

Our Ref: 0070/12lt2

14 February 2014

Marian Pate
NSW Department of Planning and Infrastructure
PO Box 39
SYDNEY 2001

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
1-11 CRONULLA STREET, CRONULLA**

We advise that we act on behalf of the owner of the above property and have been instructed to make a submission to be included as part of the independent review of the Draft Sutherland Shire LEP 2013. In accordance with the terms of reference set out by the Minister for Planning and Infrastructure, this submission relates to a site that was included in Mayoral Minute No. 6/13-14 dated 29 July 2013.

As conveyed to the Panel during recent Public Hearing sessions, it is critical that a distinction is made between matters referred to in the Mayoral Minute of 29 July 2013 as to whether they were matters supported by Council's professional staff following submissions made on the initial public exhibition period or were changes instigated by the Mayor. We note that in relation to this submission, the Mayoral Minute was consistent with the recommendations of staff contained in their report relating to the first round of exhibition.

By way of background, Planning Ingenuity made a submission to Council seeking increased height and density at the site (requesting 20m and 3:1 respectively) to enable the viable redevelopment of the site. The detailed submission is attached to this letter.

Staff was supportive of an increase in density and made the following recommendation:

" *It is recommended that the draft LEP be amended to show a FSR of 2.5:1 for this site, with the matter being re-exhibited.*"

As discussed, the subject site was mentioned in the Mayoral Minute as follows:

" *i. For 1-11 Cronulla Street (Lot 1 DP509815) & 34-36 Croydon Street (Lot 33 DP5709), Cronulla, the Floor Space Ratio Map be amended indicating a maximum FSR of 2.5:1.*"

The changes to the Draft LEP, as exhibited in the second round, were therefore made as a result of thorough analysis and the request by Planning Ingenuity in their submission on behalf of the land owner. The request was considered by professional Council staff and was supported. The site was included in the Mayoral Minute to reinforce the views of staff.

It is therefore abundantly clear that the changes to the LEP in relation to the subject site are both appropriate and are agreed as acceptable by Planning Ingenuity, professional staff and the Mayoral Minute.

We therefore request that the panel endorse the Mayoral Minute as it relates to the subject site, that is, identify the site as having an FSR of 2.5:1.

Should you wish to discuss any of the above, please feel free to contact the undersigned.

Yours faithfully,
Planning Ingenuity Pty Ltd

A handwritten signature in black ink, appearing to read 'J. Mead'.

Jeff Mead
DIRECTOR



ANNEXURE A

COPY OF INITIAL SUBMISSION ON DRAFT SUTHERLAND LEP 2013

Our Ref: 120070lt2
Council Ref: LP/03/252376

30 April 2013

The General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND LEP 2013
1-11 CRONULLA STREET & 34-36 CROYDON STREET, CRONULLA**

We refer to the *Draft Sutherland Shire LEP (SSLEP) 2013* file number LP/03/252376 which is on exhibition from 19 March to 1 May, 2013. We act on behalf of the owner of Nos. 1-11 Cronulla Street and 34-36 Croydon Street, Cronulla, which is located at the northern end of Cronulla Mall. The location of the property is shown in Figure 1 below.

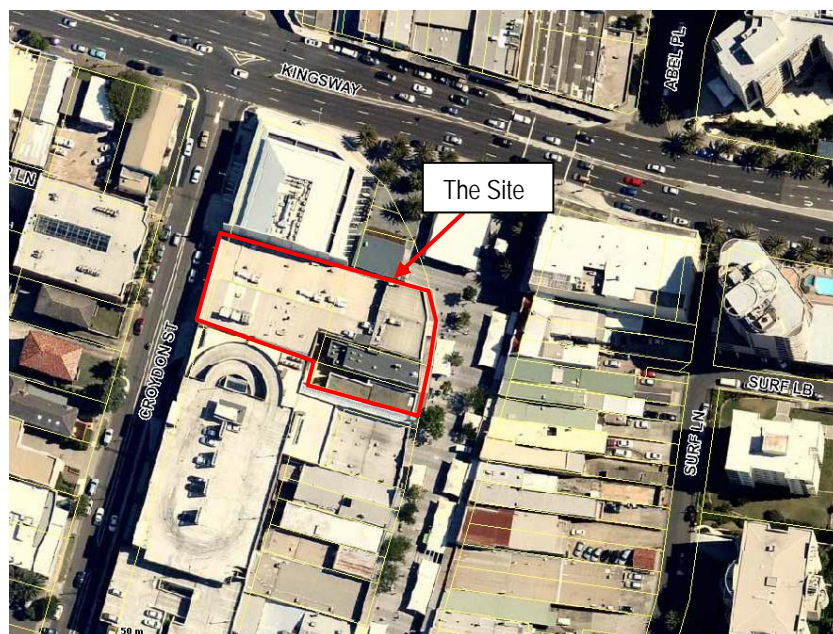


Figure 1: Location of the subject site and surrounds

We have been instructed to review the Draft LEP in light of its potential impact on our client's property. In particular, our client has requested that we consider the consequences on redevelopment of their property under the Draft LEP provisions. In undertaking this project, we have examined the Draft LEP, recommendations made for the site under the Draft Cronulla Centre Strategy, made comparison with the existing planning controls and have inspected the subject site and the surrounding area.

In essence, our client supports the proposed height and density increases included under the Draft LEP. We do however consider the provisions to represent a conservative increase in potential density which is at odds with the densities of surrounding properties under the draft provisions.

Consistent with the Draft Centre Strategy, the Draft LEP does not propose any increase to the existing 2:1 density for our client's site despite immediately adjoining the Cronulla Central/Council car park site to the south which is afforded a density of 3:1. This would appear to directly conflict with the aims of the Draft Strategy which seeks to encourage redevelopment and increase residential accommodation within the centre. On behalf of our client, we encourage Council to reconsider increasing densities for the subject site which in our view sits at the heart of the commercial core of the Town Centre. It is our opinion that subject to design controls to address potential solar access impacts on the adjoining mall, additional density could easily be accommodated on the subject site, to say 3:1.

Moreover, there has been a significant upswing in densities along the Kingsway, at the northern end of the Cronulla Mall. In fact, the properties to the south, north-west, north and north-east all enjoy the benefit of higher FSR from 2.5-3:1, some with additional amalgamation density incentives. We acknowledge that there are numerous small sites within the commercial core that are in fragmented ownership. We consider that the costly exercise of amalgamation and high parking rates may inhibit the redevelopment of many of these smaller sites. In contrast, our client's site is a relatively large lot with strong development potential and its redevelopment should be encouraged through the application of an FSR requirement more consistent with the higher densities afforded on other sites in the Town Centre.

With regard to height, the Draft LEP proposes a 13m height for the subject properties fronting Cronulla Street Mall and 20m for the subject properties fronting Croydon Street. This is in comparison with the existing 3 storey limit. We consider a 13m height limit for the properties fronting Cronulla Mall a significant limitation in terms of achieving the proposed FSR of 2:1 or higher density as we suggest above. The site currently incorporates a supermarket at ground level with 4-5m floor to ceiling height to accommodate all services. Alterations and additions to the existing building to a height of 13m would be considerably limited, particularly if Council were to pursue the current parking rates on site. This would essentially make redevelopment unviable.

Alternatively in the event that complete redevelopment was carried out and again Council pursued the current high parking rates on site, 2 parking levels at a height of 6m or more would need to be provided, again significantly restricting the extent of useable floor area above. Even an FSR at 2:1 could not be achieved within the remaining height to 13m. We consider that the height control under the Draft LEP would discourage redevelopment as it is simply not feasible.

We note that under the Draft LEP, across the Kingsway to the north a height of 30m is permitted. Furthermore, whilst we recognise that the limitation may relate to achieving solar access objectives within the mall, there appears no logic to restricting height to 13m for the western side of the mall when other nearby sites (east across the mall and west along Croydon Street) with the same FSR of 2:1 are afforded a height limit of 20m.

In summary, we believe our client has a prime redevelopment site and our client supports the notion of increasing density at the subject site. However we consider a further increase is warranted given the proposed higher surrounding densities. In addition, little incentive for redevelopment is provided in the absence of increased density and given the considerable cost that would be involved with providing basement (or at grade) parking to achieve Council's high parking rates (if possible at all). An increased density to 3:1 would improve the viability of redevelopment and thereby address the primary objectives

of the Draft Cronulla Centres Strategy and Draft LEP. The proposed height limit of 13m for properties facing Cronulla Mall will in our opinion also significantly hinder redevelopment options on the subject site and is out of context with surrounding properties to the south, north, north-east and north-west.

We thank you for the opportunity to comment on Council's Draft LEP and we respectfully request that the Draft LEP be amended as detailed in this submission. We trust that this submission is self explanatory, however, should you require any further clarification, please do not hesitate to contact our office.

Yours faithfully,
Planning Ingenuity Pty Ltd



Jeff Mead
DIRECTOR