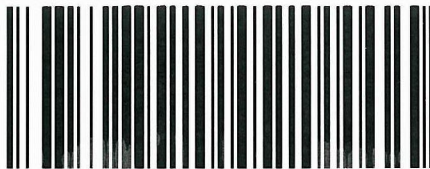




Mark Carlon - Manager Environmental Planning (Ph: 9710 0523)
File Ref: LP/06/520031

31 May 2011



PCU023023

Juliet Grant
Regional Director - Sydney Region East
Department of Planning and Infrastructure
GPO 39
Sydney NSW 2001

2nd JUN 2011

Dear Ms Grant

Planning Proposal for 19-21 Gerrale Street Cronulla

[In response, please quote File Ref: LP/06/520031]

Council at its meeting on 16 May 2011 (EAP161-11) resolved to endorse a planning proposal to be sent to the Department of Planning and Infrastructure for gateway approval. The planning proposal enclosed with this letter applies to 19 Gerrale Street (Land number 44480, Part Lot 21 DP4749) and 21 Gerrale Street (Land number 75233, S/P 394). The subject area is shown in the maps attached to the planning proposal. The planning proposal is to amend the Height and Density Maps of Sutherland Shire Local Environmental Plan 2006 as they apply to 19-21 Gerrale Street. The effect of the change is to increase the maximum permissible building height from 6 storeys to 9 storeys and increase the maximum floor space ratio from 2:1 to 3:1.

The planning proposal was initially submitted to Sutherland Shire Council by planning consultants Economia PDS on behalf of Sammut Developments, the land owners of 19 Gerrale Street Cronulla. The documentation submitted by Economia PDS as part of their planning proposal is enclosed. Also enclosed are the relevant Council reports including appendices.

If you require further information please contact Mark Carlon on 9710 0523.

Yours faithfully

Mark Carlon
for J W Rayner
General Manager

Documents submitted

1. Sutherland Shire Council Planning Proposal for 19-21 Gerrale Street Cronulla

Appendix 1: Maps

2. Council Report EAP162-11: Cronulla Urban Centre Zone Review of Development Controls (Revised)

Appendix 1: Cronulla Centre Urban Design Review

3. Economia PDS Planning Proposal for 19-21 Gerrale Street Cronulla

4. Stanisis Associates Architects Urban Design Report for 19-21 Gerrale Street Cronulla

5. Council Report EAP161-11: Report on Planning Proposal for 19-21 Gerrale Street Cronulla

Appendix 1: Items 3 and 4 above

Appendix 2: SSC Solar Access Study of proposal

Planning Proposal - Section 55 of the Environmental Planning and Assessment Act, 1979

LOCAL GOVERNMENT AREA

Sutherland Shire Council

NAME OF PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 11)

ADDRESS OF LAND

The plan applies to 19 Gerrale Street (Part Lot 21 DP4759, lot area 855 sq m) and 21 Gerrale Street (S/P 394, lot area 855 sq m).

MAP

Attached showing the location of property affected by this plan.

DETAILS OF THE PLANNING PROPOSAL

1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

The Planning Proposal is to increase the height and density controls applying to 19-21 Gerrale Street in Cronulla Centre.

The Planning Proposal aims to:

- Increase development yields on the site;
- Encourage the redevelopment of existing older style residential flat buildings on the site.

2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]

An amendment to Sutherland Shire Local Environmental Plan 2006 Height and Density maps to increase the maximum building height from 6 storeys to 9 storeys and increase the maximum floor space ratio from 2:1 to 3:1 for the sites at 19 and 21 Gerrale Street Cronulla.

3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

A Need for planning proposal

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

A strategic review of the optimal future development yields in the Cronulla Centre was undertaken by the Environmental Planning Unit of Sutherland Shire Council in response to Council's resolution of 1 November 2011 (SDC002-11) which is copied below:

"That the Council undertake a review of development controls in SSDCP2006 and SSLEP2006 for Cronulla centre as part of the Housing Strategy, with a view to determining if and where additional height and floor space can be accommodated in the centre, without adverse impacts on the amenity of the area."

The analysis carried out is known as the Cronulla Centre Review. The findings of the review were reported to Council on 14 February 2011 (EAP112-11) and again following a site visit on 16 May 2011 (EAP162-11). The review made recommendations for increases in height and floor space ratios in the Cronulla Urban Centre Zone on a site by site basis. Building forms recommended in the review were devised using a computer model to determine the overshadowing and visual impacts of potential new developments on public space and adjacent private developments. The review was based on the design principles of SEPP65 which were used to guide appropriate building forms, heights, floor space ratios and separation between buildings. Copies of the Cronulla Urban Centre Zone Review and the relevant Council reports are attached.

In March 2011, planning consultants Economia PDS on behalf of Sammut Developments submitted a planning proposal to Council for the subject land at 19-21 Gerrale Street Cronulla. The planning proposal sought an increase in maximum allowable height from 6 storeys to 9 storeys and an increase in floor space ratio from 2:1 to 3:1. The proponent's planning proposal was accompanied by an urban design report by Stanistic Associates Architects. Copies of the Economia PDS planning proposal and the urban design report by Stanistic Associates Architects are attached.

The Economia PDS planning proposal was reported to Council on 16 May 2011 (EAP161-11, attached) Council resolved to support the Economia PDS proposal for increases in height and FSR on the subject land, and to submit a planning proposal for the land to the DOPI to proceed towards an LEP amendment.

Council resolution (EAP161-11) is:

- "1. That the *Report on Planning Proposal for 19-21 Gerrale Street, Cronulla* be received and noted.
2. That a site specific approach be taken so that 19-21 Gerrale Street is dealt with as follows:
 - a) That the proposal for increasing the development controls for heights of buildings and floor space ratio for new developments at 19-21 Gerrale Street, Cronulla as outlined in the report be supported.
 - b) That a planning proposal for an amendment to Sutherland Shire Local Environmental Plan 2006 be prepared forthwith and submitted to the Department of Planning and Infrastructure for Gateway Approval in respect to 19-21 Gerrale Street, Cronulla only. The purpose of this submission being to alter the development standards which provide a maximum floor space ratio of 3.0:1 and maximum height of 9 storeys.
 - c) That a notation be placed in Part 5 of Section 149 Certificates for affected properties – detailing Council's resolution and referring interested parties to report EAP161-11.
 - d) That amendments to Sutherland Shire Development Control Plan 2006 (including changes to Chapter 2 Locality Strategy and Chapter 3 Urban

Design), consistent with the decisions above, be prepared to support and explain the LEP amendments.

- e) That the amendments referred to above in d) be made in consultation and conjunction with the applicant's architects and planners, and that in particular they include as mandatory, the Council's Environmental Planning Unit design excellence provisions along the lines – but not restricted to – the sample provisions that were outlined on page 19 of the report.
- f) That the amendments referred to above in d) and e) be presented to Council as soon as possible for consideration prior to the amendments being placed on public exhibition.
- g) That Local Provisions as necessary to implement the recommended changes to height and density for 19-21 Gerrale Street be drafted for inclusion in the Standard Instrument Local Environmental Plan.
- h) That:
 - The planning proposal;
 - The amendment to DCP 2006; and
 - The subsequent development application from the applicant. be advertised simultaneously, if possible, so as to maximise public scrutiny and consultation.”

This planning proposal has been produced in accordance with Council's resolution.

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

The proposed controls facilitate the redevelopment of one development site at 19-21 Gerrale Street Cronulla at a higher density than surrounding development. The proponent's position is that the increased yield is necessary to realise the redevelopment of the older style properties that currently exist.

Council has deferred consideration of the Cronulla Centre Review which is a broader strategic review of the centre.

3. Is there a net community benefit?

The proposed amendment is located in the Cronulla Town Centre. Higher density development is generally permitted in the centre. As this proposal is not for a change of zone but only an amendment to development standards for 19-21 Gerrale Street, the community benefit is limited to this one site. However, allowing greater height and FSR at 19-21 Gerrale Street will facilitate redevelopment of one older style residential flat building. The residential amenity of the replacement dwellings will be far superior to that of the residential units that currently exist on site. Redevelopment could also be expected to improve the streetscape of Gerrale Street and contribute to the revitalisation of Cronulla Centre.

Sutherland Shire Development Control Plan 2006 has standards for measuring what is an acceptable impact on the solar access of adjoining development. Redevelopment at the increased FSR of 3:1 and 9 storeys is likely to result in greater overshadowing of adjacent residential flat buildings than the DCP anticipates. The change of development standards at 19-21 Gerrale Street may also create a precedent for other development sites in Cronulla centre.

B Relationship to strategic planning framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

- *Metropolitan Plan for Sydney 2036*

The planning proposal is consistent with the objectives in the Metropolitan Strategy to focus activity in accessible centres and to locate 80% of new housing within walking catchments of centres.

- *Draft South Subregional Strategy 2007*

The planning proposal is consistent with objectives in the South Subregional Strategy to accommodate an additional 10,100 dwellings within Sutherland Shire by 2031. This includes sites that have older building stock and with good access to services and facilities. However, the planning proposal only applies to two lots and one currently contains 15 dwellings, so its contribution to meeting dwelling targets is not significant.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is consistent with Council's community plan known as *Our Shire Our Future: Our Guide for Shaping the Shire to 2030*. The Guide seeks to provide greater housing choice. The proposal is aligned with this direction.

The local strategic planning document prepared for Cronulla Centre is the Cronulla Urban Centre Review. Council resolved on 16 May 2011 (EAP162-11) to defer consideration of the review subject to the outcome of the Planning Proposal for increased development standards for the site at 19-21 Gerrale Street Cronulla. The Planning Proposal seeks a greater density of development than recommended by the Cronulla Centre Review.

- *Standard Instrument LEP- Draft Housing Strategy*

Council is in the process of preparing a new Housing Strategy to inform its Standard Instrument LEP. One of the series of reports that has developed the Housing Strategy was SDC009-09 (9 February 2009). This report examined each of the Sutherland Shire commercial centres for their potential in providing additional dwellings to meet the subregional dwelling targets. The report noted that Cronulla centre is a favoured housing choice for residents looking for a residential unit, having a prime beachside location, an extensive selection of shops and restaurants and good public transport accessibility. However, Cronulla was not recommended as a priority centre because the majority of sites are already strata subdivided. As such the potential for redevelopment is relatively limited in comparison to other centres.

Redevelopment in Cronulla does not create as many additional dwellings as can be achieved in other centres. However, Cronulla does have a role in providing premium dwellings which widens housing choice. As such the planning proposal is consistent with the broad objectives of the Draft Housing Strategy.

Council resolved on 7 March 2011 (SDC005A-11) to defer consideration of the Sutherland Shire Draft Housing Strategy pending clarification of the new State Government's requirements in terms of future housing targets. Sutherland Shire Council has written to the Premier and Minister for Planning seeking confirmation of the government's direction but it has not received a response to date.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

- State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings.

The supporting document to SEPP65, the Residential Flat Design Code, states that building separation is an important determinant of urban form.

The objectives of the Code's building separation recommendations are:

- To scale new development to support desired character of area
- To provide visual and acoustic privacy for residents
- To control of overshadowing of adjacent properties and open space
- To allow for provision of private open space

The Code recommends building separation distances to support these objectives, but also notes that smaller separation distances can be considered in "dense urban areas".

Development at the proposed increased FSR at 19-21 Gerrale Street could result in non-compliance with the recommended building separation distances. Council has however, accepted the proponents' argument that Cronulla is a dense urban area and smaller separation distances are appropriate.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The s.117 Directions relevant to this planning proposal are:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.2 Sydney Drinking Water Catchments
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal for 119-121 Gerrale Street proposes only a change to development standards for two lots in Zone 8 Urban Centre. This is a very minor LEP amendment and does not contravene any S.117 Directions.

C Environmental, social and economic impact.

1. *Is there any 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 endangered communities exist on or in vicinity of the site.

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

The proposed controls will allow a greater density of development to be achieved on the site. As a result of the increased height and density future development is more likely to affect the solar access of adjoining residential flat building to the south.

The orientation of Gerrale Street north south means that buildings to the south of the subject site are vulnerable to overshadowing impact. The existing residential flat building to the south at 31-33 Gerrale Street is nine storeys high. Whilst SEPP65 contains requirements for solar access to new developments, it does not refer to what is an acceptable level of reduction of solar access to an existing dwelling within a residential flat building. Sutherland Shire Development Control Plan 2006 Chapter 3 Urban Design (Clause 14.b.2) provides a policy position of what is an acceptable benchmark. The DCP specifies that new development must not eliminate more than one third of the existing sunlight to usable private open space or windows of living areas of an adjoining property (measured at 9am and 3pm on 21 June). The proposed block form detailed in the Urban Design Report by Stanisis Associates Architects does not meet the current DCP requirements.

The proposed controls will allow a greater density of development to be achieved on the site and therefore are more likely to affect the degree of privacy between adjoining developments. The Code recommends building separation distances to support these objectives, but also notes that smaller separation distances can be considered in "dense urban areas". Development at the proposed increased FSR at 19-21 Gerrale Street has the potential to result in non-compliance with the recommended building separation distances. In this regard Council has accepted the argument of the proponents that Cronulla is a dense urban area and smaller separation distances are appropriate, producing corresponding increased overshadowing of existing developments.

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

The planning proposal relates to a single development proposal and will have no significant social or economic impacts.

D State and Commonwealth interests.

1. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will have no significant impact on existing public infrastructure. The site is already zoned for residential flat buildings and mixed use development. The increased density is unlikely to create a need for additional public infrastructure.

2. *What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

This is not applicable at this stage. No authorities have yet been consulted.

4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

Council proposes that the planning proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 29 of the Local Government Act, 1993 and Section 57 the Environmental Planning and Assessment Act, 1979.

Council (EAP161-11) has also resolved for the site at 19-21 Gerrale Street:

“h) That:

- The planning proposal;
- The amendment to DCP 2006; and
- The subsequent development application from the applicant be advertised simultaneously, if possible, so as to maximise public scrutiny and consultation.”

It is anticipated that the development application for the development at 19-21 Gerrale Street will be assessed by the Joint Regional Planning Panel because of its size and value. When the DA is submitted the JRPP will be notified and a date set for completion of the assessment. If the rezoning was not concluded when the date for assessment arrives, the JRPP would have no option but to refuse the application.

This is not Council's intent. Instead it saw joint exhibition as allowing for a more meaningful dialogue with local residents. Council will be advised that if it wishes to exhibit these documents concurrently, it may be necessary to exhibit the development application as a development proposal, documented to DA standard. The proposed building could then be exhibited with the Planning Proposal to help illustrate its intent. Should the Planning Proposal ultimately be made by the Minister for Planning, the proposal could then proceed to being lodged as a formal submission.

In order to gauge the views of the local community in relation to the Planning Proposal Council envisages a 28 day consultation period.

Planning Proposal for 19-21 Gerrale Street Cronulla

Appendix 1

MAP



