



PLANNING PROPOSAL

Waverley Local Environmental Plan 2012

Reclassification of drainage lot at 2-8 Dickson Street, Bronte

February 2016

1. OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The objective of the proposed local environmental plan is to reclassify a drainage lot at the rear of Nos. 2-8 Dickson Street, Bronte. The land (Lot 1 DP 1207222) is an unused drainage lot with a northern boundary of 1.65m, an eastern boundary of 36.5m, a southern boundary of 1.41m, and a western boundary of 36.5m with a total site area of 75.6m² (refer to Figure 1).



Figure 1 – Aerial photograph of site (identified by yellow hatching)

2. EXPLANATION OF THE PROVISIONS TO BE INCLUDED IN THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The intended provisions to be included in the proposed local environmental plan relate to the reclassification of a drainage reserve of the laneway at 2-8 Dickson Street, Bronte, from community to operational.

On 19 August 2014, Council resolved to enter into four (4) individual 50 year leases for an unused drainage lot (Lot 1 DP 1207222) at the rear of 2-8 Dickson Street, Bronte (refer to Attachment 2). The leases have been approved under Section 149 of the *Roads Act 1993* and will divide the land into four lots according to the boundaries of each of the respective properties.

On 21 July 2015, Council resolved to reclassify the land from community to operational (refer to Attachment 3).

The planning proposal includes a reclassification of the drainage lot from community to operational under Schedule 4. The reclassification will enable the finalisation of the lease agreement with the owners of 2-8 Dickson Street, Bronte.

3. JUSTIFICATION FOR THOSE OBJECTIVES, OUTCOMES AND PROVISIONS AND THE PROCESS FOR THEIR IMPLEMENTATION

A. Need for the planning proposal

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

The proposed reclassification of land has been triggered by a Council resolution to enter into a lease agreement with the four respective owners of the adjoining properties. The planning proposal is not a result of a strategic study or report.

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

Yes. The planning proposal is the best means of achieving the objectives as the LEP cannot be amended any other way.

B. Relationship to Strategic Planning Framework

3. Is the Planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The objectives and actions contained in the Plan for Growing Sydney and East Subregion Draft Subregional Strategy (ESDSS) were comprehensively addressed during the preparation of WLEP 2012. All of the objectives and actions contained within those plans were complied with. The proposed amendment to Schedule 4 is considered minor and will not affect WLEP's consistency with the Plan for Growing Sydney, ESDSS and priorities of the Central District.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Waverley Council's current Community Strategic Plan, "Waverley Together 3" covers the period of 2013-2025. The plan was designed to focus Council's attention on what the community really wants; provide guidance on achieving these things sustainably; and help maximise efforts to speed up attainment of the vision.

The plan is structured according to the "Quadruple Bottom Line". The planning proposal is consistent with the strategies and is directly relevant to one of the strategies.

- Sustainable Governance which supports the "governance" framework for Waverley:

G2 Our community is actively engaged in well informed decision processes.

Response: The Gateway Determination will specify the minimum consultation requirements for this planning proposal and Council will comply fully with these requirements affording an opportunity for community engagement on all aspects of this planning proposal.

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

Yes. The planning proposal is consistent with all relevant State Environmental Planning Policies (refer to Attachment 3).

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

Yes. The planning proposal is consistent with all relevant Ministerial Section 117 Directions (refer to Attachment 3).

C. Environmental, Social and Economic Impact

7. 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. The minor and administrative nature of the planning proposal will not have any impact upon critical habitat or threatened species, populations or ecological communities or their habitats.

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

No. The minor and administrative nature of the planning proposal will have no direct environmental effect. There are no proposed changes in development standards that would trigger further consideration of this matter.

9. How has the planning proposal adequately addressed any social and economic effects?

The amendments in the planning proposal will not alter the development potential of any land and will therefore have no economic effect.

D. State and Commonwealth interests

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

The amendments will permit the continuation of existing land uses and therefore will not have any impact on public infrastructure.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gate way determination and have they resulted in any variations to the Planning proposal?

No consultation with State or Commonwealth Public Authorities has occurred in relation to this planning proposal at this stage.

4. MAPPING

Lease of drainage lot (Lot 1 DP 1207222)

Drainage lot at rear of Nos. 2-8 Dickson Street, Bronte (identified with green hatching)



Figure 2 – Map identifying drainage lot at rear of Nos. 2-8 Dickson Street, Bronte

5. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Future community consultation will occur in accordance with the Gateway Determination and will include:

- A public notice in the Wentworth Courier being the local paper that services the Waverley municipal area;
- A public hearing will be conducted in accordance with the requirements of the Gateway Determination.
- The planning proposal being advertised on Council's website;
- The planning proposal being exhibited in Council's Customer Service Centre and Library;
- Letters being sent to all adjoining and affected property owners at Council's discretion.

6. PROJECT TIMELINE

PART 6 - Project Timeline - Waverley LEP 2012 (Reclassification of drainage reserve 2-8 Dickson St)

STEPS	February	March	April	May	June	July	August	September
1 Anticipated commencement date (date of Gateway determination)		23rd February						
2 Anticipated timeframe for the completion of required studies	N/A							
3 Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A							
4 Commencement and completion dates for public exhibition period		9th March - 6th April						
5 Dates for public hearing (if required)		23rd March						
6 Timeframe for consideration of submissions			6th April - 20th April					
7 Report to Council re: public exhibitions and submissions								
8 Timeframe for the consideration of a proposal post exhibition	N/A			11th May - 3rd June				
9 Finalise plan (drafting, editing, mapping)								
10 Anticipated date RPA will make the plan (if delegated)						20th July		
11 Anticipated date RPA will forward to the department for notification (if delegated).	N/A							

7. LIST of ATTACHMENTS

1. Information Checklist.
2. Council resolution – Lease agreements – 19 August 2014.
3. Council resolution – Reclassify land at 2-8 Dickson St – 21 July 2015.
4. Table demonstrating consistency with State Environmental Planning Policies and Section 117 Directions.

ATTACHMENT 1 – INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> • Objectives and intended outcome • Mapping (including current and proposed zones) • Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> • Explanation of provisions • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|--|

▶ STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) • Sea level rise	☐	☒
• Demonstrated consistency with relevant Regional Strategy • Demonstrated consistency with relevant Sub-Regional strategy • Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy • Demonstrated consistency with Threshold Sustainability Criteria	☐	☒		☐	☒
Site Description/Context			Urban Design Considerations		
• Aerial photographs • Site photos/photomontage	☒	☐	• Existing site plan (buildings vegetation, roads, etc) • Building mass/block diagram study (changes in building height and FSR) • Lighting impact • Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Traffic and Transport Considerations			Economic Considerations		
• Local traffic and transport • TMAP • Public transport • Cycle and pedestrian movement	☐	☒	• Economic impact assessment • Retail centres hierarchy • Employment land	☐	☒
Environmental Considerations			Social and Cultural Considerations		
• Bushfire hazard • Acid Sulphate Soil • Noise impact • Flora and/or fauna • Soil stability, erosion, sediment, landslip assessment, and subsidence • Water quality • Stormwater management • Flooding • Land/site contamination (SEPP55)	☐	☒	• Heritage impact • Aboriginal archaeology • Open space management • European archaeology • Social & cultural impacts • Stakeholder engagement	☐	☒
	☐	☒	Infrastructure Considerations		
	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
	☐	☒	Miscellaneous/Additional Considerations		
	☐	☒	List any additional studies		

- ii. Improved direct and safer access to the transport interchange for pedestrian commuters in accordance with specifications to be confirmed by TfNSW.
 - iii. Design excellence.
 - iv. Adoption of a Heads of Agreement as the delivery tool to progress the project to the next stage of consideration.
- 5. Council adopts the draft Heads of Agreement as attached at *Attachment G* for discussion with Meriton and TfNSW.
- 6. Council authorises Council's General Manager to sign the final Heads of Agreement.
- 7. Council notes that Meriton's offer is conditional on the freehold sale of the Rowe Street lot from Council, together with the acquisition of the two privately owned properties. It is further noted that it is feasible to retain clear and direct public access to the interchange through creating appropriate covenants as part of the sale of the Council owned land.
- 8. Commences the process to seek the closure of Rowe Street in order to create a freehold title for the purposes of the sale of the future lot to Meriton.
- 9. Council seeks advice on appropriate conditions of the sale to achieve Council's public benefit objectives in relation to access and development form.

Cr Kanak requested it be recorded in the minutes that he voted against the Motion.

CON.21/14 CONFIDENTIAL REPORT – Lease of Laneway 2-8 Dickson Street (A13/0437)

MOTION / DECISION

Mover: Cr Mouroukas

Seconder: Cr Cusack

That:

- 1. The report titled Lease of Laneway 2-8 Dickson Street be treated as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2) of the Local Government Act 1993;
- 2. Council approves four individual fifty (50) year leases to the owners of 2, 4, 6 and 8 Dickson Street, Bronte under Section 149 of the Roads Act 1993 as outlined in this report, subject to the approval of the Secretary, NSW Department of Planning & Environment;
- 3. The Mayor and General Manager be authorised to complete negotiations, execute documents and affix the Council seal where necessary.

Cr Kanak requested it be recorded in the minutes that he voted against the Motion.

CM/10.5/15.07

**CONFIDENTIAL REPORT – Reclassification of Drainage Reserve – 2-4-6-8
Dickson Street, Bronte (A13/0437)****MOTION**

Mover: Cr Mouroukas

Seconder: Cr Kay

That:

1. The report be treated as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2) of the *Local Government Act 1993*.
2. Council approves the reclassification of a drainage reserve known as Lot 1 DP 1207222 located at the rear of 2-4-6 and 8 Dickson Street, Bronte, from Community Land to Operational Land.
3. Council notes that:
 - (a) As part of the reclassification process, a notice of public hearing into reclassification and exhibition will take place followed by an application to the Minister for Planning.
 - (b) If the reclassification to Operational Land is approved by the Minister for Planning, then fifty (50) year leases are entered into with the owners of 2-4-6 and 8 Dickson Street, Bronte, as approved by Council in July 2014.
4. The Mayor and General Manager be authorised to sign and execute the necessary documents.

AMENDMENT

Mover: Cr Kanak

Seconder: Cr Masselos

That the Motion be adopted subject to the addition of the following clause:

‘Council officers, as part of the public hearing process, approach the Lands Department and the Local Aboriginal Land Council to determine whether the land is subject to an unresolved claim.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.*Cr Kanak requested that it be recorded in the minutes that he voted against the Motion.*

ASSESSMENT OF WAVERLEY LEP 2012 WITH SECTION 117 DIRECTIONS, SEPPS AND FORMER REPS

Consistency with:

PART A: Ministerial Directions under Section 117

PART B: State Environmental Planning Policies

PART C: Former Sydney Regional Environmental Plans (Deemed SEPPs)

Part A: Ministerial Directions under Section 117 of <i>EP&A Act 1979</i>	(Tick one only)		
	Not relevant	Consistent	Justifiably inconsistent
1. Employment and Resources			
1.1 Business and Industrial Zones	✓		
1.2 Rural Zones	✓		
1.3 Mining, Petroleum Production and Extractive Industries	✓		
1.4 Oyster Aquaculture	✓		
1.5 Rural Lands	✓		
2. Environment and Heritage			
2.1 Environmental Protection Zones	✓		
2.2 Coastal Protection	✓		
2.3 Heritage Conservation	✓		
2.4 Recreation Vehicle Area	✓		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	✓		
3.2 Caravan Parks and Manufactured Home Estates	✓		
3.3 Home Occupations	✓		
3.4 Integrating Land Use and Transport	✓		
3.5 Development Near Licensed Aerodromes	✓		
3.6 Shooting Ranges	✓		
4. Hazard and Risk			
4.1 Acid Sulphate Soils	✓		
4.2 Mine Subsidence and Unstable Land	✓		
4.3 Flood Prone Land	✓		
4.4 Planning for Bushfire Protection	✓		
5. Regional Planning			
5.1 Implementation of Regional Strategies	✓		
5.2 Sydney Drinking Water Catchments	✓		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5 Development in the vicinity of Ellalong, Paxton, Millfield (Cessnock LGA) (Revoked)	✓		
5.6 Sydney to Canberra Corridor (Revoked)	✓		
5.7 Central Coast (Revoked)	✓		
5.8 Second Sydney Airport: Badgerys Creek	✓		
6. Local Plan Making			
6.1 Approval and Referral Requirements		✓	
6.2 Reserving Land for Public Purposes	✓		
6.3 Site Specific Provisions	✓		
7. Metropolitan Planning			
Implementation of Metropolitan Plan for Sydney 2036	✓		

Part B: State Environmental Planning Policies (SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably Inconsistent
SEPP 1 – Development Standards	✓		
SEPP 2 – Minimum Standards for Residential Flat Development (repealed)	✓		
SEPP 3 – Castlereagh Liquid Waste Disposal Depot (repealed)	✓		
SEPP 4 – Development Without Consent & Miscellaneous complying Development	✓		
SEPP 5 – Housing for Older people or People with Disabilities (repealed)	✓		
SEPP 6 – Number of Storeys in a Building	✓		
SEPP 7 – Port Kembla Coal Loader (repealed)	✓		
SEPP 8 – Surplus Public Land (repealed)	✓		
SEPP 9 – Group Homes (repealed)	✓		
SEPP 10 – Retention of Low Cost Rental Accommodation (repealed)	✓		
SEPP 11 – Traffic Generating Developments (repealed)	✓		
SEPP 12 – Public Housing (Dwelling Houses) (repealed)	✓		
SEPP 13 – Sydney Heliport (repealed)	✓		
SEPP 14 – Coastal Wetlands	✓		
SEPP 15 – Rural Landsharing Communities	✓		
SEPP 16 – Tertiary Institutions (repealed)	✓		
SEPP 19 – Bushland in Urban Areas	✓		
SEPP 20 – Minimum Standards for Residential Flat Development (repealed)	✓		
SEPP 21 – Caravan Parks	✓		
SEPP 22 – Shops and Commercial Premises (repealed)	✓		
SEPP 25 – Residential Allotment Sizes (repealed)	✓		
SEPP 26 – Littoral Rainforests	✓		
SEPP 27 – Prison Sites (repealed)	✓		
SEPP 28 – Town House and Villa Houses (repealed)	✓		
SEPP 29 – Western Sydney Recreation Area	✓		
SEPP 30 – Intensive Agriculture	✓		
SEPP 31 – Sydney (Kingsford Smith) Airport (repealed)	✓		
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	✓		
SEPP 33 – Hazardous and Offensive Development	✓		
SEPP 34 – Major Employment Generating Industrial Development (repealed)	✓		
SEPP 35 – Maintenance Dredging of Tidal Waterways (repealed)	✓		
SEPP 36 – Manufactured Home Estates	✓		
SEPP 37 – Continued Mines & Extractive Industries (repealed)	✓		
SEPP 38 – Olympic Games and Related Projects (repealed)	✓		
SEPP 39 – Spit Island Bird Habitat	✓		
SEPP 41 – Casino Entertainment Complex (repealed)	✓		
SEPP 42 – Multiple Occupancy of Rural Land (repealed)	✓		
SEPP 43 – New Southern Railway (repealed)	✓		
SEPP 44 – Koala Habitat Protection	✓		
SEPP 45 – Permissibility of Mining (repealed)	✓		
SEPP 46 – Protection and Management of Native Vegetation (repealed)	✓		
SEPP 47 – Moore Park Showground	✓		
SEPP 48 – Major Putrescible Landfill Sites (repealed)	✓		
SEPP 50 – Canal Estates	✓		

Part B: State Environmental Planning Policies (SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SEPP 51 – Eastern Distributor (repealed)	✓		
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 53 – Metropolitan Residential Development (repealed)	✓		
SEPP 54 – Northside Storage Tunnel (repealed)	✓		
SEPP 55 – Remediation of Land	✓		
SEPP 56 – Sydney Harbour Foreshores and Tributaries (repealed)	✓		
SEPP 58 – Protecting Sydney's Water Supply (repealed)	✓		
SEPP 59 – Central Western Sydney Regional Open Space and Residential	✓		
SEPP 60 – Exempt & Complying Development (repealed)	✓		
SEPP 61 – Exempt & Complying Development White Bay & Glebe Island Ports (repealed)	✓		
SEPP 62 – Sustainable Aquaculture 2000	✓		
SEPP 63 – Major Transport Projects (repealed)	✓		
SEPP 64 – Advertising and Signage	✓		
SEPP 65 – Design Quality of Residential Flat Development	✓		
SEPP 67 – Macquarie Generation Industrial Development Strategy (repealed)	✓		
SEPP 69 – Major Electricity Supply Projects (repealed)	✓		
SEPP 70 – Affordable Housing (Revised Schemes)	✓		
SEPP 71 – Coastal Protection	✓		
SEPP 72 – Linear Telecommunications Development – Broadband (repealed)	✓		
SEPP 73 – Kosciuszko Ski Resorts (repealed)	✓		
SEPP 74 – Newcastle Port and Employment Lands (repealed)	✓		
SEPP (Affordable Rental Housing) 2009	✓		
SEPP (Building Sustainability Index: BASIX) 2004	✓		
SEPP (ARTC Rail Infrastructure) 2004 (repealed)	✓		
SEPP (Sydney Metropolitan Water Supply) 2004 (repealed)	✓		
SEPP (Development on Kurnell Peninsula) 2005	✓		
SEPP (Major Developments) 2005	✓		
SEPP (Sydney Region Growth Centres) 2006	✓		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP (Temporary Structures) 2007	✓		
SEPP (Infrastructure) 2007	✓		
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	✓		
SEPP (Rural Lands) 2008	✓		
SEPP (Exempt and Complying Development Codes) 2008	✓		
SEPP (Western Sydney Parklands) 2009	✓		
SEPP (Housing for Seniors or People with a Disability) 2004	✓		
SEPP (Western Sydney Employment Area) 2009	✓		
SEPP (Urban Renewal) 2010	✓		
SEPP (Sydney Drinking Water Catchment) 2011	✓		
SEPP (State and Regional Development) 2011	✓		
SEPP (Penrith Lakes Scheme) 1989	✓		

Part C: Former Sydney Regional Environmental Plans (Deemed SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SYDNEY REP 1 – Dual Occupancy (repealed)	✓		
SYDNEY REP 2 – Dual Occupancy (repealed)	✓		
SYDNEY REP 3 – Kurnell Peninsula (replaced)	✓		
SYDNEY REP 4 – Homebush Bay (repealed)	✓		
SYDNEY REP 5 – Chatswood Town Centre (repealed)	✓		
SYDNEY REP 6 – Gosford Coastal Areas (repealed)	✓		
SYDNEY REP 7 – Multi-Unit Housing – Surplus Govt Sites (repealed)	✓		
SYDNEY REP 8 – Central Coastal Plateau Areas	✓		
SYDNEY REP 9 – Extractive Industry	✓		
SYDNEY REP 10 – Blue Mountains Regional Open Space (repealed)	✓		
SYDNEY REP 11 – Penrith Lakes Scheme (repealed)	✓		
SYDNEY REP 12 – Dual Occupancy (repealed)	✓		
SYDNEY REP 13 – Mulgoa Valley (repealed)	✓		
SYDNEY REP 14 – Eastern Beaches (repealed)	✓		
SYDNEY REP 15 – Terry Hills (repealed)	✓		
SYDNEY REP 16 – Walsh Bay	✓		
SYDNEY REP 17 – Kurnell Peninsula (repealed)	✓		
SYDNEY REP 18 – Public Transport Corridor	✓		
SYDNEY REP 19 – Rouse Hill Development Area	✓		
SYDNEY REP 20 – Hawkesbury-Nepean River	✓		
SYDNEY REP 21 – Warringah Urban Release Areas (repealed)	✓		
SYDNEY REP 22 – Parramatta River (repealed)	✓		
SYDNEY REP 23 – Sydney and Middle Harbours (repealed)	✓		
SYDNEY REP 24 – Homebush Bay Area	✓		
SYDNEY REP 25 – Orchard Hills (repealed)	✓		
SYDNEY REP 26 – City West	✓		
SYDNEY REP 27 – Wollondilly Regional Open Space (repealed)	✓		
SYDNEY REP 28 – Parramatta (repealed)	✓		
SYDNEY REP 29 – Rhodes Peninsula (repealed)	✓		
SYDNEY REP 30 – St Marys	✓		
SYDNEY REP 31 – Regional Parklands (repealed)	✓		
SYDNEY REP 33 – Cooks Cove	✓		
SYDNEY REP (Sydney Harbour Catchment) 2005	✓		