

Planning Proposal

99-117 Birrell Street, Waverley

Amendments to the Waverley Local
Environmental Plan 2012 Height of Buildings and
Floor Space Ratio Development Standard

Submitted to Waverley Council
On behalf of Uniting

12 February 2021 | 15623



Contents

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1.0 Introduction

This report has been prepared by Ethos Urban in support of a Planning Proposal to amend the Waverley Local Environmental Plan 2012 (**Waverley LEP 2012**) for land at 99-117 Birrell Street, Waverley (**the site**). Ethos Urban has prepared this Planning Proposal Justification Report on behalf of Uniting.

The purpose of this Planning Proposal is to increase the height and floor space ratio controls that apply to the site to make them consistent with those which are currently being proposed (under a separate and Council-endorsed Planning Proposal (PP_2019_WAVER_003_00)) on the adjoining Waverley Memorial Hospital Campus (**WMH Campus**) which is also under the ownership and operation of Uniting.

The overall vision that this Planning Proposal intends to support is the establishment of a consistent planning framework (in terms of height and floor space) for the entirety of land (bound by Birrell Street, Bronte Road, Carrington Road and Church Street) which is under the ownership and intended acquisition of Uniting and to allow the site to be integrated with the broader renewal of the WMH Campus.

This will constitute an entire block in the Waverley LGA and make the most of scarce land within Waverley to deliver a unique whole-of-block master planning opportunity capable of delivering significant in-demand health and accommodation services, urban design excellence and significant public benefit whilst minimising environmental impacts and not compromising the site's heritage significance. A whole-of-block approach also maximises pedestrian permeability and the integration of public space while leveraging of the immediate proximity of the site to existing public transport and Bondi Junction.

The Planning Proposal is ultimately intended to facilitate future development on the site up to a height of 15m and 21m, with an FSR of 1.2:1, consistent with the WMH Campus, to support seniors housing and affordable housing (up to 10%). The Planning Proposal will also provide an improved public domain outcome and interface along Birrell Street.

As required by Section 3.33 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, this Planning Proposal includes:

- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument;
- The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of Council and will comply with the relevant directions under Section 9.1 of the EP&A Act); and
- Details of community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

This Planning Proposal describes the site, the proposed amendments to the Waverley LEP 2012 and provides an environmental assessment of the proposed height and floor space ratio (**FSR**) controls. The report should be read in conjunction with the Urban Design Study prepared by Architectus (**Appendix A**) and specialist consultant reports appended to this proposal (refer Table of Contents).

This Planning Proposal has also been prepared in accordance with 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment (**DPIE**).

1.1 Vision and Background

1.1.1 Uniting

Uniting is the community service and advocacy arm of the Uniting Church. It is one of the leading not-for-profit aged care, retirement living and community housing providers, with approximately 3,000 social, affordable and independent living units across 80 Retirement Villages and 76 Residential Aged Care Facilities. Uniting also runs early learning services, disability services, counselling services and other support services across NSW and the ACT.

1.1.2 History of Uniting in the Waverley Local Government Area

The site is positioned directly adjacent to the existing WHM Campus (refer to **Figure 1**). The WHM campus has been under the ownership and operation of Uniting for the last 100 years and currently provides a range of aged care and health and community services to the Waverley Community. The existing services, accommodation and seniors housing at the WHM Campus however are dated and have been identified for renewal by Uniting. They were not purpose-built for contemporary aged care and do not meet accessibility and universal living standards, or current market expectations.

For this reason, Uniting (in 2017) prepared and submitted a Planning Proposal (PP_2019_WAVER_003_00) to support the future redevelopment of the WHM Campus. The Planning Proposal supports Uniting's intention to renew and expand the WHM Campus to:

- Improve the quality of accommodation and services, while addressing the identified demand for critical health and accommodation services in the Waverley LGA; and
- Create as a holistic community hub, integrated with the surrounding area, where people are able to access a range of contemporary support services, including early learning facilities, seniors and affordable housing (for seniors), and contemporary healthcare.

The Planning Proposal was endorsed by Council in May 2019 and was issued Gateway Determination from DPIE on 8 July 2020. It seeks the following amendments to the WHM Campus under the Waverley LEP 2012:

- Increase the permissible height from 9.5m and 12.5m, to 15m and 21m (refer to **Figure 2**);
- Increase the permissible FSR from 0.6:1 and 0.9:1, to 1.2:1 (refer to **Figure 3**);
- Amend Schedule 1 to enable the following Additional Permitted Use across the WHM Campus:
 - Seniors housing;
 - Community facilities; and
 - Centre-based child care facility.
- Amend Schedule 1 to enable the following Additional Permitted Use in the portion of the WHM Campus zoned R3 Mixed Use Residential:
 - Health service facility and any development which is ordinarily incidental or ancillary to health service facility.
- Introduce a new site-specific provision for the site relating to deep soil;
- Preparation of a site-specific Development Control Plan; and
- Include the site on the Key Sites Map and apply Clause 6.9 Design Excellence.



Figure 1 – Birrell Street Site and WMH Campus

Source: Nearmap and Ethos Urban

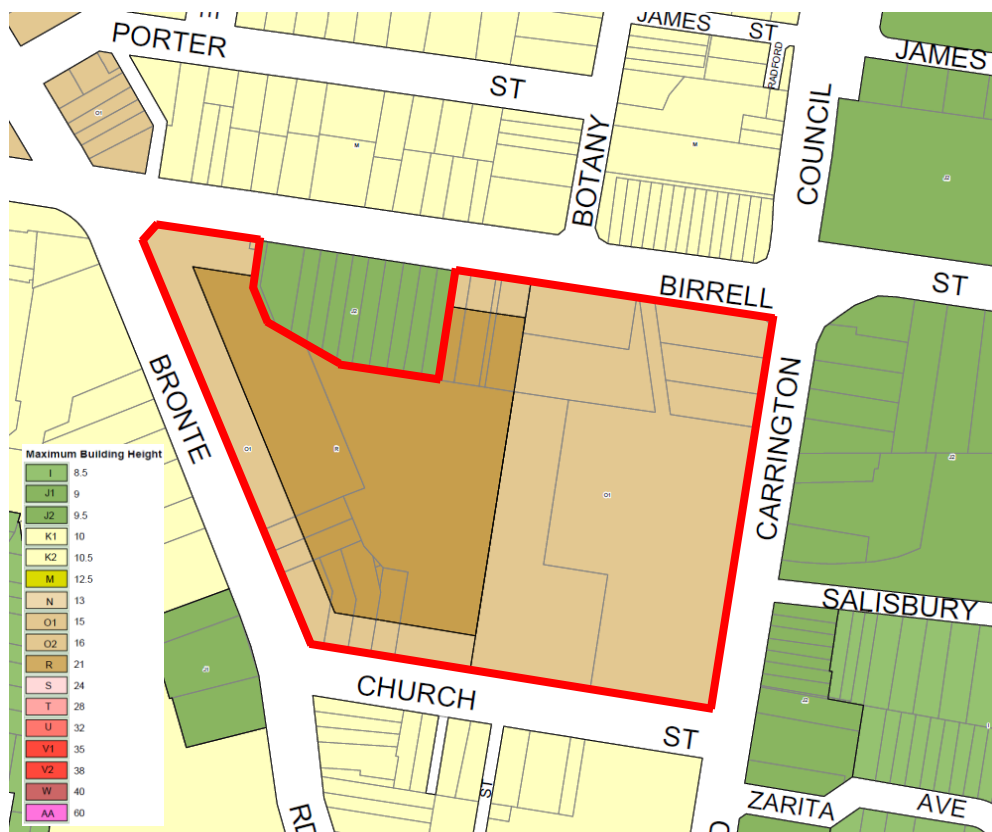


Figure 2 – Proposed Height of Building Map for the WMH Campus (identified in red outline) under PP_2019_WAVER_003_00

Source: Waverley Council

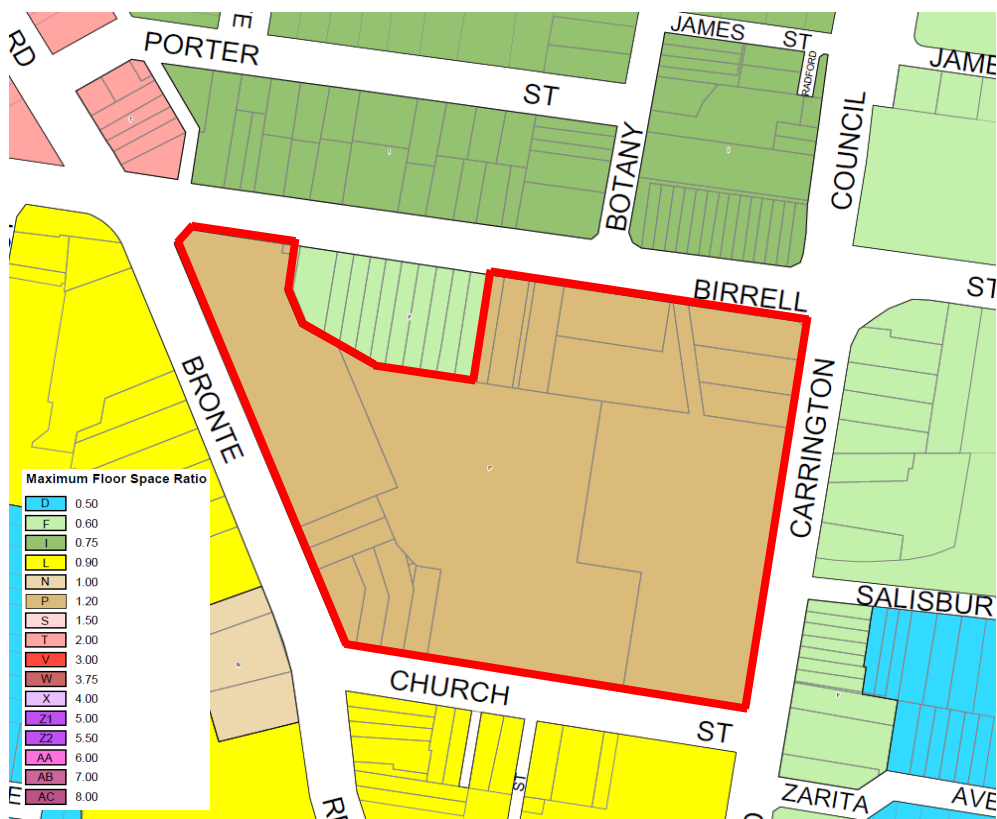


Figure 3 – Proposed Floor Space Ratio Map for the WMH Campus (identified in red outline) under PP_2019_WAVER_003_00

Source: Waverley Council

1.1.3 The Site

Since lodgement of the Planning Proposal for the WMH Campus (PP_2019_WAVER_003_00), Uniting has gradually acquired the lots along Birrell Street (i.e. the site) as they have become available, with the intent of eventually incorporating these into and expanding the WMH Campus.

As this was happening, it was intended to include the Birrell Street lots to the Planning Proposal for the WMH Campus. However, at the time, this method was not supported by Council on the basis that they were not originally included in the WMH Campus Planning Proposal and inadequate justification had been provided to warrant their inclusion.

Council however have remained open to including these lots in the WMH Campus Planning Proposal post-gateway should adequate justification be provided. This was noted in the meeting with Council Officers on 11 December 2019 (refer to **Section 1.1.5** for further detail).

Subsequently, it was decided by Uniting to progress a separate Planning Proposal for the site rather than introducing the site into the existing WMH Campus Planning Proposal at the post-gateway stage. This pathway was decided so as to avoid delaying the progression of the WMH Campus Planning Proposal which is of highest priority for Uniting, and which had already been subject to a prolonged 24-month assessment prior to be endorsed by Council and progressing to the DPIE for Gateway Determination. If this Planning Proposal were to be amended post-Gateway to include the site, it would require reassessment and likely readoption by Council and re-exhibition.

Uniting have presently acquired all but three of the 10 lots which form part of the site and remain in regular communication with the owners of the remaining lots, with a view to acquire these lots when they become available. Uniting has received the written support of two out of the remaining three lot owners for an amendment to the LEP. Due to unforeseen circumstances, the owner of the remaining lot is not currently able to provide written support. However, it is noted that there is no legal requirement for landowner's consent for land to be included in a Planning Proposal.

1.1.4 Vision for the Site

Uniting intend to ultimately integrate the site with the broader renewal of the WMH Campus. In this way, it will support Uniting's vision for the WMH Campus, which is to create a campus-style holistic community hub that meets the needs of Waverley and allows people to access a range of co-located contemporary accommodation and support services, including early learning facilities, seniors and affordable housing (up to 10%), and contemporary healthcare.

This will be achieved by proposing the same built form controls currently proposed for the adjoining WMH Campus, therefore creating a consistent planning framework. It also unveils a significant master planning opportunity which can leverage off the size of the site while removing common barriers such as small sites and fragmented ownership structures which commonly inhibits high-quality integrated development outcomes.

The existing zoning of the site (R3 Medium Density Residential) is proposed to be unchanged under this Planning Proposal. The detailed final mix of land uses to be accommodated on the site has yet to be fully determined by Uniting as they continue to master plan for the site. However, Uniting aim to provide a mix of accommodation, including seniors housing and affordable housing.

Irrespective of what is developed on the site, the intent of this Planning Proposal is to ensure future development is of a height and density which is appropriate to the site and its locality, especially in relation to surrounding heritage and the existing character of Birrell Street.

Council have advised that any Planning Proposal for amendments to the building height and floor space ratio controls for the site should align with the built form controls recommended in Council's Planning Proposal for the adjoining WMH Campus, given these controls had already been subject to substantial environmental assessment and testing and had been found to provide an overall positive outcome.

1.1.5 Consultation with Waverley Council

As discussed above, the submission of this application follows a meeting with Council Officers on 11 December 2019 regarding the Council-endorsed Planning Proposal for the WMH Campus. The meeting also addressed the rezoning of the site to align with the recommended planning controls for the WMH Campus.

Two options were discussed between Uniting and Council in integrating the site with the broader WMH Campus:

1. Amend Council's Planning Proposal for the WMH Campus to include the site; or
2. Submit a separate Planning Proposal for the site, led by Uniting.

As mentioned above, Option 1 would have involved amending Council's Planning Proposal post-exhibition, following a submission by Uniting during the public exhibition of the Planning Proposal. While this would have avoided the need to prepare a separate Planning Proposal for the site, it would have necessitated reassessment by Council, readoption by Council, and re-exhibition of the Planning Proposal.

Uniting were concerned that proceeding with Option 1 would further delay an already protracted Planning Proposal for the WMH Campus, which is of highest priority for Uniting given the urgent need to renew the existing services and accommodation. Therefore, it was ultimately decided to progress a separate Planning Proposal for the site (Option 2), allowing Council's Planning Proposal to proceed to Gateway without amendment.

It was agreed between Uniting and Council that in the first instance, any proposed amendments to the building height and FSR controls for the site should align with the built form controls endorsed by Council in the Planning Proposal for the WMH Campus.

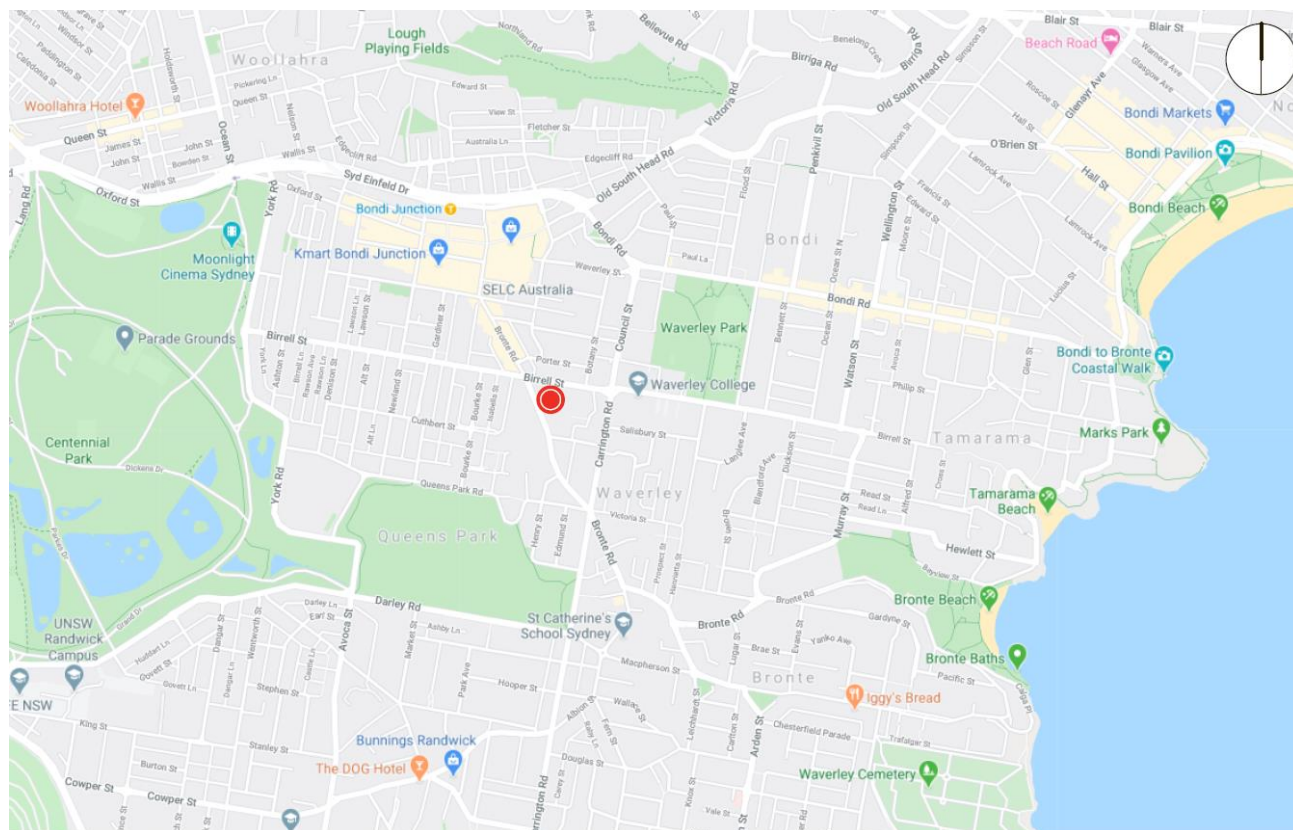
The Planning Proposal was further presented to Council on 1 July and 20 July 2020. The intent was to give Council a pre-lodgement briefing on the Planning Proposal prior to its lodgement. The overarching aim of the Planning Proposal, the design principles, proposed LEP amendments and affordable housing, were all presented to and discussed with Council, and Council appeared satisfied with the approach being undertaken.

1.1.6 Affordable housing

The Planning Proposal is accompanied by a Letter of Intent outlining to Council Uniting's intention to provide affordable housing on the site, and the potential mechanisms available to Uniting and Council in the provision of affordable housing (refer to **Appendix K**).

2.0 Site Context and Description

The site is located at 99-117 Birrell Street, Waverley within the Waverley LGA in Sydney's Eastern Suburbs. The site is located between the District Centre of Bondi Junction and the suburbs of Bondi, Bronte and Centennial Park. The locational context of the site is shown in **Figure 4**.



Site

Figure 4 – Locational Context

Source: Google Maps and Ethos Urban

2.1.1 Site Description

The site is irregular in shape and slopes downwards from the eastern boundary. It has a sole frontage to Birrell Street and an area of approximately 3,370 sqm. Existing development comprises predominately single storey semi-detached brick cottages (dwellings) (refer to **Figure 6** to **Figure 12**). A Survey Plan is included at **Appendix C**. An aerial photo of the site is shown at **Figure 5**.

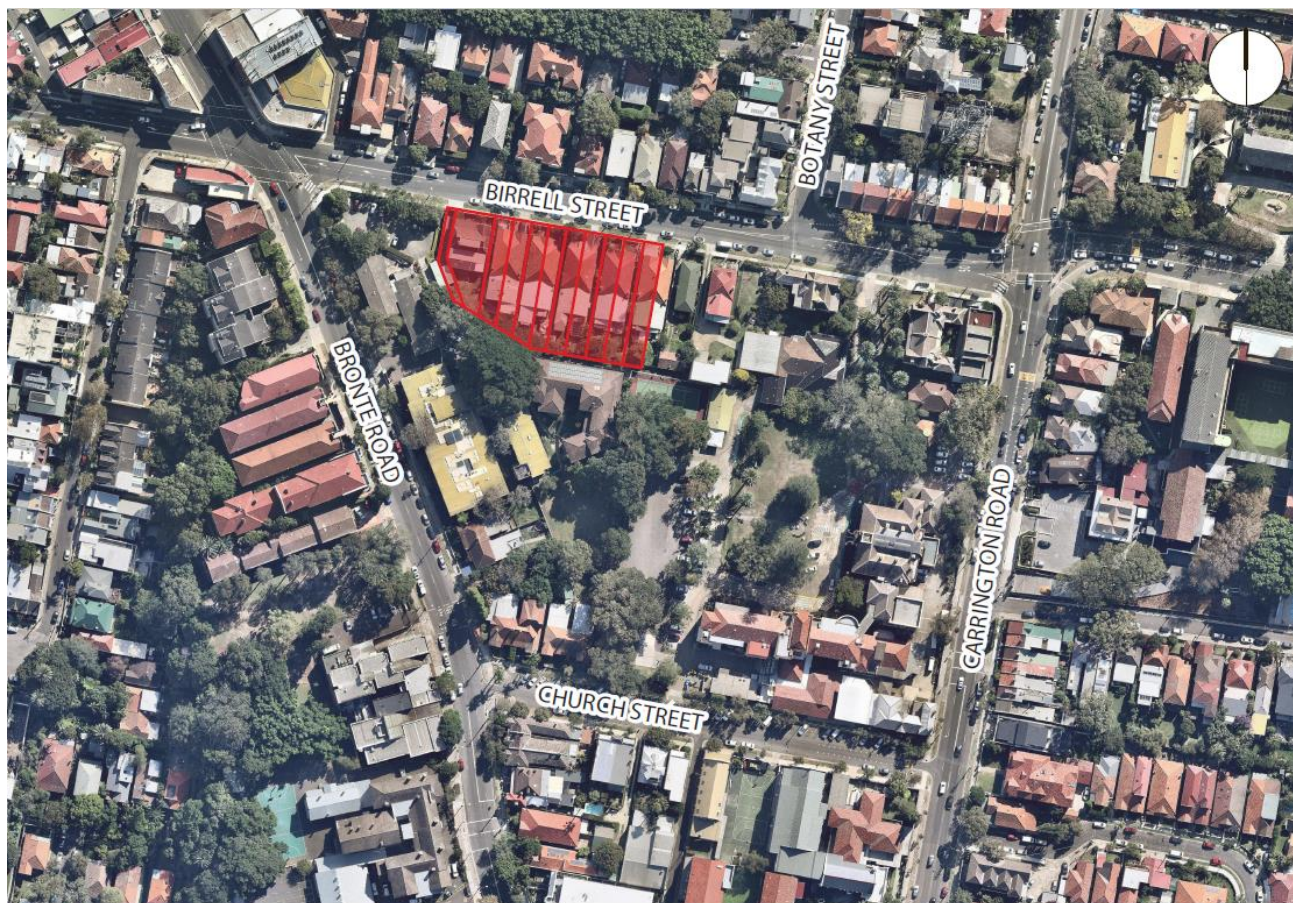
As detailed above, Uniting has acquired all but three of the lots along Birrell Street. Uniting remains in regular communication with the owners of the remaining lots, with a view to acquire these lots when they become available.

Uniting has received the written consent of two out of three of the remaining lot owners for an amendment to the LEP. It is noted however that landowner's consent is not required for a Planning Proposal.

The legal description of the site which is subject to this Planning Proposal is outlined below in **Table 1**.

Table 1 – Legal Description of the Birrell Street Site

Address	Lot	Deposited Plan	Uniting Ownership
-	1	312247	Private
99 Birrell Street	1	1115332	Private
101 Birrell Street	2	515904	Private
103 Birrell Street	1	515904	Uniting
105 Birrell Street	A	437866	Uniting
107 Birrell Street	B	437866	Uniting
109 Birrell Street	1	961790	Uniting
111 Birrell Street	11	667554	Uniting
113 Birrell Street	4	520982	Uniting
115 Birrell Street	3	520982	Uniting
117 Birrell Street	2	212655	Private




 Birrell Street Site (subject to this Planning Proposal)

Figure 5 –Site Aerial

Source: Nearmap and Ethos Urban



Figure 6 – View of existing dwellings along Birrell Street, Looking east

Source: Ethos Urban



Figure 7 – View of existing dwellings from Birrell Street, Looking east

Source: Ethos Urban



Figure 8 – View from Birrell Street, Looking West

Source: Ethos Urban



Figure 9 – View from Birrell Street, Looking West

Source: Ethos Urban



Figure 10 – Streetscape along Birrell Street

Source: Ethos Urban



Figure 11 – Streetscape along Birrell Street

Source: Ethos Urban



Figure 12 – Streetscape along Birrell Street

Source: Ethos Urban

2.2 Surrounding Development

To the north, on the opposite side of Birrell Street, development is predominately residential, comprising of a mix of 2-4 storey residential flat buildings, interspersed with detached houses and terraces (refer to **Figure 14** to **Figure 15**). The northern side of Birrell Street falls within the Botany Street Heritage Conservation Area (C3).

The WMH Campus adjoins the site to the east, west and south. It comprises approximately 28 buildings, including the aged care facility (Uniting Edina Waverley), independent living units, detached dwellings, and the Waverley War Memorial Hospital (refer to **Figure 13**).

The intersection of Birrell Street and Bronte Road to the north west corner of the site is subject to future development to transition to higher density building typologies. A four (4) storey boarding house is proposed for 125 Bronte Road to the south west corner of the intersection, whereas a Planning Proposal allowing for mixed use development to a height of 18.5m with a FSR of 4:1 is currently being assessed and drafted by DPIE at 122 Bronte Road to the north east of the intersection.

As detailed in **Section 1.1.2**, the WMH Campus is subject to an active Planning Proposal which is intended to support the renewal of the existing services operated by Uniting and support a suite of health services accommodation, and aged care uses up to heights of 15m and 21m, with a density equivalent to 1.2:1 FSR.

Legend

- Existing Buildings
- Existing Low-High Significant Heritage Listed Buildings
- Existing Exceptional Significant Heritage Listed Buildings

- 01 Winston O'Reilly Building
- 02 L.E. King Building
- 03 Elizabeth Hunter Lodge
- 04 Cadl Cottage
- 05 Nellie Vickery Chapel
- 06 Vickery Building
- 07 Morgan Building
- 08 Cafe Manos
- 09 Education Centre
- 10 Morgue
- 11 Podiatry, Therapy Gym, Hydrotherapy Pool
- 12 Maintenance



Figure 13 – The general location of the site (in red) in relation to the heritage context of the WMH Campus

Source: Architectus



Figure 14 – Residential flat buildings on the northern side of Birrell Street (Opposite the Site)

Source: Ethos Urban



Figure 15 – Terrace Housing on the Northern Side of Birrell Street (Opposite the Site)

Source: Ethos Urban



Figure 16 – View from the corner of Birrell Street and Carrington Road - north-eastern corner of the WMH Campus

Source: Cox Architecture



Figure 17 – View from Birrell Street, Looking West to Ellerslie, Banksia and Whychazel which are part of the WMH Campus
Source: Cox Architecture



Figure 18 – Corner of Birrell Street and Bronte Road
Source: Ethos Urban



Figure 19 – View from Bronte Road, Looking South towards the WMH Campus

Source: Cox Architecture



Figure 20 – View from Birrell Street, Looking West towards the Birrell Street Site and WMH Campus

Source: Cox Architecture

2.2.1 Heritage

The site adjoins a number of listed heritage items under the Waverley LEP 2012, including:

- War Memorial Hospital – Landscape (item no. I1519).
- War Memorial Hospital, Late Victorian Buildings and Former Stables (item no. I449).
- Single Storey Dwelling at 190 Birrell Street (item no. I144).
- Semi-Detached Dwellings at 31–33 Botany Street (item no. I163).
- Waverley Telephone Exchange Building (item no. I246).

There also a number of Heritage Conservation Areas (**HCA**s) in proximity to the site, most notably the Botany Street HCA (C3), which is located opposite the site across Birrell Street. Nearby heritage listed items and HCAs are identified in **Figure 21**.



Figure 21 – Heritage Map (site in red outline)

Source: Waverley LEP 2012

3.0 Key Current Planning Controls

3.1 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The Waverley LEP 2012 is the principle Environmental Planning Instrument that applies to the site. The key existing planning controls that apply to the site are summarised in **Table 2** below.

Table 2 – Key existing Provisions of the site under the Waverley LEP 2012

Control	Waverley LEP 2012
Zoning	R3 Medium Density Residential. Development for the purposes of seniors housing is permissible with consent. The following development is also permissible. <i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4</i>
Building Height	9.5m
Floor Space Ratio	0.6:1
Minimum Lot Size	325 sqm

3.1.1 Waverley Development Control Plan 2012 (Waverley DCP 2012)

The Waverley DCP 2012 builds upon and provides more detailed provisions than the Waverley LEP 2012. Relevant controls applicable to the site are identified below.

Habitat Corridor

The Waverley DCP 2012 (under Section 3.2.2) identifies that a Habitat Corridor runs through the south-eastern extent of the site, across a very minor portion of 113-117 Birrell Street (refer to **Figure 22**). The objectives of Section 3.2.2 are:

- To ensure development contributes to the landscape character of the area;
- To enhance planted native vegetation and the ecological functions of habitat corridors; and
- To reconstruct habitat in non-vegetated areas of designated wildlife corridors that will as far as possible, represent the combination of plant species and vegetation structure of the original community.

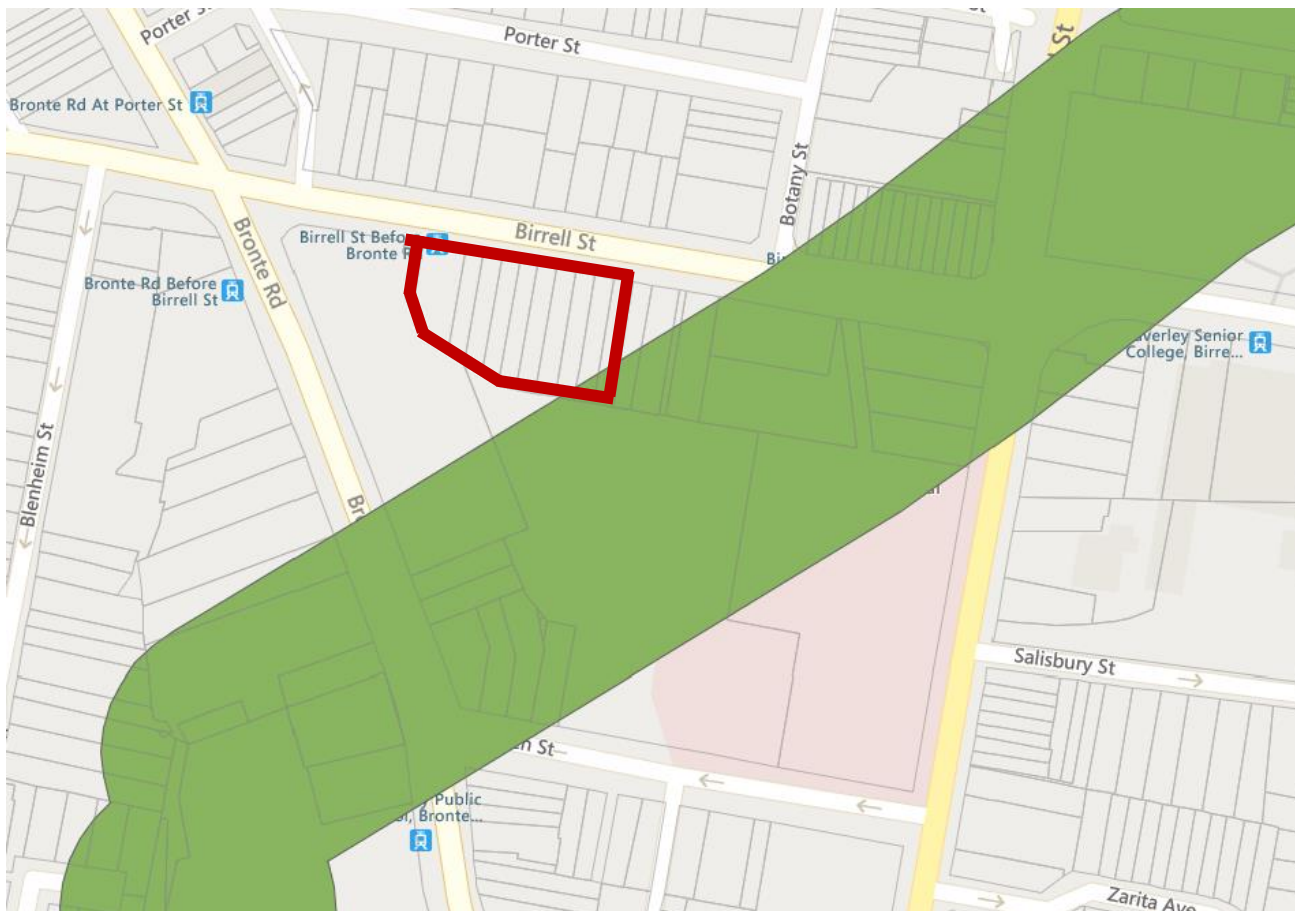


Figure 22 - Existing Habitat Corridor

Source: Waverley DCP 2012

4.0 Design Analysis

This section of the Planning Proposal describes the background design work undertaken as part of the preparation of the Planning Proposal.

4.1 Site Constraints and Opportunities

In investigating the future redevelopment of the site, especially in line with Uniting's vision to integrate the site with the broader WMH Campus, Architectus and Ethos Urban has identified the following site constraints and opportunities.

4.1.1 Constraints Assessment

The constraints identified for the site are listed as follows:

- Proximity to the WMH Campus, which contains a number of heritage listed items (refer to **Section 3.1**);
- Presence of several significant trees in the adjoining WMH Campus;
- Topography, with the land sloping 5m east to west along Birrell Street;
- Proximity to a number of listed heritage items across Birrell Street, as well as the Botany Road HCA, and the need to retain the overall heritage character of Birrell Street; and
- Overshadowing of existing and future built form and open space directly to the south, within the WMH Campus.

4.1.2 Opportunities

- Access to public open space, with Waverley Park located 450m to the northeast and Queens Park located 450m to the southwest;
- Consolidate the scale, size and length of frontage from two separate but consolidated sites (and Planning Proposals) to develop a unique master planned opportunity which can provide a more integrated outcome in terms of built form distribution, site access and permeability whilst also responding to the constraints of the site;
- A 75m frontage which supports the opportunity to create an enhanced public domain outcome while improving the overall character of Birrell Street. It also provides an opportunity for the creation of new landscaped pedestrian connections from Birrell Street, which will improve the overall permeability of the WMH Campus;
- Establishing a consistent planning framework (in terms of height and floor space) with the WMH Campus will enable the site to be integrated with the broader renewal of the WMH Campus. The coordinated renewal of the site and the WMH Campus will allow for an improved built form and urban design outcome, which better responds to surrounding streetscapes and heritage items; and
- Strong access to public transport, with bus stops on Birrell Street, Bronte Road and Carrington Road.

4.2 Urban Design and Development Principles

The following urban and development design principles have been established to guide future development on the site so as to ensure an appropriate built form and contextual outcome, particularly in relation to the adjoining WMH Campus and the Botany Road HCA across Birrell Street.

4.2.1 Site Design Principles

1. Unify the Estate and enhance its ongoing legacy of care as a community service and health care precinct
2. Develop a clear masterplan based on the historic evolution of site, its evolving context and community requirements
3. Retain and restore existing heritage fabric, enhance public access to heritage garden and reinterpret former carriageway to heritage gates
4. Allow for continuity and expansion of existing hospital uses on the site




5. Establish a new centrally located residential aged care/ community hub as an active “heart” for residents, patients and the broader community
6. Provide new seniors living; optimise direct street address, residential amenity, streetscape character and landscape
7. Consolidate new built form to create large continuous gardens for a range of public, private and community uses
8. Optimise site ecology by maximizing deep soil zones and implementing a long term tree plan (ie. a plan to retain and protect existing healthy trees, replace old or damaged trees and increase the number of large trees on the site)
9. Implement a clear vehicular strategy to prioritise pedestrian comfort and safety while recognising the operational needs and diversity of uses of the estate
10. Achieve all required operational requirements while achieving compliance with all urban design, environmental and amenity design standards



4.2.2 Development Principles

The principles guiding the development of the Master Plan are outlined below. These aim to inform the integrated renewal of the site with the broader WMH Campus and create a whole-of-block master planned outcome which will provide a superior urban design outcome which can more appropriately respond to the distribution of built form across the block, pedestrian permeability in and through the block, and the integration of public open space and landscaping.

Table 3 – Development Principles

	<p>The Original Estate</p> <ul style="list-style-type: none"> • Recognising existing relationship to north west corner • Defined residential perimeters • Presence of significant built form + trees • Relationship to context
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 <p>A site plan diagram showing the layout of the property. It features a series of red rectangular blocks representing buildings, arranged in a row along the top and right sides. Green circles of varying sizes represent trees, scattered throughout the site. The background is shaded in light green and yellow, indicating different topographical layers or slopes. The site is bounded by Birrell Street to the left and Bronte Road to the right.</p>	<p>Site Structure</p> <ul style="list-style-type: none"> • Topography: site layers • Built form + slope • Significant trees + layers
 <p>A site plan diagram showing the layout of the property. It features a series of red rectangular blocks representing buildings, arranged in a row along the top and right sides. Green circles of varying sizes represent trees, scattered throughout the site. The background is shaded in light green and yellow, indicating different topographical layers or slopes. The site is bounded by Birrell Street to the left and Bronte Road to the right.</p>	<p>Birrell Street and Bronte Road</p> <ul style="list-style-type: none"> • Recognising its historical residential function • Internal residential development • Residential outward focus, with its rear fence to estate
 <p>A site plan diagram showing the layout of the property. It features a series of red rectangular blocks representing buildings, arranged in a row along the top and right sides. Green circles of varying sizes represent trees, scattered throughout the site. The background is shaded in light green and yellow, indicating different topographical layers or slopes. The site is bounded by Birrell Street to the left and Bronte Road to the right.</p>	<p>Consolidated Residential Potential</p> <ul style="list-style-type: none"> • New development to be sympathetic with heritage concentrated to south eastern corner • Addresses and optimises its interface with the public domain • Optimises scope for best RAC layout • Dual focus residential can activate estate internally

	<p>New Block Structure</p> <ul style="list-style-type: none"> • Consistent with context • Creates public interface • Follows precedent (Ellerslie) • Establishes protective edges (containing visual bulk) • Arranges momentary experiences (Victorian garden design)
	<p>New Spatial Structure</p> <ul style="list-style-type: none"> • Stepped Birrell St built form • Optimised Bronte Rd built form • New axis provide site structure • Optimised opportunity for best RAC layout • Major constraints clarified

Source: Architectus

4.3 Indicative Master Plan

Integrating the site design principles established above, Architectus has developed an Indicative Master Plan (refer to **Figure 23**) for the site.



Figure 23 – Indicative Master Plan

Source: Architectus

The Indicative Master Plan has been prepared to demonstrate a redevelopment option that could be delivered under the proposed building height and floor space ratio controls and demonstrate that future seniors housing on the site can provide excellent amenity for occupants, while preserving the amenity of the surrounding area and the heritage qualities of the WMH Campus.

The Indicative Master Plan involves the integrated redevelopment of the site as part of the broader WMH Campus, in line with Uniting's vision as elaborated below and in the Urban Design Report prepared by Architectus at **Appendix A**. It is noted that this is indicative only and is intended to demonstrate that the proposed height and floor space ratio controls proposed for the site can accommodate a viable development scheme while abiding by the constraints, design and development principles established for the site.

Indicatively, the amendments to the Waverley LEP 2012 proposed in this Planning Proposal will support:

- A stepped built form supporting seniors and affordable housing development of between four (4) to six (6) storeys (15-21m) with an FSR of up to 1.2:1;
- Improvements to the public domain along Birrell Street, with additional landscaping and a reduction in the number of vehicle access points;
- Pedestrian access from Birrell Street, with a through-site connection from Birrell Street to the centre of the WMH Campus; and
- Vehicle access to a basement car park from Birrell Street.

The Indicative Master Plan assumes a development scenario that sees the site blended and redeveloped as part of the broader WMH Campus, therefore creating a more holistic and integrated outcome for the block bounded by Birrell, Bronte, Carrington and Church Streets. This is Uniting's preferred development outcome.

This redevelopment scenario is made possible given the site is proposing the same built form controls (an FSR of 1.2:1 and heights between 15 and 21m) which have been endorsed for the broader WMH Campus. In terms of permissible land uses, the following uses will be able to extend across the boundaries of the site and the WMH Campus, supporting a more integrated development outcome for Uniting:

- Health service facility because it is permissible in both the SP2 zone and the R3 zone;
- Housing, including seniors housing and affordable housing; and

- Community facilities and childcare facilities because it is permissible in the R3 zone and is proposed to be permissible in the SP2 zone of the WMH Campus (under Schedule 1).

Integration with the broader WMH Campus provides greater flexibility for future built form, allowing it to extend closer to the southern boundary and across the eastern boundary (refer to Error! Reference source not found.).

Indicatively, the Indicative Master Plan allows for five (5) buildings facing Birrell Street and an additional pedestrian connection from Birrell Street. It demonstrates that the future renewal of the site can be effectively integrated into the WMH Campus, while continuing to provide an appropriate level of residential amenity by achieving appropriate building separation distances and optimising the northerly aspect of the site.

4.4 Landscaping

An Indicative Landscape Masterplan to support the Indicative Master Plan has been prepared by Taylor Brammer in conjunction with Architectus (**Figure 24**). Taylor Brammer's landscape response for the site provides an opportunity to deliver a further detailed landscape environment that will complement and integrate the landscape heritage values of the broader WMH Campus.

As outlined in the Landscape Design Statement prepared by Taylor Brammer Landscape Architects (**Appendix E**), the Planning Proposal, both individually and in concert with the renewal of the broader WMH Campus, can provide a number of opportunities to improve the heritage landscape values of the WMH Campus.

The vision for the site is to embrace and strengthen the legacy of the heritage listed and established 19th century estate grounds with its iconic Norfolk Island Pines and mature vegetation. This is achieved through the provision of a two garden spaces, typified by range of ornamental trees, shrubs and groundcovers enriching the outdoor spaces of the WMH Campus and complementing its built and natural heritage values. An ecological corridor will also be incorporated through the grounds, enabling flora and fauna to connect through the site from the valuable surrounding parklands such as Centennial Park and green open spaces.



Figure 24 – Landscape Master Plan

Source: Architectus

4.5 Access and Parking

It is envisaged that a single basement with a single access point will provide vehicle access to the site, being located on the western extent of the site, providing direct access to a potential future underground carpark. The detailed design of vehicle access and parking will be developed as part of any future DA for the redevelopment of the site.

4.6 Built Form and Streetscape

The height of future built form as envisaged in this Indicative Master Plan has been designed with consideration of the interface with Birrell Street and surrounding heritage items within the WMH Campus.

As detailed in **Figure 25**, building heights transition downwards to the north towards Birrell Street. Along the interface with Birrell Street and the opposite HCA, the Indicative Master Plan establishes a maximum building height of approximately four (4) storeys (15m) for Buildings E and G, which aligns with other four storey residential flat buildings along Birrell Street. The reduction in building scale along between the WMH Campus to Birrell Street will minimise overshadowing and improve privacy, while the increased setback for Building F allows for the provision of a landscaped entry plaza which softens and articulates the appearance of built form from the street. This allows for the creation of an active, human-scale edge that appropriately aligns with the scale and character of development across Birrell Street.

The tallest portion of the built form within the site, with heights up to 21m, has been positioned to the rear of the site, substantially setback from Birrell Street. This will help to reduce the perceived bulk and scale of built form when viewed from the street and public domain. It will also ensure that important views from Birrell Street to the heritage listed Banksia and Ellersie Houses are preserved.

The distribution of height and therefore built form enabled by the Planning Proposal is consistent with the approach adopted by Council in their Planning Proposal for the WMH Campus, with respect to the interface with Bronte Road, Carrington Road and Church Street, given it has been considered to provide a stepped, more transitional and sympathetic built form outcome (refer to Section 3.2.4 of the WMH Campus Planning Proposal at **Appendix D**). Council's Planning Proposal for the WMH Campus provides for a 15m maximum building height along street frontages, with a 21m maximum building height setback (to varying extents) above this.

As noted in the Council-endorsed Planning Proposal for the WMH Campus, heights of between 15m and 21m are able to provide an amenable interface to surrounding heritage items across Birrell Street, individual heritage items within the WMH Campus (including the Norfolk Pines and the Vickery Tower), the overall heritage character of the War Memorial Hospital, as well as the streetscape along Birrell Street. Permitting additional height away from Birrell Street, towards the centre of WMH Campus, rather than along Birrell Street, also provides a more appropriate built form outcome (refer to Section 3.2.4 of the WMH Campus Planning Proposal at **Appendix D**).

The Indicative Master Plan tested also demonstrates that adequate separation between future buildings can be achieved. As illustrated in the Urban Design Report (Error! Reference source not found.), this will support the future provision of landscaped pedestrian connections, while ensuring the massing of built form can be mitigated or 'broken up' through articulation. The separation between buildings will also ensure that any future residents are able to enjoy high levels of amenity, with regards to solar access, outlook and ventilation.

The proposed built form controls for the Birrell Street Site are entirely consistent those proposed in Council's Planning Proposal for the broader WMH Campus (refer to **Appendix D**) given they:

- Increase the permissible height to 15m and 21m.
- Increase the permissible floor space ratio to 1.2:1.

The Planning Proposal, by including the Birrell Street Site on the Key Sites Map of the Waverley LEP 2012 also requires that future redevelopment demonstrates design excellence and delivers the highest standard of sustainable architectural and urban design.



Figure 25 – Aerial view from the north, Birrell Street in the foreground

Source: Architectus

5.0 Part 1 – Objectives and Intended Outcomes

This chapter of the report describes the Planning Proposal and the objectives and intended outcomes that set the foundation for its structure. Further detail is provided throughout the environmental assessment in the following chapters. This chapter also sets out the first of six parts to be addressed as part of the Planning Proposal in accordance with *Planning Proposals: A guide to preparing planning proposals* prepared by the Department.

5.1 Objectives and Intended Outcomes

The intent of the Planning Proposal is to make an amendment to the Waverley LEP 2012 to permit additional height and floor space at 99-117 Birrell Street, Waverley.

The specific objectives and intended outcomes are:

- Amend the Waverley LEP 2012 to enable the redevelopment of the site to a scale and density consistent to that proposed in the adjoining WMH Campus, while remaining sympathetic to surrounding development and heritage character;
- Provide an improved urban design and built form outcome, with improved permeability, a sympathetic interface to surrounding heritage items and Birrell Street;
- Develop a consistent planning framework for Uniting to allow the site to integrate with the broader WMH Campus and create a truly holistic health and community hub which can support a diverse range of health, accommodation, and support services; and
- Improve site permeability.

Through the proposed amendments to the Waverley LEP 2012, the Planning Proposal will enable future development with a height of between 15m and 21m and an FSR of 1.2:1.

6.0 Part 2 – Explanation of Provisions

The overarching purpose of the Planning Proposal is to ready the development of the site up to a scale consistent with the adjoining WMH Campus owned and operated by Uniting. The objectives and intended outcomes identified in Part 1 (**Section 6** of this report) are intended to be achieved by permitting greater height and floor space to the site under the Waverley LEP 2012, as set out below.

6.1 The Waverley LEP 2012

6.1.1 Height of Buildings

This Planning Proposal seeks to amend the maximum height designated to the site under the Height of Buildings Map (HOB_001) from a maximum of 9.5m to a maximum of part 15m (fronting Birrell Street) and 21m (refer to **Figure 26**).

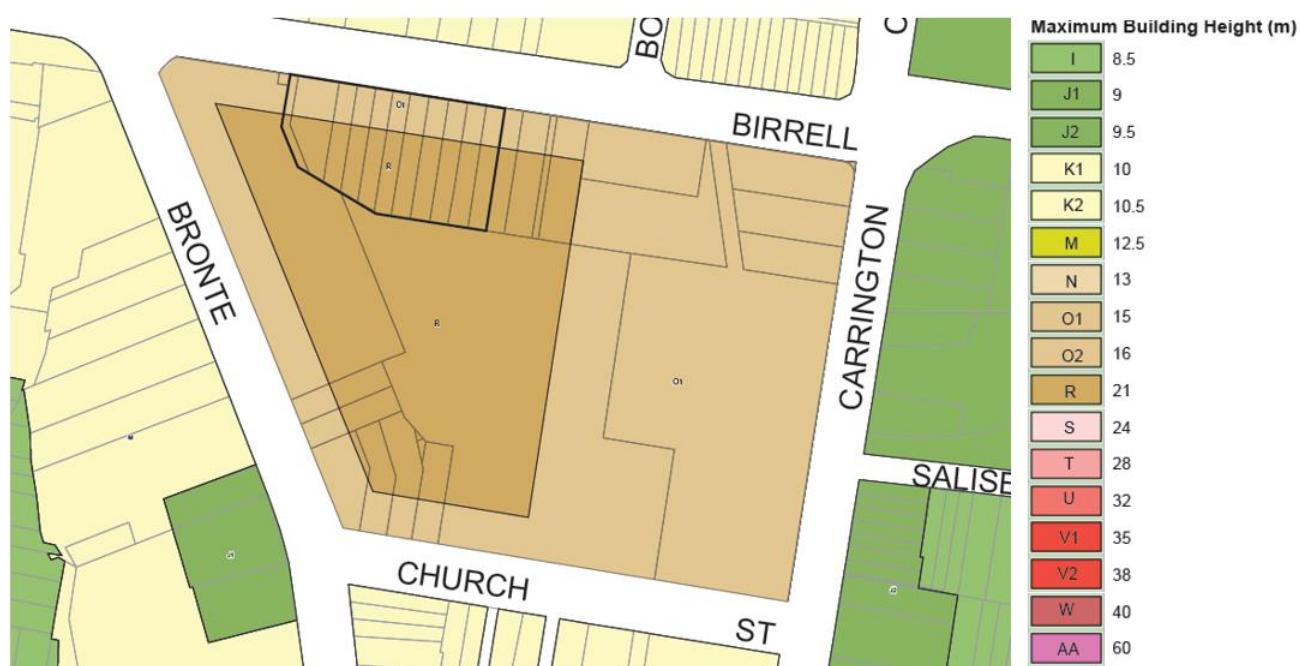


Figure 26 – Proposed Height of Buildings Map (with the site outlined in black)

6.1.2 Floor Space Ratio

This Planning Proposal seeks to amend the floor space ratio designated to the site under the Floor Space Ratio Map (FSR_001) from 0.6:1 to 1.2:1 (refer to **Figure 27**).

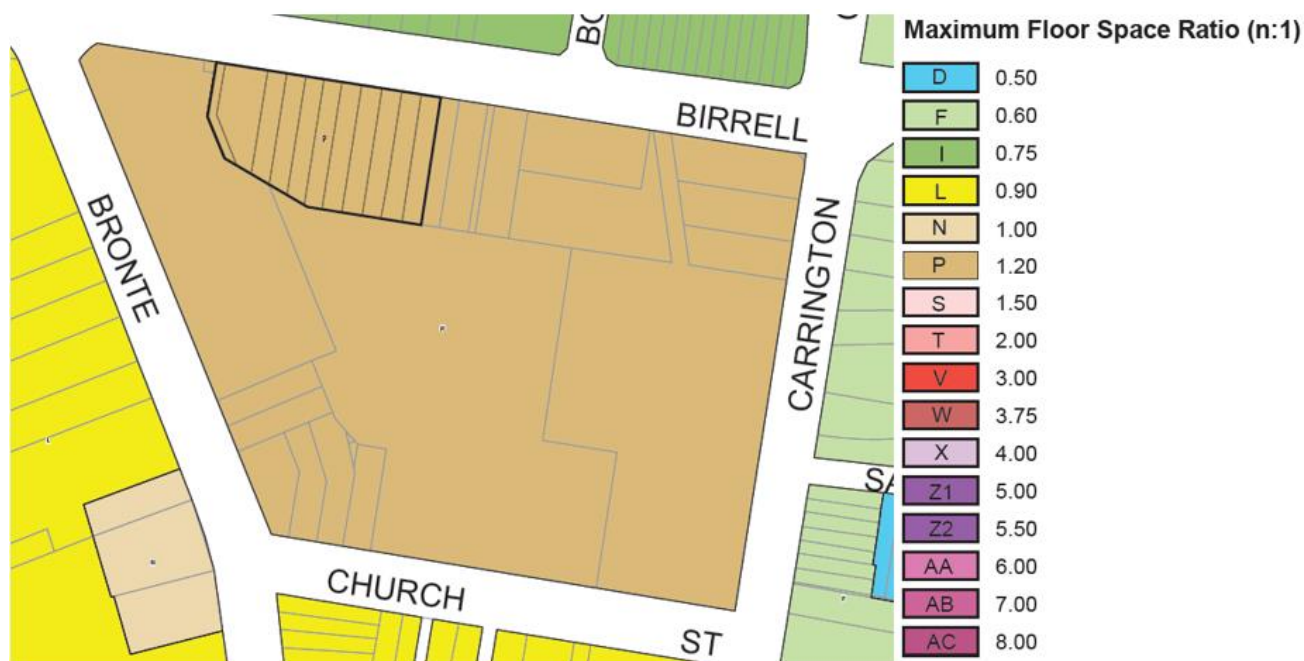


Figure 27 – Proposed Floor Space Ratio Map (site outlined in black)

6.1.3 Design Excellence (Clause 6.9 of the Waverley LEP 2012)

It is proposed to include the site on the Key Sites Map, making the design excellence provisions of clause 6.9 of the LEP applicable to future development on the site. The objective of the clause is to ensure development demonstrates design excellence and delivers the highest standard of sustainable architectural and urban design.

Council has already nominated the broader WMH Campus on the Key Sites Map under the WMH Campus Planning Proposal so given Uniting's intention to amalgamate the site with the campus, it is considered appropriate to also include the site.

6.1.4 Amendments to the DCP

Uniting will be preparing a site-specific DCP for the WMH Campus post-gateway. These provisions are also proposed to incorporate the site.

7.0 Part 3 – Justification

7.1 Section A – Need for a Planning Proposal

7.1.1 Q1 – Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Planning Proposal aims to give effect to several planning priorities and actions within Waverley Council's Local Strategic Planning Statement (**LSPS**). Council's LSPS was endorsed by Council and the Greater Sydney Commission in March 2020. It represents Council's 20-year vision and strategy for the LGA's future direction on infrastructure, liveability, productivity, and sustainability.

The LSPS implements the planning priorities and actions identified in the Greater Sydney Region Plan and the Eastern City District Plan at the local level. It is also informed by Council's Community Strategic Plan and Local Housing Strategy. Importantly, the LSPS will underpin any future changes to Council's Local Environmental Plan and Development Control Plan.

The provision of seniors housing on the site will help to respond to the need, identified in the LSPS, for additional seniors housing in Waverley, both now and into the future.

Specifically, the LSPS identifies that the proportion of the population in Waverley aged over 65 years is projected to increase by 38% by 2036, to a total of 8,800 residents. This represents 11% of the projected population of Waverley. Council has noted that this increase will create a corresponding rise in demand for community health and aged care services, and seniors' residential facilities in Waverley. The draft Housing Strategy reveals a projected shortage of 1,880 Residential Aged Care (**RAC**) beds and 1,446 of Independent Living Units (**ILUs**) across the Eastern Suburbs (Randwick, Waverley and Woollahra LGA) by 2036.

There is clearly strong demand for seniors housing now and into the future in Waverley. A greater intensity of development generated by this Planning Proposal can help to meet the demand for this housing typology.

The LSPS also identifies that the current supply of affordable housing in Waverley is only meeting 57% of demand and that in 2016, 3,438 households needed access to affordable housing. Accordingly, a key objective of the LSPS (Housing Priority 3) is increasing the supply of affordable housing in Waverley. The Planning Proposal responds to this identified strategic need, as the future redevelopment of the site in accordance with the Planning Proposal, up to 10% of dwellings will be affordable housing for seniors. In this way, the Planning Proposal will help address housing affordability in Waverley.

Principles of Change

Within its LSPS, Council has outlined its strategic and site-specific 'principles of change' that it will use as a guide in considering Planning Proposals. While they do not replace the merit assessment outlined in the Department's *Guide to Preparing Planning Proposals*, they are intended to provide a 'local' merit test to guide Council and the Local Planning Panel in assessing Planning Proposals.

This Planning Proposal is consistent with the strategic principles of change, given:

- It is consistent with the objectives and directions of the Greater Sydney Region Plan, Eastern City District Plan, Waverley LSPS, and the Waverley Community Strategic Plan (refer to **Section 7.2.1** and **7.2.2**);
- It is generally consistent with the aims of the Waverley LEP 2012 (refer to **Section 7.2.2**); and
- It has the potential to accommodate strategically valuable land uses, including seniors and affordable housing which are under-provided in the Waverley LGA.

The Planning Proposal is also consistent with the site-specific principles of change, given:

- Future residential development enabled by the Planning Proposal (seniors and affordable housing) will be located in walking distance of frequent and reliable public transport, with the regular bus services operating

along Birrell Street and Bronte Road. An increase in residential density is appropriate to the proximity of the site to public transport and the services available within Bondi Junction (located within a 500m radius).

- The Planning Proposal can provide demonstrable public benefit, in the form of much-needed social seniors and affordable housing and also other community uses permissible in the R3 zone such as childcare centres and community facilities.
- With the intended future integration of the site with the broader WMH Campus, the site can deliver a master planned outcome which can generate a significantly better urban design outcome than that available solely to the site if it were to be redeveloped in isolation. This includes:
 - An integrated site area which can support the more flexible arrangement of built form and can provide greater flexibility in the siting of built form in relation to existing heritage items and prominent view points;
 - An entirely integrated approach to vehicle entry and egress for the entire block; and
 - An entirely integrated approach to pedestrian entry into the block and pedestrian flows through the block.
- Future development enabled by the Planning Proposal will be capable of meeting high sustainability standards.
- The Planning Proposal is supported by a Preliminary Utilities Report (**Appendix J**) that demonstrates that demand for infrastructure can be satisfied.
- Future development enabled by the Planning Proposal will provide a positive design outcome, which provides a sensitive interface with Birrell Street and broader WMH Campus.

7.1.2 Q2 – Is the Planning Proposal the best means of achieving the intended outcome, or is there a better way?

Yes. As discussed in **Section 5.1**, the intended outcome of the Planning Proposal is to facilitate the redevelopment of the site as part of the broader, integrated renewal of the WMH Campus in to a holistic community hub, where people are able to access a range of contemporary accommodation, health and support services, ranging from including early learning facilities, seniors and affordable housing, and contemporary healthcare.

The lots along Birrell Street are currently zoned R3 Medium Density Residential, with a maximum height of 9.5m and a floor space ratio of 0.6:1. These standards do not support viable development for the anticipated outcome of the site for the purposes of seniors and affordable housing.

The most transparent and direct method of enabling the realisation of Uniting's vision for the site, as a key component of the broader renewal of the WMH Campus, is to modify the relevant planning provisions that control density, being building height and floor space ratio.

Without the Planning Proposal, and future redevelopment on the site to achieve the intended height and density will need to seek variations to the existing controls by virtue of clause 4.6 of the Waverley LEP. Although relevant case law provides guidance which has established that the extent of the numerical variation does not form part of the test required to be exercised under clause 4.6, we are of the opinion that such reliance on clause 4.6 in this instance is not the most appropriate pathway in achieving the intended outcome given we are proposing to create a new, more appropriate planning framework for the site so as to support its integration within the broader WMH Campus.

Alternatively, if a 'do nothing' scenario was undertaken, Uniting, under their vision of integrating the site with the broader WMH Campus, would have a latent portion of their land (the site) with height and floor space controls well below those recommended and considered suitable for the remainder of their land, limiting their ability to:

- Provide a congruent master planned precinct for the entire block bounded by Bronte Road, Birrell Street, Carrington Road and Church Street; and
- Maximise a portion of their land which is well suited to seniors and affordable housing (both of which are in demand in the LGA), which is appropriately located near public transport and Bondi Junction.

It is noted that another way of achieving the intended outcome of rezoning the site to support its integration with the broader WMH Campus would be to include the land in the WMH Campus Planning Proposal post-Gateway. However, like mentioned previously in **Section 1**, this option risks delaying the progression of the WMH Campus Planning Proposal which is of highest priority for Uniting, and which had already been subject to a prolonged 24-

month assessment prior to be endorsed by Council and progressing to the DPIE for Gateway Determination. If this Planning Proposal were to be amended post-Gateway to include the site, it would require reassessment and likely re-adoption by Council and re-exhibition.

7.2 Section B – Relationship to Strategic Planning Framework

7.2.1 Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal gives effect to the objectives and actions of the relevant strategic plans and strategies.





Greater Sydney Region Plan

The *Greater Sydney Region Plan (Region Plan)* is the overarching long-term vision for growing and shaping Greater Sydney. It establishes a 40-year vision to 2056 and a 20-year to 2036 vision for managing change across Greater Sydney in the context of social, economic, and environmental matters.

The Region Plan is underpinned by the vision for Greater Sydney as a 'Metropolis of Three Cities', being the Western Parkland City, Central River City and Eastern Harbour City. This vision is supported by several directions and objectives to promote the productivity and liveability of Greater Sydney.

The Planning Proposal is consistent with the following directions of the Region Plan (refer to **Table 4**).

Table 4 – Consistency of the Planning Proposal with the Directions of the Region Plan

	<p>A City Supported by Infrastructure</p> <ul style="list-style-type: none"> The Planning Proposal will support the delivery of social infrastructure of a feasible scale permissible within the R3 zone including seniors housing, which will help meet identified demand in the Waverley LGA. As identified in the Preliminary Utilities Report prepared by Stantec (Appendix J), it is expected that existing utility infrastructure is capable of accommodating, or can be augmented to accommodate, future redevelopment of the site.
	<p>A City for People</p> <ul style="list-style-type: none"> As part of the broader renewal of the WMH Campus, the Planning Proposal will support the co-location of social infrastructure with aged care and health services. The co-location of accommodation and health services will enhance liveability, including safety, accessibility, and location, to the benefit of residents and visitors.
	<p>Housing the City</p> <ul style="list-style-type: none"> The Planning Proposal will increase the quantum and diversity of housing in the Waverley LGA seniors housing. Seniors housing can help meet the needs of the ageing population of Waverley, and affordable housing will help address the existing shortage of affordable housing in the LGA.
	<p>A City of Great Places</p> <ul style="list-style-type: none"> The amendments to the built form controls for the lots along Birrell Street mirror those prepared by Council for the adjoining WMH Campus, which were subject to extensive urban design analysis that put 'placemaking' at the forefront. The 'stepping' of building heights upwards from Birrell Street will ensure that future development enabled by the Planning Proposal provides a human-scale interface with Birrell Street and the broader WMH Campus. The Planning Proposal will provide a sensitive, place-based outcome, integrating social infrastructure in proximity to jobs, services and transport. Consistent with the objectives of the District Plan, the Planning Proposal has sought to conserve environmental heritage by ensuring that built form controls (i.e. height and density) are sympathetic with surrounding heritage items and heritage conservation areas. In this regard, the proposed built form controls have been informed by the Heritage Impact Statement prepared by Hector Abrahams Architects (Attachment H). This will ensure that the future redevelopment of the site will not detract from environmental heritage and will contribute to a sense of place and identity.



A Well-Connected City

- The lots along Birrell Street are located in immediate proximity to Bondi Junction, which is an identified Strategic Centre.
- Importantly, housing enabled by the Planning Proposal will be located in close proximity to surroundings, jobs, schools, services and Bondi Junction.



Jobs and Skills for the City

- Future development in accordance with the Planning Proposal, will directly contribute to job creation and the health and aged care industries more broadly.



A City in its Landscape

- As shown in the Landscape Strategy prepared by Taylor Brammer Landscape Architects (**Appendix A and E**) future development in accordance with the Planning Proposal will have opportunities for high quality landscaping.
- The Planning Proposal respects the significance of surrounding heritage items and heritage conservation areas. It does not create any significant adverse heritage items impacts, as detailed in the Heritage Impact Statement prepared Hector Abrahams Architects (**Attachment H**).
- The proposal does not affect any protected biodiversity or remnant or significant vegetation.

Eastern City District Plan

As set out by the Environmental Planning & Assessment Act 1979 (**EP&A Act**), District Plans are now the main strategic planning documents of relevance when preparing Planning Proposals. As per Section 3.8 of the EP&A Act:

- 2) *In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect: (a) to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area),*

The Waverley LGA is located within the Eastern City District. The *Eastern City District Plan (District Plan)* sets out the 20-year vision for the District through 'Planning Priorities' that are linked to the Region Plan. The District Plan includes a range of Planning Priorities that are given effect by this Planning Proposal, which are elaborated on below.

Priority E3: Providing services and social infrastructure to meet people's changing needs

The District Plan emphasises the importance of planning for and delivering social infrastructure that reflects the needs of the community, both now and in the future. It estimates that by 2036 there will be a 102% increase in the proportion of people aged 85 and over, as well as a 64% increase in the number of people aged between 65-84. Cumulatively, this will mean that 16% of the District's population will be aged 65 or over in 2036, up from 12% in 2016 (refer to **Figure 28**).

The significant increase in the proportion of people aged 65 or over will drive the need for more diverse housing types, particularly seniors housing. The District Plan also recognises that the coordinated delivery of additional health, social and aged care services, through collaboration between government and industry, will be required to meet the expected increase in demand for seniors housing and aged care facilities.

The Planning Proposal responds to the identified need for additional seniors housing and services to support the changing needs of the population of Waverley. The amendments to the Waverley LEP 2012 will support the future provision of seniors housing. The Planning Proposal will also enable the integration of the site with the broader renewal of the WMH Campus into a holistic community hub, where people are able to access a range of contemporary accommodation and support services, including early learning facilities, and contemporary healthcare.

This is consistent with the vision of the District Plan, which recognises that through co-location, social infrastructure such as aged care and health services can become the focus of neighbourhoods. The co-location of these activities can enhance liveability, including safety, accessibility, and location, to the benefit of residents and visitors.

Accordingly, the District Plan emphasises the need for targeted delivery of services and infrastructure to support growth and the evolving needs of different population groups.

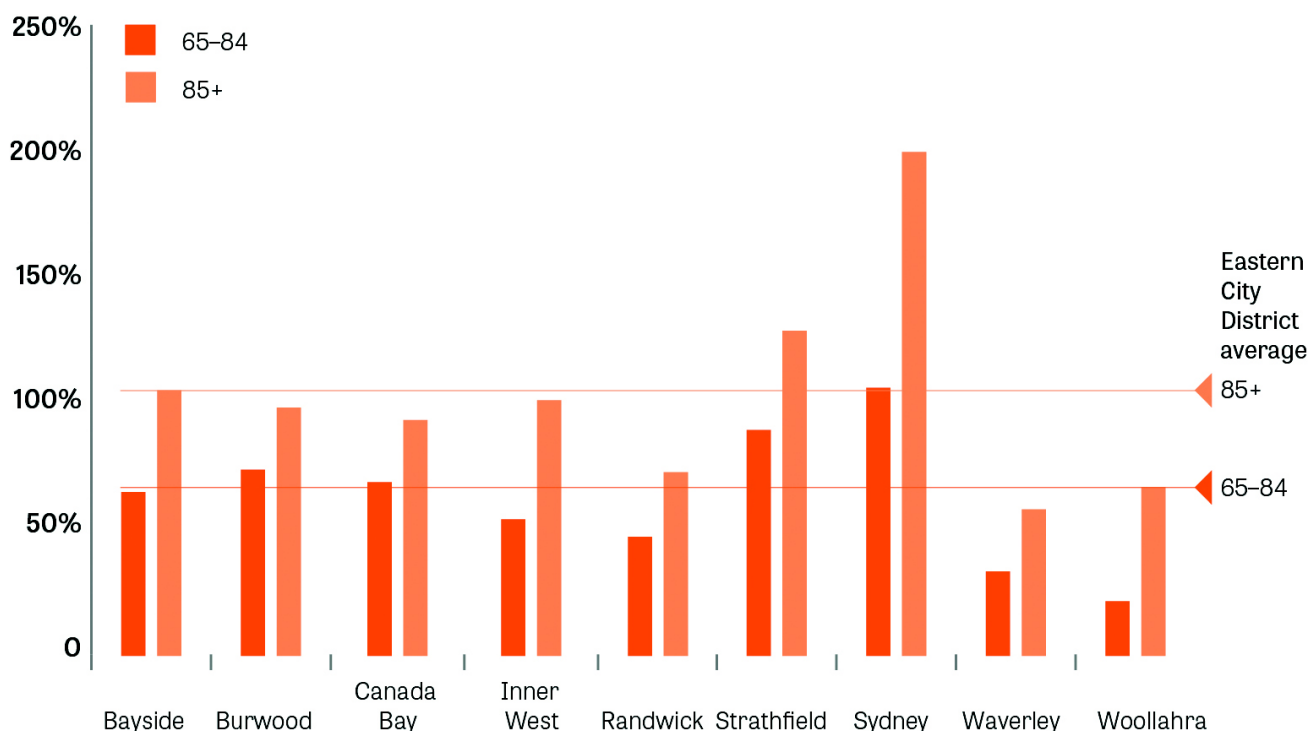


Figure 28 – Eastern City District projected population change 2016–2036 by LGA: 65–84 and 85 years and over

Source: Greater Sydney Commission

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

Delivering housing supply and affordability is a key objective of the District Plan. Specifically, the District Plan aims to promote new housing that is in the right places to meet demand for different housing types, tenure, price points, preferred locations, and design. Of relevance for this Planning Proposal, the District Plan emphasises the need for dwelling types to respond to expected changes in household and age structure. In this regard, the District Plan notes the importance of multi-unit dwelling development to providing housing for seniors.

The Planning Proposal is consistent with Priority E5. It will increase the supply of housing that meets the needs of the aged population of Waverley, by supporting the vision of seniors housing. In addition, through the co-location of seniors housing and aged care and health services, the Planning Proposal will reduce pressure on existing housing and services, while providing opportunities for ‘ageing in place’, with residents able to access services close to where they live, without the need to travel.

The Planning Proposal also supports housing affordability in accordance with Priority E5 given the intention is to provide a reasonable percentage of affordable housing (up to 10%) on the site. Uniting is open to a Voluntary Planning Agreement (or similar) (refer to **Appendix K**) with Council to support the provision of affordable housing on the site.

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

The District Plan emphasises the importance of great places, which combine heritage, culture, built form and natural features. It notes that great places include all parts of the public realm, including the interface with the private realm, such as residential streetscapes.

The District Plan notes the role of site-specific Planning Proposals, in conjunction with precinct-wide place and design outcomes, in delivering high-quality, community specific place-based outcomes. The proposed built form controls for the site mirror those endorsed by Council for the WMH Campus, which were subject to extensive urban design analysis that put ‘placemaking’ at the forefront. They have been designed to allow for a positive urban design outcome. This has been achieved through the ‘stepping’ of building heights upwards from Birrell Street, which will ensure that future development provides a people-friendly interface with Birrell Street and the WMH Campus.

The District Plan also looks to ensure that environmental heritage is identified, conserved, and enhanced. This objective reflects an understanding that heritage values, including heritage items and heritage streetscapes, contribute to the significance of a place and area. Consistent with the objectives of the District Plan, the Planning Proposal has sought to conserve environmental heritage by ensuring that built form controls (i.e. height and density) are sympathetic with surrounding heritage areas and heritage items, including the WMH Campus and the Botany Street HCA. These built form controls have been informed by the Heritage Impact Statement prepared by Hector Abrahams Architects (**Appendix H**) and will ensure that the future redevelopment of the lots along Birrell Street will not detract from surrounding heritage items or heritage areas.

Q3A. Does the proposal have strategic merit?

The Planning Proposal is considered to have strategic merit. This is because it is consistent with the applicable strategic planning framework set by the Greater Sydney Commission and Council. Specifically, the Planning Proposal will facilitate development which:

- Is consistent with the objectives and directions of the Greater Sydney Region Plan and the Eastern City District Plan (refer to **Section 7.2.1 & 7.2.2**);
- Addresses changing demographic trends, namely the ageing population in Waverley and the associated need for additional services and social infrastructure. This demographic trend will be addressed through the increase in the capacity of the land to provide residential accommodation (seniors housing), in proximity to health services; and
- Is consistent with the Waverley LSPS and Community Strategic Plan (refer to **Section 7.1.1**).

Q3B. Does the proposal have site-specific merit?

The Planning Proposal is considered to have site-specific merit because:

- The Planning Proposal has had regard to various environmental factors, having been subject to a broad environmental assessment (refer to **Section 0**). The environmental assessment undertaken to inform the Planning Proposal has not identified any environmental resources or hazards that would prevent the redevelopment of the land in accordance with the vision of the Planning Proposal given:
 - The Preliminary Site Investigation prepared by JBS&G (**Appendix G**) did not identify the potential for gross or widespread contamination of the land or groundwater. It is therefore considered that the site can be made suitable for the proposed uses under the Planning Proposal, subject to further testing as part of a Detailed Site Inspection (DSI) and assessment against the provisions of SEPP 55.
 - There are no trees with heritage value that are proposed to be removed (refer to **Appendix F and H**).
 - The Heritage Impact Statement (**Appendix H**) that has informed the Planning Proposal, concludes that the overall impacts of the Planning Proposal on heritage significance are minor. It also provides recommendations to ensure that future development in accordance with the Planning Proposal provides an appropriate outcome in terms of heritage.
 - The View Analysis (**Appendix A**) from adjacent streets and more distant vistas has considered the potential built form outcomes under the Planning Proposal. The visual analysis demonstrates that:
 - The future distribution of built form will reinforce the traditional heritage vistas to the WMH Site;
 - The potential for taller built form, setback from Birrell Street, would not have a significant degree of visibility from adjoining street frontages, ensuring the character of these street frontages and the broader area is retained; and
 - The future distribution of built form will not detrimentally challenge views to Banksia and Ellersie, or significant trees on the WMH Campus.
- With the intended future integration of the site with the broader WMH Campus, the site can deliver a master planned outcome which can generate a significantly better urban design outcome than that available solely to the site if it were to be redeveloped in isolation. This includes:
 - A larger site area which supports better planning and built form arrangement and can provide greater flexibility in the siting of built form in relation to existing heritage items and prominent view points;

- An entirely integrated approach to vehicle entry and egress for the entire block; and
- An entirely integrated approach to pedestrian entry into the block and pedestrian flows through the block.
- The Planning Proposal will not result in an unacceptable impact on the local road network.
- It has been determined that the existing infrastructure services, with augmentation, will be capable of supporting the future redevelopment of the land in accordance with the Planning Proposal (refer to **Appendix J**).
- The Planning Proposal is consistent with the site-specific 'Principles of Change' identified in the LSPS given:
 - Development enabled by the Planning Proposal will be located in walking distance of frequent and reliable public transport, with the regular bus services operating along Birrell Street and Bronte Road.
 - It will provide demonstrable public benefit, in the form of much-needed social infrastructure, including seniors housing and affordable housing.
 - Development enabled by the Planning Proposal will be capable of meeting high sustainability standards.
 - It is supported by a Preliminary Utilities Report (**Appendix J**) that demonstrates that demand for infrastructure can be satisfied.
 - Development enabled by the Planning Proposal will provide a positive design outcome, which provides a sensitive interface with Birrell Street and broader Waverley Memorial Hospital.
- The Planning Proposal has regard to existing uses, approved uses, and likely future uses of land in the vicinity. In particular the Planning Proposal responds to the existing and likely future uses of the adjoining WMH Campus. The existing services, accommodation and seniors living provided on the adjoining WMH Campus are in urgent need of renewal, as they were not purpose-built for contemporary aged care. Existing Independent Living Units on the WMH Site do not meet universal living standard or the contemporary aged care service model of Uniting. In this regard, the Planning Proposal aims to realise a site-specific opportunity to deliver residential accommodation as part of the integrated renewal of the WMH Campus and the site where people can access a range of contemporary accommodation, health and support services.
- The stimulation of urban renewal typically requires sufficient amalgamation of land, and permissibility of viable land uses. The land subject to the Planning Proposal, considered alongside the adjoining WMH Campus, is almost entirely under the ownership of Uniting. Once ownership of the remaining lots along Birrell Street is achieved by Uniting, the land will form a large, contiguous, and consolidated portion of land in the Waverley LGA. Given its strategic location in proximity to Bondi Junction and its ability to contribute to the delivery of an integrated health and accommodation offering, the Planning Proposal is a rare, and indeed unique opportunity to support aged care, health and other key services in Waverley and the Eastern City District.
- The proposal supports housing affordability through a commitment to affordable housing of between up to 10% on the site.

7.2.2 Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. As detailed in **Section 7.1.1**, the Planning Proposal aims to give effect to several planning priorities and actions Council's LSPS, which was endorsed by Council and the Greater Sydney Commission in March 2020.

Additionally, the Planning Proposal will give effect to:

- Waverley Community Strategic Plan; and
- Waverley Local Housing Strategy.

Waverley Community Strategic Plan

The Waverley Community Strategic Plan 2018-2029 (**Community Strategic Plan**) was adopted by Council in June 2018. It details the long-term vision for Waverley, underpinning the planning priorities and actions of the Waverley LSPS. The consistency of the Planning Proposal with the Community Strategic Plan is outlined in **Table 5** below.





Table 5 – Consistency of the Planning Proposal with the Waverley Community Strategic Plan

Goal of Community Strategic Plan	Comment
Community Services and Wellbeing	
2.1 <i>Create a resilient, caring and cohesive community</i>	<ul style="list-style-type: none"> The Planning Proposal will support the future provision of seniors housing and affordable housing, which will support the community of Waverley.
Planning, Development and Heritage	
5.1 <i>Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods</i>	<ul style="list-style-type: none"> The Planning Proposal will enable a range of housing options, including seniors housing. Future development in accordance with the Planning Proposal is capable of providing a high standard of design, while not adversely impacting on the amenity of neighbours or the wider community.
5.2 <i>Value and embrace Waverley's heritage items and places</i>	<ul style="list-style-type: none"> The proposed amendments to the built form controls under the Waverley LEP 2012 have been informed by the Heritage Impact Statement prepared by Hector Abrahams Architects (Appendix H).
5.3 <i>Encourage new developments to achieve design excellence</i>	<ul style="list-style-type: none"> Future development in accordance with the Planning Proposal will be capable of achieving design excellence, which provides high amenity for residents while providing an appropriate interface with Birrell Street and the WMH Campus. This will be supported through the use of the design excellence clause (clause 6.9 of the Waverley LEP 2012) which is proposed to be applicable to the site.
Transport, Pedestrians and Parking	
6.2 <i>Build and maintain streetscapes that have a welcoming sense of place.</i>	<ul style="list-style-type: none"> The proposed built form controls, which include a 'stepping' or setback of the building height from Birrell Street, will ensure that future development in accordance with the Planning Proposal fosters a sense of place and existing streetscape along Birrell Street.
Sustainable Environment	
8.3 <i>Protect and increase our local bushland, parks, trees and habitat.</i>	<ul style="list-style-type: none"> As discussed in Section 7.3.1, the Planning Proposal will not adversely impact on known biodiversity. As shown in the Landscape Strategy prepared by Taylor Brammer Landscape Architects (Appendix E) future development in accordance with the Planning Proposal will have opportunities for high quality landscaping.

Draft Waverley Local Housing Strategy

The Waverley Local Housing Strategy (**Housing Strategy**) provides a 20-year vision for housing in Waverley. The Housing Strategy establishes priorities for housing in Waverley. The consistency of the Planning Proposal with the 'Housing Priorities' for Waverley is outlined in **Table 6** below.

Table 6 – Consistency of the Planning Proposal with Housing Priorities in the Waverley LSPS and Housing Strategy

	H1: Manage housing growth sustainably and in the right location <ul style="list-style-type: none"> The Planning Proposal is consistent with the 'Principles of Change' identified in the LSPS (refer to Section 7.1.1). The Planning Proposal delivers demonstrable public benefit in the form of additional seniors and affordable housing.
	H2: Encourage a range of housing options to support and retain a diverse community <ul style="list-style-type: none"> The Planning Proposal will enable the future development of seniors and affordable housing, which will help address the predicted increase in demand for seniors housing associated with strong growth in the proportion of the population aged 65 years and over.
	H3: Increase the amount of affordable rental housing and social housing <ul style="list-style-type: none"> The Planning Proposal is anticipated to provide a portion of affordable housing. This will help address the current and future shortage of affordable housing within Waverley.
	H5: Ensure new development is consistent with desired future character <ul style="list-style-type: none"> The Planning Proposal will enable future development that provides a sensitive, placed-based outcome for the site. The 'stepping' of building heights upwards from Birrell Street will ensure that future development provides a people-friendly interface with Birrell Street and the broader Waverley Memorial Hospital. The proposed amendments to the built form controls mirror those prepared by Council for the WMH Campus which were subject to extensive urban design analysis that put 'placemaking' at the forefront.

- The Planning Proposal respects the significance of surrounding heritage items and heritage conservation area. It does not create any adverse heritage items impacts, as detailed in the Heritage Impact Statement prepared Hector Abrahams Architects (**Attachment H**).
- The Planning Proposal, by establishing a consistent planning framework (in terms of height and floor space) with the WMH Campus, will enable the site to be integrated with the broader renewal of the WMH Campus. The coordinated renewal of the site and the WMH Campus will allow for an improved built form and urban design outcome, which better responds to surrounding streetscapes and heritage items.

7.2.3 Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (**SEPPs**) is set out in **Table 7**

Table 7 – Consistency with relevant State Environmental Planning Policies

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to the Waverley LGA because Waverley Council has adopted the Standard Instrument LEP.
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed amendment to the LEP.
SEPP (Affordable Rental Housing)	✓			The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed amendment to the LEP, but may be relevant to future development.
SEPP No. 55 Remediation of Land	✓			<p>SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Recent amendments to SEPP 55 waivers the need for contamination to be considered during the rezoning / planning proposal phase. Notwithstanding, a Preliminary (Stage 1) Site Investigation has been prepared by JBS&G (refer to Appendix G). The PSI did not identify the potential for gross or widespread contamination of the land. In addition, it is considered that the potential for groundwater to be contaminated is low, given the historical use of the land for residential purposes and the absence of any storage of large volumes of petrol or other chemicals.</p> <p>It is recommended by JBS&G that prior to the submission of any future Development Application, a Detailed Site Inspection (DSI) should be undertaken. The DSI should include limited and targeted soil sampling to further assess the suitability of the land and where required, provide recommendations for management measures to ensure the land is suitable for the intended uses.</p> <p>It is therefore considered that the site can be made suitable for the proposed uses under the Planning Proposal. Future development of the site, consistent with the Planning Proposal, will be required to be assessed against the provisions of SEPP 55 and where relevant, Stage 2 Detailed Site Investigations will be undertaken.</p> <p>Refer to Section 8.4 for further information.</p>
SEPP No. 64 Advertising and Signage			✓	No signage is proposed under this Planning Proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	✓			Nothing within the proposed amendment to the LEP will prevent a future development application from complying with the Seniors Housing SEPP.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			Nothing within this amendment will prevent a future DA's ability to comply with SEPP 65 or the Apartment Design Guide.
SEPP (Infrastructure 2007)	✓			The future development is likely to be considered traffic generating development under the relevant thresholds of Schedule 3, requiring referral to the RMS.
SEPP (Basix)	✓			Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a DA for the site facilitated by this Planning Proposal.
SREP (Sydney Harbour Catchment) 2005	✓			The site falls within the Sydney Harbour Catchment. The Planning Proposal is not inconsistent with the planning principles for the Sydney Harbour Catchment. These

SEPP	Consistency			Comment
				principles will be considered in further detail at the development application stage, where relevant.

7.2.4 Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

An assessment of the Planning Proposal against applicable Section 9.1 Directions is set out in **Table 8** below.

Table 8 – Consistency with Section 9.1 Directions

Direction	Consistency			Comment
	Yes	No	N/A	
1. Employment and Resources				
1.1 Business and Industrial Zones			✓	This direction applies to land within an existing or proposed business or industrial zone, and therefore does not apply to this Planning Proposal.
1.2 Rural Zones			✓	-
1.3 Mining, Petroleum Production and Extractive Industries			✓	-
1.4 Oyster Aquaculture			✓	-
1.5 Rural Lands			✓	-
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	-
2.2 Coastal Protection			✓	The site is not within coastal zone.
2.3 Heritage Conservation	✓			Refer to Section 8.1 and the Heritage Impact Statement (Appendix H).
2.4 Recreational Vehicle Area			✓	-
2.6 Remediation of Contaminated Land			✓	This Direction does propose to facilitate development for residential purposes however it is already permitted in the R3 zone and does require a change of use of the land.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The Planning Proposal will support housing choice and diversity to support future seniors housing and affordable housing needs. It will also enable efficient use of land for residential purposes, in close proximity to public transport. The design principles established for the Birrell Street Site will provide a high quality urban design outcome and ensure future development minimises the impact of adjoining residential development and the environment.
3.2 Caravan Parks and Manufactured Home Estates			✓	-
3.3 Home Occupations	✓			No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to a residential zone. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <p><i>A. Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>B. The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will support the future provision of residential accommodation in an area well serviced by public transport. The site has access to local jobs and is located in close proximity to Bondi Junction, which is an identified strategic centre.</p>
3.5 Development Near Licensed Aerodromes			✓	-
3.6 Shooting Ranges			✓	-

Direction	Consistency			Comment
4. Hazard and Risk				
4.1 Acid Sulfate Soil	✓			The Waverley LEP 2012 contains acid sulphate soils provisions and this proposal does not seek to amend them. Acid sulphate soils investigations and analysis will be undertaken as part of any future development of the land, as required by the Waverley LEP 2012.
4.2 Mine Subsidence and Unstable Land			✓	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land	✓			At the time of any future development application, the site levels and individual buildings will be designed (where relevant) to ensure that the development will not be adversely impacted during a flood, the development will not adversely impact the flood behaviour or result in any other adverse environmental impacts. Mitigation measures (where relevant) to address any flooding impacts will be investigated during the detailed design phase.
4.4 Planning for Bushfire Protection			✓	The site is not mapped as being bushfire prone land.
5. Regional Planning	✓			
6. Local Plan Making				
6.1 Approval and Referral Requirements			✓	This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes			✓	This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			The Planning Proposal will not result in any unnecessarily restrictive site-specific planning controls.
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			The planning proposal will assist in the implementation of the Greater Sydney Region Plan and is consistent with the objectives of the Plan. Refer to Section 7.1 .

7.3 Section C – Environmental, Social and Economic Impact

7.3.1 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?

No. The site is in an urbanised environment and does not contain any critical habitat. Accordingly, the Planning Proposal will not affect any critical habitat, endangered species, populations, or ecological communities within and surrounding Waverley.

7.3.2 Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

A detailed assessment of the environmental effects of the Planning Proposal is provided in **Section 0**. This assessment has identified management measures that will ensure that the Planning Proposal does not create any unacceptable environmental effects.

7.3.3 Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

Yes. The social and economic impacts of the Planning Proposal, which have been found to be positive, are identified in **Section 8.1**.

7.4 Section D – State and Commonwealth Interests

7.4.1 Q10 – Is there adequate public infrastructure for the Planning Proposal?

As identified in the Preliminary Utilities Report prepared by Stantec (**Appendix J**), it is expected that existing utility infrastructure is capable of accommodating, or can be augmented to accommodate, future development on the site.

7.4.2 Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

Given the nature of the Planning Proposal it is not expected that referral to any State or Commonwealth authorities would be required. However, the views of State and Commonwealth authorities will be known once consultation has occurred in accordance with the Gateway Determination of the Planning Proposal.

8.0 Environmental Assessment

8.1 Heritage

A Statement of Heritage Impact (**HIA**) has been prepared by Hector Abrahams Architects (**Appendix H**) and makes an assessment of the proposal against the heritage significance of the site, the surrounding WMH Campus, and surrounding HCAs. The HIA has also informed the design and development principles of the site.

As detailed in **Section 2.2.1**, the detached and semi-detached cottages on the site are an example of small Edwardian Cottages, of which there are many across Waverley, including those protected within the nearby Queens Park and Botany Street Heritage HCA's. The cottages have a historical association with the Vickery Estate, but have been modified over the last several decades.

HAA has assessed the potential heritage impacts of the Planning Proposal. This assessment is summarised in **Table 9** below.

Table 9 – Potential Heritage Impacts of the Planning Proposal

Heritage Impact	Assessment
Demolition of existing houses on the site	<p>The existing detached and semi-detached dwellings on the Birrell Street Site have never been identified as having sufficient heritage significance to warrant protection. Nonetheless, they form the setting for other heritage items and have historical links to the Vickery Estate. On this basis, the demolition of the houses will have a small but acceptable heritage impact.</p> <p>Given the sympathetic setting provided by the existing detached and semi-detached dwellings to the nearby HCAs, as well as the historical associations with the WMH Campus, it would be beneficial from a heritage perspective if future development in accordance with the Planning Proposal continued to provide a sympathetic setting for nearby HCAs and the WMH Campus.</p>
Birrell Street	<p>Although not formally recognised, Birrell Street has importance for its strong boulevard character, which makes it distinctive in Waverley. The potential future built form enabled by the Planning Proposal is defined by a lower height limit immediately adjoining Birrell Street (15m), with a substantial setback to the upper height limit of 21m.</p> <p>Hector Abraham Architects note that the lower height of 15m aligns with other buildings along Birrell Street. Importantly, it is setback further than the heritage listed Banksia and Ellersie Houses to the east, which will preserve views to these items from Birrell Street.</p> <p>While future built form enabled by the Planning Proposal will be of a greater scale than the existing houses, Hector Abraham Architects note that the massing of future built form can be effectively mitigated by articulation (namely, separation between future buildings) and the planting of trees that align with the scale of future built form.</p>
War Memorial Hospital Estate	<p>The proposal is considered to support positive impacts to the adjoining WMH Campus. within an integrated development scenario with the WMH Campus, if built form can be provided on the fringes, this supports and opens up more space in the middle of the campus, better supporting the established landscape gardens and visual curtilages.</p>

Conclusions and Recommendations

HAA concludes that the overall impacts of the Planning Proposal on heritage significance are minor. Notwithstanding this, HAA recommend that future development in accordance with the Planning Proposal should address the relationship with identified heritage items and areas by:

- Contributing to the character of Birrell Street;
- Contributing to a suitable setting for adjoining Heritage Conservation Areas;
- Maintaining maximum visibility of the houses of 'Ellersie' and 'Banksia'; and
- Offering a valuable opportunity to create additional open space in the middle of the Vickery Estate.

The Indicative Master Plan prepared by Architectus demonstrate that future development on the site can provide an appropriate interface with surrounding heritage items and HCAs.

8.2 Traffic and Parking

A Traffic Impact Assessment (**TIA**) has been prepared by Traffix (**Appendix I**) which details the potential traffic, access, and parking impacts of the Indicative Master Plan. A further detailed traffic, access and parking assessment will be undertaken to support any future DA for the broader WMH Campus when exact land uses are known.

8.2.1 Traffic Generation

Traffix have prepared a traffic generation survey which concluded that the existing uses on the site generate approximately 42 vehicles per hour during the AM peak period and 38 vehicles per hour during the PM peak.

Traffix have calculated the potential traffic generation based on an indicative land use mix of ILUs, RACs, a childcare centre, retail premises, commercial/ office premises, a medical centre and future hospital expansion. Calculated in accordance with the RMS Guide, the land use mix enabled by the Indicative Master Plan would generate 160 vehicle trips (in and out combined) during the AM peak period and 136 vehicle trips during the PM peak period. A SIDRA intersection analysis has also been carried out identifying the impact of additional vehicular trips on the adjoining road network, which finds that traffic demands result in a worst case intersection delay increase of 15 seconds.

In conjunction with site access changes, Traffix conclude that traffic generation enabled by the Indicative Master Plan for the WMH Campus Proposal would not essentially alter existing traffic conditions.

8.2.2 Parking

It is noted that the Indicative Master Plan is capable of accommodating 363 parking spaces. This is in accordance with the requirements of the Waverley DCP 2012 and Seniors SEPP requirements. The exact parking provision provided on the broader WMH Campus will be determined as part of a further detailed DA.

8.2.3 Access

The Planning Proposal will enable the consolidation of eight (8) separate driveway crossings along Birrell Street into a single vehicle access point from Birrell Street that provides direct vehicle access to a potential future underground parking area. Traffix note that this will improve pedestrian safety, while increasing on-street parking provision.

8.3 Arboriculture

An Arborist Report has been prepared by Taylor Brammer Landscape Architects (**Appendix F**) which provides an assessment of the outcomes of the 2005 Arborist Report prepared by Hugh Taylor and Julia Sullivan and (dated 22 November 2005).

Taylor Brammer Landscape Architects concludes that the findings of the original Arborist Report remain current and valid. Changes since 2005 reflect the removal of some trees over time. The removal of trees has occurred in accordance with the recommendations of the original Arborist Report, which found that planting from the 1970s onwards had not thrived.

Development in accordance with the Planning Proposal may necessitate the removal of trees on the Birrell Street Site. However, the trees to be removed are not of special significance. There are not any trees that contribute to the heritage value of the WMH Campus that are proposed to be removed and the Planning Proposal allows for the retention of the nearby Moreton Bay Fig trees.

As shown in the Urban Design Report (**Appendix A**), development enabled by the Planning Proposal will enable the planting of replacement trees throughout the site and along Birrell Street.

8.4 Contamination

A Preliminary Site Investigation (**PSI**) has been prepared by JBS&G Environmental (**Appendix G**) to assess the general conditions of the site, including any soil and groundwater contamination, the potential for contamination to migrate from the site, and ultimately the suitability of the site for its intended use.

To assess soil and groundwater conditions and identify contaminants of potential concern (**COPCs**), JBS&G has undertaken a desktop review of readily available information on the history and condition of the land, as well as a physical inspection of the land from Birrell Street in April 2020. This process is detailed in Section 2 of the PSI.

The PSI identified the following potential Areas of Environmental Concern (**AECs**):

- shallow fill used to raise surface levels;
- hazardous building material impacts to shallow soils; and
- garden sheds and associated limited chemical storage.

The PSI did not identify the potential for gross or widespread contamination of the land. In addition, it is considered that the potential for groundwater to be contaminated is low, given the historical use of the land for residential purposes and the absence of any storage of large volumes of petrol or other chemicals. However, vertical migration of contamination from any fill material or surface soil into the underlying soils may have occurred where surface soil or fill is significantly contaminated.

It is recommended by JBS&G that prior to the submission of any future Development Application, a Detailed Site Inspection (**DSI**) should be undertaken. The DSI should include limited and targeted soil sampling of the rear of the properties to further assess the suitability of the land and where required, provide recommendations for management measures (including remediation) to ensure the land is suitable for the intended uses.

It is therefore considered that the site can be made suitable for the proposed uses under the Planning Proposal. Future development of the site, consistent with the Planning Proposal, will be required to be assessed against the provisions of SEPP 55 and where relevant, Stage 2 Detailed Site Investigations will be undertaken.

8.5 Overshadowing and Solar Access

Architectus has prepared Shadow Analysis Diagrams for the Indicative Master Plan (**Appendix A**) illustrating the potential extent of overshadowing generated by built form enabled by the proposed amendments under this Planning Proposal.

The diagrams show the greatest impact of overshadowing throughout the year, being the winter solstice on June 21 between 9am and 3pm and demonstrate that besides the WMH Campus, future built form enabled by the Planning Proposal will not result in overshadowing of any other adjoining properties or areas of public domain, with shadows entirely restricted to the site and broader WMH Campus. Future built form under the WMH Campus directly south west of the site (fronting Bronte Road) will be subject to overshadowing during the morning periods (between 9:00am and 10:00am) however will be capable of receiving sun in the afternoon periods. Any built form directly south of the site will also be capable of receiving an appropriate level of sun. Any future detailed development will be subject to detailed solar access analysis once detailed design has taken place.

The indicative built form maintains satisfactory solar access to surrounding areas of open space, including the future 'Heritage Precinct' and 'Community Precinct' open space areas of the WHM Campus, which while partially overshadowed between 9am and 3pm, continues to receive solar access across the day. It also does not create any overshadowing of built items identified in the Conservation Management Plan (2017) prepared by HAA identified as being of 'exceptional' or 'high' heritage significance.

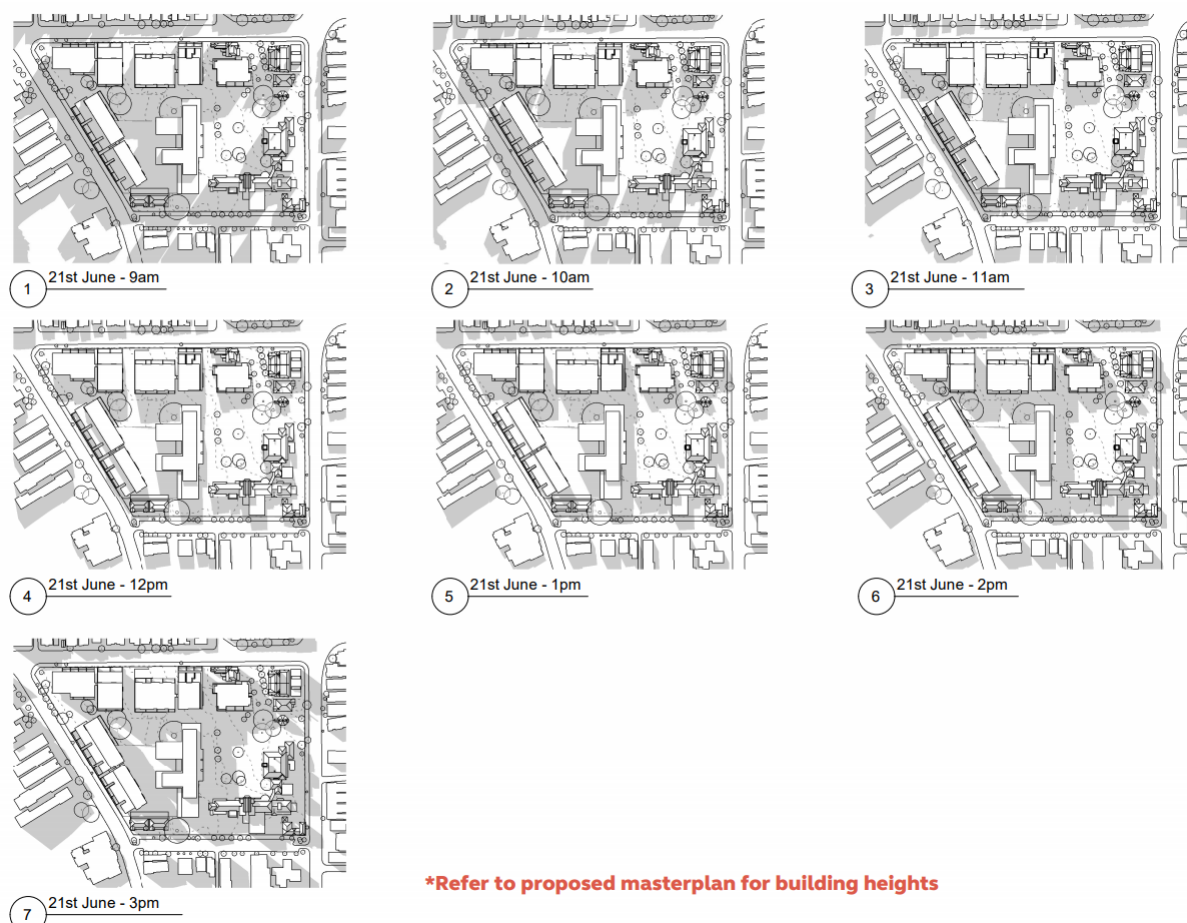


Figure 29 –Built form overshadowing

Source: Architectus

8.6 Visual Impact

An indicative View Analysis has been prepared by Architectus (**Appendix A**) that has considered views from the surrounding area (partly reproduced below in **Figure 30**^{Error! Reference source not found.} and **Figure 31**). This analysis also includes the indicative massing under Council's Planning Proposal for the WMH Campus. The View Analysis demonstrates that the Planning Proposal enables a built form that is generally in line with the potential future massing of the adjoining Waverley Memorial Hospital, as envisaged under Council's Planning Proposal, which has heights ranging between 15m and 21m, as well as an FSR of 1.2:1.

It also demonstrates that future built form in accordance with the Planning Proposal will be generally proportionate to surrounding built form (existing and future). The visual impact of the Planning Proposal has also been reduced by the provision of a stepped height and a setback which is consistent with the existing and predominant building line of Birrell Street. The View Analysis demonstrates that the height setback will reduce the visibility of future taller built form from the street frontages (and surrounding area), ensuring future development is suitably scaled and the existing character of Birrell Street is respected.

The future provision of extensive landscaping along Birrell Street, including mature trees, in accordance with the Landscaping Strategy prepared by Taylor Brammer Landscape Architects, will help ensure that future built form in accordance with the Planning Proposal sits within a landscaped setting, in a way that reduces potential visual impact and remains consistent with the landscaped character of Birrell Street and also the broader WMH Campus.



Figure 30 –View of Indicative Built Form along Birrell Street (from the west)

Source: Architectus



Figure 31 –View of Indicative Built Form from Botany Street (from the north)

Source: Architectus

8.7 Social and Environmental Effects

8.7.1 Master Planning and Urban Design

The Planning Proposal will establish a consistent planning framework for the entirety of the land bound by Birrell Street, Bronte Road, Carrington Road and Church Street.

This is to be done by increasing the height and floor space ratio controls that apply to the site, to make them consistent with those which are currently being proposed under Council's Planning Proposal for the adjoining WMH Campus.

Establishing a consistent planning framework between the site and the WMH Campus will enable a unique whole-of-block master planning opportunity. This allows the delivery of a master planned outcome which can generate a significantly better urban design outcome than that available solely to the site if it were to be redeveloped in isolation of the WMH Campus. This includes an:

- Integrated approach to the pedestrian access, permeability, and the integration of open space through the WMH Campus and the Birrell Street Site.
- Improved building arrangement, which provides greater flexibility in the sitting of built form in relation to existing heritage items and prominent view points, including the heritage significance of adjoining streetscapes and nearby heritage items.
- Integrated approach to vehicle access, which allows for the consolidation of numerous vehicle access points across the WMH Campus and the Birrell Street Site.

Integration of the site and the WMH Campus also provides an improved opportunity to coordinate the renewal and expansion of existing services, accommodation and seniors living provided on the adjoining WMH Campus, which are in urgent need of renewal. In this regard, the Planning Proposal aims to realise a site-specific opportunity to deliver residential accommodation as part of the integrated renewal of the WMH Campus and the site where people can access a range of contemporary accommodation, health and support services. This will support temporary jobs in construction and an increase in on-going operational jobs on the site relating to care, health and support services.

8.7.2 Addressing Demand for Seniors Housing

The Eastern City District Plan, LSPS and Housing Strategy all identify an existing and future shortage of seniors housing in the Waverley. Specifically, they identify a need for 1,880 Residential Aged Care (RAC) beds and 1,446 of Independent Living Units (ILUs) across the Eastern Suburbs (Randwick, Waverley, and Woollahra LGA) by 2036.

This shortage is attributable to, amongst other factors, evolving market forces and changing demographic trends, namely the ageing population in Waverley. It is expected to worsen over the coming decades unless there is a significant uplift in the provision of seniors housing. In this regard the Planning Proposal, by enabling the future provision of seniors housing, will have a demonstrable social and economic benefit.

8.7.3 Demand for Affordable Housing

The Eastern City District Plan, LSPS and Housing Strategy each identify the urgent need for additional affordable housing in Waverley. Specifically, the LSPS and Housing Strategy identify that the current supply of affordable housing in Waverley is only meeting 57% of demand and that in 2016, 3,438 households needed access to affordable housing. By enabling the future provision of affordable housing on the site, the Planning Proposal will help address the issue of housing affordability in Waverley, which will have a positive social and economic impact.

8.7.4 Ageing in Place

The future redevelopment of the site, enabled by this Planning Proposal, will provide an opportunity for the provision of new, contemporary seniors housing. This provision in immediate proximity to the broader WMH Campus, will allow future residents to enjoy the social benefits stemming from the co-location of seniors housing with health and aged care support services, potentially including medical consulting rooms, x-ray services and pharmacies. The co-location of seniors housing and support services provides a unique opportunity for 'ageing in place', wherein residents are able to access services without the need to travel off the broader WMH Campus. This will strengthen

the diversity and continuum of care available to residents, ensuring they are able to remain in their accommodation of choice for as long as possible.

9.0 Part 4 – Mapping

The proposed amendments to the Height of Buildings Map, Floor Space Ratio Map and Key Sites Map are provided at **Appendix B**.

10.0 Part 5 – Community Consultation

Uniting has, and continues to, consult and keep a dialogue with key adjoining and adjacent landowners. Notwithstanding this, formal public consultation will also occur in accordance with Sections 3.34 and 3.35 of the EP&A Act, which is likely to involve notification of the Planning Proposal:

- On Council's website;
- In newspapers that circulate widely in the Waverley Local Government Area; and
- In writing to the adjoining and nearby landowners, relevant community groups, and the surrounding community.

In addition, as part of the process of Uniting's original Planning Proposal for the WMH Campus, Uniting undertook extensive community engagement. This included meeting individually with the owners of the lots along Birrell Street and presenting the Indicative Master Plan for the WMH Campus. The Indicative Master Plan included the lots along Birrell Street.

It is noted that confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway Determination.

Any future Development Application for the site would also be exhibited in accordance with requirements of Council, at which point the public and any authorities would have the opportunity to make further comment.

11.0 Part 6 – Indicative Project Timeline

Below is an indicative timeline for this Planning Proposal.

Submission of Planning Proposal	February 2021
Reporting of planning proposal to Council for endorsement	May 2021
Referral to Minister for Gateway Determination	May 2021
Date of Gateway determination	July 2021
Commencement and completion of public exhibition	August 2021
Government agency consultation (pre/post-exhibition as required by Gateway determination)	August 2021 / September 2021
Timeframe for consideration of submissions	August 2021 / September 2021
Reporting of exhibition back to Council for endorsement	September 2021 / October 2021
Finalisation of the LEP	October 2021 / November 2021
Anticipated date Relevant Planning Authority (RPA) will make the plan	October 2021 / November 2021
Anticipated date RPA will forward to the DPIE for notification	November 2021 / December 2021

12.0 Conclusion

This report has been prepared by Ethos Urban on behalf of Uniting in support of a Planning Proposal to amend the Waverley Local Environmental Plan 2012 as it relates to 99-117 Birrell Street, Waverley. It seeks to increase the maximum permissible Height of Buildings development standards to part 15m and part 21m, and increase the permissible Floor Space Ratio to 1.2:1 to support the provision of seniors housing and affordable housing (up to 10%).

The controls proposed under this Planning Proposal replicate and align to those endorsed by Waverley Council under the currently active Planning Proposal for the Waverley War Memorial Hospital (PP_2019_WAVER_003_00) which adjoins the eastern, southern and western boundaries of the site and is also under the ownership and operation of Uniting.

The intent is to establish a planning framework for the site which will allow the site to integrate itself with the broader renewal of the adjoining War Memorial hospital, ultimately creating a fully integrated service offering by Uniting which can provide a broad range of contemporary aged care and accommodation, health, community and support services.

This will constitute an entire block in the Waverley LGA and make the most of scarce land within Waverley to deliver a unique whole-of-block master planning opportunity capable of delivering significant in-demand health and accommodation services, urban design excellence and significant public benefit whilst minimising environmental impacts and not compromising the site's heritage significance. A whole-of-block approach also maximises pedestrian permeability and the integration of public space while leveraging of the immediate proximity of the site to existing public transport and Bondi Junction.

This Planning Proposal has demonstrated that the site can accommodate a feasible and appropriate built form outcome under the controls which are proposed whilst also minimising environmental impacts and not compromising the existing character of Birrell Street or the heritage significance of surrounding heritage items and Heritage Conservation Areas. This supports the site-specific merit of the proposal. More broadly, this report outlines that the Planning Proposal has demonstrable strategic merit and is in alignment with the actions and intended outcomes of the strategic planning framework established by the State and Waverley Council.

For these reasons, we have no hesitation in recommending this Planning Proposal for Gateway Determination.