

Christian and Angelique McNally  
9 Acton Street  
Sutherland NSW 2232

7 February 2014

Marian Pate  
Sutherland LEP review  
NSW Department of Planning and Infrastructure  
PO Box 39, Sydney 2001.  
Ref: LP/03/79340

I am writing in relation to the Sutherland Draft LEP 2013 and in particular the proposed zoning around Sutherland Town centre, specific to the area referred to as the "Clio Street Area". I own and have resided in the property known as 9 Acton Street Sutherland for approximately 10 years. My Neighbour, Ms Sumiati Effendy, has owned and resided in 7 Acton Street for more than 15 Years.

We support Councils proposed zoning change of the properties bounded by Toronto Parade, Acton Street, Clio Street and Glencoe Street, Sutherland (Known as the "Clio St Area) from R3 to R4 High Density residential.

I also make a **specific request** that the proposed FSR for 7 & 9 Acton Street be revised from **1.5:1 to 2:1**. The properties are isolated between two townhouse developments and we wish to amalgamate the sites to provide a single development site of approximately 1060m<sup>2</sup>. The increase in FSR would allow the full development potential of the site to be achieved well within the height limit of 20m.

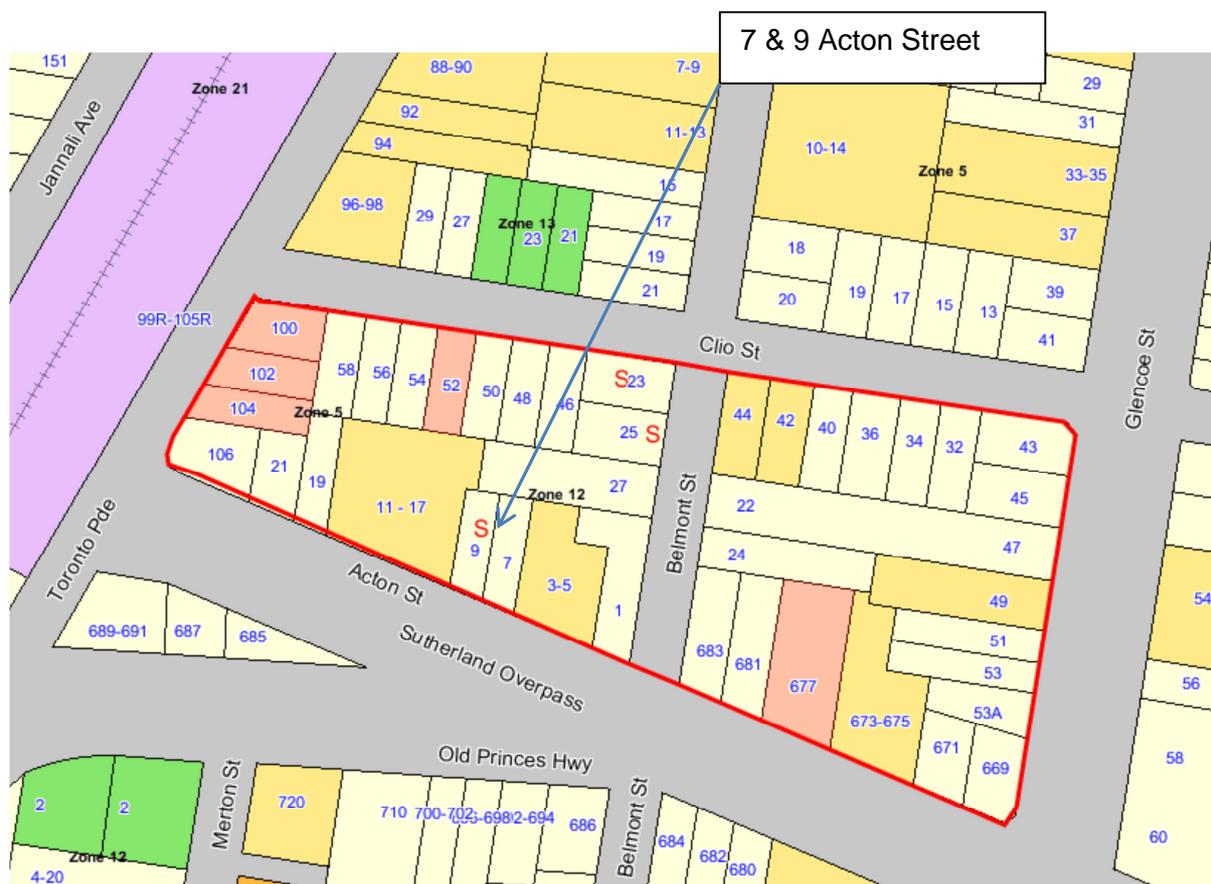
**The owners of both 7 & 9 Acton Street request and support the above proposal.**

I believe a change in zoning from R3 to R4 to allow higher density and height would meet the objectives of the State Governments Metropolitan Housing strategy, particularly being located within approximately 350m of public transport (train) and directly adjacent to a potential major centre in the South Sub Region. I also note that these properties are within the area of Sutherland Council's nomination for Sutherland as an Urban Activation precinct. **(See Attachment 1).**

This change will provide consistency with the zoning of the neighbouring blocks to the South, East and West and act as a transitional zone between R4 and R3 zones. It would also provide land much needed for unit development located close to Sutherland Town Centre.

The draft LEP recommendation to change the current zoning (Zone 5 Multi Dwelling A) to R4 High Residential is supported by its proximity to the Sutherland Town Centre. The subject area is comprised of approximately 41 lots, the majority of which are approximately 600m<sup>2</sup> in size and are in single ownership. There are also six strata title multi dwelling developments with less than 30 % of the area being developed for townhouses under its current zoning. Councils responses to public submissions for the "Clio Street Area" following LEP 1 confirms that only two (2) new townhouse developments have occurred in this area over the past ten (10) years.

The map below shows the subject area in closer detail, outlined in red. Existing strata titled residential developments are shown in dark yellow. Properties with a heritage designation or in council ownership are shown in red, and indicate properties not likely to be redeveloped. The remaining properties in light yellow could potentially be developed under the proposed R4 zoning.



Council has zoned the adjoining blocks south, east and west of these areas for R4 high density residential and development of these areas is progressing, particularly to the west of the railway line. Development of the block bounded by Toronto Parade, Acton, Clio and Glencoe Sts will become less feasible under the current zoning due to the lower maximum densities despite the block being closer to the town centre. There is also no consistency with other proposed R4 zones that front The Grand Pde, Acton Street West and the Old Princes Hwy.

I understand the Draft LEP is endeavouring to meet the state governments Metropolitan Housing Strategy, 2031. Under the draft LEP the majority of existing zones in and around the Sutherland town centre have increases in both height and FSR to meet the state government's housing strategy. It is also recognised that a large proportion of the existing Zone 6 – Multi Dwelling B zones are already developed with Strata Schemes requiring 100% of the owners to agree for redevelopment of a site. With this in mind the likelihood that the majority of existing developed Zone 6 –Multi Dwelling B zones would redevelop and make a significant contributing to the housing strategy targets would be low.

#### **Terms of reference for independent LEP review**

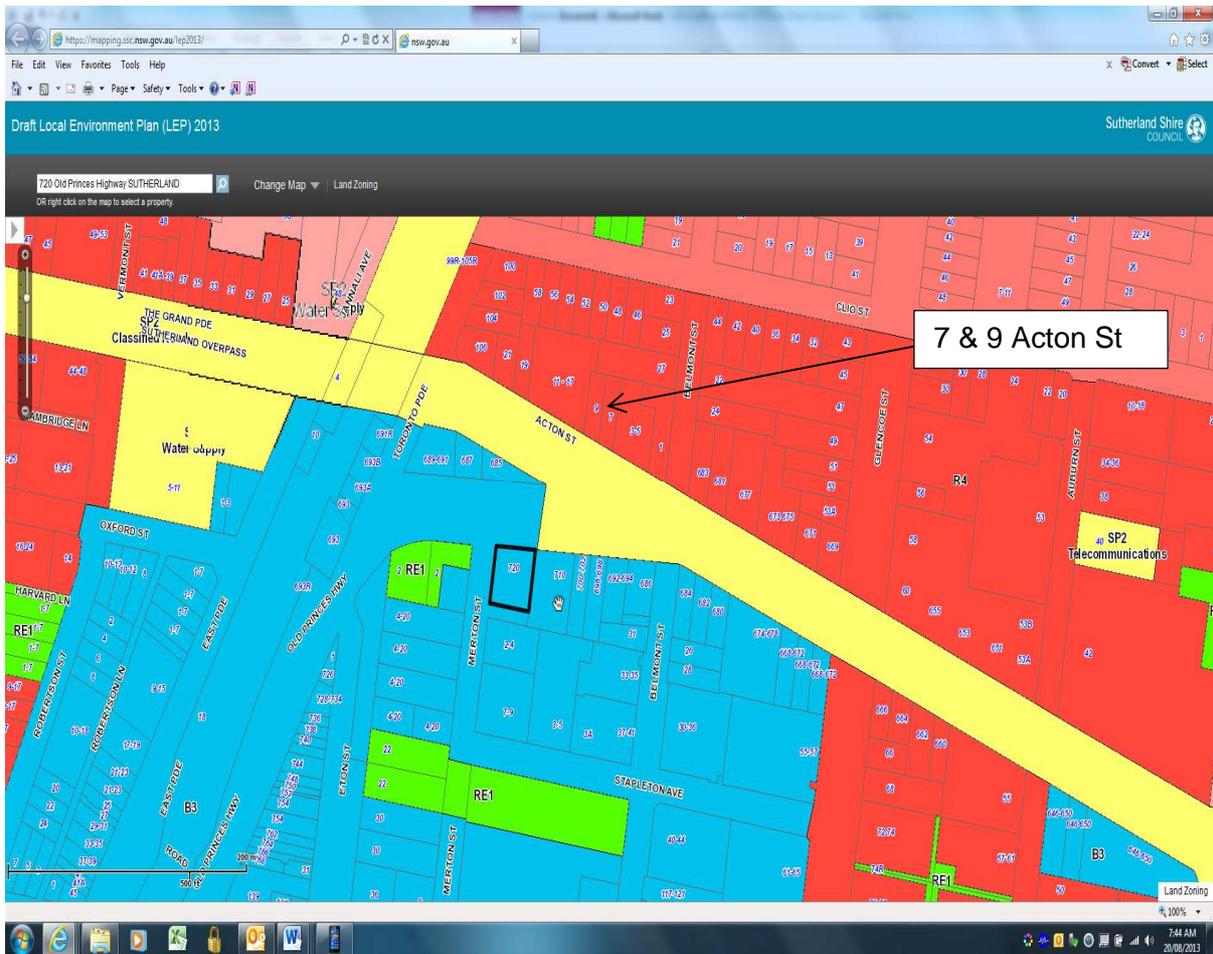
I believe the current Draft Sutherland Shire LEP 2 specific to the Clio Street Area meets point 2 & 3 of the terms of reference by:

- Following the initial draft exhibition and submissions by the public, Sutherland Councils Planning Area provided a response to all Submissions including the Clio street zone. The response recognised the submissions by stating they “have sufficient merit to justify revisiting the rationale for the proposed R3 zoning”. **(See Attachment 2)**

Other points the planning area had highlighted and supported included:

- The submissions argued that there has been very limited take up of villa or townhouse development in the subject area because they were economically unfeasible. A review of development application by council over the past decade confirmed this, with only two new townhouse developments in this location. Council stated “the majority of properties within this area cannot meet their full potential unless amalgamated. This requirement and the low yields under current height and development control, does not provide sufficient incentives to redevelop for villa or townhouse developments. Up zoning the area to R4 could provide this stimulus”.
- Council Planning response; “Much of the area could be redeveloped for higher residential redevelopment. Given its proximity to the urban built form of the commercial and civic precinct to the South and the residential flat zone to the East, it is considered that the low density character of this area no longer reflect “highest and best use of the land”.
- “High density residential development (such as that permitted in the R4 zone) in this location is consistent with the current zoning patterns which surround Sutherland centre and, in a suitable landscape context, can provide a transition to the lower density residential area to the North and East without any adverse impacts or overshadowing. Rezoning the area for R4 High Density Residential would also provide further potential for housing choice, meeting the state’s housing targets for Sutherland and improve local streetscape”.

The Mayoral minute (Clause 18. I) for this zone reflected the planning advice and modified the draft plans for re exhibition to the community.



**Furthermore;**

### **7 & 9 Acton Street Sutherland - Site Specific change to FSR from 1.5:1 to 2:1**

Number 7 and 9 Acton Street Sutherland fronts the Grand Parade and are within 350m of Sutherland town centre, railway station and bus exchange. They are also within 50 m of properties located on the Old Princes Hwy that have a proposed height of 30m and FSR of 3.5:1.

The amalgamation of 7 and 9 Acton St would achieve a width of approximately 27 m and a depth of approximately 42 m with total site coverage being approximately 1060 m<sup>2</sup>. The adjoining blocks to the East and West are two storey townhouse developments that are between 10 and 15 years old so there is no possibility to amalgamate 7 & 9 Acton Street with these lots.

The proposed FSR of 1.5:1 would achieve an area of 1,590 m<sup>2</sup> liveable space. This would achieve a yield of approximately 15-16 x 2 bedroom units at approximately 90 m<sup>2</sup> depending on DCP setbacks which are currently 4 m for rear and side boundaries. This can be achieved with 2 x four storey block designs with a separation of 10 m based on the preferred designs under SEPP 65 Guidelines. The height (maximum 12 m) for this development would

be well within the proposed height limit of 20m for the area but due to the proposed FSR it does not reflect “highest and best use” of this land.

An increased FSR of 2:1 for this specific site would allow a 5 storey development with 20 units at approximately 95 m<sup>2</sup> with the heights being approximately 15m. This would contribute to State Government housing strategy forecasts for the Southern Region of 10,100 dwellings for Sutherland Council. The “guidelines” for separation and design of buildings within SEPP 65 will be manageable. This would also allow for a landscaped area of over 30% with current DCP setbacks of 4 m for rear and side boundaries.

The properties at 7-9 Acton St have no other properties on the Southern side as they front The Grand Pde with pedestrian underpass that provides direct access to the Town Centre and public transport. Therefore there are no properties to the South no adverse solar impacts will occur from an increase height as a result of a slight increase in FSR that will still be within the proposed 20 m limit. The properties located on the East and Western side are both 2 storey (9m) strata townhouses with Northerly aspect.

The requested increase in FSR to 2:1 is also supported by the owner of 7 Acton Street Sutherland.

Should Council wish to discuss the issues raised above please contact me on 0409 393 546.

**As requested in your letter I declare that I have not made any political donations or gifts to any councillor or council employee.**

Regards

Mr & Mrs Christian McNally\*\*

9 Acton Street Sutherland\*\*\*\*\*.

Mrs Sumi

7 Acton Street Sutherland NSW 2232

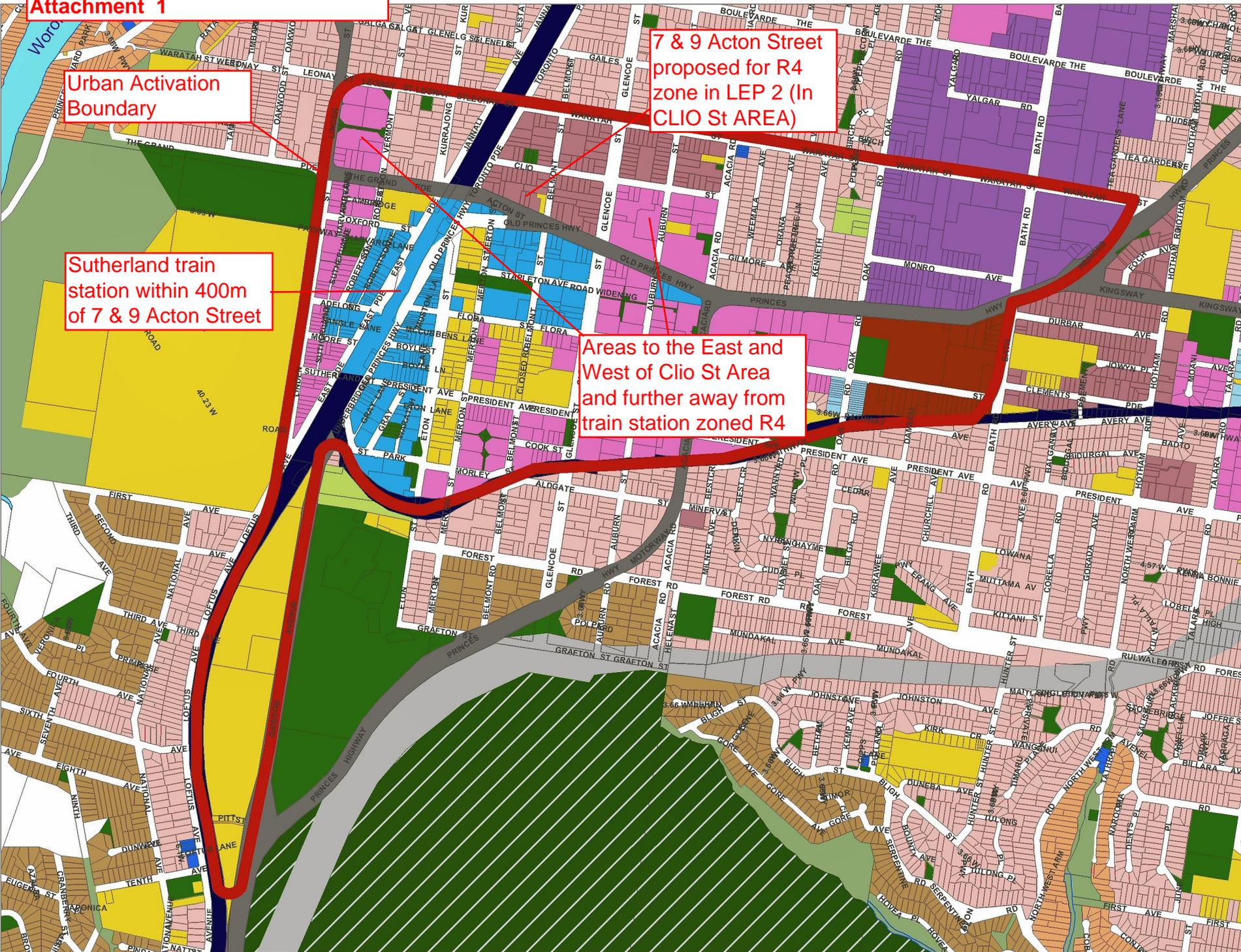
**Attachment 1**

**Urban Activation  
Boundary**

**7 & 9 Acton Street  
proposed for R4  
zone in LEP 2 (In  
CLIO St AREA)**

**Sutherland train  
station within 400m  
of 7 & 9 Acton Street**

**Areas to the East and  
West of Clio St Area  
and further away from  
train station zoned R4**



seek to facilitate growth in housing and jobs in suitable locations close to centres. If council's nomination of Sutherland/Kirrawee Centre is accepted under the Urban Activation Precinct program, the potential of the Kurrajong Street precinct will be reconsidered in more detail.

### **Response to Issues**

It is recommended that the proposed R4 High Density Residential zoning of Kurrajong Street not proceed, except for the lots facing The Grand Parade, 68 and 70 Linden Street and 48 Vermont Street which will proceed as R4 High Density Residential.

The appropriateness of high density housing in the larger Kurrajong Street Precinct be reviewed as part of the Sutherland/Kirrawee Centre Urban Activation Precinct.

### **Specific rezoning Clio Street area**

***Seven (7) submissions were received concerning the area north of Sutherland Centre bound by Acton Street, Toronto Parade, Clio Street and Glencoe Street, Sutherland, requesting it to be rezoned from R3 Medium Density Residential to R4 High Density Residential. They further request that development controls for this location be increased consistent with adjacent R4 zoned areas in Sutherland.***

Seven (7) submissions were received concerning the area north of Sutherland Centre bound by Acton Street, Toronto Parade, Clio Street and Glencoe Street, Sutherland, requesting it to be rezoned from R3 Medium Density Residential to R4 High Density Residential. They further request that development controls for this location be increased consistent with adjacent R4 zoned areas in Sutherland.

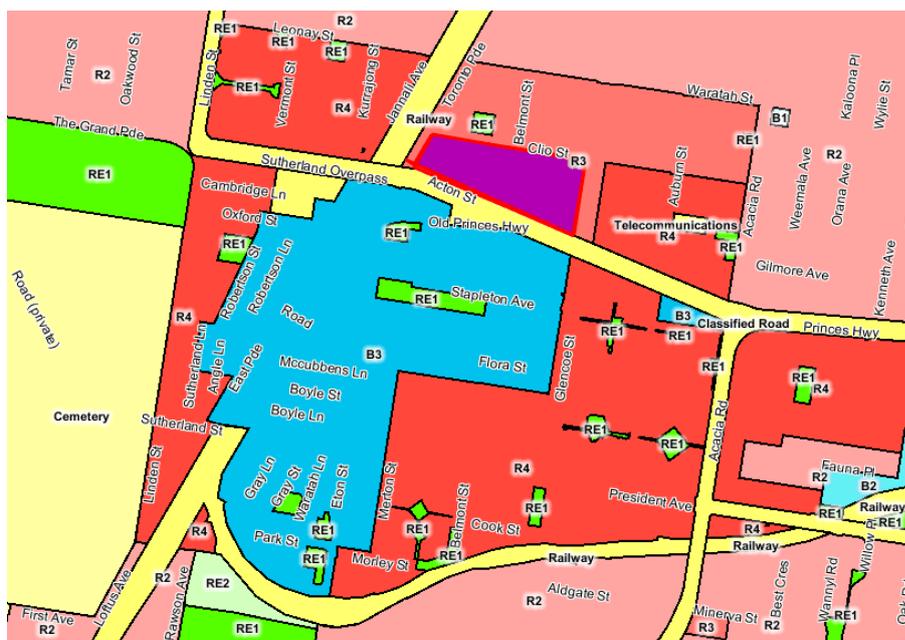
The argument is made that under the current zone designation (Zone 5 – Multiple Dwelling A) and development controls, the subject area has failed to attract the quantum of villa and townhouse development commensurate with its location and potential. Under SSLEP2013, neither the effective zoning nor the development controls for this land are set to change. Therefore, the development of multi dwelling housing in this location remains unfeasible.

The submissions reason that rezoning this location for higher density residential development will complete the ring of R4 zoning around Sutherland Centre, facilitate the improvement of the area's existing "tired" streetscape and create the potential for a more significant contribution towards meeting Sutherland Housing Strategy targets than is possible under the proposed R3 zoning.

## Analysis of Issues

As specified in council's Housing Strategy with respect to Sutherland Centre, the aim is to create an attractive, lively, commercial and administrative centre with increased retail activity, quality residential units and improved pedestrian amenity and connectivity in a context of large trees. The SSLEP2013 seeks to facilitate this outcome by increasing the maximum allowable heights and densities in Sutherland Centre and providing additional housing supply and choice on its fringes.

The subject area (see map below) is on the northern fringe of Sutherland Centre. It is currently designated as Zone 5 – Multiple Dwelling A and proposed to be zoned R3 Medium Density Residential under SSLEP2013. It is largely characterised by wide suburban streets lined by older, one and two-storey detached dwelling houses, and 'reads' like a low density residential zone. The area addressed in the submissions is bound by Acton Street/Sutherland Overpass to the south, Toronto Parade to the west, Clio Street to the north and Glencoe Street to the east.



**Map 1: Area subject to submissions requested to be rezoned from R3 to R4 (in purple).**

The subject area is comprised of approximately 41 lots, the majority of which average approximately 600m<sup>2</sup> in size and are in single ownership. There are also six (6) strata titled multi dwelling developments (which account for 35, or nearly half the total number of dwellings in the area), one (1) Department of Housing property, a place of public worship and two (2) council owned properties, including a child care centre.

An analysis of the seven (7) submissions received concerning this area indicates that, three (3) are from directly affected property owners, with another three (3) being *pro forma* letters from the relatives of one of the property owners, and one (1)

submission from someone who identifies themselves as a 'former Shire resident' and uses the same *pro forma* letter template. It would therefore appear that interests specific to the two properties on the northwest corner of Belmont and Clio Streets are a driving force behind the rezoning proposal. Be that as it may, the issues raised in the submissions have sufficient merit to justify revisiting the rationale for the proposed R3 zoning.

The map below shows the subject area in closer detail, outlined in red. Existing strata titled residential developments are shown in yellow. Properties with a heritage designation or in council ownership are shown in red, and indicate properties not likely to be redeveloped. An 'S' indicates a submission was received from the property owner with respect to this issue.



**Map 2: Subject area highlighting properties already or unsuitable for development, and origin of submissions.**

The submissions argue that there has been very limited take up of villa or townhouse development in the subject area because of their economic unfeasibility under current controls. A review of Development Applications in this area over the past decade confirms this, with only two new townhouse developments in this location during this period. Redevelopment of land in this zone must not result in a site less than 12,000m<sup>2</sup>, thus the majority of properties within this area cannot realise their full development potential unless amalgamated. This requirement, and the low yields under current height and development controls, does not provide sufficient incentives to redevelop for villa or townhouse developments. Up zoning the area to R4 could provide this stimulus.

The submissions contend that because the proposed R3 zoning, height and density controls are a direct transfer from the SSLEP2006, the anticipated future additional

supply and increase in housing choice in this location is unlikely to improve as intended.

The aerial photo below shows the subject area outlined in red. It provides an overview of the current character and development pattern of the area and adjacent districts, and the context for any potential redevelopment.



**Map 3: Aerial view with subject area outlined in red**

Much of this area could be redeveloped for higher density residential development. Given its proximity to the urban built form of the commercial and civic precinct to the south and the residential flat zone to the east, it is considered that the low density character of this area no longer reflect 'highest and best use' use of the land.

High density residential development (such as is permitted in the R4 zone) in this location is consistent with the current zoning pattern which surrounds Sutherland Centre and, in a suitable landscape context, can provide a transition to the lower density residential area to the north and east without any adverse impacts or overshadowing. A potential model for the future development of this area is evident on the east side of Glencoe Street, where its combination of a wide street and landscaped verge provide a high level of neighbourhood amenity. Rezoning the area for R4 High Density Residential would also provide further potential for housing choice, meeting the State's housing targets for Sutherland and an improved local streetscape.

Council should note that this precinct is located within the nominated Sutherland/Kirrawee Urban Activation Precinct. If this nomination is success the merits of this precinct for increased density will be explored in detail. It is considered

that a decision on the future use of this precinct should be part as part of that process.

### **Response to issues**

The appropriateness of high density housing in Clio Street be reviewed as part of the Sutherland/Kirrawee Centre Urban Activation Precinct.

### **Rawson Ave /Waratah Park**

***Miranda RSL seeks to develop the Sutherland Croquet Club and has made a submission in support of increased development potential for this site.***

***A significant number of submissions (approximately 80) were received in opposition to the proposed redevelopment of land along Rawson Ave, adjacent to Waratah Park (the Miranda RSL proposal). The opposition was based on the principle of development occurring on what is perceived as public open space, concern about adverse impacts on flora and fauna. There was also opposition to the scale of development, solar access/overshadowing impacts, traffic impacts, and the possible adverse impacts on the recreational value of the area.***

### **Summary of Issues**

Draft SSLEP2013 proposed to increase the development potential of an accessible area south of the centre between the Cronulla railway line and Waratah Park, known as the Rawson Avenue site. The site has particular strategic importance to the future role and function of Sutherland centre.

The site comprises three lots currently zoned Zone 4 - Local Housing that are to be rezoned as Zone R4 High Density which has been given hotel and motel accommodation; adjacent land currently zoned Zone 15 - Private Recreation has been given additional uses 'educational establishments' and 'seniors housing', with an increase in allowable height to 30m (9 storeys) and FSR 1:1. These provisions facilitate the development of seniors housing in an accessible location, educational uses or hotel or motel accommodation.

Miranda RSL seeks to develop the Sutherland Croquet Club and has made a submission in support of increased development potential for this site. Sutherland Croquet Club opposed the development due to the loss of club and the need to replace such facilities.