



Charing Square Planning Proposal Assessment Report

203 – 231 Bronte Road & 94 – 98 Carrington Road, Waverley

Planning Proposal Information

Council versions:

No.	Author	Date	Version
1	Waverley Council	15/05/20	Pre-gateway
2	Waverley Council	21/10/21	Post-gateway

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Executive Summary

This report outlines the assessment of a proponent led Planning Proposal (PP) for 203-231 Bronte Rd and 94-98 Carrington Rd, Waverley. There are positive elements associated with a redevelopment of these sites. The height and FSR controls as submitted are considered adequate in the context of the surrounding streetscape. The use of stepped height limits to ensure consistency with the facades of adjoining buildings, the prevailing streetscape and surrounding character and to minimise residential amenity impacts, such as overshadowing, is supported. The creation of the public space is also supported. It is recommended that the Planning Proposal proceed to a Gateway Determination for public exhibition.

The proponent originally lodged a PP with a proposed height of 24m and a FSR of 2.85:1 on 22 June 2018. Council officers did not support this height. The proponent submitted an amended PP, reducing the proposed height to 18m and reducing the FSR to 2.65:1. The amended PP was submitted to Council on 5 February 2019. On 22 March 2019 the applicant formally lodged a Rezoning Review to be considered by the State Planning Panel. The Rezoning Review was held on 15 November 2019. At the Rezoning Review it was determined that the PP should not be sent to Gateway as it was not found to have site-specific or strategic merit. The State Planning Panel indicated a height of 13m (or thereabouts) would be better suited for this site to ensure that it does not visually overpower the Charing Cross centre. The State Planning Panel also indicated that the Legions Club and other appropriate land be included in the Planning Proposal to improve the strategic merit of the proposal. A new Planning Proposal incorporating the State Planning Panel's advice was lodged on 24 April 2020.

The new proposed heights range from 10m-13.5m and the FSRs from 2:1-2.25:1. The heights proposed are stepped down in height from the Legions Club (at the street level, 223-227 Bronte Road has an upper level setback) to the 231 Bronte Road next to the QE Store. The purpose of this stepped height approach is to minimise the visual impact of any development along Bronte Road on the Bronte Road heritage conservation area. The sites are well located to public transport services and are within proximity to the strategic centre of Bondi Junction. The proposal intends to maintain retail and commercial floor space whilst also encouraging residential development. The façade of 223-227 Bronte Road is proposed to be retained as part of the proposal.

The proposal intends to create a destination for residents and travellers to revitalise the Charing Cross centre. The public space is to be surrounded by artisan cafes and restaurants whilst also providing increased patronage numbers to the centre through the increase in residential uses in the centre. The proposal intends to enhance the identity and character of Charing Cross. This is in line with the Draft Waverley Village Centres Strategy as residents identified their desire to have a public plaza within Charing Cross during the Village Centres Strategy community workshops.

The notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy is supported. Charing Cross is a suitable location for residential development given the transport connections to Bondi Junction and proximity to high amenity surrounds of Queens and Centennial Park and beaches. The proposed scheme allows for a larger and more functional public square and residential and commercial uses. The proposed scheme recommends a scale that purports to respect the significant heritage character of Charing Cross and be sympathetic with the prevailing character by stepping down in height to neighbouring sites.

In addition a site specific DCP in conjunction with an Additional Local Provision are proposed to secure the delivery of the public square, allow for a development that does not diminish the visual amenity

of the Bronte Road streetscape, the landmark status of the Robin Hood Hotel and is consistent in size with the surrounding development.

In summary, the proposed amendments to FSR and height would:

- Improve commercial, retail and residential offerings in an area in proximity to public transport
- Create provision for a functional public square
- Remain sensitive to the streetscape and existing heritage character and built form of Charing Cross

WLEP2012 Provision	Existing Control	Proposal
Zone	B4 Mixed Use	B4 Mixed Use
FSR	1:1	2-2.25:1
Height	9m	10-13.5m
Heritage Conservation Area	211-231 Bronte Road	Maintain
	Existing Control	Proposal
Through site link	NIL	Yes
Public space	NIL	19%
Additional Local Provision	NIL	Yes

INTRODUCTION

Affected Land

The Planning Proposal is located on the following lots:

- 203 – 209 Bronte Road (Robin Hood Hotel) – Lot A DP 105665 and part of Lot 1 DP 59526 – 533m²
- 211 – 213 Bronte Road (Eastern Suburbs Legions Club) – Lot B & C DP 105665 – 491m²
- 223 – 227 Bronte Road and 94 Carrington Road (Bottle shop and Stamatiko Flats) – Lot A & B DP 332733 – 1229m²
- 229 Bronte Road (Reece Site) – Lot 2 & 3 DP 102988
- 231 Bronte Road (Reece Site) – Lot 1 DP 170941
- 98 Carrington Road (Reece Site) – Lot 1 DP 952482 & Lot 1 DP 90800 – All Reece sites total 1220m²

Figure 1 below identifies the lots involved in the PP and their respective Lot and DPs.

Figure 1 – Site of the Planning Proposal, 203 – 231 Bronte Road and 94 – 98 Carrington Road, Waverley



Existing Development on the site

Each of the lots have separate existing uses. 203-209 Bronte Road is currently used as a retail premises in the form of a drive-through bottle shop known as the Robin Hood Hotel Bottle Shop.

Figure 3 – Existing retail premises on 203-209 Bronte Road



223-227 Bronte Road is currently used as shop top housing with a mix of retail shops on the ground floor and residential apartments above. The retail premises include a hair studio and a garage door sales place. The residential apartments above are in a dilapidated state and as such are not occupied, this site is within a Heritage Conservation Area (HCA). This is discussed further in Section 3.2 of this report.

Figure 4 – Existing retail use and shop top housing (left) and residential apartments (right), 223-227 Bronte Road



94 Carrington Road currently has an existing dilapidated garage on the site. Figure 5 below shows the garage on 94 Carrington Road.

Figure 5 – Existing garage on 94 Carrington Road



The Eastern Suburbs Legions Club is located on 211-213 Bronte Road. This building is three storeys high and is incongruous to the surrounding character of the Charing Cross centre. The club is a licensed venue and operates on a commercial basis.

Figure 6 – Eastern Suburbs Legion Club



Reece Plumbing is located on 229-231 Bronte Road and 98 Carrington Road. The Reece Plumbing building is a two and a half storey commercial/industrial warehouse style building. This building fronts both Bronte Road and Carrington Road. There is also shop top housing located on 229 Bronte Road with part of the Reece showroom and a tiling and mosaics store located on the ground floor.

Figure 7 – Reece Plumbing warehouse on 98 Carrington Road and showroom and shop top housing on 229-231 Bronte Road



Surrounding Context

The site is located in the commercial / retail centre of Charing Cross near the intersection of Bronte Road and Carrington Road. The village centre is distinguished by the acute intersection of major traffic routes Carrington and Bronte Roads and the secondary route of Victoria Street. The village centre is characterised by two storey retail facades of late Victorian, Federation and Inter War styles interspersed with rare early Victorian shop and residential forms and later Post War development.

Bronte Road is distinguished by being a village centre of predominantly two-storey commercial buildings (shop-top housing) dating from the late 19th century through to the early 20th century. The principal character of the locality is late 19th century with a strong overlay of early 20th century commercial development, which tends to consist of single buildings, rather than rows of shop-top housing as were being constructed in the 1880s and 1890s (for example the Heads Buildings, 245-263 Bronte Road, a row of ten commercial premises with flats above).

Figure 8 – Bronte Road Streetscape



Figure 9 – Bronte Road Streetscape (Heads buildings)



The eastern side of Carrington Road which contains the subject property, is mixed in character with late 20th century commercial buildings to the south of the Robin Hood Hotel and face brick mid-20th century residential flat buildings. The western side of Carrington Road consists of detached Victorian terrace housing and workers cottages with 20th century commercial buildings at the northern end, culminating in the Charing Cross Hotel at the junction of Carrington Road and Victoria Street. Aside from the Charing Cross Hotel and the Robin Hood Hotel, this section of Carrington Road is not particularly distinguished.

Figure 10 – Carrington Road Streetscape



The maximum height of 9m maintains the two storey consistency seen on both Bronte and Carrington and the 1:1 FSR control ensures the fine grain lot size seen on Bronte Road. With the exception of the anomalous Eastern Suburbs Legions Club (1970s construction), the majority of the recent developments completed within Charing Cross have maintained the consistency of the existing streetscape with only minor exceptions to the development standards, usually seen in increases of FSR, this is explored further in the surrounding development section.

Surrounding Development

To the north of the site is the Robin Hood Hotel, to the east / north of the site across Bronte Road is mixed use buildings with commercial uses on ground floor and shop top housing above, to the south of the site is a residential flat building and to the west across Carrington road are residential uses. The Robin Hood Hotel is a heritage item that faces both Carrington Road and Bronte Road that also has a much larger building envelope than much of the development on Bronte Road, it is not inconsistent with the prevailing streetscape of Carrington Road because there is no clear building envelope consistency on Carrington Road.

The Charing Cross village is a Heritage Conservation Area (HCA) and contains many heritage items under Schedule 5 of the LEP. The heritage and low-density character of this village is highly valued and as such this centre is the subject of strict controls in the LEP and particularly the DCP. The importance of maintaining the scale, character and heritage of this centre was outlined in the Draft Waverley Village Centres Strategy as it outlines that *'Any new building must respect the HCA and its design and characteristics without mimicking heritage detailing'*. Recent development in and around the Charing Cross centre has respected the important heritage and distinctive low-scale character by complying with the controls and objectives set out in this document. Council's longstanding stance on this issue has ensured that all recent DAs were consistent with the study and in turn, have respected the existing character and built form of the Charing Cross Centre. Figure 11 below provides good examples of complying with or minimally exceeding the controls within reason whilst still respecting the streetscape and prevailing low-density neighbourhood character. Many of these developments have done this by setting back of the top level so that it is less visible to the streetscape and the existing façade can be maintained. These developments were completed prior to the lodgement of this proposal and demonstrate that redevelopment of the subject site of this PP can be achieved within the controls or with only minor exceedances to the control. It can be argued that a minor increase in the current LEP controls on this site are possible, provided that the development is setback appropriately to minimise visual impact.

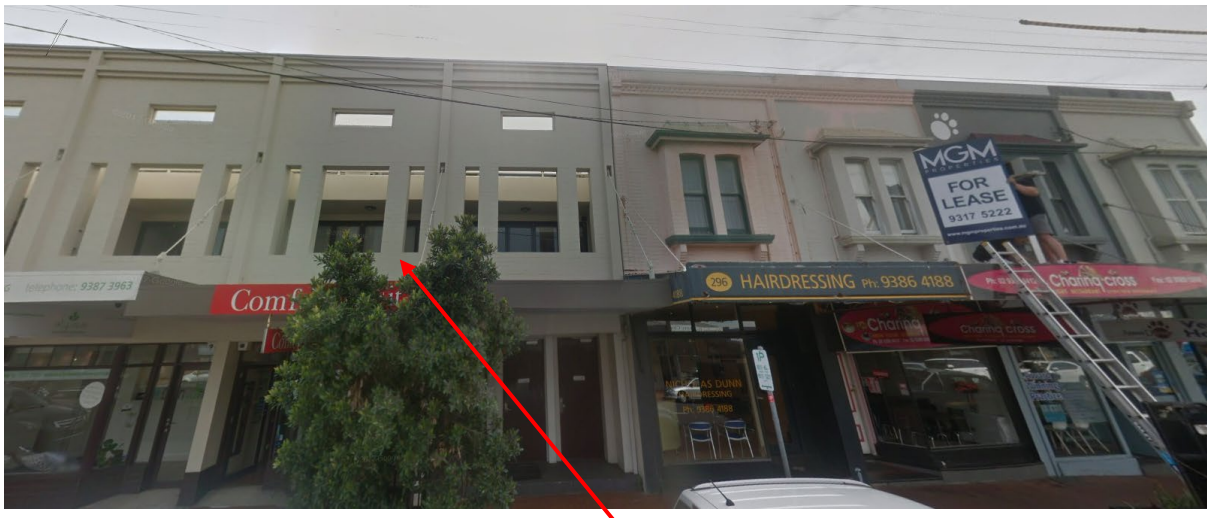
Figure 11 – Recent developments respecting the streetscape



Site 1 – 173 – 179 Bronte Road, Waverley



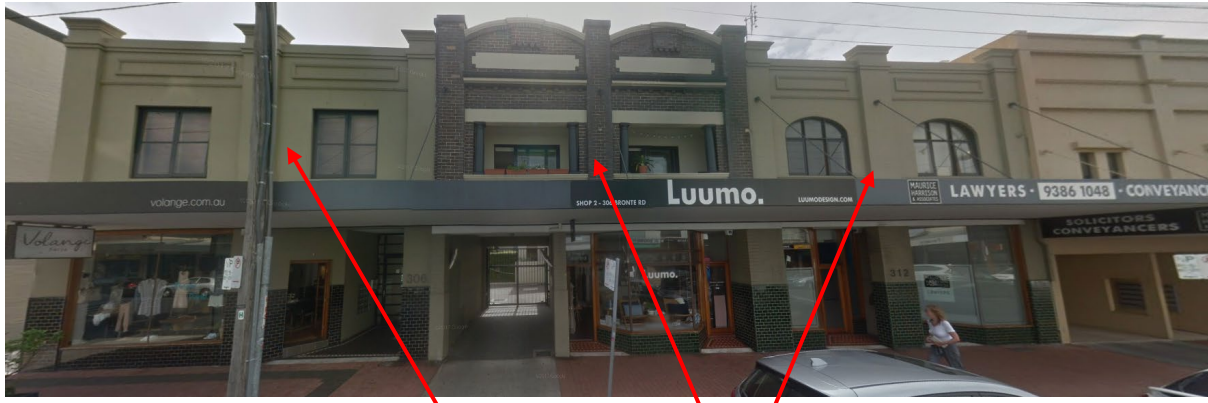
Site 2 – 226 – 232 Bronte Road, Waverley



Site 3 – 284 – 292 Bronte Road, Waverley



Site 4 – 235 – 239 Bronte Road, Waverley



Site 5 – 306 – 312 Bronte Road, Waverley



Site 6 – 314 – 316 Bronte Road, Waverley

Current Planning Controls

The Waverley Local Environmental Plan 2012 (WLEP2012) applies to the subject site.

The aims of the WLEP2012 are as follows:

- (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,
- (b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,
- (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,
- (d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,
- (e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,
- (f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,
- (g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.

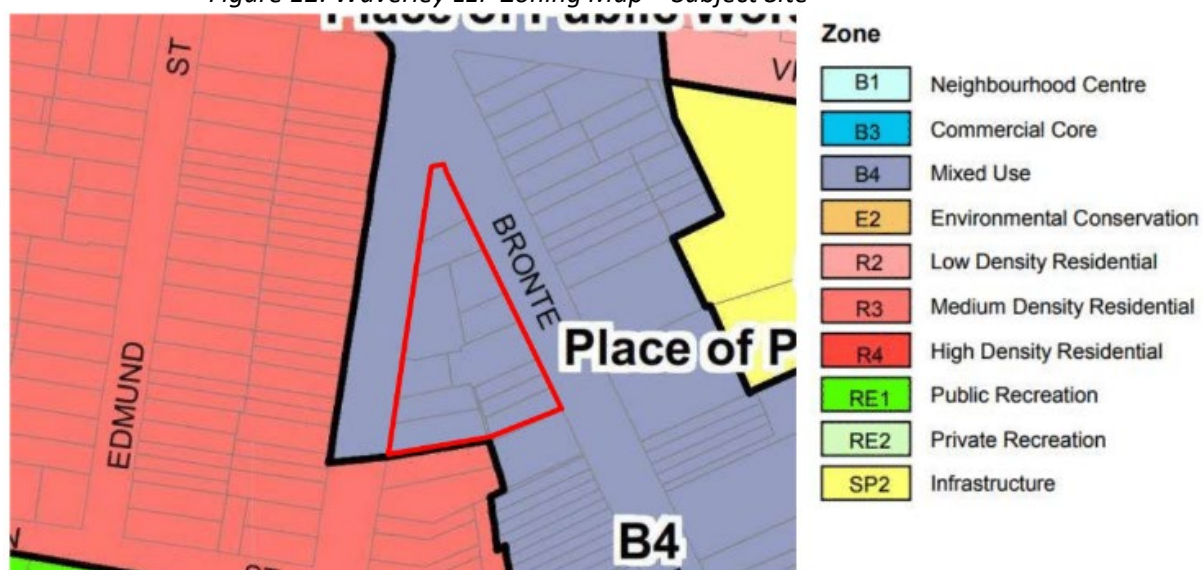
The current development standards pertaining to the site are:

WLEP 2012 Provision	Site
Zoning	B4 Mixed Use
Height of Buildings	9m
FSR	1:1
Heritage	Nil
Heritage Conservation Area	211-213 Bronte Road (Legions Club) 223-227 Bronte Road (Stamatiko Flats) 229-231 Bronte Road (Reece Plumbing)

Zoning: The zoning of the site is B4 Mixed Use. The objectives of the B4 Mixed Use zone are as follows:

- 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 12: Waverley LEP Zoning Map – Subject Site



Height of buildings: The maximum height of buildings control applying to the site is 9m. This height is consistent with much of the Charing Cross centre and surrounding area. Currently the height of the bottle shop on 203-209 Bronte Road is 5.4m and the height on 223-227 Bronte Road is 11.5m. The height of the Legions Club is 12.3m whilst Reece Plumbing is 9.4m fronting Carrington Road and 9.6m fronting Bronte Road.

Figure 13: Waverley LEP Height of buildings map – Subject site and surrounds

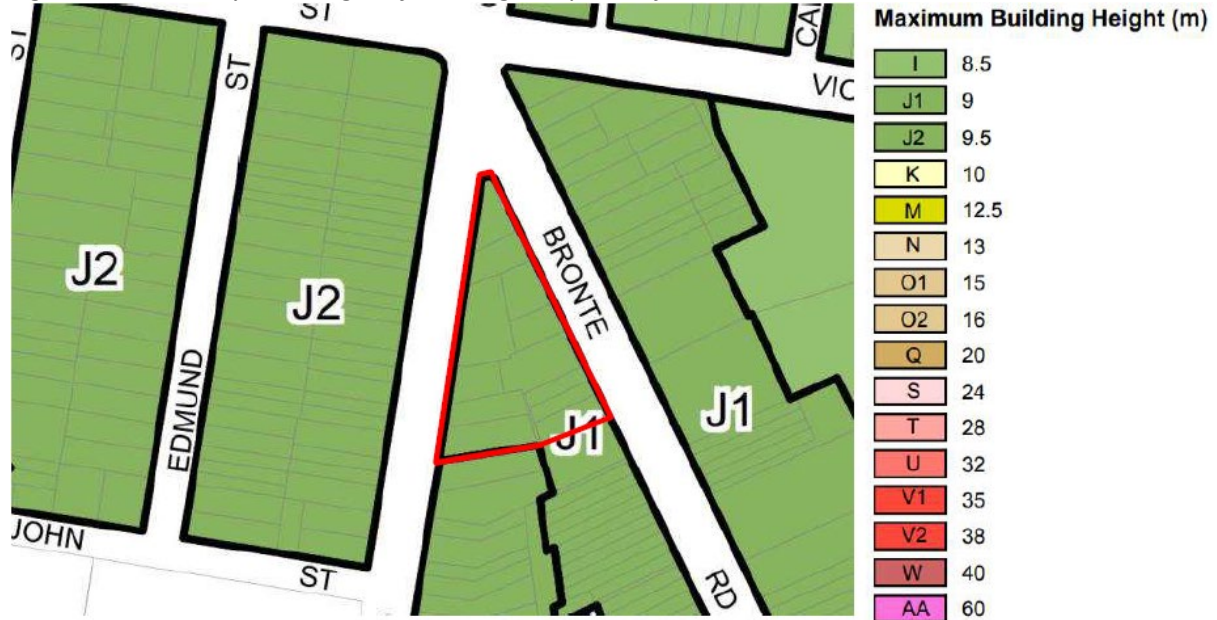


Figure 14: Proposed height of buildings map



FSR: The FSR of the subject site is 1:1. This FSR is consistent with the surrounding area. This conservative FSR helps to create and maintain the fine grain building envelopes seen throughout much of the Charing Cross village centre and especially the built form character of Bronte Road. Figure 15 below shows the FSR for the site and surrounding area.

Figure 15: Waverley LEP FSR map – Subject site and surrounds

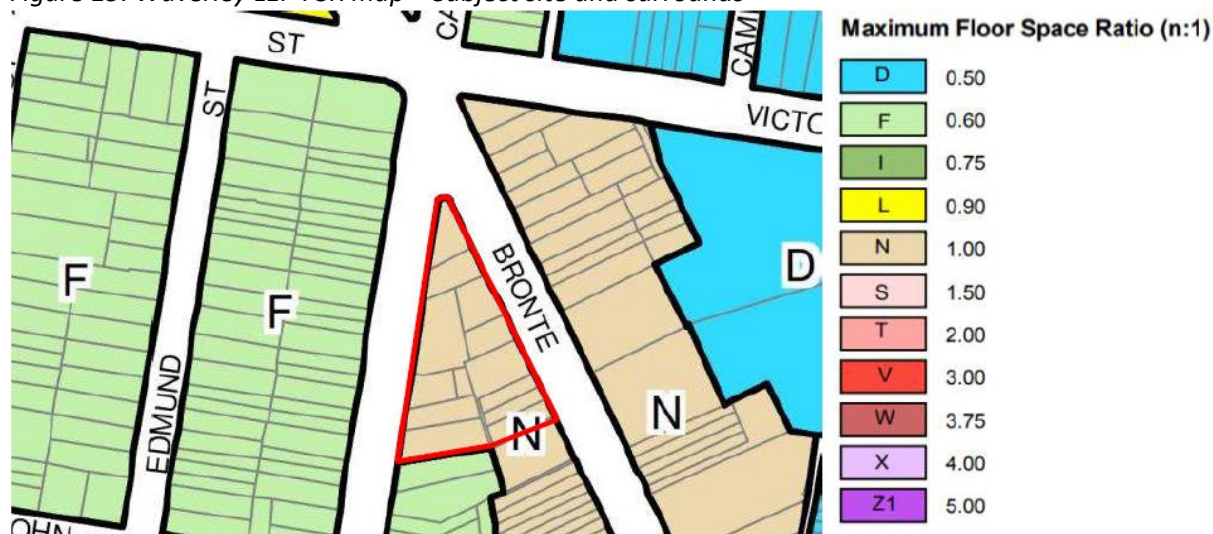


Figure 16: Proposed FSR map



Heritage: Whilst there are currently no heritage items (heritage conservation area to be discussed in the next section) on the subject site, the lots fronting Bronte Road in this PP are all located in a Heritage Conservation Area. The HCA is discussed further below.

Heritage Conservation Area: The shop building at 223-227 Bronte Road is a strong contributing visual element in the Charing Cross Urban Conservation Area, being a well detailed Georgian Revival commercial building with two surviving shopfronts substantially intact. Although simple in detailing, the contrast between the face brick and rendered elements to the upper façade and the strong parapet design make the building stand out from its neighbours, and the buildings' scale serves as a good transition between the contemporary Legion Club building and the Edwardian style shops along this portion of Bronte Road. A site specific DCP would seek to ensure that this transition remains and any additional levels above this should be setback from the street front.

The Charing Cross heritage conservation area is listed for its heritage values in demonstrating late 19th and early 20th century commercial buildings of both state and local heritage significance. The high integrity of built form in the area records the historic evolution of a place from an early village

east of Sydney. The layered fabric dominated by Federation Style buildings indicates a streetscape generated by tram transport beginning in the 1880s.

Figure 17: Waverley LEP Heritage Map – Subject site and surrounds



Background to this Planning Proposal

This Planning Proposal was lodged by Knight Frank on behalf of the land owner and accepted on 24 April 2020. This lodgement followed the unsuccessful appeal of the previous Planning Proposal to the State Planning Panel on 15 November 2020.

The applicant held discussions with Council officers from as early as 2016 and a presentation to Council officers was made on 21 June 2018, the PP was lodged on 22 June 2018. The initial Planning Proposal proposed a height of 24m and an FSR of 2.85:1. Council officers met with the proponent on 3 December 2018 to discuss the initial assessment of the Planning Proposal. Following this meeting the proponent made revisions to the Planning Proposal and submitted an amended Planning Proposal having made changes to both the height of buildings and FSR, reducing the proposed height from 24m to 18m and reducing the FSR from 2.85:1 to 2.65:1. The amended Planning Proposal was submitted to Council on 5 February 2019. On 22 March 2019 the applicant formally lodged a Rezoning Review to be considered by the State Planning Panel.

The rezoning review was held on 15 November 2019. At the rezoning review it was determined that the PP should not be sent to Gateway as it was not found to have site-specific or strategic merit. The State Planning Panel indicated a height of 13m (or thereabouts) would be better suited for this site to ensure that it does not visually overpower the Charing Cross centre. The State Planning Panel also indicated that the Legions Club and other appropriate land be included in the Planning Proposal to improve the strategic merit of the proposal.

This PP was lodged in line with the comments of the State Planning Panel as its heights range from 10m-13.5m and the proposal includes both the Eastern Suburbs Legions Club and the Reece Plumbing sites.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement

The proposal seeks to amend WLEP 2012 by increasing both the FSR and the height of buildings on each of the six sites. The proposal seeks to increase the height of buildings on the sites from 9m to 10m at its lowest height and 13.5m at its highest and intends to increase the FSR on the sites from 1:1 to 2:1 at its smallest ratio to 2.25:1 at its largest ratio. The zoning is to remain as B4 Mixed Use. The Proposal also seeks to implement an Additional Local Provision that will allow for a minor variation to the amended height controls to be considered, to facilitate a consistent floor plate across the site due to site topography, and where the development does not result in any unreasonable massing or amenity impacts.

Council officers recognise that the proposed heights are in line with the heights outlined as suitable for the area by the State Planning Panel.

1.2 Intended Outcomes

The intended outcome of the proposal is to increase the height and FSR of the six subject sites to allow for a greater yield of commercial and residential floor space. The proposal intends to create controls on the site that enable the development of four storey buildings. The intention of these four storey buildings is to be able to yield up to 61 residential apartments and 1564m² in retail floor space and 655m² of commercial floor space. The proposal also intends to dedicate 19% of the lot area to create a through site link from Carrington Road to Bronte Road and a public space. The breakdown of apartments to land holdings is located below.

Use	Description	Whitten site	Legion site	Reece site	Total
Residential apartments	1-bed	16	9	6	31
	2-bed	7	14	9	30
	Total	23	23	15	61 apartments
Retail (sqm GFA)		594	330	640	1,564 sqm
Commercial (sqm GFA)		655	-	-	644 sqm

The proposal intends to create a destination for residents and travellers to revitalise the Charing Cross centre. The public space is to be surrounded by cafes and restaurants.

Council officers support the notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy.

The concept scheme outlines setback upper levels. This would be enforced in a site specific DCP to help to maintain the existing character and built form of Charing Cross. The reduced building heights improve the positive elements of the public space and reduce negative impacts from a more intensive mixed-use redevelopment of the site. The newly proposed public space provides a more holistic and strategic approach to the use of the sites than the previous iteration of the planning proposal. The inclusion of Reece Plumbing and the Legions Club allows for a larger and more functional public square.

The public square is intended to be secured through the provision of a site specific DCP and an Additional Local Provision within the LEP to secure the space. An Additional Local Provision is also proposed in order to provide for a minor variation to the amended height controls to be considered, to facilitate a consistent floor plate across the site due to site topography, and where the development does not result in any unreasonable massing or amenity impacts.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Draft Development Standards

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

WLEP2012 Provision	Existing Control	Proposal
Zone	B4 Mixed Use	B4 Mixed Use
FSR	1:1	2-2.25:1
Height	9m	10-13.5m
Heritage Conservation Area	211-231 Bronte Road	Maintain*
	Existing Control	Proposal
Through site link	NIL	Yes
Public space	NIL	19%

Site	Development Standard - Existing	Development Standard - Proposed
203-209 Bronte Road (RH Hotel)	FSR: 1:1 HOB: 9m	FSR: 2.25:1 HOB: 13.5m
211-213 Bronte Road (Legions)	FSR: 1:1 HOB: 9m	FSR: 2.25:1 HOB: 13m
223-227 Bronte Road & 94 Carrington Road (Bottleo & Flats)	FSR: 1:1 HOB: 9m	FSR: 2.25:1 HOB: 13.5m
229 Bronte Road (Reece Site)	FSR: 1:1 HOB: 9m	FSR: 2:1 HOB: 10m (next to QE Foods) & 13.5m (lot next to 94 Carrington)
231 Bronte Road (Reece Site)	FSR: 1:1 HOB: 9m	FSR: 2:1 HOB: 10m
98 Carrington Road (Reece Site)	FSR: 1:1 HOB: 9m	FSR: 2:1 HOB: 11m

PART 3 – JUSTIFICATION

3.1 Section A – Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

3.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

For the PP, going through the gateway process is the only means of achieving their amendments to the Waverley LEP. The proposed variations to the development standards would result in a 50% increase in height and a 125% increase in FSR. It is considered that the size of these variations are too large to be considered as part of a Clause 4.6 variation. As a Clause 4.6 variation to development standards would not be considered, the only means of changing the LEP controls on the site would be through a Planning Proposal.

The B4 Mixed Use zoning allows for a mix of commercial and residential uses that could be developed on the site to help create a retail and residential mix. Under the current controls shop top housing could be developed to create this mix, this development is already existing on 223-227 Bronte Road and could be replicated on the remaining two lots.

The State Planning Panel outlined that a height of 13m or thereabouts would be considered suitable for this site and as such the applicant has lodged this PP with the maximum height being 13.5m. This height and proposed stepping down in heights helps to:

- respect the streetscape and existing heritage character and built form of Charing Cross
- improve residential amenity for dwellings to the south
- create an improved amenity within the public square.

3.2 Section B – Relationship to strategic planning framework.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

Eastern City District Plan

The *Eastern City District Plan*, prepared by the Greater Sydney Commission, provides actions and strategies to implement the Aims and Objectives of the Region Plan *A Metropolis of Three Cities*. The District Plan is applicable to the proposal. The following objectives set out in the District Plan are applicable to this proposal:

E4: Fostering healthy, creative, culturally rich and socially connected communities

The proposal intends to utilise the open space area for public art – although this would have to be secured via a site specific DCP. As the proposal also intends to retain the façade of 223-227 Bronte Road it could be argued that this would help to ensure that the visual amenity of Bronte Road is maintained, setting back the upper levels will also help to achieve this. It is noted that the maintenance of more than the façade (i.e. retaining some or all of the fabric of the original building) of 223-227 Bronte Road and the setting back of any additional levels would achieve this objective better. The applicant has stated that development on the other sites will ‘seek to complement the Bronte Road streetscape by its use of a podium and incorporating pedestrian access through site’. There are currently no plans to retain the facades of the Reece Plumbing site.

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

The proposal will provide housing supply that, given the proximity of the site to Bondi Junction, has good access to jobs, services and public transport. The site has access to various bus routes on Carrington Road and Bronte Road and has proximity to Bondi Junction train station as well.

It is not considered that the proposed residential dwellings will be affordable given their location, views (being on a ridgeline) and the premium of newly built apartments.

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

The Charing Cross Heritage Conservation Area is defined by individual buildings rich in detail, presenting focal points of interest. Each shop front commands attention, yet through their cohesiveness of scale and height, provide a rhythm to the facade which presents an impressive vista when viewed along the length of Bronte Road. The proposed controls and setback levels maintain the views along Bronte Road and the prevailing streetscape that is integral to the Charing Cross Conservation Area. Whilst the proposal to maintain the façade of 223-227 Bronte Road is a more positive outcome than demolition, retaining the fabric of the dwelling is also a desirable outcome.

If the public courtyard that is to be created is complemented with good retail offerings it has the potential to create a destination and a public benefit. The proposed heights of buildings are more reasonable than previously proposed heights and provide a sympathetic scale with the surrounds, improving the amenity and making a great place more achievable. For the public plaza to really achieve its full potential the redevelopment of the Reece Plumbing sites (229-231 Bronte Road & 98 Carrington Road) needs to occur as the applicant has placed the bulk of the square on these sites.

The provision of a greater amount of commercial and retail floorspace would assist in reinforcing the commercial / retail role and function of Charing Cross centre by potentially adding greater footfall.

E11: Growing investment, business opportunities and jobs in strategic centres

Not applicable.

E18: Delivering high quality open space

The proposal is intending to provide 19% of the site area for a total of 660m². The idea of an activated public space with cafes and restaurants is supported. If the Reece Plumbing sites are redeveloped and the entirety of the public space is developed, this public space will be a more functional and attractive space for people to visit and spend their time in. This lower scale building wall height creates a more inviting space with greater access to sunlight, daylight and sky-exposure. Sky-exposure is an urban design principle influencing the pedestrian perception of scale of a space, which in turn impacts upon the general perception of the character of a place. If the Reece sites do not redevelop the thoroughfare that will be created as part of the redevelopment of the Whitten family sites will remain low amenity and provide little benefit to the community. If the precinct as a whole is redeveloped and creates the public space in its entirety, this public space would be of high amenity and provide a good public benefit to the community.

A Metropolis of Three Cities

A Metropolis of Three Cities – the Greater Sydney Region Plan (Region Plan) prepared by the Greater Sydney Commission is a high-level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three 'Cities' of which Waverley falls into the 'Eastern Harbour City.' Each city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region. Each of the above

objectives within the Eastern City District Plan give effect to objectives within *A Metropolis of Three Cities*, the connections are set out below.

Strategic Merit Test and Site Specific Merit Test

All planning proposals in NSW must be prepared in accordance with the *Guide to preparing Planning Proposals*. The table below assesses the proposal against the strategic merit test as set out in this document.

Guide to preparing Planning Proposals

Strategic Merit Test	
a) Does the proposal have strategic merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<p>Including the Reece Plumbing Sites and Eastern Suburbs Legions Club into the PP provides a more holistic and place-based approach to planning as it allows for the creation of a larger, more functional public space and can step building heights to mitigate any adverse visual impacts from the development. This place-based planning approach is in line with Actions 18 and 21 of the Eastern City District Plan.</p> <p>The proposal is also in line with Action 38 of the District Plan as it will help create a safe public realm in the public space through CPTED principles whilst also providing for a diverse mix of uses and night time economy. The proposal will increase the amount of retail and commercial offerings on the sites whilst also providing more dwellings to meet Waverley's housing targets.</p>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<p>Waverley's Local Strategic Planning Statement was published and endorsed by DPIE in March 2020. Local action 9 for Bondi Junction, Queens Park and Waverley states that Charing Cross should be activated with place making initiatives, including improving the quality and safety of laneways and providing urban space. The PP achieves this action as the proposed public space will provide public open space adjoining cafes and restaurants and various retail offerings.</p> <p>This PP is line with Direction 8 of the LSPS as the mixed use redevelopment of the site will connect people to inspiring and vibrant places with easy access to shops, services and public transport. The residents that live in the residential apartments will be in proximity to both public transport services and recreational spaces such as Queens Park.</p>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	There have been no changing circumstances economically, socially or environmentally that apply to the site that are not reflected in the existing planning controls.
Site-specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant environmental values, resources or hazards); and	There are no known environmental values that would be diminished as part of this proposal.

<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and</p>	<p>Currently the uses on the site provide important services to the Charing Cross and wider Waverley community. Reece’s Plumbing is one of the few informal industrial uses within Waverley and services the needs of the wider Waverley community. The Robin Hood and attached bottle shop is one of the few offerings Charing Cross has currently to create a night time economy in the Charing Cross centre and is well frequented by members of the wider Waverley community. The Eastern Suburbs Legions Club sees less patronage but still contributes to the night time economy. The Stamatiko Flats on 223-227 Bronte Road are in a dilapidated state and as such remain unoccupied.</p> <p>In terms of the existing uses surrounding the sites, Bronte Road is distinguished by being a village centre of predominantly two-storey commercial buildings (shop-top housing) dating from the late 19th century through to the early 20th century. The centre and surrounds to have some three-storey forms, which tend to be set-back from the street frontage.</p> <p>The heritage and low-density character of this village is highly valued and as such this centre is the subject of strict controls in the LEP and particularly the DCP. Critically, this is why recent development in the past 15 years in this area (Figure 8) has been consistent with the scale of the prevailing low-density neighbourhood and character of the heritage streetscape. Recent development in and around the Charing Cross centre has respected the important heritage and distinctive low-scale character by setting back the top level so that it is less visible to the streetscape and the existing façade can be maintained.</p> <p>The proposed heights and setback upper levels will have a minimal impact on the visual amenity of Bronte Road as the consistency of the streetscape is preserved. There is no distinct streetscape or significant heritage on Carrington Road and as such it is considered the building heights here will not impact on the character of Charing Cross. Whilst the FSR does not reflect the fine grain nature of Charing Cross it can be considered that the creation of the public space is an adequate trade off. It is also considered that due to the large nature of the precinct and there being no other sites within Charing Cross this size, that this PP will not set a regrettable precedent.</p> <p>Maintaining the façade of 223-227 Bronte Road and the Reece Plumbing Sites will also help to protect the importance of the heritage conservation area. This will be considered further at the DA stage.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal; and</p>	<p>The site is well located within walking distance to the Bondi Junction Transport Interchange and many bus routes along Bronte Road.</p>
<p>Any proposed financial arrangements for infrastructure provision.</p>	<p>The proposal offers no financial arrangements for infrastructure provision. There are no arrangements for additional infrastructure provision in place from Council or any other government agency for the immediate area. The proposal does offer public space in lieu of a monetary contribution in the form of 19% of the lot area being given for public use.</p>

3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Waverley Local Environmental Plan 2012

Waverley Local Environment Plan 2012	
Objective	Proposal
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 intends to co-ordinate a range of commercial and residential uses that will service the local community. The proposed controls can deliver this objective.
to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley	211-231 Bronte Road all sit within the Charing Cross Heritage Conservation Area. The applicant has outlined that any redevelopment of the site will maintain the façade of the 223-227 Bronte Road building. Whilst the proposal to maintain the façade is a more positive outcome than demolition, retaining the fabric of the dwelling is also a desirable outcome. Maintaining the consistency of the Bronte Road streetscape is a very important outcome so it is also considered that the facades of 229-231 also be maintained. The proposed heights and setback upper levels respect the built heritage of Charing Cross as it does not take away from the prevailing streetscape which is integral to the heritage conservation area.

Zoning: B4 Mixed Use	
Objective	Proposal
To provide a mixture of compatible land uses	The proposal does provide a mixture of land uses as it proposes to have a mix of commercial, retail and residential land uses. As much of Charing Cross has a commercial mix of shop top housing it is considered that the proposed uses on the site are 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	The site is in an accessible location to various modes of public transport including bus services and the train station. The site is accessible to cycle paths as well with Queens Park directly opposite the site. The land uses that are proposed are suitable for the area.
To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core	Not applicable. The site is not directly surrounded by B3 Commercial Core zoned land.

Height	
Objective	Proposal
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 proposed heights create a development scenario that is relatively in keeping with the surrounding built form and does not detract from the Bronte Road streetscape. The buildings do not detract from the visual presence of the Robin Hood and do not diminish views. The setback level on 223-231 is in line with the height of the Legions club and steps down to the neighbouring QE Foods building. The height proposed on 203-209 Bronte Road and 94 Carrington Road has the four levels in line with the parapet of the Robin Hood and steps down to reduce the overshadowing impact on the residential flat building to the South. The idea of the activated space with cafes and restaurants is supported. The lower

Height	
Objective	Proposal
	scale building wall height proposed creates a more inviting space with greater access to sunlight, daylight and sky-exposure.
To increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,	Not applicable.
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.
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.	The height and bulk are sensitive to the surrounding buildings and do not challenge the landmark status of the Robin Hood Hotel or detract from the visual amenity of the Bronte Road streetscape. Given that the grouping of the sites are surrounded by strata, fine grain shops and recently redeveloped lots, it is considered that the proposal is unlikely to create a precedence that will negatively impact Charing Cross as the proposed building height and bulk are in keeping with the surrounding area. The proposed heights will help Charing Cross to maintain its desired future character of being a low-scale centre respecting the existing two-three storey heritage conservation area.

FSR	
Objective	Proposal
To ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,	Not applicable.
To provide an appropriate correlation between maximum building heights and density controls,	The FSR control and height control proposed are suitable when used together.
To ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,	The proposed FSR and height, with upper levels past the parapet line set back (subject to a site specific DCP) will be compatible with the desired future character of the locality as the buildings will not visually detract from the Bronte Road streetscape.
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.	The proposed FSR of 2.25:1, whilst larger than the surrounding area, will allow for the creation of the public space and the redevelopment of the sites. This will create a greater amenity in the Charing Cross area as it will provide people a space to visit and dine during day and night and make the centre more of a destination than thoroughfare. Whilst there will be some overshadowing of the roof and the courtyard to the residential flat building to the south the applicant has demonstrated that it is still compliant with the Apartment Design Guidelines.

Heritage	
Objective	Proposal
to conserve the environmental heritage of Waverley,	The PP proposes to maintain the façade of 223-227 Bronte Road, whilst this is a better outcome than no protection it would be considered a stronger outcome if the fabric of the building was maintained too. Similarly, maintaining the fabric and façade of 229-231 Bronte Road would also provide an outcome that protects the significance of the Charing Cross HCA.
to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The proposal to maintain the façade of 223-227 Bronte Road will help to maintain the significance of the Charing Cross HCA as this building is a contributory building. The proposal also is maintaining the street frontage height of the parapet and setting back levels above this. The setback levels is a suitable mechanism to help maintain the consistency of the Bronte Road streetscape and to mitigate any visual impact of the development from the streetscape. It is also considered that the proposed heights and setback levels will not undermine the visual significance of the heritage listed Robin Hood Hotel. The heights along Carrington Road are considered acceptable as there is minimal adverse impacts caused to the Charing Cross HCA.
to conserve archaeological sites,	The site does not have any archaeological heritage significance
to conserve Aboriginal objects and Aboriginal places of heritage significance.	The site does not have any Aboriginal objects or is not an Aboriginal place of heritage significance.

The controls listed, along with a site specific DCP to be created in conjunction and an Additional Local Provision that secures the delivery of the public square, allow for a development that does not diminish the visual amenity of the Bronte Road streetscape, the landmark status of the Robin Hood Hotel and is consistent in size with the surrounding development. The Additional Local Provision proposed to provide for a minor variation to the amended height controls to be considered, to facilitate a consistent floor plate across the site due to site topography, and where the development does not result in any unreasonable massing or amenity impacts.

In summary, the proposed amendments to FSR and height would:

- Remain sensitive to the streetscape and existing heritage character and built form of Charing Cross
- Improve commercial, retail and residential offerings in an area in proximity to public transport
- Create provision for a larger, higher amenity and more functional public square

Waverley Community Strategic Plan 2018-2029

Section	Consistency
3.2 Expand the network of parks and open spaces, sporting and recreational facilities	The proposal intends to deliver a functional open space assuming that all sites redevelop. The location of this space to Queens Park will help to create a network between public spaces and open recreational spaces.
4.2 Ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services	The proposal will allow for a diverse range of businesses within Waverley villages as the development of each lot for shop top housing means there must be a commercial or retail premises on each.
5.2 Value and embrace Waverley's heritage items and places	The proposal intends to mitigate any impacts on the Charing Cross HCA by setting back levels higher than the parapet to reduce the visual impacts of the development and by maintaining the façade of the 223-227 Bronte Road building.
6.2 Build and maintain streetscapes that have a welcoming sense of place	The proposal setbacks upper levels so as to reduce their impact on visual amenity. Setting back the upper levels will also help to maintain a good human scale. It is considered that the proposed heights are consistent or only slightly above with the existing development and therefore will not interfere with the sense of place as the character of Charing Cross will remain the same.
6.3 Create safe streets and footpaths with fair access to parking	The proposal intends to provide 35 car parking spaces with the possibility of 6 on street car parking spaces to be created.

Local Strategic Planning Statement

Direction	Consistency
6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community	This PP will yield a total of 61 residential apartments in proximity to retail and commercial offerings as well as sufficient levels of public transport. This is in line with direction 6 of the LSPS.
8: Connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport	This PP is line with Direction 8 of the LSPS as the mixed use redevelopment of the site will connect people to inspiring and vibrant places with easy access to shops, services and public transport. The residents that live in the residential apartments will be in proximity to both public transport services and recreational spaces such as Queens Park.
Local Implementation Plan Bondi Junction, Queens Park, Waverley: Action 9	Local action 9 for Bondi Junction, Queens Park and Waverley states that Charing Cross should be activated with place making initiatives, including improving the quality and safety of laneways and providing urban space. The PP achieves this action as the proposed public space will provide public open space adjoining cafes and restaurants and various retail offerings.

3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP	Name	Applicable	Consistent
55	Remediation of Land	Yes	Any demolition occurring on the sites would have ensure the correct safety measures are used to maintain the asbestos, this would be considered at the development application stage. The existing and historical uses on the site have not contaminated the land and as such it is not considered that remediation is needed.
65	Design Quality of Residential Apartment Development	Yes	The design and separation of the buildings is compliant with SEPP 65 with regards to visual privacy, communal space, setbacks and building separation requirements. The height, FSR and context responsiveness are less compliant with SEPP 65, it is considered that these issues would be addressed as part of a development application.
70	Affordable Housing (Revised Scheme)	N/A	Whilst all Greater Sydney Councils are now technically a part of SEPP 70, Council does not yet have the mechanism within the LEP to be enable the use of SEPP 70 to levy developments for affordable housing. This will be considered further as part of the DA stage.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 8 documents Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.117 Directions as available on the DPE website.

Ministerial Directions	Comment
1.1 Business and Industrial Zones (1) Objectives <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i> (4) A planning proposal must contain provisions that facilitate the conservation of: <i>(a) give effect to the objectives of this direction,</i> <i>(b) retain the areas and locations of existing business and industrial zones,</i> <i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i> <i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i> <i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved</i>	<p>The proposal will encourage employment growth in a suitable area as the site is located within proximity to the strategic centre of Bondi Junction and many residential areas.</p> <p>The proposal intends to keep the existing B4 Mixed Use business zoning and protect lands that permit business land uses.</p> <p>The proposal will not reduce potential business floor space as in any shop top housing development that is to occur on the site the bottom floor is required to be commercial or retail development, regardless of increase to FSR or height.</p> <p>Maintaining employment floor space is in accordance with the Eastern City District Plan and the Waverley Community Strategic Plan 2018 – 2029.</p>

Ministerial Directions	Comment
<p><i>by the Secretary of the Department of Planning and Environment.</i></p>	
<p>2.3 Heritage Conservation</p> <p>(1) Objectives</p> <p>(a) <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p>(4) <i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p>(a) <i>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,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>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.</i></p>	<p>The proposal to maintain the façade of 223-227 Bronte Road will help to maintain the significance of the Charing Cross HCA as this building is a contributory building. The proposal is also maintaining the street frontage height of the parapet and setting back levels above this. The setback levels are a suitable mechanism to help maintain the consistency of the Bronte Road streetscape and to mitigate any visual impact of the development from the streetscape. It is also considered that the proposed heights and setback levels will not undermine the visual significance of the heritage listed Robin Hood Hotel. The heights along Carrington Road are considered acceptable as there is minimal adverse impacts caused to the Charing Cross HCA.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></p> <p>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p>(d) <i>supporting the efficient and viable operation of public transport services, and</i></p> <p>(e) <i>providing for the efficient movement of freight.</i></p>	<p>The objective of this direction is to ensure that urban land use locations improve accessibility for active and public transport and reduce car dependence.</p> <p>The site is well-connected to public transport, being a walking distance to heavy rail at Bondi Junction Interchange and being served by frequent bus services along Bronte Road.</p> <p>The proposed zone is for an urban purpose and is located proximate to a Strategic/District Centre.</p>

Ministerial Directions	Comment
<p>(4) 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"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). 	
<p>6.1 Approval and Referral Requirements</p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The proposal aims to ensure that the amended WLEP2012 would give effect to the redevelopment of the site and the appropriate assessment of development.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p> <p>(4) Planning proposals shall be consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Government's A Plan for Growing Sydney published in December 2014. 	<p>As indicated above in 3.2 the planning proposal is consistent with the aims and priorities of the Metropolitan Strategy as it protects commercial lands whilst also encouraging residential development and creative and cultural communities.</p>

3.3 Section C – Environmental, social and economic impact

3.3.1 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?

It is unlikely that there will be any impact on critical habitat or threatened species as part of this proposal.

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

The proposal will overshadow the buildings to the South as it will stand much taller than the surrounding buildings. This is demonstrated in the shadow diagrams below. The overshadowing modelling demonstrates that the PP is still in line with the ADG and is therefore considered compliant.

Figure 18 Shadow diagrams



3.3.3 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal aims to create the opportunity for increased residential dwellings within Charing Cross, additional commercial uses and a public square. The proposal intends to create a destination for residents and travellers to revitalise the Charing Cross centre. Council officers support the notion of further retail and commercial space in Charing Cross and the creation of a public space. Furthermore, Charing Cross is a suitable location for residential development given the transport connections to Bondi Junction and proximity to high amenity surrounds of Queens and Centennial Park and beaches.

In terms of social benefits, the proponent argues that the proposed public square is a significant public benefit and as such is using this as the primary justification for any uplift. The proposed scheme allows for a larger and more functional public square.

3.3.4 Is there adequate public infrastructure for the planning proposal?

The proposal is well located near a range of services and is well serviced via public transport, being a short walk from the Bondi Junction Transport Interchange. As such no increases in public transport infrastructure are likely to be required due to the proposal. Additional upgrades with regards to water and power may be required.

PART 4 - CONCLUSION

The Planning Proposal lodged on 203-231 Bronte Rd and 94-98 Carrington Rd, Waverley proposes to increase the FSR on the sites from 1:1 to 2.25:1 and maximum height permissible from 9m to 13.5m. The proposal also proposes an Additional Local Provision that will provide for a minor variation to the amended height controls to be considered, to facilitate a consistent floor plate across the site due to site topography, and where the development does not result in any unreasonable massing or amenity impacts.. The sites are well located to public transport services and are within proximity to the strategic centre of Bondi Junction. The proposal intends to maintain retail and commercial floor space whilst also encouraging residential development. The façade of 223-227 Bronte Road is proposed to be retained as part of the proposal.

The notion of further retail and commercial space in Charing Cross and the creation of a public space for local residents to enjoy is supported. Charing Cross is a suitable location for residential development given the transport connections to Bondi Junction and proximity to high amenity surrounds of Queens and Centennial Park and beaches. The proposed scheme allows for a larger and more functional public square and residential and commercial uses. The proposed scheme recommends a scale that does not detract from the significant heritage character of Charing Cross and is sympathetic with the prevailing character by stepping down in height to neighbouring sites.

The controls listed, along with a site specific DCP to be created in conjunction and an Additional Local Provision that secures the delivery of the public square, allow for a development that does not diminish the visual amenity of the Bronte Road streetscape, the landmark status of the Robin Hood Hotel and is consistent in size with the surrounding development.

In summary, the proposed amendments to FSR and height would:

- Remain sensitive to the streetscape and existing heritage character and built form of Charing Cross
- Improve commercial, retail and residential offerings in an area in proximity to public transport
- Create provision for a more functional public square

Recommendation:

That Council support the planning proposal to proceed to Gateway for determination.