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The General Manager,
Waverley Council
PO BOX 9, Bondi Junction
NSW 2022

Attention: Strategic Planning Department

RE: PLANNING PROPOSAL TO AMEND WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012 TO INCREASE THE BUILDING HEIGHT AND FSR TO FACILITATE A MIXED-USE DEVELOPMENT 439-441 & 443-445 OLD SOUTH HEAD ROAD & 1 THE AVENUE, ROSE BAY (LOT 6 DP 4346, LOT 1 DP 557245, Lot 1 DP 857668, SP 55776)

Dear Sir/Madam,

This letter has been prepared by Willowtree Planning Pty Ltd on behalf of Evolve Project Consulting and forms part of an appendix to the Planning Proposal (PP) for the proposed amendment to the *Waverley Local Environmental Plan 2012* (WLEP2012) to increase the building height and FSR. The land subject to this PP is described as 439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (the Site) and legally described as Lot 1 DP 1176337, Lot 6 DP 4246 and SP 44776.

The proposed additional height and FSR intends to facilitate the future development of the Site for a mixed-use development. The proposal will result in a rejuvenation of this prominent corner site that will exceed the maximum permitted building height and FSR currently permitted under the WLEP 2012, being the primary Environmental Planning Instrument (EPI) applicable to the Site.

The R3 zoning is proposed to be retained the proposal will continue to provide a medium density development, which is commensurate to the surrounding environment. However, to realise the potential of this corner Site, whilst retaining the existing item of Archaeological Heritage significance, it is considered appropriate for the current development standards to be increased.

To demonstrate the proposal satisfies the strategic merit test and possesses site-specific merit, an assessment has been carried out in accordance with Step 2 of the Department of Planning and Environment's (DPE) *A Guide to Preparing Local Environmental Plans*. It is noted that whilst not required for the purpose of submitting the PP to Waverley Council, the merit test is considered relevant for the purpose of providing additional strategic justification for the proposal, and further demonstrates its appropriateness.

As advised by Waverley Council, to ensure the intentions of the Waverley Local Strategic Planning Statement (Waverley LSPS) were considered within the Planning Proposal, it was deemed appropriate to await the release of the final LSPS, post 31 March 2020 and ensure the vision and objectives of the LSPS were considered within this PP.

STRATEGIC MERIT TEST

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Additional Height and FSR

439-441 & 443-445 Old South Head Road and 1 The Avenue, Rose Bay

Yours faithfully,

Rachel Condon
Associate
Willowtree Planning

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Table 1. Strategic Merit Test

Merit Criteria	Merit Assessment
The Planning Panel or Commission will undertake an assessment to determine whether the proposal:	
a) has strategic merit as it is:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<p>The proposed PP is consistent with the Greater Sydney Region Plan (Regional Plan) and Eastern City District Plan (District Plan).</p> <p>The Regional Plan seeks to deliver greater housing supply and choice (Direction 24). The Proposal would provide additional housing supply and choice, particularly a more diverse sized housing product in response to the particular needs of the local community. The location of the Site reflects the Regional Plan's criteria for a 30-minute city, which encompass a vision for how travel should prioritise people and can encourage the use of public transport and sustainable modes of transport. As this Site benefits from direct access to existing bus services located adjacent the Site, focusing growth here is a sustainable option as it takes advantage of existing job markets, surrounding residential population and public transport infrastructure.</p> <p>In accordance with the Regional Plan, the future mixed-use development (to be facilitated through the additional height and FSR identified under this strategic positioning paper), would provide new employment and housing in an established area that is serviced by existing bus services, well equipped to meet the needs of the proposed development whilst also providing services in walking distance to existing residents to provide for the needs of the surrounding community.</p> <p>This growth would therefore be aligned with existing infrastructure and also planned infrastructure, such as the Bondi Junction to Rose Bay Green Link (Green Grid), as proposed by the Central District Green Grid Opportunities. The proposal will be consistent with the directions as it will ensure the new community can be supported by infrastructure and services required to facilitate liveability, productivity and sustainability. In this regard, the proposal would contribute to the realisation of the '30-minute city'.</p> <p>In addition to providing traditional residential units, the proposal will provide uses and services that meet the needs of local surrounding inhabitants which will not only provide an enhanced public domain area to provide additional reasons to reduce the reliance on</p>

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	<p>car ownership and use and provide a walkable neighbourhood.</p> <p>In addition, the Proposal will align with the planning priority to renew great places and local centres whilst respecting the districts heritage. Whilst the Site is not identified as a Local Centre and the existing medium residential density controls are permitted within the Site, there are limited planning objectives which relate to encouraging the local place making role to be maintained and enhanced. The proposal seeks to deliver a reinvigorated Site which will create a great place to bring people together whilst retaining and enhancing the existing heritage attributes of the Site. Through the proposed increase to the height and FSR development standards, the proposal can deliver additional housing whilst delivering a micro-hub which can contribute to supporting additional economic activity whilst also providing local services and facilities to meet the needs of local residents.</p> <p>In terms of the Eastern District Plan, whilst Rose Bay or Rose Bay south are not expressly identified within the Eastern City District Plan, the plan does outline a specific planning priority which directly relates to the Districts great places and beachside neighbourhoods which are envisioned to create places that bring people together. The provision of economic development and diversified offerings, such as night-time activity and enhanced public domain spaces will encourage and support this.</p> <p>The Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure & collaboration, liveability, productivity and sustainability. Through providing new housing opportunities, jobs and services in a currently underutilised medium density environment, that is supported by existing public transport, the Proposal would assist in creating a place led community for people to live, work and socialise.</p> <p>As detailed in Part D of the Planning Proposal Report which accompanies this Strategic Merit Assessment, the Proposal is also consistent with other applicable State, regional and local strategic plans, including the NSW State Priorities and Directions for a Greater Sydney.</p> <p>Overall, the Proposal is consistent with strategic policy as it would create opportunities for diverse</p>

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	and affordable housing, new jobs, local services and facilities and an activated north facing public domain and enhanced connectivity and through site link opportunities. The proposal will revitalise strategically-located land, immediately adjacent existing public transport and green open space, which is in accordance with the Sydney Green Grid, that acknowledges green space is a key hallmark of liveability in urban areas.
Consistent with a relevant local strategy that has been endorsed by the Department; or	<p>The Proposal is consistent with the Waverley Community Strategic Plan 2018-2029 (Waverley CSP) and Waverley Local Strategic Planning Statement (Waverley LSPS). The Waverley LSPS received endorsement from both the Council and Greater Sydney Commission (GSC) and will now allow for a comprehensive review of the Waverley Local Environmental Plan 2012 (WLEP2012) and Waverley Development Control Plan (WDCP2012) to be undertaken.</p> <p>Generally, the Waverley CSP and Waverley LSPS provides a strategic narrative for the local areas which aligns with the Regional and District Plans. In addition, the Waverley LSPS has also envisaged for place making initiatives to be located along Old South Head Road. This Proposal will provide significant public benefit as it will deliver a north facing public plaza, through site link and enhanced connectivity, enhanced greenery and will provide additional housing with direct views to green open spaces and thus provide enhanced amenity. Given the Site has been historically developed and forms part of the existing built up area, the Proposal would not maintain development on the Site but also would not not compromise any sensitive heritage assets.</p> <p>The Planning Priorities and Actions in the LSPS reflect the goals and strategies of the CSP.</p> <p>The PP is consistent with the Waverley Community Strategic Plan 2018-2029. The CSP identifies the importance of retaining heritage value and contributing items and develop a holistic approach to sustainable growth and development which avoids overdevelopment in general.</p> <p>The PP would reconcile with the visions and values of the CSP as it will support the redevelopment of redundant and dated uses in an established suburban area. The Proposal would present opportunities for the delivery of high quality fine</p>

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	<p>grain built form, revitalise a prominent corner located on the designated green grid (Bondi Junction to Rose Bay Green Link) and future bicycle path, and augment the amenity of the area by delivering services to meet the day-to-day needs of local residents and workers whilst providing significant amenities and views for the future residents.</p> <p>The Proposal would similarly create job opportunities for the local community and also provide additional forms of residential accommodation within the Rose Bay area. Generally, the Proposal would be sympathetic to its surrounding uses, providing built form which transitions (at its highest point) from the street frontage to the east (adjoining R3 zoned land), whilst also retaining the existing heritage item located on the Site.</p> <p>As per the local actions and key moves identified for the Rose Bay area as provided within the LSPS, place making initiatives and for the Rose Bay Centres are identified. Additionally, as per the Implementation Plan provided for the Rose Bay area, the Site presents an opportunity to align with the intentions of the LSPS as it will create a place along an identified key corridor, such as Old South Head Road. The Site is identified as "Placemaking initiatives along key corridors", to assist in improving key corridors along Old South Head Road whilst retaining the existing character of the area. As outlined above, the Proposal will retain existing heritage attributes located on the Site and will continue to provide a development commensurate to the surrounding medium density environment.</p> <p>The Proposal will provide services within walking distance of numerous residential properties and surrounds, as demonstrated in the Urban Design report and further increase pedestrian footfall, decrease reliance on car usage and assist to ameliorate existing traffic generation.</p> <p>Additionally, <i>Waverley's People, Movement and Places</i> (PMP) document supports the concept of the "30 minute city", as outlined in the Greater Sydney Region Plan. Both plans encompass a vision for how travel should prioritise people and can encourage the use of public transport and sustainable modes of transport. An existing bus station is located less than 50m from the Site (to the north along Old South Head Road) and encourages the use of public transport.</p>

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	<p>Additionally, as the green grid is identified along Old South Head Road adjoining the Site, enhancing connections not only for public transport purposes and movement of people, but providing opportunities to enhance connections to open spaces and the coastline are considered and facilitated through the proposal.</p> <p>The provision of a revitalised development on the Site would integrate with surrounding context whilst also delivering upon the actions and recommendations of both the Waverley LSPS and CSP, remain sympathetic to the surrounding land uses and medium density context. Through the provision of retail services, facilities and jobs in addition to affordable and diverse residential accommodation, the Proposal would support the growing residential population and transitioning transport.</p>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	<p>Based on present demographics which provides increasing younger couples and in addition to the surrounding schools, the demographic of the area which has been historically an older age group is now attracting younger couples and young families.</p> <p>Whilst the area is predominantly R3 Medium Density Residential development, the development which proposes to exceed the maximum permitted height and FSR will still retain the medium density environment and character of the area. The exceeding height, for the most part, will be confined to the western portion of the Site which fronts Old South Head Road and will taper down to the rear (east) of the Site and be separated by a service lane/access point.</p> <p>To ensure placemaking was considered holistically through the design and to ensure a thoughtful public domain area which benefits from increased amenity and northern aspect were provided without interruption, addition height and FSR has been sought in portions of the Site which may be developed upon.</p> <p>Accordingly, the provision of the proposed development which does not propose to rezone the land but proposes to facilitate additional density in terms of height and FSR will not change the nature of the uses permitted on the Site or the nature of the Site but will instead provide additional density from</p>

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	<p>a considerate perspective which reflects the desired future character established through key strategic plans.</p> <p>In summary, the proposal would provide 70 full-time equivalent (FTE) jobs and an additional 120 indirect FTE jobs during the 12-18-month construction phase, as well as approximately 70 employees during operation and approximately 100 additional jobs created in the wider economy through employment multiplier effects. Most, if not all, jobs created on-site would be filled by local residents, and a share of the indirect jobs would also support the local labour market. Compared to the historic use of the Site for car repair services and café and other sporadic retail uses, the proposed use would generate a higher density of employment on the Site and more diverse employment and business opportunities. This would stimulate a productive economy and retain a greater share of the local workforce.</p>
<p>The Planning Panel or Commission will undertake an assessment to determine whether the proposal:</p> <p>b) having met the strategic merit test, has site-specific merit, having regard to:</p>	
<p>The natural environment (including known significant environmental values, resources or hazards)</p>	<p>The Site does not comprise critical habitat, is not identified within an area of biodiversity nor does it present exhibit any adverse impact on the natural environment or other resources. Rather the Proposal relates to a Site that has been historically developed for commercial and residential purposes and forms part of an established medium density environment.</p> <p>Whilst the Site is identified as an archaeological site of local significance, affected by Class 5 acid sulfate soils, the future development of the Site may be suitably designed with respect to these.</p> <p>Whilst the site is not identified as being significantly contaminated land within the meaning of the Contaminated Land Management Act 1997, a Stage 1 Site Environmental Site Assessment (Appendix 5) has been undertaken for the Site. Essentially, this report outlines that the Site can be made suitable for residential development assuming the recommendations outlined within the report are undertaken prior to redevelopment. Regardless, it is considered that subject to the implementation of the recommendations of the report, that future development on the Site may be suitably designed with respect to these constraints, which has been</p>

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	<p>demonstrated through the historic development of the Site.</p> <p>The future development of the Site would make provision for an increase to planting and vegetation across the Site and the new landscaping would positively contribute to the environment of the Site.</p> <p>The Site is not identified as a flood planning Lot and based on review of the relevant Clause 10 (2) and (5) certificates, the land is not identified as being subject to flood development controls for the purposes of dwelling houses, dual occupancies, multi dwelling houses or residential flat buildings (with the exception of group homes or seniors housing) and land for any other purpose is not subject to flood related development controls.</p>
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal	<p>The concept design has been informed by detailed site analysis and consideration of the surrounding context in order to provide an optimal development outcome that capitalises on the strategic potential of the land, the surrounding residential uses the environment of the Site and maintains a high level of amenity to surrounding sites.</p> <p>The redevelopment of the Site will provide enhanced services and uses to meet the needs of the surrounding residents whilst also contributing to providing additional and more diverse forms of residential accommodation. The current status of the Site provides dated built form which is currently underutilised and does not capitalise upon the amenity and views awarded to the adjacent golf course. Generally, the character of the area is predominantly residential.</p> <p>The Site is not identified specifically to provide any specifically is to transition to provide a range of flexible spaces for a variety of urban services, businesses and entrepreneurial activity.</p> <p>The provision of a rejuvenated mixed-use development which incorporates the existing heritage item located on the Site, whilst providing an enhanced public domain area would support sympathetic development which provides a sense of place as envisioned for the area.</p> <p>Through the provision of neighbourhood shops/café's, community facilities and increased and more diverse forms of accommodation the Proposal</p>

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	<p>would support the growing residential population and rejuvenation of the Site.</p> <p>In summary, the Proposal would introduce a development that complements the range of surrounding land uses, integrates with the existing built form in the general area, and responds to the strategic location of the Site.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>The Site is serviced by existing infrastructure that is considered capable of servicing the proposed mixed-use development.</p> <p>The Site is accessible by the established local and regional road network, including Old South Head Road, The Avenue, William Street and Newcastle Street. Old South Head Road provides a key public transport bus route. Newcastle Street provides a cycle route which traverses to and from Rose Bay.</p> <p>As envisaged by the Waverley PMP, providing a wide range of transport options including, public transport, walking and cycling, car share and bicycle infrastructure to result in reduced car usage and dependency overall is encouraged.</p> <p>Notwithstanding this, detailed assessment of service capacity would be carried out in conjunction with future built form development.</p>

The above assessment demonstrates that the additional height and FSR proposed to facilitate the proposed mixed-use development on the Site, exhibits strategic merit and site-specific merit. Importantly, the additional height and FSR will remain consistent with the surrounding medium density built form, will provide transitional built form. The additional height will also facilitate additional residential accommodation and, provides additional green canopy and continues and enhances the ongoing use of the Site for employment-generating activities, would deliver jobs and services to service the needs of the existing surrounding and proposed residents.

The future provision of a micro-scale local centre mixed use development would be compatible with the natural environment, surrounding land uses and built form (existing and future), and infrastructure (existing and future). The proposed redevelopment will contribute to providing more sustainable practices, increased vegetation than the current situation, encourage pedestrian footfall and provided less car spaces to encourage the use of existing public transport and the green grid, in accordance with Waverley's Planning Priorities to achieve zero net carbon emissions in the built environment.

It is therefore recommended that the Planning Proposal is supported by Council and that the necessary steps are pursued to enable it to proceed to Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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