

Our Ref: 0273/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
168 OAK ROAD, KIRRAWEE**

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 R3 – Medium Density Residential. Our request identified the location of the site to the adjacent railway station and town centre, noting the lack of medium density development in the area and the opportunity to provide medium density across the small block which contains the subject site. 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 small street block which contains the subject site as R3 – Medium Density Residential.

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: 130273lt2
Council Ref: LP/03/79340

14 November 2013

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

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND SHIRE LEP 2013
168 OAK STREET, KIRRAWEE**

INTRODUCTION

We refer to the *Draft Sutherland Shire LEP (DSSLEP) 2013* which was re-exhibited subsequent to amendments to an earlier exhibited draft, and pursuant to Council's resolution of 29 July 2013. We understand that the formal exhibition period has expired, however, respectfully request that Council receive and consider this submission in response to the second exhibition of the Draft Sutherland Shire LEP 2013.

This submission requests that the *R3 – Medium Density Residential* zone be applied to the subject site, rather than the currently identified *R2 – Low Density Residential* zone. Our client has a significant land holding (approximately 1,935m²) in immediate proximity to the Kirrawee Centre and Kirrawee Railway Station. The site is ideally located for medium density residential development and to insist on the application of the low density zone would result in a lost opportunity to provide medium density residential accommodation on an ideally suited site.

This request does not suggest that Council apply the *R3 – Medium Density Residential* zone only to the subject site, but rather apply the zone to the street block that is bound by Oak Road, President Avenue, Dameeli Avenue and the railway corridor to the north. This represents a rational intensification of residential land use to support the Kirrawee Centre.

In addition, the application of the *R3 – Medium Density Residential* zone will allow greater flexibility for a number of other suitable uses to be achieved on the site as discussed in this submission.

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 Draft SSLEP 2013 has encouraged additional residential density in the Kirrawee Centre by applying the R4 Zone to a number of properties located to the west of the centre. The application of the R4 Zone in this instance would facilitate a range of apartment developments and high density living.

The draft SSLEP 2013 does not provide for medium density residential accommodation in proximity to the Kirrawee Centre. It is considered to be widely accepted planning thought to apply medium density

zones to facilitate a transition in density from local centres to the low density residential areas. It is also widely accepted that higher density residential zones be applied on the “doorstep” to public transport. It is our view, that the subject site and the associated street block is an ideal opportunity to facilitate the density transition consistent with this generally accepted approach to land use zoning.

SITE & LOCALITY

The subject site is irregular in shape and is known as No. 168 Oak Road, Kirrawee. The site is legally described as Lot 33 in DP 590492. Figure 1 below illustrates the size and location of the subject site in relation to the Kirrawee centre, noting the immediate proximity of the site to the Kirrawee Railway Station and the town centre via Oak Road. Figure 1 also identifies the street block within which the site is located.

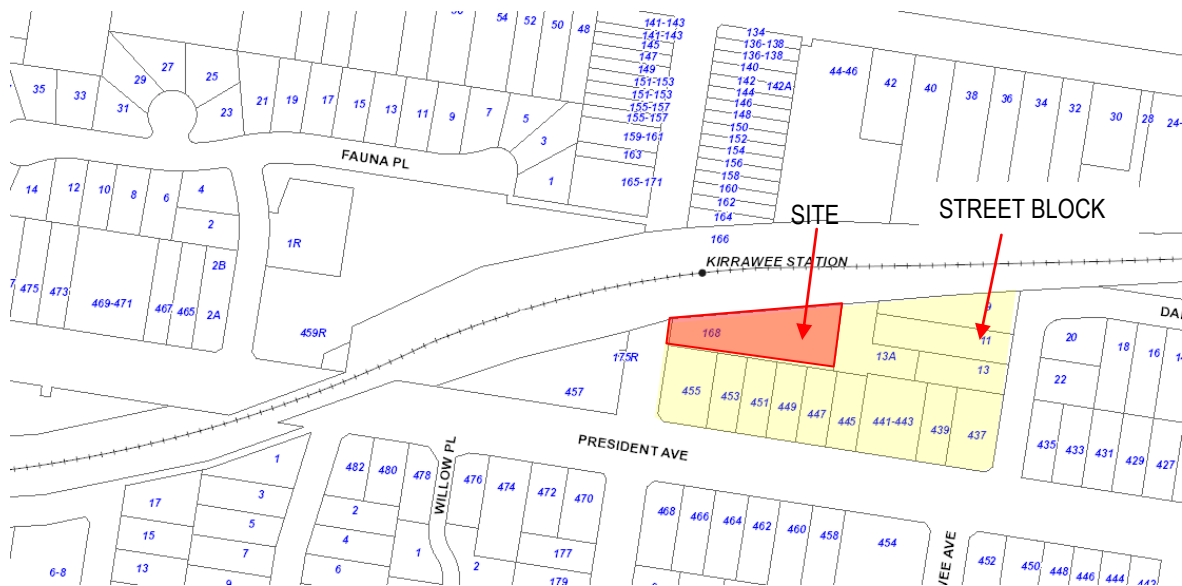


Figure 1: Location Plan

As indicated at Figures 1 and 2, the site is a large and irregular shaped land holding with an area of approximately 1,935m². An existing dwelling and in-ground swimming pool are located on the site.



Figure 2: Aerial photograph of the site

The site has a western frontage to Oak Road of 13.3m and an 86m northern boundary that adjoins the railway corridor. Both the eastern boundary (65m) and the southern boundary (82m) are adjoined by the side and rear boundaries of various residential properties. Also adjoining the site to the south, on the corner of President Avenue and Oak Road is an existing heritage listed medical centre. We note that there are other large holdings to the east that would be more than capable of accommodating medium density development as well as some existing medium density development in the street block.

THE REQUEST

It is requested that Council includes the subject site in the *R3 – Medium Density Residential* zone under Draft SSLEP 2013. This will enable the redevelopment of the site for medium density residential accommodation. The application of the R3 Zone to the street block, bound by Oak Road, President Avenue, Dameeli Avenue and the railway corridor is in our view, the rational expansion of the residential component of Kirrawee to support the local centre.

This request also seeks that Council increase the density at the site from 0.55:1 to 0.7:1, which is generically applied to land located within the R3 zone. The clear and significant distinction between the two zones is the additional density that will be permitted at the site and a minor range of additional uses that are permitted in the R3 Zone. Both the additional density and the range of land uses are ideally suited to the subject site, or street block as a whole.

JUSTIFICATION

This submission seeks that Council apply the requested *R3 Medium Density Residential* zone under the Draft SSLEP 2013. The subject site and surrounding properties are ideally located to facilitate at least medium density residential development. As part of reaching the NSW State Government housing targets the *Sutherland Shire Housing Strategy* seeks to provide additional density in established centre areas across the Sutherland Shire with close proximity to employment opportunities and transport services. The subject site has immediate access to both public transport and employment opportunities and every opportunity should be taken to encourage increased density in this location.

The subject site is located immediately adjacent to Kirrawee Centre and is only separated by the width of the railway corridor. It is acknowledged that the railway corridor acts as a geographical boundary to the southern expansion of the Kirrawee Centre. However, the subject site fronts Oak Road and gains immediate and direct pedestrian and vehicular access to the Kirrawee Centre. Therefore, the railway corridor does not have the effect of separating the site (and surrounding street block) from the Kirrawee Centre.

On this basis, it is our view, that the subject site which is identified for low density residential development is more suited for high density housing than a number of properties that are zoned from Local Housing to *R4 – High Density Residential* development to the west of the Kirrawee Centre in Fauna Place. Although we support the provision of additional density at these sites, the location criteria of the subject site should be acknowledged by the application of at least a medium density zone.

Additionally, Council has applied the medium density zone to a number of sites around the Sutherland Shire to assist with the transition in built form between the local centre and high density areas to the low density residential zones. This is particularly apparent in the local centres of Sutherland, Gymea, Caringbah, Miranda and Cronulla.

Furthermore, the subject site and its immediate context (street block) are an isolated group of properties that are either developed for villas and townhouses or contain large holdings or properties that are capable of amalgamation for medium density residential development. The site and surrounding properties should be viewed as a clear "opportunity site" for the rational expansion of residential density to support the Kirrawee Centre.

Finally, the additional uses allowed in R3 Zone that are prohibited in the R2 zone include *Attached dwellings, Community Facilities, Hostels, Neighbourhood Shops and Shop Top housing*. Although it is likely that future development will comprise townhouses, these uses as well as those that would be permitted under applicable State EPIs would also be appropriate to the site context.

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 *R3 – Medium Density Residential* zone and an increase in density of 0.7:1 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