

14 Leonay Street  
Sutherland  
NSW 2232  
(H) 9545 1529

13 February 2014

Marian Pate  
Sutherland LEP Review  
NSW Department and Infrastructure,  
PO Box 39  
Sydney NSW 2001

Dear Madam,

Re: SUBMISSION TO SUTHERLAND LEP INDEPENDENT REVIEW  
NOTICE OF OBJECTION AGAINST SUTHERLAND SHIRE COUNCIL REF:  
LP/03/79340 AMENDED DRAFT SUTHERLAND SHIRE LOCAL  
ENVIRONMENTAL PLAN 2013.  
ANTHONY J & ANNE M FALLON  
PROPERTY NUMBER: 36730  
14 LEONAY STREET, SUTHERLAND

On 16 September 2013 we lodged the following Notice of Objection with the Sutherland Shire Council. A copy of the wording is copied below for your reference: We both attended the Council Meeting the Sutherland Shire Council Chambers on Monday, 29 July 2013. We attended to hear the debate by the Councillors over the said Amended Draft Sutherland Shire Local Environmental Plan 2013. We sat in the Public gallery, which was full. There were too many members of the public attending to fit in the gallery. As a consequence people were seated in another room downstairs to listen to the debate via the PA System. This was not very satisfactory.

Prior to the Meeting we had researched the said Draft LEP which covered many pages in order to lodge our Objection and to familiarise ourselves with the contents prior to this Council Meeting.

The Meeting started at 6:30 pm. One of the first Councillors to speak to the Meeting was Councillor Diedree Steinwall. We were very surprised when she advised the Chamber that she had only received a copy of Mayoral Minute from the mayor Kent Johns at around 5:00 pm that day. She said that this Minute introduced many significant changes affecting the Draft LEP. She said that she did not have sufficient time to prepare for that night's Council meeting. She politely proposed a motion that the Meeting be postponed for one week to

enable her to properly research the ramifications of the Mayoral Minute. Kent Johns then spoke against her motion and her motion was subsequently rejected by a vote from Kent John and the majority of the Councillors who supported him.

A similar motion was then proposed by another Councillor on the same grounds as Diedree Steinwall previous motion, for an adjournment of the Meeting for one week. This motion was again rejected on what seemed to be party political ground led by the mayor Kent Johns.

We were so disappointed and perplexed that the Councillors at the Meeting were discussing the Mayoral Minute that we had never had the opportunity to read. Other members of the Public gallery were obviously upset about this farce also. One lady called out "Heil Hitler", when Councillor Kent Johns was speaking, to vent her frustration. Councillor Simpson then rose to say that he was an ex-serviceman and he found the outburst from the lady offensive and asked for an apology. The lady then apologised to the chamber. But the symbolism of her protest was justified. We got the impression, rightly or wrongly, that the mayor, Kent Johns was running the whole agenda for the Amendments to the Draft LEP by himself. To us, it seemed that what ever he wanted was voted and passed by his supporting majority Liberal Party Councillor colleagues, on a purely political Party basis. There was no proper debate taking place. We both left the Meeting in disgust at 7:30 pm.

Another area of concern for us about the Draft LEP planning process was confirmed in an article in our local newspaper on Tuesday, 11 February 2014. The article appears on Page 4, under the Heading: BY ELECTION ANGER. It reads as follows:

Barry Collier told the final public hearing even Premier Barry O'Farrell had admitted that allegations involving the Council, and overdevelopment matters, were the major reason for the for the 27 per cent swing to the Labor party in the Miranda by-election. Mr Collier said his predecessor, Graham Annesley, had been so concerned about the plan to include Miranda in an urban activation zone, in which the government would control development, Cr Johns had to withdraw it.

Surely from this evidence, Dr John Roseth and Meredith Sussex should call Graham Annesley and Kent Johns to give further evidence to their Public Review into the draft LEP.

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Does this evidence imply that our local NSW State member for our local suburb of Sutherland (2232), the Member for Menai, did not have the political influence with Kent Johns to have to have our suburb of Sutherland withdrawn from the Urban Activation Zone.

Where there any other similar political deals done behind closed doors ? Can Planning decision in the Sutherland Shire be conducted in this way. Should not all decisions on planning be subject to public scrutiny? At no stage were the people of the Sutherland Shire consulted about our proposed inclusion in the Urban Activation Plan. We only read about in the local newspaper after the decision was made by Councillor Johns and his party colleagues. Dr John Roseth and Meredith Sussex must also investigate this planning matter, as it must have influenced the drawing up of the draft LEP.

The wording of our Objection dated 16 September 2013, for Dr John Roseth and Meredith Sussex Review's reference, is as follows:

"We hereby object against the following proposals in the Amended Draft Sutherland Shire Local Environmental Plan (LEP) 2013:

Firstly, your original Draft Plan showed that our home would be rezoned for four storey Units. We still object against the Amended Draft LEP but would like to take this opportunity to thanks the staff of the Environmental Planning Department for recommending that our home in Leonay Street, and the adjacent homes in the area bounded by the western side of Jannali Avenue, the southern side of Leonay Street, the eastern side of Vermont Street, and including Kurrajong Street, not be rezoned. In fairness, we would also like to congratulate the Mayor for meeting with the local residents on Sunday, **Sunday morning, 28 July 2013, at 9:00 AM** outside the Scout Hall, near the corner of Kurrajong Street and Jannali Avenue, to listen to and positively acting upon our concerns.

We still object against the decision to rezone the land occupied by the homes that face the northern side of the Grand Parade, between Vermont Street and Jannali Avenue, facing the bridge, and the two lots at the top of Vermont Street. The resulting traffic and parking congestion in that part of the Grand Parade will be a disaster.

We have lived in this home in the Shire for over 37 years. We chose this site because we wanted a home close to transport and shops. We also chose a house with a big back yard with plenty of space for our family to live and grow. It is a very comfortable and safe location for us to live in. You are trying to take this away from

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us and at the same time destroy the very essence of many areas of the Shire which makes it such a wonderful place to live. THIS IS A MASSIVE MISTAKE.

We voted for the Liberal candidates for our Ward in the last election to get rid of the previous Council. None of these changes were proposed in their election propaganda. The voters have now ended up with a worse Council than the one we voted out. Bring on the next Election as soon as possible.

Have you people in the Environmental Planning Unit considered the Traffic impacts of your Amended Draft Plan You should be called the Environmental Disaster Unit.

Come and visit Leonay Street at any time during Peak Hours, morning and afternoon, plus Saturday mornings. The only time this changes is during the School Holidays.

Leonay Street is the main preferred exit for vehicles from Jannali and Como trying to access Linden Street and River Road. The short phasing of traffic lights at the intersection of Leonay Street and Linden Street in Peak Hours currently causes huge backups of traffic in our street.

Parking is already hopeless, due to train commuters, who have to park outside our home early in the morning to get to work. The building of the new Car Park near the United Services Club will not alleviate this problem. It will make it worse as more cars will be attracted to the area because Sutherland Station is the best place to catch fast trains to the city.

What will happen if your plan succeeds? Can you imagine what the traffic would be like around this area and the other affected areas of the Shire when people move into the proposed high rise Units. Statistics recently revealed that the average size of young Australian families has increased to three (3) children. This means that families will need two cars, particularly to get their children to sporting venues, which you cannot access by trains and busses.

You have recently allowed the Brick Pit Development to go ahead. The traffic impact will be a nightmare. You should have waited till after the F6 to Taren Point Bridge was started and completed. Have you considered that the traffic which will have to exit and enter the site via the Princes Highway and Oak Road, which are already very congested. I feel sorry for the businesses and people who use Kirrawee Shopping Centre. Have you studied the results of the Centro Shopping Development at Bankstown. In recent years, since the shopping centre was opened, the entering and exiting traffic had caused huge delays for the passing traffic which use Stacey Street. A quick trip in the past, can now take up to 20 minutes longer to get past the site.

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Your building regulations for Property Developers normally allow one car space per Home Unit. The other car has to be parked in the street. What about the friends and family who want to visit. Where are they going to park their cars? Your Town Planning staff must be very naive if they think that the majority of Home Unit dwellers, their friend and families are going to be train travellers with no cars.

The roads around Cronulla are like a car park on weekends now. What will it be like if your Draft Plan is approved.

The LP/03/79340 AMENDED DRAFT SUTHERLAND SHIRE LOCAL ENVIRONMENTAL PLAN 2013 should not be considered until the F6 Freeway is at least completed to link up with the Taren Point Bridge.

When we moved here in 1975 the F6 Freeway was supposed to be completed within three years.

WE ARE STILL WAITING. It is ridiculous, in this modern age, that all the traffic from Engadine and south to Wollongong has to travel through Acacia Road and the Princes Highway at Sutherland to go North towards the City. The reverse happens in the afternoon Peak period when the traffic starts to head South for the return journey home.

Combine the Tom Ugly's Bridge and Taren Point Bridge Peak Hour traffic passing through the Shire, mixed with the normal local school traffic, mixed with the local Shire Business and shopping traffic and you get almost gridlock on President Avenue and also The Kingsway. This must be costing Shire businesses a fortune in lost productivity.

If your Plan gets approved the building of Units in this area will cause absolute chaos with traffic which is already at gridlock levels.

There is no way that the Property Developers are going to build cheap affordable housing. It will be a bonanza for the developers as this is such an attractive and safe area to live.

Sutherland Shire Council should refuse to cooperate with the NSW State Government until this much needed F6 Freeway is completed. You are going to destroy the very thing that makes the Shire such a great place to live.

On the matter of traffic management you have failed to address the unnecessary traffic congestion at the intersection of Linden Street and The Grand Parade. Traffic travelling up Linden Street from Woronora Bridge has a beautiful three lane road. Two lanes of this road can turn left and travel over the Bridge over the Rail line. This is excellent. However, the same cannot be said for the traffic coming from Loftus. They have only one lane for the traffic to travel straight through the intersection if they are travelling towards the Woronora Bridge. Your Draft Plan proposes to develop areas of Waratah Park near the Aquatic Centre. Why are you not giving priority to resuming a small portion Sutherland Ovals Reserve and Park to build an

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extra lane for the traffic travelling from Loftus . There is a massive build up of traffic in the southern side of the intersection in Linden Street at Peak Hour which could easily be eliminated. The present traffic management is so inefficient and frustrating for Shire Drivers. The traffic congestion around the Sutherland Railway Station is also terrible. The building of additional Home Units in this area will only make a very bad situation worse.

Have you also considered the potential problem of storm water run-off if more High density housing is built around Sutherland? Grass back yards which currently absorb rainwater will be lost and replaced with concrete and roof tiles. This is bound to cause massive water run-off problems. We already have huge problems at our Shire beaches and waterways with raw sewerage run off during heavy rain. Your Draft Development Plan will only make this problem worse.

We have first hand knowledge of the problems caused in the Rose Bay and Bondi Areas when Home Units density was increased in the 1960's and 1970's. Fortunately, the consequent Storm Water problems were somewhat alleviated by the building of the deep water sewerage ocean outfall off Bondi. However, the traffic congestion of Old South head Road and New South Head Road has been a disaster ever since that time.

The current traffic congestion problems of the Princes Highway, President Avenue and The Kingsway remind us greatly of the traffic congestion on New South Head Road and Old South Head Road.

The NSW Government has no plans to build a deep ocean sewerage outlet at Kurnell. So our beautiful beaches will continue to be polluted in times of heavy rain. Your Draft Plan will only make this worse. Is that the legacy that we want to leave to our children? Why don't your Town Planners learn from previous mistakes of other Councils?

Another area of concern to us is the proposed development of Waratah Park. The Leader newspaper on 18 April 2013, printed a front page article titled "**High-rise for park - Plan to use public space for units.**" The story raises disturbing issues about the potential loss 13.000 square metres public open space at the wonderful Waratah Park, Sutherland. Miranda RSL is apparently seeking the changes to allow a development on the site. We were surprised to read that of Cr Kevin Schreiber, the Sutherland Shire's Deputy Mayor, is also the President of Miranda RSL. Is there a possible conflict of interest here? Should Cr Kevin Schreiber resign from his position as a Councillor? We are pleased to quote from a Letter to the Editor which appeared in the Your View section of the Leader on Thursday, 25 April 2013. The letter was written by George Miller of Sutherland and we agree with his opinion:

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**‘Perceived Bias.** Miranda RSL’s push as the developer to use public open space for units(*Leader, April 18*) and Sutherland Council’s decision to accede to the club’s request raises an interesting issue.

Club president Kevin Schreiber, Sutherland Shire’s deputy mayor, declared a pecuniary interest in his role as club president, and whenever the matter came before the council he did not take part in any debate.

However, as deputy mayor of the majority political party voting to take public land for the benefit of the developer, is there not a perceived or apprehended bias?

Resigning from the council would create the appearance of an impartial and unprejudiced decision. Any vote by the council on the development while the club’s president is on the council does not create a good image.’

There should be a law that prevents people associated with property development from holding roles with Local Government.

Have the Town Planners considered using this area for the benefit of the public? How about building a Skate Board Ramp in this area. The youth of the Sutherland area and their parents would support this use of public space. The Council has done a great job in providing excellent facilities at Menai and Engadine. We need a similar Skate Board facility at Sutherland. Waratah Park would be a great location.

If the Draft Re-Zoning plans are approved what will be the effect on Council Land Rates on home owners who do not intend to sell their homes. From your previous experience with re-zoning how much would our Land Rates increase? Can they be forced to sell? We would be pleased if you would answer these questions as soon as possible.

In Summary:

The LEP will irreversibly change the character of the Shire. We also object against:

Council's disregard for the more than 1900 formal submissions from residents and the main points of the 70 page Sutherland Shire Council's Planning Staff report. The Mayoral Minute amendments increase the potential for development significantly more than the original LEP and also in some areas goes against the recommendations of the professional staff employed in the Council's own Environmental Planning Unit.

- The Council, who are mainly amateurs when it comes to training in town Planning overruling considered recommendations of the highly trained, experienced and professional Town Planners employed by the Sutherland Shire Council and paid for by the ratepayers.

- There will be no right of objection if development complies with the LEP.
- Sutherland Entertainment Centre being re-classified from Community to operational. It is in the public interest that this site remains classified as community land. Its future should be decided by an open and public process.
- Increased building heights in the Centres will result in ghetto effect with the loss of sun and amenity. There have been no calculations of the number of extra dwellings as a result of the Mayoral Minute and no consideration of the impact on parking, traffic congestion and social amenity.
- More than 15,000 mostly high density additional dwellings. Thousands of extra cars will clog Shire roads and parking.
- 5,500 additional high density dwellings within 800 metres of centres - is more than double the target set by State Government.
- Additional high density dwellings beyond 800m radius – will further increase congestion.
- The minimum height of units increased to 4 storeys with 6 storeys the height preferred by Council - loss of amenity for streets from tall, bulky buildings.
- 13,346 square metres of public open space in Waratah Park, Sutherland proposed for 9 storey buildings. No additional public open space provided under the LEP.
- No minimum lot size for unit, townhouse and dual occupancy development.
- Units and townhouses allowed on single lots - amalgamation of lots not required.
- Permitting undersized and single lots will encourage an excessive amount of high density of poor design with adverse impacts on neighbours.
- 3 storey townhouses and 3 storey houses permitted. 2 storey height limit removed leading to loss of privacy, overlooking neighbours.
- Increases in floor space in all low density zones. Larger houses with bigger foot prints and smaller backyards reduce privacy and amenity.
- (Green) landscape area requirement reduced from a range of 40%-55% to 30%-35% – allows no room to plant trees. Also the increase in floor space ratios in all areas of the Shire. The minor changes conceded in the Mayoral Minute will be ineffective in preserving the Shire's green perspective.
- Adverse impacts from increased floor space together with reduced landscaped area are:
  - Loss of Shire's tree canopy and loss of privacy
  - Loss of habitat for wildlife
  - Loss of native species
  - Increased stormwater runoff – flooding of dwellings, pollution of waterways.
- The largest increase in permitted house size and largest decrease in landscaped area are in waterfront and environmentally sensitive areas. This will devastate the tree canopy and the scenic beauty of our foreshores.
- The 46 metre (16 Storey) height of units at the Coles site, Caringbah; another radical step in changing the face of the Shire to imitate Rockdale.
- Loss of privacy by permitting 3 storey town houses and dwellings. The height should be reduced from 9 metre to 8.5 metres to limit them to 2 storeys.



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- Cronulla increases in flats and rezoning for higher density. Cronulla mall is a major tourist attraction. Height limits from 13 metres on the West side and 20 metres on the East side will reduce this to a cold wind tunnel.
- Any alienation of Waratah Park public open space for development. 13,346 square metres of public open space as still shown on the hard cop map (August 2013) as Potential for Redevelopment with 30 metres Height Limit (9 Storeys) This must be deleted.
- The Sutherland Shire Council offering Sutherland, Loftus and Kirrawee to the NSW State Government for an URBAN ACTIVATION PRECINCT, without any prior community consultation. This offer is of a major concern to us both.

We have not made any political donation or gift to any councillor or council employee.

Your early response to this objection would be greatly appreciated.”

Yours sincerely,

Anthony Joseph FALLON

Anne Margaret FALLON