

Our Ref: 0217/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
561-563 KINGSWAY MIRANDA**

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 Council increase the FSR on our client's properties from 3.0:1 to 3.5:1 under the Draft SSLEP 2013. Our request is consistent with the maximum density that has been applied to 531-533 Kingsway, Miranda which forms part of the same commercial strip. 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 apply an FSR of 3.5:1 at the subject site.

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: 130217lt2
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. 557-567 KINGSWAY, MIRANDA**

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 a group of property owners who own Nos. 567, 565, 561-563 and 557-559 Kingsway, Miranda (refer to Owner's Endorsement Letters attached to this submission). We 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.

The purpose of this submission is to request that Council increase the FSR on our client's properties from 3.0:1 to 3.5:1 under the Draft SSLEP 2013. Our request is consistent with the maximum density that has been applied to 531-533 Kingsway, Miranda which forms part of the same commercial strip. In addition our request is considered to be necessary to incentivise amalgamation and redevelopment of properties that are in multiple ownerships and are likely to incur higher costs of development to be realised. It is anticipated that the requested density will encourage a form of development consistent with the local context.

The properties that are the subject of this submission are capable of amalgamation and are ideally located to accommodate the proposed density. The site is located within the Miranda Centre, has excellent proximity to public transport, will maintain the height limit proposed under the Draft LEP and proposes the same density that has been applied to 531-533 Kingsway Miranda. It is therefore our opinion that there is no compelling built form or urban design reason to limit the density of the site to less than what is requested in this submission.

SITE DETAILS

This submission relates to the site which is collectively known as Nos. 567, 565, 561-563 and 557-559 Kingsway, Miranda (Figure 1). The site is legally identified as Lots 1, 2, 3, 4, 5 and 6 in DP 350142 respectively. The subject properties extend from the corner of Kiora Road and the Kingsway, eastward along a commercial strip that fronts the Kingsway.

Vehicular access to each property is gained via Clubb Lane which is located at the rear (northern) end of each site. The site is located in Miranda Centre and has excellent access to Miranda railway station.

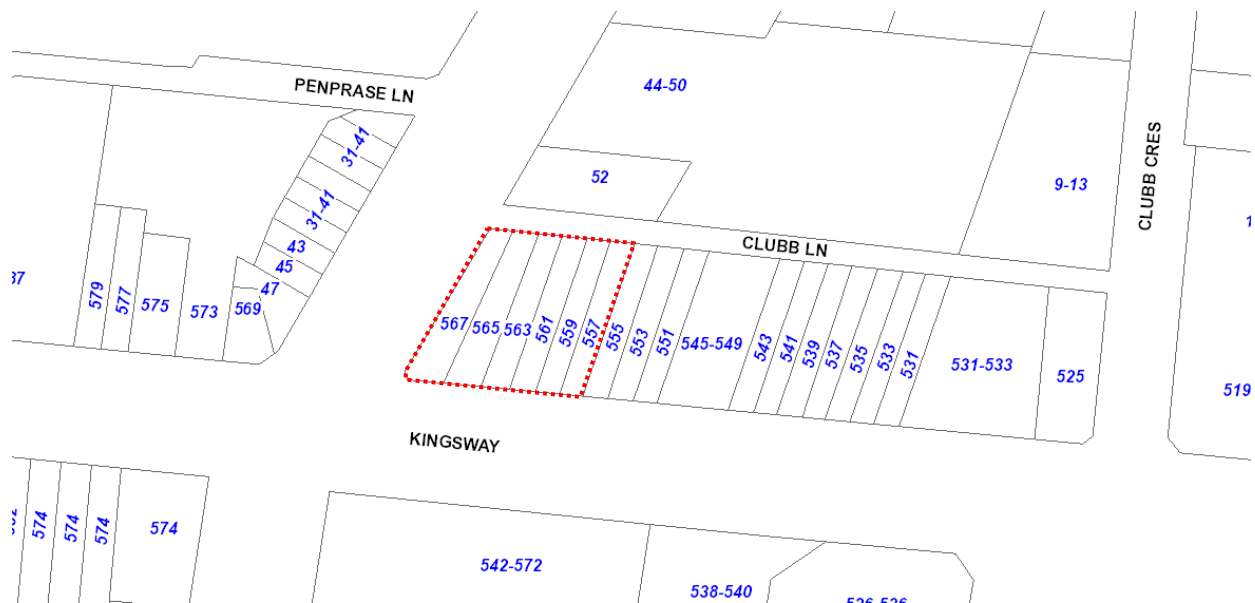


Figure 1: Location of 557-567 Kingsway, Miranda

Each individual property comprising the subject site is reasonably narrow and it would be expected that any future redevelopment would require amalgamation of adjoining sites to enable the requested density to be achieved. Situated on the properties are two storey commercial buildings with rear access to parking and loading areas extending from Clubb Lane.

The subject site is located at the western end of a commercial strip that contains a mix of two and three storey buildings. This strip has not seen any significant redevelopment for many years other than at Nos. 531-533 which comprises a mostly complete building that was approved with a height of 6 storeys and an FSR of 3.346:1. We note that Council is currently considering a modification application to increase the FSR on the site to 3.499:1, consistent with the allowable FSR under Draft SSLEP 2006.

Furthermore, the context for scale is currently set by buildings such as the hotel/commercial building to the south-east and the Westfield building to the south of the site which present a scale of development that is equal to or greater than the requested FSR.

Many of the surrounding properties are underdeveloped in light of the current and impending controls under Draft SSLEP 2013. It is therefore expected that the area will undergo significant redevelopment in the near future in the form of mixed use development with ground floor commercial and retail tenancies. Any such development is entirely consistent with the aims of the Sydney Metropolitan Strategy for town centre locations.

REQUEST

It is requested that the Draft SSLEP 2013 is amended in relation to the subject site to increase the maximum density permitted on the site from 3.0:1 to 3.5:1. The suggested changes can be incorporated by making amendments to the FSR Map 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 density requirement for these properties 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* and *Housing Strategy – December 2012* 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:

Suitability of the Site

In our view, the subject properties have sufficient ability to accommodate an increase in density as requested to contribute to the economic growth and vitality of the Miranda Centre. The requested density is required to provide additional residential accommodation (in the form of apartments) over ground floor commercial and retail uses. The request does not seek to increase the draft height limit for the site, rather provide an increase in density, consistent with that accepted by Council in relation to Nos. 531-533 Kingsway.

The site is located on the corner of a significant intersection in Miranda and the proposed density would incentivise the redevelopment of the site to have a strong and potentially iconic corner presentation.

The site has excellent access to a range of commercial and retail services throughout Miranda as well excellent access to employment opportunities. Miranda is centrally located in the Sutherland Shire and is well served by public transport as it contains one of the largest local bus exchanges and Miranda railway station. As such, every opportunity should be used to apply increased densities to incentivise the viable redevelopment of these sites for a range of suitable commercial and residential uses.

Urban Form

The maximum permitted height of the subject site under the Draft LEP has been increased to 30m, which is consistent with the extent of properties located in the street block that is bound by Kingsway, Kiora Road, Clubb Lane and Clubb Crescent. We accept and agree with the height control which is consistent with that of the Westfield shopping centre located on the opposite (southern) side of the Kingsway (Figure 2).



Figure 2: Draft Height Maps – Subject site highlighted in yellow

As previously discussed, the subject site is located at the western end, occupying a commanding corner position of a commercial strip that contains a mix of two and three storey buildings. This strip has not seen any significant redevelopment for many years other than at Nos. 531-533 which comprises a mostly complete building that was approved with a height of 6 storeys and an FSR of 3.346:1. Additionally, Council is currently considering a modification application in relation to Nos. 531-533 Kingsway to increase the density at the site to 3.499:1, consistent with the allowable density under the Draft LEP.

Furthermore, the context for scale is currently set by buildings such as the hotel/commercial building to the south-east and the Westfield building to the south of the site which present a scale of development that is equal to or greater than the requested FSR.

It is anticipated that future development will provide a street wall building fronting the Kingsway and the requested density will not affect the overall height and appearance of the urban form currently anticipated under the Draft LEP. As there will be no significant urban form impacts, every attempt should be made to encourage additional density on this site which is ideally located to accommodate additional residential and commercial floor space in one of the Shires most significant commercial centres.

Finally, this request seeks that Council provide an equitable distribution of density within the immediate area, consistent with that permitted at Nos. 531-533 Kingsway (Figure 3) due to the absence of any demonstrable urban form impacts.

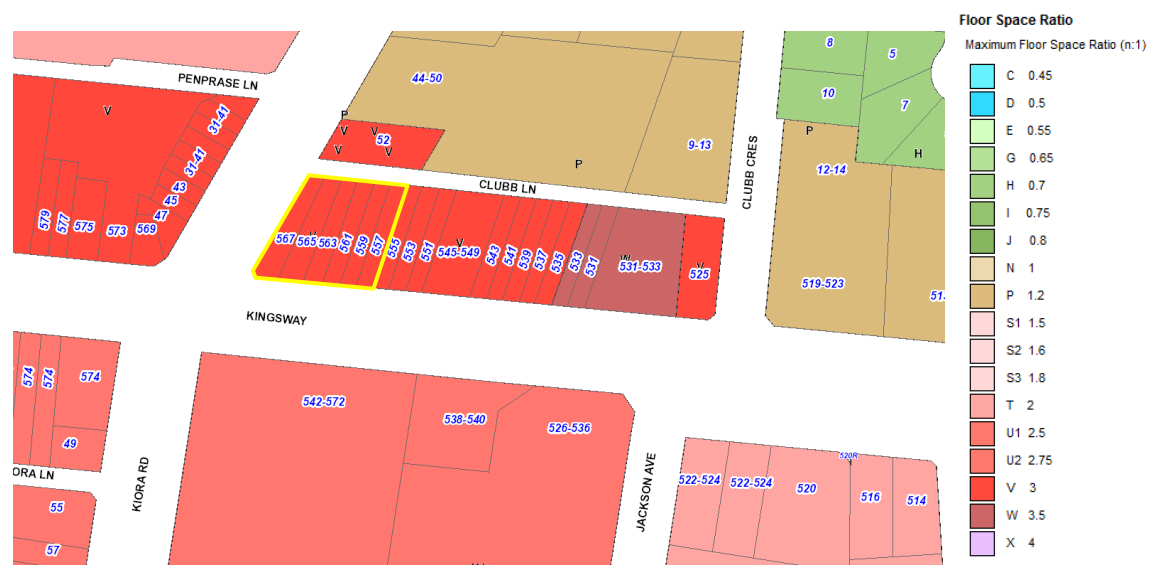


Figure 3: Draft FSR Maps – Subject site highlighted in yellow

Ability of properties to accommodate a suitable form of development

It would be expected that the narrow sites in the immediate context would be amalgamated for redevelopment and the requested density will provide improved incentive for this. A desirable form of development for the commercial strip would be a fine grain pattern of mixed use development occupying between 3 and 5 adjacent sites. The requested density would provide the necessary market driven approach to encourage amalgamation of these sites.

The sites have an active frontage to the Kingsway and a separate vehicular access at the rear via Clubb Lane. The dual frontage sites have sufficient access arrangements to accommodate the likely pedestrian and vehicular traffic generated by the requested density, and have the potential to incorporate basement car parking.

CONCLUSION

In summary, on behalf of our clients we request that the Draft SSLEP 2013 density maps are amended to increase the maximum FSR from 3.0:1 to 3.5:1 to ensure a consistent and equitable allocation of density on the sites fronting the Kingsway as accepted by Council in relation to No. 531-533 Kingsway, Miranda. In addition, the requested density is consistent with the scale of a number of developments in the area, including Westfield and the motel site located on the opposite (southern) side of the Kingsway.

The sites are ideally located for increases in density due to their immediate proximity to retail, commercial and employment activities as well as being centrally located in the Sutherland Shire with excellent access to public transport.

The requested density will have no significant built form impacts as the form of development will continue to adopt a street wall building at the height limit currently identified under the Draft LEP. The increase in density will provide market driven incentives for the smaller lot sites to be amalgamated for redevelopment. It is anticipated that the requested density will promote urban renewal in the immediate area.

As such, at the very least, the sites are capable of accommodating an FSR of 3.5:1 in conjunction with the permitted height of 30m.

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

Our Ref: 130211lt2
Council Ref: LP/03/79304

17 September 2013

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

Dear Sir,

**OWNER'S ENDORSEMENT
SUBMISSION ON THE DRAFT SUTHERLAND SHIRE LEP 2013
PROPERTIES FRONTING THE KINGSWAY IN MIRANDA**

Planning Ingenuity has been instructed and endorsed by the owners of the properties listed below to prepare the attached submission on the Draft Sutherland Shire LEP 2013 which requests the following.

REQUEST

" It is requested that the Draft SSLEP 2013 is amended in relation to the subject site to increase the maximum density permitted on the site from 3:1 to 3.5:1. The suggested changes can be incorporated by making amendments to the FSR Map 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."

Yours faithfully,
Planning Ingenuity Pty Ltd

J. Mead

Jeff Mead
DIRECTOR

Property address	Owners Name(s)	Signature
565 Kingsway MIRANDA NSW 2228	West Acton Pty Ltd	<i>R. Adk</i>
567 Kingsway MIRANDA NSW 2228	West Acton Pty Ltd	<i>R. Adk</i>

Our Ref: 130211It2
Council Ref: LP/03/79304

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Yours faithfully,
Planning Ingenuity Pty Ltd

J. Mead

Jeff Mead
DIRECTOR

Property address	Owners Name(s)	Signature
561-563 Kingsway Miranda NSW 2228	DM Carbone, LT Carbone VT Carbone, MR Carbone & MM Carbone	
557-559 KINGSWAY MIRANDA NSW 2228	F. DE MICHAEL INVESTMENTS P/L	<i>R. De Montis</i>