

Our Ref: 161  
Your Ref: LP/03/252376

14 January 2014



Dr John Roseth and Ms Meredith Sussex  
Joint Chair - Public Hearings  
Sutherland LEP Review,  
NSW Department of Planning and Infrastructure

(by online submission)

Attention: Ms Marian Pate, DoPI

Dear Ms Pate,

**Re: Draft Sutherland LEP 2013 - LP/03/252376**  
**Property: 2-14 Station Street, Engadine**

This is a formal submission under section 57(6) of the *Environmental Planning and Assessment Act* 1979 (the Act) on behalf of the Stainer Family who own the subject site.

There is a pressing need for more transit oriented development (TOD) and a great choice of housing types in Engadine, leveraging accessibility to Engadine Railway Station and this is a matter of *public interest*<sup>1</sup> identified by Council's Housing Strategy. TOD sites form an integral part of the urban renewal of centres, building on the strengths of each place, transforming under-used or dilapidated areas, boosting local economies and providing a mix of uses and activities, which meet the needs of the community.

Whilst balancing the public interest against private interests may be an issue in some of the strategic planning options being reviewed by the public hearing into the Draft LEP, there is no doubt that the pressing need to meet demand for additional residential and mixed use development close to railway stations (TOD) is a critical objective for the Engadine Town Centre and Sutherland Council's Housing Strategy, as it is across the Sydney Region.

There are very few sites in Sydney and the Sutherland Shire that have such direct access to a railway stations such as this site does to Engadine Station. This LEP review needs to have significant regard to leveraging this accessibility.

This submission seeks a modest increase in HOB and FSR and submits that this is in the broad public interest. The site can at appropriate HOB and FSR support Council's adopted housing strategy. In relation to this site, increased height and density can be achieved without any adverse urban design outcomes, environmental harm or amenity impacts upon neighbours because of the site's location, orientation and topographical position. DCP controls can require a maximum street façade height and require setbacks at the upper levels to address urban form outcome objectives, SEPP 65 aims and an appropriate balance between HOB and FSR as proposed will better achieve objectives.

Within the attached submission dated 26 April there is detailed 3D shadow analysis demonstrating that overshadowing falls upon the Princes Highway to the south.

---

<sup>1</sup> *Double Bay Marina v Woollahra Council* [2009] NSWLEC 1001 - planning principle: discerning the public interest

This submission supports the B3 zone for Engadine Town Centre but seeks that an increased HOB (30m) and FSR (3:1) be assigned to the subject site, consistent with other centres zoned B3 (see the comparison in the LEP submission to Council dated 26 April 2013 attached), to achieve job and dwelling targets consistent with good town planning and urban design practice.

In addition to the submission dated 26 April 2013 it is submitted that incentives should be included in the LEP to procure an extension of Preston Lane to service Lots 3,4 and 5 in DP 23060. These incentives in relation to Lots 1 & 2 in DP 23060 may give an appropriate FSR and HOB bonus if Preston Lane is extended to service the site eliminating driveway access to the site from the Princes Highway or if Lots 1 & 2 in DP 23060 form part of a consolidated development of the subject site.

This site has been recommended by staff to have an FSR of 2.5:1 with a HOB of 20m. This results in an underutilisation of the site in our submission. The site's juxtaposition to Engadine Railway Station must be carefully considered. This is a TOD site and it should receive further consideration for increased HOB and FSR, giving significant weight to its accessibility to Engadine Railway Station.

If the proposed FSR (2.5:1 as proposed by Council's planners) is retained, HOB should be increased to 25m to retain a smaller footprint and narrower built form outcome consistent with SEPP 65. The Draft LEP has provided relatively consistent ratios between HOB and FSR, i.e. 2:1 at 20m, 3:1 at 30m such that 2.5:1 should be at 25m if the staff's recommended 2.5:1 FSR is retained.

To be clear, this site can sustain HOB 30m at 3:1 with no adverse, urban form, environmental or amenity impacts at all. The site is 5m walking distance from the pedestrian access (including disabled access) to Engadine Railway Station. It is our opinion that it is in the public interest to promote this site as a unique TOD site capable of providing highly accessible and wider housing choice to future occupants within a mixed-use development. Further this can be achieved with no adverse impacts.

### **The Site**

The site is No.2 to No.14 Station Street, Engadine as outline in red in Figure 1 - The Site No.2 to No.14 Station Street, Engadine.

The site is the nexus and important focal point of heavy rail access (Engadine Station) at the Princes Highway (Railway Parade) and Station Street, Engadine. The Station Street frontage provides a bus interchange with service to the greater Engadine area (Heathcote, Lotus, Woronora Heights) as well as to Miranda.

The site is at the crest of the hill with extensive views available from any moderately elevated position.

Vehicular access is from the Princes Highway. For safety reasons the site should be made accessible from Preston Lane rather than the Princes Highway (see Figure 1).

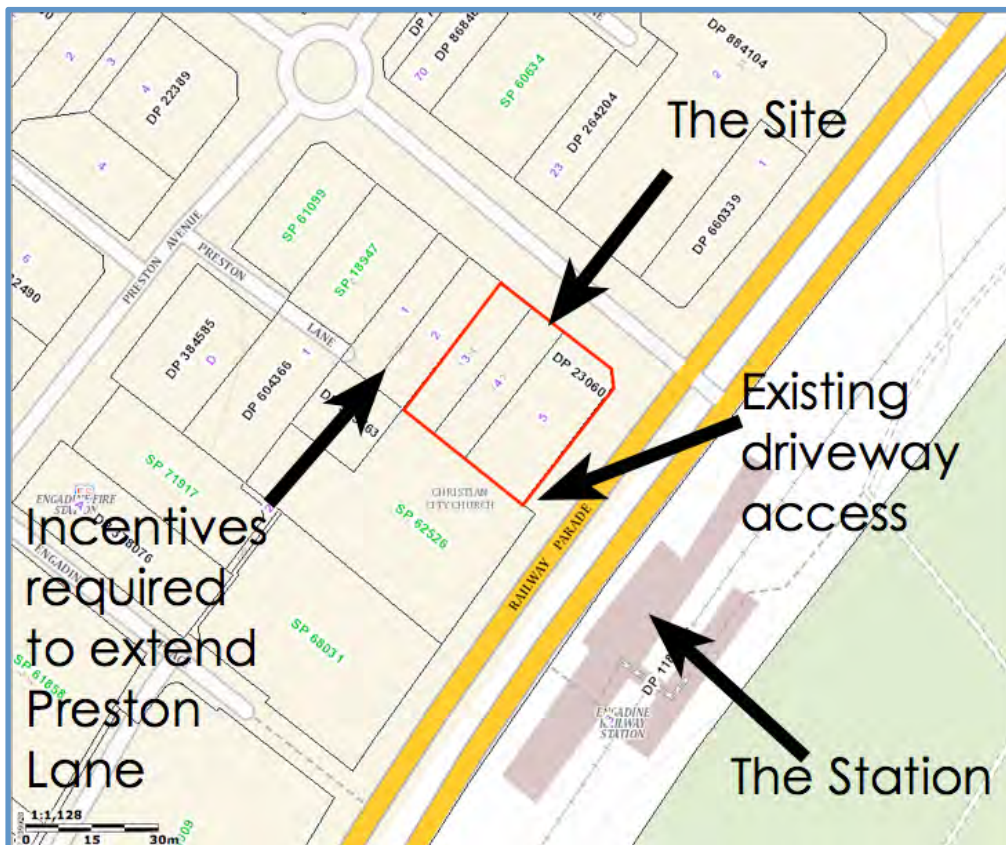


Figure 1 - The Site No.2 to No.14 Station Street, Engadine

### Proximity to Engadine Railway Station

The site has immediate and direct lift access and pedestrian tunnel access to Engadine Railway Station. The site is a prime site for higher density transit oriented development.

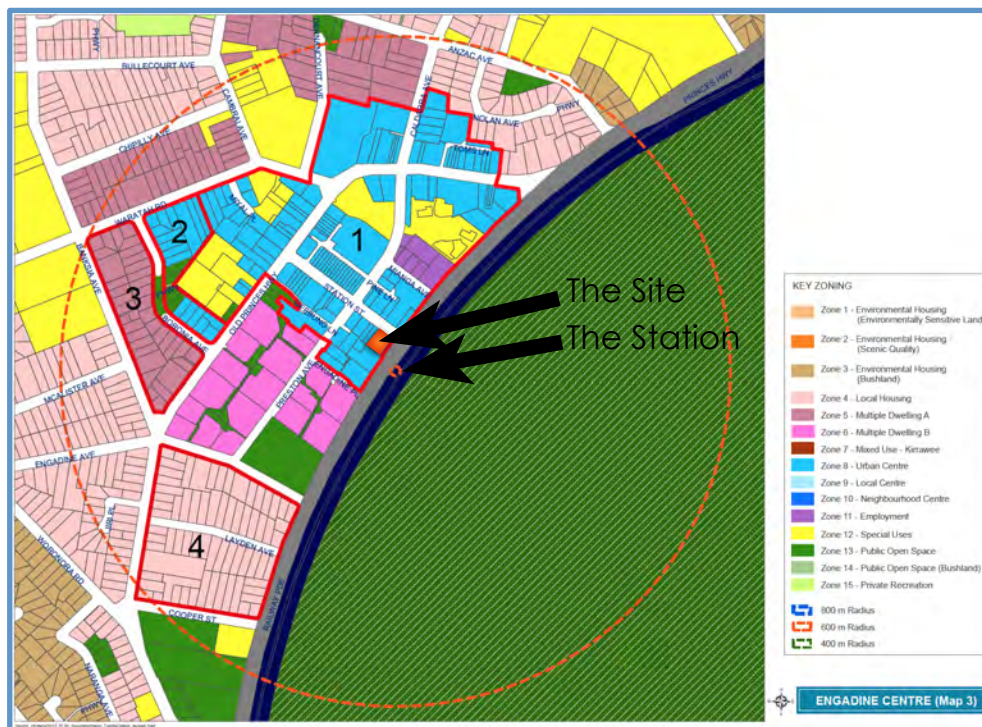


Figure 2 - 600mm Radius - Council Housing Strategy

## **Vehicular Access**

There is a need to provide the site with vehicular access from Preston Lane rather than from the Princes Highway. The current owners have received advice from Council that no vehicular access will be permitted from Station Street, that the existing access from the Princes Highway is considered dangerous and the Council's preference for any redevelopment of the site is to procure vehicular access from the rear via Preston Lane.

This can be achieved by providing Lots 1 & 2 in DP23060 with LEP incentives to amalgamate with the site or with incentive to dedicate land for the purpose of public road extension of Preston Lane to the boundary of Lot 3 in DP2306.

There exists within the Draft LEP precedence for bonus HOB and FSR on the basis of securing access to sites whilst removing access from classified roads where existing or proposed vehicular crossings are considered undesirable or will not be permitted by the RMS or Council (see clause 4.3(7) and clause 4.4(3) of the Draft LEP).

Lots 1 & 2 in DP23060 are in single ownership as are Lots 3, 4 & 5 in DP 23060.

We recommend that the best approach is to provide LEP incentives for both options such that the landowners can determine the best way forward, whether as individual or consolidated development sites, with the clear objective being to remove vehicular access from the Princes Highway to Lots 3, 4 & 5 in DP 23060 and provide it across the rear of Lots 1 & 2 in DP23060.

It is clearly in the public interest to remove the existing vehicular access off the Princes Highway and provide access to the site from Preston Lane.

## **Economics**

Council's Housing Strategy report noted that council's own residential aged care facility at Engadine community centre was increased in height from 4 to 6 storeys primarily because the future commercial operator found that it would not be financially feasible at 4 storeys.

The Housing Strategy states that under the current zoning there is little opportunity for further development of flats in Engadine. It states that more opportunities are need to be provided for smaller households in order for the ageing population to down size with Engadine having a very significant quantum of aging population.

The Housing Strategy notes that the centre benefits from good accessibility due to the proximity of the railways station as well as to the Princes Highway and Heathcote Road but the LEP then fails to create increased height and density to promote urban renewal.

The Housing Strategy states that there has been limited development in recent years but then seeks to retain the existing 2:1 FSR and at a lower (20m HOB) than originally exhibited HOB of 25m.

The economic realities are that at the existing FSR 2:1 the internal rates of return have been inadequate to promote significant urban renewal.

There is a legitimate argument that height and density, particularly close to Engadine Railway Station should increase to deliver Council's adopted housing strategy and

profoundly, to encourage transit oriented development (TOD) by assigning the most significant HOB and FSR increases to sites within 200m of Engadine Railway Station.

## **Social Planning**

Sutherland Shire Draft Housing Strategy 2031 as detailed by DAP025-13 dated 12/11/2012 states with respect to Engadine:

*“The centre is surpassed only by Miranda and Caringbah in the numbers of supermarkets, banks and the range of services provided.”*

In a social planning sense, as well as a town planning sense, the once village of Engadine is by Council's own strategic planning strategy more equivalent to and is more appropriately classified as a town centre. It is our opinion that any review of the Draft South Subregional Strategy would reasonably give Engadine this classification.

Sutherland Shire Draft Housing Strategy 2031 and Council's publication “Ageing well: Housing” dated 24/05/2013 clearly support the need for more housing for smaller house holds and in particular identify a pressing need for more aged care facilities.

To quote Council's strategic planning report:

“The percentage of population aged 65 and over was 13.3% in 2006 and it has risen to 14.9% in 2011, an increase of 1.6%.”

The Ageing Strategy was well received by the community and well regarded across local government. Specific commitments made by council through the adoption of its Ageing Strategy in relation to housing include:

- Increase housing choice by increasing permissible building heights and densities in centres with proximity to transport, shopping and facilities;
- Increase aged housing by increasing permissible building heights and densities for aged persons housing in centres with proximity to transport, shopping and facilities;
- Provide incentives for villa developments; and
- Promote dual occupancy as a viable and cost effective form of aged housing.

Engadine town centre should proceed on the basis of Council's commitments made through the adoption of its Ageing Strategy.

## **Public hearing submission**

The approach the draft LEP has taken to Engadine has been to assign two blanket or broad combinations of HOB and FSR development standards to the town centre with low density elsewhere.

The town centre's core was originally exhibited at HOB 25m but has been now recommended by staff to be HOB 20m and is proposed to remain unchanged at FSR 2:1 (with the exception of the subject site which is proposed to be 2.5:1) and the western fringe of the town centre has been given HOB 20m and a lower FSR 1.5:1.

Engadine is not a Village it is a town centre by the nature of the strategic planning now proposed. Applying 2:1 and 20m is conservative when compared to other equivalent town centres in the Sutherland Shire and greater Sydney region. It is also inappropriate in some

locations as we'll (i.e. the northern side of station street should not overshadow the public domain and vibrant footpath environment on the south side of Station Street.

As much as standard instrument LEP may seek to standardise, standardising HOB and FSR across a whole town centre does not work. A good town plan should create articulation in height and density mindful of the subdivision patterns, precincts, topography, orientation and other site attributes such as solar access, shadowing and accessibility to public transport.

This blanket approach has ignored street orientation, site orientation and topography among other relevant considerations. There is no discernible cohesive vision for Engadine Town Centre that has sought to identify sites that can accommodate additional heights and densities or those that cannot deliver such heights or densities, without adverse amenity impacts afflicting the public domain or reducing the development potential of adjoining sites.

A more comprehensive urban morphology analysis, urban form and economic feasibility strategy would have identifies key sites, consolidation requirements, access requirements and a wider range of HOB and FSR necessary to achieve desirable urban renewal of this town centre. This work should have included a draft DCP exhibited in tandem so that more refined public consultation could occur including setback development controls.

It is acknowledged that Council's attention has been drawn predominantly to other centres and locations including those sites impacted by the mayoral minute. The lack attention given to Engadine is self evident. It has not been a focal point of the strategic planning effort.

There has been a negative reaction to the HOB and FSR proposed for Engadine by some and it is our submission based upon our own block modelling that in relation to some sites 20m HOB and 2:1 FSR is probably excessive as it may have adverse amenity impacts upon the public domain. However, the Draft LEP presents a missed opportunity to significantly increase the height and density of other sites where the site attributes support HOB and FSR increase above 20m and 2:1 respectively.

One such site where height and density can leverage it street orientation, site orientation, topography and juxtaposition to the railway station is the subject site.

This is self evident in that it is the only site recommended to be given additional FSR on the basis on the submission made to Council 26 April 2013. Council staff have recommended 0.5:1 additional FSR, but held the HOB down to 20m despite the exhibited LEP proposing 25m.

This submission seeks that the public hearing review support an FSR of 3:1 and a HOB of 30m for the subject site.

In addition to previous submissions to Council, and in order to promote safer vehicular access to the subject site from Preston Lane at the rear (eliminating dangerous vehicular access off the Princes Highway), this submission proposes incentives for the adjoining site (Lots 1 & 2 in DP23060) to provide that access.

The incentives for the adjoining site should be to allow an increase to HOB 25m with an FSR of 2.5:1, as a transition to the HOB 20m and FSR 2:1 further west on the south side of Station Street, subject to the dedication of and extension of Preston Lane or the incorporation Lots 1 to 5 inclusive within DP23060 as a consolidated development site.

Setting aside our submission that there should have been a far more detailed urban form study supported by an economic feasibility study for the Engadine Town Centre, it is our submission that 2-14 Station Street, by Council's own acknowledgement is a unique site.

The subject site is a rare Transit Oriented Development site immediately adjoining a railway station that should receive further special consideration through this public hearing process.

It is noted that at this date there have been no public submission specifically against the proposal to increase the HOB and FSR of the subject site.

Public submissions have been broadly opposed to any increase in HOB or FSR across Engadine Town Centre citing traffic and parking issues. The whole purpose of promoting TOD development sites is to reduce dependence upon vehicles and promote public transport use.

A failure to promote the site as a TOD site as well as eliminate vehicular access from the Princes Highway by providing greater incentives through HOB and FSR bonuses for all 5 lots in DP23060 would be a missed opportunity to realise the full development potential of such a unique site.

## **Summary**

The attached submission dated 26 April 2013 provides more detailed analysis that justifies the submission that appropriate development standards are FSR 3:1 and HOB 30m.

Council at its meeting of 30 September 2013 resolved (Mayoral Minute No. 15/13-14) to 'request the Minister for Planning and Infrastructure to direct the Planning and Assessment Commission to conduct a public hearing in accordance with Section 57 of the Environmental Planning and Assessment Act, 1979 into the content of Draft Sutherland Shire Local Environmental Plan 2013'.

We note that this site is not among any of the sites considered controversial nor is it contained or referenced by Mayoral Minute No.6/13-14 dated 29 July 2013. The site is not subject to any direct public objections because the HOB and FSR supported by this submission it will not cause any adverse environmental effects. In fact at FSR 3:1 and HOB 30m it will better achieve broader planning aims and objectives promoting transit-oriented development.

Those submissions recorded against the increased HOB and FSR in Engadine that emotively seek to compare the Draft LEP's proposed densities for Engadine to Hurstville and Rockdale are ill-considered.

Hurstville's Draft City Centre LEP proposed a maximum FSR of 9:1 and HOB of 60m with one tower already completed at 60m and the Planning Assessment Commission considering an increase of 3 storeys to an approved tower at 60m.

Rockdale's LEP as gazetted provides a maximum FSR of 4:1 and HOB of 51m.

The maximum FSR & HOB in the Draft LEP are:

- 4:1 at 40m at Sutherland (including TOD sites along the old Princes Highway)
- 3.5:1 at 40m at Caringbah (including TOD sites)
- 3:1 at 46m at Caringbah (including TOD sites)



- 3:1 at 30m at Cronulla (including TOD sites)
- 3.5:1 at 30m at Miranda ((including TOD sites)
- 2:1 at 50m at Kirrawee (The Brick Pit)

It is worthy of noting that the above Draft development standard are all assigned to sites within 600m radius of railway stations.

Allowing the subject site, a TOD site, at Engadine, at FSR 3:1 at HOB 30m is consistent with the hierarchy evident in the draft LEP.

As stated by Council *"The [Engadine] centre is surpassed only by Miranda and Caringbah in the numbers of supermarkets, banks and the range of services provided."* That is, Engadine Centre has the core commercial and social services required to support increased residential density demands.

It is our submission that the public hearing report should recommend that the subject site be provided with a HOB of 30m and an FSR of 3:1, subject that any Draft DCP addresses the need for the upper levels to be setback such that the façade height not be viewed as greater than 25m from footpath levels. The adjoining lots 1 & 2 in DP23060 should be incentivised to provide an extension of Preston Lane or to form part of a consolidated site and transition to the lower HOB and FSR further west in Station Street.

On behalf of the owners of the subject site it is submitted that the public hearing report should recommend that:

1. Lots 3, 4 & 5 in DP 23060 be provided with a maximum HOB of 30m and FSR of 3:1, subject that the DCP addresses the need for the upper levels to be setback such that the façade height not exceed 25m from footpath levels.
2. Lots 1 & 2 in DP23060 receive a HOB 25m and FSR to 2.5:1, if Lots 1 & 2 in DP23060 are amalgamated with Lots 3, 4 & 5 in DP 23060 as a single development site or Lots 1 & 2 in DP23060 dedicate land as public road to extend Preston Lane to provide vehicular access to Lots 3, 4 & 5 in DP 23060 other than from the Princes Highway.

In the alternative, if FSR is retained as proposed by Council's planners at 2.5:1 HOB should be increased to 25m to create a taller building on the corner and narrow more SEPP 65 compliant outcome.

I have created a 3 dimensional model in Sketchup® format that I am happy to share with the DoPI if it will assist any analysis for the Engadine Centre.

Please don't hesitate to contact me on 0408 463 714 or by email [brett@daintry.com.au](mailto:brett@daintry.com.au).

Yours faithfully,



Brett Daintry, MPIA, MAIBS, MEHA  
Director



**Attachments**

1. LP-03-252376 - LEP Submission - 2-14 Station Street, Engadine dated 26 April 2013
2. Council Report - 31\_Engadine\_Centre post exhibition of Draft LEP
3. Council Housing Strategy 7 November 2012