

Our ref: PP-2/2018

May 3, 2019

Amanda Harvey  
Director, Sydney Region East  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

**Submitted via email to:** [Melissa.Halloran@planning.nsw.gov.au](mailto:Melissa.Halloran@planning.nsw.gov.au)

Dear Ms Harvey,

**Re: Rezoning Review 203-209 Bronte Road & 94 Carrington Road, Waverley**

Please find attached Waverley Council's detailed submission to the Rezoning Review (the Review) for 203-209 Bronte Road & 94 Carrington Road, Waverley. Council is not supportive of the Review submitted to the Department of Planning and Environment (DPE).

The Rezoning Review is the same amended Planning Proposal that was received by Council on 5<sup>th</sup> February 2019 and as originally submitted by the proponent on the 22<sup>nd</sup> June 2018.

Council supports the Planning Proposal with amendments. The key reasons that Council does not support the Rezoning Review (the Review) are that the proponent's proposal would:

- Be out of scale with the surrounding streetscape of Charing Cross, particularly Bronte Road, and the prevailing low-density neighbourhood surrounds.
- Adversely impact the setting of the draft heritage item at 94 Carrington Road and challenge the landmark status of the heritage listed Robin Hood Hotel.
- Diminish the character of the broader Charing Cross Urban Conservation Area by dominating the streetscape and impeding district view corridors of the State Listed Mary Immaculate Church.
- Reduce residential amenity for dwellings to the south with additional overshadowing.
- Reduce redevelopment potential of the neighbouring Reece site to the south.
- Provide a low amenity internal courtyard which would be overshadowed, have limited sky exposure and minimal functional space.
- Be inconsistent with Council's existing and draft strategic documents and plans for the area.
- The proposed permissible bulk and scale does not have strategic merit in accordance with the Eastern City District Plan, and does not meet the test for Strategic Merit in the DPE's A Guide to Preparing Planning Proposals.

The attached Assessment Report outlines the history of the proposal, and provides an assessment of the Rezoning Review against the criteria in *A Guide to preparing Planning Proposals* prepared by the DPE.

As outlined in the Assessment Report, while the proposed controls are not supported, there is still merit in the proposal, especially in creating a public space and through site links. Therefore, in line with our *draft Village Centres Study* Council officers have made the recommendation to support placing the Planning Proposal on exhibition in line with the following proposed amendments:

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

The *draft Village Centres Study* concept design considers the development of this site as part of several parcels to the south. The Council proposed amendments to FSR and height would:

- Respect the streetscape and existing heritage character and built form of Charing Cross.
- Improve residential amenity for dwellings to the south.
- Ensure equitable sharing of sunlight with the Reece site to the south and that this site’s potential is not compromised.
- Create a much larger, higher amenity and more functional public square.
- Secure a meaningful commercial / retail outcome for the site.

The increased Height and FSR development standards would permit a development that is grossly out of character with the immediate context due to the height, bulk and scale of the development. Given the size and location of the site, there is no opportunity for transition to the adjacent heritage conservation area.

Furthermore the proposed amendments to the WLEP2012 Height and FSR standards are in direct contradiction to a fundamental aim of the WLEP2012 – Cl 1.2(2)(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 Waverley Local Planning Panel advice (attached) indicated that it does not support the Planning Proposal and that it should not be forwarded to the Department of Planning and Environment for Gateway Determination, in its present form. The Panel supported Council’s proposed scheme, as developed in the draft Village Centres Study, and recommended controls to align with this scheme.

Importantly, the concept design submitted by the proponent illustrates a **15m height building**, rather than the 18m that is being sought as part of changes to the controls. Attachment A has been appended to this letter to demonstrate an 18m envelope (as sought by the proponent in the Review) compared to a 13m and 10.5m scheme.

Council requests the opportunity to present to the Sydney Eastern City Planning Panel when the Panel will decide whether to proceed to Gateway. In particular, we’d like to present a flythrough of the 3D model comparing the proponent’s scheme with the amended scheme.

If you have any questions, require assistance or further information about your application, please contact Council’s Strategic Planner, Patrick Connor between the hours of 9.00am and 5.00pm, Monday to Friday, (excluding public holidays) on 9083 8085.

Best regards,



George Bramis  
Executive Manager  
Urban Planning, Policy and  
Strategy

**Contact us**

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Email: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)  
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## ADVICE OF THE WAVERLEY LOCAL PLANNING PANEL

16 APRIL 2019

SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)

### Panel members:

Annelise Tuor (Chair)  
Peter Brennan  
Jocelyn Jackson  
Allyson Small

### Declarations of Interest

No Panel members declared a conflict of interest

### Site visit and briefing

On 10 April 2019, the Waverley Local Planning Panel (Panel) visited the site of the Planning Proposal at 207 - 209 Bronte Road & 94 Carrington Road, Waverley (the site) and the surrounding Charing Cross area and viewed the site from Queens Park. The Panel was also briefed by the following Council officers and representatives of the applicant:

George Bramis	Executive Manager, Shaping Waverley
Tim Sneesby	Manager, Strategic Planning
Patrick Connor	Strategic Planner
Fleur Mellor	A/Manager, Urban Design and Heritage
Stephen Gauge	Planning Manager, Knight Frank (Applicant)
Stephen Moore	Architect, Roberts Day (Applicant)
John Oultram	Heritage Advisor, John Oultram Heritage and Design (Applicant)
Daniel Whitten	Owner (Applicant)

Following the briefing the Panel discussed the Planning Proposal. The Panel provided advice on the Planning Proposal on 16 April 2019 under Schedule 2, Part 5, Item 26 of the Environmental Planning and Assessment Act 1979

### Reasons

The Panel has considered the information that was circulated to it by council email on 3 and 4 April 2019, which included:

- Council Summary Report
- Council Assessment Report and Planning Proposal
- Council Strategic Planning Development Committee Report
- Applicant's Planning Proposal
- Applicant's Urban Design Report
- Applicant's Heritage Impact Statement

The Panel also considered the information received on the day of the briefing, which included:

- the applicant's presentation and revised architectural plans;
- Council assessment report attachments including Council prepared 3D modelling of Council's and the applicant's proposed schemes;
- the Waverley Local Villages Study (2005); and
- Council prepared shadow diagrams.

For the reasons generally in the Council officer's report, the Panel does not support the Planning Proposal lodged by Knight Frank in its current form. There are positive aspects in the current Planning Proposal, in particular the breaking up of the building mass into three buildings and the provision of Waverley Local Planning Panel – Planning Proposal 203 – 209 Bronte Road and 94 Carrington Road, Waverley

public open space and laneway connections. However, the Panel considers that the public benefit of these aspects of the Planning Proposal do not outweigh the adverse impact on the existing character and heritage significance of the locality resulting from increased height and floor space ratio (FSR).

Overall, the wider Charing Cross area is not likely to change due to the number of heritage items, the extent of the heritage conservation area (HCA) and the size and fragmented ownership of properties. In light of this, the Panel does not see justification or rationale for any major increases in height or FSR on the site. The Panel, does recognise that this site, together with adjoining properties, has the potential for redevelopment at a height and FSR greater than the current controls, but that any increase in height and FSR should respect the character and the heritage significance of the wider area.

## **Resolution**

That the Panel advise Council it does not support the Planning Proposal for 203 – 209 Bronte Road and 94 Carrington Road, Waverley and that it should not be forwarded to the Department of Planning and Environment for Gateway Determination, in its present form.

The Panel advise Council that a Planning Proposal should be prepared for the following area, which has the potential for redevelopment:

223 - 227 Bronte Road (94 Carrington Road) (Lot A DP 332733)

94 Carrington Road (Lot B DP 332733)

203 - 209 Bronte Road (Lot A DP 105665)

211 - 221 Bronte Road (Lot B DP 105665 and Lot C DP 105665)

96 - 98 Carrington Road (Lot 1 DP 952482 and Lot 1 DP 90800)

229a - 229 Bronte Road (Lot 2 DP 102988 and Lot 3 DP 102988)

231 - 233 Bronte Road (Lot 1 DP 170941)

The Council's Planning Proposal should address the following principles:

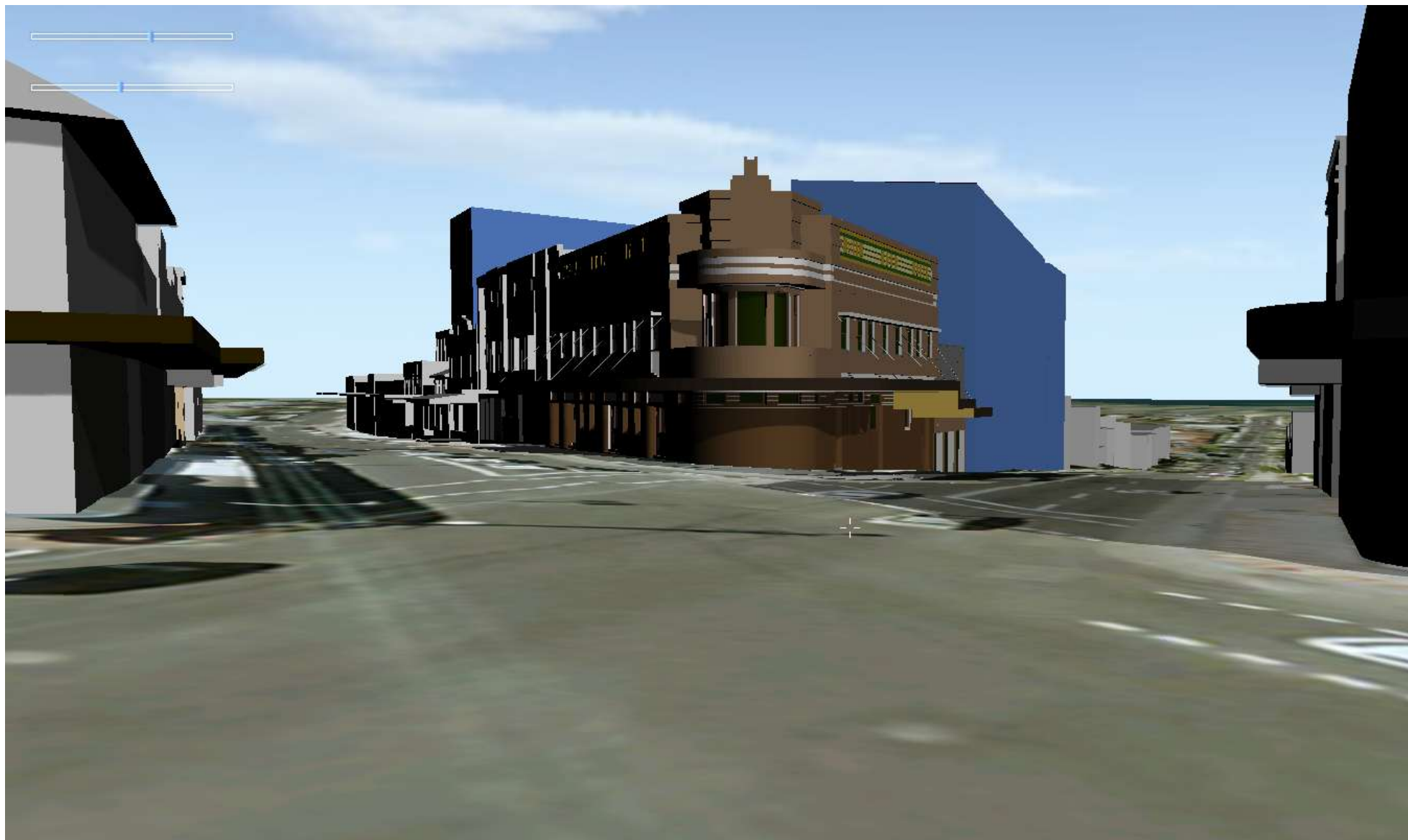
1. The street frontage height should complement the height of the existing buildings within the HCA in Bronte Road and provide a transition to the residential zone in Carrington Road, as follows:
  - a. At the Carrington Road frontage
    - i. 203 - 209 Bronte Road (Lot A DP 105665) is to match the parapet height of the Robin Hood Hotel
    - ii. 94 Carrington Road (Lot B DP 332733) – 10.5m
    - iii. 96 - 98 Carrington Road (Lot 1 DP 952482 & Lot 1 DP 90800) – 10.5m
  - b. At the Bronte Road frontage
    - i. 211 - 221 Bronte Road (Lot B & Lot C DP 105665) is to maintain the existing building height
    - ii. 223 - 227 Bronte Road (Lot A DP 332733) is to maintain the existing building height
    - iii. 229a - 229 Bronte Road (Lot 2 & 3 DP 102988) is to maintain the existing building height
    - iv. 231 - 233 Bronte Road (Lot 1 DP 170941) is to match the parapet height of 235 Bronte Road (SP 87725)
2. Any additional building height above both street frontages shall be set back a minimum of 3m from the street frontage and shall be a maximum of 13m above existing ground level which may increase to a maximum of 15m if it can be justified in the Planning Proposal, based on compatibility with the existing context and overshadowing considerations
3. Development on 96 - 98 Carrington Road shall be set back 3m from the boundary to 100 Carrington Road (SP 21794)

4. Any additional height on 231 - 233 Bronte Road must be set back a minimum of 3m from the street frontage and can be built to the boundary of 235 Bronte Road
5. The FSR can be increased to fit into the envelope established by the above heights and setbacks with a minimum non-residential FSR of 0.6:1
6. Restrictions be placed on the minimum non-residential FSR to prohibit certain uses such as serviced apartments which would be inconsistent with employment generating uses.
7. The built form shall be broken into separate buildings through the provision of laneway connections and an internal publicly accessible open space. This open space shall be of sufficient size (spanning 94 and 96 Carrington Road), have adequate solar access, retail connections and public art to provide appropriate public amenity
8. 229 - 229a and 223 - 227 Bronte Rd are contributory items in the heritage conservation area and sufficient fabric shall be retained to ensure their continuing contribution to the streetscape and the HCA
9. Council should consider an appropriate LEP mechanism that ensures any increase in FSR and height above the existing controls should be dependent upon the provision of these requirements in relation to setback, height, retention of contributory elements, provision of public open space, laneway connections, solar access and amenity. For example, height and FSR maps remain as existing with an additional clause added to the LEP to enable additional height and FSR upon compliance with the above
10. The Panel acknowledges that the applicant has provided a public benefit offer letter to be secured via a Voluntary Planning Agreement, which should address the above requirements of 7 and 9
11. The Planning Proposal should be accompanied by a site specific DCP to guide the built form and the public domain outcome of these properties.

**Carried unanimously**

Attachment A: Council proposed scheme and proponent proposed scheme

*Proponent proposal - view of Carrington Road and Bronte Road, looking south*

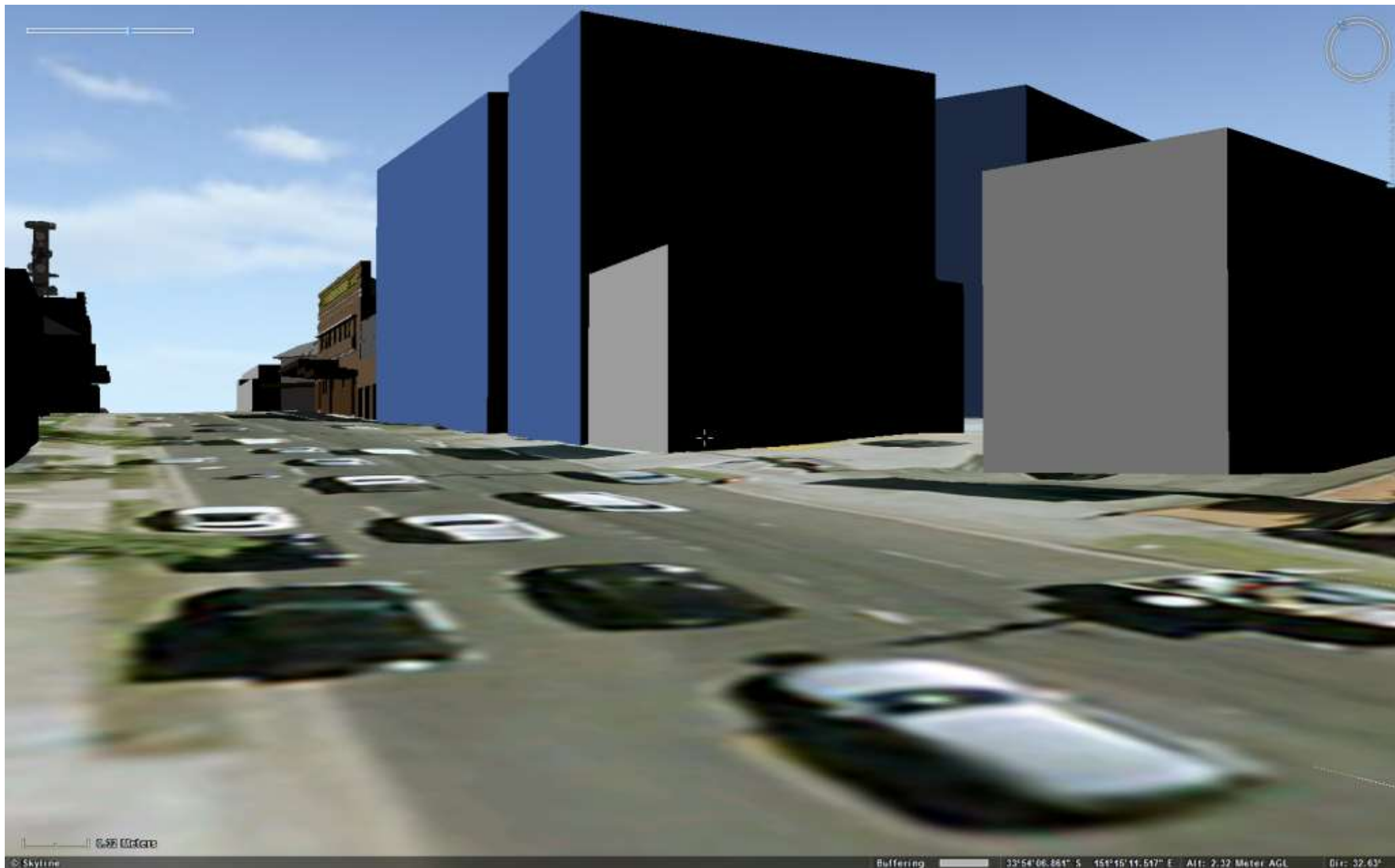




*Council proposal - view of Carrington Road and Bronte Road, looking south*



*Proponent proposal - view from Carrington Road, looking north*



Council proposal - view from Carrington Road, looking north



*Proponent proposal - view from Carrington Road, looking south*



*Council proposal - view from Carrington Road north, looking south*



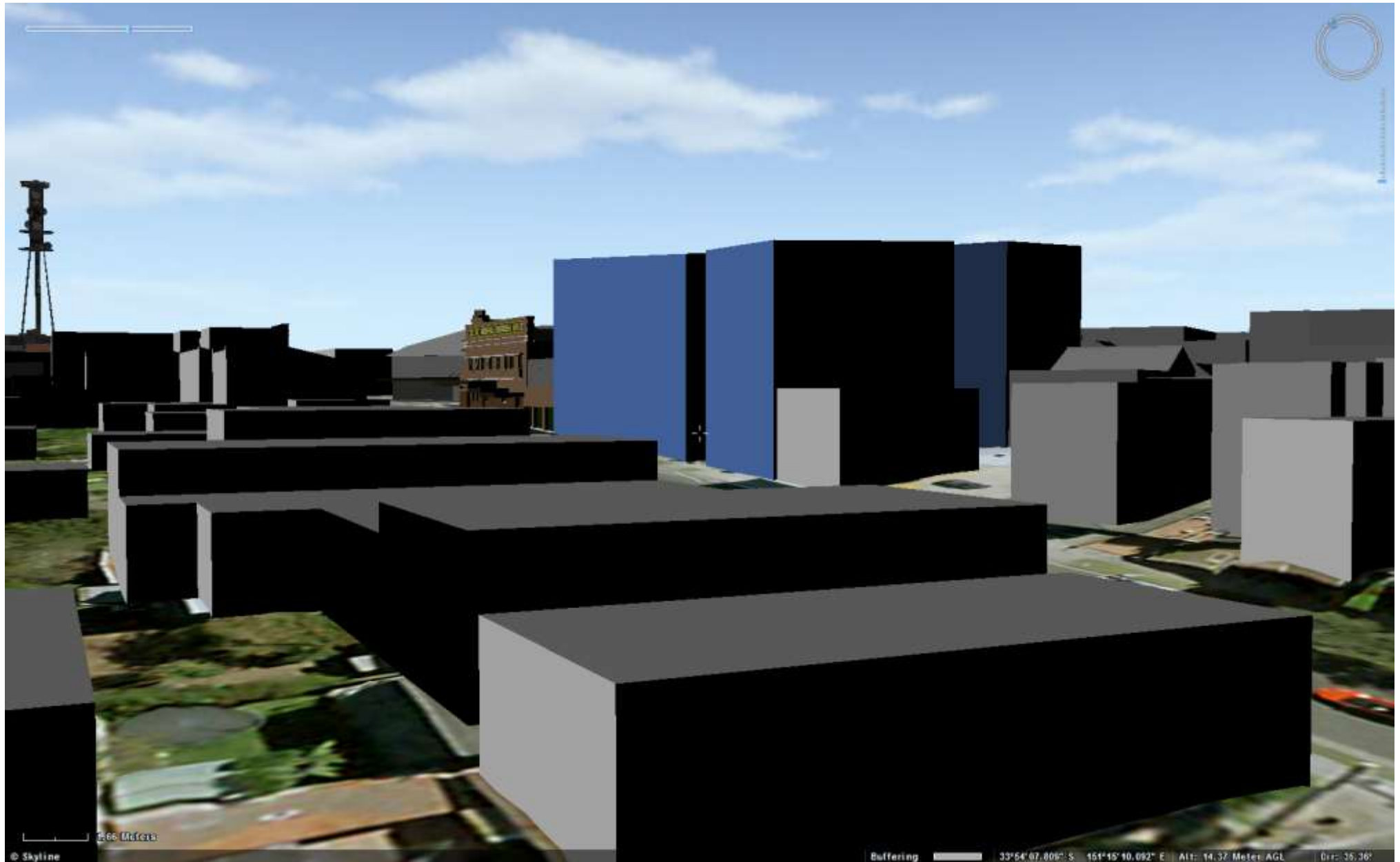
*Proponent proposal – view from Bronte Road, looking north*



*Council proposal - view from Bronte Road, looking north*



*Proponent proposal - view from south-west*





*Council proposal - view from south-west*



*Proponent proposal - view from Queens Park, looking east*



*Council proposal - view from Queens Park, looking east*



0 20 Meters

© Skyline

Buffering 33°54'42.400" S 151°44'58.190" E Alt: 2.00 Meter AGL Dir: 57.40°

*Proponent proposal – plan view of square (12pm summer solstice)*



*Council proposal – plan view of square (12pm summer solstice)*

