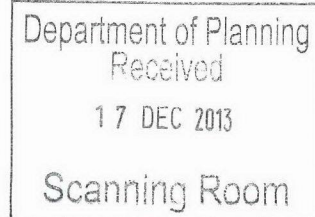


Deletion of Personal Information Requested

121213-01NSWPI

12 December 2013

Marian Pate
Sutherland LEP Review
NSW Department of Planning and Infrastructure (NSWPI)
PO Box 39
SYDNEY NSW 2000



Dear Marian,

**Re: Submission on Amended Draft
Sutherland Shire Local Environmental Plan 2013 ('SSLEP2013')**
in the context of Pre-Application Discussion [REDACTED]

I am the owner of the abovementioned property which comprises 1,500m² of land (rounded) and wish to subdivide this land into two separate allotments. My planning consultants and I have reviewed the amended wording of the Draft LEP regarding subdivision of land and have considered the impact of this on any future application to subdivide [REDACTED] Heathcote. This submission refers to the combination of the following clauses:

- Clause 2.6(2)
- Clause 4.1(4)
- Clause 4.1B(2)(a)

We implore Council and NSWPI to consider our position for which have provided four (4) separate alternate submissions as solutions to the issue we have again explained below under Submission 1.

Submission 1

- Under the existing Sutherland Shire Local Environmental Plan ('LEP'), this site presently exceeds the minimum requirements for torrens title subdivision of land but cannot be subdivided due to an express prohibition in the existing LEP for the subdivision of pre-existing dual occupancies where an internal lot would otherwise be created.
- Sutherland Council officers have acknowledged over the last three years that in the case of [REDACTED], this prohibition is nonsensical because the land holding is otherwise subdividable if one dwelling was to be demolished prior to a subdivision application and could then be reconstructed exactly as it is after separate titles are registered. Council has previously acknowledged that the existing prohibition was never intended to preclude a property such as [REDACTED] from being subdivided.

- Under the proposed draft SSLEP2013, this prohibition is removed (thank you), however the minimum generic width requirement for subdivision generally has now changed, and is proposed to be more onerous for this property due to the differentiated treatment proposed for properties of E3 and E4 zoning, as opposed to the residential R2, R3 and R4 zonings.
- On its face, it is clear that the combination of zoning and site dimension criteria under SSLEP2013 does not enable torrens title subdivision of this 1,499.8m² site in Heathcote due to the increase in the 15 metre width requirement (as per the existing LEP) to 18 metres for E3 lands under the draft SSLEP2013. This 15.85 metre wide site otherwise meets all other requisite criteria.
- We (and the land owner) therefore object to the expanded width requirement for properties to be zoned E3 and E4. We implore Council to only differentiate the subdivision constraint from properties to be zoned R2, R3 or R4 on the basis of site area as a whole by applying exactly the same width and length criteria to all sites with an Environmental Zoning that is consistent with what has been proposed for R2, R3 and R4 (ie, minimum 15 metres wide and 27 metres long) as per clause 4.1B(3). Accordingly, we suggest that clause 4.1B(2) as drafted is struck out altogether and that land zoned E3 and E4 be simply added to clause 4.1B(3) as drafted.

Submission 2 (alternative)

As an alternative to Submission 1, we suggest that the heading of clause 4.1C be amended to read *"Exceptions to minimum **subdivision requirements** for dual occupancies"* as opposed to *"Exceptions to minimum lot sizes for dual occupancies"*.

Submission 3 (alternative)

As an alternative to Submissions 1 and 2 above, we request that [REDACTED] be included at Schedule 1 'Additional Permitted Uses'. This approach allows for the creation of a simple site specific control for [REDACTED] to Schedule 1 to create an exception from the application of proposed clause 4.1B(2)(a) for this site. This option would also remove any risk of precedent creation for this unique site as the permissibility will be site specific.

There are many examples of where this approach has been taken in other Local Government Areas under the NSW State template and older non-template LEP's.

Submission 4 (alternative)

In the alternative to Submissions 1, 2 and 3, we request a spot rezoning for this property. In light of its size and location, there is great merit in requesting consideration that it be rezoned as either R2 or R3 as it is a very unique remnant site of considerable size in Heathcote West.

An aerial image of the property has been provided for your ready reference at Appendix 1 to this submission.

Yours faithfully

Appendix 1: Recent aerial image of [REDACTED]

