

# Submission to Sutherland Shire Council's Amended Draft Local Environmental Plan 2013

2 Murralin Lane, Sylvania

Reference: LP/03/79340

Prepared by

DDC Urban Planning  
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## EXECUTIVE SUMMARY

This submission to Sutherland Council is in relation to the Draft Local Environmental Plan 2013 which is currently on exhibition. It is being lodged on behalf of the owner of 2 Murralin Lane, Sylvania (being Janko Stojic).

Previously a Development Application was lodged with Council seeking to develop the subject site as a child care centre and this was refused. A careful assessment of the site shows that its natural constraints, topography, shape and vehicular access points make this site extremely difficult and potentially unviable to develop.

This site is extremely prominent when travelling west along Princes Highway and an opportunity exists for an attractive residential building which would provide a pleasant addition to much of the new unit development recently constructed on Murralin Lane to the north. The current cottage on the site is very tired and 'dated' and a significant opportunity exists to create a site specific building envelope and thereby facilitate its redevelopment.

This submission seeks to allow for a three (3) storey residential apartment building above basement parking. This request is supported and justified by the following points:

- This site would complement the existing building form over the road at 7 Murralin Lane. This unit block also comprises three (3) levels above basement parking. It would also complement other two and three storey residential apartment buildings nearby to the north and north-west.
- The proposal only seeks a minor increase to the allowable FSR but seeks to arrange the floor space vertically.
- The site's steep topography, triangular shape and difficult access issues make it almost impossible to create an appropriate case for any permissible commercial-style development – such as a child care centre or consulting rooms.
- The current zoning controls permit town houses, however the unique site constraints will never allow a town house style development. Furthermore, no amalgamation possibilities exist with any nearby sites.
- The subject site is located on the busy Princes Highway and has insufficient amenity to warrant the capital required for a new house or dual occupancy development.
- This is a stand-alone site at the base of a small escarpment. All other adjoining homes to the west along Princes Highway are located on top of this escarpment.
- The site is located over the road from commercial and high density residential zones which allow for 13m and 16m building heights. It is considered that it would not be out of character with the overall area.
- This proposal will assist in providing a more affordable and smaller housing option than a traditional large house. Additionally its location on a major road will also create affordable rental or purchase options for young families in the Shire.

# 1. INTRODUCTION

This submission requests that Council consider approving an amendment to Sutherland Shire Local Environmental Plan 2006 to rezone 2 Murrallin Lane, Sylvania. Council is well advanced in its preparation and exhibition of a new draft LEP 2013 and the zoning allocations for the draft LEP 2013 have been nominated. The subject site has been nominated as zone R3 – Medium Density Residential zone in the draft LEP 2013.

This submission seeks to allow for the site to be rezoned as follows:

- Allocate an R4 – High Density Residential zone,
- Apply a maximum building height of 16m, and
- Apply a maximum floor space ratio of 1:1.

If amenable to the application, Council is able consider this request as part of its broader implementation of the draft LEP or as a site-specific Planning Proposal. Whatever the case, this submission has been prepared in accordance with guidelines and information required around Planning Proposals which will allow Council to enact a rezoning in whichever way it deems appropriate. This submission addresses all the key considerations and justification for the rezoning which must be considered by Council (refer Appendix).

## **Why is rezoning the site a desirable outcome?**

The need for the additional density on this site exists because of the site's unique natural constraints and main road location:

- Its unique triangular shape makes any form of town house development almost impossible;
- It has a slope of 4.5m from back to front and significant rock formations at the rear making any medium density development extremely difficult;
- No amalgamation with other sites is possible due to all other sites being located on top of the small escarpment to the west;
- It's location on the busy Princes Highway does not warrant its development as a large single dwelling or dual occupancy due to poor amenity;
- Its corner location on Princes Highway also makes vehicular access to the site difficult and potential dangerous for commercial style uses.

In short the site will never be developed as a town house site and is highly unlikely to even be redeveloped as an attractive residence.

Previous attempts were made to get a pseudo-commercial use approved on the site (child care centre) however the site constraints proved too great.

Furthermore, most other sites in the immediate vicinity are already built as two and three level unit development above basement parking. 13m and 16m height controls apply over the other side of Princes Highway and exist on the other side of Murrallin Lane already. It is contended that the same controls for this site are appropriate and reasonable and will allow this site to be unlocked for development. This will not only provide more affordable units to this area but be a more attractive building on the main road.

Circumstances therefore mean there are only two real options for this site into the future:

Do nothing:	The existing dilapidated house is likely to remain visually prominent;
Rezone to R4:	A small unit development provides an attractive visual feature for motorists driving into Sylvania.

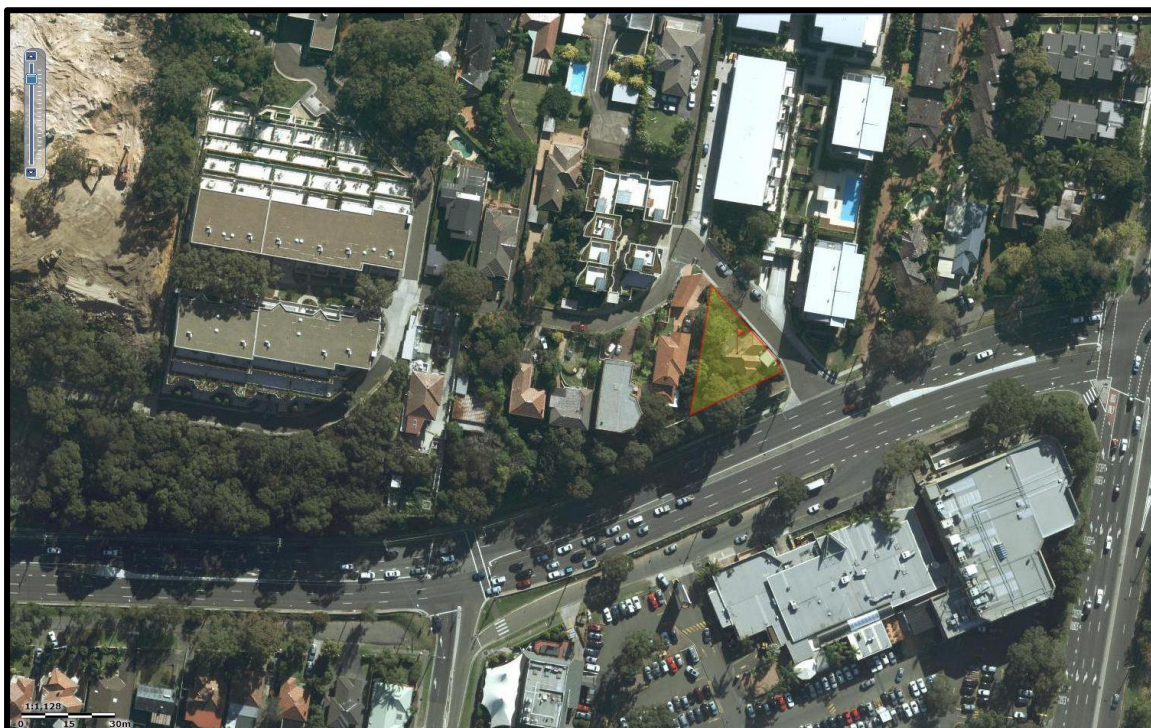
## 2. SITE AND CONTEXT

The specific property is described as Lot 60 DP1046191. It has a frontage of 36.385m to Murrallin Lane which includes a splay corner of 4.33m. It has a frontage of 33.41m along Princes Highway and a western boundary length of 43.10m. The site has a total area of 608.8m<sup>2</sup>. The site has a significant rock shelf at the rear of the site along its northern boundary. The highest contour on the site is RL 29.5 and the lowest contour line crossing the site is RL 25.0m. This gives the site a fall of 4.5m from the back to the front.

Several significant large trees exist in the back corner of the site near the western corner and also in the northern corner. The northern corner vegetation will easily be retained. It is likely that two significant trees would be removed from the back western corner of the site, one pine tree on the corner of Princes Highway and one near the north-western boundary. In total it is likely that four trees will be removed.

Several large trees exist in the road reserve along Princes Highway and these will obviously be retained.

**Photo 1** below shows the aerial view of the site with apartments to the north and east and Southgate shopping centre south on the other side of Princes Highway.





**Photo 2** below shows a closer view of the site and surrounding unit development along the lower level of Princes Highway immediately east of this site.



**Photo 3** below looking west along Princes Highway shows the existing house on site and the current access arrangements on the site:



**Photo 4** looking north over Princes Highway from Southgate shopping centre shows the adjoining houses on the top of the escarpment:



### 3. MASSING MODEL ANALYSIS

As part of this submission an indicative massing model (or building envelope) has been prepared to gain a preliminary understanding of impact, amenity and overall context. The model prepared for the site is approximately 14.7m at its highest point from the top of a likely roof height to the ground level below. The proposed form is three storeys above basement parking and, if approved, would be defined by the following controls:

- A maximum building height of 16m (Area “O” on the Height of Buildings Map in draft LEP 2013). This would allow a residential building comprising four (4) storeys; that is three (3) residential floors above a basement car park which protrudes out of the ground at the front of the site due to the steeply sloping site.
- A maximum floor space ratio of 1:1 (Area “N” on the Floor Space Ratio Map).

This section will examine the possible building footprint and building form within its broader context. This analysis is considered important to ensure that a reasonably compliant building can actually be designed for this site. Obviously, a full design of the site has not yet been carried out and so it must be understood that this appraisal is indicative only and the final design may vary considerably. It is simply a rough massing model to assist in understanding the site.

#### **4.1 Site Analysis**

This section aims to examine the form and scale likely to result from any building on this site. It helps explore the connection to the street, side and rear setbacks and distances to nearby buildings.

The triangular shape of the site and its unique constraints mean that limited design opportunities exist on the site in terms of overall building envelope.

It is considered appropriate to ensure that the Murrallin Lane elevation towards the east is the most considered given that is what motorists see driving west along Princes Highway. Solar access to the north will also guide the general layout of the building. The need to be sensitive to the southern elevation along Princes Highway is also important.

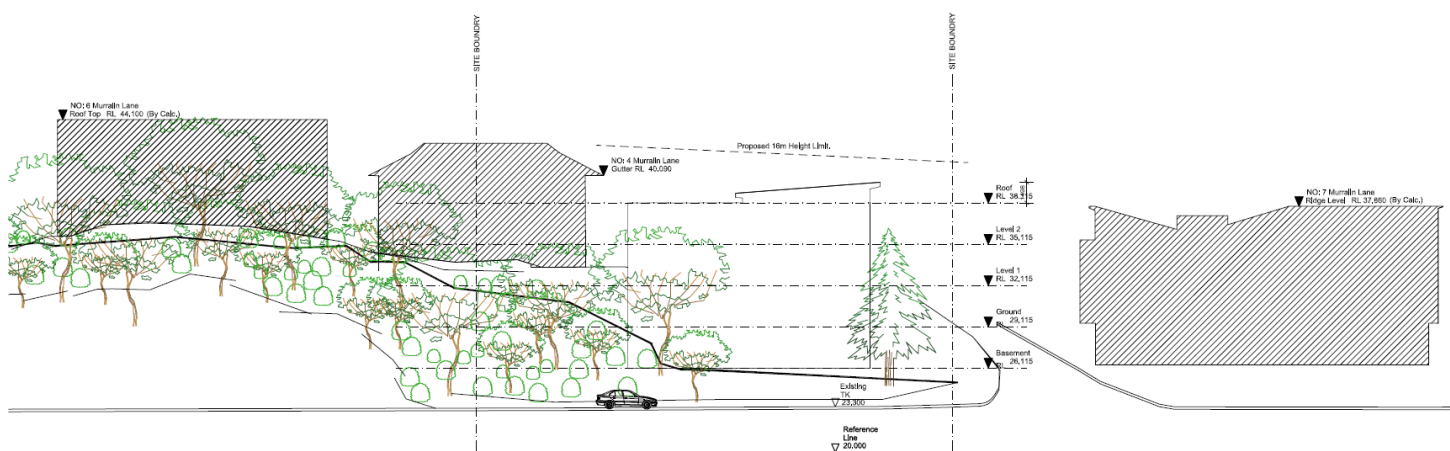
Given these parameters the following massing model is presented to help understand the bulk and scale of a typical building that would be permitted if the site were rezoned.

Obviously the finer detail of any building proposed may vary at the DA stage and it would look far more ‘softer’ on the site. This is a rough building form only. The darker grey areas on the front of the building denote likely balcony locations as an example of a possible future design.

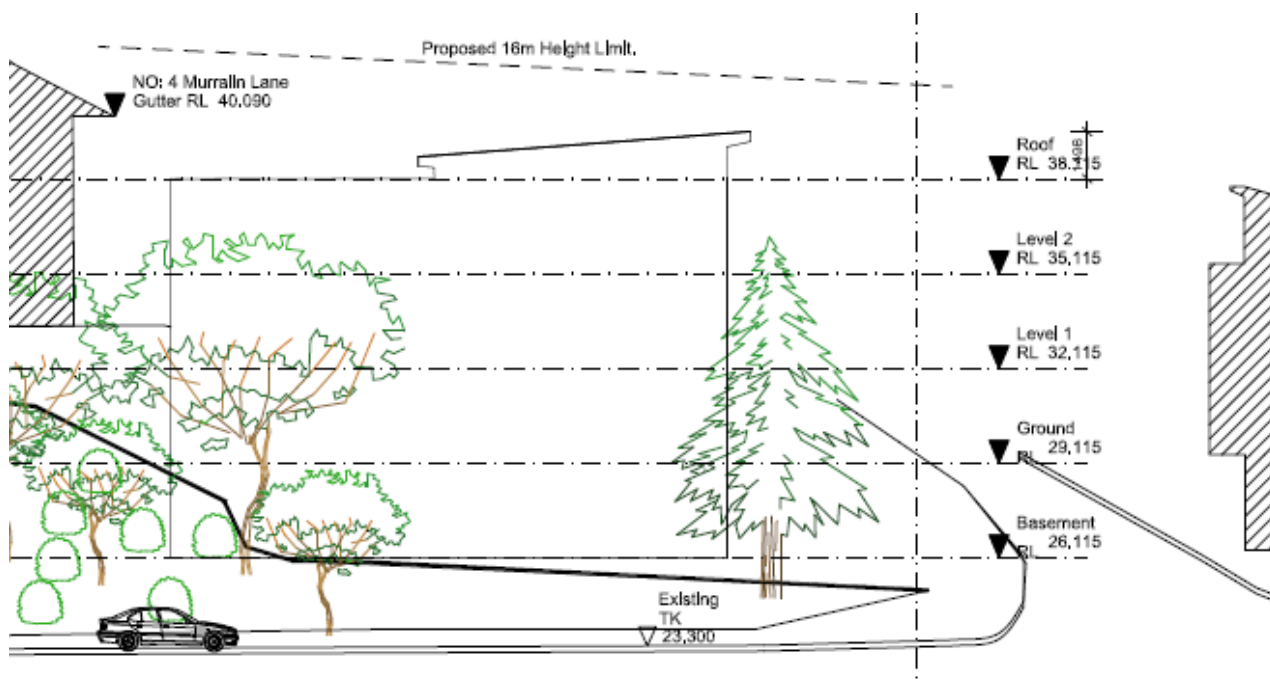




## 4.2 Specific Building Form Analysis



The image above shows a more detailed building form analysis in its immediate setting – looking north from Princes Highway. This clearly illustrates the height of the escarpment and the buildings to the west. It also shows the building over the road at 7 Murrallin Lane to the east which is of a similar height and form to the one proposed. A detailed plan of larger scale is attached as an Appendix B and the subject site shown below (zoomed in).



#### **4.3 Footprint Analysis - Setbacks**

Due to the awkward triangular shape and topography of the site and the need to provide a workable basement, large setbacks to boundaries are not possible even for a modest-sized building footprint. Given there are really no adjoining properties at the same level of this site, the possible setbacks envisioned for this building envelope are considered reasonable. These setbacks will vary slightly however it is imperative that Council understand that any approval of this building envelope will necessitate setbacks in this order. This will be an important part of any future DA process which will take an 'outcome-based' approach to site controls given its unique constraints.

The setback to Princes Highway is also considered appropriate due to the large road reserve existing between the site and the carriage way. Indeed this piece of land looks as though it is part of the site, but it is not.

The indicative building footprint below would eventually have balconies attached and will change in shape depending on final building design and site constraints.

A further sketch showing the likely setbacks of a typical building is also attached for reference.



#### **4.4 Overshadowing Analysis**

Overshadowing has no real impact on any other property as the bulk of the shadowing occurs onto Princes Highway and its intersection with Murralin Lane.

#### **4.5 SEPP 65 Analysis**

A brief analysis of the building form indicates that all units will be able to receive 3 hours of sunlight between 9am and 3pm. It is considered that the layout will provide for a high degree of amenity with units having a northerly and easterly aspect.

Building separation is generally very good to other buildings although the separations to the adjoining property to the west will need to be managed appropriately for maximum privacy. It is considered that this will be readily achievable.

## APPENDIX A

### CONSIDERATIONS RELEVANT TO REZONING LAND

### SUMMARY OF PLANNING PROPOSAL CONSIDERATIONS



## PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of this submission (Planning Proposal) is to rezone the subject site to allow for the following outcomes:

- A maximum building height of 16m (Area “O” on the Height of Buildings Map). This would allow a residential building comprising four (4) storeys; that is three (3) residential floors above a basement car park which protrudes out of the ground at the front of the site due to the steeply sloping site.
- A maximum floor space ratio of 1:1 (Area “N” on the Floor Space Ratio Map).
- A rezoning of the subject site to R4 – High Density Residential.

## PART 2 – EXPLANATION OF PROVISIONS

The Sutherland Shire Council Local Environmental Plan (SSLEP) 2006 contains town planning controls for all development in the Sutherland Shire. Supporting the written document, there are maps referred to by the SSLEP that identify specific environmental aspects that control development. The relevant maps for this proposal include zoning, height and density control.

Pursuant to SSLEP 2006 the site is:

- currently within Zone 5 – Multiple Dwelling A.
- not allocated a height and so reverts to the default position of 9m pursuant to Clause 33(4).
- not allocated a floor space ratio and so reverts to the default position of 0.45:1 for a dwelling house or dual occupancy or 0.7:1 for town houses pursuant to Clause 35(8).

The key controls in SSLEP 2006 and their relevance to the Planning Proposal are summarised in Table 1 below. (Source: Sutherland Council LEP 2006).

Residential Flat Buildings are not currently permissible in the zone and a rezoning of land to R4 – High Density Residential is required to accommodate the proposed building envelope.

**Table 1 – Relevant SSLEP 2006 Controls**

SSLEP 2006 Provisions	Relevance to Planning Proposal
<p><b>Clause 11 Zoning Table</b></p> <p><b>Objectives of zone (Zone 5)</b></p> <p>The objectives of this zone are as follows:</p> <ul style="list-style-type: none"> <li>(a) to allow multiple dwellings that complement the predominantly urban landscape setting of the zone,</li> <li>(b) to allow development that is of a scale and nature that provides a transition from Zone 4—Local Housing,</li> <li>(c) to permit development on land at a density that is appropriate in terms of the land's proximity to services, facilities, employment opportunities and public transport,</li> <li>(d) to provide a range of housing choices in accessible locations.</li> </ul>	<p>The entire Shire is subject to a new draft LEP which would be the likely mechanism to implement this Planning Proposal if it is supported. For clarity the subject site is currently within Zone 5 which is proposed to become Zone R3 under the draft LEP 2013.</p> <p>This Planning Proposal seeks to change the zone of the land to R4 – High Density Residential and to allocate different height and floor space provisions.</p> <p>Residential Flat Buildings are not permitted within the current zone.</p> <p>Objective (a) and (c) are very important in the overall consideration of the planning proposal. It is contended that a new scale and form proposed is comparable with the nearby residential units which were established under existing use rights. This site remains isolated at the base of an escarpment and of such a shape and size that it can never even accommodate town houses.</p> <p>This planning proposal will support all of these objectives within the context of a vertical arrangement of dwellings on a unique site which is directly over the road from the shops and services of Sylvania.</p>
<p><b>Clause 33 Building Height</b></p> <p><b>(2) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to ensure the scale of buildings: <ul style="list-style-type: none"> <li>(i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and</li> <li>(ii) complements any natural landscape setting of the buildings,</li> </ul> </li> <li>(b) to allow reasonable daylight access to all buildings and the public domain,</li> <li>(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,</li> <li>(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,</li> <li>(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones.</li> </ul> <p>(3) The consent authority must not consent to development for the purpose of a building unless it has considered the objectives of this clause.</p> <p>(4) Height of building generally—default position A building must comply with each of the following:</p>	<p>All objectives relating to Building Height remain relevant.</p> <p>The Height and Density Control Map in SSLEP 2006 does not allocate a specific height control for the subject site and so is limited to two (2) storeys pursuant to Clause 33(4) which is a catch-all clause for buildings in the zone. No specific height controls apply to Zone No. 5.</p> <p>Under the currently-exhibited draft LEP a height control of 9m is proposed for this site.</p> <p>This proposal is clearly seeking to establish a site specific form for a prominent gateway site. The only site similar to this site is located over the road at 7 Murrallin Lane and has already been developed as three storey residential apartments above basement. All other nearby sites are located to the west and on the top of the escarpment.</p> <p>This submission therefore proposes to amend the draft LEP controls being considered for the site.</p>

<p>(a) the building must not comprise more than 2 storeys,</p> <p>(b) the building must not exceed the following:</p> <ul style="list-style-type: none"> <li>(i) a height of 7.2 metres, as measured vertically from ground level to any point on the uppermost ceiling in the building,</li> <li>(ii) a height of 9 metres, as measured vertically from ground level to the highest point of the roof of the building.</li> </ul>	<p>In summary this submission concludes that the site is capable of accommodating a 16m building. This would involve amending the draft LEP "Height of Building" maps accordingly to be nominated in Area "O".</p>
<p><b>Clause 35 Building Density</b></p> <p><b>(2) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to ensure that development is in keeping with the characteristics of the site and the local area,</li> <li>(b) to provide a degree of consistency in the bulk and scale of new buildings that relates to the context and environmental qualities of the locality,</li> <li>(c) to minimise the impact of buildings on the amenity of adjoining residential properties,</li> <li>(d) to ensure, where possible, that non-residential buildings in residential zones are compatible with the scale and character of residential buildings on land in those zones.</li> </ul> <p>(8) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 5—Multiple Dwelling A is as follows:</p> <ul style="list-style-type: none"> <li>(a) in the case of a dual occupancy or dwelling house—0.45:1,</li> <li>(b) in the case of a hostel—0.75:1,</li> <li>(c) in any other case—0.7:1.</li> </ul>	<p>All objectives relating to Building Density remain relevant.</p> <p>The Height and Density Control Map in SSLEP 2006 does not allocate a specific floor space ratio for the subject site and so is limited pursuant to Clause 35(8). The maximum allowable FSR would be 0.7:1.</p> <p>FSR is a very general tool in terms of creating desirable urban form. Consistent building forms will produce different floor space ratios for a larger square site than it may for a narrow smaller site. In broad terms it is the urban form which establishes the character of a residential precinct or town centre. Notwithstanding this FSR controls are more relevant in a residential context rather than a commercial situation.</p> <p>In this case it is contended that this site is extremely unique and therefore best designed with a site specific building envelope. The FSR simply 'drops out' of the desired building.</p> <p>In summary this submission concludes that the site is capable of accommodating a floor space ratio of up to 1:1. This would involve amending the draft LEP "FSR" maps accordingly to be nominated in Area "N".</p>
<p><b>Clause 48 Urban design—general</b></p> <p>The consent authority must not consent to development unless it has considered the following matters that are of relevance to the development:</p> <ul style="list-style-type: none"> <li>(a) the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained by the proposed development,</li> <li>(b) the extent to which any proposed buildings are designed and will be constructed to: <ul style="list-style-type: none"> <li>(i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and</li> <li>(ii) contribute to the desired future character of the locality concerned,</li> </ul> </li> <li>(c) the extent to which recognition has been given to the public domain in the design of the proposed development and the extent to which that design will facilitate improvements to the public domain,</li> <li>(d) the extent to which the natural environment will be retained or enhanced by the proposed</li> </ul>	<p>All matters relating to Urban Design - General remain relevant.</p>

<p>development,</p> <p>(e) the extent to which the proposed development will respond to the natural landform of the site of the development,</p> <p>(f) the extent to which the proposed development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas,</p> <p>(g) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles.</p>	
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## PART 3 – JUSTIFICATION

The NSW Department of Planning has a publication entitled “Guidelines for Preparing Planning Proposals”. It outlines a range of questions which will be answered as part of the Justification process. Prior to dealing with these questions it is appropriate to provide an urban design justification for this proposal.

### Section A – Need for the planning proposal

#### 1. Is the planning proposal a result of any strategic study or report?

No.

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to be an appropriate means of achieving the stated objectives and intended outcomes. Sutherland is undergoing much change as new zones and densities are identified across the Shire.

In this current situation the best means would be to include the land in the consolidated Shire-wide LEP currently on exhibition. If this method is selected it is still appropriate that the justification work has been undertaken in any case.

#### 3. Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of a development or rezoning outweighs the sum of all costs. The justification to proceed with the planning proposal has taken into consideration the public interest and the consequence of not proceeding with the change in height and FSR.

Table 2 below provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test set out in the Department of Planning's draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the proposed LEP amendment.

Sutherland Council, in the “*Cronulla Centre Review – January 2011*”, noted that:

*“recently completed prestige developments, both commercial and residential, have provided the public benefit of improved streetscapes and contributed to a revitalisation of those parts of Cronulla”.*

This is a very accurate statement and it is well established that shopping centres with people living in and around them are more likely to thrive, particularly as people forge a connection and ownership with their centre. Obviously Sylvania is not Cronulla however this principle stands true.

Based on the responses to the key evaluation criteria in Table 2, it is considered that the proposed changes to the Sutherland Shire LEP will produce a small net community benefit. There are very few costs to the community however it is also acknowledged that massive benefits are also difficult to claim for a residential flat building. The benefit while positive would be reasonably modest.

**Table 2 – Net Community Benefit Test Assessment**

Evaluation Criteria	Assessment	✓/x
<p>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p>	<p>More detailed assessment of the proposal's compatibility with State and regional strategic direction is provided in Section B4 of this proposal.</p> <p>Sylvania is certainly not a major centre within the context of Sydney however locating new housing close to transport is a key direction of the Government.</p> <p>The Planning Proposal is directly over the road from Southgate Shopping Centre and the intersection of Princes Highway and Port Hacking Road. From here there are regional bus services connecting into Hurstville interchange (17 minutes only) and south to Miranda Shopping Centre (9 minutes only).</p> <p>The Metropolitan Strategy outlines the government direction in relation to Sydney's development.</p> <p>Strategic Direction B – Growing and Renewing Centres is relevant to this proposal. This Direction notes that <i>“concentrating a greater range of activities near one another in centres well served by public transport makes it easier for people to go about their daily activities and helps to create lively, functional places in which to live, work, socialise and invest.”</i></p> <p>Direction B goes on to note: <i>Focusing new housing in and around centres helps to make efficient use of existing infrastructure, increases the diversity of housing supply, allows more trips to be made by public transport and helps strengthen the customer base for local businesses.</i></p> <p>The proposed amendment is compatible with Objective B1 – To Focus Activity in Accessible Centres:</p> <ul style="list-style-type: none"> <li>• Plan for centres to grow over time (Action B1.1);</li> <li>• Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport (Action B1.3);</li> </ul> <p>The proposed amendment is compatible with Objective B3 – To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport:</p> <ul style="list-style-type: none"> <li>• Plan for urban renewal in identified centres (Action B3.2);</li> </ul>	<p>✓</p>
<p>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or sub regional strategy?</p>	<p>Sylvania is not an identified major centre but rather a neighbourhood centre in the Sydney Region South sub-regional strategy</p>	<p>N</p>

Evaluation Criteria	Assessment	✓/x
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposed LEP variation would relate to this one site only. It is uniquely isolated at the base of an escarpment, on a steeply sloping site which is triangular in shape. It is located right on Princes Highway and has almost no development potential other than units. The only similar sites in the region (located to the east and the north) have already been developed for three storey residential units. No precedent can be created for this proposal	✓
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The effects of all rezoning are being monitored in general terms for the amount of new dwellings being provided. This is being monitored via Sutherland's Housing Strategy. The overall outcome is a clear desire to build a framework to attract new housing and jobs to the town centres within Sutherland.  This proposal will bring new residents to an area in an affordable location immediately adjacent to Southgate Shops.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	It does not generate new employment and there will be no loss of employment lands.	N
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	There will only be a positive impact on the supply of residential housing. It will also increase smaller housing products near public transport.  This proposal will also enhance affordable housing in the area. Many of the units developed on Murrallin Lane are at the top of the escarpment and enjoy water views. These are not affordable. This is the one remaining property at the bottom of the escarpment adjacent to the Highway and all housing approved here would be more affordable to existing and future Shire residents.	✓
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?	All existing services are capable of taking additional accommodation proposed around the centre.	✓
Is there good pedestrian and cycling access?	Pedestrian access is very good and the site is only about 50m from Port Hacking Road intersection. Crossing lights are available here providing access to public transport and Southgate shops.	✓
Is public transport currently available or is there infrastructure capacity to support future public transport.	Public transport is available via bus services directly to Miranda (9 mins) and Hurstville (17 mins). These services are located about 50m from the site.	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?	Having more residents locate near transport reduces car distances travelled and allow for more sustainable housing.	✓
If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	For city travelers, the option exists to drive to Sutherland and travel into the city from there. A city train can also be caught from Hurstville.	✓

Evaluation Criteria	Assessment	✓/x
	The likely impact of reduced travel distances local residents will be a decrease in greenhouse gas emissions, reduced air pollution, reduced operating costs for vehicles, more time with family and friends.	
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?  If so, what is the expected impact?	No negative impact, but no major services of this nature.	<b>N</b>
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?	No.	✓
Is the land constrained by environmental factors such as flooding?	No	✓
Will the LEP be compatible or complementary with surrounding land uses?	The LEP will be compatible with existing residential uses adjoining the site. High density residential housing is located over the road from the site and immediately to the north. It is understood that much of this was developed under Existing Use Rights provisions however it still establishes the character for the area. This proposal seeks to adopt the same scale as the building over the road – 3 storeys above basement parking.	✓
What is the impact on amenity in the location and wider community?	The proposal has very little impact on the amenity of the wider community. Indeed it is contended that it will make the area far more attractive.  The proposal will only shadow the Princes Highway and cause no loss of privacy to any other building.	✓
Will the public domain improve?	The only adjoining site is located on top of the escarpment to the north-west. There is likely to be a minor impact to some of its south-eastern and eastern views over the shopping centre and across the region. It is also noted that the sense of 'space' will also be impacted by the presence of a building nearby.	<b>X</b>
	This proposal will improve the public domain. The site is currently home to a tired old cottage and is not really an attractive view from the major intersection nearby – Port Hacking Road. Thousands of drivers move past this site every day and an opportunity exists to create an elegant and attractive building on this feature corner site.	✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No.	<b>N</b>

Evaluation Criteria	Assessment	✓/x
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	This proposal is on a site which adjoins an existing neighbourhood centre.	<b>N</b>
What are the public interest reasons for preparing the draft plan?	The public interest for preparing the draft plan will be a number of economic and social benefits including: <ul style="list-style-type: none"> <li>▪ The creation of an attractive new feature building on a prominent site which is currently quite unattractive;</li> <li>▪ It will bring more people in proximity to local commercial businesses;</li> <li>▪ A new mix of more affordable housing in this area of Sylvania;</li> <li>▪ The location of smaller housing units next to public transport.</li> </ul>	<b>✓</b>
What are the implications of not proceeding at this time?	No immediate implications at this time.	<b>N</b>

## Section B – Relationship to strategic planning framework.

### 4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

It is not inconsistent in that it locates new housing near centres and close to transport. This is not a major centre however and this is not a significant development.

**Table 3 – Relationship to Strategic Planning Framework**

METROPOLITAN PLAN FOR SYDNEY 2036	
STRATEGIC DIRECTION A: STRENGTHENING THE 'CITY OF CITIES'	COMMENT
<b>OBJECTIVE A2</b> To achieve a compact, connected, multi-centred and increasingly networked city structure.	It is the clear intent of the Metropolitan Plan to establish each centre with appropriate development to stimulate appropriately located housing and employment uses to reduce travel times around the city. This proposal accords with this vision and will allow more people to live near this neighbourhood centre which is well connected to existing transport infrastructure.  It is also a key objective of the NSW Government to locate more people closer to their places of work. This achieves that objective as well.
<b>OBJECTIVE A3</b> To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing areas	Proposal will provide for additional housing in an existing residential area and will not contribute to the growth of the urban footprint.  The nature of this specific site (slope, shape, size,



	<p>access) means that the site is currently unviable for any development – town houses don't fit and it is not viable site to develop as a dwelling house as no owner would the money required to live in a single house at this location. Without the ability to vertically stack dwellings, it is unlikely this site will ever be renewed.</p> <p>This proposal seeks to achieve an outcome where this can be done in an appropriate building envelope in an area being developed for residential apartments. By virtue of Existing Use Rights to the north and R4 zones over the road on Princes Highway, this site is almost a zoning anomaly and one which can be easily fixed to the benefit of a fairly harsh urban environment.</p> <p>This is a very appropriate infill development proposal.</p>
<b>STRATEGIC DIRECTION B: GROWING AND RENEWING CENTRES</b>	<b>COMMENT</b>
<p><b>OBJECTIVE B1</b> To focus activity in accessible centres.</p> <p><b>Action B1.1</b> Plan for centres to grow over time</p> <p><b>Action B1.3</b> Aim to locate 80% of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.</p>	<p>The Planning Proposal will make use of existing infrastructure, increase housing supply, allow more trips to be made by public transport and strengthen the customer base for local business in the Sylvania.</p> <p>The strategy endorses that “<i>Development will occur within the walking catchments of centres.</i>” It also goes on to note that “<i>LEPs will be used to provide capacity for the desired growth.</i>”</p> <p>While it is not promoted that this is a major growth centre, this is a sustainable proposal within the context of the smaller Sylvania Centre.</p>
<p><b>OBJECTIVE B3</b> To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport.</p> <p><b>Action B3.2</b> Plan for urban renewal in identified centres</p>	<p>Some of the key outcomes of this objective which are supported by the Planning Proposal are:</p> <ul style="list-style-type: none"> <li>• revitalise existing centres to create vibrant places where it is pleasant to live, work and socialize;</li> <li>• enhance public domain and civic spaces;</li> <li>• improve centre economies by clustering activity to enhance business viability;</li> </ul> <p>The Planning Proposal will stimulate the redevelopment of older style residential houses buildings to improve both the standard of design and the amenity of future residents. It will also promote high quality, sustainable residential development which will dramatically improve the appearance of a prominent site on Princes Highway.</p>

STRATEGIC DIRECTION D: HOUSING SYDNEY'S POPULATION	COMMENT
<p><b>OBJECTIVE D1</b> To ensure an adequate supply of land and sites for residential development</p> <p><b>Action D1.1</b> Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent of new housing in new release areas</p> <p><b>Action D1.2</b> Reflect new sub regional housing targets in Sub regional Strategies and Local Environmental Plans, and monitor their achievement.</p>	<p>Planning Proposal will allow for the redevelopment of a site for increased residential development.</p> <p>This Planning Proposal seeks to locate new housing adjacent to an existing urban centre.</p> <p>In a very modest way, this Planning Proposal will assist Council in meeting their housing targets through the new draft LEP 2013.</p>
<p><b>OBJECTIVE D2</b> To produce housing that suits our expected future needs.</p> <p><b>OBJECTIVE D3</b> To improve housing affordability</p> <p><b>Action D3.1</b> Explore incentives to deliver moderately priced rental and purchase housing across all sub regions</p>	<p>Planning Proposal will provide for additional dwelling units to meet the expected future needs of the community as identified in Council's Housing Strategy. It is also well established that small housing units are required within Sutherland to assist with affordability issues facing the shire.</p> <p>Greater diversity brings greater choice allowing young residents to remain in the Shire as they establish their own homes. This is a strong social benefit which serves to strengthen the family unit as well.</p> <p>As supply increases, so will affordability increase. This process will also flow through to rental affordability as well which has strong ties to capital value. This particular site is located on a very busy road and therefore these units will be more affordable than many other elevated units on Murrallin Lane with water views.</p>
<p><b>OBJECTIVE D4</b> To improve the quality of new housing development and urban renewal</p>	<p>Sutherland Council has already shown that increasing development potential has been necessary to activate the market. As already mentioned this site has no feasibility as a town house site due to size, location, shape and topography. It will remain a fairly low quality cottage until a zoning change provides appropriate feasibility to allow for its redevelopment.</p> <p>This Planning Proposal will allow for this renewal to take place as part of the Shire-wide review of building densities.</p> <p>It is considered absolutely appropriate that a small unit block would exist on this prominent corner site. It overshadows the main highway and causes no significant loss of privacy to any other dwelling.</p> <p>Council's initiatives in terms of Design Review Panels and the implementation of SEPP 65 are also assisting to improve quality.</p>

<b>DRAFT SYDNEY SOUTH SUBREGION STRATEGY</b>	
<b>CENTRES AND CORRIDORS</b>	<b>COMMENT</b>
<b>OBJECTIVE B2</b> <b>Increase densities in centres whilst improving livability</b>	<p>This site has already been earmarked for medium density but site constraints mean this is impossible. No amalgamation possibilities exist as adjoining properties are located on top of the escarpment. This is a unique site which requires a zoning change in order to access any of its development potential – simply because the dwellings must be stacked vertically.</p> <p>It is only requested that a 0.3:1 increase in allowable FSR will be required to provide adequate feasibility for this to take place. it is just proposed that it be arranged vertically.</p>
<b>OBJECTIVE B4</b> <b>Concentrate activities near public transport</b>	<p>The planning proposal assists in achieving this objective.</p>
<b>HOUSING</b>	<b>COMMENT</b>
<b>OBJECTIVE C1</b> <b>Ensure Adequate supply of land and sites for residential development</b>	<p>Sutherland GLA has been allocated a target of housing requirements of 10,100 new dwellings by 2031 as set down in the draft Sub regional Strategy. Major initiatives need to be undertaken at a zoning level to meet these targets and appropriate opportunities for major Planning Proposals should also be explored.</p> <p>These are appropriately taking place in and around the major centres, however appropriate other sites can also be identified as ripe for development. This is one of those sites and its unique constraints mean that almost no precedent would be created as a result of its approval.</p> <p>It should also be noted that it is rare to have a 100% take-up of density in any zoned area and so sites which are ripe and ready for development should also be assessed and embraced as appropriate. It is considered that this Planning Proposal is one of those sites and would be developed immediately if approved.</p>
<b>OBJECTIVE C2</b> <b>Plan for a housing mix near jobs, transport and services</b>  <b>Action C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres.</b>  SO 2.1.1 South Councils to ensure location of new dwellings improves the sub region's performance against the target  SO 2.1.2 Councils to provide in their LEPs, zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.	<p>The planning proposal assists in achieving and supporting this objective, the related actions and strategic outcomes.</p>

<b>Action C2.3 Provide a mix of housing.</b>  SO 2.3.2 South Councils to provide for an appropriate range of residential zonings to cater for changing housing	
<b>OBJECTIVE C3</b> <b>Renew local centres</b>	The planning proposal assists in achieving a revitalization and renewal under-utilised land in Sylvania. While this is clearly not a public works site, the development of private land around and in town centres is important in the overall renewal of centres.
<b>OBJECTIVE C4</b> <b>Improve housing affordability</b>  <b>Action C2.3 Improve the affordability of housing</b>	<p>The strong demand for units across the Sutherland Shire is being driven by two markets: (1) ageing residents seeking to down size and utilize public transport services; (2) young first home buyers who have grown up in the Shire and wish to remain close to friends and family. The Shire has a very unique 'tightness' in this regard.</p> <p>Units such as those proposed in the Planning Proposal will greatly assist in providing affordability for this market. Its poorer location on the Highway will also assist in overall affordability. Having more affordable housing opposite shopping centres and on bus routes is a desirable planning outcome.</p>
<b>OBJECTIVE C5</b> <b>Improve the quality of new development and urban renewal</b>  <b>Action 5.1 Improve the design of new development and urban renewal</b>	Council's initiatives in terms of Design Review Panels and the implementation of SEPP 65 are also assisting to improve quality.

## 5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with the Draft Housing Strategy prepared by Sutherland Shire Council to addresses future housing issues in the Sutherland Shire up to 2031. In particular, the proposal will;

- Increase housing supply through revised floor space ratios and building heights in order to deliver more dwellings within existing higher density zones.
- Assist Council achieve the requirement of the Sub-regional Strategy for an additional dwellings.
- Stimulate redevelopment of existing older style residential houses to improve both the standard of design and the amenity of future residents.

It should be noted that a site as small as this one is really not the subject of the overall Housing Strategy, albeit the objectives are likely to be met as a result.

It should be noted that the Planning Proposal is essentially inconsistent with the draft LEP 2013 as it was exhibited as an R3 zone allowing for town house development of 9m height only. The slope of the site means that a two storey building would likely exceed the height limit anyway. The shape of the site means that town houses can never be built on the site.

This site has not been previously studied in great detail and its current zone was essentially being rolled into the new draft LEP 2013.

## 6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal has been considered in relation to the following applicable State Environmental Planning Policies (SEPPs). It is not considered that the planning proposal contains any provisions that fail to accord with the application of those SEPPs:

SEPP 6	Number of Storeys in a Building
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)
SEPP 55	Remediation of Land
SEPP	Infrastructure 2007
SEPP	Building Sustainability Index: BASIX
SEPP	Housing for Seniors or People with a Disability
SEPP	Exempt and Complying Development Codes 2008

## 7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

**Table 4** – Assessment against Ministerial Directions

Relevant Direction	Response
<b>3.1 Residential Zones</b>	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) to minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>It is considered the planning proposal is consistent with the objectives of this Direction and works to ensure their achievement, particularly (a) and (b).</p>
<b>3.4 Integrated Land use and Transport</b>	<p>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>(d) supporting the efficient and viable operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul> <p>It is acknowledged that this site is only connected to railway transport via local bus routes. Bus routes are a very valid form of transport but access to bus and rail would be superior. As a result it is considered that the proposal definitely works towards the achievement of these objectives, but only moderately so.</p>



<b>4.1 Acid Sulphate Soils</b>	The planning proposal is considered to be consistent with the Direction on Acid Sulphate Soils.
<b>5.2 Sydney Drinking water catchments</b>	The planning proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2011 and development will have a neutral or beneficial effect on water quality.
<b>6.3 Site Specific provisions</b>	The objective of the planning proposal will require the amendment of Sutherland Shire Local Environmental Plan 2006 in order to allow the particular development proposal to proceed in the existing zone. It is suggested that this can be done via the consolidated draft LEP 2013 or by a site specific rezoning, depending on Council's desires.
<b>7.1 Implementation of the Metropolitan Plan for Sydney 2036</b>	It is considered that the planning proposal is shown to generally be consistent with the NSW Government's Metropolitan Plan for Sydney 2036. This has been demonstrated within this overall submission.

## **Section C – Environmental, social and economic impact.**

- 8. Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

- 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Urban design and building form are considered to be the key issues and are discussed earlier in this submission. While the site has many identified constraints, its redeeming feature is that the proposed development will have almost no impact on adjoining lands. All overshadowing is onto the Princes Highway and no overlooking will occur to neighbouring sites as they are located well above the property on the top of the escarpment.

There will be some impact on the property to the west as the upper level may obstruct some of their views towards the east, although they will still have views to the south and the north.

The entire building envelope has been designed as best as possible to sit appropriately on this difficult site and create an attractive form to Princes Highway. It is considered that the DA process and more detailed design will be able to minimize any impacts to neighbouring sites.

Traffic will also be a consideration however there is much development in the region and the driveway is well away from the intersection with Princes Highway. All vehicles will enter and leave in a forward direction and the access situation will be much more desirable than the current situation on site.

There are no other likely environmental effects of a major nature resulting from the Planning Proposal which have not been assessed previously.

**10. How has the planning proposal adequately addressed any social and economic effects?**

It is not considered there will be any adverse economic effects arising from this proposal. In terms of social impacts it is considered there may be several positive effects such as:

- The ability for Sylvania to provide good quality, affordable housing near to local businesses and public transport.
- Providing a smaller housing option than the more traditional large house which has underpinned much of the Shire for many decades.
- Stimulating the vitality and attractiveness of small urban centres by having new families located nearby.
- Improved streetscape and strong passive surveillance over the nearby area.

**Section D – State and Commonwealth interests.**

**11. Is there adequate public infrastructure for the planning proposal?**

The proposed development is well served by public transport and road infrastructure and is about 50m from the bus stops at Southgate shops. It is considered that existing networks and facilities are adequate to service the area.

**12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with other public authorities has not occurred at this stage. Appropriate consultation can happen at the correct time if required.

## PART 4 – COMMUNITY CONSULTATION

Any future gateway determination or Council resolution will specify the community consultation that must be undertaken on the planning proposal. Generally the Department adopts a 14 day or 28 day public exhibition period depending on the possible impact of the proposal.

This submission is made in respect of the Shire-wide draft LEP. Appropriate exhibition of this Planning Proposal should be carried out in its own right. If approved Council could then link the gazettal process with the draft LEP 2013.

## APPENDIX B

### INDICATIVE MASSING MODELS