

Please delete personal information prior to publication

8/55 Auburn Street
Sutherland 2232

Ms Marian Pate
Sutherland LEP Review
NSW Department of Planning & Infrastructure
PO Box 39
Sydney 2001

12th February 2014

Dear Ms Pate

Draft Sutherland Shire Local Environment Plan (SSLEP) 2013 – Proposed planning control changes for 660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland

I refer to the invitation for submissions in respect of the draft Sutherland Shire Council LEP 2013 and in particular to the second exhibited version of the draft plan. I am most concerned by the manner in which the LEP was progressed within Council and I believe that the procedure adopted by the then Mayor did not follow a due and proper process to enable appropriate public feedback and input.

I understand that after submissions had closed for the 1st version of the LEP that was exhibited in May last year, a report with officer's recommendations was presented to Council. A number of sites were recommended in that report by the officers, for amendment or inclusion, based on the submissions received.

However, in the Mayoral Minute No 06/13-14 dated 29th July 2013 it was explained that a number of submissions had been received objecting to the 1st version of the LEP and it included the comment that objectors believed the proposed changes *".....does not preserve the Shire's amenity, the lifestyle of residents,...."*. It went on to state that ***"There are several issues where the recommendations depart from the report of Council officers and require further amendment. I therefore move the following:"***

The following appears in the minute **without any explanation:**

"xi. 660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland - The height be increased to 30m and FSR increased to 2.5:1"

In Appendix 7 this site is also mentioned as follows:

Mayoral Minute No 06/13-14	Exhibited	Comment/Summary of Change
xi.660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland - The height be increased to 30m and FSR increased to 2.5:1	Height of building map: 20m FSR map: 1.5:1	

However once again, disappointingly, no comment or summary of the change was included in the Appendix.

Please delete personal information prior to publication

I have had real difficulty finding any background to this proposed amendment relating to 660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland. According to council officers I have spoken to there was no public submission received relating to this site. For some reason it has just appeared in the Mayoral Minute. More disturbingly there are no reasons provided by the professional officers of council as to why these changes would be recommended based on valid urban planning principles.

I have read the full documentation provided supporting the draft SSLEP which includes the Draft Sutherland Centre Strategy. This strategy is commendable and is worthy of adoption. The Sutherland Commercial Centre is well overdue for redevelopment to provide the necessary amenity and facilities expected of a town centre. It should be noted that the study area is bounded to the east by properties running along the western side of Glencoe Street (668-672 Old Princes Hwy, 55-57 Glencoe Street, 61-65 Glencoe Street and 111-115 Flora Street). The site at 660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland is **not** part of the strategy. The strategy provides good principles and aims and includes the following:

- *“The Sutherland Centre Strategy aims to encourage mixed-use development while preserving solar access in public spaces.”*
- *“However, to meet these objectives, the Strategy has been reconsidered and additional height and density have been recommended for some sites in Sutherland Centre. The Strategy includes a Potential Built Form Plan, based on a solar access study of the Centre.”*
- *“The Strategy aims to achieve this primarily by allowing additional height and density in the redevelopment of some sites in the commercial centre.”*

Two of the objectives of the strategy are:

- *“12. Ensure developments are designed to a high standard and that each successive development contributes to an improvement in the quality of the urban environment.”* and
- *“13. Improve residential amenity for existing and new residents of Sutherland Centre.”*

The strategy mentions SEPP65 which requires “.....solar access to units, and an appropriate separation distance between multi- storey developments.” And “the building envelopes must be planned to allow most residential units to have a northerly orientation and to provide sufficient separation between buildings to minimise potential privacy issues.”

The strategy further comments that “To examine the impact of increasing the height limit for buildings in the Sutherland commercial centre, shadow diagrams were modelled for current allowable heights.....”

The Height and FSR map for the Sutherland Centre specifies a maximum permissible height of 30m for the properties along the western side of Glencoe Street. Properties along Old Princes Hwy (680-710) are proposed to have a maximum permissible height of between 19m and 28m (with one exception at 684 Old Princes Hwy (the gateway) to have a maximum permissible height of 40m on only part of the site).

I cannot fault any of these principles and aims.

My objection is to the proposed planning controls for **660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland** which were included in the Mayoral Minute and my objection rests on the following arguments:

Please delete personal information prior to publication

1. **The site in question is not part of the Sutherland Centre** – it is located on the eastern side of Glencoe Street outside the study area. How can the planning controls proposed for this site be introduced completely at odds with every other site on the eastern side of Glencoe Street?
2. **The inclusion of the site is not transparent** – there is no valid reason provided in any of the documentation that was on exhibition for the planning controls for this site to be changed from the original LEP. It remains very much a mystery how this site was included in the Mayoral Minute as it was not part of a submission and was not recommended by the professional planners of Council.
3. **Impact on solar accessibility to adjoining properties** – the property to the east of the site (55 Auburn Street) will be impacted severely and adversely by any development of up to 30m on the adjoining site. 55 Auburn Street is a 3 storey development only built in the last 3 years which relies heavily on westerly solar access to provide natural light to the majority of units in the complex, not to mention the extensive gardens in the centre of the complex.
4. **Detrimental effect on the amenity of all adjoining properties** – a development incorporating an FSR of 2.5:1 on the site in question will represent the potential to build a large and imposing development that will do nothing for the amenity or lifestyle for those living in the adjacent three x 3 storey residential dwellings on the eastern and southern boundaries of the subject site. Any development could potentially be much larger/higher than any of the dwellings in the entire block bounded by Old Princes Highway, Auburn Street, Flora Street and Glencoe Street. The question begs, why is this site singled out for different planning controls?
5. **Old Princes Highway is proposed to be the gateway to the Sutherland Centre** – the properties at 680-684 Old Princes Highway appear to be planned to be the dominant gateway development sites (up to 40m in height) along the highway leading into Sutherland, with the adjoining properties to the east being lower in height. The height of 30m proposed for the subject site will detract from the planned gateway as the current building directly opposite on the Glencoe/Old Princes Highway corner has a lower current height and this will result in a step down then a step up as you proceed westerly along the highway. This really makes no good sense from an urban planning perspective.
6. **Glencoe Street represents the natural boundary for stepping upward heights into Sutherland Centre from the east** – there are no other sites along the eastern side of the entire length of Glencoe Street (between the Old Princes Highway and President Avenue) that are more than 20m in permissible height and have no more than an FSR of 1.5:1. Once again the question needs to be posed, why is this site gaining increased height and FSR in isolation?
7. **No solar access study of the subject site** – while the Sutherland Centre Strategy appears to have had a solar access study, shadow diagrams and Potential Built Form Plan for sites within the strategy boundaries, the subject site would appear to have had no such studies undertaken (particularly as it is outside the boundaries of the Sutherland Centre). To

Please delete personal information prior to publication

incorporate the proposed planning controls now without first undertaking such studies would be premature and ill advised.

I am one of 36 owners in 55 Auburn Street and from comments made by other owners, many share the views I have documented above. We live in a lovely complex with wonderful gardens that rely on natural sunlight along the west/east orientation of the site. Any development to our west, particularly of the permissible height proposed for the subject site, would have an impact on solar accessibility and would detract from the overall amenity and liveability of our complex. In fact the Sutherland Centre Strategy goes on to mention our complex on Page 15. With the caption - *"Recent residential flats on corner of Old Princes Highway and Auburn Street provide a high standard of residential amenity and make a strong contribution to local landscape character."*

From the evidence I have outlined I believe that there is no real justification to change the planning controls on the subject site. I would recommend that they be left the same as the adjoining properties i.e. **maximum height of 20m and FSR of 1.5:1.**

I do not believe that the process, to include the site at 660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland, which was adopted by the former Mayor in his Mayoral Minute, was transparent and open to the public. It was incorporated at the last minute to Councillors and did not have the benefit of proper consideration by qualified urban planning specialists. It appears to have been undertaken in an underhand manner without having any regard for members of the public and ratepayers who may wish to object or comment on it. I am totally disillusioned by this sorry saga and it has left me with a strong feeling of mistrust in our elected representatives.

I would urge you to incorporate my objections in your report to the Minister for Planning and Infrastructure and seek to have the proposed amendments to the planning controls for the site at 660-666 Old Princes Highway and 66-68 Glencoe Street Sutherland (as outlined in the Mayoral Minute) deleted from the adopted LEP and revert to the same planning controls as those properties adjoining the site (i.e. maximum height of 20m and FSR of 1.5:1 as was exhibited in the 1st version of the LEP).

Yours faithfully

Michael Betts

Cc Cr Diedree Steinwall
Cr Bruce Walton
Cr Carmelo Pesce