



Planning Proposal to amend Sutherland Shire Local Environmental Plan 2015

10-14 Merton Street, Sutherland

September 2018

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Appendix B	Architectus Urban Design Report, dated 7 May 2018
Appendix C	Pacific Planning and Aleksandar Design Response, dated 29 May 2018
Appendix D	Stanisic Peer Review, dated 10 September 2018
Appendix E	UDR, Survey and Solar impact study 2014.

INTRODUCTION

This Planning Proposal is submitted in accordance with Section 3.33 of the *Environmental Planning and Assessment (EP&A) Act 1979* and provides an outline and justification for the proposed amendments to the principal development controls for land at 10-14 Merton Street, Sutherland.

Specifically, the proposal seeks to amend the Sutherland Local Environmental Plan 2015 by way of an increase in the height and floor space ratio controls for the subject site to allow for a 25 metre height limit and a Floor Space Ratio (FSR) of 2.2:1.

The Planning Proposal has a long history since its original lodgement in 2014. It has more recently been the subject of a Pre-Gateway Review (now Rezoning Review).

This process was completed on 26 September 2017 when the Deputy Secretary of the Department of Planning and Environment determined that *“it is considered the site is suitable for some increase in height and floor space ratio above the current controls, where this is subject to site amalgamation”*.

In progressing a Planning Proposal above the existing controls, Council were requested to update the Planning Proposal and commission an independent urban design analysis in order to determine the most appropriate built form controls for the subject site. The Deputy Secretary in doing so noted:

“This work should take into consideration existing urban design analyses provided by both the Council and the proponent to date that provides the capacity for 80 to 90 dwellings on the site respectively, current and likely surrounding land uses and bulk and scale controls to ensure a suitable transition of an amalgamated site to adjoining development”.

Council did not accept the role as relevant planning authority and on 23 January 2018 the Sydney South Planning Panel was appointed as the relevant planning authority to finalise the planning proposal. Again, the Secretary on this occasion, confirmed an independent consultant would be appointed to undertake an urban design analysis to provide the capacity for 80 to 90 dwellings and inform the final maximum building height and floor space ratio for the site.

Subsequent urban design analysis by the proponent, Architectus and a peer review by Stanistic Architects has informed the final proposed controls sought by this planning proposal.

In accordance with relevant NSW Department of Planning and Environment guidelines, including *‘A Guide to Preparing Local Environmental Plans’* (2016) and *‘A Guide to Preparing Planning Proposals’* (2016), this planning proposal comprises the following parts:

- Part 1 A statement of the objectives or intended outcomes of the proposed instrument
- Part 2 An explanation of the provisions that are to be included in the proposed instrument
- Part 3 The justification for those objectives, outcomes and the process for their implementation based on technical studies
- Part 4 The existing controls that apply to the site based on the Councils LEP Maps
- Part 5 Details of the community consultation to be undertaken on the planning proposal

This planning proposal forms part of a package of supporting documents for further consideration by the Gateway under Section 3.33 of the EP&A Act 1979. The Planning Proposal application is supported by the specialist studies appended to this report.

SITE IDENTIFICATION

The property is described as Lots 151 and 152 in DP 1020267. It has a frontage of 46.94m to Merton Street and a depth of 67.05m giving it a total area of 3,147m². The site is generally flat with no significant slope or features of significance.

Currently the site is home to two small weatherboard cottages. Immediately to the south is a three storey residential townhouse development. To the east is St Patrick's Primary School and across Merton Street to the west is Sutherland Primary School.

The corner site immediately to the north is a future development site. It is currently occupied by a commercial building, however this site is zoned for commercial purposes to a height of 30 metres (9 storeys) with a FSR of 3:1.

Figure 1 below shows the location of the subject site.



Figure 1: Aerial view of the subject site

PRINCIPAL DEVELOPMENT STANDARDS

Table 1 below summarises the principle standards that currently apply to the subject site as set out in Sutherland LEP 2015. Figure 2 below shows the zoning map that covers the site.

Land Zoning	Maximum Building Height	Maximum Floor Space Ratio (FSR)	Other
R4 High Density Residential	18m ("P") 8.5m ("I")	1.5:1 ("S1" - Area 4) 0.75:1 ("I")	Flood Planning Dwelling Density

Table 1: Site Development Standards

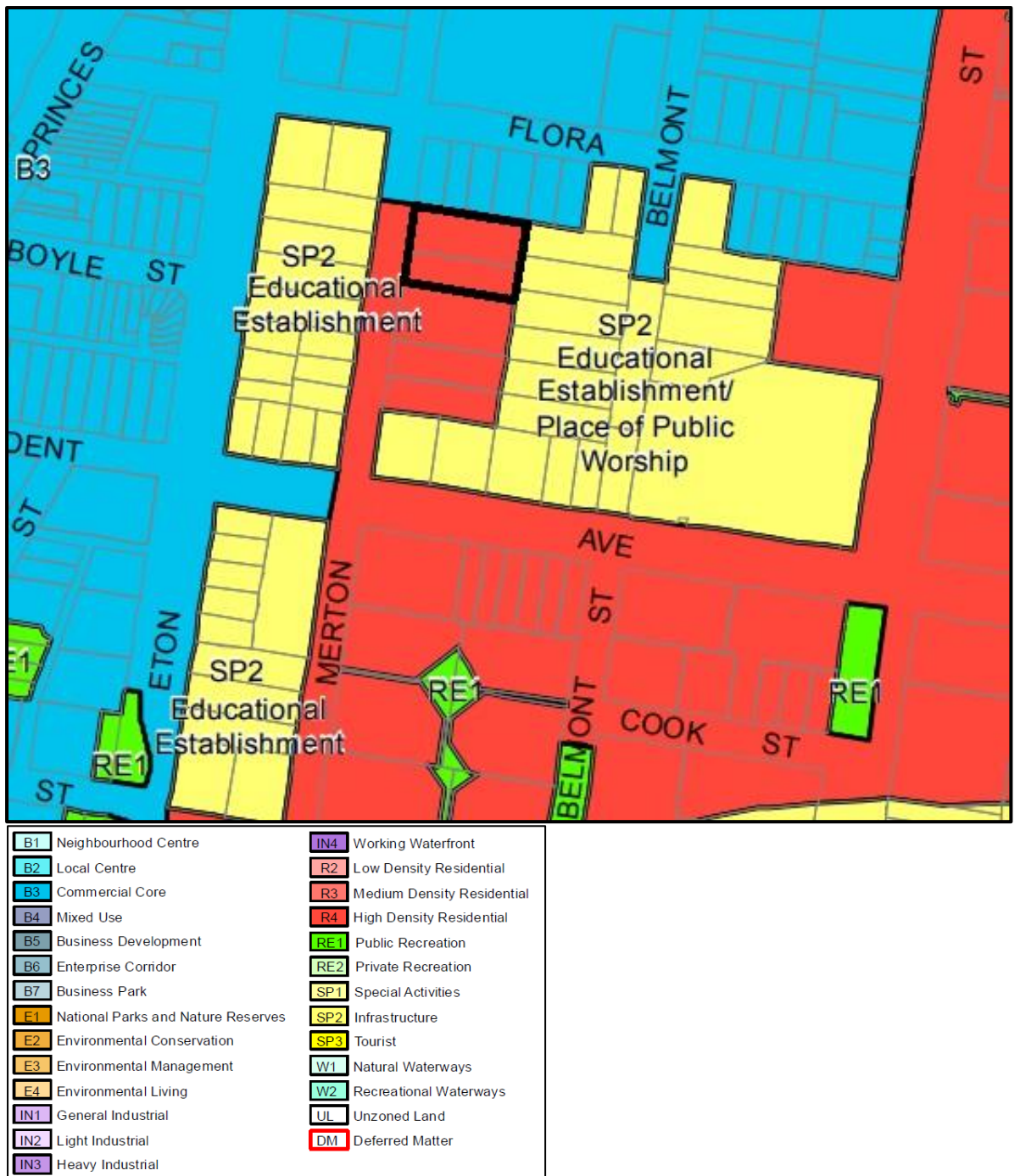


Figure 2: Zoning Map

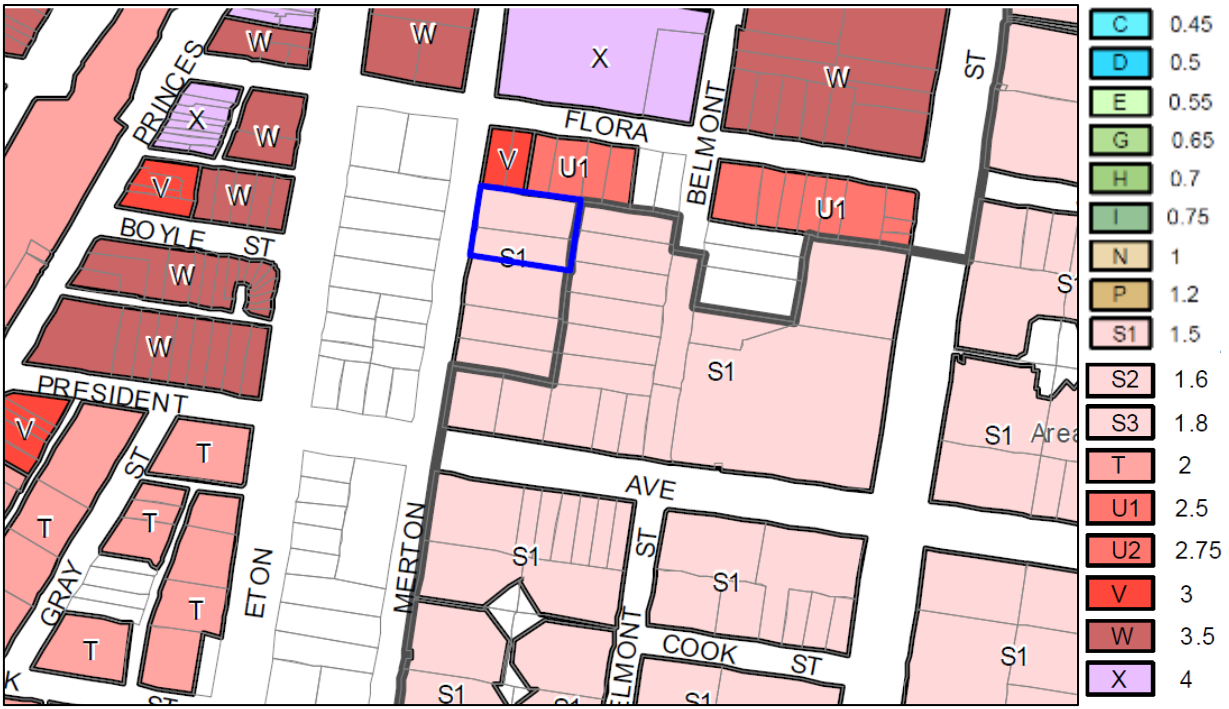


Figure 3: Maximum Floor Space Ratio Map

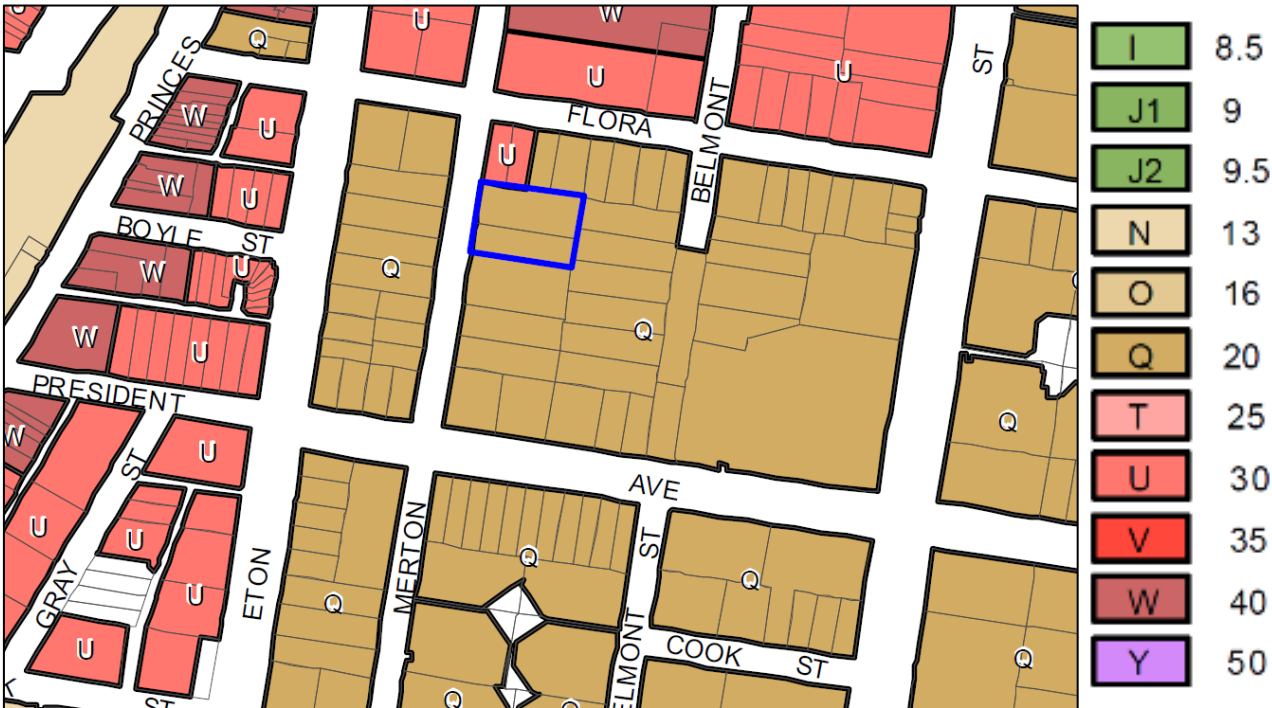


Figure 4: Maximum Height of Building Map

BACKGROUND

The redevelopment of the site to the appropriate land use controls has been in process for an extended period.

A summary of process:

Date	Step in process
<ul style="list-style-type: none"> • 26 April 2013 	<ul style="list-style-type: none"> • An initial submission to the draft LEP was submitted to Council directly by the land owners.
<ul style="list-style-type: none"> • 12 July 2013 	<ul style="list-style-type: none"> • A second comprehensive submission by DDC Urban Planning including full Planning Proposal documentation, building envelope modelling and overshadowing analysis was lodged to the staff of Council.
<ul style="list-style-type: none"> • 29 July 2013 	<ul style="list-style-type: none"> • Council considered the draft LEP and Mayoral Minute (No. 6/13-14) and resolved to rezone several properties (including 10-14 Merton Street) and re-exhibit the draft LEP.
<ul style="list-style-type: none"> • 20 August 2013 	<ul style="list-style-type: none"> • The draft LEP is placed on exhibition again from August to November 2013.
<ul style="list-style-type: none"> • 23-27 September 2013 	<ul style="list-style-type: none"> • Council placed the draft LEP process on hold pending an independent review.
<ul style="list-style-type: none"> • 31 October 2013 	<ul style="list-style-type: none"> • A peer review submission and new building envelope by Don Fox Planning (DFP) was lodged to Sutherland Council's Environmental Planning Unit during the second exhibition period of the draft Sutherland LEP 2013
<ul style="list-style-type: none"> • 26 June 2014 	<ul style="list-style-type: none"> • Report of the findings of Independent review panel handed to council
<ul style="list-style-type: none"> • 1 August 2014 	<ul style="list-style-type: none"> • Landowner writes a letter to the General Manager and all Councillors highlighting the erroneous shadow diagrams in Council's report and pointing out that early urban design building forms have been long superseded by the DFP work and that staff use of outdated building footprints is "deliberately misleading".
<ul style="list-style-type: none"> • 5 August 2014 	<ul style="list-style-type: none"> • Council Resolution to adopt an FSR of 3:1 and HOB of 40m. Clr Steve Simpson declared conflict of interest based on involvement with the adjoining school Board.
<ul style="list-style-type: none"> • 3 Nov 2014 	<ul style="list-style-type: none"> • Development and Assessment Committee meeting supported an FSR of 3:1 and HOB of 40m for the site (Clr Simpson seconded motion)
<ul style="list-style-type: none"> • 10 Nov 2014 	<ul style="list-style-type: none"> • Special Council meeting to adopt the draft LEP following the DAC meeting. Clr Simpson moved the motion to adopt the draft LEP with specific amendments, one of which was to down zone 10-22 Merton Street to an FSR of 1.5:1 and HOB of 20m. Furthermore, Clr Simpson's motion included the following: <i>"In the event that the Minister is of the view that this change requires public exhibition, the Minister be requested to defer the land from the Local Environmental Plan"</i>.

<ul style="list-style-type: none"> • 23 Dec 2014 	<ul style="list-style-type: none"> • Planning proposal lodged for 10 Merton Street and 12-14 Merton Street, Sutherland, which sought to amend the height limit from 20m to 36m and the floor space ratio (FSR) from 1.5:1 to 3:1 which would have provided an appropriate transition from the then proposed 40 metre building height of the adjoining site to the north.
<ul style="list-style-type: none"> • July 2015 	<ul style="list-style-type: none"> • Addendum to the planning proposal was submitted as a result of ongoing negotiations with Council.
<ul style="list-style-type: none"> • 11 Sept 15 	<ul style="list-style-type: none"> • DA lodged for 10 Merton Street.
<ul style="list-style-type: none"> • 5 January 2016. 	<ul style="list-style-type: none"> • Further Urban Design Advice submitted to Council.
<ul style="list-style-type: none"> • 21 March 2016 	<ul style="list-style-type: none"> • Council determined the matter at its meeting of 21 March 2016 by refusing the application. DDC Urban Planning who were the point of contact for the applicant throughout the process were not notified of the determination. Upon calling the Council to enquire of the determination, an email was sent with an unsigned letter from Council attached on 17 June 2016.
<ul style="list-style-type: none"> • 15 June 2016 	<ul style="list-style-type: none"> • DA approval for 10 Merton Street for 36 Units. 6 levels.
<ul style="list-style-type: none"> • 17 June 2016 	<ul style="list-style-type: none"> • A meeting was held with Sutherland Shire Council's Mayor, General Manager and Director of Planning where a revised concept was discussed that provided for a 30m height limit and FSR of 2.5:1. • This received informal support from staff as it was acknowledged that the amalgamated site was a better planning outcome and has the potential for greater density while reducing the impact that would likely result from development of the un-amalgamated individual two allotments, under the current controls.
<ul style="list-style-type: none"> • 30 June 2016 	<ul style="list-style-type: none"> • DA lodged for 12-14 Merton Street.
<ul style="list-style-type: none"> • 30 June 2016 	<ul style="list-style-type: none"> • Pre-Gateway review lodged by DDC.
<ul style="list-style-type: none"> • 10 Aug 2016 	<ul style="list-style-type: none"> • Department notifies progression of the review.
<ul style="list-style-type: none"> • 11 Nov 2016 	<ul style="list-style-type: none"> • Department notifies that its assessment concludes that the pre gateway application request has merit and should proceed to the Panel for consideration.
<ul style="list-style-type: none"> • 20 Dec 2016 	<ul style="list-style-type: none"> • Pre-gateway review Panel hearing and rejection of application.
<ul style="list-style-type: none"> • 13 Feb 2017 	<ul style="list-style-type: none"> • Detailed submission to the Department raising concerns with the Panel hearing, conclusion and methodology in decision.
<ul style="list-style-type: none"> • 21 April 2017 	<ul style="list-style-type: none"> • DA Approval for 12 -14 Merton Street for 24 Units over 6 levels.
<ul style="list-style-type: none"> • 26 Sept 17 	<ul style="list-style-type: none"> • Department letter advising that a detailed review has been undertaken and the site is appropriate for some increases in height and density (Appendix A). Council is requested to submit a planning proposal to the Department. Council is requested to undertake an independent urban study and that the study should consider a capacity for 80-90 dwellings based on an amalgamated site in the context of the current and likely future surrounding land uses. The outcome of the review should have regard for streetscape,

	dwelling potential, design and amenity of the new development and minimise impacts of overshadowing and sun access on adjacent sites.
<ul style="list-style-type: none"> • Oct 2017 	<ul style="list-style-type: none"> • Council does not accept the role of RPA.
<ul style="list-style-type: none"> • 23 January 2018 	<ul style="list-style-type: none"> • The Department appoints the Sydney South Planning Panel as the RPA (Appendix A). The Secretary confirmed that an independent consultant would be appointed to undertake an urban design analysis to provide the capacity for 80 to 90 dwellings and inform the final maximum building height and floor space ratio for the site.
<ul style="list-style-type: none"> • January – February 2018 	<ul style="list-style-type: none"> • Architectus were appointed as the Department’s preferred independent urban design consultant, and without consultation with the proponent on the scope or outcome, commenced their Report.
<ul style="list-style-type: none"> • 10 May 2018 	<ul style="list-style-type: none"> • On Friday 10 May the proponent was provided a copy of the Urban Design Report for review (Appendix B). • A number of issues were raised by the applicant with the draft Report, particularly it’s inconsistency with the scope to achieve a certain dwelling yield as a better outcome achieved through amalgamation, noting there is no mention or consideration of the existing and compliant approved development applications on the site. • Concern regarding the governance and management of the appointed urban design consultant the Department has engaged. • A major concern was raised with the base case development scenario under the existing controls considered by the Architectus Urban Design & Planning Report.
<ul style="list-style-type: none"> • 15 May 2018 	<ul style="list-style-type: none"> • Architectus, the Department of Planning and Environment and the proponents project team met to discuss the draft Report on 15 May 2018. At this meeting it was agreed that Architectus and the proponents architect would review their plans and consider a compromised outcome. • It was agreed a modified development scheme would be prepared by Aleksandar Projects Architects that more closely aligns with the development scenario contemplated in the Architectus Report.
<ul style="list-style-type: none"> • 29 May 2018 	<ul style="list-style-type: none"> • A modified scheme was provided to the Department. (Appendix C) • A letter was provided that raised significant concerns with the base case development scenario under the existing controls considered by the Architectus Urban Design & Planning Report. The Department were requested to completely remove this scenario as it assumes an amalgamated site which has subsequently and inappropriately informed the analysis and assessment of other built form scenarios. The site is not amalgamated and will not be amalgamated under the existing controls and therefore the base case scenario does not exist and never will exist.
<ul style="list-style-type: none"> • 6 July 2018 	<ul style="list-style-type: none"> • The final Report was provided to the proponent on 6 July 2018. The proponent requested a meeting with the Department with the purpose of the meeting was to discuss the outcome of the Architectus Report.

- 11 July 2018

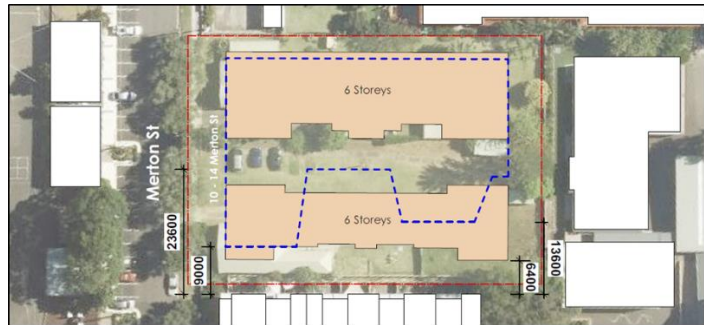
- Meeting with the Department with Acting Executive Director and Director of Sydney Region East.
- Pacific Planning outlined their concerns with the Architectus Report. The following issues raised:
- Dwelling target identified by the Department in determining the Pre-Gateway Review

The Letter from the Department of Planning and Environment dated 26/09/2017, in supporting the progression of a Planning Proposal the subject of a pre-Gateway review stated:

“It is considered the site is suitable for some increase in height and floor space ratio above the current controls, where this is subject to site amalgamation”.

It was thus agreed at the meeting that the site would benefit from an amalgamation.

The diagram that illustrates the existing approvals of the site was presented to support the position that an amalgamated site was a better outcome (image included below).



(Reference plan location of approved DAs ADG 2017)

The Department letter went on to require an updated planning proposal as follows:

“In preparing this Planning Proposal, I have requested that Council commission an independent urban design analysis in order to determine the most appropriate built form controls for the subject site. This work should take in to consideration existing urban design analyses provided by both the Council and the proponent to date that provides the capacity for 80 to 90 dwellings on the site respectively, current and likely future surrounding land uses and bulk and scale controls to ensure a suitable transition of an amalgamated site to adjoining development”.

- At this point the Department stated that they interpreted this statement to imply that the existing proposal sought 80 to 90 dwellings and that this was not a target dwelling yield to which the urban design analysis should have regard to.
- The proponent clarified that the application before the Department and Panel for review would support considerably more dwellings than this. Therefore, to put a yield target in a formal letter, which has not been considered

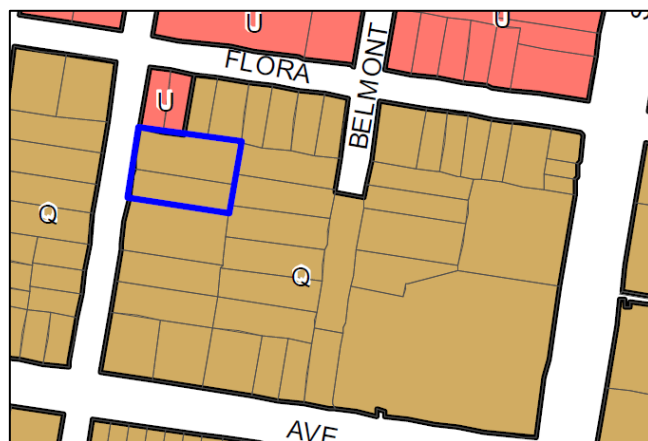
before is misleading. Commercial decisions were made on this basis. Had the number been different the proponent may have not supported the appointment of an alternate RPA to progress the matter as the Department had formally provided a target density for the site. Therefore, Architectus have not followed the direction of the Secretary and Deputy Secretaries correspondence.

- Department staff were satisfied with their interpretation.
- Flaws in the Architectus report

A number of concerns with raised with the Architectus Report, in particular the scenario used as the base case to inform the subsequent scenario testing. In this regard, Pacific Planning made it clear that the site was not currently amalgamated, and amalgamation had to be viable to enable that to occur. Therefore, the assumption that the site was amalgamated for the purposes of scenario testing under existing controls to inform subsequent scenario testing and a recommendation is completely flawed and unreliable.

Further, the base case options facilitate 54 dwellings at an FSR of 1.5:1, which is less than that approved across both approved Development Applications on the separate lots. Additionally, the recommended scenario facilitated an additional 6 dwellings (at 1.8:1) which brings in to question the viability of the project.

The height proposed by the Architectus Report is also less than that approved and permissible towards the rear. As far as urban design responses go, there has been no justification for this decrease in height, and height next to schools in an urban environment is not an uncommon occurrence. If the maximum height limit was reduced in this location, it would mean the adjoining primary school could in the future build a 6 storey building to the boundary overlooking the subject 4 storey development proposed by Architectus. This was not considered a logic urban design response, and is a lower height than anywhere else in the entire block (see below).



	<p>Finally, it was discussed at the meeting of 15 May 2018 that both Architectus and the proponents architect would review their designs and consider further compromise on elements of the design outcome. In response to the issue relating to transition in height, the proponent reduced the height from 9 storeys to 8 and 7 storeys. This was provided to the Department on 29 May 2018. This was not included or addressed in the Architectus Report – wasting the proponents time and finances. This was raised as a further concern with the integrity of the Report and another flaw in the process.</p> <p>The Department had no response to these issues at the meeting, reaffirming its position that the Architectus Report was final and would not be changed.</p> <ul style="list-style-type: none"> • <u>Mater of Conflict</u> <p>Concern regarding the governance and management of the appointed urban design consultant (Architectus) was raised with the Department.</p> <p><u>Process to move forward</u></p> <ul style="list-style-type: none"> • The Department advised that the Architectus report provided is final and will not be revised. • The Department requested a revised planning proposal be prepared for consideration by the Gateway. • Pacific Planning confirmed its position that a revised Planning Proposal would not reflect the controls suggested by the Architectus report as an amalgamation could not occur under the controls suggested by that report. • The Department confirmed that any controls identified by the Planning Proposal and the Architectus Report would be considered together by the Gateway when issuing a determination. • If the proponent is not satisfied with the conditions of the Gateway then a Gateway Review is open to them which will be considered by the IPC.
<ul style="list-style-type: none"> • August 2018 	<ul style="list-style-type: none"> • Pacific Planning commences process to undertake a Peer review of the Architectus report and the Alexandar Design report to inform a revised Planning Proposal submission to the Department. • Stanisic Architects were appointed as an experienced firm to undertake the review. Further Frank Stanisic the Principal of the Firm was the recently retired Chair of the Sutherland Council Urban Design Review Panel Chair (Chair from 2013 to Feb 2018) and recent council JRPP member for the Southern region and therefore was felt his experience and knowledge held him as a viable and creditable Peer review expert.
<ul style="list-style-type: none"> • 10 September 2018 	<ul style="list-style-type: none"> • Peer review report received from Stanisic Architects.

<ul style="list-style-type: none"> • 13 September 	<ul style="list-style-type: none"> • Outcome of the peer review implemented into the revised Planning proposal and submitted to the Department as agreed from the meeting of 11 July 2018.
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Table 2: Background to Planning Proposal

THE OPPORTUNITY

Sutherland is a potentially significant centre and one that has been recognised by the State Government’s strategic planning framework as a ‘Strategic Centre’ supporting additional jobs and homes. It has tremendous access to services and transport and is well placed for significant new density as Sydney grapples with significant growth and housing affordability.

This site is within an easy walking distance to the railway station and is suitable for significant density, higher than that proposed within the existing LEP. Additional density on larger sites which are viable will stimulate this centre.

The site’s capability:

This submission is supported and justified by the following key features/ issues:

- Sutherland is identified as a “Strategic Centre” in the recently released South District Plan (the State Government’s priority document for growth).
- The subject site is supremely well located adjacent to Sutherland town centre commercial and administration precincts.
- The site is within less than 300 metres walking distance of the Sutherland railway station which is significantly closer than other sites further to the south that were included in a previous town centre study.
- Six (6) storey height limits within Sutherland have not been viable previously. This has been proven by the poor take up of development in that zone. An improvement to site viability is required to activate development in Sutherland Town Centre.
- The site has been subject to ongoing refinement of building forms for many years. The purpose of the Planning Proposal is to facilitate the amalgamation of two separate allotments. Both sites have approved development applications under existing controls, being six storey residential flat buildings.
- Amalgamation will facilitate one building footprint. This will improve solar access to existing development to the South. It will also create a better planning outcome, as massing will be shifted further north towards the greater heights and density associated with the business zone, creating an appropriate and logical transition in height, from 9 storeys to the north, to 8 storeys only at the front of the subject site, retaining the currently permitted height of 6 storeys adjacent to the primary school, and allowing the site to the south to redevelop in the future in accordance with the strategic vision for Sutherland.
- Numerous urban design studies of the site have recently been undertaken following the determination by the Department of Planning and Environment on 26 September 2017 (Appendix A) that recognised the benefit of amalgamation and recommended the matter proceed to Gateway.
- Architectus were appointed to undertake an urban design analysis that would achieve 80 to 90 apartments on the site (attached at Appendix B).
- A response to the Architectus Report was prepared by Pacific Planning and Aleksandar Design Group (Appendix C) that critically analysed the methodology and the findings. The benefit of amalgamation identified by the Department’s letter of September 2017 seemed to have been completely missed.
- Therefore, in August/September 2018, an independent peer review was undertaken by Stanisic Architects (Appendix D) to review the Architectus Report and the Aleksandar Design Group response. The review found:

- 1 No change to the current R4 High Density Residential land use zone;
 - 2 Maximum FSR of 2.2:1;
 - 3 Maximum height of building of 25m (8 storeys).
Increased height of building to 30m (9 storey) would have minimal impact on the streetscape, and due to the 3m setback of the upper built form from the lower podium form, visually register as an 8 storey form. It will not detract from the visual character and perceived scale on Merton Street and would result in an increased FSR of 2.3:1;
 4. Maximum height of the podium building at the rear of 20m (6 storeys);
- The controls sought by this Planning Proposal are therefore as per those recommended by Stanistic Architects.
 - The height control retains the existing and approved height limit to the primary school, noting that the Architectus Report recommended a height lower than that permissible and approved. The front part of the site as it presents to Merton Street increases by 2 storeys to 8. Given the generous setbacks, as compared to the adjoining business zone, the visual impact will be minimal.
 - Therefore, this site is sufficiently large, appropriately located and ready for development and these sites should be considered on merit to help achieve housing targets.
 - The proposal seeks to complement the State Government's and Council's initiative to stimulate jobs and provide new higher density in town centres.
 - Sutherland is a key growth centre in the South District the next 21 years and this is reflected in the Strategic Planning framework for Sydney.
 - This proposal will assist in providing a more affordable and smaller housing option than the more traditional large house which has underpinned much of the Sutherland Shire for many decades.

PLANNING PROPOSAL

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The main objectives of the Planning Proposal are to:

- Support urban growth and the provision of housing in the Sutherland LGA;
- Provide appropriate development controls for the subject site to facilitate a high density residential development, in accordance with the zone objectives, on a site within 300 metres walking distance from a major train station;
- To facilitate a better planning outcome achieved by way of the amalgamation of two adjoining sites;
- To reduce the impact of existing development approvals to residential development to the south, achieved by way of amalgamation;
- To simulate further development in accordance with existing development controls and zone objectives, in a 'Strategic Centre' and an area that is currently underdeveloped;
- Support the Sutherland town centre's role as a Strategic Centre under the South District Plan;
- provide for a residential development that is compatible with the existing and future surrounding character and development on adjoining land; and
- facilitate the provision of additional housing close to public transport, the Sydney road network, and jobs and employment opportunities on a site within the Sutherland town centre.

The proposed amendment will facilitate an application for a dual aspect L-shaped east-west orientated residential flat building, with a maximum height of 8 storeys (25 metres) as it presents to Merton Street and 6 storeys (20 metres current height limit) to the adjoining primary school, containing a floor space ratio of 2.2:1.

PART 2 – EXPLANATION OF PROVISIONS

	Existing Controls	Proposed Controls
Zoning	R4 – High Density Residential	No change to proposed R4 zone
Floor Space Ratio	1.5:1	2.2:1 (“T1”)
Height of Buildings	20m	Part 25m (“T”) Remainder stays at 20 metres (“Q”)

Table 3: Summary of proposed changes to planning controls

This Planning Proposal seeks to amend the Sutherland LEP 2015 to achieve the outlined objectives. The following are the operative provisions:

1. Amendment of the Sutherland Local Environmental Plan 2015 Floor Space Ratio Map to “T1” being 2.2:1.
2. Amendment of the Sutherland Local Environmental Plan 2015 Height of Building Map to amend part of the site to “T” (25 metres).

No change is proposed to the zoning of the site.

PART 3 – JUSTIFICATION

In accordance with Departmental guidelines, this section describes the reasons and justification for the proposed outcomes and development standards in the planning proposal.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal follows on from the Shire-wide review of planning controls in the then draft Sutherland Shire LEP 2013. This site was exhibited at a 40m building height and a 3:1 FSR. While Council originally resolved to exhibit the site in the above terms, at the adoption meeting on 10 November 2014 the LEP was amended to limit development to a 20m building height and 1.5:1 FSR for this specific site and those to the south. These controls would end up being gazetted, notwithstanding the presence of the Planning Proposal.

In providing additional context, early in 2013 the NSW State Government has called for nominations from councils for the Urban Activation Precincts (UAP) program. Sutherland Council resolved to nominate an area of Sutherland (see minutes of Development and Planning Assessment meeting held on 11 March 2013 DAP070-13, amended on 6 May 2013 Mayoral Minute No.33/12-13) as an Urban Activation Precinct. This particular site was well inside the boundary of the proposed UAP.

The Planning Proposal also facilitates the amalgamation of two separate allotments, which both contain approved development applications under the existing controls. The amalgamation will facilitate a better planning outcome, by shifting form and mass to the north and improving the amenity to existing development to the south. The proposal will also facilitate future development in line with the strategic direction for the Sutherland town centre.

While the planning proposal was lodged a number of years ago, numerous strategic planning documents have been released and site specific studies have been prepared. A Planning Proposal to amend the development controls for the site was refused by Council in 2016 prior to being considered under the Pre-Gateway Review process (now rezoning review process). The Department of Planning and Environment, in recognising the benefits in terms of amenity and built form of an amalgamated site resolved that *“the site is suitable for some increase in height and floor space ratio above the current controls, where this is subject to site amalgamation”*.

In doing so, the Department stated that *“in preparing this Planning Proposal, I have requested that Council commission an independent urban design analysis in order to determine the most appropriate built form controls for the subject site. This work should take in to consideration existing urban design analyses provided by both the Council and the proponent to date that provides the capacity for 80 to 90 dwellings on the site respectively, current and likely future surrounding land uses and bulk and scale controls to ensure a suitable transition of an amalgamated site to adjoining development”*.

Council did not accept the role as relevant planning authority and on 23 January 2018 the Sydney South Planning Panel was appointed as the relevant planning authority to finalise the planning proposal. Architectus were appointed as the Department’s preferred independent urban design consultant.

The Architectus Report recommended an increase in maximum building height from 20 metres to 21.7 metres and an increase in FSR from 1.5:1 to 1.8:1. At a meeting between the proponent, Architectus and the Department of Planning and Environment, a number of

concerns with the report were raised, including:

- Over the last few years it has been broadly agreed that the best urban planning outcome is achieved by amalgamating the properties at 10 to 14 Merton Street, Sutherland. There are two approved DAs on both sites and amalgamation will allow for a greatly improved development that improves the amenity for future and adjoining residents and is closer in height and density to future development adjoining to the north.
- The sites have two approved DAs comprising of 24 units for number 12-14 Merton Street and 36 units for 10 Merton Street. A total yield of 60 units. This was not considered or addressed in the Architectus Urban Design Report, despite being the entire purpose of the Planning Proposal as it would facilitate amalgamation.
- Under the Architectus urban design analysis at 1.8:1 will only produce an additional 3 apartments in a combined scheme. An increase in 3 apartments will not justify the additional costs involved in amalgamating the properties.
- The indicative typical plans of the Architectus Preferred Option 4 lack the rigor and accuracy to provide confidence in the physical outcome, dwelling yield and FSR projection for the site. For example, 1 and 2 bedroom apartments are drawn the same size, the lift lobby is oversized, being the size of a studio apartment, and most significantly the plan does not comply with the 60% cross ventilation requirement of the ADG.
- The Architectus Report fails to acknowledge the substantial benefits to the public domain, activation and building interface on Merton Street arising from a single development due to the amalgamation of the sites at 10 and 12-14 Merton Street. For example, The benefits of amalgamation include a single ramp access from Merton Street to the basement carpark effectively allowing additional width of 6.6m for another apartment to front Merton Street.

Subsequently, a revised scheme was prepared and submitted to the Department of Planning and Environment that re-considered the overall total height and the interface with the adjoining school. The revised scheme is attached at [Appendix C](#). In doing so the following changes were made:

- A reduction in overall total height to 8 storeys (or 25 metres);
- The rear setback to the school was increased to 6 metres to the 4 storey podium;
- The maximum height to the school of 7 storeys and setback 9 metres;
- The development transitions in height from a maximum of 8 storeys to 7 and then a 4 storey podium.
- Dwelling orientation for units on levels 5 to 7 nearest the school are orientated away from the school to protect privacy.
- The FSR reduced from 2.5:1 to 2.3:1.

No response was received to the revised controls. Pacific Planning subsequently procured an independent peer review of the Architectus Report and its recommendations and the revised scheme prepared by Aleksandar Design Group. Stanistic Architects was appointed. The findings and recommendations are [Appendix D](#). In summary, Stanistic Architects recommended the following:

- 1 No change to the current R4 High Density Residential land use zone;
- 2 Maximum FSR of 2.2:1;
- 3 Maximum height of building of 25m (8 storeys).
Increased height of building to 30m (9 storey) would have minimal impact on the streetscape, and due to the 3m setback of the upper built form from the lower podium form, visually register as an 8 storey form. It will not detract from the visual character and perceived scale on Merton Street and would result in an increased FSR of 2.3:1;
3. Maximum height of the podium building at the rear of 20m (6 storeys);

While the notion that a 9 storey outcome would have the same visual impact as an 8 storey development outcome, the Planning Proposal has been revised to provide for a split height with an increase from 20 metres to 25 metres for the front half of the site (as it presents to Merton Street), while the rear of the site remains at 20 metres (as it presents to the primary school). Noting that the recommended FSR within the Architectus Report lacked rigor and accuracy, the revised Planning Proposal provides for an increase in the maximum FSR from 1.5:1 to 2.2:1, within the same L-shaped east-west orientated built form as recommended by Architectus. Note that the Architectus Report also recommended a maximum building height less than that currently permissible and approved.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is an appropriate means of achieving the stated objectives and intended outcomes.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission released The Greater Sydney Region Plan: A Metropolis of Three Cities, the new strategic document to bring to life the vision of Greater Sydney as a vibrant and sustainable metropolis of the Eastern Harbour City, Central River City and Western Parkland City.

The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The three cities include:

- the Western Parkland City
- the Central River City
- the Eastern Harbour City.

The subject site is within the Eastern Harbor City. The population of the Eastern Harbour City is projected to increase from 2.4 million people to 3.3 million people over the next 20 years.

Sutherland is identified as a 'Strategic Centre' under the Greater Sydney Region Plan. Strategic centres are expected to grow due to their proximity to public transport, access to jobs and employment opportunities and existing and proposed social infrastructure, and walkable catchment areas that facilitate 10-minute walking distances to rail, light rail or regional bus transport. The subject site is less than 300 metres from Sutherland train station.



Figure 5: Structure Plan for Metropolis of Three Cities

The Greater Sydney Plan identifies ten directions for the three cities to deliver and monitor the objectives to create a liveable, productive and sustainable City. These include:

1. A city supported by infrastructure
2. A collaborative city
3. A city of people
4. Housing the city
5. A city of great places
6. A well-connected city
7. Jobs and skills for the city
8. A city in its landscape
9. An efficient city
10. A resilient city

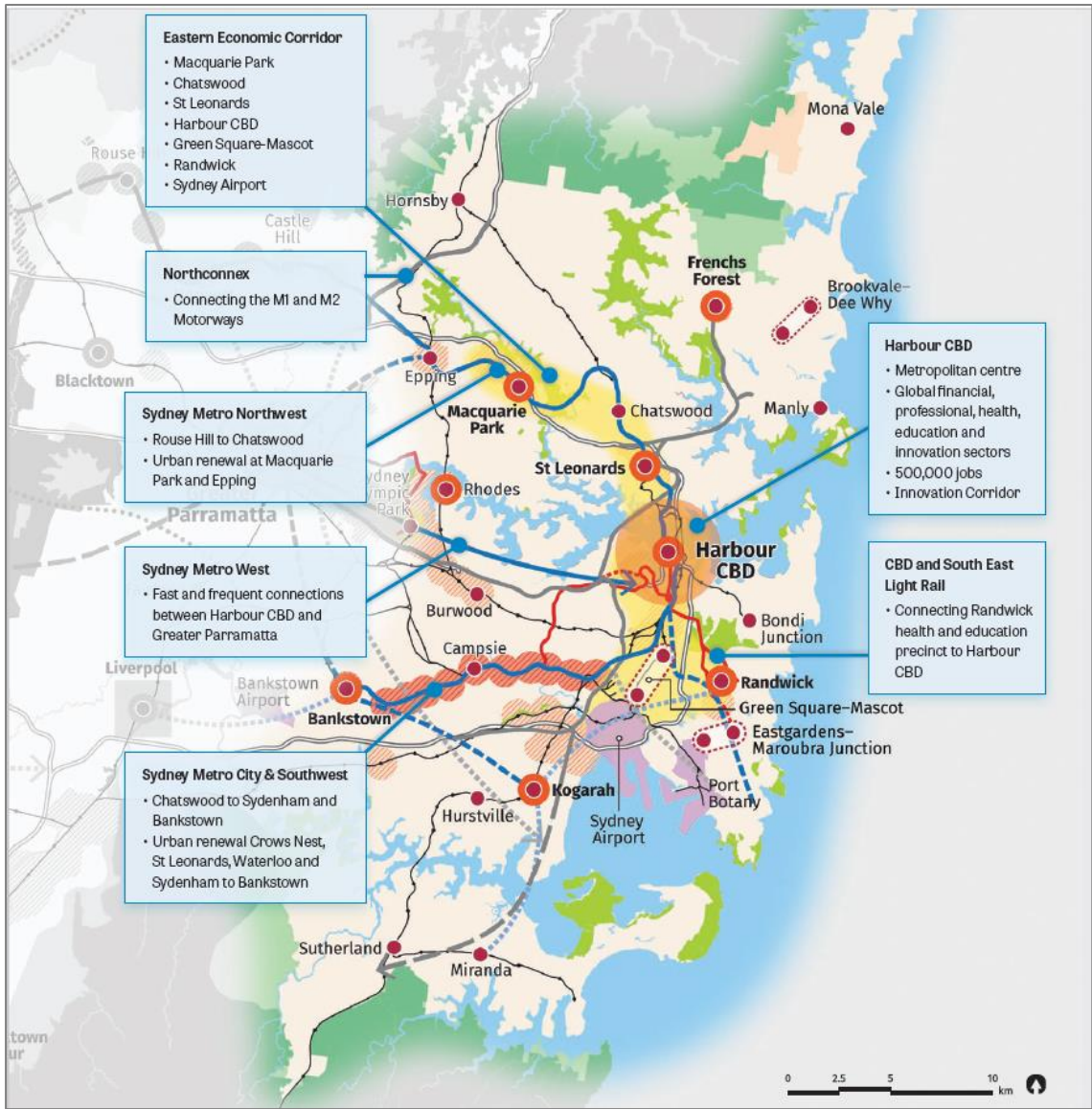


Figure 6: Eastern Harbour City Structure Plan

The Planning Proposal is considered against the direction of the Greater Sydney Plan in the Table below:

PART 3 INFRASTRUCTURE AND COLLABORATION		
A CITY SUPPORTED BY INFRASTRUCTURE		
1. INFRASTRUCTURE SUPPORTS THE THREE CITIES		
1.1	Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities.	N/A
1.2	Sequence growth across the three cities to promote north-south and east-west connections	Consistent The Planning Proposal will facilitate housing growth in a strategic centre in the South District. The site is well connected to public and private transport infrastructure connecting future residents and jobs to the Eastern Harbour City, Greater Sydney and the other Cities. The redevelopment of the site also provides access to essential goods and services for

		existing local residents and workers within the surrounding area.
2. INFRASTRUCTURE ALIGNS WITH FORECAST GROWTH – GROWTH INFRASTRUCTURE COMPACT		
2.1	Align forecast growth with infrastructure	Consistent The site is within the Sutherland “Strategic Centre”, which is focused on increased housing, jobs and creating a more competitive economy. The planning proposal will support the local and regional economy by not only providing an able workforce with access to jobs, but also maximising an opportunity for urban renewal with a site specific better planning outcome to that currently approved.
2.2	Sequence infrastructure provision across Greater Sydney using a place-based approach	Consistent Place based priorities will continue to be considered as growth and change is experienced in this area of the South District. This includes the construction of the Metro City and Southwest and the mass transit vision connecting the Harbour CBD to the Sutherland Shire.
3. INFRASTRUCTURE ADAPTS TO MEET FUTURE NEEDS		
3.1	Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans.	N/A
4. INFRASTRUCTURE USE IS OPTIMISED		
4.1	Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities	N/A
A COLLABORATIVE CITY		
5. BENEFITS OF GROWTH REALISED BY COLLABORATION OF GOVERNMENTS, COMMUNITY AND BUSINESS		
A1	Identify, prioritise and deliver Collaboration Areas.	The subject site has been historically utilised for low density residential accommodation, with two small cottages located on either site. It is within close proximity to existing transport infrastructure and proposed investigation infrastructure. The future role of Silverwater is clear in the strategic planning documents released by the NSW Government. The Planning Proposal seeks to facilitate one residential flat building under an amalgamated lot scenario, reducing impacts on existing and future surrounding development and creating a better planning outcome associated with the construction of one building rather than two. This will support the emergence of Sutherland as a ‘strategic centre’ and encourage growth

		and development within the vicinity and the town centre. Consultation with the community during the Part 3 plan making and Part 4 DA processes will assist understand the needs and requirements of existing and future residents in the area.
A2	Coordinate land use and infrastructure for the Western City District	N/A
PART 4 LIVABILITY		
A CITY FOR PEOPLE		
6. SERVICES AND INFRASTRUCTURE MEET COMMUNITIES CHANGING NEEDS		
6.1	Deliver social infrastructure that reflects the needs of the community now and in the future.	Consistent.
6.2	Optimise the use of available public land for social infrastructure.	N/A The site is currently fragmented with two existing dwelling houses across the site. The planning proposal will facilitate the amalgamation creating a better planning outcome with no amenity impacts and improved solar access and height transition along the street.
7. COMMUNITIES ARE HEALTHY, RESILIENT AND SOCIALLY CONNECTED		
7.1	Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by: <ul style="list-style-type: none"> • providing walkable places at a human scale with active street life • prioritising opportunities for people to walk, cycle and use public transport • co-locating schools, health, aged care, sporting and cultural facilities promoting local access to healthy fresh food and supporting local fresh food production. 	Consistent. The subject site is in the heart of the Sutherland “Strategic Centre”. Access to jobs, recreation, social infrastructure and services is all within a minimum of 100 metres walking distance from the site. An amalgamated outcome on this site will not only facilitate an opportunity to provide more housing close to all these benefits, but will create a much better site specific outcome for the location.
8. GREATER SYDNEY’S COMMUNITIES ARE CULTURALLY RICH WITH DIVERSE NEIGHBOURHOODS		
8.1	Incorporate cultural and linguistic diversity in strategic planning and engagement.	Consistent
8.2	Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations.	
9. GREATER SYDNEY CELEBRATES THE ARTS AND SUPPORTS CREATIVE INDUSTRIES AND INNOVATION		
9.1	Facilitate opportunities for creative and artistic expression and participation, wherever feasible with	Consistent. The proposed land use controls provide flexibility to achieve this objective where appropriate.

	a minimum regulatory burden, including: <ul style="list-style-type: none"> • arts enterprises and facilities and creative industries • interim and temporary uses • appropriate development of the night-time economy. 	Further refinement will be progressed during the development application process.
HOUSING THE CITY		
10. GREATER HOUSING SUPPLY		
A3	Prepare housing strategies	The Planning Proposal will facilitate up to an approximately an additional 20 dwellings to that currently approved that will support the Sutherland “Strategic Centre”. The site is historically used for low density residential and has not redeveloped in accordance with the existing land use zone and principal development controls. The Planning Proposal supports future housing in an excellent location.
A4	Develop 6–10 year housing targets	The Greater Sydney Commission will work with Council and public agencies to prepare 6-10 year housing targets. The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. The South District, within which the site is located, will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments.” In the South District the greatest increase in population is expected in Canterbury-Bankstown Local Government Area, where 70 per cent of new residents (142,450 additional people by 2036) will be accommodated due to anticipated urban renewal. The next largest increase is anticipated to be in Sutherland Local Government Area, where the population will increase by 13 percent. The 5-year housing supply target for Sutherland local government area to 2021 is 5,200. The Planning Proposal will facilitate additional housing within the centre of Sutherland town centre.
11. HOUSING IS MORE DIVERSE AND AFFORDABLE		
11.1	Prepare Affordable Rental Housing Target Schemes, following development of implementation arrangements.	N/A
11.2	State agencies, when disposing or developing surplus land for residential or mixed-use projects include, where viable, a range of initiatives to address housing	N/A

	diversity and/or affordable rental housing.	
A5	Implement Affordable Rental Housing Targets	N/A
A CITY OF GREAT PLACES		
12. GREAT PLACES THAT BRING PEOPLE TOGETHER		
12.1	<p>Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> • prioritising a people-friendly public realm and open spaces as a central organising design principle • recognising and balancing the dual function of streets as places for people and movement • providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres • integrating social infrastructure to support social connections and provide a community hub • recognising and celebrating the character of a place and its people. 	<p>Consistent</p> <p>The Planning Proposal while not seeking development consent will facilitate future development applications. The site has been extensively studied over several years and achieves the objectives as follows:</p> <ul style="list-style-type: none"> • The site currently has two separate approved DA's. Amalgamation through this Planning Proposal will improve the interface of the site to the public realm, by removing driveways and hard landscaping into a consolidated entry. This will allow extra greening of the edge and soft landscaping, creating a more attractive streetscape. • An 8 storey building at the interface with Merton Street and 6 storey interface to the primary school at the rear will complement the future character of Merton Street and that of a Strategic Centre. The business zone to the north will be of greater height and density and will encourage the redevelopment of the existing townhouses to the south in the future, noting that the Planning Proposal will facilitate an improvement to the solar access to the existing development. • The amalgamation facilitates a fine grain urban form along Merton Street, with a transition in height, an facilitates approximately 20 additional dwellings (to that approved) within less than 10 minutes from the Sutherland train station.
12.2	<p>In Collaboration Areas, Planned Precincts and planning for centres:</p> <ul style="list-style-type: none"> • investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking • ensure parking availability takes into account the level of access by public transport • consider the capacity for places to change and evolve, and accommodate diverse activities over time • incorporate facilities to encourage the use of car sharing, electric and hybrid 	<p>Consistent.</p> <p>The site has excellent access to public transport and opportunities to minimise private vehicle use/ownership can be considered under the future Part 4 Development Application process.</p> <p>The Planning Proposal does however, consider how the Sutherland Strategic Centre will change in the future. This section of Merton Street has not developed to its permissible ability. A future 30 metre commercial/residential building with minimal setback will be located to the north and future 6 storey buildings to the south. The Planning Proposal facilitates an amalgamated site with one development footprint at part 6 storeys and part 8 storeys. This allows the street to</p>

	vehicles including charging stations.	change and evolve, while retaining an attractive streetscape with high amenity.
13. ENVIRONMENTAL HERITAGE IS IDENTIFIED, CONSERVED AND ENHANCED		
13.1	Identify, conserve and enhance environmental heritage by: <ul style="list-style-type: none"> engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place applying adaptive re-use and interpreting heritage to foster distinctive local places managing and monitoring the cumulative impact of development on the heritage values and character of places. 	N/A There is no know environmental heritage. Notwithstanding, the Planning Proposal will be publicly exhibited at which point engagement with the community will occur to understand any heritage values that may be relevant to the Planning Proposal.
PART 5 PRODUCTIVITY		
A WELL-CONNECTED CITY		
14. A METROPOLIS OF THREE CITIES – INTEGRATED LAND USE AND TRANSPORT CREATES WALKABLE AND 30-MINUTE CITIES		
14.1	Integrate land use and transport plans to deliver the 30-minute city.	Consistent <i>“A 30 – minute city is where most people can travel to their nearest metropolitan centre or cluster by public transport within 30 minutes; and where everyone can travel to their nearest strategic centre by public transport seven days a week to access jobs, shops and services”.</i> Sutherland is identified by the Greater Sydney Region Plan as a ‘Strategic Centre’. The subject site is less than 300 metres walking distance to the entrance of the Sutherland railway station. The closest ‘Metropolitan centre’ to Sutherland is Kogarah. This is a 15 minute train journey easily connecting the site to the nearest Metropolitan Centre within 30 minutes. The Harbour CBD Metropolitan Centre is also just 30 minutes away by train.
14.2	Investigate, plan and protect future transport and infrastructure corridors.	Consistent New infrastructure at local, district or metropolitan levels, is to be planned and delivered to meet the needs of Greater Sydney as a metropolis of three cities. For the South District this will include Sydney Metro City & Southwest which will create opportunities for people in the South District to work closer to their homes
14.3	Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.	N/A

15. THE EASTERN, GOP AND WESTERN ECONOMIC CORRIDORS ARE BETTER CONNECTED AND MORE COMPETITIVE		
A6	Collaborate to deliver the Greater Parramatta and the Olympic Peninsula (GOP) vision	N/A
A7	Develop a growth infrastructure compact for GOP	N/A
15.1	Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the economic corridors.	Consistent As previously discussed, the site is well located within the Sutherland “Strategic Centre” and accessible to the Kogarah Metropolitan Centre and the CBD Harbor Metropolitan Centre supporting the 30-minute city objective.
15.2	Prioritise transport investments that enhance access to the economic corridors and between centres within the corridors.	N/A
15.3	Co-locate health, education, social and community facilities in strategic centres along the economic corridors.	N/A
16. FREIGHT AND LOGISTICS NETWORK IS COMPETITIVE AND EFFICIENT		
16.1	Manage the interfaces of industrial areas, trade gateways and intermodal facilities	N/A
16.2	Optimise the efficiency and effectiveness of the freight handling and logistics network by: <ul style="list-style-type: none"> protecting current and future freight corridors and shared freight corridors balancing the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries identifying and protecting key freight routes limiting incompatible uses in areas expected to have intense freight activity. 	N/A
17. REGIONAL CONNECTIVITY IS ENHANCED		
17.1	Investigate and plan for the land use implications of potential long-term regional transport connections.	Consistent The Subject site and Sutherland Strategic Centre is currently well serviced by existing public transport and access to the arterial road network. As discussed previously, the Sydney Metro City & Southwest and the F6 Extension will ultimately connect the site to Greater Sydney and regional NSW.
JOBS AND SKILLS FOR THE CITY		
18. HARBOUR CBD IS STRONGER AND MORE COMPETITIVE		
18.1	Prioritise:	N/A

	<ul style="list-style-type: none"> • public transport projects to the harbour CBD to improve business-to-business connections and support the 30-minute city • infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre • infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD. 	
18.2	<p>Develop and implement land use and infrastructure plans which strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:</p> <ul style="list-style-type: none"> • further growing an internationally competitive commercial sector to support an innovation economy • providing residential development without compromising commercial development • providing a wide range of cultural, entertainment, arts and leisure activities • providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts. 	N/A
19. GREATER PARRAMATTA IS STRONGER AND BETTER CONNECTED		
19.1	Prioritise noted infrastructure investments	N/A
19.2	<p>Develop and implement land use and infrastructure plans which strengthen the economic competitiveness and grow its vibrancy by:</p> <ul style="list-style-type: none"> • enabling the development of an internationally competitive health and education precinct at Westmead • creating opportunities for an expanded office market • balancing residential development with the needs of 	N/A

	<p>commercial development, including if required, a commercial core</p> <ul style="list-style-type: none"> • providing for a wide range of cultural, entertainment, arts and leisure activities • improving the quality of Parramatta Park and Parramatta River and their walking and cycling connections to Westmead and the Parramatta CBD • providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts. 	
20. WESTERN SYDNEY AIRPORT AND BADGERYS CREEK AEROTROPOLIS ARE ECONOMIC CATALYSTS FOR WESTERN PARKLAND CITY		
20.1	<p>Prioritise:</p> <ul style="list-style-type: none"> • public transport investments to improve north-south and east-west connections to the metropolitan cluster • infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of the metropolitan cluster of strategic centres or 10 minute walking distance of a local centre • infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the metropolitan cluster. 	N/A
20.2	<p>Develop and implement land use and infrastructure plans for the Western Sydney Airport, the metropolitan cluster, the Western Sydney Employment Area and strategic centres in the Western Sydney Parkland City by:</p> <ul style="list-style-type: none"> • Supporting commercial development, aerospace and defence industries and the innovation economy • Supporting internationally competitive freight and logistics sectors • Planning vibrant strategic centres and attracting health and education facilities, cultural 	N/A

	entertainment, arts and leisure activities <ul style="list-style-type: none"> • Creating high quality places with a focus on walking and cycling • Improving transport connections across the Western Parkland City 	
21. INTERNATIONALLY COMPETITIVE HEALTH, EDUCATION, RESEARCH AND INNOVATION PRECINCTS		
21.1	Develop and implement land use and infrastructure plans for health and education precincts that: <ul style="list-style-type: none"> • create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts • have high levels of accessibility • attract associated businesses, industries and commercialisation of research • facilitate housing opportunities for students and workers within 30 minutes of the precinct. 	N/A
22. INVESTMENT AND BUSINESS ACTIVITY IN CENTRES		
22.1	Provide access to jobs, goods and services in centres by: <ul style="list-style-type: none"> • attracting significant investment and business activity in strategic centres to provide jobs growth • diversifying the range of activities in all centres • creating vibrant, safe places and a quality public realm • focusing on a human-scale public realm and locally accessible open space • balancing the efficient movement of people and goods with supporting the liveability of places on the road network • improving the walkability within and to centres • completing and improving a safe and connected cycling network to and within centres • improving public transport services to all strategic centres • conserving and interpreting heritage significance • designing parking that can be adapted to future uses • providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts 	Consistent The site is within a Strategic Centre, within 300 metres walking distance of the entrance to the railway station.

	<ul style="list-style-type: none"> creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need. 	
22.2	Create new centres in accordance with the principles for Greater Sydney's centres.	Consistent.
23. INDUSTRIAL AND URBAN SERVICES LAND IS PLANNED, RETAINED AND MANAGED		
23.1	Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land.	N/A
23.2	Consider office development in industrial zones where it does not compromise industrial or urban services activities in the South and Western City Districts.	N/A
24. ECONOMIC SECTORS ARE TARGETED FOR SUCCESS		
24.1	Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers.	N/A
24.2	<p>Consider the following issues when preparing plans for tourism and visitation:</p> <ul style="list-style-type: none"> encouraging the development of a range of well-designed and located facilities enhancing the amenity, vibrancy and safety of centres and township precincts supporting the development of places for artistic and cultural activities improving public facilities and access protecting heritage and biodiversity to enhance cultural and eco-tourism supporting appropriate growth of the night-time economy developing industry skills critical to growing the visitor economy 	Consistent

	<ul style="list-style-type: none"> incorporating transport planning to serve the transport access needs of tourists. 	
24.3	Protect and support agricultural production and mineral resources (in particular construction materials) by preventing inappropriately dispersed urban activities in rural areas.	N/A
24.4	Provide a regulatory environment that enables economic opportunities created by changing technologies.	N/A
PART 6 SUSTAINABILITY		
A CITY IN ITS LANDSCAPE		
25. THE COAST AND WATERWAYS ARE PROTECTED AND HEALTHIER		
25.1	Protect environmentally sensitive areas of waterways and the coastal environment area.	N/A
25.2	Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport.	N/A
25.3	Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.	N/A
25.4	Reinstate more natural conditions in highly modified urban waterways.	N/A
26. A COOL AND GREEN PARKLAND CITY IN THE SOUTH CREEK CORRIDOR		
26.1	Implement the South Creek Corridor Project and use the design principles for South Creek to deliver a cool and green Western Parkland City.	N/A
27. BIODIVERSITY IS PROTECTED, URBAN BUSHLAND AND REMNANT VEGETATION IS ENHANCED		
27.1	Protect and enhance biodiversity by: <ul style="list-style-type: none"> supporting landscape-scale biodiversity conservation and the restoration of bushland corridors managing urban bushland and remnant vegetation as green infrastructure managing urban development and urban bushland to reduce edge-effect impacts. 	Consistent
28. SCENIC AND CULTURAL LANDSCAPES ARE PROTECTED		
28.1	Identify and protect scenic and cultural landscapes.	Consistent

28.2	Enhance and protect views of scenic and cultural landscapes from the public realm.	Consistent
29. ENVIRONMENTAL, SOCIAL AND ECONOMIC VALUES IN RURAL AREAS ARE PROTECTED AND ENHANCED		
29.1	Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.	N/A The site is not located within the Metropolitan Rural Area.
29.2	Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham.	The site is located within the Metropolitan Urban Area as identified by Figure 49 of the Greater Sydney Region Plan.
30. URBAN TREE CANOPY COVER IS INCREASED		
30.1	Expand urban tree canopy in the public realm.	Opportunities for public planting will be created and supported by a detailed Landscape Plan at development application stage. However, as a consequence of the amalgamation facilitated by the Planning Proposal, more genuine open space and tree planting can be create, both within the site and along the street frontage/public realm, given the reduced access arrangements from two separate buildings to one building.
31. PUBLIC OPEN SPACE IS ACCESSIBLE, PROTECTED AND ENHANCED		
31.1	Maximise the use of existing open space and protect, enhance and expand public open space.	The site is close to open spaces within the Sutherland town centre. This includes public plazas, green space and recreation. This is the benefit of the site's location in the Sutherland Strategic Centre.
32. THE GREEN GRID LINKS PARKS, OPEN SPACES, BUSHLAND AND WALKING AND CYCLING PATHS		
32.1	Progressively refine the detailed design and delivery of: <ul style="list-style-type: none"> Greater Sydney Green Grid priority corridors opportunities for connections that form the long-term vision of the network walking and cycling links for transport as well as leisure and recreational trips. 	Consistent.
AN EFFICIENT CITY		
33. A LOW-CARBON CITY CONTRIBUTES TO NET-ZERO EMISSIONS BY 2050 AND MITIGATES CLIMATE CHANGE		
33.1	Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050 especially through the establishment of low-carbon precincts in Planned Precincts, Growth Areas and Collaboration Areas.	Consistent. With good access to nearby public transport and proximity to metropolitan clusters and the proposal seeks to achieve the objective of reducing trip generation and car dependency. This is also achieved through the commercial/retail component of the centre which will provide job and employment

		opportunities further encouraging resident retention in the area and reducing car dependency.
34. ENERGY AND WATER FLOWS ARE CAPTURED, USED AND RE-USED		
34.1	Support precinct-based initiatives to increase renewable energy generation and energy and water efficiency especially in Planned Precincts and Growth Areas, Collaboration Areas and State Significant Precincts.	Consistent The Planning Proposal does not consider energy efficiency and water flows, but during the detailed development application stage consideration will be given to opportunities to generate energy sustainably, and to store, distribute and use energy more efficiently. This also considers the way of using resources, so energy, water and waste are used efficiently and continually recycled and re-used.
35. MORE WASTE IS RE-USED AND RECYCLED TO SUPPORT THE DEVELOPMENT OF A CIRCULAR ECONOMY		
35.1	Protect existing, and identify new, locations for waste recycling and management.	N/A
35.2	Support innovative solutions to reduce the volume of waste and reduce waste transport requirements.	N/A
A RESILIENT CITY		
36. PEOPLE AND PLACES ADAPT TO CLIMATE CHANGE AND FUTURE SHOCKS AND STRESSES		
36.1	Support initiatives that respond to the impacts of climate change.	Consistent
37. EXPOSURE TO NATURAL AND URBAN HAZARDS IS REDUCED		
37.1	Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	Consistent The Planning Proposal facilitates the development of an underutilised site in a location close to public transport, services and jobs. Sutherland town centre is well established and identified as a 'strategic centre'. Opportunities such as this, whereby an increase in two storeys is sought that has an improved impact on the urban form than that currently approved such be realised.
37.2	Respond to the direction for managing flood risk in the Hawkesbury-Nepean Valley as set out in Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy.	N/A
38. HEATWAVES AND EXTREME HEAT ARE MANAGED		
38.1	Mitigate the urban heat island effect and reduce vulnerability to extreme heat.	Consistent

Table 4: Consistency with the Greater Sydney Region Plan – A Metropolis of Three Cities

South District Plan

Greater Sydney's three cities identified in the Greater Sydney Region Plan – A Metropolis of Three Cities reach across five districts. The South District covers the Canterbury- Bankstown, Georges River and Sutherland local government areas. The District connects to the Central River City through Bankstown and to the Western Parkland city through Liverpool.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney

The Australian Nuclear Science and Technology Organisation (ANSTO) at Lucas Heights, and the health and education facilities at Kogarah, Sutherland, Hurstville and Bankstown contain the largest concentrations of knowledge-intensive jobs in the District. Road and rail investments such as the Sydney Metro City & Southwest and WestConnex will benefit workers and businesses.

Enhancing transport infrastructure to research, health and education precincts, the nationally significant trade gateways of Sydney Airport, Port Botany and Port Kembla, and freight networks across Greater Sydney and other regions, will increase productivity and access to jobs

The South District Plan was released in March 2018 to set the priorities and actions for improving the quality of life for residents as the district grows and changes.

“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments. The focus of growth will be on well-connected, walkable places that build on local strengths and deliver quality public places.”



Figure 7: Sutherland Shire Extract from South District Structure Plan

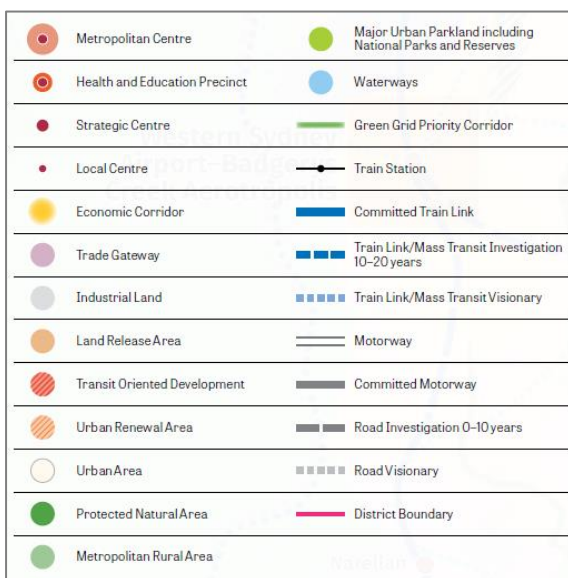
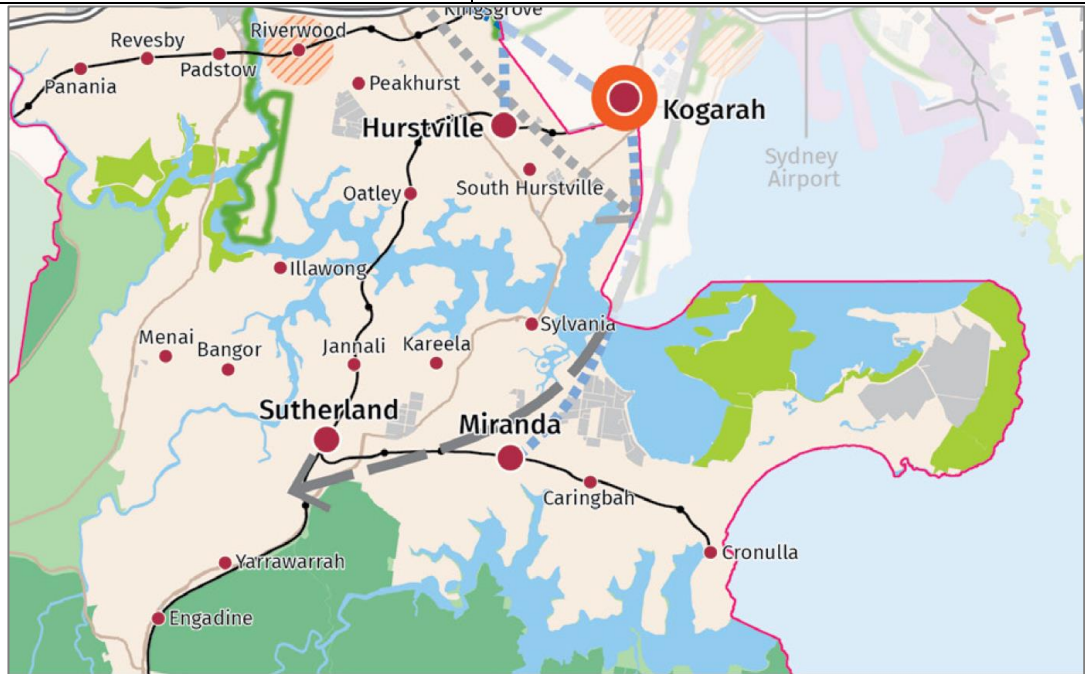


Figure 8: South District Structure Plan

Consistency with the South City District planning priorities and indicators is considered in Table 5 below:

A CITY SUPPORTED BY INFRASTRUCTURE		
DIRECTION: INFRASTRUCTURE SUPPORTING NEW DEVELOPMENTS		
P.I	<u>Potential Indicator:</u> Increased 30-minute access to a metropolitan centre/cluster	<p>Sutherland is identified by the Greater Sydney Region Plan as a 'Strategic Centre'. The subject site is less than 300 metres walking distance to the entrance of the Sutherland railway station. The closest 'Metropolitan centre' to Sutherland is Kogarah. This is a 15 minute train journey easily connecting the site to the nearest Metropolitan Centre within 30 minutes. The Harbour CBD Metropolitan Centre is also just 30 minutes away by train.</p> <p>Further, the site is well serviced by the bus network, connecting the site to Greater Sydney and the Sutherland Shire. The bus network departs from near the train station again less than 300 metres from the site. Bus services include:</p> <p>M92 – Sutherland to Parramatta 965 – Sutherland to Woronora (loop service) 969 – Sutherland to Cronulla 976 – Sutherland to Grays Point (loop service) 991 – Sutherland to Heathcote</p>
S.1	<u>Planning Priority S1</u> Planning for a city supported by infrastructure	<p>New infrastructure at local, district or metropolitan levels, is to be planned and delivered to meet the needs of Greater Sydney as a metropolis of three cities. For the South District this will include Sydney Metro City & Southwest which will create opportunities for people in the South District to work closer to their homes.</p> <p>Aligning land use and infrastructure planning will maximise the use of existing infrastructure. A growth infrastructure compact could be used to align infrastructure with growth. This approach is being piloted in Greater Parramatta and the Olympic Peninsula (GPOP).</p> <p>The site benefits from its location within the Sutherland town centre which is a gateway to the south. As discussed above, the site is already well connected to nearby Metropolitan Centres. The site is also less than 500 metres from the Princes Highway connecting the site to the Sydney</p>

metropolitan road network. The growth of Sutherland will correlate with infrastructure upgrades, including the Metro City and Southwest and the Mass Transit vision connecting the Sutherland Shire to the Harbour CBD.



	Metropolitan Centre		Major Urban Parkland including National Parks and Reserves
	Health and Education Precinct		Waterways
	Strategic Centre		Green Grid Priority Corridor
	Local Centre		Train Station
	Economic Corridor		Committed Train Link
	Trade Gateway		Train Link/Mass Transit Investigation 10-20 years
	Industrial Land		Train Link/Mass Transit Visionary
	Land Release Area		Motorway
	Transit Oriented Development		Committed Motorway
	Urban Renewal Area		Road Investigation 0-10 years
	Urban Area		Road Visionary
	Protected Natural Area		District Boundary

A COLLABORATIVE CITY

DIRECTION: WORKING TOGETHER TO GROW A GREATER SYDNEY

P.I	<u>Potential Indicator:</u>	The Greater Sydney Commission is collaborating with local councils to improve
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	Increased use of public resources such as open space and community facilities	<p>regional open space and deliver Greater Sydney's Green Grid through the administration and management of the Metropolitan Greenspace Program.</p> <p>The Planning Proposal does not include the provision of public open space (only private communal open space), but is within close proximity to the Sutherland Entertainment Centre, Council building and town centre plaza/ open space (140 metres); Forby Sutherland Memorial Park (280 metres); Albert Hutchinson Reserve (600 metres); and Waratah Park Reserve and Leisure Centre (900 metres).</p> <p>The site also has easy access to the nearby Royal National Park to the south.</p>
S.2	<u>Planning Priority S2</u> Working through collaboration	Consistent
A CITY FOR PEOPLE		
DIRECTION: CELEBRATING DIVERSITY AND PUTTING PEOPLE AT THE HEART OF PLANNING		
P.1	<u>Potential Indicator:</u> Increased walkable access to local centres	<p>Consistent</p> <p>The site is within a Strategic Centre. It is close to public transport, employment, jobs, services, recreation, social infrastructure and convenience retail etc. This is all within 300 metres of the site. The vision for Sutherland is to continue to grow into a sustainable and viable Strategic Centre which will be supported by an increase in housing and population. The planning Proposal facilitates this and provides homes within walking distance to all these amenities.</p>
S.3	<u>Planning Priority S3</u> Providing services and social infrastructure to meet people's changing needs	Consistent
S.4	<u>Planning Priority S4</u> Fostering healthy, creative, culturally rich and socially connected communities	Consistent
HOUSING THE CITY		
DIRECTION: GIVING PEOPLE HOUSING CHOICES		
P.1	<u>Potential Indicator:</u> Increased housing completions (by type)	<p>Consistent</p> <p><i>"The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments."</i></p> <p>In the South District the greatest increase in population is expected in Canterbury-</p>

		<p>Bankstown Local Government Area, where 70 per cent of new residents (142,450 additional people by 2036) will be accommodated due to anticipated urban renewal. The next largest increase is anticipated to be in Sutherland Local Government Area, where the population will increase by 13 percent.</p> <p>The 5-year housing supply target for Sutherland local government area to 2021 is 5,200.</p> <p>The Planning Proposal has the capacity to accommodate approximately an additional 20 dwellings in this time. Note the site currently has approval for two separate developments with a total of 60 dwellings.</p>
	Number of councils that implement Affordable Rental Housing Target Schemes	N/A
S.5	<p><u>Planning Priority S5</u> Providing housing supply, choice and affordability with access to jobs, services and public transport</p>	<p>Consistent</p> <p>The Planning Proposal facilitates housing supply and choice within an affordable housing product as part of a better planning outcome for the site. While creating homes, it also supports the local economy and provides access for future residents to nearby services, jobs and recreation.</p> <p>It is within close and accessible proximity to the other Strategic Centres such as Miranda and Hurstville, the Metropolitan Centres of Kogarah and the Harbour CBD. and existing and future public and private transport connections.</p>
A CITY OF GREAT PLACES		
DIRECTION: DESIGNING PLACES FOR PEOPLE		
P.I	<p><u>Potential Indicator:</u> Increased access to open space</p>	<p>Consistent</p> <p>As previously discussed, the Planning Proposal does not include the provision of open space but is within very close proximity to the Sutherland Entertainment Centre, Council building and town centre plaza/ open space (140 metres); Forby Sutherland Memorial Park (280 metres); Albert Hutchinson Reserve (600 metres); and Waratah Park Reserve and Leisure Centre (900 metres).</p> <p>The site also has easy access to the nearby Royal National Park to the south.</p>
S.6	<p><u>Planning Priority S6</u> Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The Planning Proposal is informed by a concept that will be further refined during the development application process. The</p>

		<p>concept already demonstrates a better planning outcome as follows:</p> <ul style="list-style-type: none"> • Retaining the same height limit to the neighbouring primary school to the east as is permitted and already approved. • Shifting building mass to the north across an additional two storeys. This is lower than the permissible height to the north and will improve solar access to properties to the south. • Consolidating development into one building footprint rather than two. This reduces the visual and physical impacts on the streetscape by reducing hard paving associated with driveways and paths to lobby's and basement parking. It also reduces the visual impact from the street creating more open space and planting.
A WELL CONNECTED CITY		
DIRECTION: DEVELOPING A MORE ACCESSIBLE AND WALKABLE CITY		
P.I	<p><u>Potential Indicator:</u> Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/ cluster</p>	<p>Consistent</p> <p>The subject site is less than 300 metres walking distance to the entrance of the Sutherland railway station. The closest 'Metropolitan centre' to Sutherland is Kogarah. This is a 15 minute train journey easily connecting the site to the nearest Metropolitan Centre within 30 minutes. The Harbour CBD Metropolitan Centre is also just 30 minutes away by train.</p>
	<p>Percentage of dwellings located within 30 minutes by public transport of a strategic centre</p>	<p>Consistent</p>
S.12	<p><u>Planning Priority S12</u> Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Consistent</p>
JOBS AND SKILLS FOR THE CITY		
DIRECTION: CREATING THE CONDITIONS FOR A STRONGER ECONOMY		
P.I	<p><u>Potential Indicator:</u> Increased jobs in metropolitan and strategic centres</p>	<p>Consistent</p> <p>The supply of housing and population within the site will support the Sutherland Strategic Centre by providing an available and additional workforce to support the growth of the Centre as well as supporting the Kogarah Strategic Centre and the Harbour CBD Metropolitan Centre. The Parramatta Metropolitan Centre, the Westmead health and education precinct and the Greater Parramatta to Olympic Peninsula is also easily accessible by bus (M92).</p>

S.7	<u>Planning Priority S7</u> Growing and investing in the ANSTO research and innovation precinct	Consistent “ <i>The Australian Nuclear Science and Technology Organisation (ANSTO) at Lucas Heights, and the health and education facilities at Kogarah, Sutherland, Hurstville and Bankstown contain the largest concentrations of knowledge-intensive jobs in the District.</i> ” The Planning Proposal facilitates a better planning outcome for the site and supports the role of Sutherland as a Strategic Centre with excellent and close access to ‘knowledge-intensive jobs’.
S.8	<u>Planning Priority S8</u> Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District	N/A
S.9	<u>Planning Priority S9</u> Growing investment, business opportunities and jobs in strategic centres	Consistent The Subject site is within a Strategic Centre and will support the objectives of providing a willing workforce to supplement the growth in jobs and economic growth of Sutherland
S.10	<u>Planning Priority S10</u> Retaining and managing industrial and urban services land	N/A
S.11	<u>Planning Priority S11</u> Supporting growth of targeted industry sectors	Consistent
A CITY IN ITS LANDSCAPE		
DIRECTION: VALUING GREEN SPACES AND LANDSCAPE		
P.I	<u>Potential Indicator:</u> Increased urban tree canopy	Opportunities for public planting will be created and supported by a detailed Landscape Plan at development application stage.
	Expanded Greater Sydney Green Grid	N/A
S.13	<u>Planning Priority S13</u> Protecting and improving the health and enjoyment of the District’s waterways	N/A
S.14	<u>Planning Priority S14</u> Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.	N/A
S.15	<u>Planning Priority S15</u> Increasing urban tree canopy cover and delivering Green Grid connections	Consistent

S.16	<u>Planning Priority S16</u> Delivering high quality open space	N/A
AN EFFICIENT CITY		
DIRECTION: USING RESOURCES WISELY		
P.I	<u>Potential Indicator:</u> Reduced transport related greenhouse gas emissions	With good access to nearby public transport and proximity to metropolitan and strategic centres, the proposal seeks to achieve the objective of reducing trip generation and car dependency.
	Reduced energy use per capita	
S.17	<u>Planning Priority S17</u> Reducing carbon emissions and managing energy, water and waste efficiently	The Planning Proposal does not consider energy efficiency and water flows, but during the detailed development application stage consideration will be given to opportunities to generate energy sustainably, and to store, distribute and use energy more efficiently. This also considers the way of using resources, so energy, water and waste are used efficiently and continually recycled and re-used.
A RESILIENT CITY		
DIRECTION: A RESILIENT CITY		
P.I	Number of councils with standardised state-wide natural hazard information	N/A
S.18	<u>Planning Priority S18</u> Adapting to the impacts of urban and natural hazards and climate change	Consistent

Table 5: Consistency with the South District Plan

4. Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with the Draft Housing Strategy prepared by Sutherland Shire Council to addresses future housing issues in the Sutherland Shire up to 2031. In particular, the proposal will:

- Increase housing supply through revised floor space ratios and building heights in order to deliver more dwellings within existing higher density zones.
- Assist Council achieve the requirement of the Sub-regional Strategy for an additional 2,700 dwellings within centres.
- Stimulate redevelopment of existing older style residential houses to improve both the standard of design and the amenity of future residents.

The proposal does not contradict any of the directions and principles outlined in the Sutherland Shire Community Strategic Plan 2011.

Indeed, higher density housing around railway stations is sustainable and will alleviate urban footprints in more sensitive environmental areas. This serves to support the strategies relating to integrated transport networks and environmental protection.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal has been considered in relation to the following applicable State Environmental Planning Policies (SEPPs). The planning proposal contains no provisions that fail to accord with the application of those SEPPs:

SEPPs		Applies	Consistent
1	Development Standards	Yes	✓
19	Bushland in Urban Areas		N/A
21	Caravan Parks		N/A
30	Intensive Agriculture		N/A
33	Hazardous & Offensive Development		N/A
36	Manufactured Home Estates		N/A
44	Koala Habitat Protection		N/A
47	Moore Park Showground		N/A
50	Canal Estate Development		N/A
52	Farm Dams & Other Works Land/Water Management Plan Areas		N/A
55	Remediation of Land	Yes	✓
62	Sustainable Aquaculture		N/A
64	Advertising and Signage		N/A
65	Design Quality of Residential Flat Development	Yes	✓ see notes
70	Affordable Housing (Revised Schemes)	Yes	✓
	(Affordable Rental Housing) 2009	Yes	✓
	(Building Sustainability Index: BASIX) 2004	Yes	✓
	(Coastal Management) 2018		N/A
	(Exempt & Complying Development Codes) 2008	Yes	✓
	(Housing for Seniors or People with a Disability) 2004	Yes	✓
	(Infrastructure) 2007	Yes	✓
	(Kosciuszko National Park–Alpine Resorts) 2007		N/A

	(Kurnell Peninsula) 1989		N/A
	(Mining, Petroleum Production & Extractive Industries) 2007		N/A
	Miscellaneous Consent Provisions		N/A
	(Penrith Lakes Scheme) 1989		N/A
	(Rural Lands) 2008		N/A
	(State & Regional Development) 2011		N/A
	(State Significant Precincts) 2005		
	(Sydney Drinking Water Catchment) 2011		N/A
	(Sydney Region Growth Centres) 2006		N/A
	(Three Ports) 2013		N/A
	(Urban Renewal) 2010	Yes	✓
	(Western Sydney Employment Area) 2009		N/A
	(Western Sydney Parklands) 2009		N/A
	Sydney REP (Sydney Harbour Catchment) 2005		N/A

Table 6: Compliance with SEPPs

5.1 SEPP 65 - Design Quality of Residential Flat Development

Clause 28 of the SEPP requires that in preparing an environmental planning instrument that makes provision for residential flat development, a provision shall be included in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication NSW Residential Flat Design Code 2002.

It is noted that SEPP 65 will be required to be considered during the assessment of any future development on the site that includes three or more storeys and 4 or more dwellings.

The extensive urban design analysis undertaken over the last 4 years has considered and demonstrated the ability of future development to comply with the SEPP 65 and the principles and objectives of the Apartment Design Guide.

The separation distances and solar access principles have been considered in the conceptual design of building envelopes. Overshadowing impacts were a primary consideration, and these have also been peer reviewed for completeness.

A detailed assessment was undertaken on both adjoining school sites and homes to the south. This will be further considered as part of any future DA for the site. What is evident is that the impact on adjoining properties relates primarily to building footprint and not height. The impact on immediately adjoining town houses to the south remain the same for a 36m tower as they do for a 20m tower of the same floor plate. The Planning Proposal only facilitates an increase in height for part of the site of 5 metres. This is well set back from the street and provides a transition from the site to the north along Merton Street to the south.

Appropriate controls exist in the draft LEP and DCP in relation to active streetscapes, public domain, built form controls, building facades and articulation as well as overall amenity. Collectively these ensure that the intent of Clause 28 of SEPP 65 can be achieved.

6. Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	N/A The land is zoned R4 High Density Residential. The adjoining site to the north is zoned B2 Local Centre. This land has a greater height and density than that being sought. The Planning Proposal will facilitate a suitable transition from the business zone, and will be further set back to provide a suitable address to the streetscape.
1.2	Rural Zones	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
2. Environment and Heritage		
2.1	Environment Protection Zones	N/A No lands of environmental sensitivity are affected.
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	The Proposal does not directly affect a heritage item although there are items within the vicinity. The requested amendments will not have any direct impact on heritage and will not change the character of the locality. The Planning Proposal only seeks an increase in height of 2 storeys at the Merton Street interface and consolidates development into one footprint, creating a better planning outcome.
2.4	Recreation Vehicle Areas	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	<i>The objectives of this direction are:</i> <i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> <i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,</i> <i>(c) to minimise the impact of residential development on the environment and resource lands.</i> The proposed development will meet the objectives outlined above and certainly offer a mix of housing types in proximity to infrastructure and services, thereby enhancing their efficiency.

3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	N/A
3.4	Integrating Land Use and Transport	<p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></p> <p>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p>(d) <i>supporting the efficient and viable operation of public transport services, and</i></p> <p>(e) <i>providing for the efficient movement of freight.</i></p> <p>The proposal achieves these objectives by virtue of access to existing transport infrastructure and nearby employment lands in the CBD. This will have the effect of reducing transport times and locating housing near to jobs.</p> <p>The proposal dramatically works towards the achievement of these objectives, particularly (a) – (d). This demonstrates the project’s suitability having regard to this Direction.</p>
3.5	Development Near Licensed Aerodromes	N/A
3.6	Shooting Ranges	N/A
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Council’s planning maps indicate that the site is not affected by acid sulphate soils.
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	The site is not flood affected.
4.4	Planning for Bushfire Protection	N/A
5. Regional Planning		
5.1	Implementation of Regional Strategies	N/A
5.2	Sydney Drinking Water Catchments	The planning proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2011 and development will have a neutral effect on water quality.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A

5.9	North West Rail Link Corridor Strategy	N/A
5.10	Implementation of Regional Plans	N/A
6. Local Plan Making		
6.1	Approval and Referral Requirements	N/A
6.2	Reserving Land for Public Purposes	N/A
6.3	Site Specific Provisions	N/A
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Strategically, the planning proposal is shown to be consistent with the NSW Government's A Plan for Growing Sydney 2014 and the draft District Plan. This has been demonstrated within this overall Planning Proposal: <ul style="list-style-type: none"> • Proposes to allow greater density near to heavy rail transport; • Proposes multi-unit residential housing within an existing urban area; • Proposes density in an area being considered as an Urban Activation Precinct; • Supports the viability of existing public transport infrastructure through the creation of additional demand for services;
7.2	Implementation of Greater Macarthur Land Release Investigation	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	N/A

Table 7: Compliance with Section 9.1 Directions

Section C – Environmental, social and economic impact.

7. Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

8.1 A comment from the Stanisic Peer Review.

The application over its history has gone through a number of detailed designs and schemes suggestions. The primary issue of all the proposed models has been application and study of the building form and the ability of the scheme to provide an improved shadow impact outcome than that of the current approved development schemes as shown in Figure XX.

The development site comprises two sites: 10 Merton Street and 12-14 Merton Street, both of which have recently approved development applications. 10 Merton Street has an FSR of 1.5:1 (2,697 sqm GFA) for 36 apartments; and 12-14 Merton Street has an FSR of 1.45:1 (1,975sqm GFA) for 24 apartments. The sites have a total GFA of 4,672 sqm on a total site area of 3,132 sqm, and individual site areas of 1,798 sqm and 1,342 sqm respectively.

The primary environmental impact arising from this proposal relates to overshadowing. Several building envelopes have been developed to help model this impact and thereby arrive at a preferred 'building form'. The Peer review from Stanisic concludes LEP controls for the site which results in a height of 25m and 20m and an FSR of 2.2:1.



Figure 9: Overlay showing the proposed scheme plan to that of the approved DA schemes.

The Peer review report of Stanisic supports the built form approach that can be achieved by a single development through the amalgamation of the two sites. The advice from the peer review seeks a change to the existing built form proposed in the development of 12 Merton Street that: *reduces the overshadowing of the north facing living areas to the west part of the townhouses and the communal open space at the rear substantially, and eliminates overshadowing to the east part of the townhouses. The lower 4 storey podium on the west and south edges, increased setback and communal open space on the east edge will improve amenity such as solar access and outlook of the 3 storey townhouses to the south.*

Setbacks at upper levels also comply with SEPP 65 and have had regard to the possible development of all adjoining sites in the future.

The site has also been examined in terms of its future ability to comply with SEPP 65 solar access and ventilation requirements. The development of the site will be able to comply with these standards.

The peer review from Stanisic resolves on a development scheme with lower density and height controls than that of previously investigated schemes from 2014.

The 2014 report provided a detailed UDR assessment, survey and solar impact analysis (these are contained in appendix E) and showed acceptable impact. It is considered that these comments are helpful as the proposed revised controls from the Stanisic Peer review adopted in this Planning Proposal are considerably lower.

An extract impact assessment from that proposal is contained below:

8.2 Overshadowing:

A thorough site and topographic survey including a detailed survey of both nearby school buildings and adjoining residential buildings has been carried out and used in the shadowing assessment. For complete thoroughness, shadowing impacts have also been modelled for every month between June and December (inclusive). This enables a very specific interrogation of sun access to classroom windows and playground areas for the nearby school sites at all times of the year. The building surveys also help with accurate modelling to windows of adjoining homes.

The specific areas of potential impact are discussed below:

a) Sutherland Primary School – west of the site:

Sections 6.4 and 6.5 of the UDR diagrammatically illustrates the impacts to the west during the morning hours. Importantly a classroom building is located on the eastern side of the school facing the subject site.

In midwinter at 9:00am there is no impact on the classroom building and the only impact on the school is to an amenities block further south. After 10:00am there are no midwinter shadows on this school property.

During December however at 9:00am, five (5) of these twelve (12) classroom windows are overshadowed and in November at 9:00am three (3) of the twelve (12) windows are overshadowed. All classroom windows in all months receive full sun by 9:30am. This is a very minor period of overshadowing and only unique to the summer months.

In respect to direct sun into classroom windows Steve King in his Summary Expert Opinion (Appendix 2) notes the following:

With reference to the loss of direct sun to some classroom glazing for a period before 3pm for the St Patricks College in particular, I rely on my experience of previously having been commissioned to advise on solar access and sun controls in schools. From that experience I am aware that direct gain solar access in classrooms during class times is actually contraindicated, as it is an unacceptable source of glare for the predominantly visual tasks in the classroom.

This minor impact for 30 minutes is acceptable in the circumstance particularly having regard to the above expert opinion.

There is no shadowing impact on any playground of Sutherland Primary School during school hours.

b) St Patricks College – east of the site:

Sections 6.4 and 6.5 of the UDR diagrammatically illustrates the impacts to the east during afternoon hours.

A new building has recently been built on the western boundary of the school adjacent to this site. This building has one main window which has been considered carefully to ensure no unacceptable loss of light although it is noted that existing trees along the boundary to the school presently overshadow this window. For the purposes of modelling these trees have been removed.

Particular care was also given to ensure no unacceptable overshadowing to any playground area would occur during recess and lunchtime. The analysis shows that the school buildings themselves overshadow the playground areas and the proposal will have no impact on the playground areas during lunchtime at midwinter. Indeed the College will not be overshadowed until 2pm and at this time only a small portion of one classroom building will be affected.

This minor impact from 2pm is acceptable in the circumstance and again having regard to the above expert opinion.

At 3:00pm midwinter the shadow does cast on a small portion of a playground south of the classrooms however this playground has shade sails so the impact is negligible. This time is also outside of playground hours.

c) Residential town houses – south of the site:

The building envelope has been designed to try and allow as much sunlight into the southern properties throughout most of the year. Given the orientation of southern properties, their small courtyards and minimal setbacks, this is challenging but achievable. Indeed it is demonstrated that a two storey house (complying development) will be likely to cast a similar height shadow to the southern town houses, albeit the length of the shadow is less.

It was proposed by Council that these southern properties should also be rezoned to allow for their future redevelopment however they are already developed as low rise residential apartments and it is acknowledged that any future development of these sites would be unlikely unless a similar yield is offered them.

A stepped building form will be what is appropriate on the site if it is to be developed. The preferred envelope has adopted southern setbacks and various heights to ensure at least two (2) – three (3) hours of sunlight to southern properties. The analysis provided in sections 6.4 of the UDR clearly indicates that the middle dwellings have sun until 11:00am and the eastern two dwellings have sun from 9:00am until 1:00pm.

The western-most town house fronting Merton Street has sun from 1pm onwards. It is the second dwelling in from Merton Street which is most affected in this complex. In order to gain acceptable light to this second dwelling the range for assessing sunlight must be extended out to 4pm and commence from 8am. This is not unreasonable or uncommon in a higher density town centre context.

This dwelling gains light from 8:00am – 9:45am in the morning and from 2:45pm – 4:00pm in the afternoon. It is also critical to understand that this same level of impact results from a 20m tall building on the same footprint. The issue therefore does not relate to building height but

rather orientation. This is confirmed by the Independent Overshadowing Analysis at Appendix 2 – specifically section 3.4.1.

This matter will be further improved at the DA stage once the building is properly designed and articulated.

d) Residential units – south of the adjoining townhouses:

Properties further south on Merton Street are only impacted by the tower form and this shadow is narrower than the overall building mass. Figure 6.4.5 in the UDR illustrates these shadows.

Specifically, the proposed tower element only shadows Merton Street until 10:30am at which time it extends onto the residential land south of the adjoining town houses. Between 11:00am and 2:00pm the shadow works along the entire roof of the units south of the adjoining townhouses. It is also evident that these units are entirely overshadowed by the townhouses during this same period.

Given the height of the town houses, it is unlikely that any significant new shadowing impacts will result to dwellings further south.

e) Conclusion:

The shadow modelling demonstrates that a 36m tall building is able to be accommodated on this site without unacceptable impacts on the adjoining school site to the east and the school over the road to the west.

Steve's role confirmed the thoroughness, accuracy and appropriateness of the shadow modelling. His report (Appendix 2) concludes:

In my considered opinion Option 2 is appropriately identified as the critical height at which it minimises overshadowing beyond the extent of the site immediately to the south, but also gives rise to negligible additional overshadowing compared to the lower tower forms.

In my considered opinion the overshadowing impact analysis by the architects may be relied on for the evaluation of development options for the site.

8.3 Overlooking:

Overlooking and privacy issues to the school and southern properties will be a consideration at the DA stage. The revised building form and substantial upper level setbacks will greatly assist in minimizing any unacceptable overlooking. This will be further refined at the DA stage and assessed in relation to lines of sight and existing tree location.

8.4 Traffic

Traffic will also be a consideration however there is much development proposed for the town centre and the grid pattern of streets provides ample opportunity for multiple trip options and acceptable car movement. Access to public transport will also alleviate traffic impacts and it is likely that many residents will not even use a car.

It must also be noted that recently considered amendments to SEPP 65 are considering zero parking requirements for buildings near railway stations. This is reflective of market forces as well as strategic desires to reduce trip times around Sydney.

A comprehensive Traffic Assessment can be considered post Gateway if required, but will also be considered at the Part 4 stage.

9. How has the planning proposal adequately addressed any social and economic effects?

9.1 Economic:

There will be no adverse economic effects arising from this proposal. Indeed it is well established that additional population in and around a commercial centre significantly stimulates businesses within that centre. This in turn provides additional jobs in the region and many of these provide for younger generations.

Sutherland Town Centre will be significantly developed over the next few decades. This context can also result in economic growth in properties across the board, particularly as services and facilities are enhanced.

9.2 Social:

In terms of social impacts there may be several positive effects such as:

- The ability for Sutherland to provide quality housing near to local businesses and public transport.
- This proposal will assist in providing a more affordable and smaller housing option than the more traditional large house which has underpinned much of the Shire for many decades.
- Locating residents around town centres will assist in stimulating their vitality and attractiveness in the long term. Urban spaces with people around are shown to be more vibrant than single purpose commercial centres, particularly into the evening. This will encourage restaurants and cafes and business initiatives within the town centre.
- Improved streetscape and strong passive surveillance over the street and school properties after hours.

An issue which is a potential impact relates to visual impact and character. These are extremely subjective matters and are certainly not an 'exact science' in terms of ability to quantify. These matters must also be examined within the context of an emerging major centre and one that will undergo massive change over the next few decades. It is on this basis that the planning proposal is lodged.

Visual impacts to adjoining schools will change from what currently exists. It is likely that these schools will eventually exist around high density buildings. Most children attending these schools may well live within walking distance and this is desirable.

Given the changing character of Sydney this is reasonable and one that many centres within metropolitan Sydney are dealing with.

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The proposed development is very well served by public transport and road infrastructure and is about 250m from Sutherland railway station. Existing networks and facilities will easily continue to service the area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation has been carried out with the Department in relation to the merits of the proposal and the likely building form controls. The Pre-Gateway Review determination reflects these discussions. The independent urban design assessment was required by the Department.

Consultation with other public authorities has not occurred at this stage. Appropriate consultation can happen at the correct time if required.

PART 4 - MAPPING

Maps illustrating the current Sutherland LEP 2015 land zoning, maximum height of buildings and floor space ratio controls for the Planning Proposal are located within the Introduction.

The maps for the proposed amendments to the Sutherland LEP 2015 maximum height of buildings map and maximum floor space ratio map is included below.

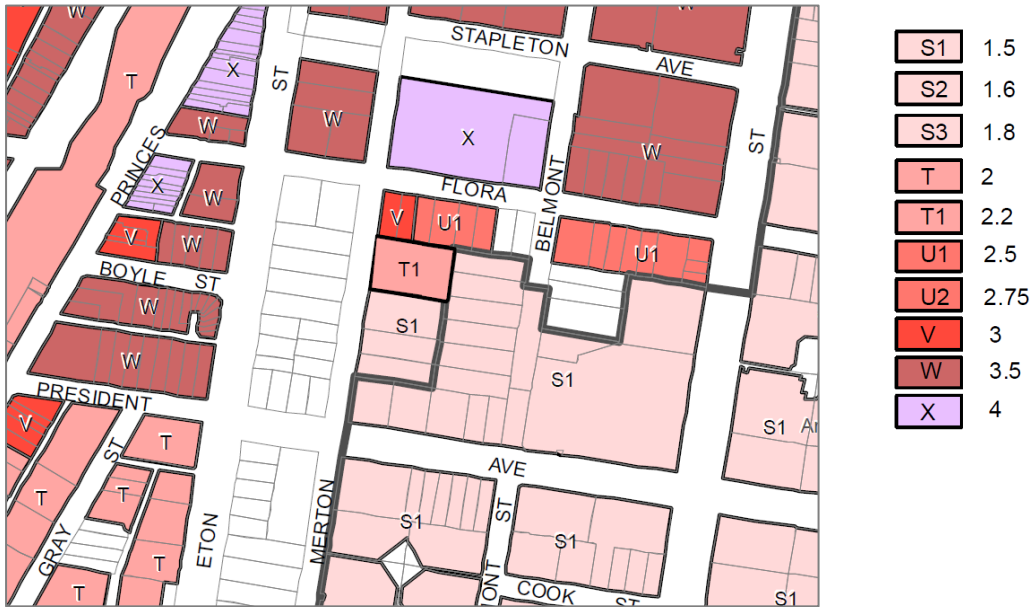


Figure 10: Proposed Maximum Floor Space Ratio Map

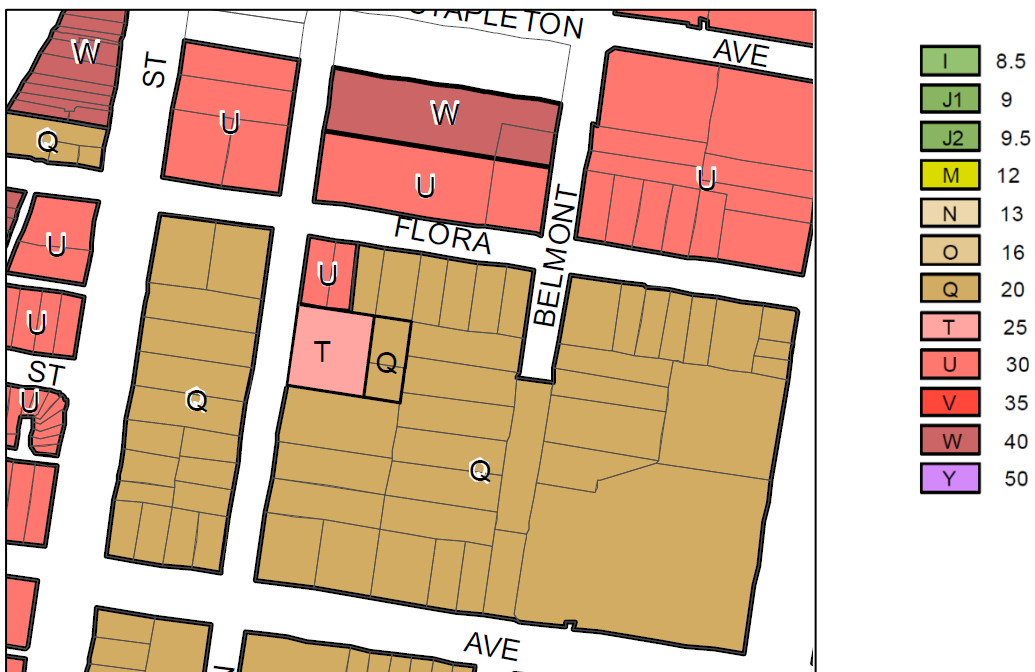


Figure 11: Proposed Maximum Height of Buildings Map

PART 5 – COMMUNITY CONSULTATION

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal:

- On the Sutherland Shire Council website;
- At the information desk of the Sutherland Shire Council offices;
- In the relevant local newspaper(s); and
- In writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is anticipated that the Planning Proposal will be publicly exhibited for a period of not less than 28 days in accordance with the requirements of Section 5.5.2 of the Department of Planning and Environment's publication *A Guide to Preparing Local Environmental Plans*.