



I would like to make a submission to the Sutherland LEP Review - I'm unable to do this online as there seems to be an iPad compatibility problem with the automated submission function.

I have two fundamental concerns with the draft Sutherland LEP - the application of the E4 Zone to Engadine (and similar suburbs) and the need for primary development controls over the Kareena Hospital site.

E4 Environmental Living Zoning for parts of Engadine is not appropriate

Council has proposed to replace the Environmental Housing Bushland zone with the E4 Environmental Living zone. While I appreciate the intent of the Environmental Housing Bushland zone, particularly its objective of reducing the intensity and nature of development in bushfire prone areas with single access points, I object to the use of the E4 zone as the translation zone.

I believe that the R2 Low Density zone would have been a more appropriate zone to translate the existing zonings. It would provide appropriate objectives for a lower density of development as well as identify the importance of not allowing sensitive uses such as aged care or child care due to the evacuation risks. The Council could support the R2 zoning through appropriate development standards for subdivision and FSR to prevent the proliferation of inappropriate forms of residential accommodation.

My objections to the E4 zoning are that:

- The objectives of E4 zone are overly restrictive - when applied to the developed ridge land areas of Engadine the objectives imply an ability and capability of restoring the landscape, which is inappropriate given the essentially suburban character of the area.
- The range of landuses in the E4 zone are too restrictive for a suburban area, and
- The use of the E4 zoning has inappropriate outcomes when combined with the allowable development of other SEPPs, eg the 10m setback requirement from ANY boundary for rainwater tanks (clause 2.64 in the Codes SEPP) means that in the majority of E4 zoned land in Engadine a rainwater tank would not be permissible as exempt development. No development is allowed under the General Housing Code as complying development and there is an inability to construct secondary dwellings under the Affordable Housing SEPP as complying development.
- Clause 1.9A, the suspension of covenants clause is dis-applied to E4 zones (among other zones), which again is inappropriate given the essentially suburban nature of the Engadine area.

The Panel is no doubt aware that the Department of Planning and Infrastructure has produced guidance material for Councils on the use of zones under the SI LEP. In the Practice Note PN11-002 the use of the E4 zone is essentially identified as a zone appropriate for large lot areas with strong environmental characteristics. The Practice Note identifies that the R2 Low Density zone is a more appropriate zone that could ensure that the scale and intensity of suburban development in Engadine reflects the bushfire risks associated with the need to manage access and egress.

Council's use of the E4 zone as a zone to restrict the intensity of residential development in a suburban area to manage bushfire concerns is therefore arguably inconsistent with the Department's advice.

E4 Environmental Living - PN11-002 (Extract)

"This zone is generally intended for land with special environmental or scenic values, and accommodates low impact residential development. This zone may be applicable to areas with existing residential development in a rural setting, which still has some special conservation values. Where lands have higher conservation values, with more restrictive land use permissibility, an E2 or E3 zone may be more suitable than E4 zone."

#### R2 Low Density Residential - PN11-002 (Extract)

"This zone is intended to be applied to land where primarily low density housing is to be established or maintained. Typically the zone features detached dwelling houses, but it may be appropriate to include dual occupancy (attached or detached) or some multi-dwelling housing. This is the lowest density urban residential zone and the most restrictive in terms of other permitted uses considered suitable. These are generally restricted to facilities or services that meet the day-to-day needs of residents. This zone is generally not suitable adjacent to major transport nodes or larger activity centres where residential densities should be higher."

#### Zoning and primary development standards for Kareena Hospital

My final comment on the draft LEP relates to an objection over the lack of a building height and FSR for Kareena hospital. Council should be aware of the significant zone interface and conflict issues that the Kareena Hospital site creates for the houses on Karoola Crescent. Such concerns need to be understood in the context of how the Hospital site has utilized and manipulated the Part 3A concept plan approval process to inflate the development potential of the site, with particular concerns about the height and bulk of buildings right to the boundary. I understand the employment and public good benefits of a hospital/medical precinct, but care needs to be made to ensure that landowners in the area are not disadvantaged as the hospital gets bigger. Height and FSR controls would provide some comfort to adjoining landowners that the Hospital will not continue to grow inappropriately. I note that one of my close relatives has been considerably affected by the growth of the Hospital despite being in a residential zone.

I have extensive experience with the interpretation and application of the SI LEP - I would be happy to discuss my concerns with the Panel, but am unable to make the Engadine public meeting due to work commitments.

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Regards

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Sent from my iPad