

Waverley LEP 2012 Amendment No 1 - Macpherson and St Thomas Streets, Bronte

Proposal Title : Waverley LEP 2012 Amendment No 1 - Macpherson and St Thomas Streets, Bronte

Proposal Summary : To implement Council's Macpherson and St Thomas Streets, Bronte, planning control review by:

1. Rezoning 107 Macpherson Street from B1 Neighbourhood Centre to R3 Medium Density Residential to more accurately reflect its current use;
2. Include a local planning provision to establish a limit on the size of retail premises in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre that will give greater weight to the zone objectives and better reflect community expectations; and
3. To include an additional permitted use on the site of the Bronte RSL Club to allow the continuance of this facility.

PP Number : PP_2013_WAVER_001_00 **Dop File No :** 13/05170-1

Proposal Details

Date Planning Proposal Received :	12-Mar-2013	LGA covered :	Waverley
Region :	Sydney Region East	RPA :	Waverley Council
State Electorate :	COOGEE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	107 Macpherson St		
Suburb :	Bronte	City :	Sydney
Land Parcel :	SP 57072	Postcode :	2040
Street :	113 Macpherson St		
Suburb :	Bronte	City :	Sydney
Land Parcel :	Lot 19, 20, 21 DP 192094 and Lot 22 DP 72912	Postcode :	2040
Street :	118 Macpherson St		
Suburb :	Bronte	City :	Sydney
Land Parcel :	Lot 7 DP 78510	Postcode :	2040
Street :	120-128 Macpherson St		
Suburb :	Bronte	City :	Sydney
Land Parcel :	SP 60446	Postcode :	2040
Street :	127 Macpherson St		
Suburb :	Bronte	City :	Sydney
Land Parcel :	Lot 26 DP 1105363	Postcode :	2040

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Street :	129-131 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 27 DP 1066833		
Street :	130 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 1 DP 742967		
Street :	132 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 1 DP 68679		
Street :	133 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	SP 22602		
Street :	134 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	lot 1 DP 782183		
Street :	136 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 1 DP 111714		
Street :	137 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot B DP 163589		
Street :	138 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 2 DP 86622		
Street :	139 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot A DP 163589		
Street :	140 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	lot 2 DP 519041		
Street :	141 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 1 DP 549672		
Street :	143 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 2 DP 549672		
Street :	145 Macpherson St		
Suburb :	Bronte	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 1 DP 83002		

DoP Planning Officer Contact Details

Contact Name : **Wayne Williamson**
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RPA Contact Details

Contact Name : **Alex Sarno**
 Contact Number : **0293698000**
 Contact Email : **alexs@waverley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	19	No. of Dwellings (where relevant) :	28
Gross Floor Area :	0	No of Jobs Created :	30

The NSW Government Yes
 Lobbyists Code of
 Conduct has been
 complied with : -

If No, comment : **The Department of Planning's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been
 meetings or
 communications with
 registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council has requested an Authorisation to exercise delegation for the plan making functions in Section 59 of the EP&A Act.**

The developer (Winston Langley Burlington) acting on behalf of the Bronte RSL, has held public information sessions to present a development proposal for this site consisting of a mixed use development with street level retail including a 1000 sqm Harris Farm shop, 1st floor commercial floor space suitable for the Bronte RSL and 4 floors of residential consisting of 28 dwellings.

Council has had pre-lodgement meetings with the developer and advised that a planning proposal to alter current Height(13m) and FSR(1:1) controls is required. No formal planning proposal has been lodged with Council.

On 7 March 2013, a development application was lodged by the developer for demolition of Bronte RSL and construction of a six storey mixed use building consisting of basement parking, ground floor retail, first floor RSL Club and residential units above. The DA has a capital investment value of \$24 million, therefore, it will be determined by Sydney East JRPP.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the planning proposal are:**

- 1. To rezone 107 Macpherson Street from B1 Neighbourhood Centre to R3 Medium Density Residential to more accurately reflect its current use;**
- 2. Include a local planning provision to establish a limit on the size of retail premises in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre that will give greater weight to the zone objectives and better reflect community expectations; and**
- 3. To include an additional permitted use on the site of the Bronte RSL Club to allow the continuance of this facility.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides the following explanations for the proposed provisions:**

- 1. Rezoning 107 Macpherson Street from B1 Neighbourhood Centre to R3 Medium Density Residential. This site has been occupied by a 10 storey strata titled residential flat building for many years. It is very unlikely to be redeveloped to another use. As such the current zoning, being B1 Neighbourhood Centre, is considered inappropriate.**
- 2. Insert a local provision to limit the size of retail premises in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre. Retaining the existing zoning and restricting the area of retail premises within the neighbourhood centre addresses potential traffic generation issues raised by the community, reinforces the objectives of the B1 neighbourhood centre zone and retains the hierarchy of centres within the LGA.**

The Council commissioned a local village centres economic assessment by Hill PDA in 2006, which recommended that a mini-mart anchor tenant for Macpherson Street, with an area up to 500sqm would be appropriate. Based on the draft East Subregional Strategy definition, a retail premises of 1000sqm or more would elevate the centre from neighbourhood shops to a village centre. In terms of the close proximity of the Bondi Junction (Major Centre) and Bondi, Coogee and Randwick town centres, the Bronte community has raised concerns regarding a change of role for Macpherson St.

- 3. Insert registered clubs in Schedule 1 additional permitted uses. The RSL Club is a long standing non-conforming use in the B1 Neighbourhood Centre zone. There is some expectation in the community as well as from the land owner for the Bronte RSL Club use to continue, even though the Bronte RSL club ceased operation some 12 months ago.**

Under s.107 of the Act, existing use rights are considered to be abandoned if it ceases to be used for a continuous period of 12 months. While the RSL club could apply to continue

to operate under 'existing use rights', an alternative is to list the club as an allowable use. This would indicate Council's willingness to accept the club use on the site and give some certainty to the developer.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The following discusses section 117 direction inconsistencies:

1.1 Business and Industrial Zones

The proposal is considered to be inconsistent with s117 Direction 1.1 as it potentially reduces the floor space area for employment uses by rezoning 107 Macpherson St from B1 Neighbourhood Centre to R3 Medium Density Residential. There will be no loss of commercial floor space as a result of the rezoning as the current use of the site is an 11 storey strata titled residential flat building. The inconsistency is therefore of a minor nature.

6.3 Site Specific Provisions

The proposal is considered to be inconsistent with s117 Direction 6.3 because it proposes to introduce a site specific provision to cap the size of retail premises to 400sqm in the Macpherson and St Thomas Streets neighbourhood centre. Council advises that the provision is designed to balance impacts of commercial activity and the amenity of the surrounding residential area. This is consistent with the neighbourhood centre classification of the centre under the Metropolitan Strategy and reinforces the objectives on the B1 zone. The inconsistency is therefore of a minor nature.

The proposal is considered to be consistent with all other s117 directions.

It is recommended that the Director General's delegate agrees that the inconsistencies are justified for the above reasons.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Community Consultation

Council has already conducted a considerable amount of community consultation, which has informed the objectives of this planning proposal. Council suggests that a 28 day exhibition period is appropriate due to ongoing community interest. A minimum of 14 days for public exhibition will be recommended as this is a low impact proposal.

Project Timeline

The planning proposal contains an estimated project time line for completion of 12 months. However, a 9 month timeframe is considered sufficient to deliver this amendment.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Waverley LEP 2012 was notified on 26 October 2012.**

Assessment Criteria

Need for planning proposal :

During the exhibition of the draft Waverley LEP 2012 Council received six submissions concerning the redevelopment of the Bronte RSL site. Detailed consideration of the issues was delayed until completion of the comprehensive LEP so Council could conduct site specific analysis and consultation with the local community.

Council engaged Olsson & Associates Architects to consider the urban design issues in the Macpherson and St Thomas Street neighbourhood centre, focusing on the Bronte RSL Club site. GTA Consultants were then engaged to conduct a traffic and parking peer review. Council also engaged Hill PDA Pty Ltd to undertake a review of their 2006 Local Villages Study in relation to the Bronte neighbourhood Centre.

To gain an understanding of the community's aspirations for the centre, Council held a community workshop on Wednesday 24 October 2012, hosted an online questionnaire and online forum, and accepted written submissions. Council officers also had several meetings with community representative groups including the Bronte Precinct Committee, the Save Bronte village group and representatives of the Oceanview apartments at 107 Macpherson Street, Bronte.

The objectives of this planning proposal have been informed by the recommendations of these studies and community consultation.

Consistency with strategic planning framework : **The objectives and actions contained in the Sydney Metropolitan Strategy and East Subregion Draft Subregional Strategy were comprehensively addressed during the preparation of Waverley LEP 2012. The amendments contained in this planning proposal are considered to be a follow-on of the original comprehensive LEP.**

Environmental social economic impacts : **Environmental Impact**
The Macpherson and St Thomas Streets neighbourhood centre does not include any areas of critical habitat, threatened species populations or ecological communities that this proposal will affect.

Social and Economic Impacts
The community has clearly communicated that this is a centre which cannot cope with impacts of larger and more intense developments. The proposed cap on the size of retail area will give the community, owners and developers certainty that the community's vision and aspiration for the centre will be retained.

The proposed rezoning of 107 Macpherson Street will reflect the current land use and give the apartment owners certainty for what they can do on their land.

The inclusion of "Registered Club" in Schedule 1 in relation to the Bronte RSL Club site will give the operators/owners of the site certainty.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW**
Transport for NSW
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Waverley LEP 2012 Amendment No 1 - Macpherson and St Thomas Streets, Bronte

Document File Name	DocumentType Name	Is Public
Planning Proposal - Macpherson and St Thomas Sts, Bronte.pdf	Proposal	No
Letter to DoP Requesting Gateway Determination.pdf	Proposal Covering Letter	No
Attachment A Map Identifying 107 Macpherson St.pdf	Map	No
Attachment B Map Identifying 113 Macpherson St.pdf	Map	No
Attachment C Proposed Amendment to Schedule 1.pdf	Study	No
Attachment D Map Identifying Where Additional Provision Will Apply.pdf	Map	No
Attachment E Council Report.pdf	Study	No
Attachment F Council Resolution.pdf	Study	No
Attachment G Urban Design Report.pdf	Study	No
Attachment H GTA Traffic & Parking Peer Review.pdf	Study	No
Attachment I Sec 117, SEPP, REP Compliance Table.pdf	Study	No
Attachment J Section 117 Directions Compliance.pdf	Study	No
Attachment K Proposed LEP Zoning Map.pdf	Map	No
Attachment L Proposed LEP Key Sites Map.pdf	Map	No
Attachment M Project Timeline.pdf	Study	No
Attachment N Information Checklist.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that:

1. The planning proposal be supported;
2. That the planning proposal be considered as routine and exhibited for a period of 14 days;
3. Consult with Transport for NSW (including Roads and Maritime Services). This can occur concurrently with public exhibition of the planning proposal;
4. A public hearing is not required;
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the gateway determination.
6. The inconsistency with the s117 directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions is justifiably inconsistent.
7. Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.

Supporting Reasons : The proposal:

- >> is consistent with the directions in the Metropolitan Plan 2036;
- >> provides certainty for the Macpherson and St Thomas Streets neighbourhood centre; and
- >> is consistent with existing uses and is supported by good access to transport and other services.

Signature:



Printed Name:

Tim Archer

Date:

22/3/13

