

PLANNING REPORT METROPOLITAN DELIVERY TEAM

Local Government Area: Waverley City Council

File Number: 14/02305

Name of draft Plan: Waverley Local Environmental Plan 2012 Amendment No 4.
(‘planning proposal’)

Subject Land Description

The planning proposal covers land known as 109-113 Macpherson Street, Bronte (Bronte RSL).

Purpose of Plan

The purpose of the planning proposal is to:

- increase the maximum building height from 13m to 20.5m
- increase the maximum floor space ratio (FSR) from 1:1 to 2.1:1
- include registered clubs as an additional permitted use on the site to allow the continuance of the Bronte RSL facility
- introduce a site specific local provision to clarify the standard instrument definition for building height.

This proposal has been prepared by Winston Langley Burlington (WLB) on behalf of the Returned and Services League of Australia.

Background

A planning proposal was submitted for consideration by the Gateway on 2 June 2014 (**Tag A**).

The draft Gateway determination (**Tag C**) requires the following to be undertaken to support the planning proposal:

- Publically exhibited for a period of no less than 28 days
- Consultation is to be conducted with the following State agencies;
 - Department of Education and Communities
 - Transport for NSW
 - Roads and Maritime Services.
- Make the following amendments to the planning proposal prior to public exhibition:
 - amend the planning proposal and indicative concept plans to implement the 500 square metre retail cap (as implemented by Waverley LEP (Amendment 1) 2012)
 - remove the proposed inclusion of “Bronte RSL” as an additional permitted use under Schedule 1 as this is implemented by Waverley LEP (Amendment 1) 2012.

- Make the following administrative, non-material, amendments to the planning proposal prior to public exhibition:
 - amend text on pages 27-28 to refer to the amendment of Height and FSR maps only;
 - amend the indicative height and FSR maps on page 28 to identify the site with a thick red line on the site boundary; and
 - remove the draft Clause on page 29 which seeks to clarify where the building height is to be measured from and replace this with a plain English explanation of Council's objective.
- The planning proposal is to be finalised within nine (9) months from the date of the Gateway determination.

Key planning criteria

The Department is required to assess planning proposals against set criteria as outlined in the Departments *Guide to Preparing Planning Proposals* issued in 2013. The Department's assessment of Council's proposal for the Macpherson and St Thomas Street Bronte Neighbourhood Centre against the set criteria is detailed below.

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not informed by any strategic studies or reports as it is seeking site specific amendments to support the future redevelopment of the Bronte RSL site. The planning proposal is informed by site specific urban design, traffic and retail studies. The site is currently zoned B1 Neighbourhood Centre which provides for a range of small scale retail, business and community uses.

The site currently accommodates the premises of the Bronte RSL Sub-branch which have become increasingly dilapidated. It has been advised that the Sub-branch has entered into an agreement with developer WLB to develop the land, providing new club facilities as part of a mixed use project comprising a range of retail, residential and Club uses.

It is considered that given the condition of the existing building, the zone objectives and the land uses permitted, the site represents an opportunity for renewal within the Macpherson and St Thomas Street Neighbourhood centre and to provide public domain, streetscape and other improvements.

Q.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. If the planning proposal is approved, and amendments to the Waverley Local Environmental Plan 2012 made, this would enable a development application to be submitted for the site.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with draft Metropolitan Strategy for Sydney to 2031 and draft Sydney East subregional Plan, in that it provides for housing and job opportunities and the provision of convenience retailing for local residents.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is not consistent with any local planning strategy or strategic plan.

The proposed height and FSR is inconsistent with the Olsson and Associates 2012 report prepared for the Macpherson and St Thomas Street Neighbourhood centre and Council's resolved planning controls under the Waverley Local Environmental Plan 2012, being a height of 13 metres and FSR of 1:1 for the Bronte RSL site. However, the proposed height increase from four (4) to six (6) storeys is not considered incompatible with the scale of a neighbourhood centre.

Q.5 Is the planning proposal consistent with applicable State Environmental Planning Policies

The planning proposal is consistent with all State Environmental Planning Policies.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The draft plan is considered to be consistent with all relevant section 117 Directions.

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

No critical habitat or threatened species populations or ecological communities or their habitats would be adversely affected as a result of the proposal.

The planning proposal indicates that it will not result in any unacceptable impacts such as visual impacts, view loss or overshadowing.

The height and scale of the proposed development is not considered unreasonable for a neighbourhood centre.

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

As the site is fully developed, the planning proposal would not result in any unacceptable environmental impacts.

Q9. How has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal indicates that it intends to retain the Bronte RSL Club, which has a long history of providing services to the community and ceased trading approximately 12 months ago. Redevelopment of the site in accordance with the

planning proposal would also provide some opportunities for jobs closer to home, community facilities, and potentially reduces vehicle shopping trips to Bondi Junction.

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal is unlikely to adversely impact upon infrastructure and services as it is currently zoned for commercial use and has the ability to utilise existing road, sewer, drainage, power, telecommunications, and other services and infrastructure in the area.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination and have they resulted in any variations to the Planning Proposal?

No State and Commonwealth Public Authorities have been consulted on the matter at this stage.

The draft Gateway determination requires consultation with the Department of Education and Communities as the site is in close proximity to a public school and Transport for NSW and Roads and Maritime.

Recent changes to planning proposal

In response to comments from the Bronte community, Waverley/Randwick Design Review Panel, and the Planning Assessment Commission (PAC), the Developer revised and resubmitted to Council the planning proposal for consideration by the Gateway. The planning proposal submitted to the Department and in front of Gateway represents the revised proposal inclusive of the amendments listed below.

Amendments included:

- remove access to loading docks and residential parking from Chesterfield Lane to reduce traffic flow past the Clovelly Public School
- reduce building height on Chesterfield Lane from 3 to 2 storeys
- increase side setbacks to comply with residential flat building guidelines
- reduce overall retail and commercial floor space
- redesign Macpherson Street façade.

Department's assessment

The planning proposal and supporting studies provide detailed design and justification to support the site's future mixed use, retail, commercial and residential development.

The planning proposal is considered to have merit, as it:

- contributes to local housing targets by providing 26 additional dwellings
- provides opportunities for jobs closer to home
- assists in providing housing choice, while making efficient use of existing infrastructure, including roads, public transport and drainage
- is close to public transport
- the retail cap (as proposed for Waverley LEP 2012 Amendment No 1) will ensure the neighbourhood centre scale is retained
- facilitates the opportunity for new entrants into the retail market
- potentially reduces vehicle shopping trips to Bondi Junction
- is a site on the edge of an established neighbourhood centre.

Although there is no definitive rationale that a 500 square metre cap on retail tenancies (consistent with Waverley Local Environmental Plan 2012 Amendment No.1) is an optimal outcome for the site or broader centre, it is acknowledged that this amendment to the planning proposal is consistent with Council's intent to limit the scale and size of the centre.

While a development application for this site was previously exhibited that was substantially similar to the current planning proposal, it is appropriate that the applicant's planning proposal (as amended to introduce a 500 square metre retail cap) be exhibited for community comment.

The determination of a non-complying development application is substantially different to a planning proposal which seeks to formalise planning and development provisions applicable to a site/area via amendment to the local environmental plan. The two processes cannot be considered interchangeable and represent legally different planning pathways.

This decision will allow the community to comment on the planning proposal as amended which has responded to a number of significant community concerns including traffic, access and preference to keep the Macpherson and St Thomas Streets Bronte Neighbourhood Centre serving the local community.

Recommendation

It is RECOMMENDED that the report be endorsed.

 15.8.14

A/General Manager, Metropolitan Delivery