

Our Ref: 0201/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
152-154 FLORA 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 2.5:1 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: 1302018lt2
Council Ref: LP/03/79304

3 September 2013

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

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND SHIRE LEP 2013
152-154 FLORA 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 owner of Nos. 152-154 Flora 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. An owners endorsement letter is attached to this submission.

The purpose of this submission is to request that Council increase the Draft SSLEP 2013 height and density provisions that apply to the our client's property to be more consistent with provisions that apply to surrounding land as a result of changes to the earlier exhibited Draft LEP. This submission analyses the ability of the site to accommodate the requested additional development yield.

Specifically, it is requested that Council increases the FSR under the Draft LEP from 2.5:1 to 4.0:1 and increases the height limit from 30m to 40m. The subject site is of suitable size, is well proportioned and is ideally located to accommodate the proposed density. Given the location of the site in the Sutherland Centre, its location to Sutherland railway station as well as the density and height controls that have been applied to a number of surrounding properties, 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 subject site comprises two properties that are known as Nos. 152 and 154 Flora Street, Sutherland. The properties are legally identified as Lots 1 & 2 in DP 380018 and contain a northern property frontage to Flora Street of 30.4m, a secondary frontage to Merton Street of 40m and a site area of 1,216m².

The site occupies the corner of Flora Street and Merton Street within the Sutherland Centre and is located 350m walk from Sutherland railway station. The central location of the site and its proximity to services and transport links is identified in Figure 1.

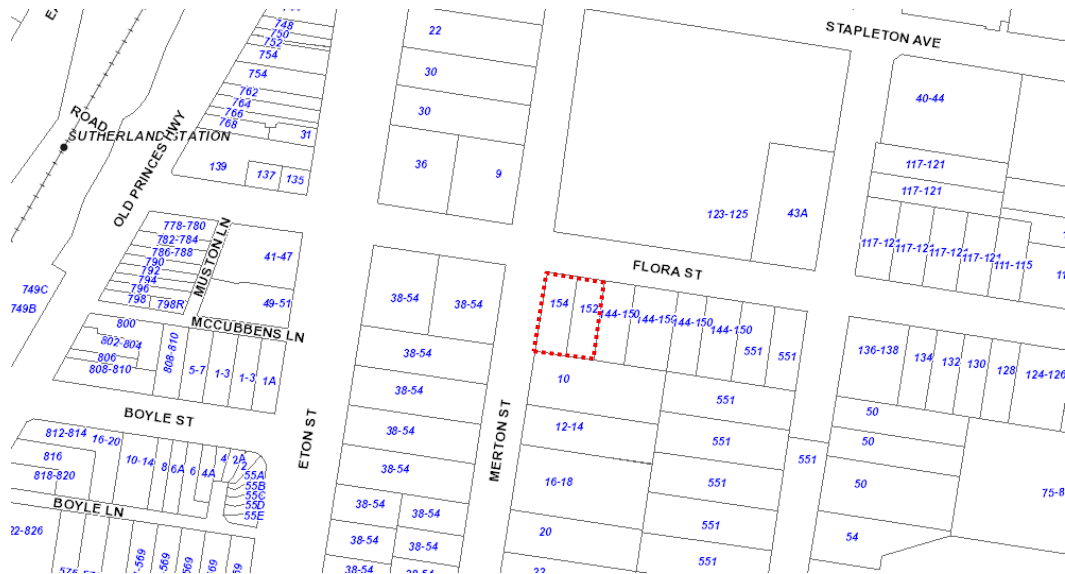


Figure 1: Location of 152-154 Flora Street, Sutherland

Situated on No. 154 Flora Street is an existing single storey commercial building containing an active frontage to both Flora Street and Merton Street. The building was constructed in circa 1960 and is occupied by various business premises. A hard stand parking area extends from Merton Street at the rear of the existing building (Figure 2). No. 152 Flora Street is occupied by an older style single storey building which appears as a dwelling and is currently used as a business premises. Vehicular access to this property is gained via Flora Street (Figure 2).



Figure 2: Aerial Photograph of the site

The subject site is located on a corner and presents an opportunity to provide a strong urban design element to the eastern part of the Town Centre. Amalgamation of the subject properties will be readily achievable and the requested density and height will provide sufficient impetus to enable a high quality urban outcome. To not apply the requested controls to the subject site would in our view result in an

urban design anomaly given the density and height that is to be applied to land to the north on Flora Street and land to the south along Merton Street.

SURROUNDING DEVELOPMENT

To the west of the site is an existing heritage listed public school (Sutherland Primary School, including original building and grounds—**B162**) and to the north-west of the site is a heritage listed church building (Church—**B163**).

To the north of the site, on the opposite side of Flora Street, is a Council owned car park identified as Nos. 123-125 Flora Street, Sutherland. The redevelopment of the site under DA12/0662 was approved on 4 March 2013 for the construction of a nine storey mixed use development comprising 43 residential apartments and three commercial units. The site configuration and the southern elevation of the approved 9 storey building are provided at Figure 3.

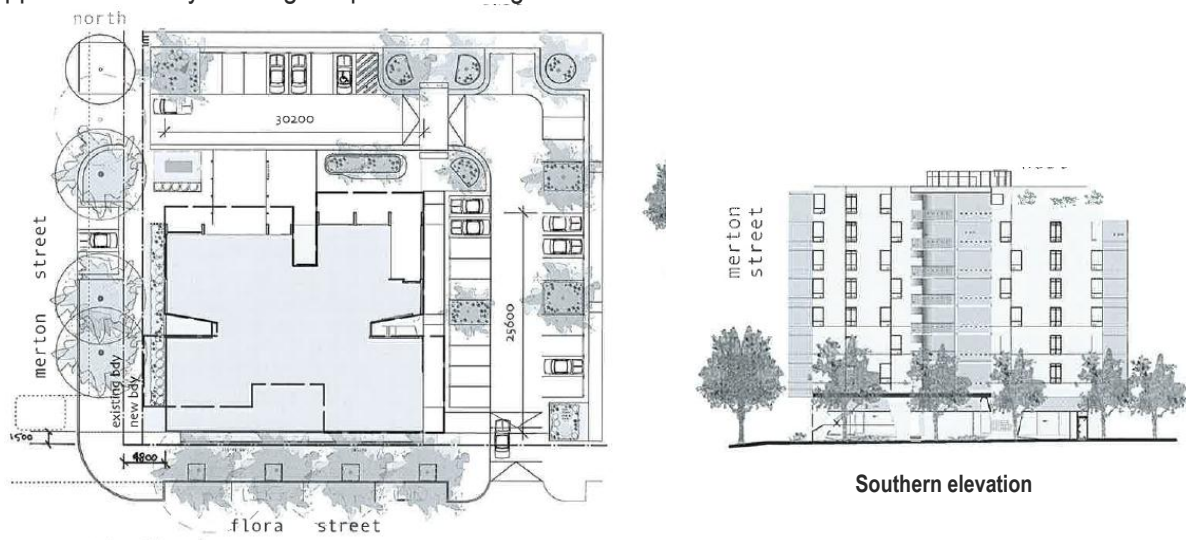


Figure 3: Approved development at No. 123-125 Flora St under DA12/0662

The approved building is located immediately opposite the subject site on the corner of Flora Street and Merton Street. The approximate location of the approved building in relation to the subject site is indicated in Figure 4.



Figure 4: Location of approved building (DA12/0662) in relation to the site

Adjoining the site to the east is an existing two storey aged care facility with vehicular access extending from Flora Street to an at-grade parking area located immediately adjacent to the common property boundary.

To the south of the site is a detached dwelling located on No. 10 Merton Street. This property and its adjoining southern property (No. 12-14 Merton Street) front Merton Street and were identified for significant increases in height and density following the initial exhibition of the Draft LEP (i.e. increase in FSR from 1.5:1 to 4:1 and height from 20m to 40m). Under the Draft LEP these properties are located within the *R4 – High Density Residential* zone.

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 2.5:1 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. Furthermore, the proposed request has been made in response to the increase in density and height on a number of sites in the Sutherland Centre and the clear indication that additional development potential is fundamental to achieving the aims, objectives and actions of the *Draft Sutherland Centre Strategy*.

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

Context of the 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 transport. These objectives seek to increase residential population with walking distance of the railway station, bus routes and other facilities. In our view, the subject site is ideally located to accommodate the level of density requested. In doing so, opportunity exists for the provision of a significant transit oriented development (TOD). 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. In light of the significant amendments to the FSR and height provisions in the Sutherland Centre as part of the initial exhibition of the Draft LEP (particularly in

relation to land immediately to the south), the requested FSR should logically apply to the subject site. The requested density and height will provide improved built form outcomes by avoiding a “missing tooth” effect at a prominent corner site that sits between higher density land directly to the north and adjoining to the south.

The requested FSR and height is entirely complementary to the provisions applied to the adjoining southern property and the Council owned car park site to the north as indicated in Figures 5 and 6.

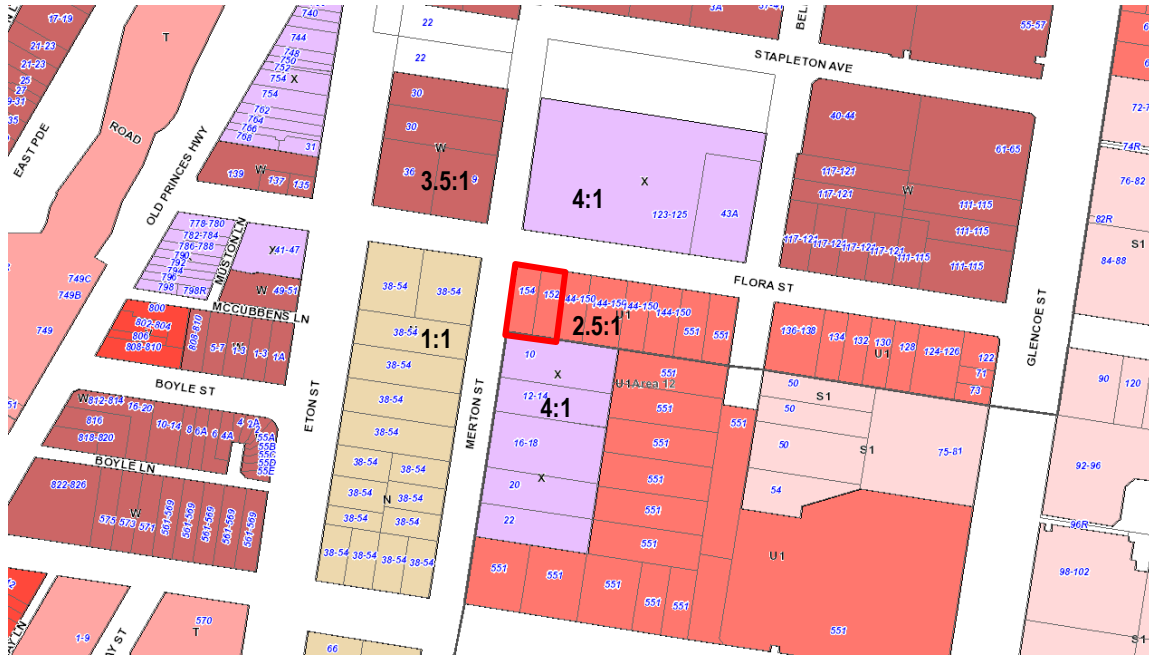


Figure 5: FSR Controls under DSSLEP 2013



Figure 6: Height controls under DSSLEP 2013

The requested controls will allow for acceptable built form outcomes in relation to the site's corner location and both the Flora and Merton Street streetscapes. In relation to the Flora Street streetscape, Council has recently approved a 9 storey mixed use development to the north of our client's property and has enabled an FSR of 4:1 and a height ranging between 30m and 40m. Any future development on our client's site at the proposed density and height is entirely capable of providing a consistent

sense of enclosure, active frontage and the desired spatial proportion to Flora Street. To not adopt the requested controls, in our view, will result in an urban design anomaly.

Additionally, the requested height and density is consistent with the Merton Street context in relation to the *R4 - High Density Residential* properties to the south of our client's property. Enabling the height and density as requested, is identical to the adjoining southern properties. The continuation of the height and density to the corner of Merton Street and Flora Street will provide a more desirable and defined corner presentation along the strategic eastern link to Sutherland Centre. Reinforcing the corner presentation is a consistently applied urban design initiative, particularly along prominent links to urban centres.

Ability of the site to accommodate a suitable form of development

The site comprises two properties that are under separate ownership and are entirely capable of being amalgamated. Amalgamation is acknowledged by the *Draft Sutherland Centre Strategy* as a significant constraint to its "vision" being achieved and in this instance it is not likely to restrict redevelopment of the subject site.

The form of development under the requested controls will likely consist of 11-12 levels of residential accommodation over 2 levels of commercial and retail floor area with associated basement access. The site is of sufficient width to facilitate a development that can easily provide the shared separation requirements under the RFDC to the adjoining northern and southern properties as indicated in the indicative street section prepared by Couvaras Architects (Figure 7) which is also provided as an attachment to this submission.

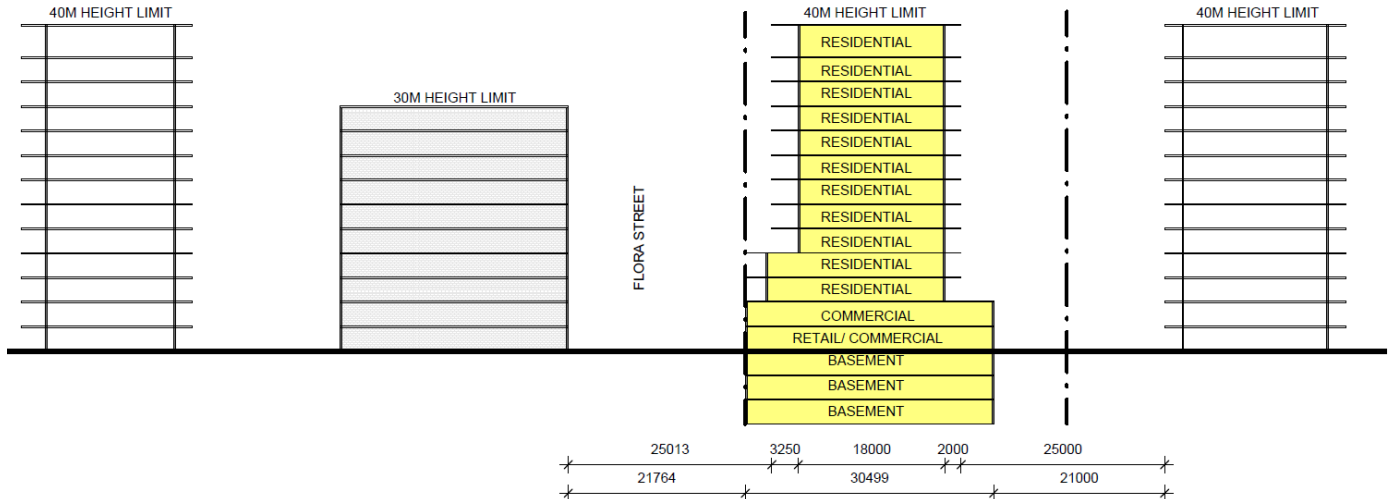


Figure 7: Likely development and separation requirements of the RFDC (Couvaras Architects)

The site has a north to south orientation and future residential development could comprise a series of north facing dwellings that adopt a primary orientation to Flora Street enabling excellent solar amenity. In addition, the 40m height limit in conjunction with the FSR of 4:1 will enable density to be distributed on the site in a more narrow form that promotes solar penetration to the southern properties. In any event, the proposal will not significantly increase overshadowing impacts beyond the likely form and character of development anticipated by the redevelopment of the adjoining southern properties.

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 sites to the north and south of our client's properties. We note that the subject site is located 350m from the entrance to Sutherland Station, which is more proximate than the high density residential sites to the south including No. 10 Merton Street as well as portions of the Council owned development site to the north.

In addition, the subject site will be more readily amalgamated and is better located to accommodate the requested density than the two other sites (1-3 East Parade and the Corner of Belmont and Old Princes Highway) identified for the same level of development potential.

In the interest of the equitable and logical location of density in the Sutherland Centre in a way that will promote improved built form outcomes, we note that our client's property is well placed, if not better placed than a number of properties to accommodate the level of density requested which should accordingly be applied.

We note that all other sites with an FSR of 4:1 benefit from height controls that range between 30m to 40m and in the interest of encouraging a narrow form and consistent form that promotes solar penetration, we request that the 40m height limit is applied to our client's property to enable the maximum requested FSR to be achieved.

CONCLUSION

In summary, on behalf of our client 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 increased 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 (TOD) due to its immediate proximity to Sutherland railway station. The site will be readily amalgamated and is of sufficient area and proportions to provide a mixed use development incorporating residential accommodation that enjoys a northern orientation. The form of development envisaged by the controls is consistent with the surrounding controls and is entirely capable of compliance with the separation requirements of the SEPP No. 65 *Residential Flat Design Code*.

Given the context of the site and in light of the density and height that has been applied to the adjacent northern and southern 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 in relation to both Flora Street and Merton Street and will enable the provision of a defined corner element along the significant eastern link to the Sutherland Centre.

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 at other sites within the Town Centre that are arguably less ideally located for the proposed level of density.

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 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. 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