

Pat Murray
1 Alexander Avenue
Taren Point
NSW 2229
14/2/2014

Att. Marion Pate

Sutherland Shire Draft LEP Review

I wish to make the following comments on the preparation of the draft LEP by Sutherland council.

I believe inadequate consideration has been given to the submission that I made in the preparation of the draft LEP regarding Dual Occupancy Development and Torrens Title Subdivision. I have proposed that Council allow a Torrens Title subdivision of land in corner lots in the proposed R2 zone before construction of a new dwelling in an approved Dual Occupancy and Subdivision application, because corner lots represent a special case in development. A copy of my submission to Council is as follows:

File No. LP/03/252376, Draft Sutherland Shire local Environmental Plan 2013

From: Pat Murray
1 Alexander Avenue
Taren Point
NSW 2229
31/10/2013

I wish to make the following comments on Dual Occupancy and Subdivision in the R2 Low Density Residential Zone of DSSLEP2013.

I believe that Council should consider (in DSLEP2013) permitting a Torrens Title subdivision of corner lots and non-internal lots into two lots in the R2 zone on approval of a dual occupancy and subdivision application and prior to the actual building/construction of a dual occupancy. This could be considered where existing lots meet minimum lot size requirements for dual occupancy and subdivision, 800 metres squared and where each dwelling would conform with allowable floor space limits (0.55 FRS) and other controls. A new lot could then be sold and a new dwelling be built by a new owner conforming with FRS and other controls.

The rationale for this proposal is that the outcome would be the same whether the subdivision of land were done before or after construction in that each dwelling (or an existing dwelling and a new dwelling) would have to conform with FSR and other controls for each new lot size.

Corner lots with frontages to two roads and some other lots are special cases as far as subdivision is concerned in that no internal lots would be created by subdivision and therefore special provisions as regards lot size for subdivision could be applied to these lots. Precedent already exists for allowable subdivision of these lots through the existing Dual Occupancy and Subdivision provisions.

The current arrangement is restrictive in a number of ways and could be improved for corner lots which are a special case in considering development:

* it discriminates against older people in that many older people do not have the financial ability or are unable to borrow money to construct a new dwelling. Such older people wishing to move or downsize by selling half their land cannot realise the full financial benefits of a dual occupancy and subdivision and must sell their property as one lot, and in effect hand the profits that could be made to a purchaser.

* the arrangement for subdivision in SSLEP2006 and DSSLEP 2013 with respect to corner lots does not accord with the SS Housing Strategy in that it limits opportunity, nor is it in accord with the aging strategy in that it discriminates and denies benefits to older people.

Permitting subdivision of approved dual occupancies of corner lots in the R2 zone before construction as proposed would have effects such as:

- * giving financial security to older owners,
- * making land available more quickly and possibly cheaper than regular lots,
- * allowing owners (particularly older owners) to sell half of a property and remain in an existing dwelling rather than move.
- * speeding up development and construction
- * being in accord with housing and aging strategies.

It is hoped that serious consideration will be given this proposal by Council.

Sincerely, Pat Murray

In its response to submissions to the Draft LEP and in particular to Dual Occupancy and Subdivision (Subdivision Permissibility prior to Construction) Council has stated that it would do nothing about the proposal.

It has further stated that if it allowed subdivision of a dual occupancy prior to construction it would not be able to control the type of development that could be constructed on the new lots. This is clearly untrue. Council has every power to control the type of development that could be done after subdivision in that all issues (FSR, lot sizes, type of development, landscaped area and all controls) would be decided at the DA and DC stage.

Council has also argued (in its do nothing approach) how FSR controls could be abused and has given a diagrammatic example of how floor space ratio (FSR) might be proportioned between the two resulting lots of subdivision, allocating 20% (0.2) of the FSR to one lot and allocating 35% (0.35) to another lot of equal size where the total allowable FSR is 0.35. This is irrational nonsense. Floor Space Ratio cannot be divided and allocated in this way, it is equivalent to saying for example subdividing the colour green. FSR is indivisible. It is fixed at 0.35 for the R2 zone in the draft LEP. What is really happening in Council's example is that the development on one lot is less than the allowable FSR for that lot and that FSR is exceeded in the other lot.

Council has not therefore fully dealt with this issue and has made statements that are untrue as regards FSR in its response to submissions.

I ask that you recommend that further consideration be given to the proposal in the department's review.

Yours sincerely,

Pat Murray