



WAVERLEY COUNCIL

**Waverley Council**

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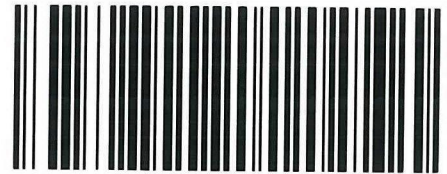
**Customer Service Centre**

55 Spring Street, Bondi Junction NSW 2022

ABN: 12 502 583 608

Our ref: A03/0149

21 August 2017



PCU072125

Brendan Metcalfe – Senior Planner  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Brendan,

**RESPONSE TO SITE COMPATIBILITY CERTIFICATE AT 163 BIRRELL STREET WAVERLEY NSW 2024**

Thank you for your letter of 21 July 2017, received in August 2017, seeking Council's comments on the proposed Site Compatibility Certificate (SCC) lodged by the Eastern Suburbs Leagues Club Limited (ESLCL) for the Waverley Bowling Club site at 163 Birrell Street, Waverley.

It is understood that the purpose of the Site Compatibility Certificate for the above site is to establish, in accordance with the requirements of the State Environmental Planning Policy (Housing for Seniors Living or People with a Disability) 2004, that the site is an appropriate location for seniors living and can be developed to a more intensive nature than the current LEP permits.

In this regard the application proposes two alternative development concepts for a variety of independent seniors living, nursing care beds, basement carparking, a child care centre, a swimming pool for residents and a registered club that will also house a restaurant/cafe facility.

The very short time frame imposed on Council for a response to a Site Compatibility Certificate by the Department of Planning and Environment has not provided sufficient time for Council to assess the proposal and present a report to Council for its consideration, so these comments represent the views of the administration and not that of the elected body.

Furthermore, Council does not accept that the Site Compatibility Certificate provides the appropriate process to properly assess the potential impacts of any increase in development intensity that may be considered for the site. The lack of time to thoroughly assess the proposal and respond, combined with the lack of community consultation, significantly reduces the credibility of this approach and process.

It is acknowledged that upon the issuing of any SCC by the Department of Planning and Environment, the applicant is still then required to submit a development application to Council for consideration. Council, however, remains concerned that the SCC should not predetermine appropriate development built form for the site and that these issues are addressed as part of any future DA.

**Contact us**

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## **Background**

The site has been subject to previous planning proposals, the most recent of which was lodged in 2015. That planning proposal sought removal of the majority of the private open space, substantial increases in the development standards for the site and intensification of uses to such a degree that the application was withdrawn prior to Gateway. The current application correctly notes that the "planning proposal application was controversial with the local community" for a number of critical issues for Waverley including traffic, loss of open space, intensification of the registered club use, and the bulk and scale of the proposed buildings.

The site is currently zoned RE2 Private Recreation and has a FSR of 0.9:1 and a height limit of 12.5m under the Waverley LEP 2012.

## **Uses - Private Recreation Space and Seniors Living**

The loss of open space, whether it is public or privately owned, is one of particular concern for the community. A previous planning proposal at 105 Wellington Street, Bondi Beach resulted in the loss of 'undeveloped' private open space (tennis courts) on the basis that the tennis courts weren't financially viable. Council engaged a recreation consultant to prepare the 'Bondi Beach Recreational Needs Assessment' which identified a range of alternative uses which may have been feasible on that site. Similarly, despite the apparent financial position of the Waverley Bowling Club, there may be alternative recreational uses that could be profitable, provide significant public benefit and be incorporated into any redevelopment of the site. No details have been submitted to demonstrate that any alternative uses permitted under the sites current RE2 private recreation zoning of the site have been considered.

Notwithstanding the above, it is noted that there is demand in the Waverley community for seniors living and there is no objection for this use to be considered as an additional use for the site, to complement the range of uses permitted under the current zoning.

## **Purported Relocation of Waverley Bowling Club**

Importantly, the SCC application relies heavily upon the relocation of the Waverley Bowling Club to the Bondi Golf & Diggers site in North Bondi. The North Bondi site is Crown Land and under the care and control of Council. The application notes that Eastern Suburbs Leagues Club Limited are in ongoing negotiations with the Bondi Golf & Diggers Clubs to develop an "integrated recreational facility on the BG&DC site" at North Bondi.

Whilst the ESLCL may consider the two potential developments are connected, Council considers the two matters are separate business transactions and both are reliant on their own individual Council and statutory approvals including the approval of Crown Lands in relation to the Bondi Golf & Diggers Club site. In addition, as the Bondi Golf & Diggers Club lease will expire in December 2018, a decision on that site and how any future leasing transaction may occur will need to be discussed with Council, in conjunction with Crown Lands and be the subject of a report to Council for a final decision.

There is no automatic right of tenure on the Bondi Golf & Diggers Club site when the lease expires. Council is required to seek Crown Land approval for the issuing of any lease which in itself is separate to any future development plans a potential lessee may have.

The ESLCL has been made aware of the processes that would need to occur before the site could reasonably be considered an alternative location for their intended purposes.

In light of the above, the Department must disregard the assumptions regarding the alternative Bondi Golf & Diggers Club site as noted under 'Brief history and commercial position' in the application and therefore acknowledge that the SCC will likely result in the loss of open space and any subsequent opportunity to provide an alternative recreational use on the site.

#### **Built form changes**

The consideration of any proposed changes to development standards must not form part of this SCC application. The current development standards under Waverley Local Environmental Plan 2012 include a height of 12.5m and a floor space ratio of 0.9:1 and were developed following consultation with the community through an extensive strategic planning process.

The SCC application seeks a height of 20m and a floor space ratio of 1.87:1. As previously stated, changes of this nature cannot be thoroughly assessed under this process and without any community involvement. There is no compelling evidence that provides justification for the proposed concepts on urban design, land use, traffic and environmental grounds. As such, the Department should require the removal of any changes to development standards in the SCC application and require that they be comprehensively assessed under a development application.

Council raises no objection to the potential to include seniors living as an additional permitted use on the site, whilst retaining the current zoning and development standards.

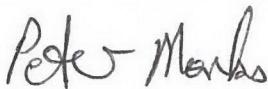
#### **Considerations under the SEPP**

The Director General cannot reasonably determine whether the application is compatible with the surrounding land uses based on the information submitted. This is clearly demonstrated by the brevity of the responses and lack of evidence presented under the considerations of Clause 25(b) (i)-(vi).

Seniors living may be an appropriate use on the site, however, the process provided under the SEPP is unsatisfactory in determining the suitability of the proposed changes to development standards and the subsequent amenity impacts on the locality.

Should you wish to discuss this matter further please contact me on (02) 9083 8073 or Dan Starreveld, Principal Strategic Planner, on (02) 9083 8053.

Yours sincerely,



Peter Monks  
**Director – Waverley Futures**