

**Our Ref:** 0095/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW  
2-6 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 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 first exhibited Draft LEP requesting that the density at the site be increased to 3.5:1. The detailed submission is attached to this letter.

Staff did not agree with the request and resolved that the LEP remain unchanged. We maintain our initial views that there is legitimate planning merit in increasing the density for the reasons mentioned in the attached submission and ask that the Panel endorse our request to apply an FSR of 3.5:1.

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 INITIAL SUBMISSION ON DRAFT SUTHERLAND LEP 2013

Our Ref: 130093lt1  
Council Ref: LP/03/252376

1 May 2013

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

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND LEP 2013  
2-6 CRONULLA 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. 2-6 Cronulla Street, Cronulla, which is located at the northern end of Cronulla Mall. The location of the property is shown in Figure 1 below.



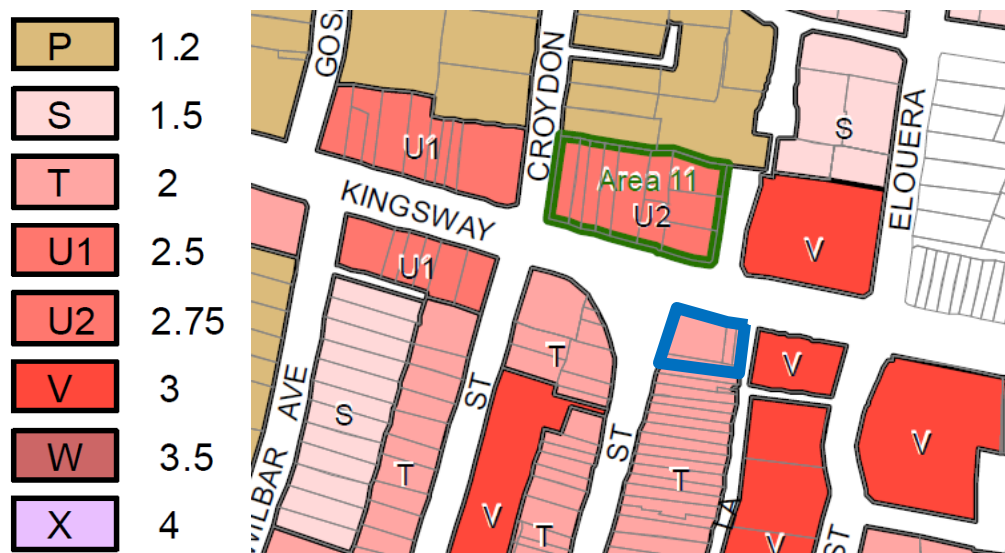
*Figure 1: Location of the subject site and surrounds*

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 of the Draft LEP for future use or redevelopment of their property. 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.

Our client's site is currently occupied with retail and fast food uses at the ground floor and with the Cronulla Cinema complex and a small amount of commercial space occupying the remaining above ground floor space. The cinemas themselves feature a large floor to ceiling height in many places to accommodate screens. The subject site has a total area of 1,124m<sup>2</sup>, with 100% site coverage. The building is estimated to have a total height of approximately 15m. Given these non-conventional floorspace uses, it is likely that the building has an effective FSR of around 2.5:1 at the present time.

In addition, we acknowledge that this building is an identified local heritage item due to the original facade at the lower levels. Whilst the actual FSR of the building may be in the order of 2.5:1 due to its specialised use and internal floor layout, the existing building envelope if used for conventional residential or commercial purposes is equivalent to the mass of a building with perhaps 3.5 to 4:1 FSR.

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. This is despite significant upswing in densities along the Kingsway, at the northern end of the Cronulla Mall. In fact, the properties to the north-west, north and east all enjoy the benefit of higher FSR from 2.5 to 3:1, as noted in Figure 2 below.



*Figure 2: An extract of the Draft LEP floorspace ratio mapping (subject site shown in blue)*

Moreover, the Draft Centres Strategy does not nominate the site for increased height and density under the 'Potential Built Form Plan' and this has carried through into the Draft LEP. It would appear that the subject site (and others such as the "Northies site" and "Rydges site") have been treated as having already been fully developed. We believe that this is not an appropriate outcome for the subject site as it provides little certainty for future adaptive re-use or redevelopment.

The failure to increase density on the subject site has two impacts. Firstly, the existing FSR on the site is greater than the allowable FSR and therefore any future works to the site would result in a breach of the standard. This may well preclude adaptive reuse of the building should the cinema use vacate. Whilst Council may accept some variation to the control, reliance on this does not provide any certainty to our client. Secondly, lack of increase in density for the subject site would appear to conflict with the aims of the Draft Strategy which seeks to encourage redevelopment, including an increase residential accommodation within the centre.

On our client's behalf, we encourage Council to reconsider increasing densities for the subject site which in our view is a very important site at the northern entrance to the Mall and at the top of the ridge that extends east-west along Cronulla Mall. 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 3.5:1.

Contextually, the Draft Centres Strategy identifies the northern portion of the Cronulla Mall at the intersection of the Kingsway (including the subject site) as a "gateway location". Given this status, an FSR of 3.5:1 would be appropriate to facilitate built form which responds to this role. This is especially important for the subject site, given the significant upswings in density on surrounding sites as mentioned above. Furthermore, the site sits within the context of much larger buildings to the east including the "Northies building" and the "Rydges building". Provided at Figure 2 below, is a photo of the existing higher densities surrounding the subject site in conjunction with the significant building envelope already provided on the site.



*Figure 2: The subject site (to the right) in context with the Rydges Hotel behind and Northies complex to the left*

As indicated, should the adaptive reuse of the building become an option for the owners of the site, a 2:1 FSR is certainly considered to be unviable. It is highly unlikely to yield even the existing floorspace within the building, let alone retrofitting the building with conventional floorplates. In any case, subject to heritage considerations, it is our view that the building could also accommodate additional recessed levels above the existing parapet. Whilst any future redevelopment proposal could rely on the existing built form envelope it makes town planning sense to apply a more accurate height and density control on the subject site to reflect the existing built form and provide more certainty to the landowner as to the long term reuse prospects for the site.

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

*J. Mead*

Jeff Mead  
DIRECTOR