

Our Ref: 0261/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
1 MITCHELL ROAD, JANNALI**

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 the appropriateness of the provisions contained in the second exhibited LEP.

By way of background, Planning Ingenuity made a submission to Council in response to the second exhibited Draft LEP requesting that the proposed zoning under Draft SSLEP 2013 be changed to *B2 – Local Centre* zone, rather than the currently identified *R4 – High Density Residential* zone. The intention of the application of the proposed zone would be to commit the property owner to providing a shop top housing development on the proviso of an increase in FSR at the site from 1.5:1 to 2:1. The detailed submission is attached to this letter.

We anticipate that professional staff will be in support of our request, however, we do not have the benefit of the staff report that deals with the second exhibited version of the LEP. We therefore ask that the Panel endorse our request to identify the subject site as *B2 – Local Centre* zone with an FSR of 1.5:1.

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

Yours faithfully,
Planning Ingenuity Pty Ltd



Jeff Mead
DIRECTOR



ANNEXURE A

COPY OF SECOND ROUND SUBMISSION ON DRAFT SUTHERLAND LEP 2013

Our Ref: 1302618lt2
Council Ref: LP/03/79340

1 November 2013

Environmental Planning Unit
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND SHIRE LEP 2013
1 MITCHELL AVENUE, JANNALI**

INTRODUCTION

We refer to the *Draft Sutherland Shire LEP (SSLEP) 2013* which is currently being re-exhibited subsequent to amendments to an earlier exhibited draft, and pursuant to Council's resolution of 29 July 2013. We write to advise that we act on behalf of the owner of No. 1 Mitchell Avenue, Jannali and have been instructed to make a submission on the Draft LEP in relation to the second round of public consultation which concludes on 1 November 2013.

This submission requests that the *B2 – Local Centre* zone be applied to the subject site, rather than the currently identified *R4 – High Density Residential* zone. The intention of the application of the proposed zone would be to commit the property owner to providing a shop top housing development on the proviso of an increase in FSR at the site from 1.5:1 to 2:1.

Shop-top housing is permissible in each zone (*R4 - High Density Residential* and *B2 – Local Centre*), however, the limitation on the size of commercial (neighbourhood shops) in the *R4* zone would mean that ground level residential uses would still be required under that zoning which in our view is unsuitable.

The site is suitably located to allow for application of the *B2 – Local Centre* zone built form provisions, including an FSR of 2:1. This will provide incentive to redevelop the site to enable provision of additional housing on the “door step” of public transport.

In forming our opinion on the suitability of rezoning the subject site we have visited the site and locality and considered the *SSLEP 2006* and *Draft SSLEP 2013* controls in the context of the local and state strategic planning framework.

BACKGROUND

The property owner made a submission as part of the initial exhibition period of the Draft LEP in relation to the subject site. The submission sought that a commercial zone be applied to the subject site. Council considered this submission and decided to proceed without making changes to the DLEP as exhibited. The matters raised by Council (contained in the report summarising submissions on the LEP) as part of staff's analysis are addressed in the *justification* section of this submission.

SITE & LOCALITY

The subject site is triangular in shape and is known as No. 1 Mitchell Avenue, Jannali. The site is legally described as part of Lot F in DP 22836. The subject site is located on the western side of the railway corridor, which bisects the Jannali Centre. Figure 1 below illustrates the location of the subject site noting the adjoining properties and the immediate proximity of the site to the Jannali Railway Station.

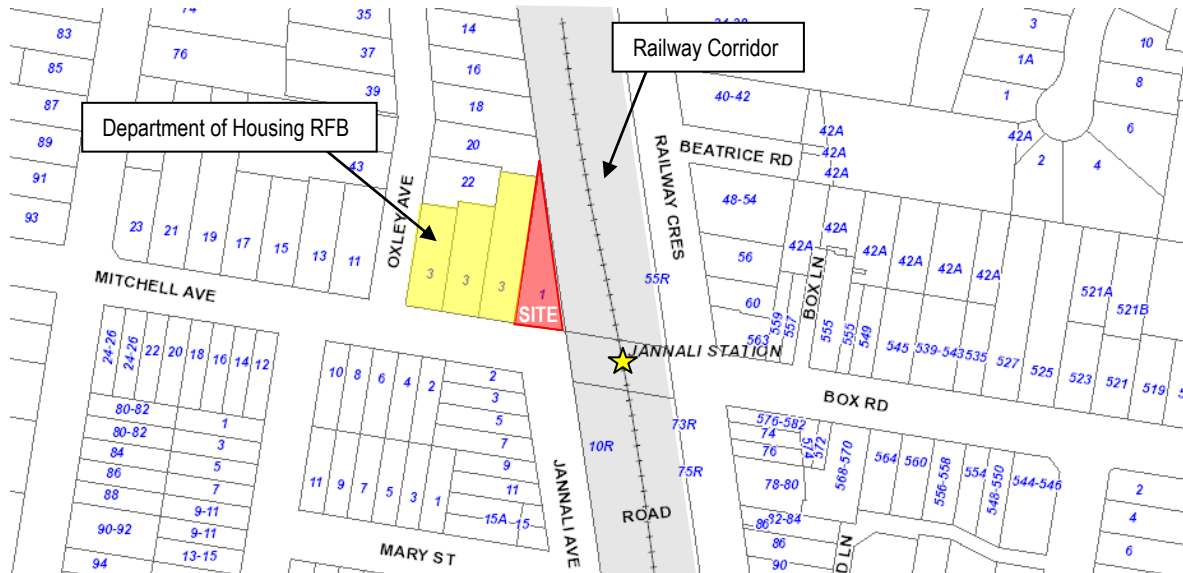


Figure 1: Location Plan

The interface of the site with neighbouring uses presents constraints to ground level residential development. The site is adjoined to the west by a large Housing NSW flat building and to the east by a railway corridor and is incapable of amalgamation. The site has a southern frontage to Jannali Avenue of 22m, a western boundary of 73m and an eastern boundary of 66m, resulting in an area of 726m².

Situated on the site is an existing single dwelling which fronts Jannali Avenue and contains a rear yard that extends northwards as the site tapers to a point. The site falls away from the street frontage and the floor level of the existing dwelling sits below the level of Jannali Avenue (Figure 2).



Figure 2: The existing dwelling viewed from Mitchell Avenue

As previously noted, the railway corridor bisects the eastern and western portion of the Jannali Centre and the site is located on the western side of the Centre. Although the eastern portion is undoubtedly larger, the western portion has maintained historically low vacancy rates, with each shop being occupied by range of local businesses (Figure 3). Development within this part of Jannali is clearly consistent with the objectives of the draft *B2 – Local Centre* zone that has been applied.



Figure 3: Commercial strip located at the western side of the Jannali Centre

The location of the site in close proximity to the Jannali Railway Station and being located along the path of a busy pedestrian/commuter route presents clear opportunities that point in the direction of redeveloping the site for shop top housing.

THE REQUEST

It is requested that Council includes the subject site in the *B2 – Local Centre* zone under Draft SSLEP 2013. This will enable the redevelopment of the site for shop top housing, which is also permitted under the *R4 – High Density* zone. The clear and significant distinction between the two zones is the range of end users that are permissible in the B2 Zone and the limited non-residential uses that are permissible in the R4 zone (including a size limitation on neighbourhood shops). As such, this request seeks to enable the provision of a shop top housing development that will allow for a suitable range of end users for the commercial space. The request would also allow for commercial use to cover the entire ground level.

The request also seeks that Council increase the density at the site from 1.5:1 to 2:1, which is generically applied to nearby B2 land. This request does not seek to increase the height that is currently permitted at the site, ensuring that the site enjoys identical density and height controls to the properties located in the *Local Centre* zone on the opposing side of Mitchell Avenue.

JUSTIFICATION

This submission seeks that Council apply the requested zone and density under the Draft LEP to assist with the viable redevelopment of the currently underutilised and centrally located site. The proposal seeks a density and range of land uses that will ensure its viable use and ongoing contribution to the

Jannali Centre. This will enable the redevelopment of the site to improve its appearance, contribution to the commercial centre of Jannali and ability to provide additional residential accommodation on an ideally located site.

Furthermore, due to the adjoining land uses and the location of the site, it is exposed to high levels of pedestrian and commuter traffic and noise associated with the railway station. It is our view that the ground floor level of any future development at the site would be unsuitable for residential occupation.

A submission was previously tendered in relation to the initial round of public consultation seeking that a commercial zone be applied to the subject site. Council assessed the previous request and resolved not to change the exhibited Draft LEP.

The matters raised by Council in their deliberations, and a response to each of these matters in relation to the proposal is provided at Table 1 below.

TABLE 1: COUNCIL'S COMMENTS RELATING TO THE PREVIOUS SUBMISSION & A RESPONSE	
COUNCIL COMMENT	RESPONSE
This site is proposed for incorporation to a larger area of R4 High Density Residential under the draft plan. There are no sites proposed for a commercial zoning on the north side of Mitchell Avenue.	<p>We note that the demand for commercial space is not sufficient to warrant a widespread strategic expansion of the existing centre. However, for the reasons discussed in this submission, the request represents a site specific opportunity to realise the potential of this site to contribute to the western portion of the Jannali Centre and in doing so provide a viable redevelopment that will deliver additional residential accommodation, as well as some commercial uses.</p> <p>The ability to provide a shop top development at a density of 2:1 would enable the viable delivery of residential accommodation which is otherwise challenged in feasibility terms due to the need to avoid residential use at the ground floor level.</p>
The request to amend the proposed zoning of this site to a commercial zone is likely to result in safety and pedestrian impacts where the existing pedestrian crossing for the western side of the Jannali Town Centre is located some 65m to the south.	The existing situation of pedestrians not being able to cross at intervals less than 65m is a condition that is seen across commercial centres of the Sutherland Shire. This is a situation that would appear to serve the railway station without issue. The proposed rezoning might actually assist with pedestrian safety if it were to encourage commercial use on the subject site that was visited by commuters on their way to the station entrance.
The site has been identified in the Sutherland Shire Housing Strategy (Jannali) for R4 High Density Residential purposes being within 400m of the Town Centre. This site has been included with provision for additional building height and FSR in order to encourage higher density redevelopment on this side of Mitchell Avenue.	<p>The requested zone and density will continue to enable the provision of residential accommodation at the site. However, the additional density requested in conjunction with the B2 Zone, will enable the provision of a viable a commercial component at ground level whilst retaining feasibility of residential development above.</p> <p>The ability to do so will provide the much needed impetus for redevelopment of this site to contribute to the provision of housing in the Jannali centre.</p>
Given that Jannali is a low order centre that has suffers from some retail vacancies, there is little justification to expand the commercial area outside of the core. It is a better strategy to try and consolidate the core retail precinct so that businesses can benefit for one another's trade. Amending the draft zone for this site for commercial	<p>The request for the B2 Zone to be applied to the subject site promotes a rational and site specific expansion of the centre based on clearly compelling and reasonable grounds.</p> <p>We contend that this request does not seek to expand the commercial centre outside of the current core, rather, this</p>

TABLE 1: COUNCIL'S COMMENTS RELATING TO THE PREVIOUS SUBMISSION & A RESPONSE	
COUNCIL COMMENT	RESPONSE
purposes as requested is therefore not supported.	request promotes the orderly and economic development of a well located site that is presented unique challenges which make inappropriate, ground level residential development.

It is our view that the concerns previously raised by Council have been sufficiently addressed in this submission. We therefore request that Council reappraise this decision in light of the clearly compelling and reasonable grounds put forward and identify the subject site within the *B2- Local Centre* with an FSR of 2:1.

CONCLUSION

We thank you for the opportunity to comment on Council's Draft LEP. For the reasons outlined in this submission, it is our view that the Draft LEP in its current form should be amended to identify the subject site within the *B2 – Local Centre* zone and an increase in density of 2:1 be applied.

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