

REPORT TO COUNCIL

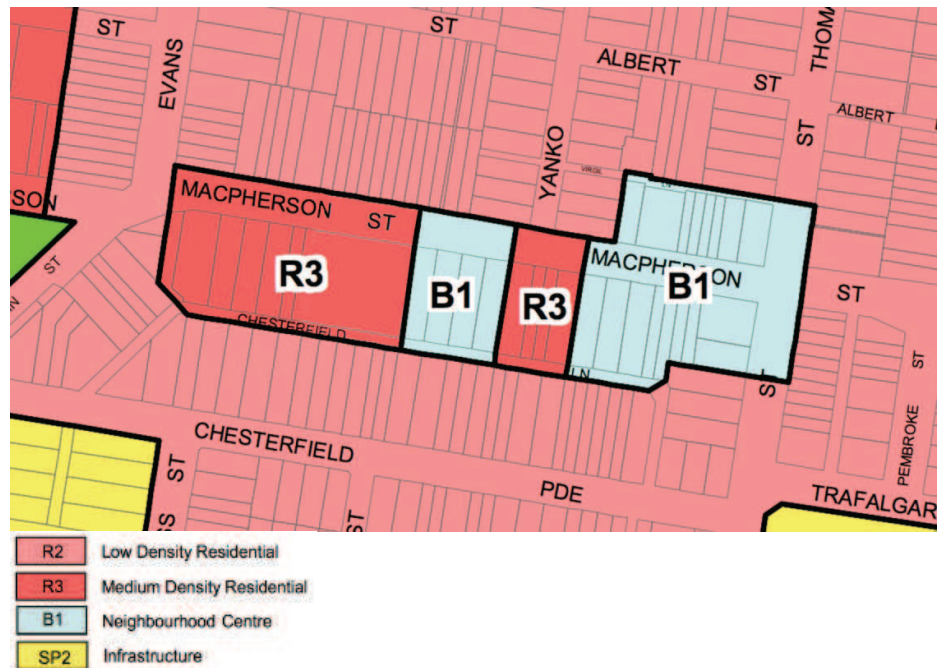
Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Planning Controls (A12/0220-02)

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).

Recommendation: 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 neighbourhood centres 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.*

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(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 500 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)” 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:

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- (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:

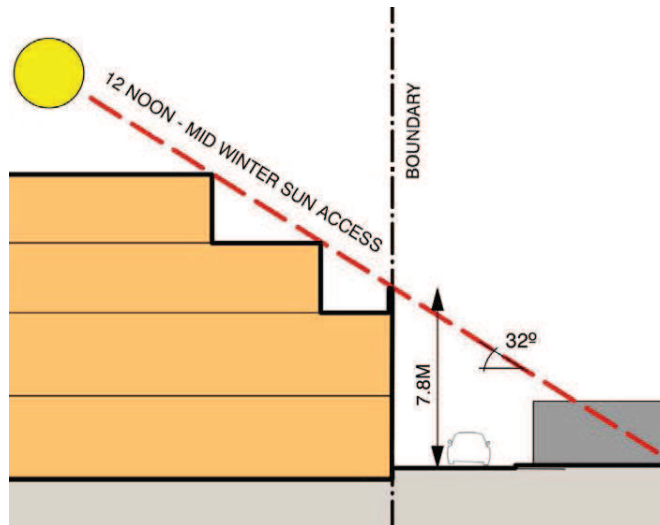
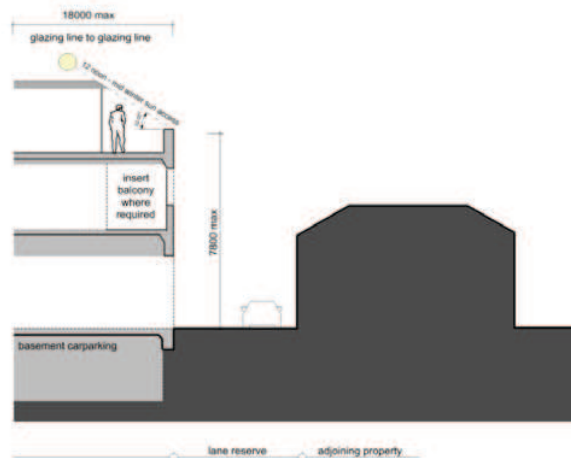


Figure X: Setbacks at rear lanes to ensure solar access to neighbours.

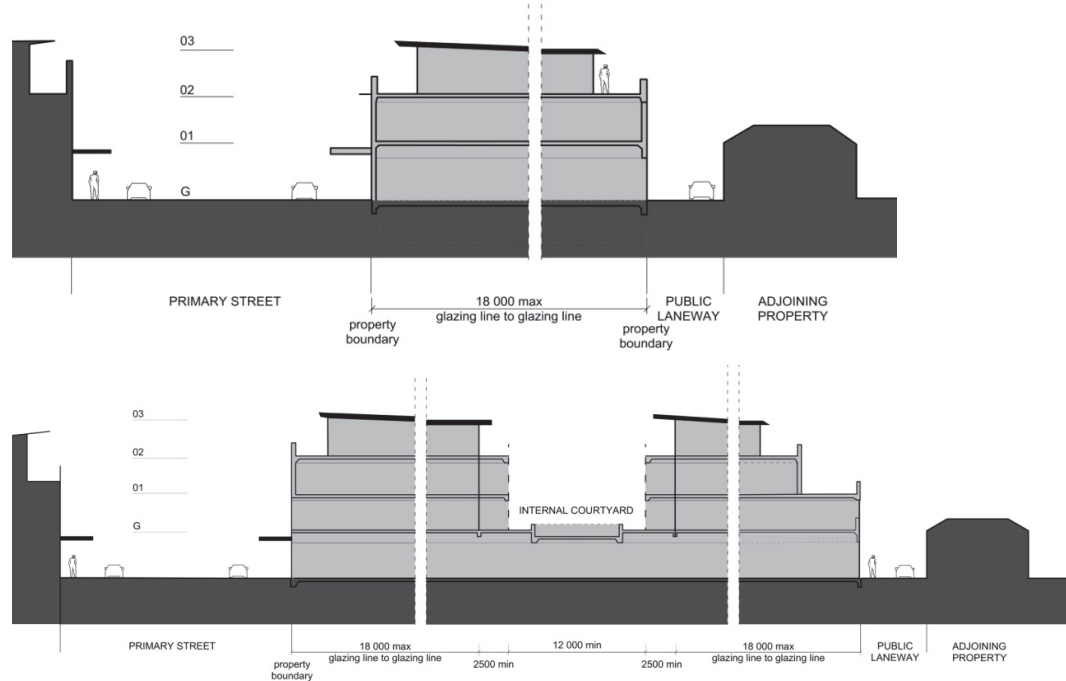
- iii. Replace the fourth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagram to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



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

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- 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.

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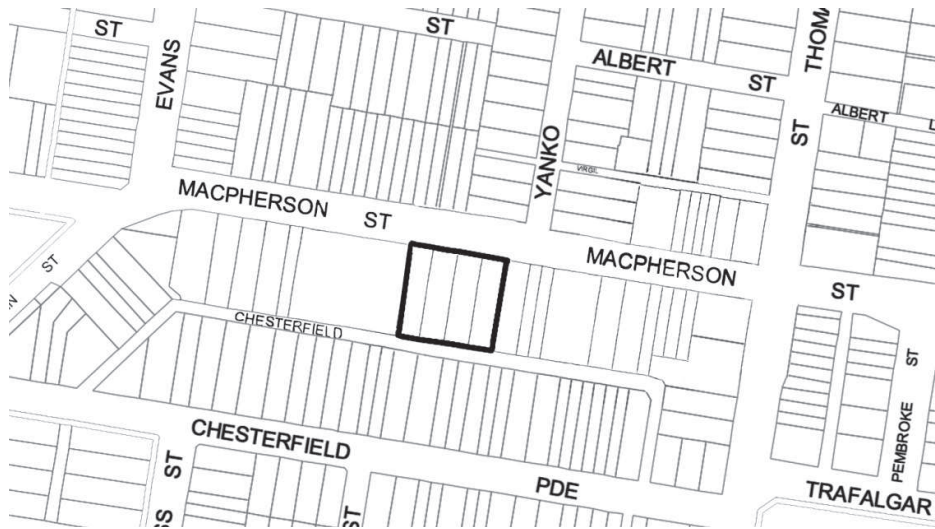


Figure X - 113 Macpherson Street Site Plan.

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.*

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Figure X: 113 Macpherson Street, Development Control Envelope.

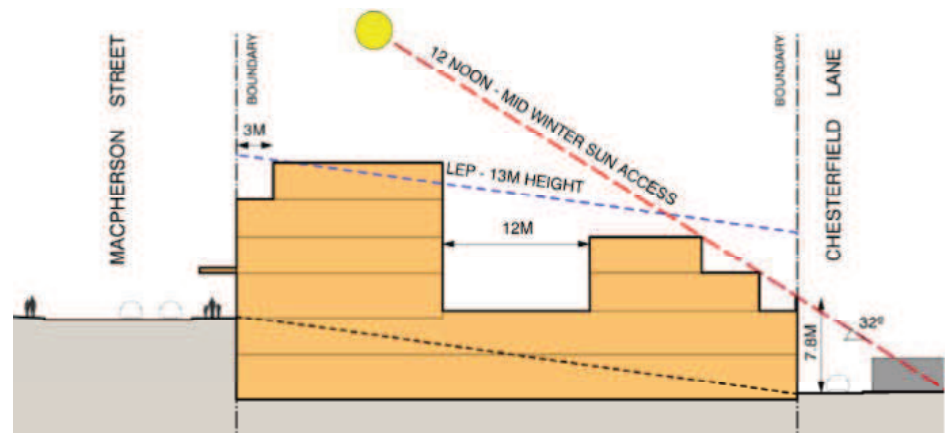


Figure X: 113 Macpherson Street, Development Control Envelope.

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- (b) *Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Awnings must be*
 - *minimum 3m wide;*
 - *minimum 3.1m between the underside of awning of 3.1m and the footpath level; and*
 - *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.*

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.*

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;*

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- (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.*

- 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.
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Purpose of Report

The purpose of the report is to:

- Recommend planning controls for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL).

December 2012 Information Report

A report titled "Visioning for Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) – Information Report (A12/0220-02)" and dated 11 December 2012 from the Director, Planning and Environmental Services providing information on recent community consultation and specialist consultant reports was debated at Council's December 2012 meeting.

Council resolved to note:

- A. the matters raised in response to community consultation regarding Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) as described at Attachment A and in the body of the subject report;
- B. the matters raised in the Council commissioned Bronte RSL Redevelopment, 113 MacPherson Street, Bronte - Traffic and Parking Peer Review as described at Attachment B and in the body of the subject report; and
- C. the matters raised in the Council commissioned Urban Design Analysis of Bronte's MacPherson and St. Thomas Street Neighbourhood Centre (which includes Bronte RSL) as described at Attachment C and in the body of the subject report.
- D. that Council will receive a report at its meeting in February 2013 indicating whether any changes to the development controls contained within the Waverley Local Environment Plan 2012 and Development Control Plan 2012 are recommended.

Also that:

1. A workshop and briefing is held for Councillors in the New Year before the report is finalised.
2. It is noted that Figure 31 in the Urban Design Analysis of Bronte's Macpherson Street and St Thomas Street Neighbourhood Centre, undertaken by Olsson & Associates Architects Pty Ltd, was prepared to show the 32 degree angle of the edge of the buildings in relation to the sun and the lane only. It does not represent Council's view of any other matters such as the increased excavation for parking and lower ground floors shown in the diagram.
3. Further analysis be undertaken of truck sweep and legal advice obtained as to whether Council has the power to limit truck size and weight.
4. Advice be obtained on whether, if the RSL Club fails to revive as a club, the Liquor Licence remains with the land.

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Introduction

On 6th May 2008, Council resolved to prepare a draft Local Environmental Plan (WLEP) and Development Control Plan for the Waverley Local Government Area.

On 20th March 2012, Council adopted the draft WLEP 2011 subject to amendments. Recommendation 5 stated that:

Stakeholders be invited to enter into discussions to prepare site specific controls for the Bronte RSL Club Sub-branch site and War Memorial Hospital site.

The above recommendation was adopted because a number of submissions (six) received during exhibition of the draft WLEP 2011 raised concerns regarding the redevelopment of significant sites within the Waverley LGA and the need for site specific controls. The Bronte RSL site was considered to be one of the significant sites.

It was considered appropriate to test the current controls and consult with the community as a priority because of community interest, closure of the RSL Club and imminent proposals to redevelop the site.

The Bronte RSL site is located within the MacPherson and St.Thomas Street neighbourhood centre. In order to properly test site specific controls, the existing planning controls and vision for the neighbourhood centre were also reviewed.

It is noted that the Department of Planning and Infrastructure's (DoPI) Green Paper calls for greater community involvement in strategic planning and less involvement at the development application stage. Focussing on the community's vision for the centre (which includes the Bronte RSL site) aligns with the direction suggested by DoPI.

An urban design / architectural consultant (Olsson and Associates Architects) was commissioned by Council to analyse the existing centre, test the current planning controls, present to the community workshop (24 October) and attend the developer's community information session (1 November). The consultant's report recommended revisions and refinements to the current planning controls.

To gain an understanding of the community's aspirations for the centre, Council held a community workshop (on Wednesday 24 October), hosted an online questionnaire, online forum and accepted submissions.

Whilst Council's process was underway, the developer of the Bronte RSL site (WBL) initiated discussions with Council officers concerning the process to be followed for the review and their initial thoughts covering the redevelopment of the site. At Council's request, the developer provided Council with their draft traffic and parking report (by Varga and Associates). Council then commissioned an independent traffic consultant to peer review the Varga report.

The developer held a community information session on 1 November 2012. Twenty information panels were displayed by the developer describing their proposal. Council officers attended the session and displayed three panels providing a summary of feedback from the community workshop (held the week before), Council's online survey, contact details and a 'where to from here' timeline. The developer provided Council with a copy of their community information session outcomes report.

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Council officers had several meetings with community representative groups including the Bronte Precinct Committee, the Save Bronte Village group and representatives of the Oceanview apartments (107 MacPherson Street, Bronte).

On 11th December 2012 an information report was presented to Council describing community consultation carried out before 24 November 2012, the Council commissioned Bronte RSL Redevelopment, 113 MacPherson Street, Bronte - Traffic and Parking Peer Review and the Council commissioned Urban Design Analysis of Bronte's MacPherson and St. Thomas Street Neighbourhood Centre (which includes Bronte RSL). The details of the carried motions are listed above.

Council Officers used the community consultation feedback, specialist urban design analysis and traffic and parking peer review to recommend revisions and refinements to the current planning controls as discussed below.

SECTION 1. BACKGROUND AND OVERVIEW

1.1 Description of Bronte's MacPherson and St. Thomas Street neighbourhood centre (which includes Bronte RSL)

A map of the study area is attached to this report (Figure 1). The centre is bounded by Macpherson Street to the north, Baglin Street to the west, St Thomas Street to the east and Chesterfield Lane to the south. It includes many small sites and several large sites (Bronte RSL site is approx 2225sqm in size and represents the largest redevelopment opportunity in the precinct). The land within the study area generally falls from north to south towards Clovelly.

The centre is characterised by mainly two storey (and one three storey) masonry buildings fronting Macpherson Street. The buildings typically contain shops at ground floor and residential flats above. On the southern side of MacPherson Street some of the sites slope considerably. The RSL site is an example where the existing building presents as two storeys to MacPherson Street and three storeys to Chesterfield Lane. On the western edge of the centre is 107 Macpherson Street which presents as a nine storey apartment building to Macpherson Street and 3 storeys to Chesterfield Lane. Refer to WDCP Part E3.1.2 for description of existing character and built form.

Vehicular access is available from MacPherson Street, Chesterfield Lane and Virgil Lane. Public transport is via one bus route (378) running along Macpherson Street to Bondi Junction.

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Figure 1: Map of the study area

The area surrounding the neighbourhood centre is predominantly residential and is characterised by one and two storey detached housing with the occasional three storey residential flat building. Clovelly Public School, Bronte Early Education Centre, Clovelly 1st Scouts and Waverley Cemetery are located within close proximity just south of the neighbourhood centre. See Figure 2



Figure 2: Existing Land Use Map

Within the locality there is a smattering of taller buildings. However they are few and far between. The taller buildings are single use residential flat buildings mostly built in the 1960's and 1970's. Planning controls have recognised that tall buildings within low rise areas do not

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contribute to the character of the area. As such planning controls have prohibited taller buildings for many years and been replaced by height controls reflecting the dominant height of buildings within the area (1 – 3 storeys with the occasional 4 storey building). Refer to Figure 3 mapping buildings with heights greater than 4 storeys.



Figure 3: Existing heights within a 1000m radius of the neighbourhood centre.

1.2 Community Consultation

1.2.1 Community input

A summary of the feedback received before 24 November 2012 can be found attached to December 2012 Council Meeting - Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report.

Since November 2012, 67 written submissions, a 1598 signature petition and 33 questionnaires were received (questionnaires were added to the online survey). The additional submissions covered similar issues to those previously received. Therefore the

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most pressing issues remain unchanged. Submissions since November also included the following:

- Rezone the Bronte RSL site to medium density residential (R3), reduce height limit to 9m, reduce the FSR to 0.6:1
- Introduce a maximum retail premises of 80sqm in Neighbourhood Centre zones
- Safety for school children - (this coincides with the incident last year where a parent ran over and killed a school boy)
- Trucks turning and entering Chesterfield Parade and Laneway

Summary of feedback

In total 2543 interactions were recorded with the community prior to 11 February 2013 (includes petition signatures). It is assumed that many who attended the community workshop, also filled out the online survey, posted on the forum and sent in submissions.

The most pressing issues resulting from interaction with the community are -

1. Rezone the Bronte RSL site to medium density residential (R3), reduce height limit to 9m, reduce the FSR to 0.6:1
2. Traffic generation as a result of the RSL site being developed as proposed. This includes issues with traffic, parking, loading and access to the site.
3. The effect on the amenity of the surrounding environment if a retailer (as proposed by the developer of the Bronte RSL) opens in the neighbourhood centre.
4. The majority do not want to see more or other types of development because there is enough retail, the centre is dense enough and buildings are at the right height.
5. The majority do not want to extend the neighbourhood centre zoning to allow for more shops because the existing number of shops is seen as sufficient and any increases will cause additional traffic and parking issues.
6. The communities overall vision is to retain the existing village character allowing only low rise development. They would also like to see the provision of community uses.

1.3 Urban Design / Architectural Analysis

1.3.1 Council Commissioned Analysis

Waverley Council engaged Olsson & Associates Architects (OAA) on 9th October 2012 to:

- consider the urban design issues in the MacPherson Street and St Thomas Street Neighbourhood Centre, focussing upon the Bronte RSL Club site;
- identify the existing character of the area;
- examine the appropriateness of the current controls for the neighbourhood centre;
- prepare a power point presentation and present it at the Council run community workshop held at Bronte RSL on 24th October 2012;
- attend the developers' information session on 1st November 2012 held at the Bronte RSL, as an observer only;
- make any recommendations regarding revisions and or refinements to the controls;

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- recommend building envelopes for the Bronte RSL Club site that reinforce the character of this Neighbourhood Centre;
- write a succinct report incorporating the research and recommendations.

The key recommendations of the Consultant Architect's report are that:

- The objectives of the B1 Neighbourhood Centre zone in Waverley LEP 2012 regarding commercial premises provide guidance for the size of shops and businesses permissible in the study area. For sites zoned B1 Neighbourhood Centre, land uses such as Neighbourhood Shops, Retail Premises and Business premises are permitted uses. The LEP objectives for the Neighbourhood Centre include providing a range of small scale retail, business and community uses. While Neighbourhood Shops in the LEP are limited to a maximum area of 80sqm, it does not however limit the area of Business Premises or Retail Premises. It is recommended that the permissible land uses for the sites zoned B1 be reviewed to ensure that the objectives in the Waverley LEP 2012 are achieved.
- The Waverley LEP 2012 Height of Building control for the Bronte RSL Club site of 13m and the Floor Space Ratio control of 1:1 are appropriate
- The Waverley DCP 2012 height controls of 4 storeys are appropriate
- The Waverley DCP 2012 height control is expressed as a cross section with a 45 degree angle to create upper floor set backs from Chesterfield Lane. It is recommended that the angle be reduced to 32 degrees, the sun angle at noon in mid-winter, to minimise overshadowing of properties to the south of Chesterfield Lane.
- The Waverley DCP 2012 cross-section control does not describe setbacks from side boundaries. This report recommends setbacks at upper building levels from side boundaries to retain amenity to residential buildings on both sides of the site boundaries
- Continuous small scale shopfronts on MacPherson Street with vehicular access from Chesterfield Lane are supported. It is recommended that the DCP restrict vehicular crossings on MacPherson Street.

This Urban Design Analysis report is complemented by a traffic and parking peer review prepared by GTA Consultants.

A copy of Olsson & Associates Architect's Report can be found attached to the December 2012 Council Meeting report titled "Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report".

1.3.2 Developer's urban design analysis of their proposal

Following issue of the urban design analysis, the developer has submitted urban design reports in support of their proposal. They were prepared by Inspire and GM Urban Design & Architecture (January 2013).

A summary of the GM Urban report follows:

- We regard the overall height of the current proposal to Macpherson Street as appropriate (assuming no gains due to plant room and lift overruns) due the site's recognised importance and unique location adjacent to an existing taller building within a neighbourhood centre.

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- The proposal's massing to the east should be reduced to ensure that it does not create an awkward relationship against the adjacent buildings along Macpherson Street.
- We regard the extent of overshadowing to the rear as likely to be justifiable, creating only minor increases in overshadowing from the existing scenario. We note some issues which may help in supporting this, including:
 - a comparison with the Ocean View Apartments sectional relationship to this lane;
 - identifying the extent of any non-compliance (if any) with the DCP 'typical built form envelope' of 7.8m at the rear boundary with a 45 degree angle; and
 - ensuring that overshadowing of buildings not shown in the present detailed test (e.g. 44 and 42 Chesterfield Parade) is addressed.
- We do not believe that the tighter envelope presented in the Olsson report should be required to apply as it is not supported by detailed shadow analysis (which the present plans are).
- The Macpherson Street facade is generally well-designed and presents well to the streetscape.
- The vehicular entrance on Macpherson Street should be redesigned to allow a better response to the streetscape.
- The building frontage to Chesterfield Lane and also the eastern facade near Chesterfield Lane should provide a better response to the streetscape.
- The eastern residential lobby should address the street.

A summary of the Aspire report follows:

- A number of urban design opportunities are apparent:
 - Higher height can be considered;
 - Higher density residential development can be considered;
 - Opportunities to accommodate a mix of retail and club to serve the community's needs
 - Lack of any distinctive architectural style allows for innovative, contemporary architectural styles.
- Constraints include shadow impacts on surrounding residences and additional traffic generation requiring a sensitive response so unreasonable impacts are not created.
- Urban design objectives should be adopted for the site covering mix of uses, amenity, building height, net community benefit and density.
- Urban design principles should be adopted for the site as follows:
 - minimum ground floor setbacks to activate the street frontage
 - articulate buildings in plan and section to reduce the impact of scale
 - buildings should have a harmonious relationship with neighbouring buildings
 - building height should respect the amenity of surrounding residents and streets by minimising shadow, privacy and visual impact

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- buildings should reinforce the potential landmark status of the site by allowing taller buildings, creating a visual presence for the centre from distant viewing points
- maximise public benefits for the greater community by creating new housing and commercial premises close to public transport
- allow contemporary architectural style to enhance streetscape and image of centre
- create an interesting roofscape
- pedestrian and vehicular access should be legible, direct and vehicular entry should be consolidated into minimal driveways with minimum impact on surrounding road network.
- car parking should be located in basements within building envelope
- enhance the appearance of the public domain
- protect ground level public places from wind impacts and other microclimatic affects generated by the building
- the density of pedestrian use should activate the public domain, increasing vitality and providing vibrant spaces and viable businesses.

1.3.3 Council's motion

At Council's December 2012 meeting Motion 4 stated that:

It is noted that Figure 31 in the Urban Design Analysis of Bronte's Macpherson Street and St Thomas Street Neighbourhood Centre, undertaken by Olsson & Associates Architects Pty Ltd, was prepared to show the 32 degree angle of the edge of the buildings in relation to the sun and the lane only. It does not represent Council's view of any other matters such as the increased excavation for parking and lower ground floors shown in the diagram.

The cross sections based on Figure 31 contained in the proposed DCP controls do not show or endorse further excavation to accommodate car parking and lower ground floors.

1.4 Traffic and Parking Peer Review

1.4.1 Council commissioned "Bronte RSL Traffic and Parking Review"

Waverley Council engaged GTA Consultants to undertake a peer review of the Traffic and Parking Study supporting the proposed development of the Bronte RSL site at 113 Macpherson Street, Bronte. The developer's *Traffic and Parking Study* was prepared by Varga Traffic Planning Pty Ltd in September 2012 for Winston Langley Burlington.

The peer review is comprised of a transport impact review of the proposal, safety and amenity impacts of site access from Chesterfield Lane, parking review, a review of loading and servicing, and a high-level review of the Economic Impact Assessment for the proposed development, which was prepared by Urbis (discussed below under point 5. Economic Analysis).

Based on the Traffic and Parking Review undertaken by GTA, the following issues were raised:

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- Traffic generation
- Passing trade
- Traffic distribution
- RSL Traffic
- Schedule of traffic surveys
- Seasonality of traffic flows
- Traffic impact assessment
- Traffic impacts
- Contribution
- Site access
- Loading dock location and access
- Loading dock capacity
- Chesterfield Lane pavement condition
- Truck manoeuvres
- Truck vertical clearances
- Parking provision
- Parking layout
- Bicycle parking
- Pedestrian facilities

Further investigation on these key issues would need to be undertaken as part of the on-going approval assessment process for the development proposal. Appropriate management plans for off-street car parking and the loading dock would also need to be prepared by the proponent and submitted together with the development application.

A copy of GTA's Report can be found attached to the December 2012 Council Meeting report titled "Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report".

Following issue of the report, Council officers requested further information and clarification to fulfil the requirements of the original brief. The memo received from the consultant in response to this request forms Attachment A of this report.

1.4.2 Bronte RSL Traffic and Parking Review – Internal response from Council's Divisional Manager of Transport and Development.

The Council commissioned review was referred internally. The following response was received.

- Number of car movements: The GTA report in section 4.1 (Traffic Generation), indicates the Varga report underestimates the traffic movements being generated by the retail component of the proposal. Varga uses traffic generation rates for "Shopping Centres" from the RMS document "Guide to Traffic Generating Developments". GTA considers the generation rate should be determined using rates from a similar facility to that proposed such as a Harris Farm market or alternatively, by using the "supermarket" rates in the RMS document. I consider the GTA assessment using the supermarket rate to be the appropriate one. The traffic movements in the Friday pm peak increase from 93 in the Varga report to 141 in the GTA assessment and in the Saturday noon peak, from 99 in the Varga report to 153 in the GTA assessment.
- Loading Dock: I consider there should be more than one loading dock. The DCP requires 1 dock for the club, 1 for the flats (as there is > 25 units) and 3 for the shops. Probably the

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club and shops could share the large loading dock with turntable as the club only has 2-3 deliveries a week. I consider another loading dock to cater for a medium rigid vehicle is needed to avoid trucks waiting in the lane and blocking through traffic if the single dock is occupied. The second dock could also be used by smaller trucks such as milk, meat and fish deliveries etc. if the main dock is occupied. I consider loading should be done from Macpherson St and not the rear lane for the following reasons:

- There is an incline in the lane just to the east of the site. To travel up the incline, truck engine revs will need to be increased compared to those if it were flat resulting in higher engine /exhaust noise levels plus diesel smoke emissions. Trucks that are stationary or at idle for lengthy periods emit the most emissions when moving off. I noticed today there are houses backing onto the lane on both sides with windows to rooms directly on the lane. Engine exhausts on some trucks will very likely be level with some windows. There will be many more trucks using the lane once developed compared to the present.
- It is common for residents and others to park in the lane at present both along the straight section at the rear of the club and on the west side of the lane just before it exits to Chesterfield Parade. Even if NO PARKING restrictions are installed, unless those restrictions are enforced frequently, one illegally parked car has the potential to block truck movements and traffic completely.
- The site has a 49m frontage to Macpherson St. I consider a loading dock of similar dimensions to that proposed off the rear lane could be installed without a big impact on the way the development may look from the street.
- Macpherson St has a concrete pavement which will withstand truck manoeuvring better than bitumen in the rear lane. In the lane, trucks will be on full lock to enter and exit the dock which will shorten the life of the pavement unless the pavement is strengthened and has a modified bitumen. Modified bitumens will result in a higher cost for Council to maintain the lane in the future.
- Could the loading dock access be incorporated into the retail driveway proposed on the western side of the site? There is a large car park on top of the Hurstville rail station that does that. The exit from the roof carpark increases in width front the loading dock entry point out to the street.
- The only vehicles using the lane from the site if loading is off MacPherson St would be those from the residential flats.
- I do not know the height of trucks that will serve the site but I have concerns if trucks have high roof lines that they will have difficulties travelling in Chesterfield Pde due to the heavy and low canopy from the street trees.

The branches from the fig trees are quite large in diameter and low to the road so to remove the branches to allow the passing of trucks may have a significant impact on the trees.

1.4.3 Council motion

At Council's December 2012 meeting Motion 3 stated that:

Further analysis be undertaken of truck sweep and legal advice obtained as to whether Council has the power to limit truck size and weight.

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Council can limit truck size, height and weight via conditions of development consent. However it is difficult to police these conditions and as such often they are breached with no consequence.

Council's traffic consultant noted that having the loading dock access off Chesterfield Parade could have significant impacts on residential amenity in terms of vehicle sizes, manoeuvres and potential safety issues. They also raised the Chesterfield Lane pavement condition and truck queuing issues on Chesterfield Lane. In fact they recommend that based on the established road hierarchy in the precinct, site access for the retail and RSL components would be more suitable on Macpherson Street rather than on Chesterfield Lane.

It is therefore recommended that access to the commercial loading docks for 113 Macpherson Street be limited to Macpherson Street with no ingress or egress points on Chesterfield Lane. Refer to proposed DCP controls for proposed traffic and parking controls.

1.5 Economic Analysis

1.5.1 Department of Planning and Infrastructure's Metropolitan Strategy 2010

The NSW Government Metropolitan Strategy East Subregional Strategy (exhibited in 2007) classifies MacPherson Street, Bronte as a 'neighbourhood centre'. It defines neighbourhood centres as one or a small cluster of shops and services containing between 150 and 900 dwellings with a radii of 150m. The closest surrounding neighbourhood centres to the west and east are Ligar Street, Bronte and Bronte Beach. To the north and south are Murray Street, Bondi and Arden Street, Clovelly and Clovelly Beach. Charing Cross and Clovelly are defined as small villages. Note that the Strategy seeks to provide a guide only. It is not meant to be prescriptive or to prevent development. Indeed the subsequent NSW Draft Centres Policy (DoPI, 2009) recommends that the retail hierarchy should be flexible to allow centres to grow in line with demand.

In mid 2012, the Department of Planning and Infrastructure released a discussion paper announcing that they intend to prepare a new Metropolitan Strategy to replace the current one.

1.5.2 Council commissioned "Economic Impact Assessment Peer Review 2012"

Waverley council engaged Urbis (as a sub-consultant of GTA Consultants) to undertake a peer review of the Economic Impact Assessment supporting the proposed development of the Bronte RSL site at 113 Macpherson Street, Bronte.

The developer's *Bronte RSL Redevelopment Economic Impact Assessment* was prepared by Location IQ in August 2012 for Winston Langley Burlington. The peer review looked at the appropriateness of assumptions and conclusions discussed in Location IQ report.

Urbis advised that the assumptions and forecasts that have been used in the Economic Impact Assessment report for the developer are reasonable.

More broadly, having regard to the EIA and the plans contained, the following observations are made by Urbis:

- The proposed development at 1,246 m² is relatively modest in scale and is located on the edge of an existing retail strip.

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- This scale of grocery retailing is likely to be highly convenient for Main Trade Area residents undertaking top-up food shopping.
- Although there may be some minor competitive impacts on individual retailers within the Main Trade Area, the development should strengthen the overall retail offer on Macpherson Street. The specialty shops are oriented to the street and should therefore complement the existing retail strip.

Urbis notes that the information contained in the *Bronte RSL Redevelopment Economic Impact Assessment* demonstrates that there are no economic grounds on which the proposed development should be refused planning consent.

A copy of GTA's Report which contains the Council commissioned Economic Impact Assessment Peer Review can be found as an attachment to the December 2012 Council Meeting report titled "Visioning for Bronte's MacPherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL) - Information Report".

1.5.3 Developer commissioned response to peer review- January 2013

Following issue of the report, the developer has submitted a response to the Urbis review prepared by Location IQ (January 2013). A summary of revised or new issues follows.

- The Bronte RSL site forms part of the Bronte Macpherson Street Neighbourhood Centre (New South Wales Metropolitan Strategy – East Subregion) which is the main retail precinct of Bronte.
- The Bronte RSL retail centre would record a 4.4% share of total main trade area spending and an approximate 13.5% market share of the food and grocery market.
- The Macpherson Street and Lugar Street Neighbourhood Centres include six Food and Grocery retail shopfronts. While there is likely to be some impact on these retail tenants, the proposed Bronte RSL retail centre will not impact on the viability of these tenants nor would the proposed development be detrimental to the surrounding retail strip. Indeed, the surrounding Macpherson Street retail strip stands to benefit from the increased sales potential and increased customer flows attracted to the retail precinct by the proposed development of the Bronte RSL retail centre.

1.5.4 Council commissioned review of "Waverley Local Village Centres - DCP & Public Domain Improvement Plan - Economic Assessment 2006"

In 2006 Waverley Council engaged Hill PDA Consultants to undertake a Retail Hierarchy Study for the Waverley LGA. The peer review comprised of a review of Waverley LGA village and neighbourhood centres to provide general advice on planning and economic issues facing those centres. It included an analysis and forecast of demand for retail space and commercial services.

In February 2013 Hill PDA was commissioned to recap their 2006 *Waverley's Local Village Centres - Economic Assessment* with a focus on the Bronte RSL site (113 Macpherson Street, Bronte).

The key recommendations of the consultant's review were:

- General support for a Harris Farm or similar food and grocery store of up to 1,000sqm being provided on the site for the following reasons:
 - It would provide a net benefit to the local area (in economic terms and excluding any potential environmental and traffic concerns);

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- Such a use would provide an important anchor for the Macpherson Street Centre which is currently lacking;
 - It would improve the retail offer for local residents and provide a service for regular shopping for essential items (foods and groceries);
 - It would reduce the number of necessary trips by car into Bondi Junction or other higher order centre for local residents that need to top-up their food and groceries;
 - Harris Farm, Thomas Dux and similar stores are a relatively new store types that serves higher socioeconomic demographic areas which is the case in Bronte;
 - Impacts on existing specialties in the Macpherson Street Centre would be mixed but with some possible short-term changes but the medium term impacts will be positive due to a likely nexus and complimentary relationship with the anchor tenant; and
 - The proposal is unlikely to adversely impact any other centre to any significant level, although we have not undertaken impact modelling to quantify the extent of potential impacts.
- Harris Farm would elevate the centre to 'village centre' per the Metro Strategy definition.
 - Whilst there are some food and grocery retailers that can fill smaller areas (below 500sqm) such as IGA Friendly Grocer or Coles Express, there is no certainty that any of these retailers will locate in the Macpherson Street Centre.

If Council was to impose a 500sqm cap there is some risk that the centre would not get an anchor tenant.

- Add DCP clause –

'No single shop is permitted to exceed (floorspace cap) sqm in Gross Lettable Area Retail as defined by the Property Council of Australia Method of Measurement.'

The consultant also answered several key questions posed by Council Officers. Their answers to several are listed below:

- Question: How would you define small scale retail per the zone objectives? At what point does a retail premises cease being small scale and start being medium scale? Can you put a max floor area on small scale retail?

Answer: The extent of what constitutes 'small scale' retail will vary depending upon the occupant and retail store type of specific retailers. The most appropriate means of defining 'small scale' retail may be by considering the extent of the trade area served by the retail facility rather than the size of individual units. A restaurant, for example, may serve a comparable trade area to a take-away but by necessity the restaurant provides a comparably greater quantum of retail floorspace. Supermarkets need to be larger than other retail specialties because they capture around 30% of total household retail expenditure - far more than any other store type. A specialty food store (e.g. butcher, baker, greengrocers) or non-food store captures only a tiny proportion of total household retail spend. Commonly the largest retail attractor and the largest occupier of floorspace in small centres is a supermarket or large food and grocery retailer. As such, in defining the maximum size of retail unit which may be considered small-scale it may be appropriate to work backwards from supermarket floorspace. Council may deem that the extent of the trade area for, say, a 1,000sqm supermarket may serve more than the surrounding neighbourhood but that a supermarket unit up to, say 500sqm is likely to serve a neighbourhood catchment only.

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- Question: What is the catchment of the average Harris Farm?

Answer: The catchment or 'trade area' of any retail store or centre is dependent upon:

- The strength and attraction of the centre and/or facility as determined by factors such as the composition, layout, ambience/atmosphere and car parking in the centre/facility;
- Competitive retail centres, particularly their proximity to the subject centre/facility and respective sizes, retail offer and attraction;
- The location and accessibility of the centre/facility, including the available road and public transport network and travel times; and
- The presence or absence of physical barriers, such as rivers, railways, national parks and freeways.

ALDI stores rely on a trade area of around 20,000 people. Harris Farm is a smaller retailer than ALDI and operates on a different business model, catering for households with above average socio-demographic characteristics and household retail expenditure levels. However, it is likely that Harris Farms serves a comparable trade area of around 20,000 people subject to the trade area having the required socio-demographic characteristics and household retail expenditure levels capable of supporting its business model.

See Attachment B for a copy of the Hill PDA review.

1.6 Liquor Licensing

At Council's December 2012 meeting Motion 4 stated that:

Advice be obtained on whether, if the RSL Club fails to revive as a club, the Liquor Licence remains with the land.

The following legal advice was obtained from Wilshire Webb Staunton Beattie lawyers:

- Bronte RSL would have had a club licence.
- The entity of Bronte RSL would be the licensee (assume to be a corporate licensee).
- The licensee would have appointed a secretary manager.
- A club licence authorises the licensee (through the manager) to sell liquor on the licensed premises stipulated on the licence.
- If the RSL club ceases trading and closes the licence would likely cease under its conditions of issue. In the absence of a formal transfer or removal somewhere else it cannot be used by another person or at another premises.
- A club licence can be transferred to another club (in an amalgamation situation) on application provided certain requirements are met.
- A licensee can also apply for approval to remove the licence from the premises to another premises not specified in the original licence. This is effectively a new application.

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SECTION 2. FUTURE SCENARIOS

As a result of community consultation and council commissioned analysis and peer review of Bronte's Macpherson and St. Thomas Street neighbourhood Centre (which includes Bronte RSL), it is recommended that revisions and refinements be made to Council's current planning controls.

2.1 Waverley Local Environment Plan 2012 (LEP) - proposed revisions

2.1.1 Land Use / Zoning

Waverley LEP 2012 shows the neighbourhood centre (which includes the local shops, Bronte RSL and Oceanview apartments) as B1 Neighbourhood Centre Zone (See Figure 4 - Zoning map). Prior to that LEP 1996 and LEP 1985 zoned the neighbourhood centre as Neighbourhood Business 3(c). Hence, since 1985 the local shops, Bronte RSL and Oceanview apartments were considered appropriate sites for providing a range of shops and low intensity commercial uses that serve the daily needs of adjacent residential neighbourhoods.

The objectives of the B1 neighbourhood centre zone are:

- a. To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- b. To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises.
- c. To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.

The B1 neighbourhood centre zone permits the following land uses: boarding houses, group homes, hostels, seniors housing, shop top housing, home-based child care, home business, home occupations, bed and breakfast accommodation, commercial premises, business premises, funeral homes, office premises, retail premises, cellar door premises, food and drink premises, pubs, restaurants or cafes, take-away food and drink premises, kiosks, markets, roadside stalls, neighbourhood shops, veterinary hospitals, home industry, vehicle body repair workshops, vehicle repair stations, sewage reticulation systems, car parks, roads, educational establishments, health services facilities, medical centres, health consulting rooms, child care centres, community facilities, emergency services facilities, information and education facilities, public administration building, respite day care centres, places of public worship, signage (except advertising structures), environmental facilities, recreation areas, recreation facilities (indoor), environmental protection works and flood mitigation works.

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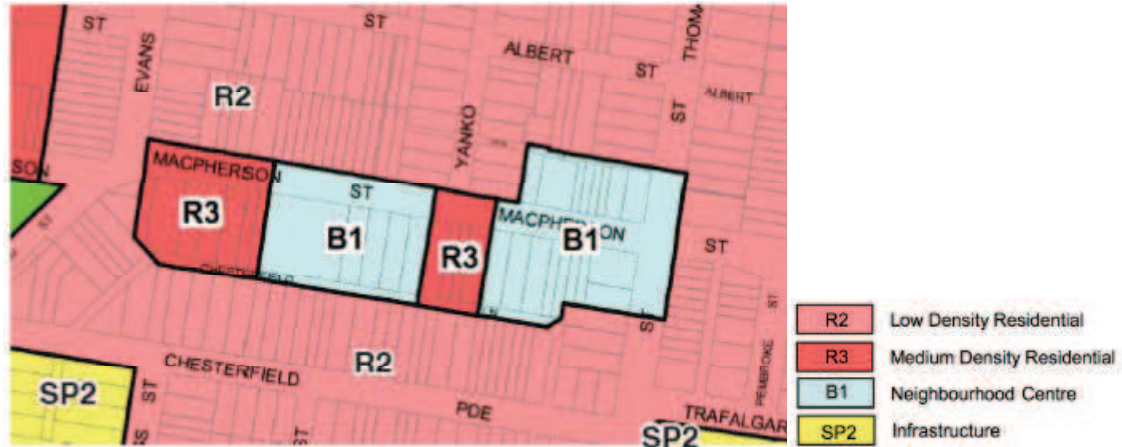


Figure 4: Waverley Local Environmental Plan 2012 - Zoning

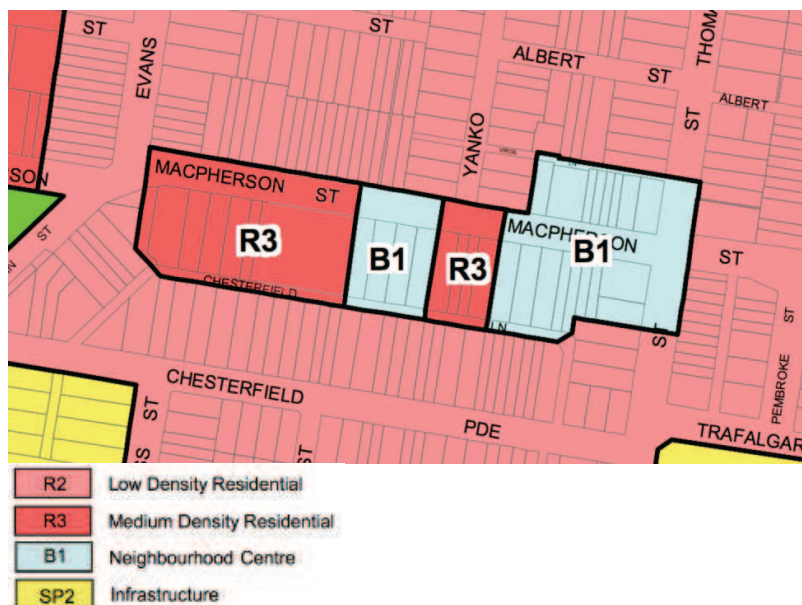
2.1.1.1 Zoning of the local shops

With the exception of Oceanview apartments (107 Macpherson Street) and the Bronte RSL site (113 Macpherson Street), the current zoning of the existing local shops, being B1 Neighbourhood Centre is considered appropriate.

Future land use scenarios for 113 Macpherson Street and 107 Macpherson Street have been investigated below to test whether the current zoning of B1 Neighbourhood Centre is appropriate.

2.1.1.2 Zoning of 107 Macpherson Street (Oceanview apartments)

Oceanview apartments has been used primarily as a 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. The zoning should be changed to R3 Medium Density Residential to reflect its ongoing and long standing use. (See Figure 5)



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Figure 5: Waverley Local Environmental Plan 2012 - 107 Macpherson Street (Oceanview apartments) - Proposed Zoning

2.1.1.3 Zoning of 113 Macpherson Street (Bronte RSL site)

The appropriate future land use at the Bronte RSL site has been subject to much discussion (including community consultation). The site is ripe for redevelopment. The following four zoning options have been tested for the site:

- Option 1: Residential units only.
- Option 2: Residential units, RSL club and optional small shop.
- Option 3: Small scale shops, residential units and RSL club
- Option 4: No change to existing land use controls.

It is recommended that Option 3 be adopted by Council.

Option 1: Residential only

A component of the submissions made by the community called for the Bronte RSL site to be limited to residential uses only. This would mean rezoning the site to R3 medium density residential and prohibiting other uses like neighbourhood shops, childcare centres etc. It is not possible to impose such a restrictive limit on permitted uses because of the requirements of the NSW Standard LEP Template. As such, this option would not be approved by the Department of Planning and Infrastructure.

Option 2: Residential units, RSL club and optional small shops.

Two of the most pressing issues resulting from community consultation were:

- The majority do not want to see more or other types of development because there is enough retail, the centre is dense enough and buildings are at the right height.
- The majority do not want to extend the neighbourhood centre zoning to allow for more shops because the existing number of shops is seen as sufficient and any increases will cause additional traffic and parking issues.

Submissions received after December's Information report call for Council to:

- Rezone the Bronte RSL site to medium density residential (R3), reduce height limit to 9m, reduce the FSR to 0.6:1
- Introduce a maximum retail premises of 80sqm in Neighbourhood Centre zones

Rezoning the Bronte RSL site from 'B1 neighbourhood business' to 'R3 medium density residential' would address these issues by

- restricting the allowable size of neighbourhood shops on the site to a maximum gross floor area of 80sqm each. Provision of shops would be optional;
- prohibiting commercial premises (includes business, retail and office premises other than Neighbourhood Shops) that could negatively affect the amenity of existing and future surrounding residential premises;
- consolidating the existing neighbourhood centre. There are currently four residential properties between the last strip shop and the RSL site. There is no community support to rezone those properties to neighbourhood business. As such retaining the

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neighbourhood centre zoning on the RSL site would encourage a fragmented centre which is an undesirable outcome;

- retaining the hierarchy of centres within the LGA. Waverley's higher order retail centres are located on major bus or train routes and usually surrounded by higher density residential. The closest is located at Charing Cross (9 bus routes). Bronte's Macpherson and St. Thomas Street centre is serviced by one bus route (378) and surrounded by mainly low density residential.

The Objectives of R3 medium density residential zone are to:

- a. To provide for the housing needs of the community within a medium density residential environment.
- b. To provide a variety of housing types within a medium density residential environment.
- c. To enable other land uses that provide facilities or services to meet the day to day

The R3 medium density residential zone permits the following land uses: residential accommodation (except home occupations, sex services and shop top housing), bed and breakfast accommodation, kiosks, markets, neighbourhood shops, home industry, sewage reticulation systems, roads, educational establishments, health services facilities, child care centres, community facilities, information and education facilities, respite day care centres, places of public worship, signage (except advertising structures), environmental facilities, recreation areas, recreation facilities (indoor), environmental protection works, exhibition homes, exhibition villages and flood mitigation works.

It is considered inappropriate to rezone the Bronte RSL site to R3 medium density residential because it would

- reduce the long standing range of permitted uses
- potentially reduce the value of the land.
- potentially remove any opportunity for the centre to gain an anchor tenant in the future (because it is a rare large site not requiring amalgamation).

Option 3: Small scale shops, residential units and RSL club

Three of the most pressing issues resulting from community consultation were:

- Traffic generation as a result of the RSL site being developed as proposed (approx. 1248sqm retail (which includes one 700sqm retailer and several smaller retailers but excluding back of house), RSL club and 28 residential units). This includes issues with traffic, parking, loading and access to the site.
- The effect on the amenity of the surrounding environment if a retailer (as proposed by the developer of the Bronte RSL) opens in the neighbourhood centre.
- The majority do not want to see more or other types of development because there is enough retail, the centre is dense enough and buildings are at the right height.

Retaining the existing zoning and restricting the area of retail premises (to approximately 500sqm) within the neighbourhood centre (by addition of a new control) would:

- Address several issues raised by the community;
- retain the existing long standing zoning which has been in force since at least 1985;
- retain the existing range of permissible uses;
- reinforce the objectives of the B1 neighbourhood centre zone;

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- retain the hierarchy of centres within the LGA. Waverley's higher order retail centres are located on major bus or train routes and usually surrounded by higher density residential. The closest is located at Charing Cross (9 bus routes). Bronte's Macpherson and St. Thomas Street centre is serviced by one bus route (378) and surrounded by mainly low density residential; and
- reduce potential traffic generation.

Restricting the area of retail premises would require a new local provisions LEP clause (See recommendation A(ii) on page 1 of this report).

The appropriate maximum floor area for retail premises to define it as "small-scale retail" (per the objectives of the B1 neighbourhood centre zone) needs to be quantified.

The Council commissioned local village centres economic assessment by Hill PDA in 2006 recommended that a mini-mart anchor tenant for Bronte's Macpherson Street centre with an area up to 500sqm would be appropriate. It would enhance the viability of the centre and comply with the objectives of the zone. Examples of other mini-marts within the locality and their associated areas (approximate areas only) are listed below:

- IGA, Hall Street, Bondi - 400sqm
- IGA, 124 Curlewis Street, Bondi – 400sqm
- Foodworks, 1-5 Dover Road, Rose Bay – 700sqm
- Foodworks, 43 Burnie Street, Clovelly – 400sqm (located within Randwick LGA)
- 137 – 147 Kemeny's, Bondi Road, Bondi – 900sqm
- Thomas Dux, Five Ways, Glenmore Road, Paddington – 450sqm

The Harris Farm at Bondi Junction is approximately 1000sqm.

In January 2013 Council Officers engaged Hill PDA to review their 2006 study and recommend an appropriate maximum retail area. The Hill PDA review (Attachment B) stated that construction of the proposed Bronte RSL redevelopment (1000sqm specialty fruit shop) would elevate the role of the centre to one more akin to a 'Village Centre' based on the draft East Subregional Strategy definition. This is by virtue of the extended trade area which the centre would serve if the proposed development were implemented.

The closest 'Village Centre' is Charing Cross, less than a kilometre away. It contains many more shops and is served by 9 bus routes. Bronte's MacPherson and St.Thomas Street neighbourhood centre is serviced by one bus route and is very unlikely to attract more in the future. Regardless, without a revised retail hierarchy study and provision of better public transport system it will not be considered for advancement to a village centre.

Hill PDA advised that a retail cap could be calculated by equating a supermarket's forecast trade area with the population of the surrounding neighbourhood it should serve (See figure 6)

A 500sqm retail cap per retail unit for the centre is proposed as being adequate to serve the local community and has been included in the draft LEP controls.

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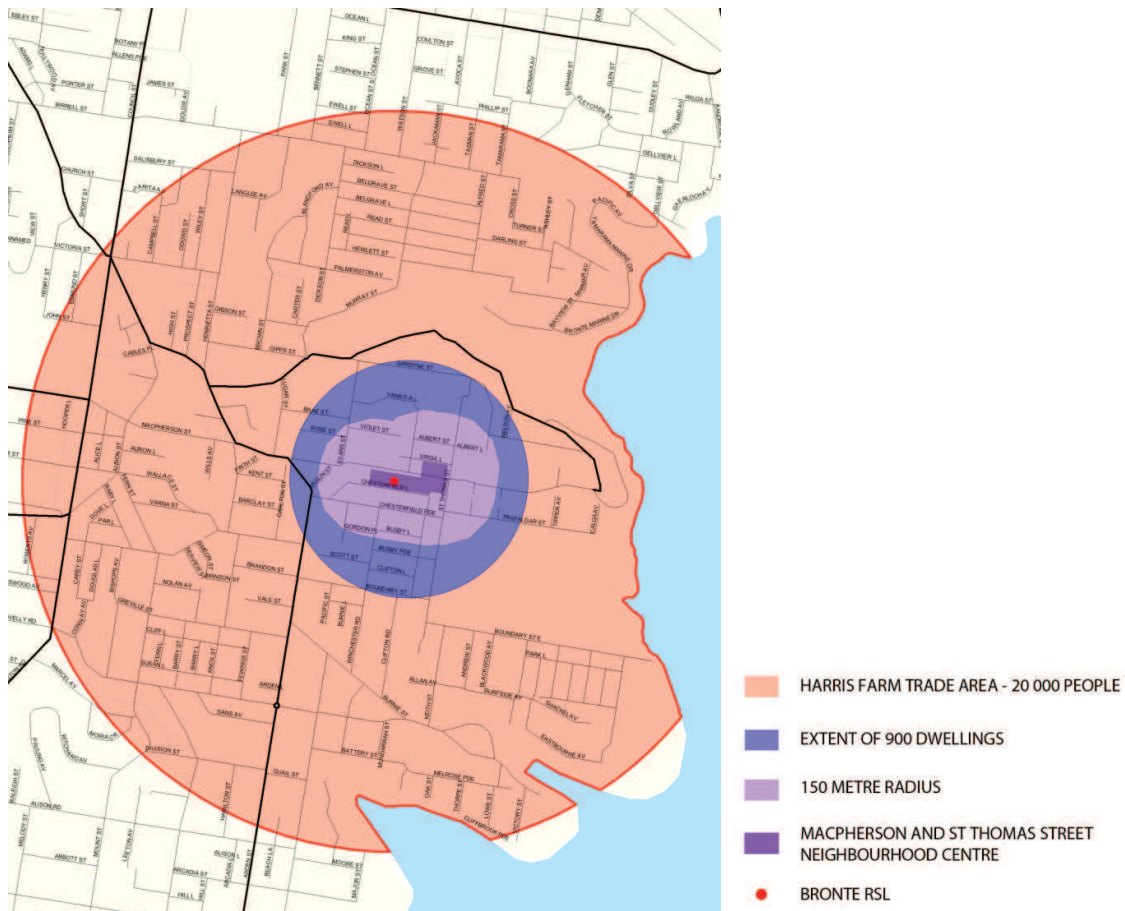


Figure 6: Map comparing average Harris Farm trade area with average neighbourhood centre trade area

There is little precedent for this type of clause within existing Standard Instrument LEP's. As such it may not be approved by the DoPI and may have to be in the DCP (per Hill PDA recommendation). However, it is recommended that it is pursued as Council's preferred option because it best fits the aspirations of the community whilst retaining the long standing existing zoning of the site.

Option 4: No change to existing land use controls.

Retaining the existing controls would mean that any development application would be assessed under the current controls and be subject to Section 79C assessment. There would be no quantifiable restriction on size of retail and business premises however proposals would have to satisfy the objectives of the B1 neighbourhood centre zone (Refer to part 2.1.1 for zone objectives).

2.1.2 Additional permitted use or existing use rights for the Bronte RSL Club

There is an expectation in the community and from the land owner for the Bronte RSL Club use to continue. The Bronte RSL club has been trading on the site since 1946.

The neighbourhood centre and medium density residential zoning options discussed above prohibit registered clubs.

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The RSL club could apply to continue to operate under 'existing use rights'.

Note the following relevant points about existing use rights:

- If the RSL club ceases to trade for a continuous period longer than 12 months, the use is presumed to be abandoned. However, if the club is seen to be working towards trading again, the courts are usually lenient on the 12 month deadline.
- There are examples of case law (e.g. Stromness Pty Limited v Woollahra Municipal Council [2006] NSWLEC 587) which have allowed developers to use existing use rights to overturn and undermine any of the LEP provisions in relation to the existing use. However, the wording of the Environmental Planning And Assessment Act 1979 with regards to existing use rights was changed in 2006 which may affect the developer's right to use this example as case law.
- Only Bronte RSL Club can utilise the existing use rights. Other clubs are prohibited per the zoning controls.

An alternative to existing use rights is to list the club as an allowable use on 113 Macpherson Street under Schedule 1 Additional Permitted Uses. If this alternative was adopted it would:

- extinguish existing use rights and stop developers utilising existing use rights case law;
- indicate Council's willingness to accept the club use on the site without expanding it to other sites within the B1 neighbourhood zone;
- give some certainty to the developer;
- set a precedent for other clubs within the LGA; and
- allow other registered clubs to trade on the site which may be undesirable.

The potential of unknown outcomes resulting from court cases relating to existing use rights are sufficient to recommend that Bronte RSL club be listed under Schedule 1 Additional Permitted Uses. Adopting this alternative would rescind existing use rights and the case law associated with it. It is noted that this recommendation may not be accepted by the Department of Planning and Infrastructure; however it is recommended that it still be put to them.

2.1.3 Height of Buildings

Waverley LEP 2012 shows the neighbourhood centre with maximum height of buildings of 9m, 9.5m and 13m (See Figure 7 - Height of Buildings map).

LEP 1996 (recently repealed) states that all buildings within 3(c) zones will be no greater than 9m.

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Figure 7: Waverley Local Environmental Plan 2012 - Existing Height of Buildings Map (metres)

2.1.3.1 Existing objectives of the height of buildings clause

The relevant objectives of the height of buildings clause are as follows:

- a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,
- d) to ensure that building's are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.

2.1.3.2 Submissions relating to height limits

Submissions from community members have requested reducing the prevailing height limit to 9.5m as per previous LEP 1996. Submissions received from the developer of the Bronte RSL site have requested increases in the height limit to 20m.

2.1.3.3 Existing and future character

An assessment of the character of the area reveals a dominant two storey neighbourhood centre with the occasional three storey example of shop top housing. Four storey walk-up flats are common in the broader area but not dominant. Taller buildings can be found within the locality but they are the anomaly rather than the norm. Most were built in the 1960's and 1970's. Planning controls reflect the existing character of the neighbourhood centre whilst acknowledging that the Bronte RSL site is a key site within the area and ripe for redevelopment. As such a 13m height limit (3 - 4 storeys) has been allowed for the site. The height limit is therefore considered appropriate and in keeping with the existing and desired future character of the area.

2.1.4 Floor Space Ratio

Waverley LEP 2012 shows the neighbourhood centre with maximum floor space ratios of 0.5:1, 0.6:1 and 1:1 (See Figure 8 - Floor Space Ratio map).

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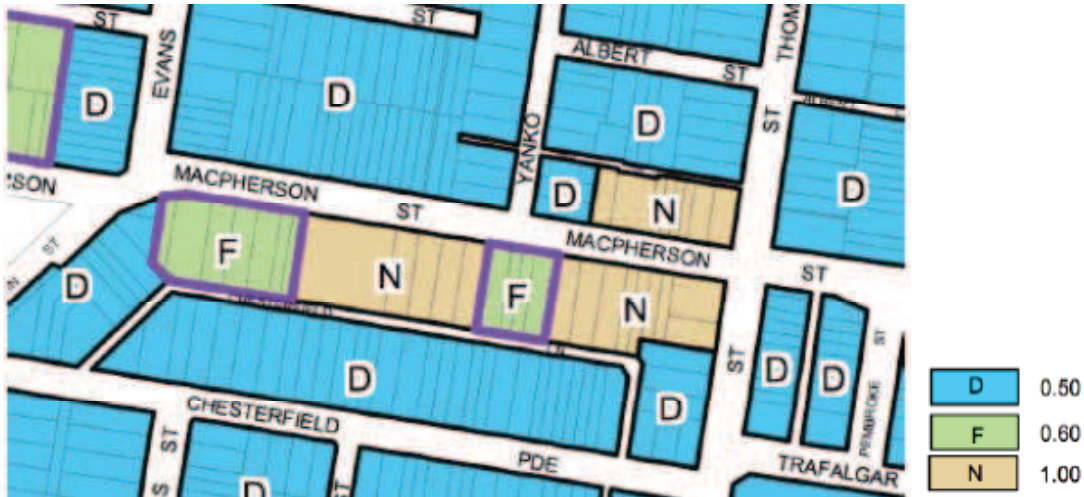


Figure 8: Waverley Local Environmental Plan 2012 - Floor Space Ratio

2.1.4.1 Existing objectives of the floor space ratio clause

The relevant objectives of the floor space ratio clause are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,
- (d) 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.

2.1.4.2 Submissions relating to floor space ratio

In discussions with the developer of the Bronte RSL site it has been stated that an increase in the FSR to over 2:1 will be proposed. Submissions from community members have requested reducing the existing bulk, scale and prevailing floor space ratio for the Bronte RSL site to 0.6:1.

2.1.4.3 Proposed control

Testing was carried out on the Bronte RSL site. Testing of the appropriate built form was based on:

- the building envelope and cross section as shown in Recommendation C(v) above
- correlation with the height limit (13m);
- setbacks to ensure compatibility with the streetscape and existing character;
- compliance with the Residential Flat Design Code (SEPP 65);
- compliance with WDCP 2012 controls; and
- preservation of the environmental amenity of neighbouring properties and minimisation of the adverse impacts on the amenity of the locality.
- utilisation of areas below the footpath level on Macpherson Street for commercial space

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It is noted that there is no guarantee that development will locate gross floor area below the Macpherson Street level. The testing confirmed that it would be prudent to retain a maximum floor space ratio of 1:1. (Note that an additional affordable housing incentive equal to 15% of the max gross floor area may also apply).

2.2 Waverley Development Control Plan 2012 (DCP) - Proposed Revisions

As a result of the community consultation and specialist consultant input one revision to the generic village centre is proposed and a new site specific section is proposed for the Bronte RSL site.

2.2.1 Solar Access within Local Village Centres - Part E3.2

Annexure E3-1 provides examples of typical built form envelopes within Local Village Centres. The cross-sections show an angle of 45° for floors backing onto rear lanes above 7.8m high. It is recommended that this angle be changed to 32° to match the angle of the mid-winter sun at noon, and to minimise overshadowing of the properties on the southern side of Chesterfield Lane. The existing sections to be revised are as follows:

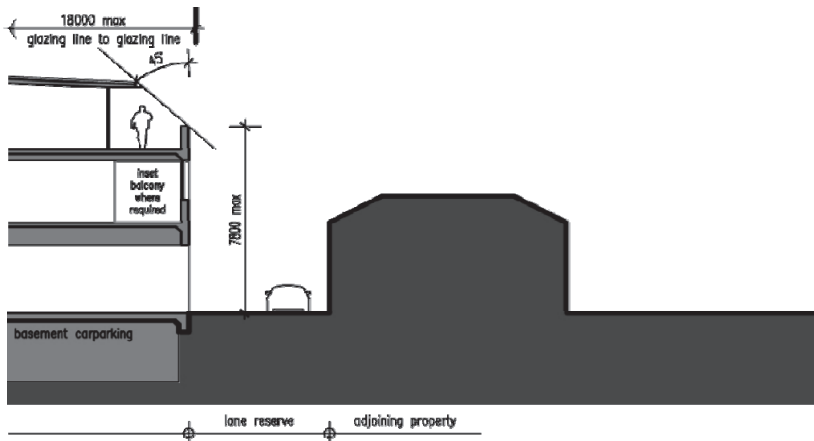


Figure 9: Waverley Development Control Plan 2012 - Annexure E 3-1 - examples of typical built form envelopes - Building depth and other controls at the rear boundary over laneway.

REPORT TO COUNCIL

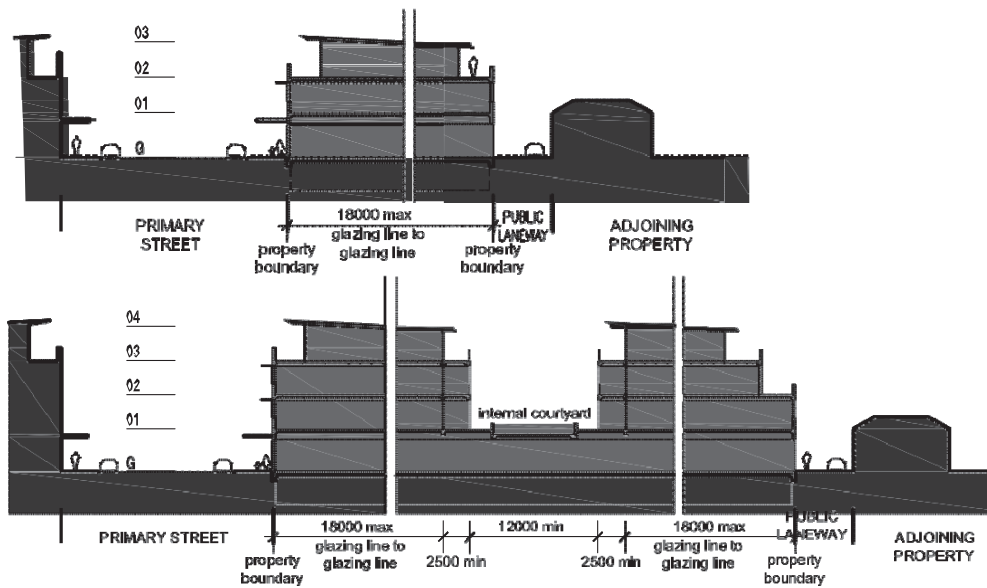


Figure 10: Waverley Development Control Plan 2012 - Annexure E 3-1 - examples of typical building section dual street frontage.

Currently these diagrams are not referenced by controls. It is recommended that a specific control be added to enforce the 7.8m height limit and 32 deg. solar access angle for properties within local village centres (which back onto rear lanes).

Refer to recommendation C(i) – (iv) for wording and revised diagrams.

2.2.2 Site specific controls for 113 Macpherson Street, Bronte (Bronte RSL site)

It is recommended that a new section (Part E4) be added to the DCP to cover site specific controls for particular sites. The general controls would still apply unless there was a conflict and then the site specific controls would prevail. Bronte RSL site would be the first with others following as required (e.g. War memorial hospital). When there is more than one site a map will be added called *Figure X - Specific sites map*

The controls will cover detailed built form, traffic and parking issues as discussed below.

2.2.2.1 Public Domain

Specific controls have been added to ensure beautification and upgrades to the footpath and laneway form part of any development proposal.

2.2.2.2 Built Form

Specific controls have been added to control the building envelope on the site. The controls detail building alignment, upper level setbacks, side setbacks and awning location and details. The controls intend to ensure no unreasonable adverse impacts on amenity, privacy and solar access for surrounding dwellings and to facilitate high quality built form which defines the street and is in keeping with the existing and future desired character of the area.

2.2.2.3 Active Street Frontages

Specific controls have been added to reduce the chance of blank walls facing the main street and lane and to increase passive surveillance over public places.

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2.2.2.4 Loading Facilities

The developer's proposal to locate loading facilities in Chesterfield Lane was one of the major concerns voiced by the community. Specifically they raised the following issues:

- Traffic generation as a result of the RSL site being developed as proposed (approx. 1000sqm retail (which includes one 700sqm retailer and several smaller retailers but excluding back of house), RSL club and 28 residential units). This includes issues with traffic, parking, loading and access to the site.
- The effect on the amenity of the surrounding environment if a retailer (as proposed by the developer of the Bronte RSL) opens in the neighbourhood centre.
- Safety for school children
- Trucks turning and entering Chesterfield Parade and Laneway

Additionally, the traffic and parking review commissioned by Council listed many unresolved issues relating to the proposed location of the loading dock in Chesterfield Lane. Council's Divisional Manager of Transport and Development recommended that due to the many unresolved issues, the loading dock be accessed from Macpherson Street with no non-residential access allowed from Chesterfield Lane.

It could be argued that many of the traffic and parking issues could be resolved by applying conditions of consent limiting the delivery times and length, height and frequency of delivery vehicles. However, infringements to these conditions are nearly impossible to police on a day to day basis and could have unreasonable effects on the amenity of residents utilising the lane and safety of the community accessing the nearby school, childcare centre and scout hall. Therefore it is considered appropriate to physically limit the location of access to the loading dock per the proposed controls (see recommendation C(v)).

2.2.2.5 Driveways and Car parking Access

Specific driveway and car parking access controls have been added to ensure the main street is not dominated by driveways and access is limited to the far end of the shopping strip. Future residents of the development can access their parking from Chesterfield Lane.

2.2.2.6 Non-residential Parking Rates

Parking rates for employees of the RSL club and retail premises have been added to ensure that the majority of employees do not fill spaces on surrounding residential streets where parking is already at a premium.

2.2.2.7 Bicycle Parking

A requirement to provide some of the bicycle parking near the main pedestrian entries has been added.

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Analysis

- **Financial**

A budget of \$40,000 was allocated to the project. Since reporting in December 2012 an additional \$5,750 (plus GST) was spent to commission Hill PDA to review their 2006 Local Village Centres Economic Assessment.

- **Delivery Program/Operational Plan**

The preparation of site specific controls is related to the Waverley Planning Review 2010 which complies with the strategies identified in Council's Management Plan 2008 – 2012 where it is stated that Council must “ensure that policies and guidelines are in place to deliver good design outcomes”.

- **Consultation**

In summary -

- Consultation carried out to date is documented in this report and in the information report presented to Council in December 2012.
- It is considered that the community has been provided with adequate opportunity to raise issues pertaining to visioning for the centre. The issues raised and expert consultant recommendations have been utilised to inform the recommendations regarding planning controls contained within this report.
- The community will have a further opportunity to have input and raise issues when recommended revisions and refinements to the current planning controls are publicly exhibited as part of the planning proposal and DCP amendment. Notification is proposed via letter and email to those within close proximity of the study area (400m radius) and sites within local village centres with rear lanes. The exhibition period will be advertised in the Wentworth Courier, on Council's website and at Council's customer service centre.

Timeframe / Next steps

The timeframe for further work on the project is as follows:

Feb / Mar 2013	Lodge stand alone planning proposal / gateway determination with Department of Planning and Infrastructure
May 2013	Prepare technical information if requested.
May / June 2013	Public exhibition of planning proposal and DCP amendments (28 days). Further Councillor consultation.
September 2013	Consideration of planning proposal post exhibition. Report to Council. Submission to the DoPI to finalise LEP.
Late 2013	Anticipated gazettal of planning proposal.

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Conclusion

Based on the discussion above it is recommended that Council retain the existing B1 neighbourhood centre zoning and introduce a retail cap of 500sqm. The cap will provide greater control over outcomes and reduce planning and economic risk. Caps are sometimes viewed as too prescriptive, negative and anti-competitive. However, in this case it is considered appropriate due to

- widespread community concern against the possible impacts of a larger development on amenity; and
- to avoid over intensification of the neighbourhood centre which would elevate it to a 'village centre' and potentially realign the existing retail hierarchy of the area.

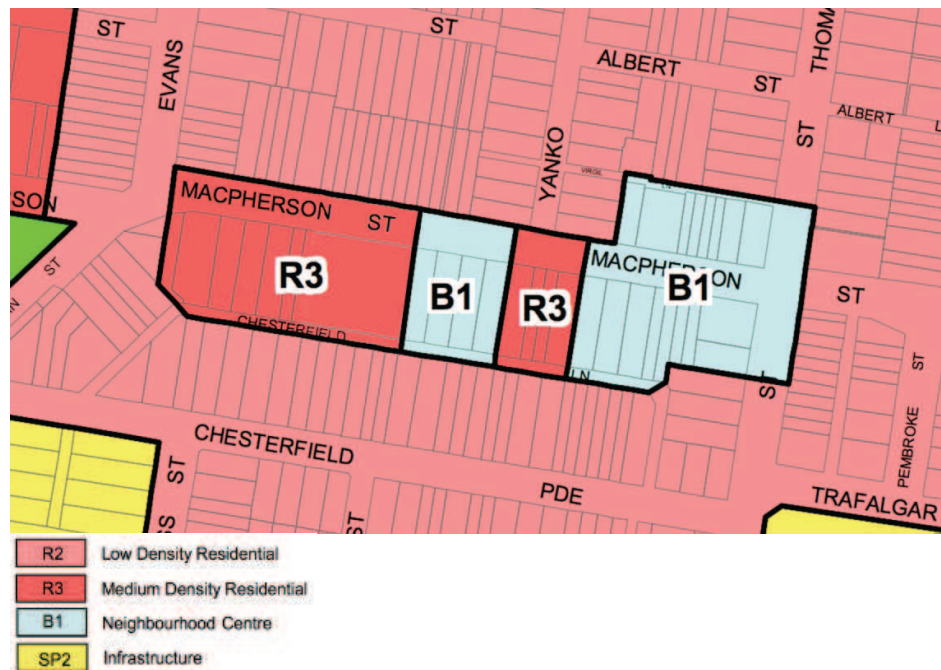
Additionally, it is recommended that specific building envelope controls and vehicular access limits be introduced to further ensure reasonable amenity is retained for surrounding existing and future residents.

To give effect to this option the following should occur:

Recommendation: That Council

A. Amend the Waverley Local Environment Plan 2012 (WLEP 2012) as follows:

- 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.



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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:

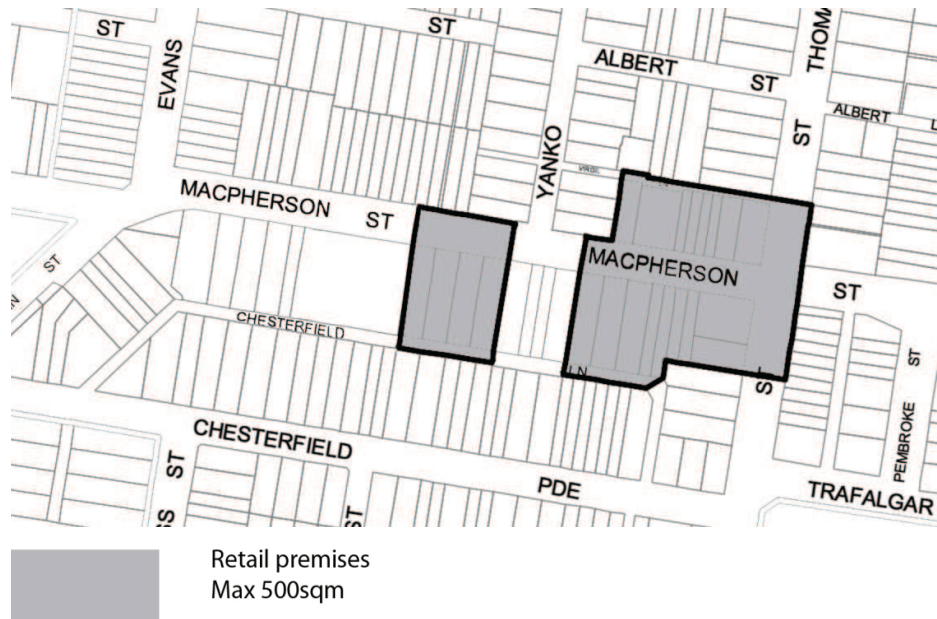
- to quantify the maximum floor area of small scale retail in neighbourhood centres containing large amalgamated sites,*
- ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises,*
- to protect the integrity and viability of existing 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 500 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.

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

2. Allow “Registered Clubs (Bronte Returned Services Club)” 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:
 - (ii) *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:*

REPORT TO COUNCIL

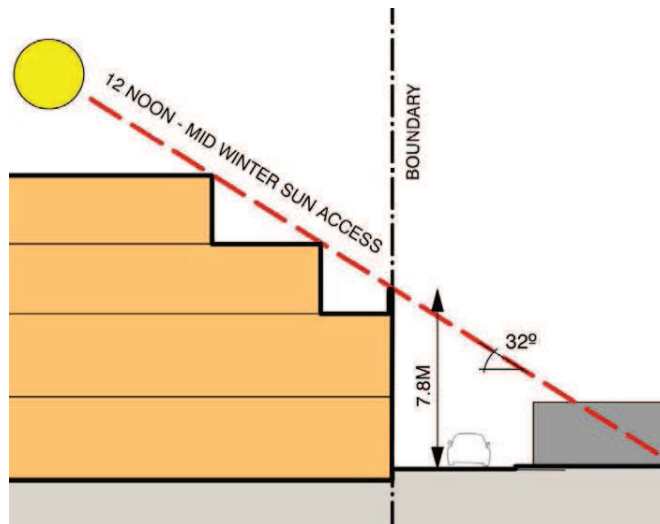
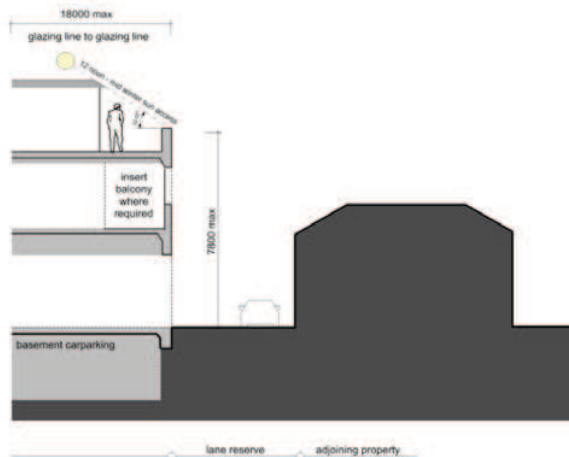


Figure X: Setbacks at rear lanes to ensure solar access to neighbours.

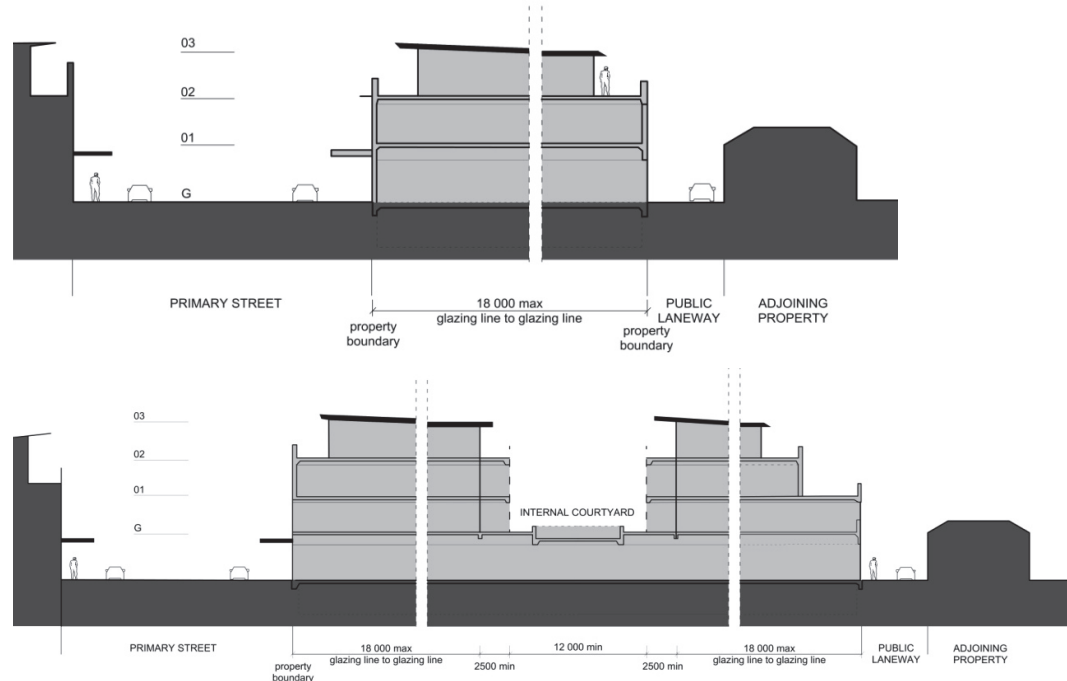
- iii. Replace the fourth diagram in Part E3 Local Village Centres Annexure E3-1 with the following diagram to show a 32 degree angle above 7.8m instead of the existing 45 degree angle:



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:

REPORT TO COUNCIL



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.

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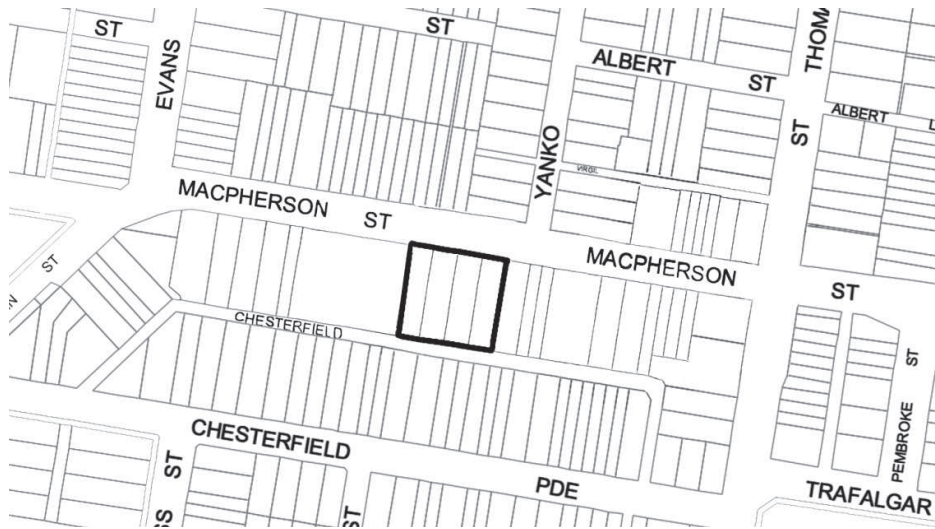


Figure X - 113 Macpherson Street Site Plan.

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.*

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Figure X: 113 Macpherson Street, Development Control Envelope.

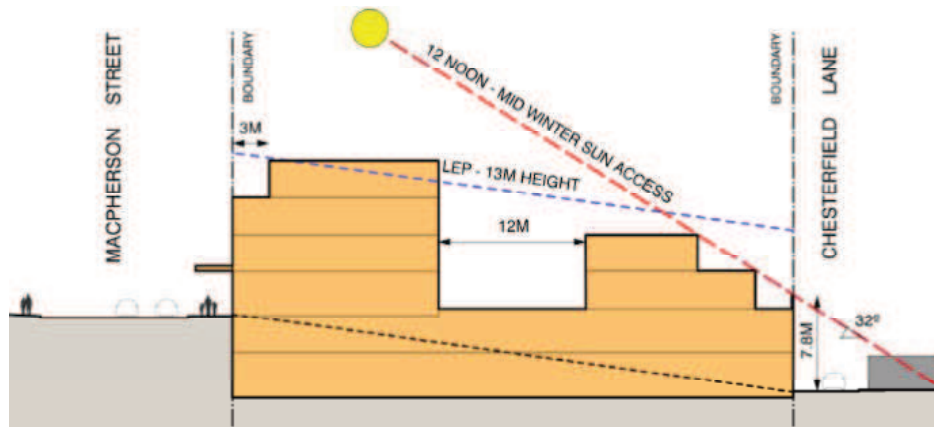


Figure X: 113 Macpherson Street, Development Control Envelope.

REPORT TO COUNCIL

- (b) *Provide awnings to the entire Macpherson Street frontage between the ground and first floor, except over the driveway. Awnings must be*
 - *minimum 3m wide;*
 - *minimum 3.1m between the underside of awning of 3.1m and the footpath level; and*
 - *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.*

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.*

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;*

REPORT TO COUNCIL

- (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.*

- 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.

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Peter Monks

Director, Planning and Environmental Services

Author: Valerie Giammarco, Senior Strategic Planner (Urban Design / Heritage)

ATTACHMENTS

Attachment A: Final memorandum from council's traffic consultant, GTA.

Attachment B: Waverley Local Village Centres Study Review by Hill PDA

REPORT TO COUNCIL

Attachment A: Final memorandum from Council's Traffic consultant, GTA



MEMORANDUM

TO: Valerie Giammarco – Waverley Council

CC: Peter Monks, Geoff Garnsey

FROM: Ronaldo Manahan

DATE: 15 January 2013

OUR REF: 13S1083000

PAGE 1 OF 5

RE: **BRONTE RSL TRAFFIC AND PARKING REVIEW – RESPONSE TO COUNCIL'S FINAL REPORT COMMENTS**

Dear Valerie,

This memorandum provides our response to the feedback received from Waverley Council with regard to the GTA Traffic and Parking Review – Final Report for the proposed redevelopment at 113 Macpherson Street, Bronte (RSL site).

Catchment

Council Feedback

The peer review should consider the proposal having regard to the potential traffic which will be generated by the proposed development and whether the proposed uses will create capacity / blockages above acceptable levels in Macpherson Street and for a 1km radius of the site. The review has not looked at a 1km radius of the site. I have discussed this with our internal traffic specialist. He said that it is unlikely that the round-a-bouts further to the west of the Arden/Macpherson Street intersection will be affected by the proposal. However this needs to be clarified in writing.

GTA Response

The GTA Traffic and Parking Review focused on assessing the potential traffic impacts of the proposed development on its immediate influence area, principally on Macpherson Street and Chesterfield Lane.

The GTA Review indicated that the proposed development would generate approximately 165 to 168 peak period vehicle trips. The review also revised the distribution of the generated traffic, based on the land use pattern and road network configuration in the precinct. This was assumed to be 30% to/from the east (Thomas Street), 35% to/from the west (Macpherson Street and Leichhardt Street/Bronte Road) and 35% to/from the south (Arden Street). This would imply that the peak hour traffic generated by the proposed development would be about 118 vehicles at the Arden Street/Macpherson Street intersection, assumed to be evenly split as 59 to and from the west (Macpherson Street) and another 59 to and from the south (Arden Street).



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Further away from the immediate intersections adjacent to the site (Arden Street/Macpherson Street, St Thomas Street/Macpherson Street), the traffic generated by the proposed development are further reduced as traffic is distributed, and the impacts become smaller as a proportion of traffic on the network.

It is further noted that the estimated traffic generated by the proposed development also already includes "passing trade" trips, i.e. vehicles that are already travelling on the road network. This would reduce the incremental traffic attributable to the proposed development even further.

Traffic impacts – Intersection Level of Service

Council Feedback

Part 4.4 'Traffic Impacts' (p.22) states that the right turn movement from northbound Arden Street into Macpherson Street (eastbound) would experience service level F as a result of the proposed development. The intersection will move from service level C to service level F. The developer should therefore be required to upgrade the intersection at his own cost to control the traffic saturation. Please clarify that the developer should fix up the intersection to Council's satisfaction.

GTA Response

The Level of Service F (LOS F) identified as an impact of the development proposal would potentially occur on the right turn movement from Arden Street to Macpherson Street (eastbound) during the Saturday PM peak in the peak summer month (with 14% higher background traffic on Macpherson Street). This was determined as part of a sensitivity test relating to the higher background traffic on Macpherson Street during the summer months. However, this change in the level of service from LOS C to LOS F should be considered in the appropriate context. It is noted that in Table 4.12 of the GTA Review, the queue associated with this turning movement would be 6 vehicles (from 3 in the existing situation).

While this impact (change in LOS) is directly attributable to the development, the requirement for an intersection upgrade that caters to peak volumes occurring only on a limited number of times throughout the year would not be in accordance with normal road design practice.

We note that upgrading the Macpherson Street/Arden Street intersection would not be simple, and widening the road carriageway to accommodate an additional turn lane, for example, would have adverse implications for pedestrians seeking to cross Macpherson Street due to the longer distance. Thus, while there would be a negative traffic impact during the peak hours on Saturdays during the summer, we do not recommend that the intersection be upgraded just to accommodate traffic flows for this period.

Overflow Parking On-street

Council Feedback

There is no mention of the effect and street capacity for overflow parking. Where do people park when the car park is full and if they circulate to look for a parking spot how does that affect traffic. Can you please comment on this issue?

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GTA Response

The GTA Review indicated that the proposed parking provision for the development outlined in the Varga Traffic Study exceeds the maximum limits in the Waverley DCP 2012.

Notwithstanding the parking overprovision, there could be times when the car park could be expected to be full. Any such overflow parking demand would need to be accommodated on-street within the surrounding precinct.

We note that on-street parking in the area is well used. Likely consequences of overflow parking would be a need to police parking usage, reduce on-street parking availability for other users and very likely some loss of trade to businesses on the site. On the other hand, we would expect that other businesses in the area would benefit from patronage by customers that parked on the site.

All up, we believe some overprovision of parking would be appropriate in this particular circumstance to reduce impacts on on-street parking, provided the site's parking spaces also be made available to other patrons in the precinct.

Traffic Generation Using Moving Annual Turnover (MAT)

Council Feedback

Residents are questioning the Varga Report's numbers for car movements accessing the shopping centre. One email received by Council states: "Coincidentally I've just received an email from a neighbour who works with a major development group responding to my request he confirm a traffic movement figure of 120 vehicles per hour I was given by another traffic engineer (and double that rate during peaks) likely to be generated by a 1000 sq meter Harris Farm Markets supermarket/store. What he has come back with is a figure at double this earlier rate. I'm sure your traffic engineer is on top of this sort of data but thought I'd forward in any case."

"... we worked out together that an average traffic movement figure would be around 200-230 per hour. Our assumptions were based on an average store MAT of \$15million and an assumed basket size of \$20..."

"Moving Annual Turnover (MAT) is sales for a twelve-month period calculated on a monthly rolling basis. As a general rule the MAT of the shopping centre is to include trade from all tenants."

Can you please comment on the validity of this method of deducing car movements so I can include in my council report? I noted that their assertion does not account for pedestrian traffic and there is little basis for the assumed average basket size. Can you please clarify if this is a common way to calculate traffic movements and if so calculate car movements based on the proposed method and deduce alternative effects on surrounding intersections.

You provided the following in an email last year...

...but the community member's calculation for traffic generation based on annual turnover is an entirely different method from how we estimate traffic generation. Besides, the calculated traffic generation figure of 205 vehicles per hour would mean that there would be a constant stream of that amount over the 10-hour day, all year round.



GTA Response

As indicated in our earlier response, the estimation of the traffic generation of a particular development is guided by methodology developed by the Roads and Maritime Services to assess traffic generating developments⁴, following standard traffic engineering practice. The methodology makes use of traffic generation rates surveyed from similar establishments and land uses, with the guide identifying potential peak period rates. For retail establishments, this is provided in terms of traffic generation per area (per 100 sqm.).

There are a number of limitations for using the MAT as a basis for estimating traffic generation. These include:

- Transport mode shares are not taken into account, i.e. the resulting estimate of 200 to 230 "trips" cited in the email correspond to "baskets", regardless of travel mode taken. Not all these "basket" purchases would correspond to a car trip generated by the retail development, as other modes could be used.
- "Linked trips", in which a single car trip could be undertaken for a number of inter-related trips, are not taken into account.
- The distribution of the average hourly traffic is not readily provided. The estimated figure would represent an average figure spread evenly throughout the 12-month period. This would not readily indicate the peak traffic generation figure being assessed.
- The traffic generation estimates are sensitive on the overall assumed MAT.
- The traffic generation estimates are also sensitive on the overall assumed average basket size.
- We suspect (but do not have evidence) that basket sizes between stores could vary significantly having regard to socio-economic and demographic factors, competition from other retail outlets and the convenience to access the development.

For these reasons, the MAT method of estimating traffic generation would likely produce a wide variety of results that are highly sensitive to input assumptions.

Our review of the Varga Traffic Study assumptions on traffic generation indicates that the rates used in their assessment corresponded to averages for shopping centres, instead of specialty stores, which would tend to be higher. However, the methodology used in the Varga Traffic Study followed standard traffic engineering practice.

We are not aware of any studies at centres of this size that have used MAT and basket size as a method of predicting peak hourly traffic generation.

Compliance with Deliverables

Council Feedback

Provide the contents of the report per the brief. We ask for this to make it easier to insert diagrams and wording into our control documents. Note that you have already provided PDF and one electronic version. We are unable to convert the unsecured PDF to MS word.

⁴ Refer to http://www.rta.nsw.gov.au/roadprojects/community_environment/documents/guide_to_generating_traffic_developments.pdf.

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GTA Response

The other deliverables have been supplied by file transfer following receipt of the feedback letter on 11 January 2013.

We hope that this document has clarified the remaining issues relating to the GTA Review and Final Report. Should there be further information required relating to our review, please contact me on 8448 1800.

Yours sincerely

GTA CONSULTANTS

Ronaldo Manahan
Associate

REPORT TO COUNCIL

Attachment B: Waverley Local Village Centres Study Review by Hill PDA

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e. sydney@hillpda.com
w. www.hillpda.com

11 February, 2013

Valerie Giammarco
Senior Strategic Planner
Strategic and Landuse Planning Department
PO Box 9, Bondi Junction 1355

Via email: ValerieG@waverley.nsw.gov.au

Dear Valerie,

Re: Waverley Local Village Centres Study Review

Introduction

Hill PDA was commissioned to provide advice to Waverley Council ('Council') related to retail provision within Waverley Local Government Area (LGA) and to provide commentary on a number of specific retail issues. The purpose of this advice was to assist Council in the preparation of site specific controls for the Bronte RSL site in Macpherson and St Thomas Street Neighbourhood Centre, Bronte.

The following tasks were undertaken as part of advice:

- A high-level review of the Waverley Local Village Centres Study (the Study) which Hill PDA completed for Council in 2006. This included consideration of trends and developments since 2006 and any implications to the recommendations of the Study;
- A site visit to the Macpherson and St Thomas Street Neighbourhood Centre, Bronte, to determine prevailing occupiers, role and performance of the centre;
- Consideration of the precedent for restricting the size of retail units in any given area, the principle of such a restriction, the extent to which such a restriction is needed in relation to the Macpherson and St Thomas Street Neighbourhood Centre and how such a restriction could be worded;
- Responses to a number of other questions which Council has requested are answered.

The outcome of each of these tasks is detailed below. Note that it is not the purpose of this advice to form a conclusion on the acceptability or otherwise of the proposed Bronte RSL redevelopment or to undertake a peer review of the economic-related documentation submitted in support of it. It also does not comment on other matters including traffic. Rather, it seeks to clarify certain matters and considerations to enable Council to make a fully informed decision in preparing site specific controls for the Bronte RSL.

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Review of Waverley Local Village Centres Study (2006)

The Study was undertaken to assist Council in understanding the current and future roles and opportunities of commercial centres within Waverley LGA. Since the Study a number of changes have taken place which any update would need to consider. These include:

- The socio-demographic characteristics data is now ten years out of date. It is based on 2001 ABS Census data and 2011 ABS Census data is now available. This is important because demand for retail floorspace is dependant not only on the number of households within a given area but also on the socio-demographic characteristics of those households;
- The publication of additional guidance by the NSW Department of Planning and Infrastructure (DP&I) and State Government related to planning for centres including the following:
 - Draft East Subregional Strategy (DP&I, 2007);
 - NSW Draft Centres Policy (DP&I, 2009);
 - Metropolitan Plan for Sydney to 2036 (DP&I, 2010);
 - Draft Competition SEPP (NSW Government, 2010).
- Changes in the composition of individual centres. Approaching 8 years has elapsed since the Study was completed and therefore the floorspace survey data is considerably out-of-date. For example:
 - Westfield Bondi Junction: Change in anchor tenants and floorspace supply additions since the Study including Apple and more recently Zara;
 - Proposed redevelopment of the Bronte RSL site comprising 1,246sqm gross lettable area (GLA) retail floorspace inclusive of a 999sqm¹ mini-major, understood to be Harris Farm;
 - Proposed 1,290sqm supermarket and 189sqm liquor store at the Swiss Grand Hotel, Bondi Beach².
- The trading performance of centres will have changed. For example Westfield Bondi Junction is now the best performing large shopping centre in Australia (based on shopping centres of greater than 40,000sqm gross lettable area or GLA as recorded by Shopping Centre News) and has considerably consolidated its trading position since the Study was completed;
- Population projections and housing targets have been increased since the Study which has implications for retail demand;
- Per capita household retail expenditure, per capita real retail growth and shopper spending patterns have changed since the Study was undertaken;
- New and emerging retail trends including the emergence of new retail store types (e.g. Thomas Dux, Harris Farm) and the continued growth of internet retailing.

¹ Source: Bronte RSL Redevelopment Sydney, Economic Impact Assessment, Location IQ (2013)

² Source: DA-433/2012, Waverley Council

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It is difficult to comment on the extent to which the above changes would alter the findings and recommendations of the Study without a more detailed analysis which would include expenditure modelling based on household expenditure data and population projections, a review of the policy implications and floorspace surveys.

Retail Hierarchy

We understand that concern has been expressed by local residents in Waverley LGA regarding the reference to Bronte as a 'Village Centre' in the Study. This is contrary to the definition of the Macpherson and St Thomas Street as a 'Neighbourhood Centre' in the draft East Subregional Strategy published by the DP&I in 2007. As the draft Subregional Strategy was published subsequent to the Study no allowances for its recommendations were made within it.

In any case, the centres hierarchy defined in the draft Subregional Strategy seeks to provide a guide only. It is not meant to be prescriptive or to prevent development. Indeed the NSW Draft Centres Policy (DP&I, 2009) recommends that the retail hierarchy should be flexible to allow centres to grow in line with demand. The key consideration is the extent to which there is demand for a centre to grow and the acceptability of economic impacts which would eventuate. Subject to these issues being acceptable, the elevation of centres up the retail hierarchy would comprise a positive impact on community welfare in economic terms through increased choice, competition and jobs. It is the role and function of the centre which is the pertinent consideration in retail terms.

Macpherson and St Thomas Street Neighbourhood Centre

Hill PDA completed a site visit to Macpherson and St Thomas Street Neighbourhood Centre (the Macpherson Street Centre) on 1st February 2013. The findings of the site visit are shown in the table below.

Table 1 - Composition of Macpherson and St Thomas Street Neighbourhood Centre

Retail Store Type	Unit Count	Proportion of Units
Cafes & Restaurants	4	14.8%
Clothing	1	3.7%
Commercial - Finance	1	3.7%
Commercial - General	2	7.4%
Commercial - Medical	1	3.7%
Commercial - Real Estate	2	7.4%
Convenience Store	2	7.4%
RSL	1	3.7%
Other	2	7.4%
Personal Services	5	18.5%
Specialty Food	1	3.7%
Specialty Non Food	3	11.1%
Vacant	2	7.4%
Total	27	100.0%

Source: Hill PDA Floorspace Survey (1st February 2013)

Based on the Hill PDA survey the Macpherson Street Centre currently contains 27 shopfront units of which 2 are vacant and advertised for lease. This equates to a vacancy rate of approximately 7%.

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In retail planning terms it is desirable to maintain an adequate supply of vacant floorspace because this allows new retailers to enter the local market and promotes competition. This is particularly important if there is strong demand for representation in a centre from prospective tenants. We note that the vacant units in the Macpherson Street Centre are small and are dispersed in the centre preventing amalgamation to create a larger retail tenancy.

Based on our site visit the centre appears to have a good level of footfall and a good range of shops and services commensurate with its role as a small centre serving a localised shopping need. Shopfronts are well maintained and on-street car parking is provided. Anecdotally trading performance of the centre appears to be reasonable. This is contrary to findings of the earlier Study which found that the centre was of '*below average performance*'.³ This is likely attributable to the continued gentrification of the area since 2006.

Based on the role and function of the Macpherson Street Centre it accords with the definition of a 'neighbourhood centre' as defined by the draft East Subregional Strategy. The proposed Bronte RSL redevelopment would elevate the role of the centre to one more akin to a 'Village Centre' based on the draft East Subregional Strategy definition. This is by virtue of the extended trade area which the centre would serve if the proposed development were implemented.

In economic terms as noted above it is the assessment of economic impact which would determine its permissibility or otherwise, rather than whether or not it would accord with the definition of the centre in the draft Subregional Strategy. The NSW Draft Centres Policy (2009) advocates a flexible approach towards the retail centres hierarchy and Draft SEPP (Competition) supports a positive approach towards new retail proposals with the role of planning to regulate the location and scale of such proposals, not the principle.

Small Scale Retail

The Study proposed the following characteristics of a 'small village centre':

*'A small village centre has a trade area of 2,000 to 10,000 households and usually contains a small strip of between 10 and 30 shops. It may be anchored by a small supermarket (say less than 500sqm). Included in this category are Charing Cross, Glenayr Avenue, Bronte, North Bondi, clusters along Old South Head Road and Murrivier Road.'*⁴

The Macpherson Street Centre formed part of Bronte Small Village Centre within which provision for a supermarket of less than 500sqm was recommended. Note that this was a definition of the characteristics of a small village centre and, much like the discussion previously, was not meant to be prescriptive but merely meant to provide a typology to allow a consistent means of classification.

Nevertheless, we note that one of the objectives of B1 Neighbourhood Centre zoning which applies to the Macpherson Street Centre in the Waverley Local Environment Plan (LEP) 2012 is for the zoning to:

'provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.'

³ Source: Page 32, Waverley Local Village Centres Study, Hill PDA (2006)

⁴ Source: Page 27, Waverley Local Village Centres Study, Hill PDA (2006)

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Notwithstanding economic issues, therefore, Council may consider that the Bronte RSL does not comply with the small-scale aspiration for the B1 Neighbourhood Centre zoning.

In considering this matter we have been mindful of the guidance contained in the Draft SEPP (Competition) which states that:

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

This does not preclude a restriction on the size of retail units. Notwithstanding this, floorspace caps are deemed to be anti-competitive with the Productivity Commission noting that:

'Planning restrictions on the types of commercial developments allowed in particular locations are generally aimed at improving amenity for the community. However, they also limit the number, size, operating model and product mix of businesses and thus restrict competition'.⁵

If Council was minded to define the size of 'small scale' retail and businesses uses, we are aware of a number of instances where this has been done before. A representative sample of some of these wordings is provided in Appendix 1 of this Study.

Floorspace caps have come under some criticism. They are often viewed as being too prescriptive, negative and sometimes anti-competitive. However floorspace caps do provide greater control over outcomes and reduce planning and economic risk.

An example of planning risk was the case of a 1,400sqm ALDI store being approved as a "general store" in the industrial zone of Port Macquarie. The zoning prohibits retail use with the exception of general stores. The principle behind the controls was to permit small stores to service the immediate workforce. Following legal advice, Council resolved to approve the use rather than argue the matter in Court. Clearly if a floorspace cap had been placed on the size of the store (say 200 or 300sqm) then the ALDI store would have been prohibited.

In a case in Newtown (*Artro Management v Sydney City Council* 2009) the Court ruled against an appeal because the proposed 2,000sqm supermarket was considered to be too large to be regarded as a "small shop" as permitted under the DCP. However the DCP did not specify any cap on size making it problematic for the Court to decide whether or not a store conforms to the objectives and principles of the DCP.

⁵ Source: Page 277, Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments, Productivity Commission (2011)

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If a 500sqm store were provided on the Bronte RSL site rather than a 1,000sqm unit, it would prevent a Harris Farm from operating on the site given that it would not align with their business model. There are a number of other potential food and grocery operators who operate from stores of this size including IGA Friendly Grocer, Foodworks, Coles Express, Norton Street Grocer, Maloneys and 7-eleven. However in setting a floorspace cap there is a risk that the store would be too small to provide a sufficiently strong retailer offer for a future tenant on the site to attract a sufficient level of trade to ensure its commercial viability in this location.

It is more appropriate to have capped areas in the DCP to ensure greater flexibility. Standards in an LEP become too prescriptive and undermine the potential to accommodate a new format if that is deemed desirable. DCPs are far more flexible to accommodate changes and new format types. Whilst DCPs do not have the statutory weight of LEPs they have been given considerable recognition in the NSW Land and Environment Court. In my experience Courts have relied on them in making judgements particularly when the economic impacts are unclear or pseudo-scientific. See for example *Artro Management v Sydney City Council 2009*.

A potential wording could be as follows:

'No single shop is permitted to exceed [floorspace cap]sqm in Gross Lettable Area Retail as defined by the Property Council of Australia Method of Measurement.'

Other Retail Considerations

Council has posed a number of additional questions related to retail issues. These are considered in turn as follows:

Q. Is it appropriate to have an LEP control capping the area of retail premises?

A. Floorspace caps are often viewed negatively given their anti-competitive and prescriptive nature but would provide Council with a greater level of control. The balance is the extent to which the dangers of no cap outweigh concerns over the restrictive provision of a cap.

Q. Is 500sqm the appropriate cap?

A. We are not aware of specific precedents when a 500sqm cap has been used to limit the size of retail units. However, this is not to say that it is not an appropriate cap. The limit of any cap should be determined based on the particularities of the individual locality, issue and LEP.

Q. Does 500sqm include areas for back of house?

A. We would expect the 500sqm cap to relate to Gross Lettable Area Retail as defined in the Property Council of Australia Method of Measurement (refer to Appendix 2).

Q. Is it 500sqm per site or per shop?

A. The floorspace cap would apply per unit. Such a restriction per site would not account for the particularities of individual sites (for example site size) and the desirability to achieve active shopfront uses in a retail centre. As such, in the example of the Bronte RSL there would be nothing to stop two units of 500sqm being provided rather than one unit of 1,000sqm. Although in effect this would prevent occupancy of the development by Harris Farm be aware that,

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in terms of economic impact, the trading impact of two convenience stores of 500sqm each trading on the site would be similar or identical to that of one 1,000sqm convenience store trading from the site.

Q. How would you define small scale retail per the zone objectives? At what point does a retail premises cease being small scale and start being medium scale? Can you put a max floor area on small scale retail?

A. The extent of what constitutes 'small scale' retail will vary depending upon the occupant and retail store type of specific retailers. The most appropriate means of defining 'small scale' retail may be by considering the extent of the trade area served by the retail facility rather than the size of individual units. A restaurant, for example, may serve a comparable trade area to a take-away but by necessity the restaurant provides a comparably greater quantum of retail floorspace. Supermarkets need to be larger than other retail specialties because they capture around 30% of total household retail expenditure - far more than any other store type. A specialty food store (e.g. butcher, baker, greengrocers) or non-food store captures only a tiny proportion of total household retail spend. Commonly the largest retail attractor and the largest occupier of floorspace in small centres is a supermarket or large food and grocery retailer. As such, in defining the maximum size of a retail unit which may be considered small-scale it may be appropriate to work backwards from supermarket floorspace. Council may deem that the extent of the trade area for, say, a 1,000sqm supermarket may serve more than the surrounding neighbourhood but that a supermarket unit up to, say 500sqm is likely to serve a neighbourhood catchment only.

Q. Is an anchor tenant still required at the Macpherson Street shops since vacancies are now very low?

A. Notwithstanding vacancy levels, it is our view an anchor tenant would be a positive for the trading performance of the centre by widening its role, function and trade area and increasing the number of shoppers attracted to it. This is likely to have beneficial impacts for other retailers in the centre. In any case note that vacancy rates are only one indicator of trading performance.

Q. Does the 2006 study assume the Bronte commercial centre as 3 small commercial centres based on tram stops? If not it should because it is too far between them to fill the gaps.

A. The 2006 Study was not based on tram stops. For ease of analysis these centres were considered in broad terms as 'Bronte' in the Study. We recognise that the three individual components effectively function as independent entities and serve different catchment areas. Further we recognise that since the Study the draft East Subregional Strategy has been published which identifies each of the three areas as a neighbourhood centre.

Q. Would Harris Farm adversely or positively affect local businesses?

A. In our view the impact of a Harris Farm on the surrounding centre would likely be positive. Although it may lead to adverse impacts on a small number of stores which sell a similar range of goods, the larger trade area served by Harris Farm will attract more shoppers to the area which would create potential for spin-off trade to be captured by retailers in the vicinity.

Q. What is the appropriate floor area definition for retail premises? Two that we have researched are "net lettable area" and "net retail sales area". Neither of these are definitions under the LEP Template standard definitions.

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A. 'Net lettable area' and 'net retail sales area' are not frequently used in the context of retail floorspace in Australia, although in the UK they are commonly used to measure the extent of a retail store that is publically accessible (i.e. the area used exclusively for retail sales, rather than back of house which is included in the definition of GLA). Given the prevalence of GLA as a unit of measurement in Australia, the difficulties in measuring net lettable areas/ retail sales areas and the presence of a Gross Lettable Area Retail definition in the Property Council of Australia Method of Measurement we would recommend Gross Lettable Area Retail as an appropriate means of defining any potential unit cap.

Q. What is the catchment of the average Harris Farm?

A. The catchment or 'trade area' of any retail store or centre is dependent upon:

- The strength and attraction of the centre and/or facility as determined by factors such as the composition, layout, ambience/atmosphere and car parking in the centre/facility;
- Competitive retail centres, particularly their proximity to the subject centre/facility and respective sizes, retail offer and attraction;
- The location and accessibility of the centre/facility, including the available road and public transport network and travel times; and
- The presence or absence of physical barriers, such as rivers, railways, national parks and freeways.

ALDI stores rely on a trade area of around 20,000 people. Harris Farm is a smaller retailer than ALDI and operates on a different business model, catering for households with above average socio-demographic characteristics and household retail expenditure levels. However, it is likely that Harris Farms serves a comparable trade area of around 20,000 people subject to the trade area having the required socio-demographic characteristics and household retail expenditure levels capable of supporting its business model.

Please note that the catchment or trade area of a store capped at 500sqm in size will vary considerably between different store types. Supermarkets can be much larger than specialty stores yet have smaller trade area. This is because a large proportion of household expenditure (close to 30%) is captured by supermarkets. So a 500sqm supermarket may have a small trade area within a radius of one kilometre of say 5,000 people. On the other hand a very specialised retail use (eg Kosher Foods, German butcher, adventure clothing, etc) in a 500sqm store would have a very wide and thin trade area but stretching many kilometres

Q. What would be the effect of restricting car parking so there is no off street customer parking provided. Would it reduce the catchment and traffic generation?

A. Hill PDA is not a transport expert and therefore cannot comment on traffic generation or numbers. However, we note that the removal of car parking would not remove the necessity for the majority of residents in the main trade area to reach the store by car. Supermarkets and large food and grocery operators rely on an appropriate provision of car parking being provided to ensure that new schemes are successful. In a few cases, such as the Coles in Kings Cross or Woolworths and Coles in Wynyard Station, supermarkets are provided without associated car parking. However, these are located in highly accessible public transport locations and in high density inner city areas. In the case of the Bronte RSL the potential operator is likely to require sufficient car parking to support the economic viability of future occupation of the tenancy.

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Conclusion

In general we support a Harris Farm or similar food and grocery store of up to 1,000sqm being provided on the site for the following reasons:

- It would provide a net benefit to the local area (in economic terms and excluding any potential environmental and traffic concerns);
- Such a use would provide an important anchor for the Macpherson Street Centre which is currently lacking;
- It would improve the retail offer for local residents and provide a service for regular shopping for essential items (foods and groceries);
- It would reduce the number of necessary trips by car into Bondi Junction or other higher order centre for local residents that need to top-up their food and groceries;
- Harris Farm, Thomas Dux and similar stores are a relatively new store types that serves higher socio-economic demographic areas which is the case in Bronte;
- Impacts on existing specialties in the Macpherson Street Centre would be mixed but with some possible short-term changes but the medium term impacts will be positive due to a likely nexus and complimentary relationship with the anchor tenant; and
- The proposal is unlikely to adversely impact any other centre to any significant level, although we have not undertaken impact modelling to quantify the extent of potential impacts.

Whilst there are some food and grocery retailers that can fill smaller areas (below 500sqm) such as IGA Friendly Grocer or Coles Express, there is no certainty that any of these retailers will locate in the Macpherson Street Centre. If Council was to impose a 500sqm cap there is some risk that the centre would not get an anchor tenant.

Should you have any questions, please do not hesitate to contact us in our Sydney office on 02 9252 8777.

Yours sincerely,



Adrian Hack
Principal, Hill PDA

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This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.

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Appendix 1 – Examples of Floorspace Restrictions in LEPs

Liverpool LEP (2008 as amended 2013)

7.23 Bulky good premises and retail premises in Zone B6

...(2) Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,600 square metres.

7.25 Food and drink premises and shops in Zone B1

(1) Development consent must not be granted to development for the purposes of food and drink premises on land in Zone B1 Neighbourhood Centre if the gross floor area of the food and drink premises is more than 300 square metres.

(2) Development consent must not be granted to development for the purposes of a shop on land in Zone B1 Neighbourhood Centre if the gross floor area of the shop is more than 1,500 square metres.

7.29 Maximum floor area that may be used for business premises for certain land in Zone B2 at Middleton Grange

For development of a site on land shown as being within Area 4 on the Floor Space Ratio Map, no more than 25% of the gross floor area of all buildings on the site may be used for the purposes of business premises

7.30 Maximum floor area that may be used for retail premises for certain land in Zone B1 at Hoxton Park

For development of a site on land shown as being within Area 5 on the Floor Space Ratio Map, no more than 35% of the gross floor area of all buildings on the site may be used for the purposes of retail premises.

7.32 Maximum floor space that may be used for retail premises for certain land in Zone B1 at Hinchinbrook

For development of a site on land shown as being within Area 6 on the Floor Space Ratio Map, the maximum gross floor area that may be used for the purposes of retail premises on that land is 1,000 square metres.

Wollongong Local Environmental Plan 2009

Part 8 Local provisions – Wollongong city centre

8.7 Shops in Zone B4 Mixed Use

(1) The objective of this clause is to limit the size of shops in Zone B4 Mixed Use to ensure that land within Zone B3 Commercial Core remains the principal retail area.

(2) Development consent must not be granted for development for the purpose of a shop on land in Zone B4 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.

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Bankstown Local Environmental Plan 2001

Part 8 Business zones

Clause 50A Development in Zone 3(c)

- (3) The consent authority may grant consent to development for the purpose of a convenience store on land within Zone 3 (c) only if it has a gross floor area of not more than 250 square metres.

Sydney Local Environmental Plan 2012

Part 7 Local provisions – general

Division 4 Miscellaneous

7.23 Large retail development outside of Green Square Town Centre and other planned centres

- (1) This clause applies to land identified as Restricted Retail Development on the Retail Premises Map.
- (2) The objectives of this clause are:
- (a) to promote the economic strength of Green Square Town Centre and planned local centres by limiting large-scale retail development to those centres, and
- (b) to support the provision of community facilities and infrastructure in Green Square.
- (3) Development consent must not be granted to development on land to which this clause applies for the purposes of shops or markets with a gross floor area greater than 1,000 square metres.

Willoughby Local Environmental Plan 2012

Part 6 Additional local provisions

6.12 Size of shops in Zone B3 and Zone B4 in Chatswood

- (1) This clause applies to land in Zone B3 Commercial Core and Zone B4 Mixed Use on the western side of the North Shore Rail Line in Chatswood.
- (2) The maximum gross floor area of a shop on land to which this clause applies must not exceed 100 square metres.

Wyong Local Environmental Plan 1991

59 Local shopping centres—Blue Haven, Warnervale East and Wadalba

- ...(3) Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of a local shopping centre on land on which development is restricted by subclause (1) or (2) where:

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(a) the gross floor area of any building or buildings used for the purposes of a shop does not exceed 1,000 square metres, and

(b) the gross floor area of any building or buildings used for the purposes of commercial premises does not exceed 200 square metres.

59A Highway service centres—Warrervale

...(3) The Council shall not consent to the carrying out of development for the purposes of a highway service centre where any building or buildings or part thereof used for the purposes of a shop has a gross floor area of more than 600 square metres, excluding areas used for offices, staff rooms, public toilets and store rooms.

84 Neighbourhood shops in Zone R1 or R2

(1) The objective of this clause is to set a maximum retail floor area for neighbourhood shops in Zone R1 General Residential or Zone R2 Low Density Residential.

(2) The retail floor area of a neighbourhood shop must not exceed 125 square metres.

Appendix 2 Definition of Gross Lettable Area Retail

Property Council of Australia defines GLAR as 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.