

Panel Secretariat
Sydney East Joint Regional Planning Panel
GPO Box 39
SYDNEY NSW 2001

Dear Panel Member,

BRONTE RSL DEVELOPMENT (2013 SYE 032)

I write on behalf of Winston Langley Burlington (WLB) and the Bronte RSL Sub-Branch regarding development application No. 2013 SYE 032 to be presented to the Sydney East Panel at its forthcoming meeting on Thursday 25th July.

You have received the report with a recommendation for refusal from Waverley Council. It is our belief that the report does not present you with the true facts of the matter and the purpose of this letter is to provide you with additional information to assist you in your determination of the application.

A number of concerns are raised with the proposal by both Council officers in their assessment of the proposal and the community during the exhibition of the proposal. We will address each concern in turn.

Our letter concludes by seeking the opportunity to explore with the Panel and Council genuine amendments to the scheme; an opportunity that WLB considers has been denied in the assessment process to date.

1. Impact of Proposed Supermarket

The Assessment Report places significant weight on the apparent lack of compliance of the proposal with the definition of 'neighbourhood centre' in the Sydney Metropolitan Strategy as grounds not to support this aspect of the proposal. However:

- The definitions in the Metropolitan Strategy are intended as a guide and there will always be exceptions. Bronte is surely one of those exceptions, being one of the most densely populated and wealthiest suburbs of Sydney yet having one of the lowest provisions of retail floor space;
- The Strategy recognises that centres are not static and must be allowed to grow and change over time. The subject site is unique in terms of size, convenience, accessibility and in the opportunity it presents to provide services of this nature to the community;
- The catchment map in Figure 7 is misleading. WLB's economic consultant, Location IQ, advises that the 900 dwelling catchment (250 metre radius around site) would be much smaller than the geographical extent of the current retail catchment. A 250 metre radius is not even the extent of a walk-in catchment, which is usually considered 400 metres at least. The map offers little to the assessment of the proposal.
- All economic consultants (Location IQ, Urbis and Hill PDA) support the inclusion of the proposed fresh food market within the site at the size proposed. They all confirm that the proposed retail component of the development would be beneficial to the viability and range of services offered to local residents by the Macpherson Street Centre;

In conclusion there is significant technical evidence to confirm that there will be no negative impact on the role, viability and vitality of the existing retail facilities in the Macpherson Street Centre from the inclusion of a fresh food market. Rather, the evidence irrefutably confirms that the proposal will bring benefits to the local community and surrounding retail precinct.

2. Bulk and Scale (Density and Height)

The Assessment Report notes that the bulk of the building is at odds with the requirement of SEPP 65 and introduces significant variations to the Height and FSR controls in the Waverley LEP. However:

- Council's SEPP 65 Panel has independently stated that the characteristics of the site and its context warrants a potential increase in the FSR that may be accommodated within the site subject to appropriate public benefits and minimal environmental impact;
- WLB commissioned Gabrielle Morrish (GMU) to undertake a further review of the proposed bulk and scale of the development. The GMU report provided a detailed urban design analysis and recommended development envelope and controls for both the Bronte RSL site and the wider Macpherson Street and St Thomas Street Centre. GMU consider that there is urban design merit in a building height and scale which is greater than that of the current numerical controls for this site;
- WLB also commissioned detailed isometric shadow analysis that confirmed that there would be no unreasonable shadow impact; and
- Assessment of the potential environmental impacts of the increased bulk and scale has found no unreasonable traffic, shadow, privacy, view loss, acoustic or visual impacts.

Since 2011, WLB has sought to work closely with Council to identify genuinely appropriate height and floor space controls that respond to the highest and best use of the land. WLB has operated in good faith to affect reasonable amendments to its proposal. However it argues that the fast track nature of the assessment process and limited engagement by Council with the applicant has prevented the identification of potentially positive built form outcomes.

As part of this process, In November 2012 WLB sought to lodge a Gateway Planning Proposal but was advised not to do so by Council at the time on account of Council's own Planning Proposal. Unfortunately, in June 2013 WLB was left with no option but to lodge its own Planning Proposal, which has caused, understandably, considerable consternation within Council and the community.

You will recall that WLB has previously written to the Panel explaining why it had to take this course of action and requesting that consideration of the development application be deferred until such time as the respective Council and WLB Gateway planning proposals have been determined by the Department of Planning and Infrastructure (DP&I).

Today there is such significant material before the Panel including the conclusions of the various expert reports prepared for both Council and WLB, and the observed community concerns, that the lack of potential environmental impact is clearly evident. With this evidence we submit that the Clause 4.6 requests are justifiable and can be supported.

If the Panel forms a view that the proposed numeric variations from the existing controls will prove difficult to support, we wish to reiterate the willingness of WLB to work with Council and the Panel to amend the application to achieve an agreed outcome. As noted above, this opportunity has been denied to date.

Impact of Traffic on adjoining roads (including safety of primary school and pedestrians in vicinity)

The assessment report makes a number of comments regarding impacts by way of new car parking within the site, pedestrian use of the Macpherson Street footpath and loading from Chesterfield Lane.

WLB commissioned Varga Traffic Planning to undertake a traffic and transport impact assessment of the proposal. Council commissioned GTA Consultants to peer review it and GTA raised a number of concerns.

Varga prepared a revised report that satisfactorily addresses all the comments raised by GTA consultants. The revised Varga study found that the proposed development will not cause any detrimental effects to the operation of the surrounding road network. Rather:

- It will most likely reduce the number of kilometres travelled by local residents as they will have the opportunity to shop locally as opposed to driving to Bondi Junction, and will have greater opportunity to walk to do their shopping;
- Due to the character of the shops, vehicle deliveries will be made in vehicles that are smaller than the 11.3 metre rigid truck which previously made deliveries to the club loading dock via Chesterfield Lane and the Council garbage trucks that continue to use Chesterfield Lane;
- The proposed development is expected to result in a slight reduction in the volume of traffic using Chesterfield Lane during the Friday PM peak period;
- Macpherson Street has the capacity to accommodate the additional traffic generated by the development; and
- The nearby intersection of Macpherson / Arden Streets has spare capacity to accommodate the additional traffic generated by the development.

The study concludes that *"it is clear that the proposed development will not have any unacceptable traffic implications in terms of road network capacity"* – a conclusion that has been accepted by Council's traffic consultant and Council officers."

Design/Character

The Assessment Report states that the design and impact of the proposal on the character of the area is not acceptable and relies upon the comments of the Panel in this regard.

Matters of architectural character, style and aesthetics are generally one of personal taste and can be subjective. WLB is happy to work with Council and the SEPP 65 Panel on the design of the building. Again, however, due to the fast track nature of the assessment process this opportunity has been denied. We suggest that the design issues raised by the Panel and Council are not matters that would necessarily justify refusal of the application.

Weight of Community Objection

At the forthcoming Panel meeting you will observe the apparent scale of public objection to the proposal. Council received 425 written objections (275 when duplicates from the same address are excluded) and a 2800 signature petition. The vast majority of the objections were from property owners within 250m of the site. Yet the concerns that have been raised by the objectors are unfounded as explained above.

According to the 2011 Census, 18,290 people live within 1km of the site. 85% of local residents, being the silent majority, have no opposition to the proposal (and it could never be said that this was due to any lack of awareness of the proposal, due to the concerted endeavours of the protestors to rally objections).

We would suggest to the Panel that this application represents an all too common situation where the vocal minority has the potential to influence decision making at the expense of the potential benefits for the broader community.

Conclusion

WLB considers that none of the concerns raised by Council are insurmountable. It has consistently sought to work with Council to develop a satisfactory outcome for this acknowledged unique key site in Bronte but has not been provided with this opportunity to date. WLB remains willing to discuss genuine amendments to the scheme that can deliver positive outcomes and welcomes the opportunity to achieve this with the Sydney East Panel.

Yours faithfully

INSPIRE URBAN DESIGN + PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'S. McMahon', is written over a horizontal line.

Stephen McMahon
Director