

# Planning Proposal

## **Charing Cross Precinct**

Sites between Bronte Road and Carrington Road  
**Amendment to Waverley Local Environmental Plan 2012**

## Amendments to Building Height and Floor Space Ratio Controls

Submitted to  
**Waverley Council**

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

**September 2021**

Revised following Gateway Determination

## Planning Proposal

Date: September 2021 (revised in following gateway Determination)

Client: Rayda Investments Pty Ltd + Barbary Coast Investments Pty Ltd

Reference: 18-048

Knight Frank Town Planning Sydney

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<b>Appendix A</b>	Urban Design Report, prepared by Roberts Day
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<b>Appendix C</b>	Heritage Assessment Report, Prepared by John Oultram Heritage and Design
<b>Appendix D</b>	Economic Feasibility Assessment + Addendum, prepared by Leyshon Consulting
<b>Appendix E</b>	Communication and Engagement Plan, prepared by KJA
<b>Appendix F</b>	Preliminary Geotechnical Investigation, prepared by JK Geotechnics
<b>Appendix G</b>	Phase 1 Contamination Statement and Cover Letter, prepared by Risk Tech
<b>Appendix H</b>	Transport Impact Assessment, prepared by GTA Consultants
<b>Appendix I</b>	Draft Public Art Strategy, prepared by Knight Frank Town Planning
<b>Appendix J</b>	Structural Assessment Report, prepared by Ashby Doble
<b>Appendix K</b>	Structural Site Inspection Report, prepared by Ashby Doble
<b>Appendix L</b>	Draft LEP Maps, prepared by Knight Frank Town Planning
<b>Appendix M</b>	Public Benefit Assessment, Prepare by Hill PDA ( <i>confidential – separate cover</i> )
<b>Appendix N</b>	Preliminary Geotechnical Investigation (2021), prepared by WSP
<b>Appendix O</b>	Draft Site Specific LEP Wording, prepared by Knight Frank Town Planning
<b>Appendix P</b>	Design Guidelines (Draft DCP), prepared by Knight Frank Town Planning

## Executive Summary

This Planning Proposal has been prepared on behalf of Rayda Investments Pty Ltd+ Barbary Coast Investments Pty Ltd and is seeking to amend the Waverley Local Environmental Plan 2012 building height and floor space ratio controls of sites in the precinct of Charing Cross between Carrington and Bronte Road, as listed below. The planning proposal does not seek to make any amendments to the planning controls that apply to the heritage listed Robin Hood Hotel, or Charing Cross Heritage Conservation Area.

- 203 - 209 Bronte Road (Robin Hood Hotel)
- 211-213 Bronte Road (Eastern Suburbs Legion Club)
- 223-227 Bronte Road and 94 Carrington Road (Bottle Shop and Flats)
- 229 Bronte Road (Reece Site)
- 231 Bronte Road (Reece Site)
- 98 Carrington Road (Reece Site)

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

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

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

### Structure of the Planning Proposal Document

The structure of this Planning Proposal is set out below:

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

# 1. Introduction

Knight Frank Town Planning Sydney has been engaged by Barbary Coast Investments Pty Ltd and Rayda Investments Pty Ltd, to prepare a planning proposal to accompany a request to Waverley Council to amend the *Waverley Local Environmental Plan (LEP) 2012*.

As shown in Section 2, the planning proposal applies to the precinct of Charing Cross, including six properties between Carrington and Bronte Road and aims to support the revitalisation of north Charing Cross, whilst delivering significant public benefit. The planning proposal does not seek to make any amendments to the planning controls that apply to the heritage listed Robin Hood Hotel.

This revised Planning Proposal has been prepared to address the comments made by the Eastern City Panel (the Panel) and the matters raised by Council at the Rezoning Review meeting (15 November 2019), to a proposal originally lodged in June 2018. The revised proposal applies a precinct approach to the future provisions, activation, open space and public benefits to broader Charing Cross.

The future building heights have been significantly reduced, whilst still maintaining large areas of accessible spaces and permeability throughout the precinct. The proposal is considered to appropriately respond to the character, heritage and scale of the Charing Cross Centre and will act as the catalyst for much needed renewal. The proposal will facilitate the rejuvenation of the precinct that will bring significant public benefit to the community, in line with priorities expressed in Council's draft and finalised strategic documents and community consultation for the Village Centre of Charing Cross.

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

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

The redevelopment of the precinct will complement the proposed further investment in the adjoining Robin Hood Hotel. The renewal and redevelopment will comprise a mix of ground floor retail and commercial uses with shop top housing fronting external roadways and internal laneways and an urban courtyard. The aim is to create a 'square' that is vibrant, interesting, safe and attractive. This will make a significant contribution to a much more permeable Charing Cross Village.

The importance of the character of Charing Cross in terms of the village scale, the 'main street' and local heritage are all understood and are key aspects of the concept plan for the precinct. A Heritage Assessment Report (**Appendix C**) prepared by John Oultram Heritage Design, sets out the key heritage matters that have been considered as part of the broader concept plan.

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

The submission of the updated planning proposal follows a pre-lodgement meeting with Waverley Council on 18 December 2019. At this meeting, the recommendations of the Regional Planning Panel were discussed along with the proposed amendments in response. A summary of the updated planning proposal is provided in **Table 1** below.

**Table 1** - Existing and proposed LEP controls

	Existing	Proposed
<b>Floor Space Ratio</b>	1:1	<b>Between 2:1 and 2.25:1</b>
<b>Building Height</b>	9m	<b>Between 10m and 13.5m</b>
<b>Zoning</b>	B4 Mixed Use	B4 Mixed Use ( <b>no change</b> )
<b>Heritage</b>	Robin Hood Hotel (I453) Charing Cross Conservation Area	Robin Hood Hotel (I453) ( <b>no change</b> ) Charing Cross Conservation Area ( <b>no Change</b> )

The principal objective of this planning proposal is to facilitate the revitalisation and renewal of the Charing Cross Precinct, improving ground floor activation and providing publicly accessible open space for the community.

The proposal seeks an increase in the density (floor space ratio) and scale (height of buildings) within the precinct through a range of carefully considered building heights and floor space, incorporating the advice from Council and Regional Planning Panel. The proposal does not seeking to rezone permissible uses of the precinct and a crucial outcome is the retention of the existing façade of 223-227 Bronte Road, and response to the Charing Cross Heritage Conservation Area.

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

## 1.1 Background

The Planning Proposal applies to the precinct of land adjacent the intersection of Bronte Road and Carrington Road in Waverley and is referred to as Charing Cross village.

The precinct covers an area of 3,473m<sup>2</sup> and is currently occupied by existing building fronting Bronte Road and Carrington Road. Vehicle access to the precinct is currently provided from Carrington Road (Robin hood Hotel bottle shop and Reece Plumbing site), with no access from Bronte Road.

A village/precinct approach has been taken to the planning proposal to ensure that:

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

### Charing Cross Village

Charing Cross is identified as a small village centre which includes a traditional strip of retail and commercial shops, cafes and 'pubs'. Council's Local Village Centres Public Domain Improvement Plan notes that the centre has a lack of 'structure and definition', which as noted elsewhere in this Planning Proposal, has been reinforced by the community during Council consultation in late 2019 as part of the draft Village Centres Strategy. The planning proposal aims to implement revised controls that will allow the precinct to realise the desired amenity, vitality and walkability of the village, bringing substantial public benefits, in line with the adopted centres strategy.

The planning proposal will also meet the strategic directions of the Waverley Local Village Centres DCP and Public Domain Improvement Plan, which recommends revitalisation of local centres, including Charing Cross village.

### Aims of the Proposal

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

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



## 1.2 Chronology

The following section provides a summary of the sequence of events prior to lodgement of the updated Planning Proposal.

### 1.2.1 Discussions with Council and Preparation of previous Planning Proposal

The previous Planning Proposal was lodged in June 2018. Prior to lodgement, the proponent had meetings and discussions with Council on several occasions over a two-year period as well as undertaking extensive community and stakeholder engagement sessions in the progression of the design concept. The feedback from these meetings, discussions with stakeholder was incorporated into the scheme and was documented in the community consultation report.

The revisions made in line with Council feedback involved a substantial reduction in the proposed building height, reduction to FSR and significant increase to the proportion of non-residential FSR, as well as confirming the retention of the existing heritage façade to Bronte Road. The proposal was revised in February 2019 to a maximum 18m building height and FSR of 2.65:1.

As part of these revisions a 3D survey was undertaken, as well as peer review heritage advice and guidance to the most appropriate built form response to the site and context.

### 1.2.2 Local Planning Panel Meeting

The previous planning proposal was considered by the Waverley Local Planning Panel (WLPP) on 10 April 2019. Significant concerns were raised by the proponent at this meeting that not all information had been provided to the panel for consideration, and that alternative Council imagery was used.

### 1.2.3 Rezoning Review Application

A request for a Rezoning Review was lodged to the NSW Department of Planning Industry and Environment (DPIE) on 22 March 2019 on the basis that the application had not been considered by Council for an extended period. Whilst a Rezoning Review was sought, the proponent was committed to continuing to work closely with Council and maintaining ongoing consultation throughout the process.

### 1.2.4 Waverley Council Committee Meeting

The Planning Proposal was reported to the Waverley Strategic Planning and Development Committee on 7 May 2019, where the Councillors resolved not to support the proposal. Minimal assessment was provided for the proposal, and an alternative scheme for the site and surrounding sites was proposed by Council planning Officers.

Whilst neither the proposal or Council's suggest alternative were endorsed by the Committee, it is understood that Council's alternative scheme was prepared in consultation and discussion with Councillors, including closed briefing held prior to 7 May 2019.

### 1.2.5 Regional Planning Panel Meeting and Response

On 7 November 2019 the Sydney Eastern Planning Panel considered the Rezoning Review request.

On 15 November 2019, the Panel determined not to support the proposal on the basis that it had not demonstrated suitable strategic merit. Due to the nature of the Rezoning Review procedure, the Panel was unable to consider revisions to the proposal.

The Panel was of the view that the land area of the proposal was too small to have strategic significance and suggested the site be expanded to include the Eastern Suburbs Legion Club and other appropriate land to the south. As part of the decision, commentary was also provided of a more appropriate building

height of 13m (or thereabouts) and encouraged further discussion with Council prior to submitting a revised planning proposal.

#### 1.2.6 Preparation of Revised Planning Proposal

Following receipt of the decision of the Panel, analysis was undertaken by the project team, led by the Urban Designers and Projects Architects. A meeting was arranged with Council's senior planning staff on 18 December 2019 to present the proposed revision in response to the Rezoning Review recommendations, feedback from the Local Planning Panel and Council officers. The key modifications to the Planning Proposal include:

- Expansion of the Planning proposal boundary to consider the Charing Cross precinct
- Reduction in building heights to further improve integration with the streetscape of Charing Cross, with corresponding reduction in floor space ratios
- Expansion of open space and laneways throughout the precinct

At this meeting, Council acknowledged the positive aspects of the proposal, consistent with advice previously provided, as well as the significant reduction in building height and floor space. The precinct approach, in line with the advice of the Planning Panel was also recognised, with agreement on the extent of the boundary. The proposed approach to implementing the technical provision of the development standards were also discussed, to ensure that the outcome of the proposal would provide the appropriate level of certainty to Council to the final development that could be delivered in the precinct.

Given requirements of the State Government, Council advised that they were focussed on ensuring their Local Strategic Planning Statement and Villages Centres Strategy (as part of LSPS) are finalised as a matter of priority. On this basis, Council advised that they were unable to provide any further guidance until the documents had been finalised.

The revised Planning Proposal has been modified in line with feedback received, complimenting existing regional and local strategies. Crucially, the revised Planning Proposal has carefully considered and responded to the priorities and objectives of the LSPS, Villages Centre Strategy, as considered in more detail within this document.

## 2. Site Description and Locality

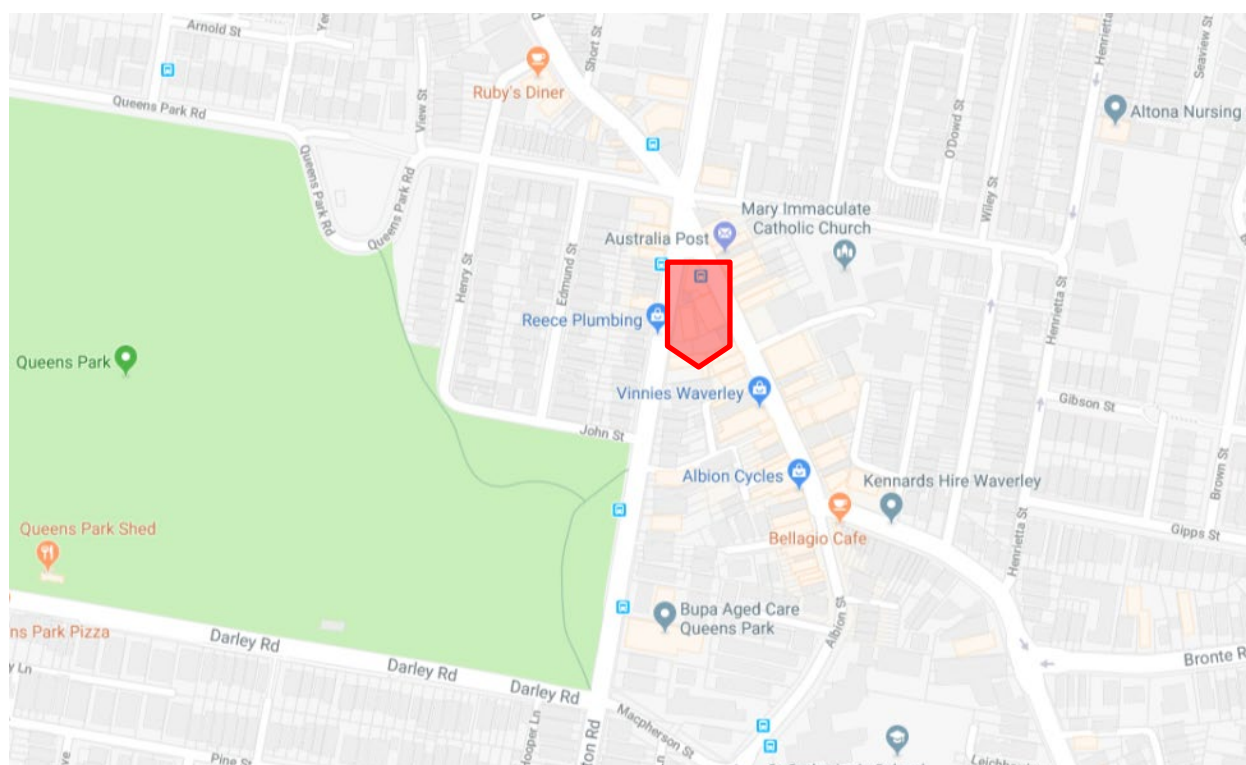
### 2.1 Locality

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

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

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

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



**Figure 1** - Location Plan (precinct identified by red marker)





**Figure 2 - Context Plan** (prepared by Roberts Day)



**Figure 3 - Regional View photograph of precinct - looking south east**

Photo Source: Waverley Council



## 2.2 Site Description

The sites for the purposes of this Planning Proposal is a precinct incorporating a number of lots, with a total area of approximately 3,473m<sup>2</sup>. A summary of these is provided in **Table 2**, and **Figure 4**.

**Table 2** - Identification of the site (and description of precincts)

Address	Lot and DP	Approx m <sup>2</sup>
<b>Robin Hood Hotel</b>		533m <sup>2</sup>
203-209 Bronte Road	Lot 1, DP655918, Lot 1, DP 59526	
<b>Bottle Shop and Flats (Charing Square)</b>		1,229m <sup>2</sup>
203-209 Bronte Road (bottle shop)	Lot A, DP 105665	
223-227 Bronte Road (Stamatiko Flats)	Lot A DP 332733	
94 Carrington Road (Garage)	Lot B, DP 332733	
<b>Eastern Suburbs Legion Club</b>		491m <sup>2</sup>
211-213 Bronte Road	Lot B +C DP 105665	
<b>Reece Plumbing</b>		1,220m <sup>2</sup>
229 Bronte Road	Lot 2 and 3 DP 102988	
231 Bronte Road (Reece showroom)	Lot 1 DP 170941	
98 Carrington Road (Reece Plumbing)	Lot 1 DP 90800 and Lot 1 DP 952482	



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

## 2.3 Existing Development

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

- Retail premises (shop front) with residential use (shop top housing) above and to the rear at 223-227 Bronte Road, including rear access via Carrington Road. Due to their dilapidated state, the residential apartments are not occupied (**Figure 5, 6 and 7**).
- The Robin Hood Hotel drive-through bottle shop (note that the Hotel itself is located on a separate lot). This building is apart one, part two storey buildings with large awning (**Figure 8**).
- the Eastern Suburbs Legion Club (**Figure 9**), a modern (not Victorian) building with three large levels and large telecommunications antennae, making the building considerably higher than adjoining buildings.
- Robin Hood Hotel, a good example of a two storey, Inter War, Art Deco style hotel (**Figure 10**).
- Reece Plumbing building fronting Bronte Road and 2.5 storey brick commercial/industrial warehouse style building occupied by Reece Plumbing supplies (**Figure 7 and 11**).



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



**Figure 6** - 223-227 Bronte Road



**Figure 7** - Existing garages located at 94 Carrington Road



**Figure 8** - Robin Hood Hotel bottle shop

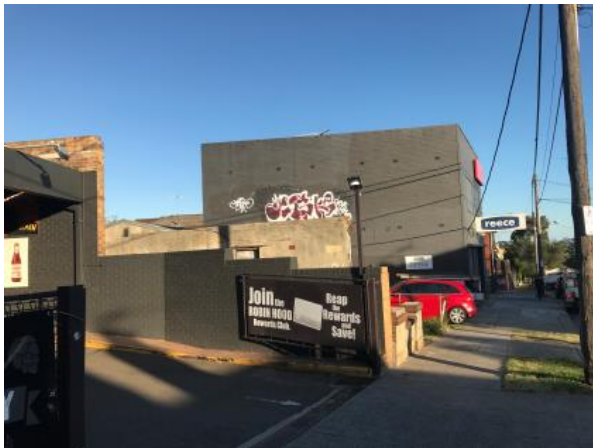




**Figure 9** - Eastern Suburbs Legion Club located on Bronte Road



**Figure 10** – Robin Hood Hotel



**Figure 11** - Existing brick warehouse building (Reece Plumbing) located at the southern end of the precinct



**Figure 12** - Eastern elevation of Bronte Road, opposite the site



**Figure 13** - Western elevation of Carrington Road, opposite the site



**Figure 14** - Charing Cross Hotel, located north west of the precinct

## 2.4 Surrounding Development

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

To the east of the precinct, across Bronte Road, are generally two storey commercial/residential buildings with continuous awnings (**Figure 12**). These buildings are occupied by commercial/retail uses at ground floor and commercial/residential uses above.

To the west of the precinct, across Carrington Road, are two storey residential terraced and semi-detached dwellings (**Figure 13**). North west of the precinct, at the corner of Carrington Road and Queens Park Road, are two storey mixed use buildings, similar to Bronte Road, with ground floor retail/commercial and residential above, with the Charing Cross Hotel located on the corner (**Figure 14**).

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



### 3. Existing Planning Controls

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

**Table 3** - Summary of key LEP Planning Controls

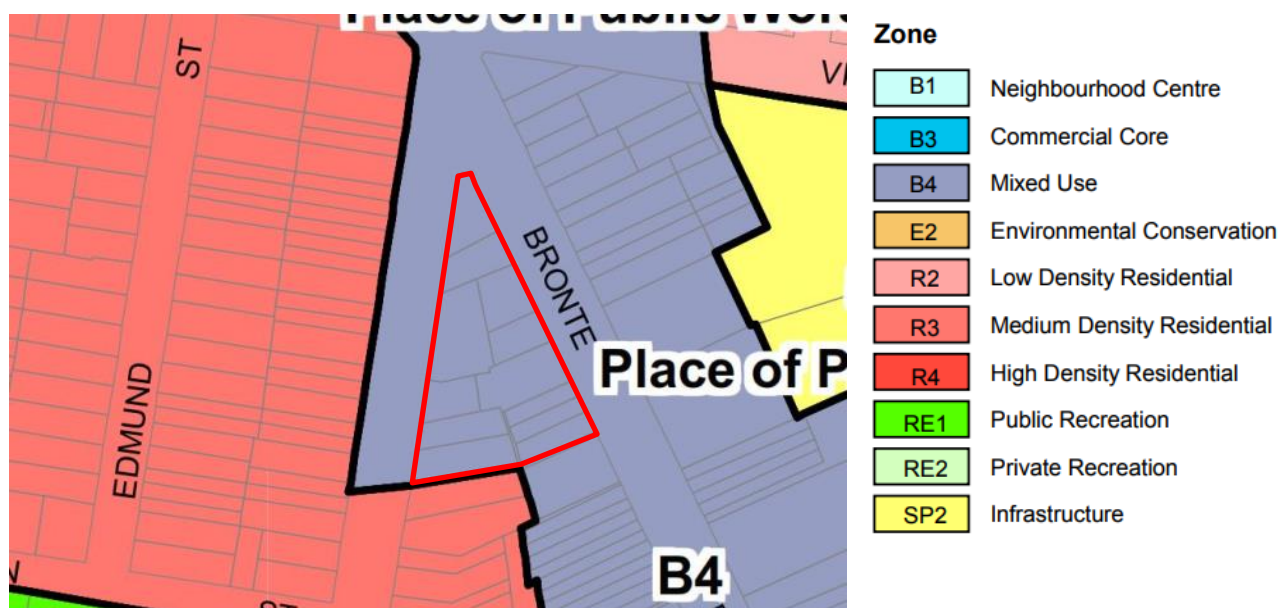
Waverley Local Environmental Plan 2012	
<b>Zoning</b>	B4 Mixed Use
<b>Building Height</b>	9m
<b>Floor Space Ratio</b>	1:1
<b>Heritage</b>	<p>Lot 1, DP 59526 identified as part of local heritage item (I453)</p> <p><b>Robin Hood Hotel</b></p> <p>Remainder of the precinct fronting Bronte Road is identified as a Heritage Conservation Area</p>

#### 3.1 Built Form Controls

##### 3.1.1 Land Use Zoning

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

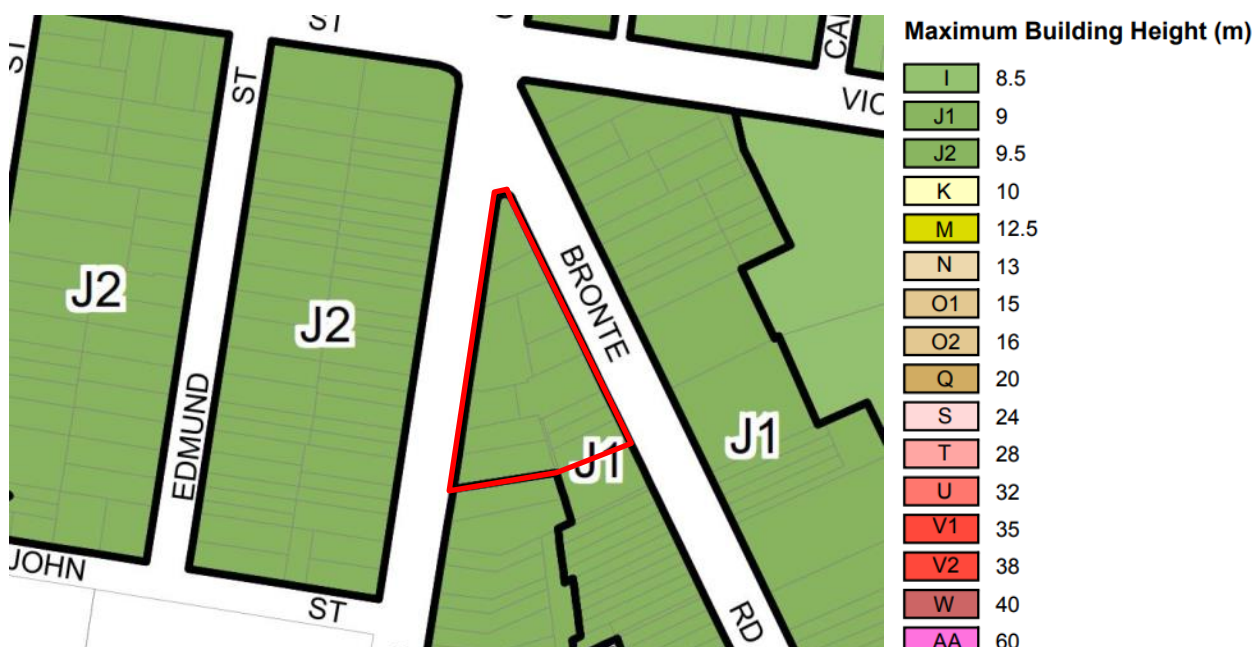
- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.



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

### 3.1.2 Building Height

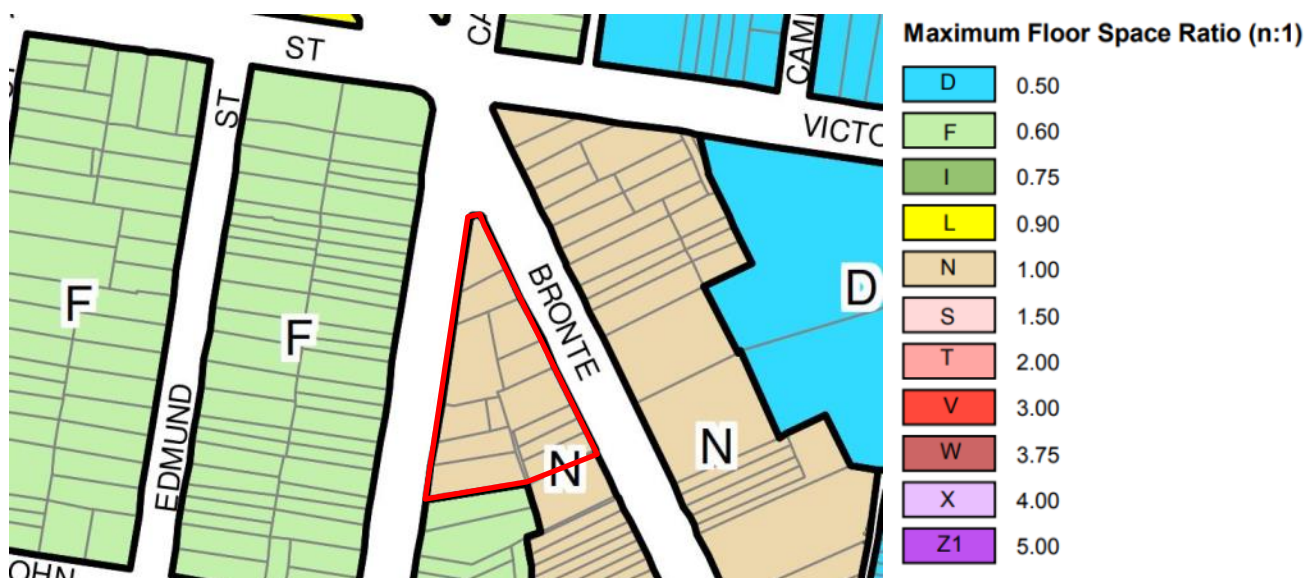
The existing building height control for the site under Waverley LEP 2012 is 9m as shown in **Figure 16**. It is noted that the existing Robin Hood hotel and Eastern Suburbs Legion Club exceeds the current building height control of 9m.



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

### 3.1.3 Floor Space Ratio

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



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

## 3.2 Heritage

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

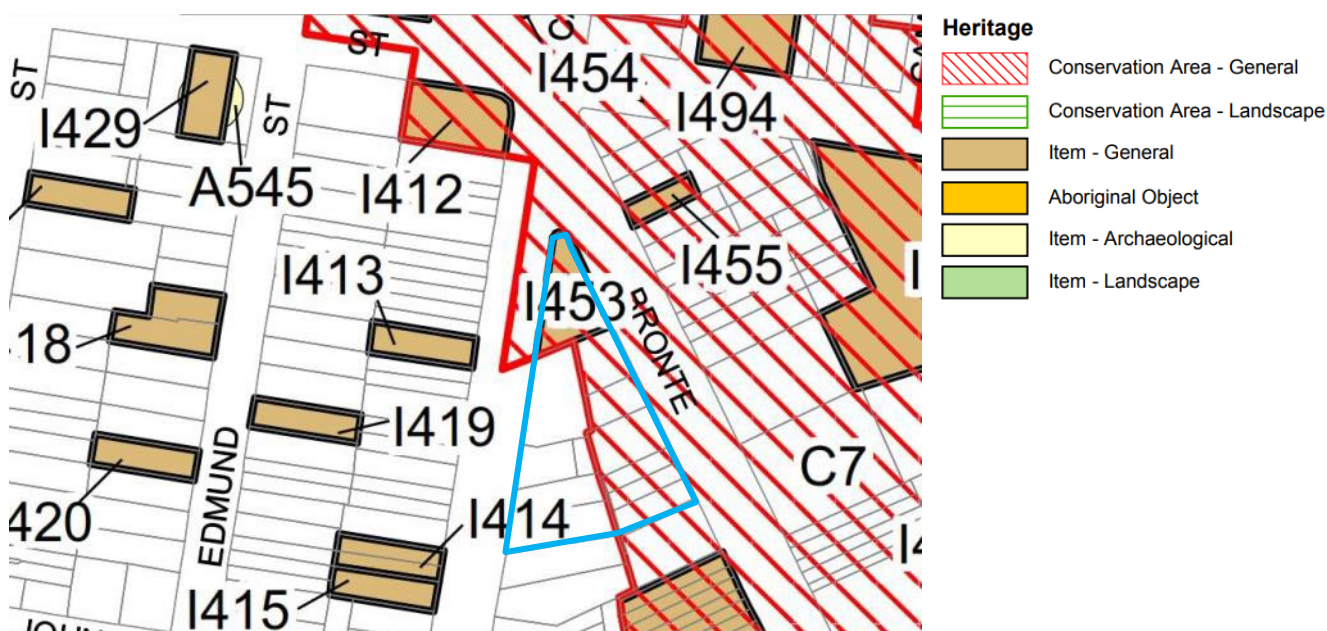
A Heritage Impact Statement has been prepared by John Oultram Heritage Design (**Appendix C**) to consider the impact of the proposal on the existing building and Charing Cross streetscape. As a result, the proposed scheme seeks to retain the existing building façade to Bronte Road, and incorporates guiding principles for appropriate design of future development, which have been incorporated as part of the indicative Architectural Scheme (**Appendix B**).

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

**1940s style commercial building, Robin Hood Hotel**

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

The impact to existing heritage items is assessed at **Appendix C** and further discussed in **Section 9.5**.



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

## 4. Precinct Design Concept

## 4.1 Description of the Proposed Precinct

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

The proposal is supported by a Concept Masterplan and architectural modelling that centres on large area of activated publicly accessible space and pedestrian link as the catalyst for the renewal of the northern western quarter of Charing Cross village. Montages of the proposed concept plan are provided below in **Figures 19 to 23** and in the Urban Design Report at **Appendix A**.

The Precinct Plan envisages: a publicly accessible courtyard to be known as ‘Charing Square’ with active retail frontages, together with a new thru-site pedestrian laneway link between Carrington and Bronte Roads.

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

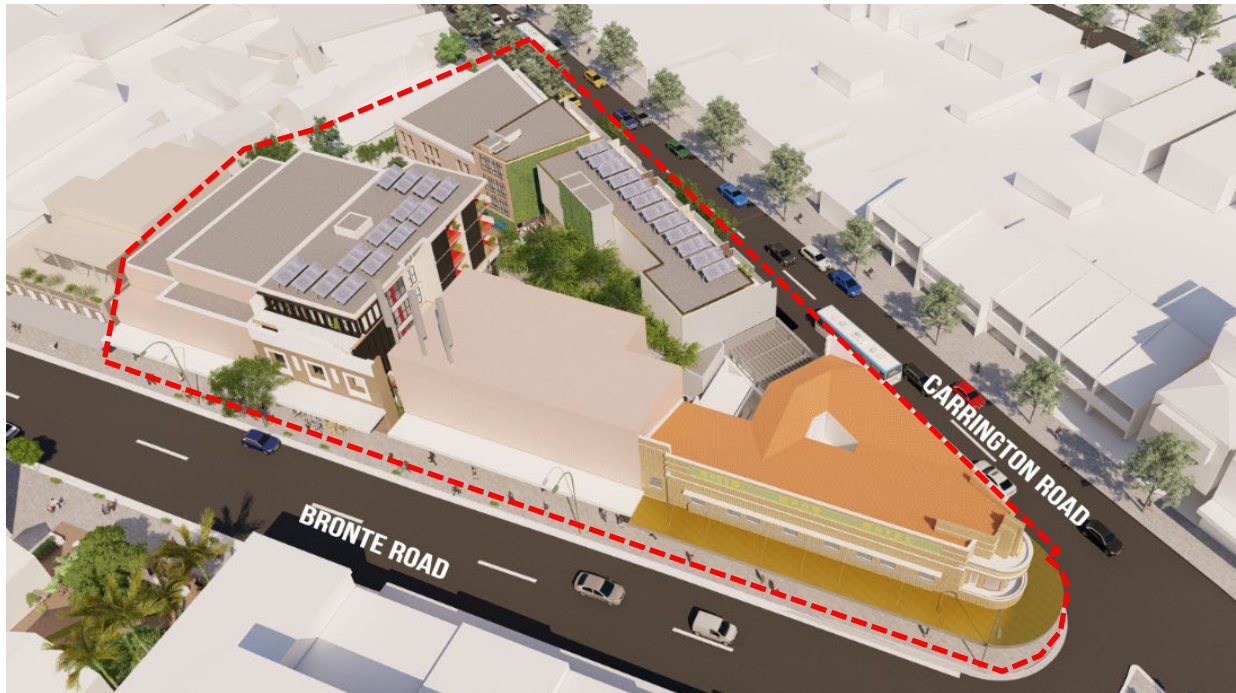
**Table 4 – Indicative Potential of Precinct**

	Description
<b>Key Figures</b>	
<b>Site area</b>	3,473sqm (2,940 excluding the Robin Hood Hotel)
<b>Total maximum Floor Space</b>	6,977sqm (6,286sqm excluding the Robin Hood Hotel)
<b>FSR across the precinct</b>	2:1 and 2.25:1
<b>Vehicle Access</b>	North western corner on Carrington Road
<b>Storeys</b>	Between 2 and 4 storeys maximum

It is noted that the concept plan/indicative architectural scheme does not include development of the entire site but rather, to set aside a large proportion of the site for a courtyards, open space and publicly accessible link between Bronte Road and Carrington Road (approximately 18% of the precinct).

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





**Figure 23-** Visualisation of proposed development - aerial massing image.  
(Source: Roberts Day)





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



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





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



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

## 4.2 Landscaping and Public Realm

As shown on the Architectural Plans and Urban Design Report (**Appendix A and B**) and the montage images above, the final proposal (incorporating the design amendments required by Council's resolution) seeks to provide approximately 18% of the site area as publicly accessible through site links and square, to be utilised by residents, workers, and shoppers.

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

## 4.3 Public Art

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

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

Future art will respond to specific locations and consider themes that reflect the nature and history of the precinct. The draft Strategy is intended to provide guiding principles to ensure physical development and public domain design inform locations and opportunities for showcase of art and culture. These principles will ultimately form part of the site-specific Development Control Plan called up by the local clause in the Waverley Local Environmental Plan



## 5. Planning Proposal

This planning proposal is prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans' and consideration of the Planning Circular "independent review of plan making decisions". The Planning Proposal has strategic and site specific merit for the reasons set in this Proposal.

The Waverley LEP 2012 was gazetted at the end of 2012. The proposal does not seek to amend an LEP less than 5 years old. The proposed amendments to the height of building and floor space planning control are set out in this section.

### 5.1 PART 1 - Objective of the Proposal and Intended Outcomes

#### Objectives of the Proposal

The objective of this planning proposal is to seek the amendments to building height, and floor space ratio controls to facilitate a mixed use development commensurate with its location. The detailed Urban Design Report prepared by Roberts Day (**Appendix A**) and accompany architectural massing of the precinct (**Appendix B**).

#### Intended Outcome

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

### 5.2 PART 2 - Explanation of Proposed Provisions

#### 5.2.1 Purpose

The Planning Proposal seeks to amend the Waverley LEP 2012 to facilitate the rejuvenation of a unique precinct within Charing Cross, providing for substantial open space, enhanced ground floor activation and improved connectivity and permeability.

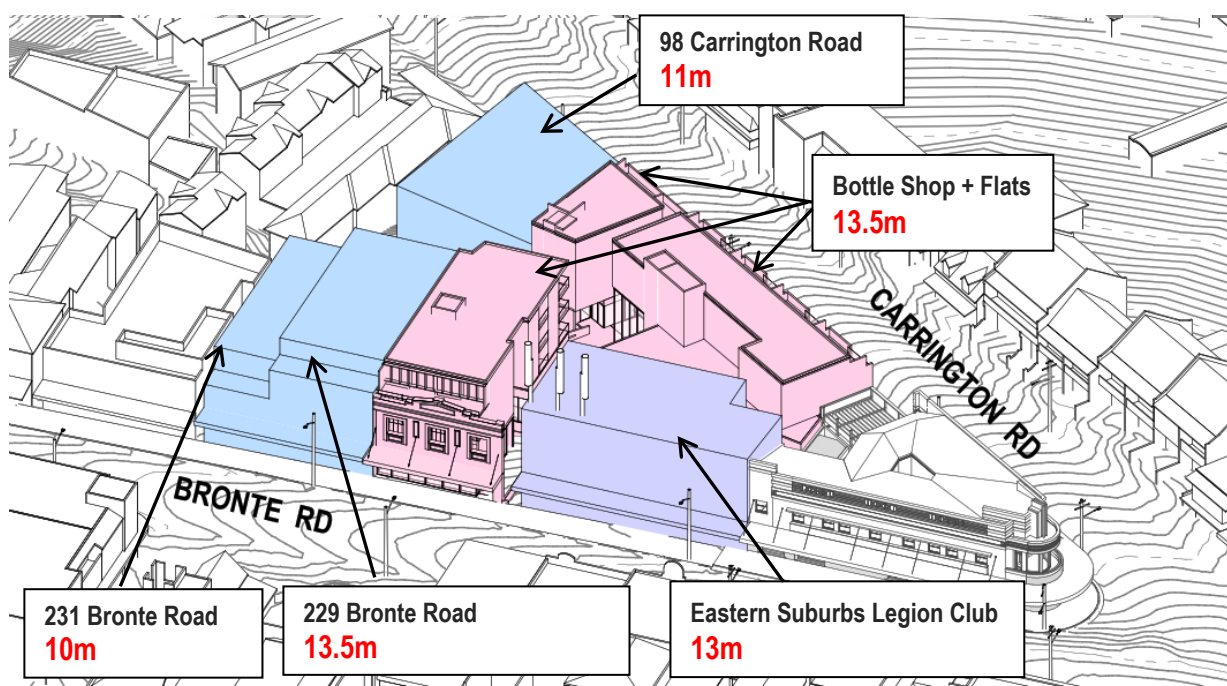
The amendments are proposed in order to provide for the general massing and scale of the renewal of the land as illustrated by the concept plan prepared by Roberts Day and H&E Architects. Detailed provisions for the precinct, will be provided via a site-specific Development Control Plan enacted by an additional local provision within the LEP applying to the precinct (refer to **Section 5.2.4** for further details). The existing and proposed LEP controls are set out in **Table 5** below.

**Table 5** Existing and proposed LEP controls

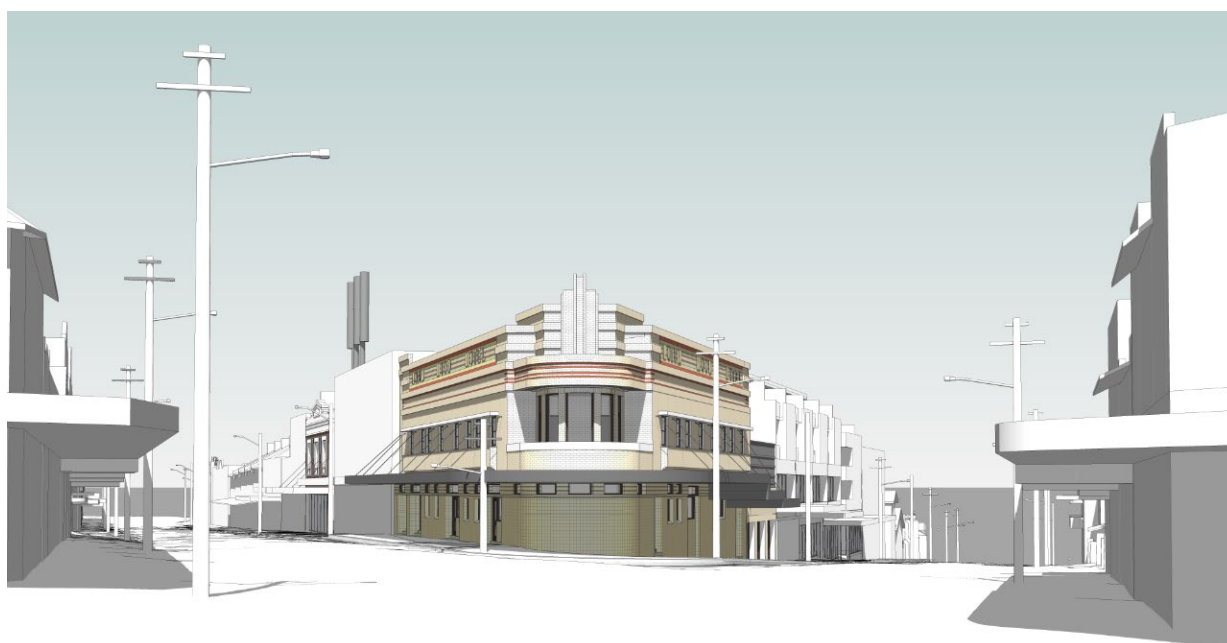
	Existing	Proposed
<b>Zoning</b>	B4 Mixed Use	<b>B4 Mixed Use (no change)</b>
<b>Floor Space Ratio</b>	1:1	<b>Between 2:1 and 2.25:1</b>
<b>Building Height</b>	9m	<b>Between 10m and maximum 13.5m</b> (with allowance for minor exceedance due to the fall of the site via Additional Local Provisions clause)
<b>Heritage</b>	Robin Hood Hotel (I453) Charing Cross CA	Robin Hood Hotel (I453) ( <b>no change</b> ) <b>Charing Cross Conservation Area retained</b>

### 5.2.2 Building Height

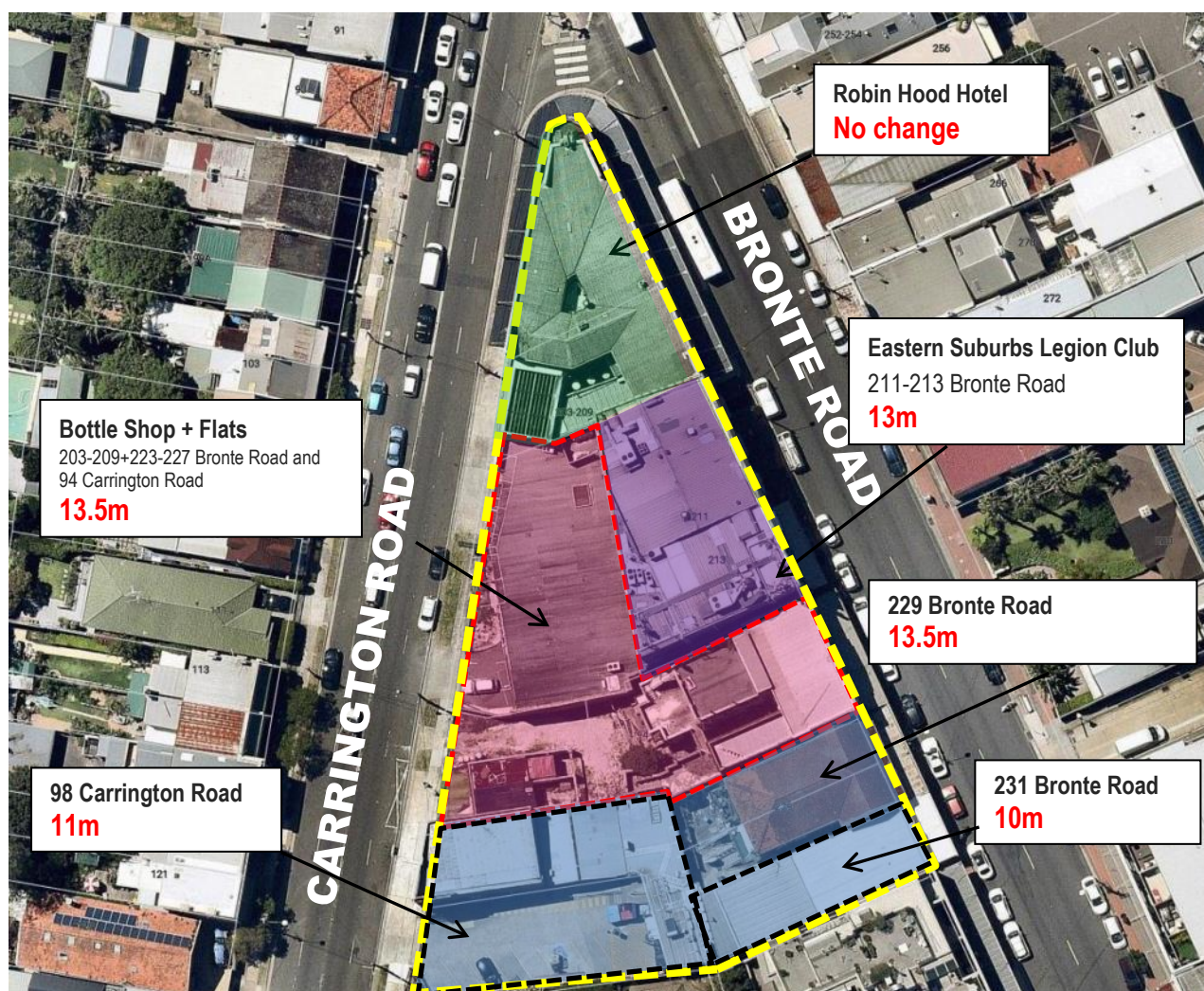
It is proposed to increase the maximum building height controls of varying extents across the precinct by amending the Height of Buildings Map as shown at **Appendix L**. The proposed increase to building heights range from 10m to 13.5m. The proposed building heights are shown in **Figure 23** and **24**.



**Figure 23-** Proposed building height controls for the precinct



**Figure 24-** Visualisation of proposed building height controls for the precinct – Charing Cross



**Figure 25-** Proposed building height controls for the precinct

### 5.2.3 Floor Space Ratio

It is proposed to establish a maximum FSR of 2.1:1 and 2.25:1 across the site (See **Appendix L** and **Figure 26**); taking into account the devotion of a large part of the site (approximately 18%) over to publicly accessible urban plaza and pedestrian link (see **Section 9.1** for further detail).

As outlined in Section 4.1, the proposal includes a potential for more than 2,000sqm of activated non-residential floor space, assuming all of the ground floor building envelopes are used for this purpose. Whilst a minimum non -residential floor space provision is not proposed in the Planning Proposal. It is also noted that the zoning required that any residential development on the site land is in the form of shop top housing, requiring the ground floor to be retail or business premises.

The maximum FSR for each of the site derived from the proposed building envelope and efficiency applied to the gross building area (as shown on the Architectural Plans and **Appendix B**). For the land owned by the Whitten family, the proposed GFA/FSR has been derived from a more detailed architectural analysis of the site.





**Figure 26-** Proposed Floor Space Controls for the precinct

#### 5.2.4 Additional Local Provision – Charing Cross Precinct

Given the context of the precinct and its established character, the importance of creating clear planning controls to manage future development, and the expectations of the community is recognised. As such, the revised proposal, and subsequent building height/FSR controls, more closely reflects the preferred building envelopes. Whilst still proposed, this reduces the reliance of a site-specific Development Control to manage building heights throughout the precinct.

The land within the precinct falls by more than 3m from Bronte Road to Carrington Road and falls from north to south to varying degrees on both the Bronte Road and Carrington Road frontages. Given the variations in the technical height of building control would still occur, primarily at the centre of sites, in the construction of buildings as shown in the Urban Design Report (**Appendix A**) and Architectural Plans (**Appendix B**), some flexibility in the maximum control is required.

An 'Additional local provision' (Part 6 of Waverley LEP 2012) is therefore proposed to provide certain and functional planning controls cognisant of the unique context of the site. The methodology adopted when recommending the planning controls is set out below.

- Ensure the LEP controls provide clear guidance to land-owners and community of the future impacts of the precinct, relationship to surrounding buildings and streetscape and difference in heights
- Recognise the importance of the LEP to set parameters of height and FSR (with the DCP providing built form controls)
- Respect the importance of street walls heights, particularly to Bronte Road
- Recognise the topography of the precinct and that with level floorplates the technical height of buildings will vary across sites
- Rather than applying a blanket increase in building height across the precinct, establish a clear mechanism within the LEP to deal with minor variations to building heights, avoiding the need for formal variations (clause 4.6) in order to obtain future development consent for construction.

The intent of the proposed site specific controls are considered to provide certainty to all stakeholders of the future development outcome on the site, whilst enabling rationale development footprints without the need for formal clause 4.6 variations.

A copy of the drafted site specific LEP provision that outlines how any uplift in height or FSR can only be realised if the items above as resolved by Council, and required by the NSW DPIE in the Gateway Determination, are delivered (See **Appendix O**). A set of Design Guidelines (which are intended by the proponent to form the Draft Development Control Plan) are also provided at **Appendix P**.

### 5.2.5 Heritage

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

It is noted that the existing inter-war building façade and awning fronting 223-227 Bronte Road is to be retained (refer to net community benefit assessment set out in **Section 9.9**). The development to other sections of the site seeks to complement the Bronte Road streetscape by its use of a podium and incorporating pedestrian access through the site.

No change is proposed to the heritage listing of Charing Cross Hotel or the existing Conservation Area applying to properties fronting Bronte Road.

### 5.2.6 Zoning

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

### 5.2.7 Land to Which the Plan will Apply

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

Address	Lot and DP
<b>Robin Hood Hotel</b>	
203-209 Bronte Road	Lot 1, DP655918, Lot 1, DP 59526
<b>Bottle Shop and Flats (Charing Square)</b>	
203-209 Bronte Road (bottle shop)	Lot A, DP 105665
223-227 Bronte Road (Stamatiko Flats)	Lot A DP 332733
94 Carrington Road (Garage)	Lot B, DP 332733
<b>Eastern Suburbs Legion Club</b>	

211-213 Bronte Road	Lot B +C DP 105665
<b>Reece Plumbing</b>	
229 Bronte Road	Lot 2 and 3 DP 102988
231 Bronte Road (Reece showroom)	Lot 1 DP 170941
98 Carrington Road (Reece Plumbing)	Lot 1 DP 90800 and Lot 1 DP 952482

### 5.2.8 Framework of a Site Specific Development Control Plan

A Development Control Plan for the precinct is proposed to be prepared following gazettal of the planning proposal. As noted above, it is anticipated that the site specific DCP will provide the guiding development controls with regard to built-form articulation beyond that which is provided for by the FSR and building height controls in the LEP. The suggested Additional Local Provision clause of the Waverley LEP that requires a DCP to be prepared specifically for the site will ensure that no development can occur until this DCP (adopted by Council) is in place.

The following items are considered to be included in a site-specific chapter of Waverley DCP:

- street wall heights to Bronte Road and Carrington Road;
- setbacks above street wall heights;
- built form dimensions and separation distances between buildings;
- publicly accessible open space, such as public plazas at street level; and
- improvements to the public domain, including street paving, street lighting, street furniture and public art
- promoting movement, legibility and wayfinding through the site;
- ensuring safety and security, activation and casual surveillance;
- amenity of the courtyard, including solar access;
- a staging plan for future development; and
- consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy.

A set of Design Guidelines (which are intended by the proponent to form the Draft Development Control Plan) has been prepared and is provided at **Appendix P**

## 5.3 PART 3 – Justification

### 5.3.1 The Need for the Planning Proposal

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

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

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

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

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

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

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

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

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

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

This Planning Proposal is the most suitable means of achieving the intended outcome, realising identified state and local objectives, and achieving identified aims, which is to facilitate a residential development on the site with a maximum building height controls amended to between 10m and 13.5m and 2:1 and 2.25:1 within the precinct.

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



## 5.4 Section B – Relation to Strategic Planning Framework

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

#### State and Regional Strategic Framework

##### **Greater Sydney Region Plan – A Metropolis of Three Cities**

The Plan sets 10 key directions under the three main headings of 'Liveability', 'Productivity' and 'Sustainability' in order to focus and priorities growth and investment in infrastructure. These are underpinned by a total of 40 objectives.

The proposal is consistent with the ten directions of the Region Plan. The planning proposal will enable and support the renewal of the site for retail, commercial and residential uses, providing both local employment and housing opportunities, as well as vibrant retail and community space on what is currently a dilapidated and underutilised site in heart of Charing Cross. The planning proposal supports the growth of the existing commercial and economic centre of Charing Cross, adopting a place-based approach and providing significant public benefit.

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

##### **Eastern City District Plan**

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

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

The precinct within Charing Cross is strategically located to deliver on these priorities by promoting a best practice place making project to improve the quantum and quality of public spaces, increase employment opportunities and housing diversity, fostering healthy, a creative and rich socially connected community through the facilitation of public art, open spaces and interconnection between sites, and creating a distinct 'destination' for pedestrians to use in the local area.

The proposal will allow the actions and objectives listed in the District Plan to be realised, as opposed to the status quo on the site, preventing further economic growth and amenity improvements of Charing Cross. A more detailed assessment of the Proposal's alignment with priorities within the Eastern City District Plan is provided in the table below. Consideration has also been given to 'Better Placed', 'Greener Places' and the Local Character Planning Circular of the DPE in the Planning Proposal.

The proposed amendments to Waverley LEP 2012 will directly facilitate these priorities by creating additional high quality and accessible retail floor space, commercial and residential floor space, as well as contributing to the pedestrian amenity infrastructure within Charing Cross, previously identified by Council.

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

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

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

<b>Eastern City District Plan – Priorities</b>	
<b>Priority</b>	<b>Discussion</b>
<b>Priority E1</b>	<b>Planning for a City Supported by Infrastructure</b>
<i>Objective 4 – Infrastructure Use is optimised</i>	The proposal maximises the utility of existing infrastructure and transport investment within the Local Centre of Charing Cross and on established local bus routes.
<b>Priority E3</b>	<b>Providing Services and Social Infrastructure to meet people changing needs</b>
<i>Objective 6 – Services and Infrastructure to meet communities changing needs</i>	<p>The proposal will provide new areas of activated ground floor retail, commercial space and publicly accessible Charing Square as a focal point of Charing Cross. The design supports a fine grain urban form and land use mix providing a greater diversity of uses and improving liveability for existing and future residents.</p> <p>The proposal also provides opportunity for diversity of housing within a walkable neighbourhood and services, creating additional opportunities for older people to continue living in their communities, where being close to family, friends and established health and support networks will improve people’s wellbeing.</p>
<b>Priority E4</b>	<b>Fostering healthy, creative, culturally rich and socially connected communities</b>
<i>Objective 7 - Communities are healthy, resilient and socially connected</i>	At the heart of the proposal is the publicly accessible through site link and Charing Square, surrounded by ground floor retail and public art. The creation of this new gathering space will support social connections with the centre, strengthen the diversity of the neighbourhood and promote a healthy, creative, culturally rich community of Charing Cross.
<i>Objective 9 – Greater Sydney celebrated the arts and supports creative industrial and innovation</i>	The proposal includes a Public Art Strategy for the site, which sets the principles and strategy for integrated public art on the site, in the context of Waverley Council’s existing public art policy. The commitment to the provision of public art is proposed to be incorporated as part of the site specific incentive planning controls – meaning that development as set out in the planning proposal cannot proceed unless specified public art (value) is provided)
<b>Priority E5</b>	<b>Providing Housing supply, choice and affordability with access to jobs, services and public transport</b>
<i>Objective 11 – Housing is more diverse and affordable</i>	The proposal provides opportunities for a contribution to a more diverse housing stock within the local centre with high level of amenity, close to transport, passive and active open spaces space, services, and jobs. The proposal will provide added choice and affordability options that meet a growing, ageing and culturally diverse population.
<b>Priority E6</b>	<b>Creating and renewing great places and local centres, and respecting the District’s heritage</b>
<i>Objectives 12 - creating great places that bring people together</i>	<p>The creation of a fine grain urban form whereby places are walkable, of human scale, and offer a mix of land uses including social infrastructure and local services at the heart of communities is identified as a crucial element in the creation of great places.</p> <p>The site provides the opportunity to demonstrate, through a design led approach, the integration of public open spaces, in the form of laneways and urban courtyards, with the heritage fabric, in a way which develops a fine grain urban form, promotes pedestrian permeability through the precinct, and encourages community interaction through a range of retail and residential uses.</p>
<i>Objective 13 Environmental heritage is identified, conserved and enhanced.</i>	<p>The proposal includes the retention of the existing Bronte Road façade in response to its heritage value and acknowledgement of its positive contribution to the streetscape.</p> <p>Additionally, the proposal is consistent with the existing character description and desired future character of Charing Cross as set out in the Development Control Plan (See Site Specific Merit Tests below).</p>
<b>Priority E11</b>	<b>Growing investment, business opportunities and jobs in strategic centre</b>
<i>Objective 22 - Investment and business activity in centres</i>	The proposal creates additional opportunities to attract high quality retail and commercial tenants within the centre. The scheme includes all uses at ground level being activated to the public domain, and when combined with upper level commercial space achieves a non-residential FSR on the site of 1:1. These uses will also allow for a suitable contribution to the

<b>Eastern City District Plan – Priorities</b>	
<b>Priority</b>	<b>Discussion</b>
	night time economy of Charing Cross which is currently limited to a small number of restaurant and the two established pubs.
<b>Priority E17</b>	<b>Increasing urban tree canopy cover and delivering Green Grid Connections</b>
<i>Objective 30 Urban tree canopy cover is increased.</i>	The proposal incorporates the opportunity to remove the large existing vehicles crossing associated with the drive-through bottle shop on Carrington Road, as well as the opportunity to provide 6 additional on-street planting (As shown in the Architectural Plans provided with the Proposal). These components of the application are in line with the aspiration of the Councils previously released Public Domain Improvement Plan within Charing Cross and will expanding urban tree canopy on the public realm.
<b>Priority E18</b>	<b>Delivering high quality open space</b>
<i>Objective 31 Public open space is accessible, protected and enhanced</i>	The proposal seeks to provide 18% of the site as accessible ground level open space in the form of laneways and Charing Square courtyard. The size, orientation and dimensions of this space will support activation and a lively retail and night-time economy. The proposal provides multi-purpose and accessible open space to a variety of users, an important place for locals and visitors to relax, meet and socialise, adding value to the character of the local area.

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

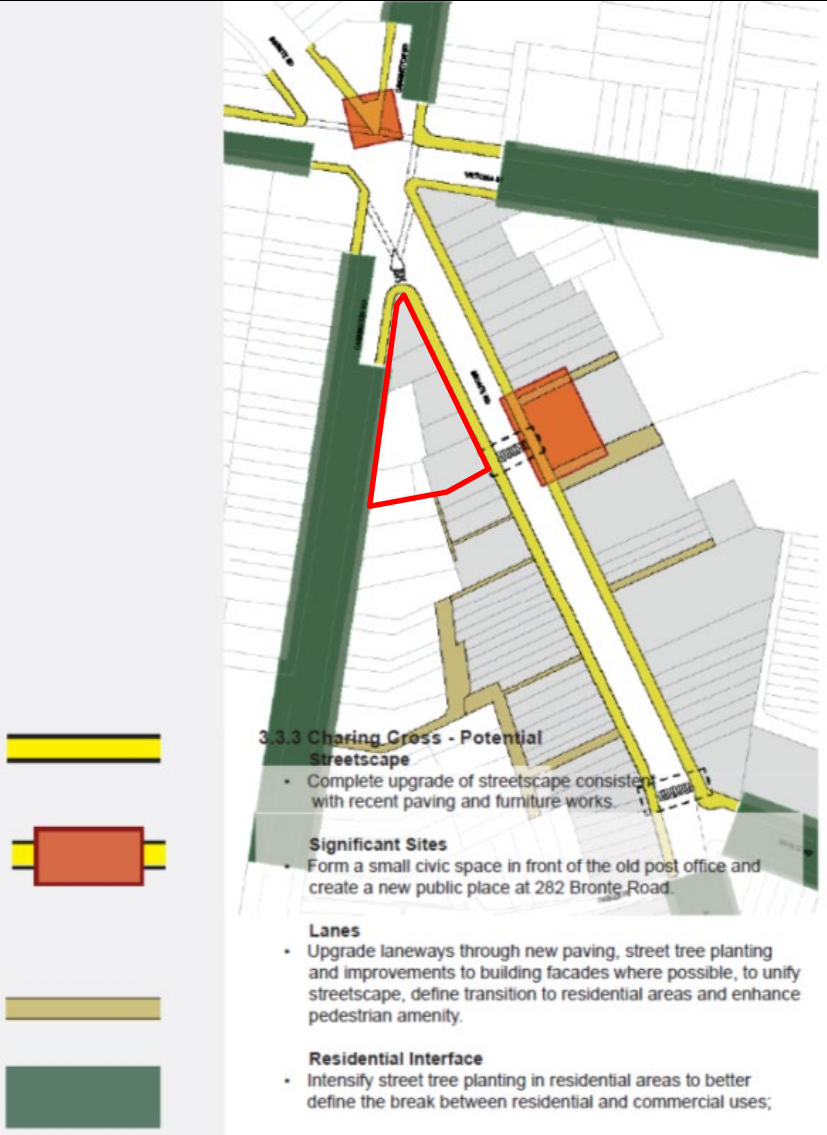
##### Local Planning Strategies

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

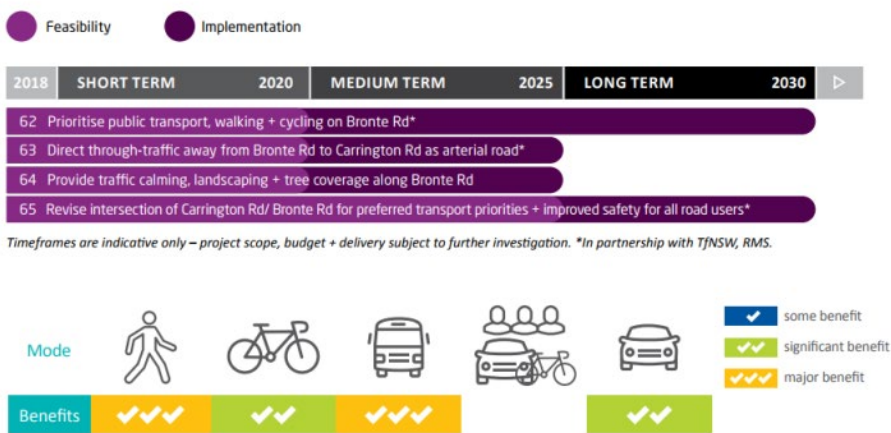
**Table 6** - Assessment of Local Planning Strategies

<b>Strategy</b>	<b>Comment</b>
<b>Eastern Suburbs Economic Profile</b>	<p>The Eastern Suburbs Economic Profile provides an economic analysis of local centres and the wider 'subregion', and identifies economic development opportunities across the LGAs. The report was prepared jointly by Waverley, Randwick City and Woollahra Councils in December 2013.</p> <p>Charing Cross village is not identified as a key economic precinct, however, wider strategic directions and recommendations guiding economic growth in Waverley LGA include:</p> <ul style="list-style-type: none"> <li>Ensuring the capacity of the existing employment precincts is maximised. This can be achieved by retaining and increasing employment self-containment and self-sufficiency.</li> <li>Identify areas for higher density residential development.</li> <li>Supporting the role of Bondi Junction as a Major Centre through increasing housing choice and providing reliable public transport options.</li> </ul>
<b>Waverley Community Strategic Plan 2018-2029</b>	<p>The Waverley Community Strategic Plan sets the direction for what Council and the community want to achieve to 2029. The key priorities of the Plan are a Sustainable Community, Sustainable Living, a Sustainable Environment and Sustainable Governance. This is monitored against targets and indicators to support the long term vision for the local government area (LGA). The proposal aligns with the key priorities of the Plan.</p> <p>Key priorities that relate to the proposal include:</p> <ul style="list-style-type: none"> <li>Ensuring a range of housing options are available.</li> <li>Improving accessibility to public transport</li> <li>Being a resilient and environmentally sustainable community</li> </ul>
<b>Waverley Local Village Centres – DCP and Public</b>	The Waverley Local Village Centres DCP and Public Domain Improvement Plan Economic Assessment reviews the major and local centres in the LGA to identify planning and economic opportunities and issues.

Strategy	Comment
<b>Domain Improvement Plan Economic Assessment 2006</b>	<p>Specifically, Charing Cross is identified as a small 'Village Centre' which typically services a catchment of 2,000 to 10,000 households, and contains speciality retail premises anchored by a small supermarket. In 2006, Charing Cross village contained approximately 6,750m<sup>2</sup> of retail floor space.</p> <p>It is proposed that Charing Cross can accommodate a further 4,500m<sup>2</sup> of retail floor space to 2016, including 2,500m<sup>2</sup> of supermarket floor space.</p> <p>The village was viewed as underperforming due to a higher vacancy rate and a lack of a large anchor supermarket. Whilst the centre has changed since the preparation of this plan, the trend of underperforming businesses continues, as identified in <b>Section 5.6</b> (Economic Impact Assessment).</p> <p>Revitalisation strategies that could encourage renewal and development in Charing Cross include:</p> <ul style="list-style-type: none"> <li>▪ Identify land that is suitable for redevelopment to maximise land use efficiencies.</li> <li>▪ Reviewing centre boundaries to allow for larger retail premises.</li> <li>▪ Encourage anchor tenants to make these centres 'destinations'.</li> <li>▪ Encourage increased densities, including shop top housing.</li> </ul>
<b>Local Village Centres Public Domain Improvement Plan 2006</b>	<p>The Local Village Centres Public Domain Improvement Plan was prepared in conjunction with the Waverley Development Control Plan (DCP) 2006 and informs the implementation of public domain improvements across 12 centres and villages.</p> <p>Charing Cross is identified as one of these centres and is described as '<i>a lively and well used traditional strip with activation enhanced by cafes and pubs</i>'. However, the Plan recognises that the centre has '<i>little amenity for people using this centre</i>', and that there is '<i>a lack of structure and definition</i>' to the centre.</p> <p>The desired character of the area is to improve the amenity and safety of the centre for pedestrians, the creation of focal points, and the upgrade of the public domain and streetscape. The Plan includes an illustration of the potential public domain for Charing Cross, as shown below (site identified in red) – <b>Figure 27</b>.</p>

Strategy	Comment
	 <p><b>Figure 27 – Proposed public domain improvements to Charing Cross (site in red)</b></p>
<b>Waverley Transport Plan 2011</b>	<p>The Waverley Transport Plan was prepared to accompany the Waverley Community Strategy Plan and sets the strategic transport vision for the Waverley community. The Plan identifies and addresses both short and long term transport issues.</p> <p>The transport needs of Charing Cross village include:</p> <ul style="list-style-type: none"> <li>▪ Encouraging zero and one car households through high quality public transport and car share facilities.</li> <li>▪ Encouraging pedestrian and cycle access to Bondi Junction through standard walking and cycling facilities.</li> <li>▪ Addressing the use of Queens Park area being used as a cut through from Randwick LGA to Bondi Junction and beyond to Woollahra LGA.</li> </ul>
<b>Waverley Heritage Policy 2007</b>	<p>The Waverley Heritage Policy identifies and assesses environmental heritage across Waverley LGA, excluding Bondi Junction, and makes recommendations for the conservation of heritage items.</p> <p>The Policy recognises that the Robin Hood Hotel was originally established to service the local settlement, and that heritage considerations are contained in the Waverley Development Control Plan.</p>



Strategy	Comment
	<p>The concept plan/indicative architectural scheme supporting the Planning Proposal respects and reflects the heritage values of its wider village setting and the adjoining Robin Hood Hotel in terms of the potential scale and form of development. The redevelopment of the site would be subject to any proposed amendments to the Waverley LEP and development controls which will specifically address heritage considerations.</p> <p>A heritage assessment has been prepared by heritage advisor – John Oultram Heritage and Design (<b>Appendix C</b>). John Oultram worked in consultation with the architects and urban designers following the Eastern City Regional Planning Panel meeting to ensure the form and detailing of the proposed scheme was appropriate in the context and appropriately responded to the heritage context of the site.</p> <p>The assessment has reviewed more generally, the manner in which the proposed redevelopment fits within the wider setting of Charing Cross village. It also provides a set of heritage specific design principles to guide future development. The heritage Impact Assessment by Oultram Heritage concludes:</p> <p><i>The proposal provides considerable benefits to the local area in terms of enlivening a low quality retail area and introducing a laneway system off the main retail street that would activate the street frontages and the areas off. The contribution of the current building to Bronte Road will be maintained in the retention of its facade allowing an easy fit for the development into the local streetscape. The scale of the development is not excessive and responds well to the local context.</i></p>
<b>People Movement and Places Strategy – Sustainable Transport Action Plan</b>	<p>Waverley's People, Movement and Places aims to make it easier for people to move around by improving the quality of our streetscapes and public places. It acknowledges the future of transport and the changing nature of the demographic composition of the local government area, along with walking, cycling and public transport mode shift. The Strategy established a Strategic Transport Framework, with twelve signature transport projects and a total of 96 actions across the Waverley Council area.</p> <p>Charing Cross is identified as a strategic project with a focus on pedestrian safety and amenity (such as traffic calming and tree planning), as well as directing traffic away from Bronte Road and on to Carrington Road. A snapshot of the actions for Charing Cross is provided in <b>Figure 28</b> below.</p> <p><b>Charing Cross - actions</b></p>  <p><b>Figure 28- Waverley's People, Movement and Places (Charing Cross)</b></p>

Strategy	Comment
	As discussed in <b>Section 9.6</b> , the proposal will significantly reduce the number of vehicle movements from the site (on Carrington Road) particularly on Thursday, Friday and Saturday evenings – as a direct result of the removal of the drive-through bottle shop.
<b>Green Infrastructure Masterplan</b>	The Green Infrastructure Masterplan provides a framework for the sustainable future of Bondi Junction. Whilst not directly applicable to the site, given its location, the key areas of Waste, Energy and Water, and the accompanying solutions to these items are relevant to the proposal. As shown in <b>Appendix A</b> , the planning proposal and redevelopment of the site enables these strategies to be delivered on the site – such as water reuse, photovoltaics, green walls, bio-retention and expansion of street tree planting.

### **Waverley Council Local Strategic Planning Statement**

Waverley Strategic Planning Statement (LSPS) has been endorsed by the NSW DPIE as required for all Councils in NSW.

The proposal consistency with the LSPS is summarised below

- Increase urban tree canopy and vegetation (key issue)
- Increased open space, or to better preserve and manage existing open spaces (key issue)
- A diverse and thriving local economy that is less reliant on tourism (key issue)
- Increase urban tree canopy and vegetation (key issue)
- Increase night-time dining options in centres (key issue)
- Provide more space for community uses and events (key issue)
- Increasing access to high-quality open space and recreation facilities (vision on a page)
- Protecting and encouraging shops and services in village centres that satisfy demand (vision on a page)
- Heritage value of buildings and infrastructure to be preserved and managed (response to challenge)

The following direction/priorities of the LSPS are particular relevant and achieved in the Planning Proposal:

### **Planning Priority 6 – Facilitate arrange of housing opportunities in the right places to support and retain a diverse community**

The Planning proposal provides for an increase in a mix of housing options that are close to services, facilities open space and transport options – both local and regional (Bondi Junction). As identified in the Our Liveable Places Strategy, the precinct is identified as being appropriate to support growth and change.

### **Planning Priority 8 - Connection people to inspiring vibrant places, and provide easy access to shops services and public transport**

The proposal will transform what is generally a closed off, underutilised and dilapidated site to high quality, publicly accessible and permeable set of connections through the precinct surrounded by active frontages. All existing and future residents will have access to the services and shops in the precinct, as well as the open space. The precinct will be a vibrant place, with appropriate day and night time uses and activation.

### **Planning Priority 9 - Retain shops and services in Bondi Junction and Village Centres**



The proposal will inchoate an activated ground floor plane, requiring all ground floor uses to be for commercial, business or retail uses. The layout of the site and permeability will introduce a significant expansion of active frontages through the site that will allow for both an increase in floor space for shops and services, as well as a configuration for smaller tenancies.

The Planning Proposal and suggested DCP and LEP provision aligns with the Principles for Change in the LSPS as required.

### **Waverley Community Strategic Plan 2018 – 2029**

The Waverley Community Strategic Plan 2018-2029 reflects the Waverley community's long-term priorities and aspirations for the future. The community Strategic Plan was adopted on 19 June 2018. The community vision is a succinct statement that captures community's aspirations for the future of Waverley and is the foundation of the plan.

This vision is for a "A welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage". The Planning Proposal and concept scheme seeks to realise this vision of celebrating and enhancing the vibrancy of Charing Cross Village whilst retaining and enhancing the cultural heritage values of the site and surrounds. A demonstration of the proposal's consistency with the relevant themes of the Community Strategic Plan are provided below.

Waverley Council Community Strategic Plan 2018-2029		
Themes		Comments
Arts and Culture		
1.2	Preserve and interpret the unique cultural heritage of Waverley	The proposal enhances the fine grain qualities of Charing Cross (as outline in the existing Character Statement within the DCP) and retains the cohesive streetscape and heritage façade to Bronte Road
3.2	Expand the networks of parks and Open Spaces	The proposal offers durable, multi-purpose and accessible open space to a variety of users. It will be an important place for locals people to relax, meet and socialise, adding value to the character of the local area
Recreation and Open Space		
3.1	Improve health and quality of life through a range of recreational opportunities and quality open spaces	The proposal provides a new place for people to enjoy as a passive and publicly accessible open space and connections.
3.2	Expand the network of parks and open spaces, sporting and recreational facilities	Provides a contribution to the mosaic of spaces within Charing Cross, realising opportunities that would not otherwise be available without urban renewal and redevelopment of the site
Local Economy		
4.2	Ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services	The proposed mix and arrangement of land uses and built form respectively will promote a range of business, local jobs and services, ensuring diversity in the offering and market
Planning and Development		
5.1	Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve liveability of existing neighbourhoods	The proposal supports these themes, improving liveability and maintaining the strong cultural and heritage values of Charing Cross. The proposal provides a coherent and well-considered response to the site that can provide a high quality, built outcome.
5.2	Value and embrace Waverley's Heritage items and places	
Transport, Pedestrians and Parking		

<b>6.2</b>	Build and maintain streetscapes that have a welcoming sense of place	The retention and conservation of the existing Bronte Road façade maintains the consistency and character of Charing Cross, adding to the sense of place
<b>6.3.</b>	Create safe streets and footpaths with fair access to parking	The proposal increases permeability through Charing Cross, surrounded by active and passive surveillance throughout all hours of the day, improve safety for pedestrians. The removal of large vehicle crossing to Carrington Road also allows for the creation of 6 additional public on-street visitor parking within Charing Cross

### **Waverley Economic Development Strategy – 2015-2020**

This Strategy details how Council will support the area's economy over the next five years to 2020. This will be delivered in partnership with other tiers of government and industry groups, with a focus on a range of initiatives that involve:

- destination marketing
- place management
- improving competitiveness
- improved partnerships
- business support
- reducing red tape

One of the key strategic directions outlined in the Strategy that is applicable to Charing Cross includes having 'established commercial centres with local business "villages" with strong growth potential.' This will be achieved on the site through promoting diverse retail and commercial uses and enhancing a sense of place and cultural character.

### **Waverley Local Housing Strategy 2020-2036**

The Local Housing Strategy was endorsed and adopted in June 2020. Within the Strategy Waverley Local Government Area has a proposed housing target of 3,400 dwellings by 2036 to meet the implied dwelling requirements. In line with acknowledged principles, most of these dwellings are cited by the Strategy as being in targeted in locations of high amenity – including Villages Centres and areas with access to open space.

As a key Village Centre of Waverley, Charing Cross can be rejuvenated to provide the public benefits that the community has identified. This includes improving the pedestrian experience and activity, encouraging a diverse range of services, retail offerings and jobs but also opportunity for housing (and housing types) to meet the needs of the changing demographic profile identified in the Strategy.

Over the next 20 years it is expected that school aged (5-19) and 45 year olds will increase, whilst single parent and lone person households will make up 16% and 56% of housing respectively. This anticipates an increase on current numbers of 2% of single parent and 19% of lone person households. As expected, residents in Waverley, who already have lower car ownership rates than greater Sydney are more likely to walk or use public transport.

Whilst a relatively low housing target has been identified, what the Local Housing Strategy does demonstrate is that providing a variation of housing typologies to meet the changing demographic profile is important. Additionally, based on the anticipated profile, it is even more important that the housing is provided in locations with high amenity, close to schools and open space, services and public transport.

This planning proposal is entirely consistent with the strategy and creates a destination within Charing Cross, providing the potential capacity for approximately 60 dwellings within the precinct. The urban design scheme takes a place-based approach, providing a fine grain activated retail ground floor level, surrounding large publicly accessible open spaces and laneways connecting Bronte Road and Carrington Road. The character of the streetscape and facades is preserved with additional level setback from the street.

The urban design concept is consistent with desired future character of Charing Cross identified by the community, and will provide substantial public benefits, increased amenity and landscaping, a diversity of retail offering, employment and well-located high-quality housing.

#### **Waverley Council – Our Liveable Places Centres Strategy 2020-2036**

Waverley Council identified that in preparation of the Local Strategic Planning Statement, a focus will be on village centres, with a proposed review of 20 local and neighbourhood village centres identified. This strategy has since been updated and reported to Council in late 2020 under the new title of 'Our Liveable Places Centre Strategy'.

The final strategy looks at numerous aspects that contribute to the distinctive character of each centre including jobs and services, sustainability, heritage, amenity and character, public transport, parking and congestion, and other place-specific issues.

Members of the project team attended the Waverley Villages Centre Workshop on 4 September 2019. The workshop sought to gather feedback from stakeholders and community members with regard to the principles and vision for Charing Cross and Bronte Road. Following this workshop an email was provided by Council summarising the feedback, as set out below:

- "like to see more outdoor seating areas and tree planting, with some concerned that this may take away parking"
- "Overall there was an agreement that there is a need to reinvigorate Charing Cross, while respecting its heritage buildings and character"
- "There was a common desire to create a "comfortable" place with more public spaces and places for the community to "stay" and more diverse and interesting business offerings."

In the preparation of the Planning Proposal, a place-based approach has been taken in accordance with the established priorities of the District Plan, Government Architects policy guidelines and directions and priorities of Waverley Council. Importantly, the feedback of the Regional Planning Panel has adopted and incorporated into the proposal.

The final proposal for the precinct aligns with existing character and built form description of the Centre and desired future character objectives of Charing Cross (see assessment of these in the site-specific merit section of this planning proposal). Today, Charing Cross has a fine-grain character created by narrow lots and buildings with very little public space or pedestrian amenity and lacking in greenery. Some parts of the centre are dilapidated and underutilised, offering little to the overall amenity and experience of the Village.

The desired future character of Charing Cross in the strategy, encouraging revitalisation, rejuvenation and activation of the village to meet the aspirations of the community. Of note is the intention for the village to be characterised by:

- A destination for people to visit, stay and enjoy – rather than a thoroughfare
- Supporting a diversity of uses independent businesses and retail offerings to cater to local needs

- A high level of pedestrian activity and connectivity
- Balance of the public domain between pedestrians' landscape/open space and vehicles
- Activating laneways and creating safe corridors for pedestrians
- Allowing for additional floor space to buildings in the northern part of Bronte Road in recognition of its eclectic character

The feedback received from the community conveys that Charing Cross needs more outdoor dining and places for the arts and creativity, additional planting and greenery, small activated shops and more places for people to live work and access retail services.

The Planning proposal has subsequently been identified as 'Key Site 'A' within the Strategy and is therefore considered to be consistent and aligned with this strategy. As articulated in this document, the proposal creates a destination within Charing Cross, providing a fine grain activated retail ground floor level, surrounding large publicly accessible open spaces and laneways connecting Bronte Road and Carrington Road. The character of the streetscape and facades is preserved with additional level setback from the street.

This Planning Proposal is consistent with desired future character of Charing Cross and is sensitive to the surrounding heritage and character of the area, whilst also enhancing the amenity, sustainability and long-term viability of the Charing Cross precinct by delivering a residential, commercial and retail mixed-use development.

As a key Village Centre of Waverley, Charing Cross can be rejuvenated to provide the public benefits that the community has identified. This includes improving the pedestrian experience and activity, encouraging a diverse range of services, retail offerings and jobs as well as additional housing.

***Test: Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls***

Charing Cross presents as a typical inner-city strip centre focussed on Bronte Road and extending from Victoria Street in the north-west to around the intersection of Bronte and Albion Street in the south-east.

An Economic Feasibility assessment prepared by Leyshon Consulting (**Appendix D**) accompanies the Planning Proposal. As part of this report consideration is given to the existing economic profile and uses within the current centre and likely trajectory based on similar centres in Sydney. This is relevant when considering the circumstances and the response of existing planning controls.

Over the past decade (which also aligns broadly with Council's previous updates to planning controls in 2006 and 2012) an increase in the number of businesses retailing home decoration/renovation products has occurred in Charing Cross. These uses generally serve subregional or regional markets rather than attracting customers solely from the immediately surrounding residential area. As a result, the character of the centre is changing. According to Leyshon Consulting, the potential trajectory could continue to lead to a 'crowding out' of more traditional convenience retail uses.

Since 2006 there has been no effective change to the planning controls that recognises or responds to the changes occurring within the centre, or incentivises the creation of public benefit in the centre. The current retail offer and shop vacancies also suggests the overall main street traders are under performing.



The proposal will introduce a vibrant and active retail and commercial development, with associated residential and is expected to stimulate economic activity across broader Charing Cross. Crucially, the proposal is consistent with the Desired Future Character Objectives of Charing Cross, as demonstrated below.

### **Site Specific Merit Test**

**Test:** *The natural environment (including known significant environmental values, resources or hazards)?*

The site is currently developed within the urban setting of Charing Cross, with no on-site vegetation or specific environmental value. Other than the heritage aspects of the site, there are no environmentally significantly land, or land with biodiversity value that will be affected by the planning proposal.

Whilst the existing buildings to Bronte Road, and some to Carrington Road are dilapidated and unoccupied, there are no hazards or environmental constraints that would preclude the planning proposal and redevelopment of the site.

**Test:** *The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?*

The Proposal provides a considerable increase the quantum and quality of ground floor retail, in a fine grain, accessible and functional location which will positively contribute to Charing Cross. Importantly, these additional opportunities and public benefits cannot be realised without renewal and redevelopment of the site, and associated amendments to planning controls.

The proposed built form and future uses are consistent with the existing character and built form description of the Centre as adopted by Council at Section E3 of Waverley DCP 2012. More importantly, the proposal will support the Desired Future Character Objectives of Charing Cross.

The existing character and built form description states that Bronte Road currently serves as a "high street" character, supporting the local commercial strip as well a major public transport route to and from the City. It notes that the centre continues to fulfil a valuable social role and meeting place for local residents and for the children attending and travelling to the surrounding schools. However, there has been no significant investment has been made by Council or private land owners in Charing Cross for communal space in the past decade.

Notably, the DCP states that *"At present the public domain is not particularly well defined, blurring into the adjacent residential areas, particularly at the northern and southern ends of the high street"*. The proposal seeks to provide additional publicly accessible open space and strengthen the fine grain characteristics of the centre.

The purpose of the controls included in the Development Control Plan is clearly established at Section E3 (page 326) to, *"strike a balance between upgrading and improving the public and private domain in village centres, while maintaining their character and affordability"*. This revised planning proposal demonstrates that whilst changes to planning controls are proposed, the scale ensure the character objectives are maintained and that the existing buildings will be significantly improved from the current dilapidated condition. Furthermore, it is noted that the Desired Future Character Objectives and Existing Character and Built Form description have remained the same from the 2016 DCP to 2019.

Charing Cross - Desired Future Character Objectives	
Objective	Response
(a) To limit the scale of redevelopment and infill development at the street edge to match the height of the existing heritage parapet façades and roof lines, with setbacks to further levels where appropriate.	<b>Consistent</b> The built form response preserves the existing building façade and parapet height to Bronte Road, with upper levels setback from the street frontage, consistent with the other provisions of the DCP. The form within the precinct steps down Bronte road to the south and ensures that the rear of sites is characterised by publicly accessible open space
(b) To ensure that the design of infill development remains consistent with the regular division of frontages, where regular divisions occur.	<b>Consistent</b> The configuration of the site is such that the division of frontages is retained to Bronte Road, with the existing heritage façade to be retained and restored. The proposal also provides opportunity over time for a future redevelopment of the legion club to provide a more consistent character response to Bronte Road The Carrington Road façade provides a contextual response to surrounding development, stepping down in heights towards the south
(c) To ensure an integrated approach and consistent treatment to the conservation of terrace groups of buildings of historic character.	<b>Consistent</b> As noted above, the proposed retained the existing heritage façade and massing to the parapet of heritage facade
(d) To minimise 'visual clutter' through control of peripheral building elements.	<b>Consistent</b> The proposal provides a consistent built form, adopting datum lines of the existing façade and setting back upper levels, and stepping down to the south on both Bronte a Road and Carrington Road. The precinct will provide a cohesive built form to the street frontages with large expanses of open space to the rear.
(e) To encourage the conservation of historic architectural details and reconstruction of missing or degraded elements.	<b>Consistent</b> The proposal seeks to retain and restore the existing façade of 223-227 Bronte Road (Bronte Road frontage), ensuring consistency to the streetscape and character area of Charing Cross.
(f) To maintain the continuity of awnings where present.	<b>Consistent</b> The proposal will incorporate continuous awnings to both Bronte Road and Carrington Road. This requirement would be part of a detailed DCP control, called up by Local provision within the LEP.
(g) To maintain Bronte Road as the primary streetscape in the centre with lanes and side passages as secondary frontages.	<b>Consistent</b> The proposed retains the prominence of Bronte Road as the primary streetscape. By retaining and restoring the existing façade, the streetscape and associated character is strengthened

### Unique Nature of the Site in the Context of Charing Cross

The precinct's unique with regard to its gateway location, geometry and size within Charing Cross, dual street frontage and adjacency to the Robin Hood Hotel, as the cornerstone of the Charing Cross intersection. The revised proposal for the precinct offers a unique opportunity to provide accessible pedestrian connection, significant open space (off street) and increased ground floor retail activation unlikely any other site within Charing Cross. For these reasons, the Planning Proposal does not set a broader precedent for other sites in Charing Cross, and meets the strategic planning requirements that have been identified by Council and community to date.

***Test: The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?***

The precinct well located to existing infrastructure and is accompanied by a public benefit offer applying the land owned by the Whitten Family (see **Section 9.9** of the Planning Proposal).

Due to the proximity of the site to public transport connections and the limited car parking provided on site, the proposal will not have adverse impact on the local road network. The Transport Impact Assessment (**Appendix H**) identifies a minor net increase to traffic, with an increase in weekday and reduction in weekend and evening volumes.

The report confirms that the additional traffic generated (at a conservative estimate applied near the maximum DCP rates) will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. Significantly, the GTA confirms that there is appropriate capacity in the surrounding road network to cater for the traffic generated by the Planning Proposal.

The removal of the existing bottle shop and redevelopment of the site also opens up the opportunity for providing another 6 on-street, publicly accessible, car parking spaces. These would be in the control of Council with regard to time limits, use for loading/services, or paid parking.

## 5.5 Section B - Relationship to Statutory Planning Framework

### 5.5.1 Relevant Legislation and Regulations

#### Environmental Planning and Assessment Act 1979

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

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

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

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

#### State and Regional Statutory Framework

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

**Table 7** - Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Consistent			Comment
	Yes	No	N/A	
State Environmental Planning Policy No 19-Bushland in Urban Areas			✓	There is no existing vegetation on the site.
State Environmental Planning Policy No 55 – Remediation of Land	✓			The land is currently zoned B4 – Mixed Use and no change in use is proposed. The site has been utilised as a pub since the 1890's and is not known to be contaminated nor previously utilised for any industrial purpose that has caused land contamination (refer to <b>Appendix G</b> ).
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	✓			The planning proposal will achieve consistency with the SEPP through application of design excellence provisions. <b>Appendix A</b> provides the amenity analysis of the indicative scheme and quality principles of the SEPP. This demonstrates compliance with the key criteria of the Apartment Design Guide (ADG). Any future DA to be submitted to Council for this site will demonstrate the development satisfies the requirements of this SEPP.



State Environmental Planning Policy	Consistent			Comment
	Yes	No	N/A	
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	✓			The planning proposal is not inconsistent with the application of this SEPP. The provision of affordable housing will be subject to the future DA
State Environmental Planning Policy (Affordable Rental Housing) 2009			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (BASIX) 2004			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	The SEPP may apply to any future development of the site.

### 5.5.3 Local Statutory Planning Framework

#### Consistency with Waverley LEP 2012 Aims

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

**Table 8 - Consistency Waverley LEP 2012 - Aims**

Waverley LEP 2012 Aims				
Objective	Consistent			Comment
	Yes	No	N/A	
(a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,	✓			The proposal is consistent with this aim and will deliver a well-coordinated and integrated mix of retail, commercial and residential uses along with open space and other services to cater for the local and wider community.
(b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,	✓			The proposed development is of a local, Charing Cross, scale and will not directly compete and erode the economic importance of Bondi Junction. The services and retail/commercial offering within the proposal will be at a local scale.
(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,	✓			The proposal will provide potential for 60 dwellings, in a location well serviced by public transport, close to open space, and availability to amenities and employment (also increased as part of the planning proposal). The unit mix and size reflects the changing nature of the population within the centre as outlined in the Urban Design Report.
(d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,	✓			The site is uniquely located to enable a transition in height to be accommodated, whilst protecting the amenity of surrounding residential areas, particularly to the western side of Carrington Road.
(e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,	✓			The proposal will create a new, publicly accessible, through site link and square that would not be possible without the redevelopment. This will enhance the liveability and amenity of Charing Cross and in turn lead to increased commercial/retail activation, strengthening the centre.
(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,	✓			The proposal will incorporate environmentally sustainable design techniques, including rain water collection, PV cells, green walls, and passive heating and cooling.
(g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley	✓			The proposal carefully considers the heritage and social impacts of the proposal. A Heritage Assessment has been undertaken ( <b>Appendix C</b> ). Opportunities have been made available for the provision of public art, embedded into the design (refer to <b>Appendix A</b> and <b>Appendix I</b> ).

### Consistency with Zone Objectives – B4 Mixed Use

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

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

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

### Consistency with Building Height Objectives

**Table 10 - Consistency with WLEP 2012 – Building Height Objectives**

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

Waverley LEP 2012				
Building Height				
Objective	Consistent			Comment
	Yes	No	N/A	
to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,			✓	Not directly applicable as the site is located outside of Bondi Junction, however the proposal does facilitate retail and commercial floor space rejuvenation and expansion, commensurate with the scale of Charing Cross.
to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land	✓		✓	Not applicable.  However, as shown in <b>Appendix A</b> and <b>B</b> , the proposed building height provides for an appropriate built form in the context of surrounding buildings, including consideration of the Heritage Character of Charing Cross. Built form and urban design has been a key consideration in this proposal and is discussed further in <b>Section 9.2</b> .
to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space	✓			As shown in <b>Appendix A</b> and <b>B</b> , the proposed building height provides for an appropriate built form in the context of surrounding buildings, positively contributing to the streetscape and facilitating the desired future character of Charing Cross. The built form enables a publicly accessible through site link (including public square) to be realised.

### Consistency with Floor Space Ratio Objectives

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

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



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

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

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

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

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

**Table 12** - Assessment of relevant Ministerial Directions

Ministerial Direction	Comment
<b>Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>▪ give effect to the objectives of this direction,</li> <li>▪ retain the areas and locations of existing business and industrial zones,</li> <li>▪ not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>▪ not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>▪ ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning</li> </ul>	<p>The proposal will not alter the existing zoning of the site or the existing permissible uses of the site.</p> <p>The proposal seeks to allow for an intensification of the site through amendments to the height and floor space ratio under the Waverley LEP.</p> <p>These changes will increase the extent and quality of employment generating uses and strengthen the location of Charing Cross as a local centre.</p>
<b>2 Environment and Heritage</b>	
<b>2.1 Environmental Protection Zones:</b>	
<ul style="list-style-type: none"> <li>▪ A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</li> <li>▪ A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</li> </ul>	<p>The site and surrounds are not zoned for environmental protection purposes nor are they identified for this purpose under the Waverley LEP.</p>
<b>2.3 Heritage Conservation:</b>	
<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>▪ items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>▪ Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</li> </ul>	<p>The site is identified as part of a heritage conservation area under the Waverley LEP. A Heritage Assessment report has been prepared and assesses the proposed development as illustrated by the concept plan. The design process was undertaken with careful consideration of the heritage values of the site and locality.</p>

Ministerial Direction	Comment
<ul style="list-style-type: none"> <li>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</li> </ul>	<p>The Waverley Development Control Plan states '<i>the original characteristics of traditional neighbourhood retail buildings are retained and enhanced</i>'. For any future development, particularly along Bronte Road, this would be a key consideration that would need to be addressed during the development application stage.</p>
<p><b>2.6 Remediation of Contaminated Land</b></p>	<p>Consistent. The preliminary site assessment for contamination concludes that it is suitable for development for an hotel use subject to the submission of a detailed site investigation and implementation of a any required remediation plan at the development application stage.</p>
<p><b>3 Housing, Infrastructure and Urban Development</b></p>	
<p><b>3.1 Residential Zones</b></p>	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>broaden the choice of building types and locations available in the housing market, and</li> <li>make more efficient use of existing infrastructure and services, and</li> <li>reduce the consumption of land for housing and associated urban development on the</li> <li>urban fringe, and</li> <li>be of good design.</li> </ul> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>not contain provisions which will reduce the permissible residential density of land.</li> </ul>	<p>The proposal will not alter the existing B4 – Mixed Use zone and will retain the location of the heritage listed pub.</p> <p>The proposal seeks to allow for an intensification of the site through amendments to the height of buildings and floor space ratio under the Waverley LEP 2012.</p>
<p><b>3.4 Integrating Land Use and Transport</b></p>	
<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul>	<p>The PP will facilitate retail/commercial and residential development in close proximity to jobs and services encouraging walking, cycling and use of public transport. This is consistent with the requirements of the direction and reference documents.</p>
<p><b>4. Hazard and Risk</b></p>	
<p><b>4.1 Acid Sulphate Soils</b></p>	
<p>The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid sulphate soils being present.</p>	<p>This Section 9.1 Direction is not applicable to this planning proposal.</p> <p>The site to which the proposal applies is not affected by acid sulphate soils under Waverley LEP.</p>

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

Ministerial Direction	Comment
<p>Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</p> <ul style="list-style-type: none"> <li>the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</li> <li>the provisions of the planning proposal that are inconsistent are of minor significance.</li> </ul>	
<b>5-Regional Planning</b>	
5.10 Implementation of Regional plans	<p>Consistent. This direction ensures that LEP provisions encourage the efficient and appropriate assessment of development. This planning proposal does not include any concurrence, consultation or referral provisions. Additionally, it does not identify any development as designated development</p>
<b>6 Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> <li>the appropriate Minister or public authority, and</li> <li>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</li> </ul> </li> <li>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</li> <li>not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</li> </ul> </li> </ul>	<p>The planning proposal does not propose any such provisions listed in Direction 6.1.</p>
<b>6.2 Reserving Land for Public Purposes</b>	
<p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	<p>The planning proposal will facilitate the provision of a publicly accessible through site link as well as publicly accessible square, surrounding by retail, commercial and residential uses. The proposal does not involve the reduction or removal of any land dedicated for public purposes.</p>



Ministerial Direction	Comment
<p><b>6.3 Site Specific Provisions</b></p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>allow that land use to be carried out in the zone the land is situated on, or</li> <li>rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>Site specific provisions are proposed, as set out in <b>Section 5.2.4</b> of this Planning Proposal in order to provide appropriate flexibility in responding to the topography (fall) of the site between Bronte Road and Carrington Road, without increasing the overall maximum building height across the site.</p> <p>This approach allows for a site-specific design response in the DA with appropriate assessment criteria of Council</p> <p>The site-specific provisions do not change the permissible uses of zoning of the site.</p>
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	
<p>A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Secretary of the Department of Planning &amp; Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency the Sydney Region Plan:</p> <ul style="list-style-type: none"> <li>is of minor significance, and</li> <li>the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its planning principles; directions; and priorities for subregions, strategic centres and transport gateways.</li> </ul>	<p>The planning proposal will create the opportunity for additional local employment through the intensification of the site.</p>

## 5.6 Section C – Environmental, Social and Economic Impacts

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

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

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

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

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

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

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

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

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

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

#### **Existing Context**

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

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

### ***Economic Feasibility***

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

The Economic Feasibility and Impact Assessment report indicates it is necessary to increase substantially the FSR applying to the site from the current level of 1:1 if redevelopment of existing properties in the centre is to be encouraged and facilitated. The proposal of between 2:0 and 2.25:1 is the FSR required to achieve a viable mixed-use development and a satisfactory return as far as funding authorities were concerned.

## 5.7 Section D – State and Commonwealth Interests

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

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

The site is well connected to pedestrian and cycle paths, as documented in the Transport Impact Assessment (**Appendix H**) and discussed further in **Section 9.6**. The proposal results in a minor overall net increase to traffic movements, with additional weekday movement and a reduction in weekend and evening volumes.

The report confirms that the additional traffic generated (at a conservative estimate applied near the maximum DCP rates) will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. Significantly, the GTA confirms that there is appropriate capacity in the surrounding road network to cater for the traffic generated by the Planning Proposal.

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

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

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

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



## 5 PART 4 - Mapping

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

**Height Of Buildings Map -  
Sheet HOB\_001**

**Maximum Building Height (m)**

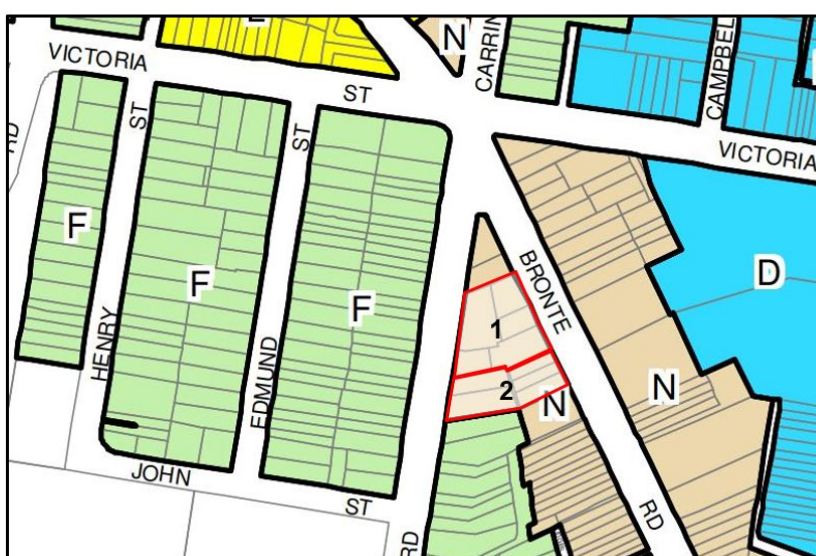
I	8.5	1	13.5m
J1	9	2	13m
J2	9.5	3	11m
K	10	4	10m
M	12.5		
N	13		
O1	15		
O2	16		



**Floor Space Ratio Map -  
Sheet FSR\_001**

**Maximum Floor Space Ratio (n:1)**

D	0.50	1	2.25
F	0.60	2	2
I	0.75		
L	0.90		
N	1.00		
S	1.50		
T	2.00		
V	3.00		



## 6 PART 5 - Consultation and Engagement

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

### 7.1 Consultation Process

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

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

The key objectives of this plan are to:

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

#### 7.1.1 Consultation Prior to lodgement of the Planning Proposal

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

On 13 June 2018, a briefing was also given to the Charing Cross Village Precinct and invited local residents which included a presentation of the components of the planning proposal and indicative architectural scheme. Leaflet invitations were circulated by the Precinct organisers in the week prior to the meeting to invite the public to attend. Approximately 30-40 people attended including two Waverley Councillors. The Precinct includes members of the community and local business owners. Ongoing briefings have also been provided to the Eastern Suburbs Legion Club in regard to the Planning Proposal.

## 7.2 Engagement During Public Exhibition

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

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

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

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

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

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

## 7 Indicative Project Timeline

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

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

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

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

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

Stage	Indicative Timeframe
Lodgement	April 2020
Consideration by Council of Planning Proposal (including review by Local planning Panel)	May- July 2020
Referral to Department of Planning & Environment for Gateway Determination	December 2020
Gateway Determination	27 May 2021
Public exhibition	December 2021 – February 2022
Timeframe for consideration of submissions and consideration of Planning Proposal following public exhibition	February – March 2022
Planning Proposal Reported to Council (post exhibition)	March 2022
Plan Made	April 2022



## 8 Assessment of Planning Issues

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

### 9.1 Urban Design Analysis and Architectural Scheme

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

As part of the Urban Design Report, and in response to discussion with Council and the Regional Planning Panel, a broader analysis of the Charing Cross Precinct was also carried out by Roberts Day. The purpose of the analysis was to consider the potential future development pattern and the relationship between the Planning Proposal and future development. By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA scheme) can be tested, understood and clearly presented.

### 9.2 Potential Built Form

The proposed building envelopes for the precinct (as show in both the Architectural Plans and Urban Design Report (**Appendix A** and **B**) seek to provide appropriate building heights and setbacks for feasible developments and the creation of pedestrian through site links and publicly accessible squares within Charing Cross.

The proposed built form achieve a fine grain vertical street rhythm and heritage response that provides significant design and public benefit. Through collaboration with the heritage specialists (Oultram Heritage at **Appendix C**) the following principles are incorporated into the design.

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

#### ***Unique Characteristics of the Precinct***

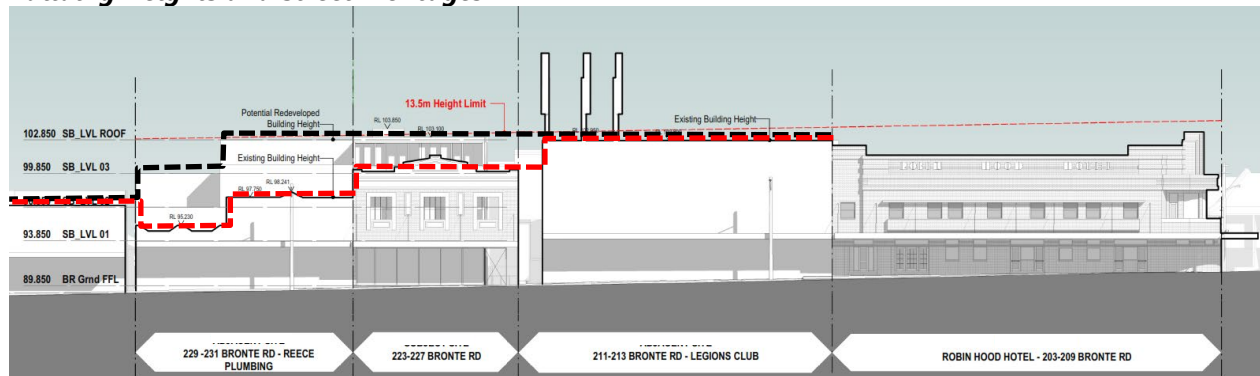
The site is located immediately adjacent to the Robin Hood Hotel which marks the gateway to Charing Cross when travelling from the east. The topography of both Bronte and Carrington Roads falls away to the south from this corner, emphasising its location and importance.

These physical and geometric attributes of the precinct are unique and cannot be translated or recreated by other buildings along Bronte Road or Carrington Road

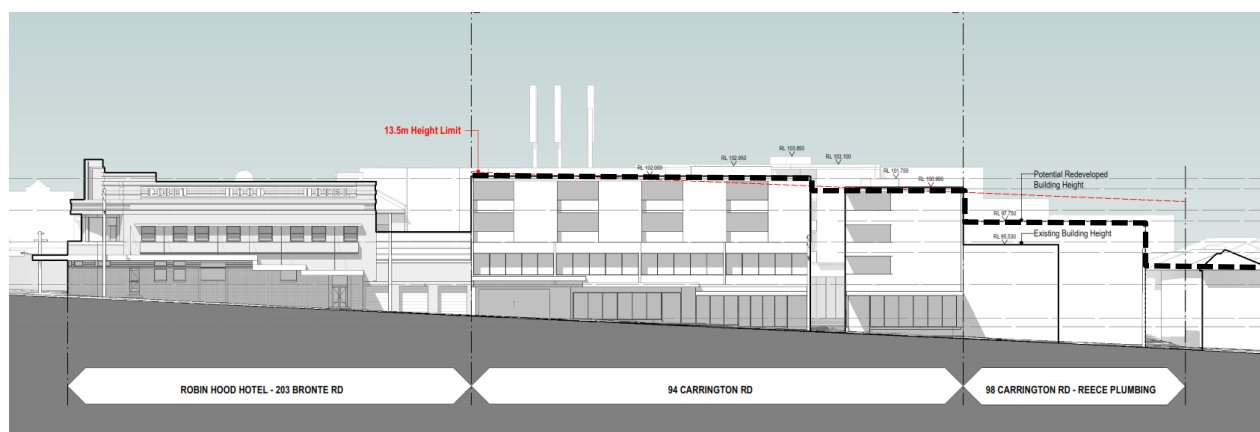
A preliminary visual assessment of the proposal has been undertaken from key vantage points, particularly the intersection of Bronte Road and Carrington Road (as provided in the Urban Design Report – Appendix A). As shown in these images (Figures 19 to 23), given the sites unique geometry and change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

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

### **Building Heights and Street Frontages**



- Street Frontage Height to Bronte Road
- Proposed built form set back behind the street wall



- Proposed built form stepping down Carrington Road to the south

## **9.3 Solar Access and Overshadowing**

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

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

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

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

## 9.4 Residential Amenity

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

## 9.5 Heritage

A Heritage Assessment has been prepared Oultram Heritage Design (**Appendix C**), to consider the impact of the proposal on the heritage significance of the surrounding heritage items, conservation area and Charing Cross locality. Recommendations have been directly incorporated into the proposed precinct, including the retention of the Bronte Road façade and further reduction in building height.

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

The report concludes that the proposal, including the expanded precinct of the north western quart of Charing Cross is coherent and well-considered response a high quality, built outcome and streetscape whilst respecting the qualities of the conservation area. The contribution of the current building to Bronte Road will be maintained in the retention of its facade and awning allowing an easy fit for the development into the local streetscape. The scale of potential development is not considered to be excessive and responds well to the local context and is capable of compliance with the objectives and provisions of the LEP 2012 and DCP 2012.

The design and scale of the future buildings, proposed links and open space between buildings is considered to provide a pattern of development that will complement, rather than dominate the local streetscape.

## 9.6 Transport Assessment (Traffic)

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

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

## Parking

As outlined in **Appendix H**, the Waverley DCP 2012 specifies maximum car parking rates rather than minimums. Given the location of the site, demographics, and access to high frequency public transport options, it is considered likely that car parking to be provided at a rate less than the DCP would be appropriate and would be confirmed as part of future development applications. As shown in the Architectural Drawings (**Appendix B**), a single vehicle entry from Carrington Road.

The potential to consolidate the basement car park and use a single vehicular access would remove four existing driveways on Carrington Road south of Robin Hood Hotel. This would improve amenity, limit conflict and ensure all vehicles can enter and exit the site in a forward direction (not currently possible for all sites), while also providing around seven on-street parking spaces for short-term parking use.

## Traffic Impacts

The report considers the potential traffic generation as a result of the Planning Proposal for the precinct. As part of this assessment, a count of existing vehicle movements was conducted during the road network peak periods (AM and PM) on Thursday and Saturday midday. Additional counts were carried out for the drive through bottle shop during the peak operational times of 5:45pm-6:45pm on a Friday evening.

The existing traffic counts at the AM and PM road network periods were conducted at the five existing accesses on Carrington Road, with traffic generation for the uses fronting Bronte Road, including the Legion Club (including bistro and gym) and reatil based on comparable data and RMS guidelines. Proposed traffic generation estimates have been sourced from RMS and Technical Direction as set out in **Appendix H**.

A summary of the existing and proposed traffic generation from the Transport Impact Assessment is summarised provided below:

Peak Hour Traffic Generation Estimates (vehicle trips per hour)						
	Morning (AM)		Afternoon (PM)		Saturday (Midday)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
	35	58	84	89	71	90
<b>Net Change</b>	<b>+23</b>		<b>+5</b>		<b>+19</b>	

It is important to note that a conservative approach to traffic generation has been applied and will ultimately be influenced by the final supply of car parking supply provided on-site (as part of the future DA). The numbers used by GTA are representative of a car parking supply near the maximum requirements of the DCP (i.e. 123 spaces). Should the car parking supply be less than maximum DCP rates, then traffic generation will reduce accordingly. To ensure a comprehensive impact assessment (i.e worst case) of traffic and intersection performance, these conservative numbers have been used.

With regard to the overall number of vehicle movements in and out of the site, consideration has been given to the unique nature of the current uses – including a drive through bottle shop and plumbing supplies, which both generate peak demands outside of the typical AM and PM road network measurement periods. The existing traffic volumes relating to the drive through bottle shop peak on Friday and Saturday PM periods, considerably higher than the survey, 'typical' condition of weekday PM period, with the plumbing supplier peaking in the morning hours on Monday to Friday for collections by tradespeople.

Whilst these periods are not typically included in the standardised AM/PM measurements, GTA confirms that the planning proposal would result in a significant reduction in site traffic generation on Friday and Saturday evenings, further improving the amenity of the area.

When considered against the minimal increase during the AM/PM measurement period, there is the potential for an overall net reduction in traffic generation from the sites, particularly when considering on-site parking at levels lower than maximum DCP provisions.

### **Intersection Performance**

Based on an assessment of the proposed uses within the precinct, the traffic generated by the proposed development when compared to existing uses would have minimal increases. The additional traffic generated by the planning proposal amounts to less than one vehicle every two minutes and is not expected to compromise the operation of the surrounding road network.

The report confirms that the minimal additional traffic generated in the conservative modelling will not impact the overall level of service to the intersection of Carrington and Bronte Roads. As such, any car parking supply that is lower than the Waverley DCP maximum rates will further minimise any traffic impacts, and potentially improve the traffic generation compared to the existing uses on the site.

The report confirms that the additional traffic generated (as applied near the maximum DCP rates) will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. Significantly, the GTA confirms that there is appropriate capacity in the surrounding road network to cater for the traffic generated by the Planning Proposal.

### **Loading and Servicing**

Loading is proposed to occur on-street within existing and potential loading zones, which is considered acceptable for the size of the precinct and the existing operation of use. GTA recommends that provision of a single on-site loading bay be considered within basement car park as part of any future development applications, subject to achievable clearance heights and spatial availability.

## **9.7 Contamination and Geotechnical**

### **9.7.1 Contamination**

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

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

Consideration has been given to the probability for significant contamination of the site (as required by Part 6 of SEPP 55), and the likelihood of contamination has been as low in the PSI. The cover letter also notes



that give the stage of the Planning Proposal, and the fact that the underlying zoning (land uses) is not proposed to be amended, and further investigation would be undertaken.

In July 2021, a further Preliminary Geotechnical Investigation was prepared by WSP (**Appendix N**) covering 98 Carrington Road, 211-231 Bronte Road was prepared in response to the Gateway Determination.

The 2021 preliminary investigation confirms that there is a low potential for site contamination. The report considers that the site can be suitable for its proposed use as a mixed commercial / residential property, subject to further investigation as per Section 4.1 and remediation works (if required).

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

### 9.7.2 Geotechnical

An Initial Geotechnical Study of the part of the site (where the basement is identified in the concept scheme) has been prepared by JK Geotechnics and is provided at **Appendix F**. The assessment identifies that the site is likely underlain by residual soil, shale rock and sandstone. Groundwater was not encountered during the investigations on site. The assessment report considered the proposal for one basement level below.

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

## 9.8 Structural Engineering Assessment

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

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

## 9.9 Public Benefits

### 9.9.1 Overview

The Planning Proposal will provide significant public benefit through the delivery of high quality residential, retail and commercial spaces with access to public transport, services, and employment, health, education, entertainment and recreation facilities. The proposal will provide a direct and distinct community benefit in the form of publicly accessible through site links and open spaces that will provide direct access to retail and commercial uses, as well as a range of other site-specific works.

These components of community benefit are secured with any development on the land through the proposed incentive clauses of the LEP (refer to proposed site specific LEP wording at **Appendix O**) and accompanying Development Control Plan (refer to proposed Design Guide at **Appendix P**). This arrangement provides abundant certainty to the community, Council and land-owners, that no additional development can occur, unless the component of public benefit set out in the controls are provided. The proposed site-specific incentive clauses guarantees that when any substantial development takes place on the site, that the public and community benefit identified in the clause and DCP, will be delivered. As such, there is no need, or benefit of a Voluntary Planning Agreement on the land.

The following components have been incorporated into the proposal by the proponent to secure substantial net community benefits for the immediate Charing Cross community and wider Waverley Local Government Area residents and visitors.

- construction, maintenance of and access to a through site link and public square between Bronte and Carrington Roads
- street tree planting along Carrington Road in line with Council's Public Domain Improvement Plan
- additional on-street car parking to Carrington Road
- retention and repair of façade at 223-227 Bronte Road
- monetary contribution to install public art within the site

### 9.9.2 Assessment of Public Benefit

An assessment of the value of public benefits within the Planning Proposal has been undertaken by Hill PDA and is provided attached at **Appendix M** (submitted under separate cover). The report considers the value of the uplift associated with the Planning Proposal and the value of the public benefits proposed. The report also considers the viability of the proposal and the costs associated should the planning proposal be delivered in more than one part.

#### **Public Benefit**

The proposed public benefit within the Planning Proposal is **57.7%** of the value of the bonus uplift (assessed at an FSR of 1.25:1).

#### **Viability**

Hill PDA have also reviewed the viability of redevelopment of the site and confirm that redevelopment of the site to the base FSR is not viable and is development to result in a development margin of negative 22%.

As set out in the work by Peter Leyshon (**Appendix D**), a minimum FSR of 2:1 is required to ensure a feasible development with a development margin of 20% which excludes the delivery of any public benefits.

On this basis, if the bonus FSR was measured from the ‘tipping point’ (the minimum FSR required to achieve a viable development) then the value of proposed public benefits would be almost three times higher than the benefit of the bonus floor space.

### ***Single or Staged Delivery***

The assessment of the public benefit has assumed delivery in a single stage of development on an amalgamated site. If development was staged in more than one stage, the specific requirements of the benefits (such as open space and through site links) would still be delivered (as per the site specific incentive controls), however the preliminaries and other on-costs relating to construction would be considerably higher – two to three times more depending on the number of stages/projects. Whilst the extent of community benefit remains protected, the cost of delivering the identified works (as effective Works in Kind) would be considerably higher to the relevant land owner.

Hence the value of public benefits is expected to be 62% of the value of bonus uplift over FSR 1:1, or more than three times higher if calculated on the addition floor space above 2:1, as discussed with regards to viability above.

### **9.9.3 Planning Mechanism to Secure Benefits**

As discussed within this Planning Proposal, the statutory mechanism proposed for the land is by way of a site-specific clause that sets out objectives, and items and components of the development that cannot be approved unless other aspects are satisfied. The proposed uplift to FSR and building height are tied to these components, making them an “incentive clause”. This mechanism has been used successfully within NSW across other LGAs, and recently put forward by Council for a Planning Proposal at the War Memorial Hospital.

The proposed arrangement is clear and robust and provides clarity to community and stakeholders of the amount and type of public benefit that must be delivered with any redevelopment of the land. The community benefit is inherently tied to any development.

Specifically, the layout, size and arrangement of through site link and open space is known, with the opportunity for input during the public exhibition period. Furthermore, the planning controls apply to the land, giving the certainty that regardless of the land owner(s), the same development outcome and public benefit is to be delivered is any development under the Planning Proposal is to be realised.

## 10 Conclusion

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

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

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

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

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

The Proponent has worked collaboratively with community and Council Officers in developing this revised Planning Proposal, which is evidenced by the various meetings and reconsideration following the Regional Planning Panel meeting in November 2019. The proponent is committed to continuing to engage with Council through this process.

For the reasons outlined above and in the accompanying documentation, we submit that the Planning Proposal has considerable strategic and site-specific merit, and thus warrants support to proceed for Gateway determination.