

Marilyn Urch, resident presentation to Panel on 6th February 2014

I am speaking in a personal capacity as a resident of North Cronulla. I am not against development in the Shire, but it must be measured and designed to maintain an enjoyable lifestyle for its inhabitants with a variety of housing options. Development should be environmentally responsible, and vital infrastructure coupled hand in hand with development.

The Mayoral Minute should be withdrawn from the 2nd LEP (Amended Draft 2013 LEP) and be replaced with changes recommended by the staff Report from the first LEP. This 75 page report, with around 700 pages of supporting documentation, took into account thousands of resident objections. **It was ready for discussion and approval as the 2nd LEP** on the night the Mayoral Minute was forced through by the Mayor. The Gateway approval of the LEP with the Mayoral Minute changes was also rushed through in just over a week.

Sutherland Shire Council had an extraordinary amount of new councillors voted in the September 2012 elections. 8 of the 15 councillors were new at that time, and Draft LEP was issued early 2013. We don't accept that 8 new councillors would have had the experience to review a 25 page Mayoral Minute in an hour in July 2013 ready for public exhibition. The staff changes for Cronulla that should have been in the 2nd LEP had it not been for the Mayoral Minute were:

- The North and South Cronulla flat region 16m and FSR 1.2:1
- Prince St at 16m with setbacks and FSR 1.5:1 to reduce the height impact with recently constructed 3 level apartments (Exhibit from staff report).
- 8.5 metre height limit for the R3 town house zone to avoid 3 storey flats with above ground terraces in what is currently low rise residential areas. (OR 9m to highest point on roof but 7.2m to uppermost ceiling). This would help overcome issues for low level residences in North Cronulla (and elsewhere) changed to R3.

These were overridden by the Mayoral Minute. The Mayoral Minute should be removed from the 2nd LEP.

Personally I also object to North Cronulla losing all of its low rise residential zone to 100% medium and high density R3 and R4. I, and many others who have paid for or built quality houses in the area bounded by Mitchell, Sanderson, Bate Bay Rd, Elouera and Hume Roads, are extremely upset all of North Cronulla is being rezoned for higher density.

Finally the changes to Cronulla Mall where there is no proviso in the LEP to ensure solar access for the Mall, there is no substantiation by way of shadow diagrams for the public, no traffic and parking studies to cope with Cronulla congestion already experienced. Council does have the authority to say "hands off the Mall" to State Govt until we have had another look at it.

SO WHERE DO WE GO FROM HERE AND GET AN LEP THAT'S ACCEPTABLE TO THE COMMUNITY AND DOES NOT HOLD UP DEVELOPMENT UNDULY. Here is what I would like to see occur.

1. NSW Planning appoint an experienced planner to work in council with the Planning Head of Council who worked on this LEP. Under these two heads, Council staff go back and make the changes they had prepared for the 2nd LEP. No Mayoral Minute to be included.
2. Then Staff review the objections to the 2nd Amended LEP. Some objections would no longer be relevant as the staff changes to the first resolved them. Mayoral Minute objections or approvals taken out.
3. New Heads and staff review the objections and approvals made to this LEP Review Panel. Again some objections no longer relevant if resolved by inserting the staff report instead of the Mayoral Minute and take out matters relating to Mayoral Minute.
4. Make recommendations on the remaining public objections or approvals on the 2nd LEP and LEP Review Panel such as specifying hours of sunlight in Cronulla Mall, Traffic and Infrastructure plans prepared for Cronulla and where required in the Shire, increase landscape ratios where appropriate, reduce the height and density in some areas of Shire, and sharing of increased density where it makes logical sense.
5. Prepare for the public an estimated number of new dwellings into each area, including those inside and outside of centres, and those already underway such as Greenhills, Sharks, Brickpit etc.
6. Prepare for the public an estimate of **potential** additional dwellings likely to be underway or completed by 2031, ie Menai West, Kurnell and others not counted in the Centre targets, with a % of certainty to be included in the estimate numbers of dwellings by 2031.

7. Prepare the 3rd LEP for Gateway approval.
8. Prepare easy to understand maps of zones, heights and floor space ratios for each Ward ready to be inserted into the Leader for each Ward, to go to each local library in each Ward, and to be displayed in a central site in each Ward, IE Cronulla Mall, Miranda Fair, Sylvania Southgate etc.
9. Once back from Gateway, put out 3rd LEP for public submission for minimum exhibition period of 4 weeks **after the maps are located in central sites and inserted into the leader and public advised of where to find the information. Group information meetings to be advised.** The 4 weeks not to include school holidays or Easter/public holidays.
10. All the material to make the changes is in house and should be able to be prepared speedily.
11. It seems like a long path to reissue the LEP, but its only been a year for the community and much of the delay can be attributed to Sutherland Councils poor handling of the LEP, including delaying and blocking of decisions in the period before the last Council elections in September 2012.

NOW TO THE MAYORAL MINUTE CHANGES

Any changes in the Mayoral Minute that were not in the first LEP, and were not corrected by the insertion of the staff report changes after considering public objections into the 2nd LEP, be reviewed by the Planning appointee and internal Planning head, and re-exhibited to the public separately from the LEP.

ROLE OF COUNCIL and STATE GOVERNMENT IN APPROVING THE FINAL LEP

Council may still have a role in approving the LEP, but State Govt be involved in the final approval through Council. We don't want Councillors deciding what will or will not be used from the staff report and inserted into the 2nd LEP. The Minister will have to consider the Panels finding and probably make the final decision.

GOING FORWARD

If a path similar to this could be followed, the community could then see the LEP has been correctly reviewed and they get to see the final document where changes from the public from 2 LEPS and the Review Panel have been correctly and thoroughly assessed.

I would ask that a process such as this be designed and outlined to the public so as to gain confidence in the fairness of the LEP. The wrongs, if not righted, will continue to affect State political elections in the future in this area as already seen with the recent by election for Miranda.

If the community can see wrongs are righted, and justice is restored to the planning process, the NSW State Government would be seen in a positive light in Sutherland Shire.

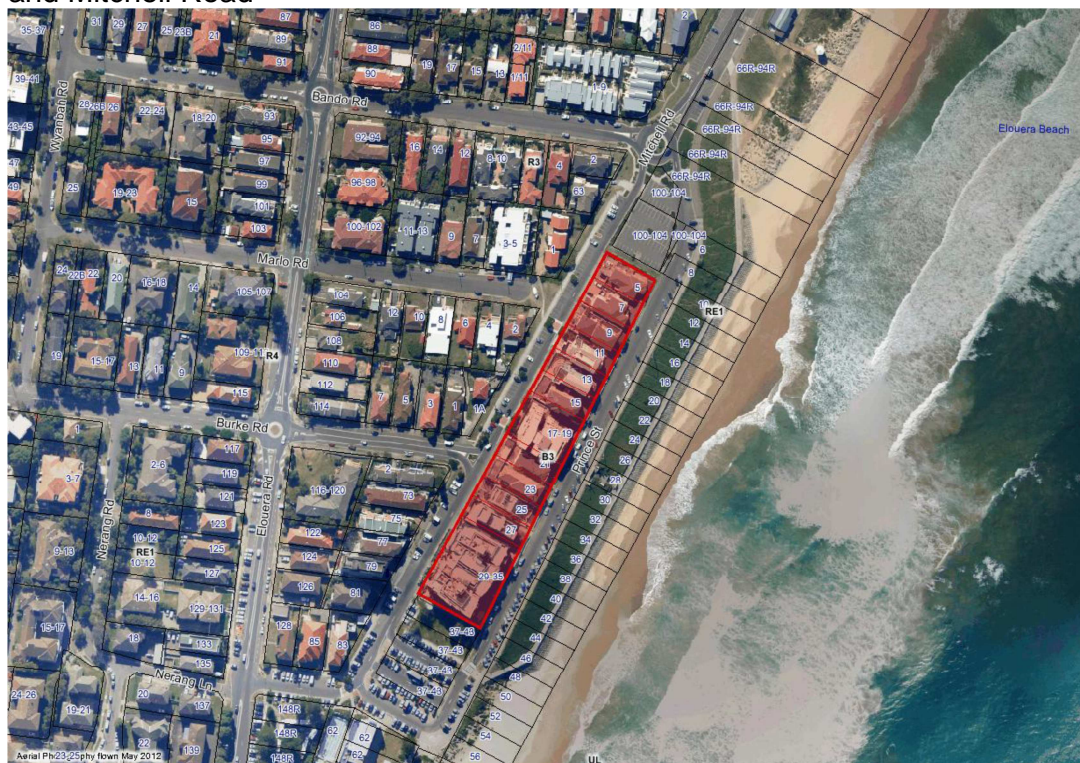
Regards

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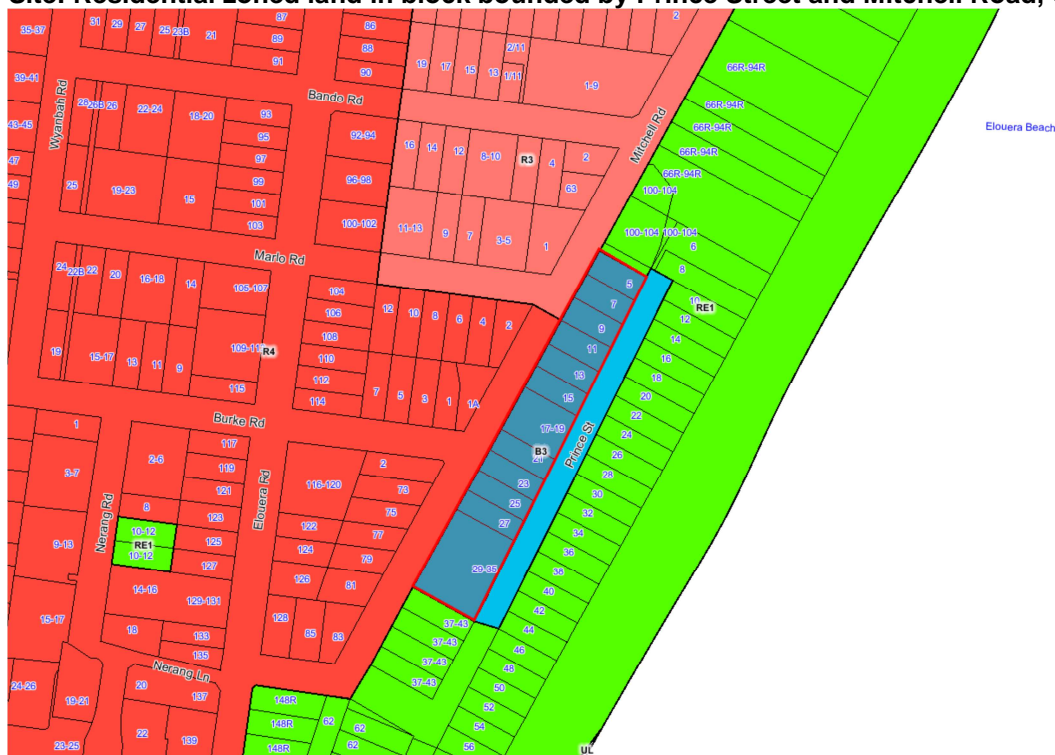
13th February 2014

7. Analysis of Submissions for individual sites in North Cronulla

Rezoning and increased height and FSR for residential zoned land in block bounded by Prince Street and Mitchell Road



Site: Residential zoned land in block bounded by Prince Street and Mitchell Road, Cronulla aerial photo



Site: Residential zoned land in block bounded by Prince Street and Mitchell Road, Cronulla zoning map (DSSLEP2013)

Summary of Issues

This issue is also discussed in Section 14 Tourism.

Council resolved to rezone this land to Zone B3 Commercial Core to allow retail uses and restaurants under residential flat buildings. It also increased the maximum height of buildings 20 metres (6 storeys) with a maximum FSR 3:1.

Some submissions were received from landowners in Prince Street in support of the proposed increases in height and density to 20 metres (6 storeys) and FSR 3:1, and the rezoning to B3 Commercial Core. The proposed rezoning and development standard changes increase the

development potential of this land. The submissions also request that a nil setback be allowed for this land to allow full realisation of FSR 3:1 and flexibility of land use.

Another submission from a group of landowners in Prince Street strongly opposes the rezoning of this block to B3 Commercial Core. This submission states that there is no justification for the expanded range of uses in the anticipated zone, and that this is an unsuitable location for the range of uses allowed in a commercial centre, considering the current exclusive and established residential use of the land. It is argued that the possible uses will impact negatively on the residential amenity of existing residents on the land, for example through loss of privacy to residents and loss of amenity due to potential noise from restaurant patrons and delivery vehicles. The objectors are also concerned that, in the absence of a commercial analysis, development may be piecemeal and ad hoc and result in building outcomes with significant impacts on the current residential character of the locality.

Other submissions object to the increase in height and density in this prominent location on Prince Street. It is claimed that development to a height of 20 metres (6 storeys), with FSR 3:1 is likely to have a visually overbearing and overshadowing impact on the public walkway and beach. Submissions objected to the prospect of development in Cronulla resembling the Gold Coast, with tall buildings looming over the beach. Many submissions opposed FSR and height increases close to the foreshore and specifically in this Prince Street location. One submission also raises a safety issue with increasing density in this ocean front location because storm surges have caused ongoing damage to the sea wall, necessitating its rebuilding. The submission expresses fear that the road could in the future collapse and, with an increased FSR for the block, damage an increased number of residences in Prince Street. Council continues to monitor the condition of the sea wall and recently completed major rebuilding works to the wall.

Other submissions objected to any part of the northern car park on the corner of Prince Street and Mitchell Road being rezoned. There is no proposal to change the use or zone type of this car park. It is currently zoned Zone 13 Public Open Space and the proposal is to transfer to the equivalent zone RE1.

Analysis of Issues

Zoning of residential land bounded by Prince Street and Mitchell Road

The land in question is not contiguous with the existing centre zone and currently has an entirely residential character. This is a location with a high appeal for the establishment of commercial tourism-oriented developments, and the activation of the street front could add to the appeal of the area for visitors. However, the realisation of this potential must be balanced against the probable amenity impacts on existing and future residents if retail uses (such as cafes and restaurants) are established here. Mixed use redevelopments could be designed to mitigate impacts for a residential flat located over retail premises. However, residents of existing buildings will experience a different streetscape quality, including the noise of 30. Cronulla Centre Page | 44

deliveries and patrons departing restaurants. Clauses in the Development Control Plan could set out aims and objectives for development in this area.

The council resolution was to allow retail uses and rezone the area to Zone B3 Commercial Core. The permissible commercial uses under the exhibited zone B3 are very broad, and include: *Commercial premises; Hotel or motel accommodation; Registered clubs; Residential flat buildings; Restricted premises; Tourist and visitor accommodation*; 'Commercial premises' is defined as including any type of *business, office and retail premises*.

From a strategic planning point of view there are some disadvantages to rezoning this area as a centre zone. The area, as part of the coastal public walkway and with magnificent views, has good potential for tourist oriented development. If the area is given a centre zoning, commercial uses might move here which would otherwise locate in the existing centre, and potentially reduce the viability of the existing centre. The establishment of some generic commercial uses might also mean that tourist oriented development cannot establish in this location, thereby defeating the intention of the rezoning from a predominantly residential zone.

One option available to council is to zone the land as SP3 Tourist. Mandated uses for zone SP3 are 'Food and drink premises' and 'Tourist and visitor accommodation', and the zone can, in addition, be given other permissible uses. The proposed zone SP3 Tourist, could also have permissible uses consistent with Zone R4 High Density Residential. Maintaining the existing permissibility of a range of residential uses allows the area to be maintained as a residential area, meeting the expectations of residents. The zoning of SP3 Tourist would, however, inform residents upfront that tourism uses could also be developed in the locality. This zone is considered to be a better fit for council's intentions than the exhibited zone B3 Commercial Core.

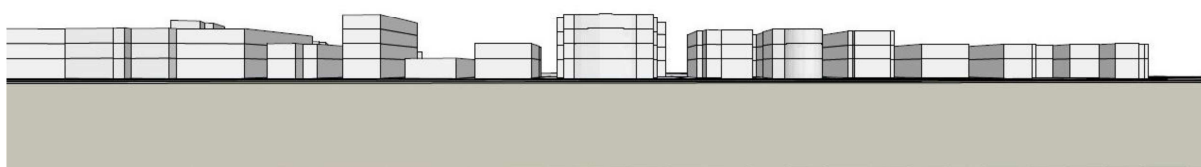
With this option there will still be possible impacts on residential amenity from allowing 'food and drink premises', such as restaurants and bars, to establish here, but potential has been provided for tourist related uses such as short term holiday accommodation, hotels and restaurants. Any future commercial uses on the land will potentially compromise residential amenity in the area, but these impacts can be addressed in the design and assessment of applications.

It is recommended that the zoning of Prince Street block is amended to Zone SP3 Tourist, with landscaped area maintained at 30%, consistent with the surrounding area Zone R4 High Density Residential.

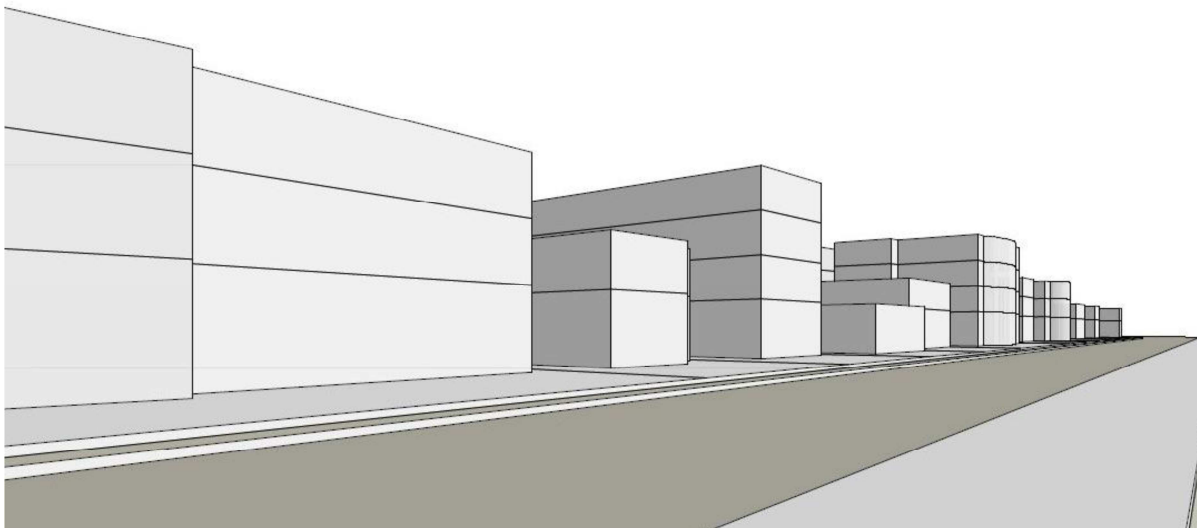
Height and Density in Prince Street

In order to properly consider the submissions received an urban design analysis has been carried out to explore the visual outcomes of the exhibited increases in height and density. Modelling of building envelopes at various heights and floor space ratios has been carried out with 3D renderings which also show the context of existing buildings in Prince Street.

It is important to note that in Prince Street there is a recently completed prestige residential flat development, built under the current controls of 3 storeys and FSR 1:1.



Prince Street Existing Buildings



Prince Street Existing Buildings

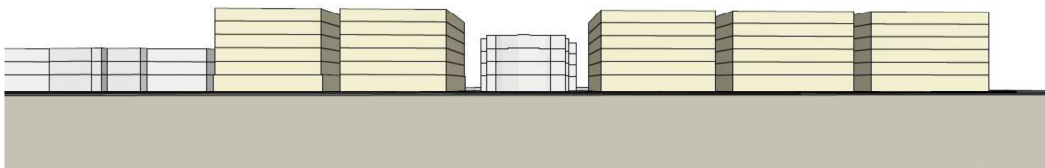
The visual and amenity impacts of possible developments under different scenarios of increased height and FSR are explored below, starting with **Option 1** which shows the exhibited development standards of FSR 3:1 and height 20m (6 storeys). The resulting built forms have 4 m building separation, so are unworkable for residential floor plans, from the point of view of solar access, ventilation and privacy. Development up to FSR 3:1 on these sites could not comply with SEPP65. The built forms also have an overbearing street presence and are completely different from their street context. They are also very different from the pattern of built form in other parts of Cronulla, including the centre. If one such building was built (say as 100% commercial/hotel) development potential for neighbouring lots would be severely curtailed.

Consistent with council's intention for this area to be a tourist precinct, with ground floor restaurants, the options are shown with a 5m front setback. This is appropriate in this location to allow for outdoor dining as the footpath in this location is very narrow. A nominal rear setback of 3m has been shown.

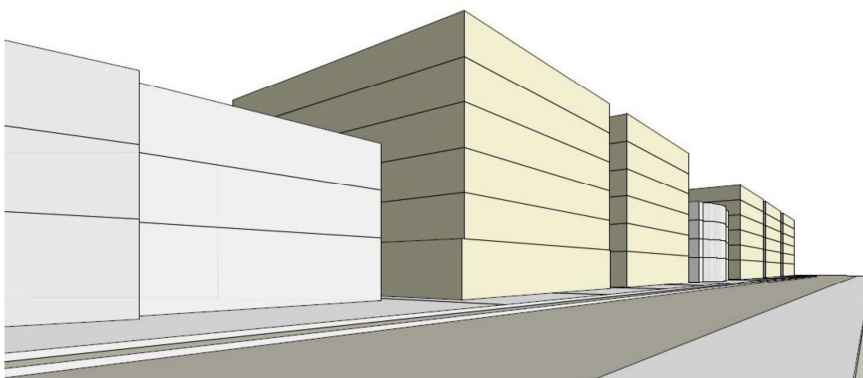


Prince Street Option 1: Plan. Height 20m (6 storeys), FSR 3:1.

No side setbacks



Prince Street Option 1. View 1 Height 20m (6 storeys), FSR 3:1.
Poor visual outcome

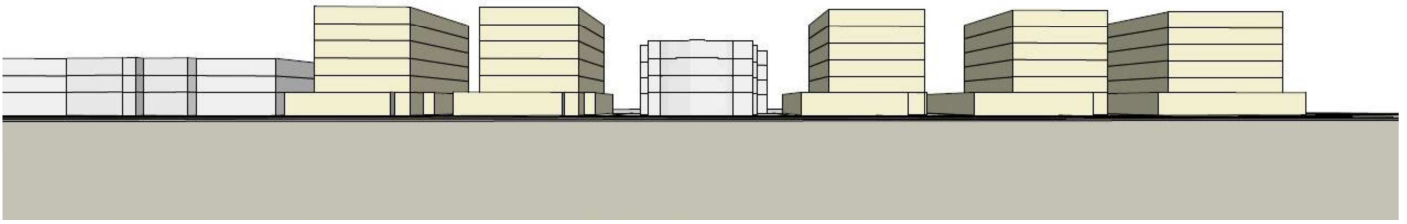


Prince Street Option 1. View 2. Height 20m (6 storeys), FSR 3:1
Poor visual outcome

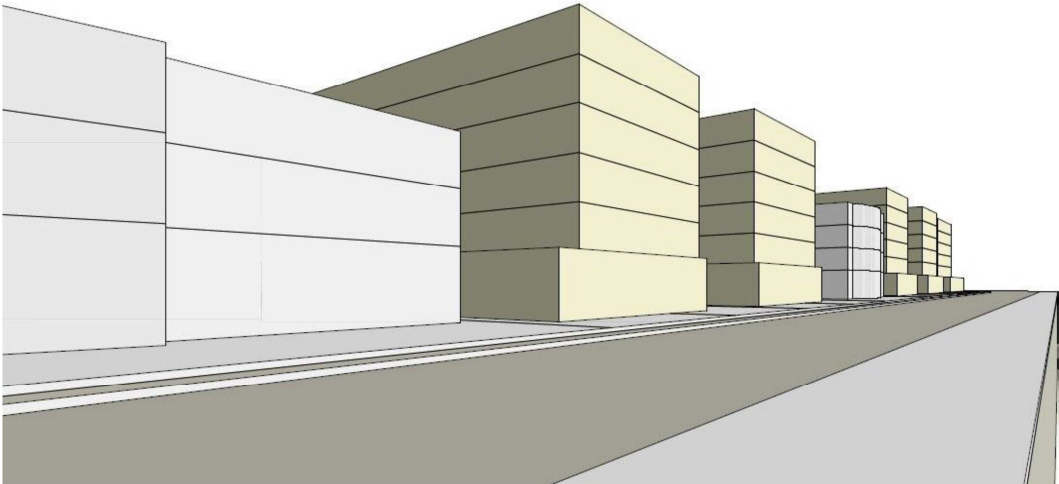
Option 2 models the built form which could result from the amalgamation of two lots, with side setbacks between buildings to allow reasonable residential amenity (12m). This floor plate is workable for residential flats, allowing one or two flats per floor. The option also shows a front setback of 5m to allow for restaurant outdoor eating and rear setback of 3m. The resulting FSR for this arrangement is **FSR 2.2:1 at height 20m**



Prince Street Option 2: Plan. Height 20m (6 storeys), FSR 2.2:1.
Some side setbacks



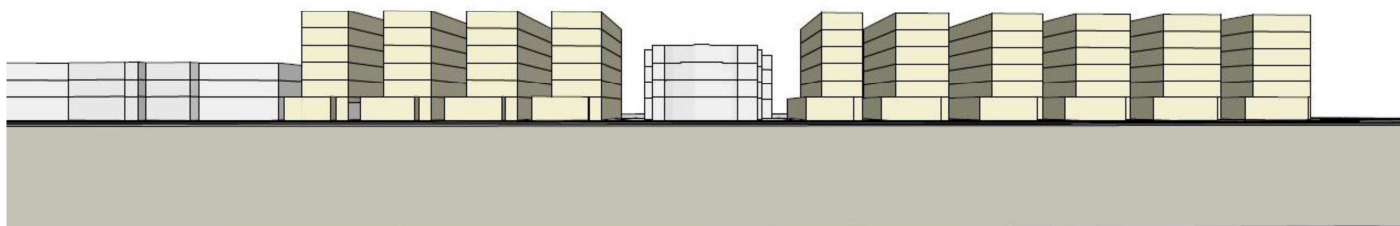
Prince Street Option 2. View 1. Height 20m (6 storeys), FSR 2.2:1



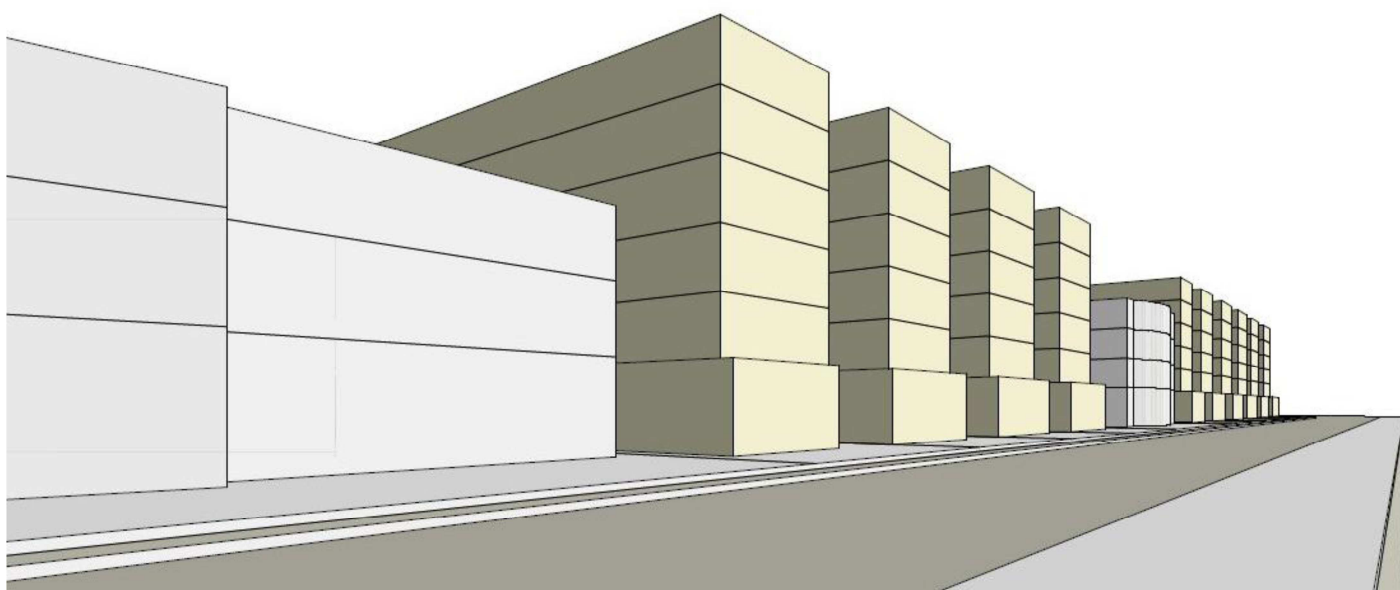
Prince Street Option 2. View 2. Height 20m (6 storeys), FSR 2.2
Option 3 models the built form with **FSR 2.2:1** at **height 20m**, but with narrower buildings on smaller lots. This arrangement would offer better residential amenity.



Same FSR as Option 2 with alternative possible building form.

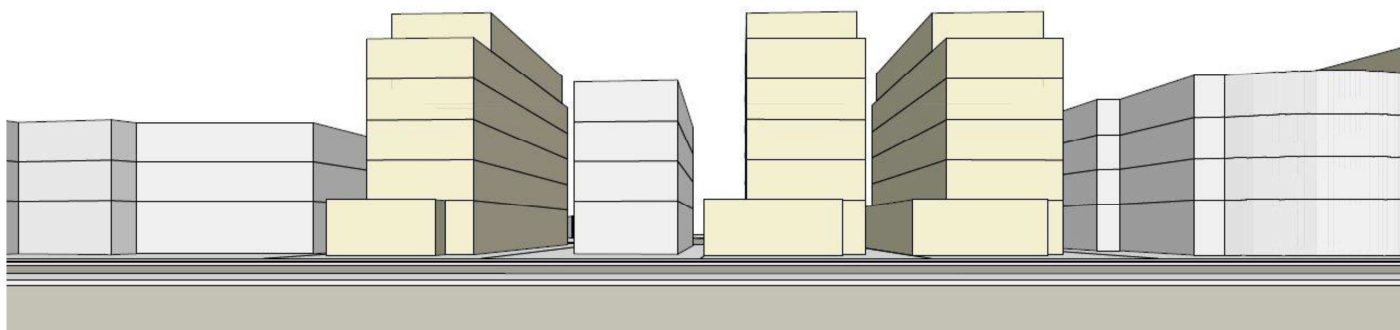


Prince Street Option 3. View 1. Height 20m (6 storeys), FSR 2.2:1



Prince Street Option 3. View 2. Height 20m (6 storeys), FSR 2.2:1

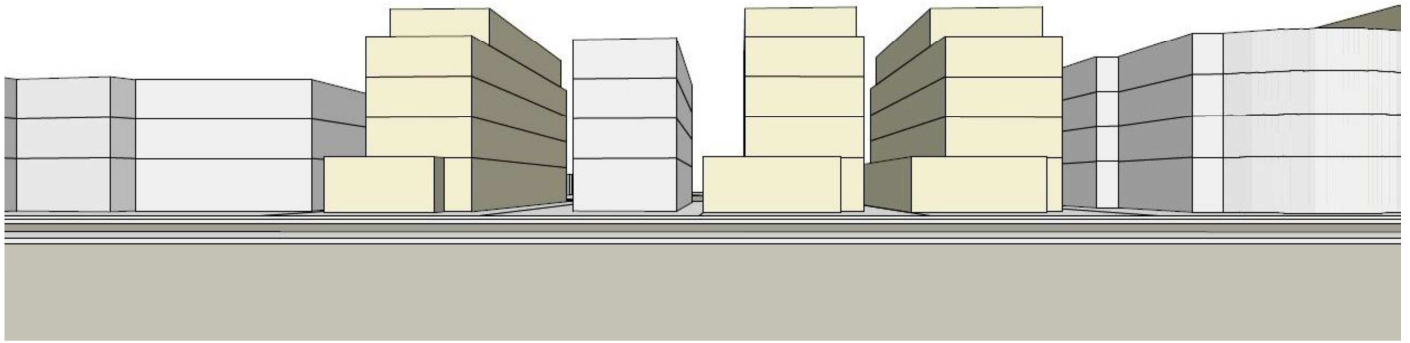
Option 4 models the built form with the top floors setback to provide a more acceptable streetscape impact and improved design outcome. This option shows **FSR 1.8:1** at **height 20m**.



Prince Street Option 4. View 1. Height 20m (6 storeys), FSR 1.8:1.

Option showing top floor set back: better outcome

Option 5 shown below is the preferred option, with acceptable setbacks and top floors set back. While still offering increased development potential on the sites, this arrangement allows buildings to sit comfortably with the existing buildings. This option has **FSR 1.5:1** and **height 16m**.



Prince Street Option 5. View 1. Height 16m (5 storeys) FSR 1.5:1

Option showing top floor set back: even better outcome

Based on this analysis, the height and FSR for this land is recommended to be reduced to 16 metres (5 storeys) and FSR 1.5:1.

Response to Issues

Amend DSSLEP2013 with the addition of Zone SP3 Tourist, with permissible uses in the zone to be the equivalent of Zone R4 High Density Residential, with the addition of: '*Food and drink premises*', '*Tourist and visitor accommodation*', to allow tourism related uses to be developed in the area. For residential zoned land in block bounded by Prince Street and Mitchell Road, Cronulla, change zone to Zone SP3 Tourist and amend height and density to 16 metres (5 storeys) and FSR 1.5:1.