood Hotel when viewed from the north;
- Retention of the inter-war facade of 223-227 Bronte Road to maintain consistency in the streetscape of Charing Cross; and
- Creating a fine grain rhythm to Charing Cross by redistributing massing on the site, providing through site links and open space at the ground plane surrounded by vibrant and active retail uses.

Unique Characteristics of the Site

The site is located immediately adjacent to the Robin Hood Hotel which marks the gateway to Charing Cross when travelling from the east. The topography of both Bronte and Carrington Roads falls away to the south from this corner, emphasising its location and importance.

These attributes of the site, and its location adjacent to the Robin Hood Hotel, the potential built form, and its impact to the streetscape and setting against adjacent buildings, is unique and cannot be recreated by other buildings along Bronte Road or Carrington Road.

A preliminary visual assessment of the proposal has been undertaken from key vantage points, particularly the intersection of Bronte Road and Carrington Road (as provided in the Urban Design Report – **Appendix A**). As shown in these images (**Figures 19 to 23**), given the sites unique geometry and change in level, the

proposal has minimal visual impact and is largely contained within the frame established by the Robin Hood Hotel and Eastern Suburbs Legion Club.

9.3 Solar Access and Overshadowing

Detailed shadow diagrams have been prepared to assess the potential impacts on solar access to neighbouring properties between 9am and 3pm for the winter solstice (June 21) as well as the Equinox (20 March and 22 September) and Summer Solstice (refer **Appendix B**). These diagrams also identify sunlight achieved to the proposed through site link and Charing Square.

The shadow diagrams provided at **Appendix B** indicate that the proposed built form will overshadow the roofs and courtyard of the adjacent properties to the south in mid-Winter, due to the orientation of lots and built form. At the Equinox and other times of the year, the buildings to the south will receive direct solar access in the morning and afternoon hours. As noted in the Urban Design Report (Appendix A), the overshadowing is compliant with relevant Apartment Design Guidelines (ADG).

Solar access to the proposed buildings on the site is provided by the building orientation. The Carrington Road building is largely north-south oriented with solar access provided in the afternoon hours from the west. The building to Bronte Road will receive direct morning sunlight, as well as midday and afternoon sun on the northern and western facades.

At the Equinox, the through site links and Charing Square receive direct sunlight in the early morning hours and during the middle of the day. Importantly, the western façade of the Carrington Road building will receive high levels of direct sunlight throughout the year to the ground floor level.

9.4 Residential Amenity

The indicative architectural scheme (**Appendix B**) has been prepared with regard to SEPP 65 and the accompanying Apartment Design Guide. In particular, the building envelopes and indicative architectural scheme is able to achieve solar access, natural cross-ventilation, building separation, apartment size and layout requirements (see ADG Compliance in **Appendix A**). Detailed compliance with SEPP 65 will be demonstrated as part of the future development application.

9.5 Heritage

A Heritage Assessment has been prepared Oultram Heritage Design (**Appendix C**), to consider the impact of the proposal on the heritage significance of the surrounding heritage items, conservation area and Charing Cross locality. A supplementary Heritage Impact Assessment has been provided by GBA Heritage (**Appendix M**). The collaborative approach with the heritage specialists and project architects has ensured the heritage impacts of the proposal are carefully considered. Recommendation from the heritage specialists have been directly incorporated into the proposed scheme, including the retention of the Bronte Road façade and reduction in building height across the site.

The report (**Appendix C**) considers the historical development of the locality, site and surrounds, heritage listing and controls, significance of each of the buildings, and the historical development pattern. The report also then considers the proposed design, in terms of form and massing and the provisions of Waverley LEP 2012 and DCP 2012.

The report considers that the proposal is a coherent and well-considered response to the site that can provide a high quality, built outcome. The contribution of the current building to Bronte Road will be maintained in the retention of its facade and awning allowing an easy fit for the development into the local streetscape. The scale of the development is not excessive and responds well to the local context and is capable of compliance with the objectives and provisions of the LEP 2012 and DCP 2012.

The supplementary Heritage Impact Assessment (GBA Heritage – **Appendix M**) concurs with the assessment by Oultram Heritage and provides further commentary on the design elements of the proposal and lack of impact to heritage buildings. The conclusions of the supplementary report are provided below:

- The introduction of a new, active laneway into this area of traditional laneways will enhance the Charing Cross Conservation Area and the vicinity in general.
- There will be no adverse impact on the significance of the heritage listed Robin Hood Hotel or any other heritage items in the vicinity.
- Retention of the facade of the Contributory building at 223-227 Bronte Road mitigates the impact of the removal of that building, most of which is structurally unsound and not generally visible from the public realm. Treatment of the retained facade will be subject to further design resolution.
- Significant existing views within and from the Conservation Area will generally be retained. Any impact on views north along Bronte Road to the south facade of the proposed envelope at 223-227 Bronte Road can be mitigated by appropriate design resolution.
- The conclusions in the report by John Oultram Heritage & Design are supported.

9.6 Transport Assessment (Traffic)

A Transport Impact Assessment has been prepared by GTA Consultants for the site, including the proposal (**Appendix H**). The report sets out an assessment of the anticipated transport implications of the planning proposal, including consideration of the following:

- existing traffic and parking conditions surrounding the site
- suitability of the proposed parking in terms of supply (quantum)
- service vehicle requirements
- pedestrian and bicycle requirements
- the traffic generating characteristics of the planning proposal
- suitability of the proposed access arrangements for the site
- initiatives to reduce the reliance on private vehicle travel to the site
- the transport impact of the development proposal on the surrounding road network.

The report considers both the Traffic impact on surrounding road network (measured at AM and PM times on a typical weekday), as well as separate consideration of vehicle movements to the site resulting from the existing and proposed use.

Traffic Impact

As part of the traffic impact assessment, a count of vehicle movements from the drive through bottle shop was conducted during a typical (Tuesday) PM network peak period of between 5:30pm and 6:30pm. This provided a baseline measure of existing traffic generation at this time.

Based on an assessment of the proposed uses within the development, the traffic generated by the proposed development when compared to existing uses (as measured on a typical weekday) would have a minimal increase in the AM peak period and no additional increase is expected in the PM peak period.

Given the current use of the site as a drive through bottle shop, significantly higher vehicle movements occur outside of standard network peak hours (weekday AM and PM).

The report confirms that the additional traffic generated by the proposed development in the AM peak period will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. The report confirms that there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development.

Change in Traffic Generation

With regard to the number of vehicle movements in and out of the site, consideration has been given to the unique nature of the current use. The existing traffic volumes relating to the drive through bottle shop peak on Thursday, Friday and Saturday PM periods, considerably higher than the survey, 'typical' condition of a Tuesday PM period.

The results of the traffic impact assessment to the site indicate that the proposed mixed use development would have a significant reduction in the number of vehicle movements on Thursday, Friday and Saturday evenings, when compared to the current bottle shop use. As noted above, with the reduction of vehicle crossing extent, this will assist in improving pedestrian safety in this location.

Loading and Servicing

Loading is proposed to occur on-street within existing and potential loading zones, which is considered acceptable for the size of the proposed development.

Parking

As outlined in **Appendix H**, the Waverley DCP2012 specifies maximum car parking rates, with the RMS Guide for car parking numbers also used by GTA. The DCP specifies a range maximum of 57 car parking spaces on site. The proposal seeks to provide a total of 35 including 3 accessible spaces. The development will also make provision for 46 bicycle parking space along with the requirement for the implementation of a Green Travel Plan, as detailed in the Transport Impact Assessment.

Given the location of the site, demographics, and access to high frequency public transport options, the number of car parking spaces considered acceptable, and also aligns with the car parking requirement of RMS (based on the proposed dwelling mix and retail/commercial area. As mentioned above, the proposal also presents an opportunity for on-street short term parking (such as retail spaces or loading at certain times of the day).

9.7 Contamination and Geotechnical

9.7.1 Contamination

A Phase 1 Contamination Assessment of the site has been prepared by Risktech is provided at **Appendix G**. A letter, specifically relating to the preparation of the Planning proposal is also provided at **Appendix G** and addresses the findings to the Phase 1 Contamination Assessment as it relates to the planning proposal. The initial Phase 1 Assessment was prepared in 2016, with the cover letter prepared in 2018 to accompany the planning proposal.

The investigation indicates the site may have the potential for contaminants through the use of unknown fill material, and historic uses. Notwithstanding this the assessment considers that there is generally a low to medium risk of soil or groundwater contamination on site. On this basis, the site is considered suitable for a more intensive mixed use development and can be made suitable for the proposed redevelopment.

Consideration has been given to the probability for significant contamination of the site (as required by Part 6 of SEPP 55), and the likelihood of contamination has been as low in the PSI. The cover letter also notes that give the stage of the Planning Proposal, and the fact that the underlying zoning (land uses) is not proposed to be amended, and further investigation would be undertaken.

As part of further assessment, accompanying a detailed Development Application, additional investigation would be undertaken at the time of a detailed development application.

9.7.2 Geotechnical

An Initial Geotechnical Study of the site has been prepared by JK Geotechnics and is provided at **Appendix F**. The assessment identifies that the site is likely underlain by residual soil, shale rock and sandstone. Groundwater was not encountered during the investigations on site. The Assessment report considered the proposed for two basement levels in the presence of surrounding buildings and site conditions.

The recommendations contained within this report will be implemented as part of the detailed Development Application.

9.8 Structural Engineering Assessment

A Structural Assessment of the existing building at 223-227 Bronte Road has been carried out by Ashby Doble and is provided at **Appendix J**, with a subsequent site inspection report prepared (**Appendix K**). The report investigates the existing structural configuration and condition of the existing building, including internal walls, external walls, roofing, facades and garages.

The report determines that the buildings would require demolition, rebuilding and upgrade works in order to bring the structure to a habitable standard for residential components of the building. The full scope of works, as listed in **Appendix J**, amounts to the effective demolition and reconstruction of the majority of the building. The site inspection Report (**Appendix K**) confirms that the three commercial tenancies (currently in operation) are however, fit for purpose.

9.9 Public Benefits

The Planning Proposal will deliver a significant public benefit through the delivery of high quality residential, retail and commercial spaces with access to public transport, services, and employment, health, education, entertainment and recreation facilities. The proposal will provide a direct and distinct benefit to the public through providing a publicly accessible through site link and square (Charing Square) that will provide direct access to retail and commercial uses. A letter outlining the essential terms of public benefit offer associated with the Planning Proposal is included at **Appendix O**.

Consistent with Council's adopted planning agreement policy it is proposed that the VPA include the construction of and access to a through site link and public square (Charing Square) between Bronte Road and Carrington Road. The details and concept images of the through site link and Charing Square are provided in the Urban Design Report prepared by Roberts Day. As set out in the draft Public Art Strategy, opportunities for public art are also provided within Charing Square and the link.

A number of other opportunities have also been identified on the site and surrounds as part of the Proposal, including the planting of street trees to Carrington Road, and creation of additional on-street car parking available for retail parking, loading and servicing as a result of removing existing vehicle crossings on Carrington Road.

The proposed Development and VPA works will bring significant public benefit to through the delivery of high quality public domain adjacent new retail and commercial spaces with immediate access to public transport, services, and employment, health, education, entertainment and recreation facilities. Given the unique setting of the site, and dual street frontage within Charing Cross (unlike any other), the proposal will provide a direct and distinct benefit to the public.

Details of the final public benefit offer will be discussed with the Relevant Planning Authority as part of the progression of the Planning Proposal.

10. Conclusion

Charing Cross is identified as a village centre within Waverley LGA containing a mixture of retail and commercial premises, including restaurants, cafes and pubs. However, the centre has a lack of structure and definition and the planning proposal offers the opportunity to renew the western quarter of the village.

The planning proposal recognises the potential of contributing to the wider revitalisation of Charing Cross. As such, the planning proposal has taken a village-wide approach to reflect the strategic merit of the urban renewal of the site. The planning proposal offers a site responsive planning solution allowing the site to be redeveloped in a manner sympathetic to the character and amenity of the village.

Due to the specific and unique characteristics of the site, the proposed height and floor space amendments will not set an undesirable precedent. Rather, the proposed amendments will positively contribute to the success of Charing Cross by creating a new destination for local and visitors alike, in turn strengthening the local economy. The creation of publicly accessible through site links and Charing Square will enhance the identity of the area whilst adding fine grain elements, consistent with the character of Charing Cross.

The planning proposal will facilitate a well-considered and strategic outcome for a site that is most appropriately used for a mix of commercial and residential uses, with particular consideration to the heritage character of the site and streetscape of Bronte Road. It is a planning proposal that will provide high quality and well-designed residential, retail and commercial uses within an area of Charing Cross that is underutilised, strengthening the local economy.

The proposed development is a catalyst to realising the desired character and ongoing role of the Charing Cross by significantly enhancing amenity, and bringing significant public benefits, without any significant adverse impacts.