

Fact Sheet

The SBV “The Real Facts” Fact Sheet

This document is a response to the Waverley Council ‘fact sheet’ which we feel does not explain the true ramifications of the Council’s recent draft amendments to the Waverley Local Environment Plan (WLEP). Save Bronte Village comments and responses are in blue.

Bronte's MacPherson and St. Thomas Street Village (including the Bronte RSL site)

This shopping strip is zoned a ‘neighbourhood centre’ not a ‘village centre’. As such it is suitable for small neighbourhood shops only.

Wednesday 20 February 2013

Following extensive consultation with the community in October and November 2012, Council has resolved to amend sections of the Waverley Local Environment Plan 2012 (WLEP 2012) relating to Bronte's Macpherson and St Thomas Street Neighbourhood Centre (which includes Bronte RSL).

This fact sheet explains the changes and what they mean for the community.

How were the changes agreed?

Taking on board feedback from the community, Council staff prepared a report to Council making recommendations for changes to the current planning controls for the sites. It is important that we get the planning right for our communities that we care about and the places where we live. Council worked hard to get an outcome that reflects the core values of this neighbourhood centre.

The changes aim to reduce traffic congestion, protect community amenity and deliver on the community vision for the area. The changes were approved by Council at its ordinary meeting on Tuesday 19 February 2013.

In our view these changes will not reduce traffic congestion, but will increase it considerably. The changes will significantly change the current ambience of the area from a local neighbourhood centre of small-scale shops to an over-developed shopping strip. The changes DO NOT reflect the views of 70% of the community who asked for no more shops during the consultation process or the over 1600 petitioners who asked for ‘residential only’ development at the Bronte RSL site. In effect, the community’s overwhelming desire for no further retail development in the strip was ignored.

What are the key changes?

The key changes Council resolved to amend include:

- Cap on retail premises to 400 m² to retain the area as a neighbourhood centre zone. Neighbourhood centre zones permit retail and business premises but with facilities provided for residents and for local use only.

Council rejected the Labor and Green parties’ motions to cap the retail premises to a maximum of 100m² and 80m² respectively.

Council also rejected the Save Bronte Village (SBV) request for a maximum of 200m², as a fall back position.

- Site specific traffic controls for the Bronte RSL site, with restricted access from Chesterfield Lane to minimise traffic congestion.

No consideration given to increased traffic that could result from 2-3 retail premises of 400m² each.

- Height controls above street level on Chesterfield Lane to minimise overshadowing of existing residential properties. **2 positive outcomes - Reduce the height limit on Chesterfield Lane to 7.8 metres to minimise overshadowing and a 32 degree setback angle to protect solar access to properties on Chesterfield Lane.**

However, Council maintained the height limit of 13 metres on Macpherson Street and rejected the Save Bronte Village request for a maximum height of 9 metres on Macpherson Street.

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Residents called for the Bronte RSL site to be zoned 'residential only'. Why was this not reflected in the amendments?

Council does not have an option for this type of zoning under the current LEP. Council believes some commercial or retail activity to be an appropriate opportunity for the site.

SBV argued that a residential zone is suitable given our neighbourhood is primarily residential. A residential zone would still allow small shops. Council disagreed.

What traffic controls are being introduced? Access to the Bronte RSL site car park from Chesterfield Lane will be limited to residents only. Deliveries, commercial customer parking and Bronte RSL member parking will be accessed from MacPherson Street only. This is to minimise the traffic impact on Chesterfield Parade and Chesterfield Lane.

This is a positive outcome for Chesterfield Parade residents and all the families that use Clovelly Public School, the Scout Hall and Bronte Child Care Centre. However, the Council planners have given no consideration on what it means for Macpherson Street (and surrounding streets) traffic flow, controls and congestion. Deliveries, customers and Bronte RSL members traveling eastwards and turning right into the site car park could cause traffic queues along Macpherson Street. It is likely trucks and traffic will try to avoid this right hand turn by using streets such as St Thomas St, Gardyne St, Bronte Road, Chesterfield Parade and Boundary St so that they can approach the RSL site from the east. If this happens then there will still be significant risks to children using Clovelly Public School, the scout hall and Bronte Child Care Centre.

Traffic flow during peak hours and in the summer months will be further slowed due to regular stops by the popular 378 bus service.

There will be pressure on neighbouring streets as traffic naturally diverts to other "rat runs" and cars have to find overflow parking spots.

Will there be any changes to the height controls for the Bronte RSL site?

No. New height controls were introduced in October 2012, when the new Waverley Local Environment Plan 2012 came into effect. The height control is 13 metres from street level.

The 13 metre height limit which was previously listed in the Waverley Development Control Plan 2006 and is currently listed in the Waverley Local Environment Plan 2012 will be retained to protect the site from high rise development.

The height limit remained at 9 metres in the WLEP until October 26th 2012.

The 13 metre height limit does not reflect the current height of the building and will allow for a development of 4-5 storeys high. SBV's view is that this height is not appropriate in the existing streetscape which is comprised predominantly of 1-2 storey residential buildings. It allows for a 4 storey development which could overwhelm the site and streetscape and set a new precedent in the Neighbourhood Centre and surrounding area.

SBV's view is that 9 metres, or a 2-3 storey limit, is appropriate and, given the FSR requirements, the developer of the Bronte RSL could still build several residential apartments that would make a healthy profit for the RSL and the developer.

This week the Council approved a development at the Swiss Grand Hotel in Bondi. It approved a 17 metre building in a 15 metre height limit zone. Make no mistake, a 13 metre height limit will not stop a developer building a 15 metre or higher building on the site.

How does this height limit relate to current building?

The current Bronte RSL building is two storeys high at MacPherson Street (approximately 6–8m).

SBV argued that the existing 2 storey height, which is the predominant height on the street, should be the precedent for the RSL site. Prior to 2012, the site had a height limit of 9 metres (3 storeys). SBV argued that the 9 metre height limit be reinstated, as it was consistent with the streetscape and would still allow full development of the site. Council disagreed.

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What are the practicalities of the height restriction? Under this height restriction, a proposal could include a three storey building with a fourth storey element setback from the street frontage.

Council sets height restrictions on the basis of sound urban design advice from consultants and our own professional staff that can be considered reasonable if tested in the Land and Environment Court. The independent urban design advice is that a three storey building with a fourth storey setback from the Macpherson street was appropriate in the streetscape.

Under the 13 metre height restriction, a proposal would include three storeys on the street, with a fourth storey setback from the street. This would be 1 -2 storeys above the predominant height limit of the street and 3 storeys higher than the houses on Macpherson Street opposite the RSL site. SBV argued this is an excessive height. Council disagreed.

Will there be a Harris Farm on the Bronte RSL site?

No decision on what will be built at the site has been made. If a Harris Farm is included in the developer's DA, it will be considered as part of the development assessment process.

Council resolved that the maximum retail space be 400 m². This resolution respects the retail hierarchy of centres within the LGA, meaning Bondi Junction is a major centre and MacPherson and St Thomas street shops is a neighbourhood centre with 'one or a small cluster of shops and services contained between 150 and 900 dwellings' (NSW Government's Metropolitan Strategy). This recognises that retail space needs to be limited in this area.

This does NOT limit the number of shops on the RSL site or the whole neighbourhood centre. Given its size, there could be two or three 400m² retail spaces developed on the Bronte RSL Site. Council has also allowed 400m² retail spaces in the other parts of the Neighbourhood Centre to the east of the RSL site. This means the whole character of the Neighbourhood Centre could change dramatically.

At the council meeting there was some debate about the definitions of neighbourhood shop and retail premises and whether they were already defined in the existing LEP. We understand Council is seeking further clarification on this point. We are also attempting to find out if there is a need to set a cap or if the current LEP in fact sets the limit of any retail premises at 80m² within the Neighbourhood Centre.

SBV's understanding is that Harris Farm may be in partnership with WBL and the RSL with respect to a proposed development application. However, if a cap of 400 m² on retail premises is accepted by the NSW Department of Planning and Infrastructure this may not suit the Harris Farm business plan. It is not clear if Harris Farm would then have a series of 400 m² retail premises instead of one big shop or if the developer would submit a planning proposal to the Council for a higher cap on retail premises e.g. 1,000 m².

What will be able to be built on the Bronte RSL site as a result of the changes? Any redevelopment of the Bronte RSL site should be mixed use and may include a retail or commercial component, the RSL and residential. There is a number of combinations that can be adopted on the site while maintaining community amenity and the character of the area.

SBV is keen for the development of the Bronte RSL site to be in keeping with the character of the existing shops. The neighbourhood centre has been developing into a vibrant and small scale local precinct, with a sustainable, small food business and community-connected character. SBV does not want to see our neighbourhood centre filled with large supermarkets and homogenous shops, which would not contribute to the uniqueness and vibrancy of our neighbourhood.

What happens to the developer's proposal for Bronte RSL?

Council is yet to receive a development application or planning proposal from the developer. Until this is received, we cannot comment. Once a DA or planning proposal is submitted, Council will consider it the same way it does all other applications.

The developer could put in a DA similar to his current proposal, which the community has overwhelmingly rejected. As this would be before Council's revised planning controls are gazetted, the DA would be assessed on the existing planning controls. If the development is worth less than \$20 million the consent authority is the Council. If it is worth more than \$20 million the consent authority is the Joint Regional Planning Panel (a state government authority).

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What are the next steps in this process?

The next steps in this process are as follows:

1. The proposal to amend the LEP will be sent to the Department of Planning and Infrastructure (DoPI) for review.
2. Upon approval from the DoPI, the new controls will be publicly exhibited, where the community will have 28 days to make comment on the recommendations.
3. Council will review the recommendations in accordance with submissions received from the community.
4. Revisions will be made to the recommendations if necessary.
5. The updated report goes to Council for final consideration.
6. If adopted the report is sent to the Department of Planning and Infrastructure, which will in turn gazette the changes.
7. The changes will then come into effect.

SBV will be acting on behalf of the community at every opportunity in the stages outlined above.

Any Development Application received in relation to the site, including the Bronte RSL, would be subject to the new planning controls if they are implemented.

The developer could choose to lodge a DA now. i.e. with the proposal shown to the community and Councillors at the Bronte RSL site last year and discussed later at a community meeting at Clovelly Public School. If they did then it is subject to the current LEP controls, within which arguably the size of "retail premises" is not addressed.

The developer could also lodge his own suggested amendments to the WLEP (a planning proposal) with the Council. If this planning proposal was rejected by the Council, the developer could appeal to the state government planning panel known as the Joint Regional Planning Panel.

Will I have any further opportunity to have my say?

The community will have the opportunity to submit comments on the LEP amendments when they are publicly exhibited, following an assessment from the Department of Planning and Infrastructure.

The amendments will be on public exhibition for 28 days.

SBV's next steps:

- Meeting with our ward Liberal councillors to provide them with the opportunity to explain their decisions that appear to disregard the views of their constituents and to take responsibility for those decisions.
- Meeting with Peter Monks (Director, Planning and Environmental Services) to seek clarification of his reasoning and his definition of neighbourhood centre shops and their 80m2 limit.
- Seeking clarification from our elected representatives at local and state levels as to if and why the retail businesses of Macpherson and St Thomas Streets need to have their areas capped at 400m2 rather than their current 80m2.
- Writing an open letter to Harris Farm to ask what is their current position with regard the WLB-RSL development proposal and seeking their response to the ABC 730 report and their links with WLB.
- Writing an open letter to RSL Head Office to comment on the ABC 730 report and their links with WLB.
- Issuing a media release saying we are disappointed with the outcome and note that the Liberal councillors from our ward did not vote as their constituents had asked them.
- Requesting the mayor's response to the ABC 730 report and the questions it raises.

Our next steps together:

- During the consultation period (time yet to be announced):
 - write to or email all the councillors, the Liberal councillors in particular, to ask them to amend the draft WLEP legislation. (see savebrontevillage.com for the address list)
 - ask for the height limit to be returned to the 2012 level of 9 metres.
 - Ask that the only shops permitted in the Neighbourhood Centre are "Neighbourhood Shops" with a retail floor area not exceeding 80 square metres.
- Write to or email Harris Farm and the NSW RSL to ask for their response to the ABC 730 report on the controversial Bronte RSL development that aired on 20th Feb 2013.
- Any Bronte RSL (the social club) members should write to Clubs NSW to question why they haven't received their 2013 membership, which we know have been issued to a select group of people.
- We would like to hear from you fresh ideas and suggestions about how we can more effective in our campaign.