

DLEP 2013 Review
12th February 2014
Marian Pate
Sutherland LEP Review
NSW Department of Planning and Infrastructure

I REQUEST THAT YOU REMOVE MY PERSONAL DETAILS BEFORE PUBLICATION

I have never made a Political Donation or gift to any councillor or council employee.

Dear Panel,

My main concerns are;

- Proposed re-zoning of my local area in both versions of DLEP. **We wish to remain Low Density.**
- Reclassification to Operational Land of the Sutherland Entertainment Centre in both versions of DLEP,
Both these items are listed the Mayoral Minute of 29th July 2013.

I am also highly concerned by;

- Mayoral Minute, 29th July 2013 that ignored both staff recommendations and community concern.
- DLEP Instrument that proposes to impact residential areas **for the first time** via Clause 1.9A Suspensions of Covenants, Instruments and Agreements.
- DLEP process
- Traffic and Local Roads
- Delay in notifying residents of proposed re-zonings 2012/2013,
- Changes made by Councillors,
- A lack of information and education given to residents for this DLEP,
- Landscaping and height provisions,
- Excess development,
- Environmental impacts of the DLEP on our waterways and the Shire as a whole.
- Objection to Height and density, 1-3 Oxford St Sutherland.
- Waterways Rezoning
- Waratah Park
- Housing Strategy that is not socially equitable. It makes little provision of **sensible housing options** for an ageing population, it simply builds flats and lots of them.

I am deeply concerned that Councillors may not understand that their role in making planning, and other decisions, is to do so on-behalf of the whole community.

I am concerned because Council asked residents for their opinions then proceeded to vote to exclude the majority of those opinions and ignored the advice of its' own paid professional staff.

Proposed re-zoning of my local area in both versions of DLEP.

We wish to remain Low Density. We asked for Housing Choice and Social Equity.

I live in Sutherland, north-west of the Rail Station, with-in the area known as The Kurrajong St Precinct. This is two small suburban blocks proposed to go straight from Low Density to R4 High Density in 1st draft of DLEP, with heights and FSRs of 1.2:1 and 16Mtr along Kurrajong St and 1.5:1 and 20Mtr along The Grand Parade. The second draft DLEP and Mayoral Minute 29th July moves Kurrajong St back to Low Density and The Grand Parade remains at 1.5:1 and 20Mtr, with a bonus 20% FSR for site amalgamation.

The vast majority of residents in the area had objections to the proposal for High Density, we wished to remain Low Density / Local Housing. Affected residents from Kurrajong St, Leonay St, Vermont St, Jannali Ave and The Grand Parade met with the Mayor, the MP and assorted Councillors on 28th July to ensure they were aware of our concerns. Either 70 or 180 residents attended. Locals made 3 independent counts of 180-190 attendees. The Mayor and the MP counted about 70.

Our concerns were those of **equity, housing choice, privacy, overshadowing, visual intrusion, density transition, access to sunlight, roads and traffic, parking, railway noise and vibration, groundwater and underground springs, poor access over railway and the de-regulation of DCP's.**

The area measures approx. 260m x 260m x 245m x 165m. In this small area there are **81 Villas/Townhouses**, 41 houses, 1 Scout Hall and 1 small pocket park with play equipment. An Over 55's complex on Kurrajong St would likely be considered affordable (purchase) housing. At least 4 of the houses are new (within the last 2 or 3 years.) **Kurrajong St is a narrow cul-de-sac and slopes N-S and E-W as if a gully.** Vermont St is a narrow road. The Grand Parade is a narrow one way street (travelling East.) The Grand Parade faces the wall/base of the Overpass at one end, and a main road at the other. The Grand Parade is significantly higher than the rest of the precinct. Kurrajong St is adjacent to railway line and affected by railway noise and vibration (coal trains), and is peppered with underground springs.

Further to the west (abutting Linden St) there is a 3rd area that already contains many units. As a housing area we are already dense enough. We are separated from the Town Centre by two bridges and/or Rail Line and Overpass. **The Council file on our area remains confidential.**

Our 81 townhouses and villas are mostly home to people who have downsized. One downsizer had to move out of the Shire until a suitable villa became available for purchase! Villa accommodation is in short supply and favoured by elderly buyers. I see no common-sense to re-developing an area whereby in-demand villas and townhouses are destroyed in favour of residential flats for younger residents working in the city! Common-sense dictates that the elderly have a greater need for proximity to transport and services, with younger people more able to walk further to catch the train. Should these villas and townhouses be lost, the ageing and elderly would be moved further way from their local community, amenities and transport.

I agree with the R2, Low Density zoning now proposed for the Kurrajong Street, Sutherland area. LEP, 2nd Version. Low density areas in close proximity to transport, centres and services are necessary to address the needs of the ageing, elderly and disabled. It is called Social Equity, as provided for in Part 1.2 2(a) of DLEP 2013 instrument. Not every-one wants to live in flats. Housing choice is required. Low Density areas provide a sense of community, quiet enjoyment and a sense of safety that is often missing in areas of high density. The area is also subject to railway noise and vibration and affected by a series of underground springs and groundwater. The townhouses and villas that already exist in the precinct should not be destroyed by an increase in density as they are in high demand by the ageing and elderly.

Railway Noise and Vibration

The grade from the Como Bridge to Sutherland is one of the steepest inclines in NSW, in particular the 2 kilometre stretch of 1/40 (2.5%) gradient as it rises up from the Georges River bridge to Sutherland. 4 diesel electric locos for a 45 wagon train equates to nearly 1km fully loaded wagons. **Heading directly into Sutherland from gradients of 1/42 and 1/44, a fully loaded freight train must brake to adjust for the levelling of the rail line at Sutherland. Usually this results in 45 wagons (1 km) of freight carriages reverberating down the line.** The noise and vibration can be extreme and is dependent on the ability of the driver. What of dust emissions from coal trains? Transport NSW is building new workshops within the Jannali Ave railway corridor, from Sutherland Overpass to Leonay Street. Transport NSW had to build these offices in the Railway corridor on a platform with rubberised base to cope with the vibration. Whole area sits on an ironstone shelf.

I refer to LEP practice note PN 10-001 Zoning for Infrastructure, Principle 6, which states; The Infrastructure SEPP provides consistent state-wide provisions for considering the impacts of certain types of development on land adjacent to linear infrastructure and vice versa.

These considerations include the impact:

- of road or rail noise or vibration on residential and other sensitive development adjacent busy roads and railway lines
- of development involving excavation adjacent to a classified road or railway line

Traffic and Local Roads

Given that the area is already saturated with local traffic and commuter parking, how are local roads to cope with the increased demand of extra dwellings and extra vehicles? In peak hour it takes 10-15 minutes to travel from Kurrajong St to Linden St – less than 200 metres. Any major traffic incident on the roads to Engadine or Menai gridlocks roads on the western side of Sutherland. At times it is not possible to drive into Kurrajong St. Access to Sutherland Centre via rail bridge is extremely poor and also time consuming in peak hour. 25 min peak hour drive to Kirrawee or 25 minute walk. Kurrajong St and Vermont Streets are narrow roads and exiting south into Leonay Street is difficult due to poor visibility of oncoming traffic. The Grand Parade is a very narrow one way street, its' only exit is to the east. Given the proposed density increases shire-wide, locals doubt the ability of the proposed Transport NSW Commuter Car Park to alleviate the parking issues in West Sutherland.

Mayoral Minute, 29th July 2013 that ignored both staff recommendations and community concern.

Mayoral Minute of 29th July would appear to act against the advice of Council's paid professionals in many instances. No justification is provided. Why does Council not heed the advice of its' professional staff? As a ratepayer I would expect my contribution to Council's upkeep be used for the proper management of Council affairs. I am not happy that advice from professional staff (whose salaries I help to pay) is ignored.

On 29th July, Labour and Shire Watch Councillors received the Mayoral Minute at about 5.15pm. The Mayoral Minute became the prime document on the night rather than the Staff reports and residents submissions. Those 4 Councillors had little more than 1 hour to prepare, study, reference and cross check the document. Not one Liberal or Independent Councillor complained. A Labour councillor was be-littled, he had expected the Submissions reports to be the over-riding concern. The staff and consultation reports were, for the most part, ignored. 2131 submissions. More than 1900 against aspects of the DLEP. Waste of our time even writing submissions. Waste of ratepayers money for the time staff spent compiling the submission reports. No excuses, no justification. The Mayoral Minute was just voted through. People at Council meeting were angry. Some walked out in disgust. One young woman cried as she 'lost' her home to unit construction. Women left in tears as the Shire lost the Sutherland Entertainment Centre.

The Mayoral minute was withheld from 4 councillors, Labour and Shire-watch. Petty political point-scoring, when the process should be about the community.

On 30th July, the day after Council Meeting, helicopters were hovering above up and down The Grand Parade, Sutherland for 20 minutes. They then moved over to the Eastern side of the railway, to the Clio St Area. Clio St Sutherland area went voluntarily??? to R4 on 29th July. Helicopters were overhead again on 2nd August. From the night of 29th July until the next morning – didn't take them long to get the helicopters organised? Developers must be really keen!

I am concerned about DLEP Instrument that proposes to impact residential areas for the first time via Clause 1.9A Suspensions of Covenants, Instruments and Agreements.

Draft SSLEP 2013 impacts upon private property rights of landowners. Specifically proposed Clause 1.9A for all areas Zoned R4.

- It removes the right of property owners to Subdivide in areas zoned R4
- Objectives of Zone R4 states "to minimise the fragmentation of land that would prevent the achievement of high density residential development" This clause seems to imply intent to further disadvantage residents in areas so zoned.

I also note that the document available on Council web-site 2013_03_12_Planning_Proposal seems misleading. Specifically Page 6 which shows

The written provisions. Table 1: Clauses with variation to model provision.

- 1.9A Suspension of covenants, agreements and instruments – which indicates that no variation to model is sought, but in fact All land Zoned R4 is affected.
- 4.1 Minimum subdivision lot size – which shows no indication in comment that Council proposes to remove the right of land-owners to sub-divide in areas Zoned R4

I asked Council about 1.9A the 1st exhibition. They explained Covenants (building height) could be overridden. Council said that there were not many Covenants in the Shire. That was the extent of the Council answer. But the clause also covers agreements and similar instruments.

I used the Kurrajong St block study, from the Submission Report, as a basis for a hypothetical question with EDO. The submission report said that Clause 1.9a was applied to the land.

In that study two houses (on subdivided land) appear to be left standing, behind blocks of units.

In both cases the units in the study are over current right-of-way/driveways.

Whether or not the houses remained did not matter for my question, I simply asked if it could happen.

I asked EDO if a developer could build a block of units across the front allotment of sub-divided land, effectively cutting off right of way to the rear allotment. His answer did not surprise me in the least.

A developer applies to Council for DA consent – clause 1.9a kicks in and suspends the right of way.

The DA approval trumps any covenant etc. The owner of the rear allotment would have to lodge an objection at DA stage claiming it would impact on their right of way.

However, given the intended new planning system, not everything will need a DA.

He said he hoped the White Paper acts would have something in it to protect owners land rights or we could see a situation where owners could not access their homes.

Given that instruments and agreements cover many things, would the Panel please clarify what could occur? Exactly what agreements and instruments are extinguished by this clause?

How many owners could be left facing legal disputes and costs to protect their private land rights.

This could be very important with the proposed new planning laws.

DLEP process

In late July 2012, the previous Council decided not to vote through the new LEP, but to leave it for the new Council. Work started on the LEP in 2009. What led to the decision not to vote it through?

In October 2012, Kent Johns, via Mayoral Minute 12/12-13, took a razor to the protections contained within SSLEP 2006. He claimed that the 2012 Council election, delivered “a mandate for change with-in the Council planning controls and policies.” How does an element of Council, who obtained only 42% of the vote, yet 10 of 15 seats on the Council, declare a mandate? Controls for landscape and density across all zones, and foreshore controls were affected. Our current Foreshore policies have protected our waterways for 40 years. He also ordered these new controls applied to the DLEP which was near complete? when the current Council was elected. Council staff had previously focused on a target of 2,700 extra dwellings near centres by 2031. In November and December 2012 the current Council voted through increases that nearly doubled this. Were urban studies completed before heights and densities were increased in Centres? The DLEP builds flats, lots of them. Is this what the community wants for future generations, flats and significant environmental downgrades?

DLEP makes significant changes to environmental protections and Councils Environment Services reports cite irrevocable change. Reports by council’s professional staff contain warnings about Kent Johns’ changes, including: Greenhill’s Beach, localised flooding impacts, the cumulative effects of reduced landscape area. Of Kent Johns’ foreshore changes, we face: irreparable damage to, or complete loss of, the valuable natural ecosystems at the land/water interface; and, an urban waterfront environment for significant stretches of Port Hacking and the Georges River. (DAP012-13 DAP025-13 CCL022-13)

At council meeting 30th Sept 2013 Peter Towell stated that this contentious DLEP was not the LEP he had worked on in the previous term. What happened?

Staff Warnings include;

- To date council has focused on a target housing capacity for 2,700 dwelling near centres by 2031. In order to allow the new councillors to be fully informed of all the options considered, all options are included in this report. However, it is not necessary for council to adopt all of the options listed in the recommendation.

- Greenhills Beach However, at Greenhills Beach all the development will be built at once and if it is built to even higher densities, the outcome will be less than Council expected of the locality.
- increase of impervious area of a site. In order to protect Council's drainage system, neighbouring amenity, and localised flooding impacts, dwellings that do not have 45% landscaped area will be required to implement on site detention measures.
- Given that it is the affluent foreshore areas where residents seek to build the largest houses and also have boatsheds which are caught by the definition of gross floor area; this approach meets the direction of meeting the expectations of residents.
- However, Councillors should note that State Environmental Planning Policy (Exempt and Complying Codes) 2008 operates to override the landscaped area standards for certain development in certain zones. This includes complying development in part of zone 2 (non-foreshore lots) and zones 3 and 4. Under the Codes SEPP, a complying dwelling can be erected with only 20% landscaping (lots under 600sq.m.) or 30% landscaping (for lots 600-900sq.m.). While the full potential of complying development has not been taken up, it could result in 80% of lots which are eligible for complying development being developed with dwellings with substantially less landscaped area than the current LEP requirement of 45%. It should be noted that villas and townhouses have current concessions for landscaping, with 30% and 35% being required respectively. This concession aims to facilitate development.
- Clause 36 of SSLEP2006 contains specific landscape controls for each zone. The Shire's residential areas are characterised by the presence of established canopy trees and remnant bushland that extends out from the five National Parks within the Shire. The landscape character of the Shire is one of the significant reasons why residents like to live here. This local character has been maintained through the consistent application of landscaped area requirements introduced under Sutherland Shire's Local Environmental Plan 1993 and carried through to the current plan, Sutherland Shire Local Environmental Plan (SSLEP2006). These requirements reinforce Council's biodiversity strategy.
- The landscape quality of the Shire is one of the features that attract residents to the Shire. Whilst the cumulative effects of reducing the landscaped area requirement are not likely to be evident for some time, the community values the Shire's tree canopy. Development that includes appropriate tree planting, effectively maintaining the tree canopy over time, is better than cumulative tree removal.
- Council recently resolved to support changes to Council's planning controls and policies, to ensure that the planning controls are certain and easy to interpret. Two foreshore development controls - the removal of waterfront structures and the foreshore building line - were identified for particular review. This report provides information for councillors on the policy position relating to the foreshores which Council has held for almost 40 years, the implications of the new policy position and the necessary amendments to Council's draft Standard Instrument LEP (DSILEP) to reflect the new policy position.
- The effect of the recommended changes to the LEP will take several years to be noticeable. As waterfront dwellings become larger and there is an increase in the number of structures visible from the water, the cumulative impact is likely to be that the delicate balance between natural and man-made structures will be altered to create the perception of an urban waterfront environment for significant stretches of Port Hacking and the Georges River.
- As affluence has increased and lifestyles changed, the development pressures on waterfront land have increased. Over time landowners have sought to build larger dwellings and larger and increasing numbers of ancillary structures to enhance the recreational use of the land. This puts increasing pressure on the sensitive natural environment at the land/water interface, and can result in irreparable damage to, or complete loss of, the valuable natural ecosystems at the land/water interface. It can also result in significant visual intrusion of structures into the landscape, and cumulatively a loss of most of the natural elements in the landscape. While this may not be apparent when considering the impacts on individual lots, when viewed in the context of a whole bay or inlet, the impact can be considerable and represent a significant change in character and erosion of scenic quality.

Delay in notifying residents of proposed re-zonings 2012/2013,

- My understanding is that information relating to proposed re-zonings was released on Council web-site about December 2012. It could have occurred earlier and I am unable to verify a date. Unfortunately for residents, many were unaware of this. **In my area the first we knew about a proposed re-zoning was when a property developer sent a letter dated 3rd February.** Council did not advise residents with a general letter until 15th March 2013. Council sent another letter, 15th March 2013 that notified of a proposed re-zoning affecting my local area. The area description indicated my property was unaffected. Further, on 27th March 2013 Council sent another letter advising a correction. This time my property was affected by re-zoning.
- The most worrying aspect of the farcical notifications is that for the most part, developers and property speculators had known of proposed up-zonings for THREE MONTHS before residents had formal notification. How many property owners were financially disadvantaged (ripped-off) by the delayed notification? I can

assure you that in my area, real estate types were actively seeking to buy properties during this period. We had very limited local paper deliveries during the time period.

- Areas up-zoned from R2 to R4 and/or Commercial zoning, and R3 to R4, would represent a small % shire wide. Surely a computerised check could easily be run on affected properties via Department Land and Property Information, taking into account contract dates.
- The farcical situation with up-zonings and notifications occurred again, albeit with a lesser affected area, between the Mayoral Minute of 29th July and formal notification dated 15th August 2013. Two areas affected would be in the vicinity of Clio St, Sutherland and Fauna Pl, Kirrawee.

Changes made by Councillors,

A Councillor told me, via email, that the LEP has integrity and openness.

- That Council Environment and Planning staff spent months studying the character of each urban centre and prepared the draft LEP.
- Councillors then made minor adjustments to the draft LEP.
- The Department of Planning and Infrastructure consented to the draft LEP.

Would the changes ordered via Mayoral Minute 12/12-13, and the additional high density areas added by Council in November and December 2012 be considered minor? Given the information contained in highly critical Staff reports, who exactly is responsible for the changes, Council Planners or Councillors?

The Staff comment *"To date council has focused on a target housing capacity for 2,700 dwelling near centres by 2031. In order to allow the new councillors to be fully informed of all the options considered, all options are included in this report. However, it is not necessary for council to adopt all of the options listed in the recommendation."* **These would appear to be changes made by Councillors, huge increases in flats.**

Another email tells me, With the exception of experienced Councillors, **"all other Councillors were given the training evening by council staff..."** Newly elected Councillors have a training evening to understand an LEP, and by October 2012 they are voting through massive change!

A lack of information and education given to residents for this DLEP.

It is my perception that the Public Display and consultation of Draft SSLEP 2013 left many residents disadvantaged. Council had a moral and ethical obligation to educate its' residents about the LEP. Council did not do this. The general public do not have enough awareness of the impacts the LEP will have on the Shire, or the LEP itself or development. In the recent LEP's, Council had the means and opportunity to educate its' constituents about the LEP, development and proposed changes to the Shire. It is a complex subject with changing rules using terminology unfamiliar to many people. Council choose not to educate us. This in itself demonstrates Council's contempt for residents. Instead, Council left a thick pile of papers at Council office and Libraries, leaving residents to wade through the mess and try to make sense of it all. Residents could phone Council hotline if they had questions. Did they know what questions to ask? Did they understand the LEP and its' documents? Did they have time to read hundreds of pages and emerge on the other side understanding how they, their community and their home could be affected? Were the documents available in a language that they could understand? How did the ageing cope with the documents and what help were they given? Were the ageing disadvantaged if they could not use the internet? Did they know that you could object to and how to object?

The Draft SSLEP 2013 was offered for viewing at Council Service Centre, all branch Libraries and Council web-site and Individual information sessions were advertised on Council web-site as being held on 2 April, 10 April and 11 April. These were sessions of 15 minute duration during which the land-owner could **ask questions. 15 minutes. This is not enough to understand a complex document.** These sessions were advertised on a glossy brochure sent to land-owners and also on Council web-site and so disadvantaged any person who did not view Council web-site or was not a land-owner. **I note that residents were not offered any broad Community Education or complex explanations as to the full impact of Draft SSLEP 2013. It appears** that information was not offered in any language other than English. This disadvantages all people who have English as a second language. **It appears** that residents who were not land-owners may not have been advised by mail. Again this has the potential to disadvantage many residents who were not land-owners. Many older residents do not use the internet or have access to Council web-site. The local paper,

which was used to advertise Draft SSLEP 2013 is not consistently delivered to all households in the Shire, with many multiple dwelling sites receiving only a limited number of local papers per lot. **No broad community education was provided in respect to this proposed sweeping change. Residents and rate-payers, were in effect, left to wade through a mountain of paper-work and try to make sense of it.**

Did the Public Display and Consultation of Draft SSLEP respect the rights of residents and rate-payers under Local Government Act Provisions, which provide that council has the following charter: • to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights • to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.

Council also advertised two LEPs with the same content at the same time, specifically Draft SSLEP 2013 and LEP 2006 Draft Amendment 20. This appeared to be a deceitful and deliberate process undertaken by Council. Residents and ratepayers are left confused by this process. Draft Amendment 20 was simply notified in the local paper and on Council web-site. Were residents and ratepayers were educated as to the difference between the two proposals, did they understand the implications of both proposals?

Landscaping and height provisions, No Minimum Lot Size.

I am horrified by the proposal of NO MINIMUM LOT SIZE for Units, Townhouses and Dual Occupancies. In particular for UNITS. Concerns include social impacts, underlying infrastructure, parking, overshadowing, loss of privacy and access to sunlight. Council planners recommended a site coverage provision, assumed to be to control intensity of development, over-ridden by Mayoral Minute 29th July. When I asked a Councillor about "No Minimum Lot Size", I was advised the detail would be in the DCP. **I note however that State Government de-regulated DCP's in March 2013.** I was also advised by a Councillor that a footprint for a block of units on a small parcel of land would be so tiny as to be unfeasible! So why is there no minimum lot size, or at the very least a site coverage provision? I am concerned that we will see tall narrow units with little green space and problems with privacy, overshadowing and lack of solar access. The same 9 metre height limit (or 3 stories), in both R2 and R3 zones, could see similar problems of little green space and problems with privacy, overshadowing and lack of solar access. I am concerned that we could be creating areas of dense "mini-units" in R2 and R3 areas. Council submissions reports stated:

"A development should not unreasonably harm a neighbour's amenity through loss of solar access, overlooking or visual intrusion. A proposal that meets the standards set by the planning framework is generally considered acceptable because it is within the anticipated building envelope. Increasing building height to 9m will result in greater amenity impacts than currently are acceptable. Significantly a 9m height limit will allow 3 storey development which will have a significant impact on urban form and greater potential for overlooking of properties. Consequently, it is recommended that an 8.5m height limit apply to the lower density zones and in the neighbourhood business zone, effectively forcing development to 2 storeys in height"

I also object to the reduction of Landscape Ratio to 30% in R3 and R4. This is likely to give rise to problems with run-off and stormwater in high density areas. No room for children to play. No room for trees. This could equate to fence to fence housing and a reduction in the quality of our urban life. More noise.

Excess development

If DLEP is a plan to 2031 to help satisfy Dpt Planning expectations of some 10,000 extra dwellings, why are so many, if not all, new dwelling spaces (more than required by Dpt P&I) released now in 2013? What will Council do next time around? We have 18 years to 2031, why the rush to allow an excessive amount of mostly high density dwellings now in one hit? We are on a peninsula, surrounded by rivers and the ocean, with limited space for more housing.

The submission reports state that on 19 April 2012 council officers made a detailed submission to the Local Planning Panel outlining council's frustrations which stem from the limitations of the Standard Instrument and how these are contrary to good local planning outcomes. They also state that the new proposed planning system appears to be driven by a desire for economic growth and housing provision and the environment and social impacts are clearly secondary considerations in the new planning system (DAP106-13).

Environmental impacts of the DLEP on our waterways and the Shire as a whole.

The Staff reports on Mayoral Minute October 2012 are compelling reading.

Defence Infrastructure

The Department of Defence has requested a SP2 Infrastructure zoning for Defence land at Sutherland Multi-user Depot on Rawson Parade Sutherland. However, the Council proposes R2 Low Density Residential zone due to the long term future of the Sutherland Centre. What is intended for this site and why the rush? At any point in the “long term future” Council could re-zone it. The Multi User Depot is used by the Shire’s Cadets and Army Reservists. It is a valuable community asset and the only such facility in the Shire. Our Cadet system is a valuable youth facility which has produced many young adults who go on to serve the Community and/or enter the Armed Forces. Without this facility families and reservists would need to drive to Holsworthy and back once as required for attendance at Parade and/or week-end activities.

Objection to Height and density, 1-3 Oxford St Sutherland.

40 Metres height on the very edge of the Town Centre, alongside the Overpass and directly in front of Sydney Water infrastructure! 40 Mtrs seems out of context and out of scale with its’ surrounds. I suspect it would be higher than the Overpass. The increase in height was not supported by Town Planners, yet this was approved via Mayoral Minute 29th July. This site is currently a Service Station (petrol) and is listed by the EPA as significantly contaminated. It is subject to an EPA Management Order. (Notice Number 20134435; Area Number 3281) It was first issued a clean-up order by Council in 2009, and by the EPA in 2010 (Declaration No. 20101109) and again in 2013.

Background

Environment Protection Authority Management order

(Section 14 of the Contaminated Land Management Act 1997)

Order Number 20131402; Declaration Number 20101109; Area Number 3281

A. Raylas Pty Limited and Rosment Pty Limited are the registered owners of the United Service Station, 1–3 Oxford Street, Sutherland, NSW, which is an operational service station leased to the Khoury Group Pty Ltd.

B. Following the issue of a clean-up notice in 2009 by Sutherland Shire Council, investigations were undertaken at the site and on the adjacent Sydney Water reservoir site. These investigations identified line failure in the region of the bowers on the service station site, and contamination resulting from this line failure had impacted the soil and groundwater on the site and led to a contaminated groundwater plume migrating off-site and impacting the adjacent Sydney Water reservoir site. The faulty lines were subsequently replaced, but the secondary source of contamination in the soil and groundwater remains and is continuing to migrate off site.

C. As a consequence of the findings of the investigations, the Environment Protection Authority (EPA) declared the site as significantly contaminated land under section 11 of the Contaminated Land Management Act 1997 (the Act) on 12 April 2010 (Declaration No. 20101109).

D. On 5 November 2012 the EPA wrote to Raylas Pty Limited and Rosment Pty Limited stating that a finalised voluntary management proposal (VMP) should be provided to the EPA by no later than 16 November 2012 and advising Raylas Pty Limited and Rosment Pty Limited that if a VMP is not provided by the deadline stated above, that it is the EPA’s intention to serve Raylas Pty Limited and Rosment Pty Limited with a Management Order to carry out the works.

Notice to amend ongoing management order

(Section 44 of the Contaminated Land Management Act 1997)

Notice Number 20134435; Area Number 3281

Background

The land to which this notice applies was declared as “significantly contaminated land” (declaration no.20101109) and is the subject of a management order (order no.20131402) issued by the Environment Protection Authority (“the EPA”). The management order directs the recipient of the order to carry out contamination management to ensure the required environmental and human health outcomes and timeframes for the remediation of contamination from the site are achieved. This management includes, amongst other things, implementation of the Remediation Action Plan (RAP) (ref. Report for United Service Station, Sutherland, Remedial Action Plan – Phase 1, GHD Report no.21/212118/176761 July 2012), which details measures to prevent further migration of contaminated groundwater offsite and remove to the extent practicable the light non-aqueous phase liquid (LNAPL).

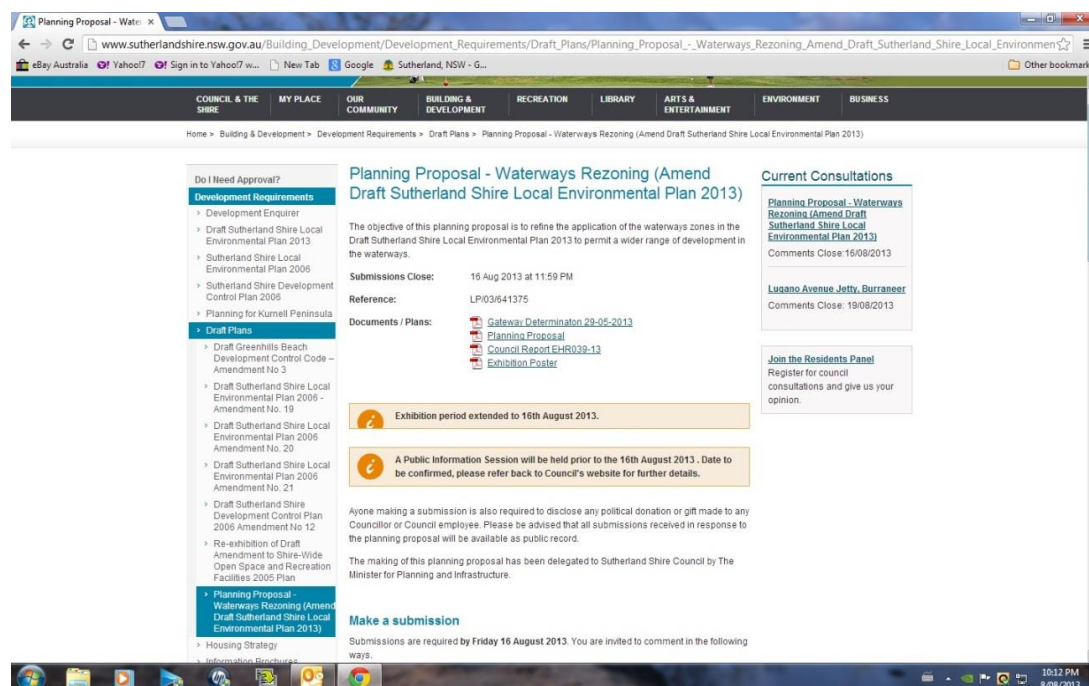
Amendments

The milestones set out in the order have been amended as follows:

Timing of Actions:

Waterways Re-zoning forming part of Amended DLEP.

Council advertised a consultation for the proposed re-zoning. There was community backlash. Council advised that they would hold public information sessions for residents prior to closing date. As at the closing date of the submission period, these sessions appear not to have been advertised. See following screenshot. The re-zoning went on to form part of 2nd Version of DLEP



Waratah Park, exhibited in the 1st Draft, deferred from the 2nd.

I asked Councillors about an area of Waratah Park, 13,346m2 that is public open space in SSLEP2006. The answers received, **in relation to DLEP 2013**, were simply astounding.

The emailed responses included;

- “The items your concerned about re the 13,346m2 public open space at the northern end of Waratah Park and development on Waratah Park were never proposed. the Labour Party and other groups have mislead the public, read the minutes of Monday nights council meeting or read the leader. This is untrue, the Mayor is just about to spend 3 million dollars to upgrade parts of Waratah Park so why would we propose development there.” This was further ‘clarified’ by the same councillor with the statements “This is potential development site for aged persons housing, hotel and education establishment within Sutherland centre strategy document.” and “This does not form part of the LEP. The LEP includes height and FSR, but not residential flats.”
- “Thank you very much for taking the time to highlight your concerns below to me. Council resolved on Monday evening through a Mayoral Minute to remove Waratha Park from the Urban Activation Precinct rezoning proposal. It was never proposed that there was going to be any developments on any public open space on Waratha Park or any where in the Shire, the land in question located south of the railway line and north of the swimming pool is "not public open space".”
- “Council resolved on Monday night through a Mayoral Minute to remove Waratha park from the rezoning proposal, so there will be no rezoning for any land in Waratha park. FYI, It was never proposed that there was going to be any developments on any Public open space on Waratha park or any where in the Shire, the land in question located south of the railway line and north of the swimming pool is "not public open space".
- “I see no reason to challenge the integrity of Council’s planning staff. They have told me that they put it up as an R4. They have no interest in Miranda RSL do or do not do.” And by the same councillor in the same email, “Council staff have displayed this area on the maps as R4. I do not recall any discussion on it, and I do not believe that it has anything to do with Miranda RSL. When I asked a senior planner today he said that it was probably put in as R4 because it is near the railway line and near other R4 zones.” And “It was not “Open Space”, it was “Private Recreation.”

Housing Strategy

"People should remember this is still a draft document and it is not set in stone," Cr Johns said.

"As we have just shown, if there are community concerns we will address them immediately."

Cr Johns said he was proud he could deliver a housing strategy in two months in a fully transparent manner without the need for confidential sessions, where the previous council had four years and had not delivered a plan.

Dec 13, 2012

<http://www.theleader.com.au/story/1182129/four-storey-zone-plan-scrapped-in-part-of-cronulla/>

Two months does not mean it is a good strategy, or that it will produce good planning outcomes.

It makes little provision for sensible housing options for an ageing population.

The previous Council and Planners had prepared the DLEP. An element of the current Council appears to have interfered with the DLEP process via Mayoral Minute and massive increases. We had no education. Community concerns (submissions on the first Draft) were mostly ignored.

Very concerning is the often repeated suggestion that the elderly should live in flats. Council documents and brochures that proclaim "Explore the use of Council owned car parks and other assets to facilitate the increased supply of aged housing" "use the planning framework to assist this movement of people, residents will move to housing more suited to their needs" "the movement of older residents to smaller new dwellings will free up older, more affordable dwellings." The Shire's residents are not cattle to be moved with-in the planning framework or fodder to populate flats. Mostly the ageing and elderly don't want to live in flats, so please stop using the ageing and elderly as an excuse to build them. Council needs to find better solutions. This is NOT housing choice. Unit living for the elderly is in contrast to the FACT that about 70-80% of older residents prefer to live in their existing homes in their existing community. Units are socially isolating and also expensive in relation to the on-going costs of quarterly maintenance fees that many (especially pensioners) cannot afford and for services they don't use. Units are unsuited to those with decreasing mobility if they contain stairs. They are often too noisy. How many people and how many families with children will be displaced by unit construction? Did Council consider the broader cost to the community here? The costs to the individual, and society, of forced housing-related migration. The fragmentation and depletion of critical social and familial support networks. We will see increased pressure on older people living long-term in flats to keep pace with strata levies and maintenance fees as they move on to fixed incomes and government pensions.

I was also horrified by a view expressed at the evening session of Hearing of Wed 29th January. **The proponent stated that the aim of DLEP was to glut the market with units, and thus drive down prices!** How is this relevant to good planning? Will developers sell units cheaply or will they simply sell them off on the overseas market at inflated prices? What happens if prices are driven down? Will mortgagees be left with an asset that is worth less than their mortgage? Young people or people of any age with existing units and mortgages could be bankrupt! At what point did this DLEP leave the principals of planning behind and cross over into the territory of market manipulation? Or perhaps it is all spin to try promote a DLEP.

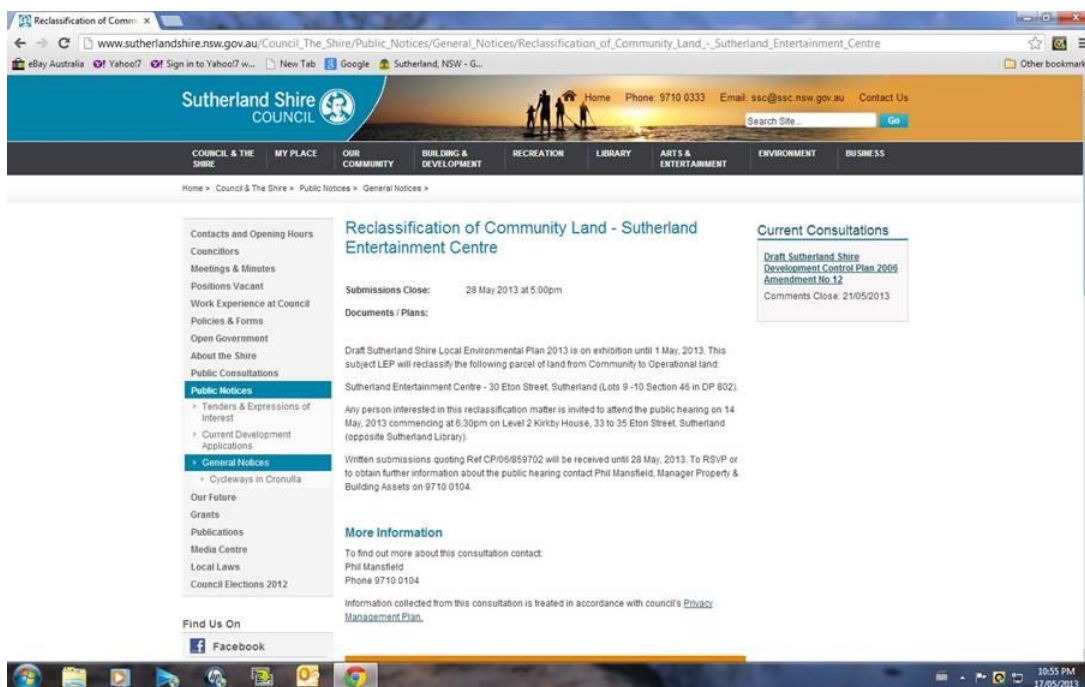
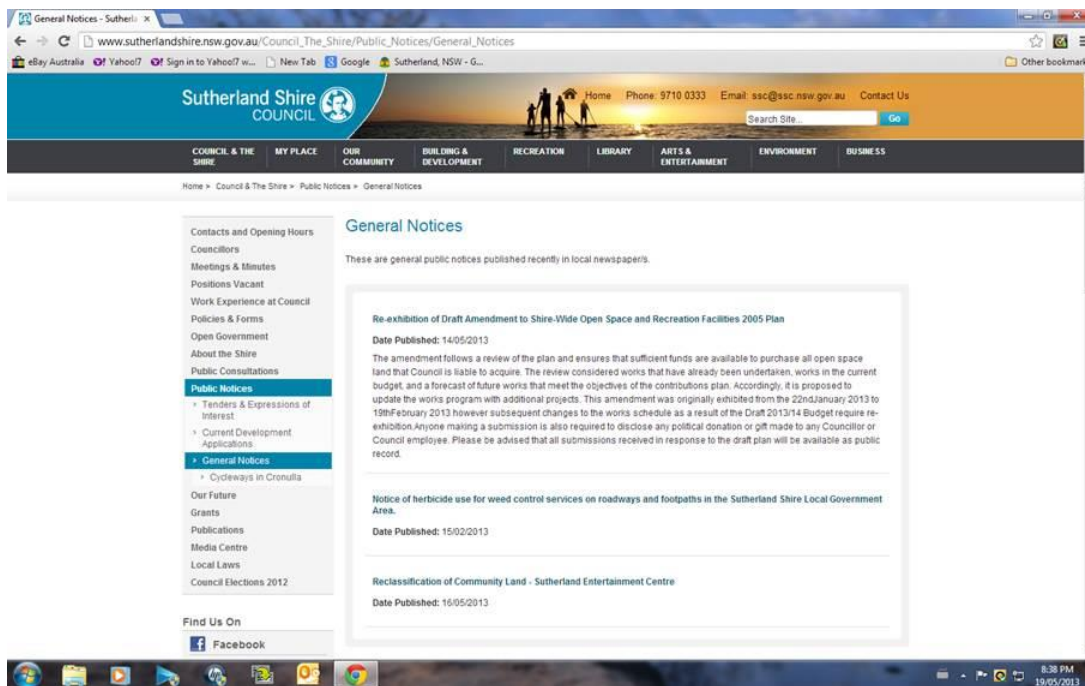
Re-classification of our Sutherland Entertainment Centre.

It was hidden and it was misleading. Despite overwhelming community anger, re-classification was voted through via DLEP 2013 from "community" status to "operational" status by Mayoral Minute on 29th July 2013. This was against the advice of Council's paid professional staff. At that announcement, 29th July, community members left the Council meeting, some in tears, stating that they wondered why they even bothered (to object and to attend Council meeting). **No justification was provided by the Council to support its' decision to strip the community of a valuable asset.**

Of the process of re-classification

- The re-classification Hearing was advertised in The St George and Sutherland Shire Leader some weeks before the Public Hearing.

- It was buried, a very small item listed in the Council advert column. I do not have a copy, but at one Council meeting the advert was produced.
- The property for re-classification was listed simply as 30 Eton Street Sutherland. This did not alert the community that the advert was for Sutherland Entertainment Centre.
- In the immediate lead-up to the Public Hearing a one line entry appeared on Council (meeting) website. This did **not** link to further information. Nor did it give information as to the address or time.
- The Hearing was not held at the address advertised in the original newspaper notice (Kirkby House, Belmont St Sutherland).
- I attended the Public Hearing as I was lucky enough to try Council main office on the evening 14th May 2013. It was in a room behind Council Chambers. A newspaper reporter had been to Kirkby House, Belmont St Sutherland and found no Hearing was there.
- There were 6 members of the public in attendance and a newspaper reporter. Residents were unaware of the Hearing until an article was in our local newspaper after the Hearing.
- At the Hearing we asked for many things to advertise the re-classification. We called for public involvement, 60 days for submissions, public education as to the terminology and processes and **prominent advertising**.
- **Clearly stated in the Fact Sheet handed out on the evening was the following question. Does zoning influence classification? The supplied answer was NO.** They are completely separate. Zoning under the EP&A Act 1979 prescribes permitted forms of development while classification provides permission to council in relation to land transactions such as sale or lease. **Council staff were very helpful and open. Also stated was staff had no indication of the intention of Council, however, re-classification was usually undertaken to facilitate sale.**
- **Council belatedly listed the public hearing on Council website with incorrect details, under General Notices.**
NOTE WELL that the Date Published was 16th May – 2 days after the Hearing – and it showed SEC, not simply 30 Eton St. Reclassification of Community Land - Sutherland Entertainment Centre. It linked through to the Invitation to Public Hearing with details, listed a closing date and reference number for submissions. Date Published: 16/05/2013 - Any person interested in this reclassification matter is invited to attend the public hearing on 14 May, 2013 commencing at 6:30pm on Level 2 Kirkby House, 33 to 35 Eton Street, Sutherland. (opposite Sutherland Library). I believe Kirby House is in Belmont Street, not Eton Street,



- The end result of the Public Hearing was, residents ended up with 1 month extra for submissions and no advertising of the kind we requested – simply the Mayors convoluted and confusing media release 21st May, and a later update which again mentions re-zoning.
- Council also posted their bizzare and convoluted update to the media release on the Facebook page of a Community Group.



- The way by which an extra month for submissions came about is concerning.

Extension of time for Submissions – by resolution of Council

Special Council Meeting Minutes - 20/05/13; Item 831 and Item 832.

Screen images below as shown of Council Minute website (listed in Council Meeting 27th May)

On 20th May 2013 Council resolved to extend the submission period until 5pm, 25 June 2013.

The Minutes of this meeting (as shown below) do not accurately reflect what occurred. WHY?

Cr Steinwall requested an urgent BWN.

Cr Steinwall requested an extra 2 weeks for submissions SEC, till 14th June.

Cr Pesce then called for an extra 4 weeks for submissions SEC.

The resolution was an extension till 25th June.

Have the meeting Minutes, as shown on Council web-site, been changed?

Hours of Operation of Enclosed Colonnade Area to be Same as Indoor Seating - Belmont Street, Sutherland Property: Lot 47 S/P 58059 (Nos. 47/40-44) Belmont Street, Sutherland Applicant: John Hatzikiriakos File Number: MA13/0058 (RA12/0016 and DA12/0250)

IHAP047.13 IHAP RECOMMENDATION:
That pursuant to the provisions of Section 96(1A) of the Environmental Planning and Assessment Act, 1979 the Proposed Modification (MA13/0053) of Development Consent No. 12/0250 dated 29 June 2012 for a Commercial Development - A

20/05/2013 - Special Council Meeting
Agenda - Special Council, Special SAF, CSV; EHR; FIN and SAF - 20/05/13 File Number:
Agenda - Special Council, Special SAF, CSV; EHR, FIN and SAF - 20/05/13

Mayoral Minute No. 34/12-13
Outstanding Achievements of two young people dedicated to the Sutherland Shire Youth Council Sub-Committee File Number: GO/06A/820215, CR/09/82194

1. The Mayoral Minute be received and noted. 20/05/13

2. That Council congratulates and acknowledges Bradley Kolgozas and Micaela Bassford on their achievements and commitment to promoting positive opportunities for youth people in the Sutherland Shire through

Mayoral Minute No. 35/12-13
2013 Budget, 10 Year Financial Plan & 4 Year Delivery Program File Number: GO/06A/820215, FM/05/324920

1. That the Draft Operational Plan for 2013/14 be adopted. 20/05/13

2. That the Draft Budget for 2013/14 as exhibited and amended for the additional operating costs of \$15,847 relating to the Contribution to Georges River Combined Councils Committee Riverina

[Replication or Save Conflict]

BWN013-13 Reclassification of Sutherland Entertainment Centre File Number: CP/06/859702

BWN013-13 1. That the Council extend the time period for public submissions on the reclassification of the Sutherland Entertainment Centre by 28 days to 25 June 2013. 20/05/13

2. That the Council inform residents of this change to the submission period with advertisement

20/05/2013 - Special Services and Facilities Committee
Index of the Meeting of the Special Services and Facilities Committee of Sutherland Shire Council, held in the Administration Centre, Eton Street, Sutherland on Monday, 20 May 2013 File Number:

Index - Special Services and Facilities Committee - 20/05/13

Previous Next Expand Collapse Search

831 Business Without Notice
Reclassification of Sutherland Entertainment Centre
File Number: CP/06/859702

Councillor Steinwall requested that Business Without Notice concerning the reclassification of the Sutherland Entertainment Centre be considered as a matter of urgency.

RESOLVED: (Johns/Schreiber)
That permission be granted to bring forward Business Without Notice regarding the reclassification of the Sutherland Entertainment Centre.

The Mayor, Councillor Johns, ruled in accordance with Clause 19(3)(b) of Council's Code of Meeting Practice that the matter was of great urgency.

832
BWN013-13 Reclassification of Sutherland Entertainment Centre
File Number: CP/06/859702

RESOLVED: (Steinwall Towell)
1. That the Council extend the time period for public submissions on the reclassification of the Sutherland Entertainment Centre by 28 days to 25 June 2013.
2. That the Council inform residents of this change to the submission period with advertisements in the Leader and on the Council's website.

The Meeting closed at 7.14 pm.

CONFIRMED:
MINUTE NO:
KB,MEE

- Also odd was that the PWC audit report had not been made public at that stage. PWC audit made recommendations on the SEC.
- Page 136 of PWC Report clearly states that interval reporting was to be received. The timing of an 14th June submission close date as requested by Cr Steinwall would not allow Council any time at all to supply "further information" to the community because the PWC document was not released publically till 12th June. **Was the extension requested by Cr Pesce timed so that the PWC Report was publically available before the new submission deadline of 25th June? The timing of 25th June submission close date allowed Council sufficient time to put forward the idea of a new entertainment centre built for free by a developer!** Stuffed down the throat of an unsuspecting public, before submission deadline. Just why is Council so desperate to have SEC re-classified?

- **Submissions report into DLEP 2013, Sutherland Entertainment Centre, clearly state,**
Reclassifying the land without a clear, articulated vision for its future use (via a Master Plan or as part of a Development Application) creates the perception that the future of Sutherland's only performing arts facility (in this location or elsewhere) is not guaranteed. It also creates the real potential for the site to be sold or redeveloped for any of the other uses permissible with consent in the B3 Commercial Core zone (e.g., residential or commercial), should council choose to do so. While it is acknowledged that council is committed to the continued provision of an entertainment facility, the inclusion of the reclassification as part of the comprehensive LEP has created unnecessary uncertainty and angst among the community.
and
Therefore, until such time as a Master Plan or a DA for a new performing arts centre is prepared, the reclassifying of the site is considered premature and inadvisable. It is recommended that the reclassification of the land at 30 Eton Street, Sutherland (Lots 9 & 10, Sec 46 DP 802) from 'community' to 'operational' be postponed until such time as a Master Plan or a DA for a new performing arts centre is prepared.
- Troubling also is the proposed sale of an unknown piece of Council owned land.
Is this related to 30 Eton St, The SEC? This Council has far too many items veiled under the cloak of confidentiality.
GO/06B 890604 from 11th March 2013 to present.
- I wrote to Council about the SEC re-classification and also referred the matter of misleading Media releases to Council's Ombudsman.
Of course that never helped with information or correction or education for residents and ratepayers. It did elicit a very unsatisfactory response from the ex-mayor.
However, the PWC audit recommended terminating the Ombudsman function.
And that is exactly what happened!

Sincerely
Karen Hughes

32 Kurrajong Street
Sutherland 2232
Lodged online 14th February 2014

I REQUEST THAT YOU REMOVE MY PERSONAL DETAILS BEFORE PUBLICATION
I have never made a Political Donation or gift to any councillor or council employee.