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8 February 2014

Dear Dr Roseth and Ms Sussex ,

SUBMISSION TO PUBLIC HEARING REGARDING AMENDED DRAFT LOCAL
ENVIRONMENTAL PLAN 2013

Attached is my submission regarding the Amended Draft Local Environmental Plan
2013.

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Submission Regarding Amended Sutherland Shire Local Environmental Plan 2013

General

- Neighbourhood shops are proposed to be permissible in the R3 and R4 residential zones and in most industrial zones - whilst limited in the definition to 80 m² in floor area there is no limit on how many on a site so could result in a 'shopping centre' of 20 or so neighbourhood shops – not what would be appropriate in residential or industrial zone. If this use stays in the land uses permissible in these zones there needs to be a limit of one shop per site unless there is an existing group of small shops as occurs in Leonay Street Sutherland , 273-279 Willarong Road South Caringbah. Some of the existing pockets of shops are in the R2 zone where neighbourhood shops are not permissible – a possible solution is identifying existing shops and giving them a neighbourhood business or similar zone.
- Why are health consulting rooms not permissible in R3 and R4 zones given that are permissible in the R2 zone.
- The B1 and B2 zones allow dwellings and similar residential uses but does not allow group homes?
- The B1, B2, B3 & B4 zones have home occupations permissible without consent, child care centres permissible with consent but have home based child care as prohibited – this is not logical.
- In the B1 zone it is not clear why hostels are prohibited when most other residential uses are permissible. This possibly should be corrected.
- In the B5 zone why are garden centres and landscaping material supplies businesses permissible but plant nurseries are prohibited given they are pretty much the same uses with similar impacts.
- In the B7 zone all DIY uses are prohibited except landscape material supplies. Why not all or none?
- The removal of minimum lot size requirements for residential flat buildings (RFBs) and multi dwelling developments is already resulting in enquiries by applicants who are wanting to put developments esp RFBs on small narrow lots for example of a lot at the corner of Elouera Rd and Prince St Cronulla of about 650 m² with a 6 story height limit and 3:1 FSR. The site was so small that once setbacks were allowed for the basement car park would only fit about 3 cars (for 6 to 12 units) and the site setback to the neighbour was too small to afford privacy. There should either be minimum lot areas/ widths in LEP or alternatively a sliding scale of FSR related to site area.
- It would be desirable to have minimum site areas for redevelopment in commercial areas with narrow frontage shops such as Oak Rd in Kirrawee and Gymea Bay Rd esp north of railway where many blocks are only 6 to 7 m wide. The narrow width leads to unacceptable parking provision / design, difficulties in providing disabled access/ parking and poor light and ventilation to rooms in new development.

- The lot size / subdivision provisions for dwellings and dual occupancies is convoluted and unclear particularly with regard to strata subdivision in other than E4 zone.
- There seems to be an excess of industrial / quasi industrial zones – there really only needs to be 3 or 4 – a light industrial zone that acts as a buffer to residential areas, a general industrial zone for most of the industrial areas and a zone that allows car showrooms and bulky goods uses (for Taren Point Road area and Kirrawee along the highway). Possibly a maritime industries zone for the one or 2 sites area that fronts onto the small part of Woollooware Bay that already has maritime uses and does not have mangroves.
- The W1 and W2 zones do not allow community facilities eg scout halls and sailing clubs that are built over the water and this will effect their rebuilding/ expansion etc (for example at Waratah St Cronulla).

Site Specific

- Land adjoining St Patricks College at Sutherland (10-2 Merton st) but particularly 10-14 Merton St – this has a very high FSR (4:1) and height control (40 m) not in keeping with surrounding controls/ developments and is located where the extra height and bulk would have overshadowing impacts on the classrooms and playgrounds of Sutherland Public School and the primary school of St Patricks as well as the flats to the south. The site also has a social heritage significance that has not been considered as the existing house on 14 Merton was the house where Father Dunlea lived when he established Boys Town and where the first of the boys he took in lived).
- The shops in Oak Rd Kirrawee on the east side have site areas that include both the rear lane (which is a ROW over these sites not a public lane) and the footpath under the awnings – therefore the FSR's proposed are excessive as they apply to the total site areas which are about 40 % bigger than the effective site area. GyMEA Bay Rd north east of the railway station and the small groups of shops in Cawarra Rd North Caringbah and Woollooware Rd Burraneer have a similar situation where the footpath under the awnings is part of the site. Possible the definition of site area in Clause 4.5(4) needs to have a site specific variation for these areas.
- 1780 and 1800 Princess Highway Waterfall which are currently the Hanrob dog boarding/ training establishment and adjoining assistance dog training facility just north of Waterfall are proposed to be rezoned to IN1 (from current Special use (Animal Boarding and Training)). This doesn't seem right as whilst current uses are permissible in IN1 the rezoning leaves potential for these sites to be redeveloped for industrial uses would not be appropriate in that area for environmental and traffic reasons.
- The Sharks Stadium zoning (B2) doesn't allow recreation facility (major) so the current use will be prohibited and any works to it will have to rely on

existing use rights. Also this would leave open the possibility of the site being changed to other prohibited uses under the existing use right provisions.

- The Cronulla Fisheries site still shows as Special Uses Pisciculture even though the Fisheries use has left.

Heritage –

Suggestions for extra items

- Old St Luke's Miranda Church is clubhouse at Fisherman's club at Taren Point
- Royal Hotel – East Parade Sutherland which was built in 1891. This is the most unaltered early Shire hotel.

The proposed zoning and controls in area around Brinsleys Joinery and other heritage buildings north of the Sutherland overpass (Toronto Pde and Clio St) will result in development (RFBs) around these buildings that will ruin the 'context' of the heritage buildings and the loss of several non heritage buildings that are similar to the listed buildings and contributory to the streetscape.

Other

On some foreshore sites there is not enough space to fit a boatshed between the MHWL and cliffs/ rocks etc. Could there be a clause that in those cases that a boatshed could be on existing reclaimed land below MHWL similar to CI 6.2. This would reduce the need for people to excavate into cliff faces to fit boatsheds.

Fencing is not a permissible use below foreshore building line this has implication not just for boundary fencing, but also pool fencing and the fencing of dangerous drops over cliffs etc.

Clause 6.20 only deals with the strata subdivision of serviced apartments. Should it also or instead deal with change of use from serviced apartment to residential flat building.

The RE1 and RE2 zones don't allow entertainment facility and therefore the circuses that use Seymour Shaw and other parks won't be permissible (unless use temporary uses clause which has a harder amenity test).

Clause 3.3.(2) (g) refers to "high biodiversity significance" but this term is not defined so it is unclear where complying development would or would not be permitted.

Having schools in the R2 zone instead of in Special Uses (Educational Establishment) means they are subject to FSR, height and landscaped area controls which are not necessarily appropriate to the school use.