

Our Ref: 0200/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
49-51 ETON STREET SUTHERLAND**

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 density be increased on the subject site from 3.5:1 to 4:1 and the height be increased from 30m to 40m. 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 increase the density and height on the subject site under the Draft SSLEP 2013 for the reasons outlined in the attached submission.

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: 130200lt2
Council Ref: LP/03/79304

17 September 2013

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

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND SHIRE LEP 2013
Nos. 49-51 ETON STREET, SUTHERLAND**

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 owners of Nos. 49-51 Eton Street, Sutherland and have been instructed to make a submission on the Draft LEP in relation to the second round of public consultation which concludes on 17 September 2013.

The purpose of this submission is to request that Council increase the Draft SSLEP 2013 height and density provisions that apply to the property. Our request is entirely consistent with provisions that apply to the adjoining property to the north and adjacent properties to the west of our clients' property as a result of changes to the earlier exhibited Draft LEP.

We note that for contextual reasons both the Sutherland Centre Strategy and the originally exhibited SSLEP 2013 have consistently applied equal height and densities to our clients' property and the adjoining northern property. Council resolved to increase the height and density of the adjoining northern property (41-47 Eton Street). We endorse the increased height and density in relation to the adjoining northern property and contend that this should also be applied to our clients' property.

Specifically, it is requested that Council increases the FSR under the Draft LEP from 3.5:1 to 4.0:1 and increases the height limit from 30m to 40m in relation to our clients' property.

The subject site is of suitable size and is ideally located to accommodate the proposed density. Given the location of the site in the Sutherland Centre, its proximity to Sutherland railway station as well as the density and height controls that have been applied across the Centre, in our opinion there is no compelling built form or urban design reasons to limit the density of the site to less than what is requested in this submission.

SITE DETAILS

The property is known as Nos. 49-51 Eton Street, Sutherland and is legally identified as Strata Plan 63275. The subject property is located on the western side of Eton Street, adjoins Mccubbens Lane to the south and Muston Lane to the west. The site is located in the heart of the Sutherland Centre with

immediate access to Sutherland railway station. The central location of the site and its proximity to services and transport links is identified in Figure 1.

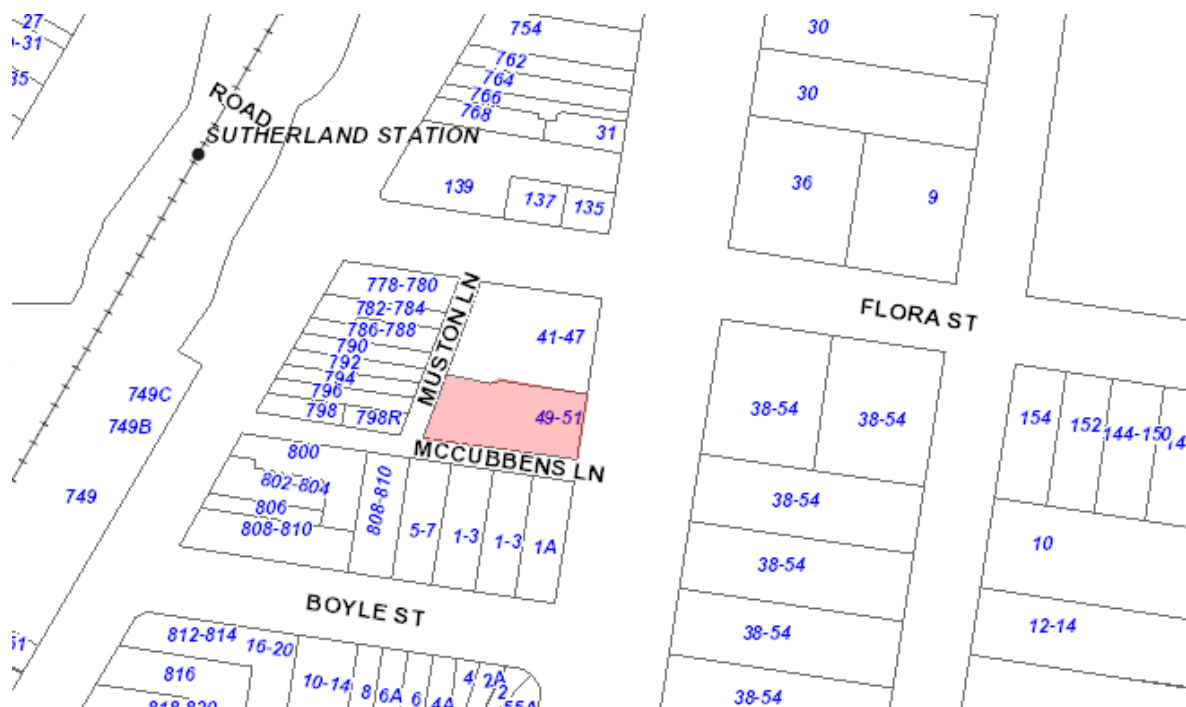


Figure 1: Location of 49-51 Eton Street, Sutherland

Situated on the property is an existing two storey commercial building with basement parking. The commercial building comprises 7 tenancies under separate ownership.

The property shares one common boundary with the adjacent northern property (41-47 Eton Street). Together, the subject site and the adjacent northern property comprise the entire street block which is bordered to the north by Flora Street, the east by Eton Street, the south by McCubbens Lane and the west by Muston Lane (Figure 1).

Surrounding development comprises a range of one and two storey commercial and retail buildings that represent a significant underdevelopment in light of the impending controls under Draft SSLEP 2013. It is therefore expected that the area will undergo significant redevelopment in the near future.

BACKGROUND

The Sutherland Centre Strategy was produced *to present a vision for Sutherland that strengthens its commercial and retail centre, improves the amenity of the Centre for residents and visitors, and encourages and guides future development.*

The Sutherland Centre Strategy identified the subject site as being within the Commercial Core and containing a height of 30m and FSR of 3.5:1, consistent with the adjoining northern property (41-47 Eton Street), which collectively comprise a street block.

The consistent height and FSR on these two adjoining sites was also indicated in the height massing diagrams, which show the properties adopting a cohesive corner form extending around the northern and eastern site frontages (Figure 2).

Although we do not agree entirely with the distribution of height as indicated on the Strategy image provided at Figure 2, we do however support the provision of a consistent allocation of density and height for both the sites comprising the small, yet significant street block. The site's context in light of likely future development provides a basis for consistently applied height and density across the street block.

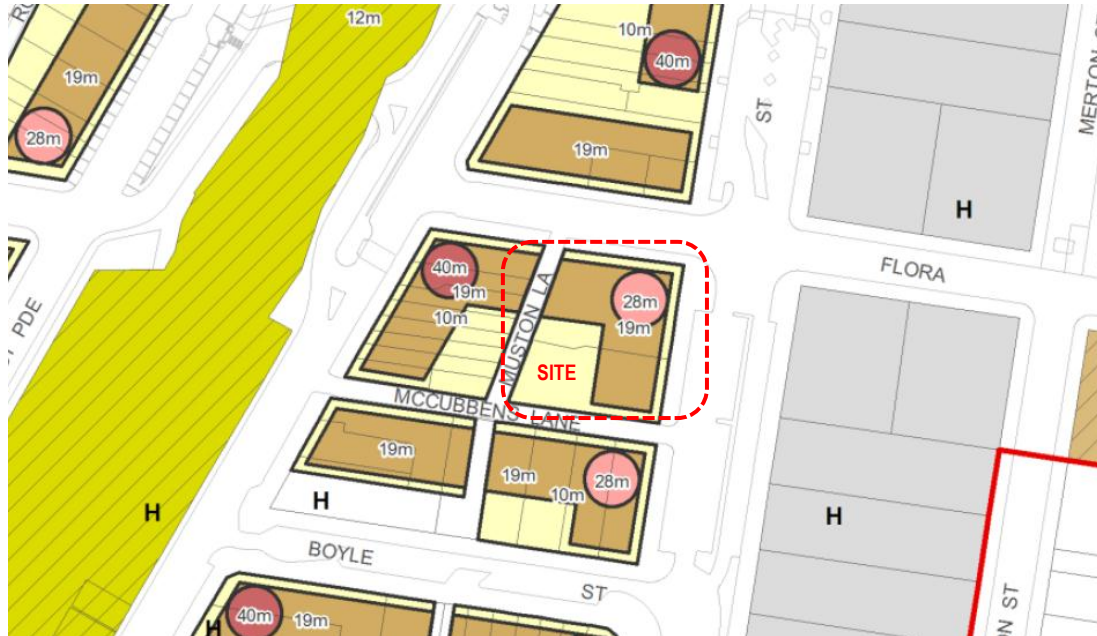


Figure 2: Height and massing diagram under the Centre Strategy

The Draft SSLEP 2013 originally identified the subject site and the adjoining northern property as having a height of 30m and an FSR of 3.5:1. The height and density provisions were consistently applied to both properties, however, during the initial Draft LEP exhibition period, a submission was made in relation to the adjoining northern site (41-47 Eton Street) requesting an increase in height (from 30m to 40m) and an increase in density (from 3.5 to 4:1). The submission was predicated on the site's strategically significant location in the commercial core of Sutherland and as well as the site's immediate proximity to the Sutherland railway station. Council staff recommended that the density and height under the draft remain unchanged, however, Councillors resolved to adopt the recommendation of the submission in its meeting of 29 July 2013. We agree with the adoption of increased density and height, however, contend that it should also be applied consistently to the subject site.

REQUEST

It is requested that the Draft SSLEP 2013 is amended in relation to the subject site as follows:

1. The maximum permitted density is increased from 3.5:1 to 4.0:1; and
2. The maximum permitted height is increased from 30m to 40m.

The suggested changes can be incorporated by making amendments to the FSR and Height Maps of the Draft SSLEP 2013. We respectfully request that if for procedural reasons these changes cannot be made to the current Draft LEP due to the need to re-exhibit the plan, that the changes be incorporated in the first amendment to the new LEP, which is likely to be soon after gazettal.

JUSTIFICATION

In forming our opinion on the suitability of the height and density requirements 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. We have also considered Council's *Employment Strategy – January 2013*, *Housing Strategy – December 2012* and *Draft Sutherland Centre Strategy* which are supplementary documents also on public exhibition.

The town planning justification for the requested increase in density and height is summarised in a series of sub-headings below:

Strategically Significant Site

The *Draft Sutherland Centre Strategy* acknowledges that the locality has access to “excellent public transport” and lists several prudent objectives (on Page 16) in relation to public transport. These objectives seek to increase residential population within walking distance of the railway station, bus routes and other facilities. In our view, the subject site has the potential to accommodate one of the Sutherland Shire's most important transit oriented developments (TODs) due to its location at the heart of the Town Centre. Pursuit of these transit oriented development options is central to the *Draft Metropolitan Strategy* and to contemporary planning thought.

In addition to the above, the requested density will enable Council to achieve the Key Actions of the *Draft Sutherland Centre Strategy* by strategically allocating density in a way that complements the topography and precinct character of Sutherland by applying a suitable and consistent density and height in the commercial core.

We understand this position to be consistent with that of Council who resolved to apply the requested height and density to 41-47 Eton Street.

Urban Form

The Sutherland Centre Strategy and the initially exhibited *Draft SSLEP 2013* have consistently identified equal height and density controls applying to the subject site and the adjoining northern property (41-47 Eton Street) due to the clear urban form and streetscape benefits of doing so.

Our clients' property and the adjoining northern property comprise an entire street block that is located at the eastern edge of the Commercial Core of the Sutherland Centre, adjacent to the significant Flora Street and Eton Street intersection. It is our opinion that a consistent approach to the provision of density and height on these two adjoining properties has legitimate urban form benefits both in terms of the streetscape of Eton Street and by providing a strong and cohesive corner presentation.

As discussed, Council resolved to increase the height and FSR of 41-47 Eton Street, however, our clients' property remains unchanged. We support the increased density and height on the adjoining property, however, draw Council's attention to the disparity that will exist between the likely future form of development on the adjacent properties.

The principle of increasing density and height at 41-47 Eton Street was accepted and it is our view that there is significant urban form benefit in favour of supporting a consistent height and density by accepting the request of this submission. This will encourage a cohesive built form as has always been anticipated on the strategically located sites.

Council staff in their consideration of the Draft SSLEP 2013 submission at 41-47 Eton Street noted that:

“ It is considered appropriate to reduce the scale of development from the western edge of the town centre towards the east... it is considered that the height of development should take on a more transitional scale in order to maintain solar access and pedestrian amenity at street level.”

The intent of Council to abandon the idea of transitioning the scale of development to the east was evidenced in the application of the 40m height limit and FSR of 4:1 to in relation to 41-47 Eton Street. In doing so, Council has made clear its intention to provide a consistent height and density within appropriate commercial core sites. As the requested scale will extend from east to west within the commercial core, we maintain that there are strong reasons to adopt the requested height and density.

Consistency with other Town Centre sites

We acknowledge and support the inclusion of increased densities within and around the Sutherland Town Centre and recognise the further densities applied to a number of sites following Council's adoption of the Mayoral Minute on 29 July 2013. We agree that increasing densities will provide the required vehicle for urban renewal to achieve the aims, objectives and key actions of the *Draft Sutherland Centre Strategy*.

Sutherland is uniquely provided with a transport interchange and is a prime Centre for development impetus. We note that there are 7 sites (or localities) that are subject to a 4:1 floor space ratio and 40m height limits, including the adjoining northern site and the sites to the west on the opposite side of Muston Lane. We note that the subject site is located 200m from the entrance to Sutherland Station, which is more proximate than a number of other sites enjoying the requested higher density.

Ability of the site to accommodate a suitable form of development

The subject site is generally regular in shape and is of a suitable size to facilitate a high density form of development. The site is strata title subdivided and it is considered that the requested density will provide a market driven incentive for redevelopment in the short medium term. Amalgamation is acknowledged by the *Draft Sutherland Centre Strategy* as a significant constraint to its “vision” being achieved, however, it is considered that incentivising redevelopment by adopting the requested height and density will overcome this constraint.

By virtue of our clients' property being located immediately to the south of 41-47 Eton Street, which has been recently identified for the same height and density as requested, it is unlikely that any future form of development at 40m in height will result in a significant increase in overshadowing impacts. In addition, the subject request will not significantly increase the perception of building height in the Sutherland Centre beyond what has been adopted by Council.

CONCLUSION

In summary, on behalf of our clients we request that the Draft SSLEP 2013 density and height maps are amended to increase the maximum FSR to 4:1 and maximum height to 40m in relation to the subject site. The requested increase in height and density are entirely consistent with the intent of the *Draft Sutherland Centre Strategy* and the *Housing Strategy – December 2012*.

Additionally, the requested density and height will facilitate the redevelopment of the subject site as an important transit oriented development due to its immediate proximity to Sutherland railway station.

The requested density and height is required to incentivise the redevelopment of the site which is under strata title. It is considered that the requested density will provide the required impetus for redevelopment in the medium term.

Given the context of the site and in light of the density and height that has been applied to the adjoining northern and western sites, every opportunity should be taken to support the requested height and density. The proposal will only serve to provide a consistent and improved streetscape presentation in relation to Eton Street and in doing so, promote a defined corner element at the Eton Street and Flora Street intersection.

As such, at the very least, the site is capable of accommodating an FSR of 4:1 and height of 40m, consistent with the distribution of density of other sites within the Town Centre, some of which are not as ideally located as the subject site.

We thank you for the opportunity to comment on the second exhibition of Council's Draft LEP and we look forward to amendments being incorporated prior to final consideration by Council. We respectfully request that if for procedural reasons these changes cannot be made to the current Draft LEP that the changes be incorporated in the first amendment to the new LEP, which is likely to be soon after gazettal.

We would welcome any further opportunity to discuss our submission. Should you require any further clarification, please do not hesitate to contact our office.

Yours faithfully,
Planning Ingenuity Pty Ltd



Jeff Mead
DIRECTOR