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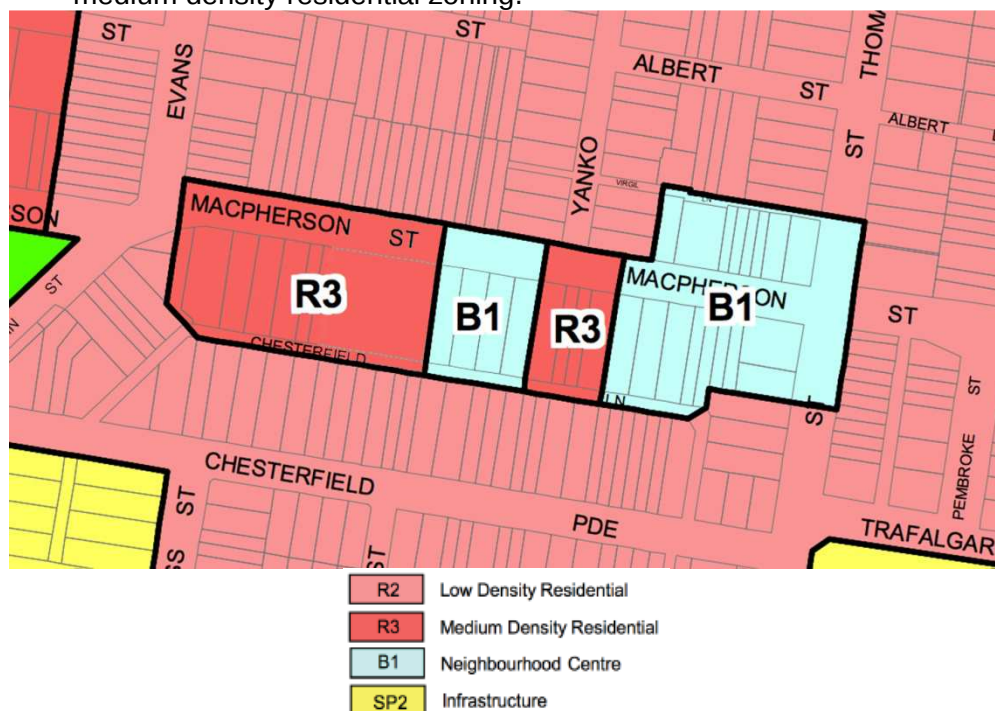
Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Planning Controls (A12/0220-02)

Report dated 19 February 2013 from the Director, Planning and Environmental Services providing recommended planning controls for Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL).

MOTION (Betts / Cusack)

That Council:

- A. Amend the Waverley Local Environment Plan 2012 (WLEP 2012) as follows:
- i. Amend the Land Zoning Map for land located at 107 Macpherson Street, Bronte (known as Oceanview apartments) from B1 Neighbourhood Centre zoning to R3 medium density residential zoning.



- ii. Add a new clause 6.7 to limit the net floor area of retail premises as follows:
- 6.7 Maximum area of retail premises in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre

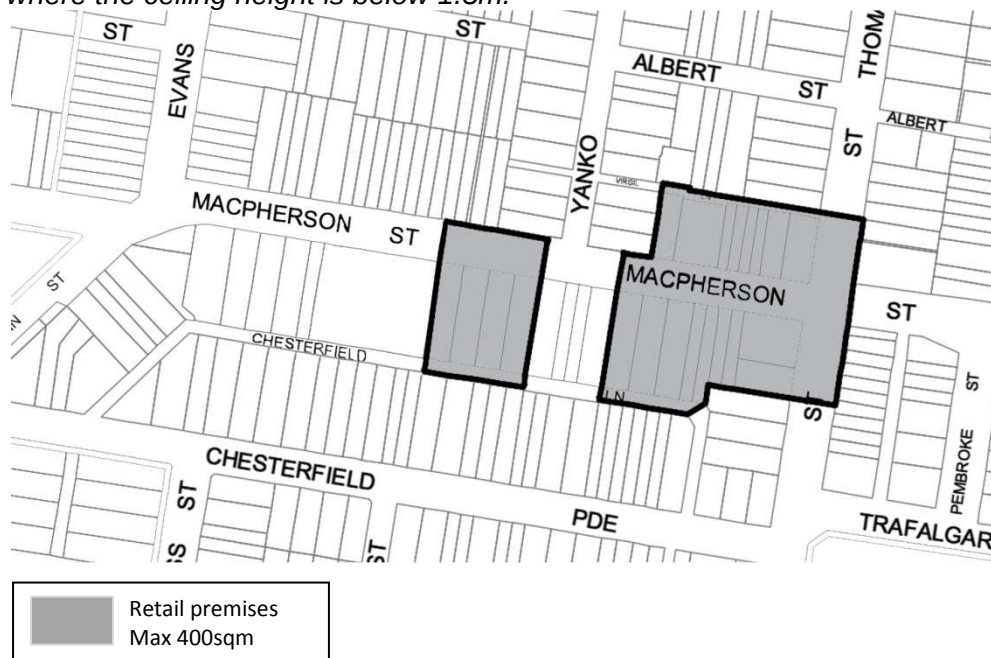
(1) The objectives of this clause are as follows:

- to quantify the maximum floor area of small scale retail in this neighbourhood centre containing large amalgamated sites,
- ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises,
- to protect the integrity and viability of existing centres, and
- to respect the retail hierarchy of centres within the local government area.

(2) This clause applies to land located in Bronte's Macpherson Street and St. Thomas Street neighbourhood centre as shown on the Key Sites Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the Gross Lettable Area Retail of the retail premises does not exceed 400 square metres.

(4) For the purposes of this clause Gross Lettable Area Retail (GLAR) is defined by the Property Council of Australia as the aggregate of floor area contained within a retail tenancy including the thickness of external walls for single tenant buildings and half internal wall thickness for multiple tenancy buildings. Included in GLAR are window mullions and frames, structural column, engaged perimeter columns or piers, fire services and additional facilities for tenants if they are within the area of lease. Excluded from GLAR are areas set aside as public spaces, thoroughfares, accessways, fire and service passages, loading docks, toilets, stairs, utilities, lift shafts, plant rooms, etc where they are not used for the exclusive use of any one tenant. GLAR excludes balconies, awnings, terraces and other outdoor areas and internal areas where the ceiling height is below 1.5m.



iii. Include the following clause in WLEP 2012 Schedule 1 – Additional Permitted Uses:

2. Allow “Registered Clubs (Bronte Returned Services Club only)” on land at 113 Macpherson Street, Bronte in addition to the uses permitted under the B1 Neighbourhood Centre Zone.

B. That subject to “A” above, a Planning Proposal be submitted to the Department of Planning and Infrastructure for a gateway determination seeking approval for the preparation of a draft Local Environmental Plan to amend WLEP 2012.

C. Amend the Waverley Development Control Plan 2012 (WDCP 2012) as follows:

- i. Add the following objective to Part E3 Local Village Centres - 3.2.3 Built Form Objectives:
 - (i) *To maintain reasonable solar access to residential properties backing onto rear lanes across from village centres.*
- ii. Add the following control to Part E3 Local Village Centres - 3.2.3 Built Form Controls:

(d) *The maximum street wall height of buildings fronting rear lanes is 7.8m or two storeys, whichever is the lesser.*

(e) Floors fronting lanes which are located 7.8m above the level of the lane or higher (except those on the south side of the lane) and have residential properties backing onto the rear lane opposite must be setback at an angle of 32 degrees as shown in the following diagram:

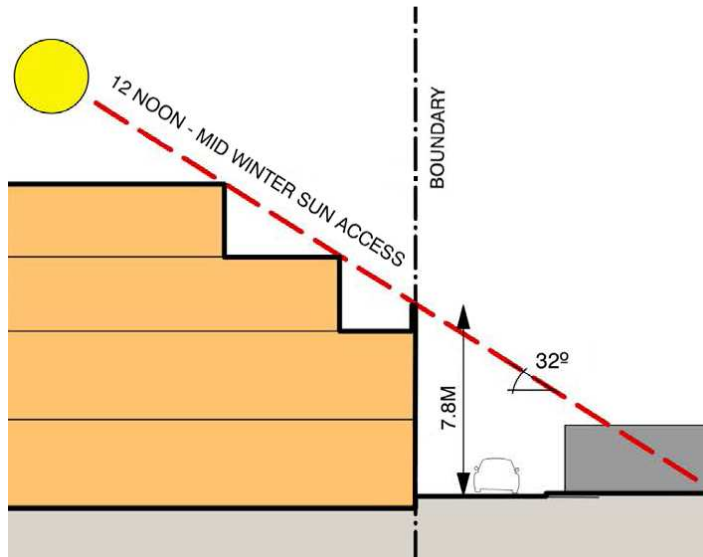
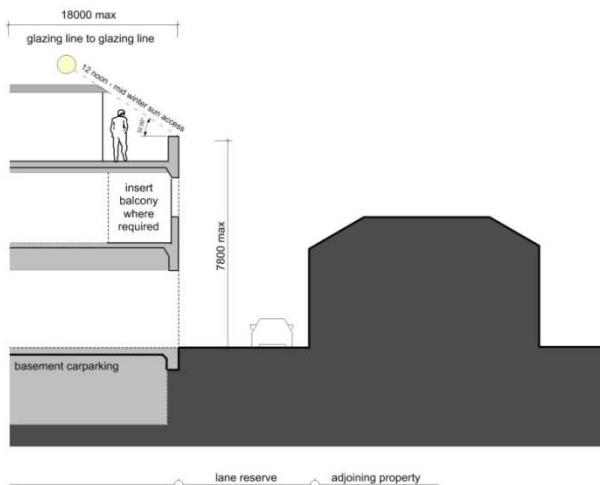


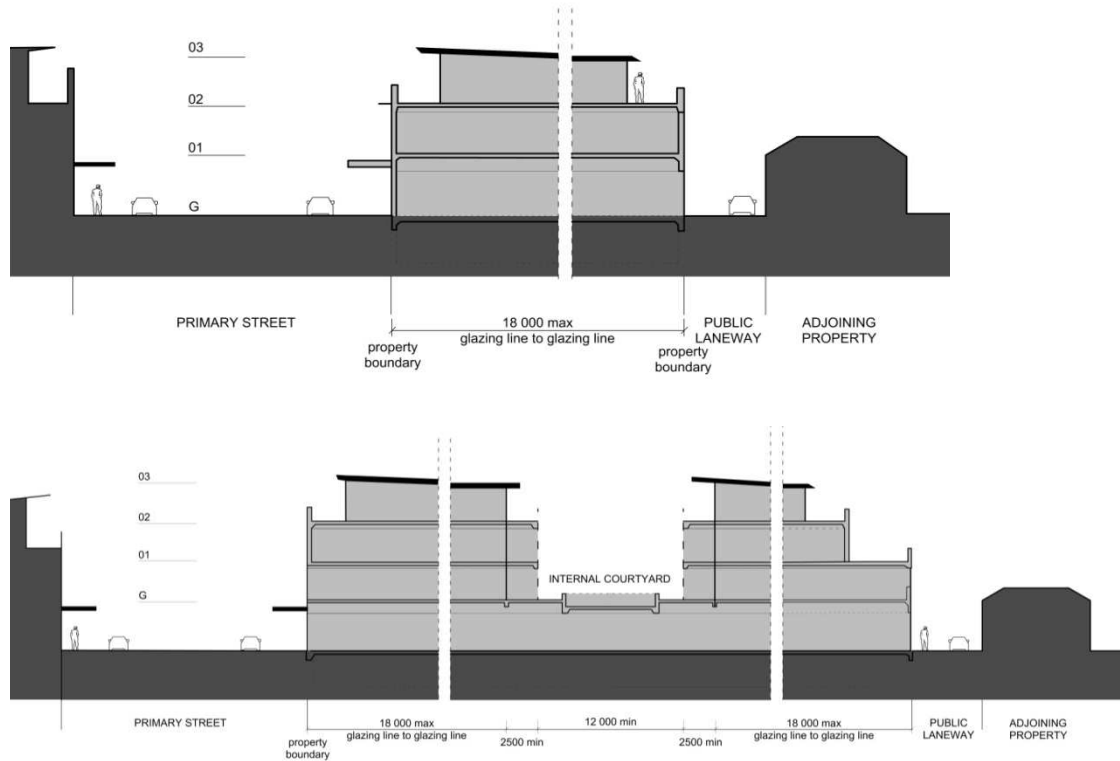
Figure X: Setbacks at rear lanes to ensure solar access to neighbours.

- iii. Replace the fourth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagram to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Building depth and other controls at the rear boundary over laneway.

- iv. Replace the seventh and eighth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagrams to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



Typical building section - dual street frontage

- v. Add a new section under Part E with the heading 4. 113 Macpherson Street, Bronte

4 113 Macpherson Street, Bronte

Where there are discrepancies between these controls and others within this DCP the following controls take precedence.

The following objectives and provisions apply to 113 Macpherson Street, Bronte described as Lot 19, Lot 20 and Lot 21 of DP 192094 and Lot 22 of DP 72912 (also known as Bronte RSL site), as shown in Figure X Specific sites map and Figure X 113 Macpherson Street Site Plan.

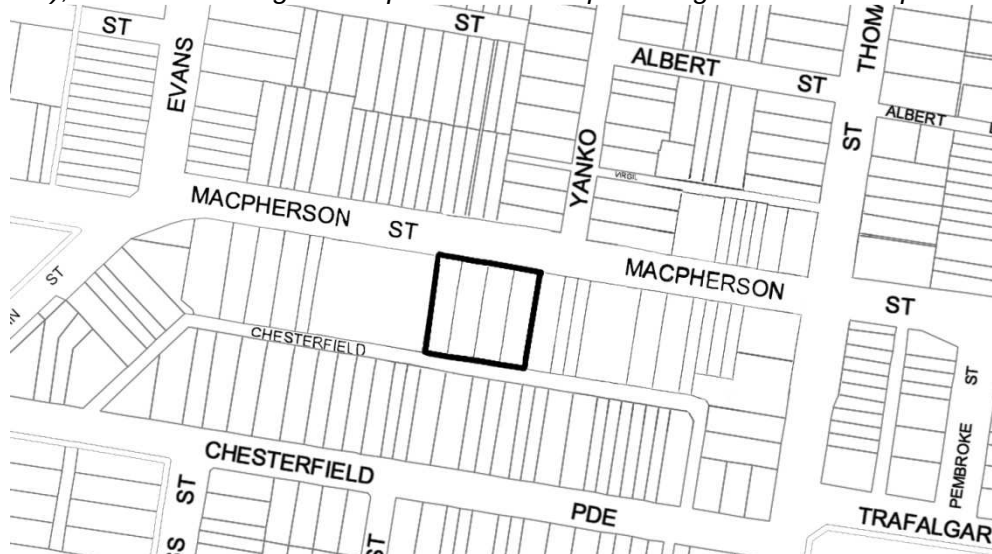


Figure X - 113 Macpherson Street Site Plan.

4.1 Public Domain

Objectives

- (a) *Ensure public domain benefits are provided to a high quality and in keeping with Council's vision for the neighbourhood centre*

Controls

- (a) *Macpherson Street and Chesterfield Lane are to be landscaped to Council's requirements.*
- (b) *Street furniture and renewal of paving is to be provided to Macpherson Street and Chesterfield Lane to Council's requirements.*

4.2 Built form

Objectives

- (a) *Facilitate the redevelopment of the site to achieve a high quality urban form.*
- (b) *To ensure that redevelopment does not result in adverse impacts on the amenity, privacy and solar access of existing and future residential premises within the precinct.*
- (c) *To facilitate built form that accounts for the change in level between Macpherson Street and Chesterfield Lane.*
- (d) *To set building heights and frontage alignments to respect the existing character and desired future character of the Bronte's Macpherson Street and St. Thomas Street Neighbourhood Centre*
- (e) *Ensure that development has high architectural quality and diversity, and strongly defined streets.*

Controls

- (a) *The development of 113 Macpherson Street is to be in accordance with the development control envelope illustrated in Figures X and X - 113 Macpherson Street, Development Control Envelope.*



Figure X: 113 Macpherson Street, Development Control Envelope.

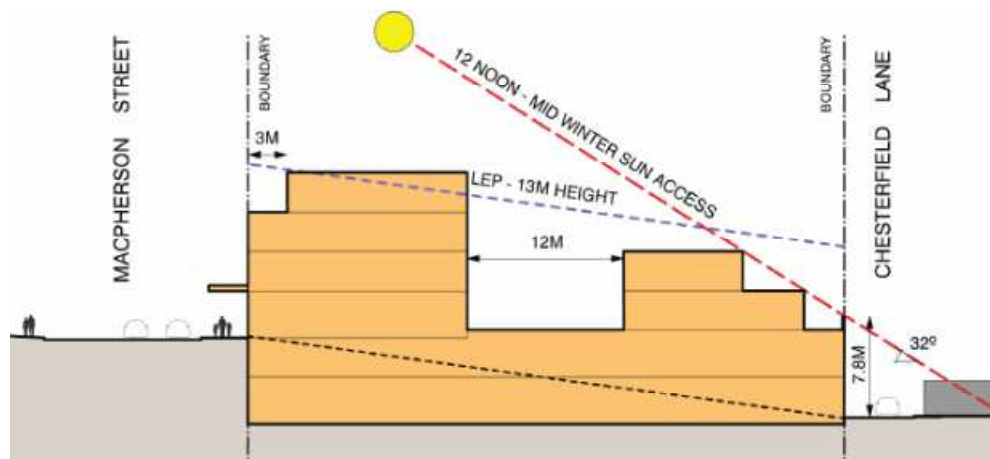


Figure X: 113 Macpherson Street, Development Control Envelope.

- (b) Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Awnings must be
 - o minimum 3m wide;
 - o minimum 3.1m between the underside of awning of 3.1m and the footpath level; and
 - o include under awning lighting.
- (c) Buildings are to be built to the street and lane alignments.
- (d) No less than 90% of the building is to be aligned to the street boundary for the ground and first floor fronting Macpherson Street
- (e) Provide setbacks above the street-wall in accordance with Figures X and X - Development control envelope.
- (f) Provide side setbacks in accordance with Figure X - Development control envelope.
- (g) Balconies for use by registered clubs or food and drink premises are not permitted on the southern façade of the development.
- (h) Residential balconies on the southern façade must be no greater than 10sqm in area.
- (i) Minimise visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes and signage.

4.3 Active Street Frontages

Objectives

- (a) To promote pedestrian activity and safety in the public domain
- (b) To provide a high degree of surveillance over Macpherson Street and Chesterfield Lane
- (c) To provide transparency and visual contact between the public domain and the building interior
- (d) To ensure that retail premises present a "public face" to enhance the character and vitality of the neighbourhood centre

Controls

- (a) Active street frontages are required at footpath level along Macpherson Street.
- (b) Not more than 10% of the Macpherson Street frontage can be blank walls or service areas.

- (c) *The installation of roller shutters is not permitted.*
- (d) *Uses providing passive surveillance of Chesterfield Lane must be provided for the majority of the width of the ground and first storey fronting Chesterfield Lane. Car parking must be sleeved by a commercial or residential use.*
- (e) *The building wall along Chesterfield Lane to be articulated to provide for planting, etc.*

4.4 Transport

4.4.1 Loading Facilities

Objectives

- (a) *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*

Controls

- (a) *Driveway entry and exit to commercial loading docks is restricted to Macpherson Street;*
- (b) *The driveway access to loading facilities and parking must be combined.*
- (c) *Loading facilities must be located internally on the site. They must not front Macpherson Street.*

4.4.2 Driveways and Car Parking Access

Objectives

- (a) *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises, schools, childcare centres and community facilities.*
- (b) *To ensure main streets are not dominated by driveways*
- (c) *To encourage continuous main streets*
- (d) *To ensure safety for pedestrians on heavily used footpaths*

Controls

- (a) *The width of the driveway on Macpherson Street must be no greater than 6m wide.*
- (b) *The driveway off Macpherson Street must be located at the western end of the front boundary as shown on the development control envelope (Figure X).*
- (c) *Access to residential parking is permitted from Chesterfield Lane.*
- (d) *Access to commercial, retail and RSL club parking is not permitted from Chesterfield Lane.*

4.4.3 Non – Residential Parking Rates

Objectives

- (a) *To provide dedicated car parking for those working at the development*

Controls

- (a) *Of the total number of non – residential parking spaces provided, 80% is to be allocated for visitors / short-stay parking, and 20% is to be allocated for employee / long-stay parking.*

Bicycle Parking

Objectives

To provide accessible secure and safe bicycle parking close to major pedestrian entries

Controls

- (a) *Provide minimum 50% of the required bicycle parking for non-residential premises at an accessible on grade location near the main pedestrian Macpherson Street entries.*

4.5 Public Art in the Private Domain

Objectives

- (a) *To encourage high quality artworks and the integration of art into development*
- (b) *To increase visual and other sensory experiences within development for the communities sense of place*
- (c) *To increase identifiable textures, character and designs appropriate to the area within private domain spaces through the introduction of public art and architectural design within development, and*
- (d) *To increase public art in the area for greater community cohesion and understanding of the history, culture and place.*

Controls

- (a) *Provide high quality artworks and the integration of art into development in publicly accessible locations, particularly main entrances, street frontages and lobby areas*
- (b) *Ensure art is sensitive, reflective and demonstrative of the community to provide creative expression and character in development*
- (c) *Ensure public art is integrated into the architectural integrity of a development*
- (d) *Applications are to be in accordance with Council's Public Art in the Private Domain Guidelines.*

- D.** That subject to a positive response from the Department of Planning and Infrastructure, the Planning Proposal and WDCP 2012 (Amendment No.1) be placed on public exhibition in accordance with the requirements of the Gateway determination.

Amendment 1 (Masselos / Kanak)

That Section A, Clause ii., the new clause 6.7 sub heading (3) be amended to read as follows:

“Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the Gross Lettable Area Retail of the retail premises does not exceed 80 square metres in accordance with the neighbourhood centre shops.”

AMENDMENT 1 WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Kanak, Masselos, Strewe and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

Amendment 2 (Kanak / Strewe)

That Section A, Clause i., be amended to read as follows:

“Amend the Land Zoning Map for land located at 107 and 113 Macpherson Street, Bronte (known as Oceanview apartments and the Bronte RSL Sub Branch Club, respectively) from B1 Neighbourhood Centre zoning to R3 medium density residential zoning.”

AMENDMENT 2 WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Kanak.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Strewe and Wakefield.**Amendment 3 (Kanak / Masselos)**

That under Section A the following clauses be added:

“iv. Amend the height of Building Map for land located at 113 Macpherson Street, Bronte from 13 metres to 9.5 metres.

v. Amend the Floor Space Ratio Map for land located at 113 Macpherson Street Bronte from 1:1 to 0.6:1.”

AMENDMENT 3 WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Kanak, Masselos and Wakefield.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas and Strewe.**Amendment 4 (Kanak / Masselos)**

That at Clause 4.4.1, Loading Facilities, under the sub heading Controls the following clause be added:

“(d) Driveways on Macpherson Street are to have a minimum 10 metre level platform inside the property boundary and be fitted with a gate of see through design 6 metres from the property boundary in order to improve pedestrian safety and protect pedestrians walking on the footpath.”

AMENDMENT 4 WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Kanak, Masselos, Strewe and Wakefield.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

AT THIS STAGE IN THE PROCEEDINGS THE MAYOR, HAVING CALLED FOR FURTHER AMENDMENTS AND NONE BEING RECEIVED SOUGHT TO EXERCISE HER RIGHT OF REPLY, HOWEVER, CR KANAK SOUGHT TO SPEAK AGAINST THE MOTION. THE MAYOR THEN RULED AGAINST CR KANAK HAVING THE RIGHT TO SPEAK AGAINST THE MOTION ON THE BASIS OF COUNCIL'S PRACTICE OF DEBATE THAT COUNCILLORS SPEAK 'FOR' AND 'AGAINST' THE MOTION IN THE ORDER OF ONE 'FOR' FOLLOWED BY ONE 'AGAINST' AND AS CR WAKEFIELD HAD JUST SPOKEN AGAINST THE MOTION.

MOTION OF DISSENT (Kanak)

Cr Kanak moved a Motion of Dissent on the Chair's ruling (that there would not be another speaker against the Motion).

Cr Betts relinquished the Chair and Cr Kay assumed the Chair to deal with the Motion of Dissent.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

For the Motion of Dissent: Crs Kanak, Masselos, Strewe and Wakefield.

Against the Motion of Dissent: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

Cr Kay relinquished the Chair and Cr Betts resumed the Chair.

Amendment 5 (Wakefield / Strewe)

That Section A, Clause ii., the new clause 6.7 sub heading (3) be amended to read as follows:

“Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the Gross Lettable Area Retail of the retail premises does not exceed 100 square metres in accordance with the neighbourhood centre shops.”

AMENDMENT 5 WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas

Against the Motion: Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

R. Rajaratnam (resident) and D. Hines (Director of WLB) and S. Patterson (Secretary, Bronte RSL Sub-Branch) addressed the meeting.