

**Planning Proposal
to amend Sutherland Shire Local
Environmental Plan 2006**

10-14 Merton Street, Sutherland

December 2014

CONTENTS

EXECUTIVE SUMMARY

PART 1 Objectives or Intended Outcomes

PART 2 Explanation of the Provisions

PART 3 Justification

Section A – Need for the Planning Proposal
Section B – Relationship to Strategic Planning Framework
Section C – Environmental, Social & Economic Impact
Section D – State and Commonwealth Interests

PART 4 Community Consultation

LIST OF TABLES

Table 1: Relevant SSLEP 2006 Controls
Table 2: Net Community Benefit Test Assessment
Table 3: Relationships to Strategic Planning Framework
Table 4: Assessment against Ministerial Directions

LIST OF FIGURES

Figure 1: Aerial photograph of the site
Figure 2: Existing LEP zoning map (SSLEP 2006)
Figure 3: Proposed LEP Floor Space Ratio Map
Figure 4: Proposed LEP Height of Building Map

APPENDIX 1 Urban Design Report (Geoform Architects)

APPENDIX 2 Summary Expert Opinion – Independent Certification: Overshadowing Analysis
(Steve King, Consultant)

EXECUTIVE SUMMARY

Summary:

This Planning Proposal seeks an increase in the height and floor space ratio controls for the subject site to allow for a 36m height limit and a Floor Space Ratio of 3:1.

A comprehensive Urban Design Study is attached to this Proposal and examines the site's capacity in terms of urban design and adjoining land-uses and examines the impacts of the site in terms of overshadowing. The proposal's ability to perform well as a development site is demonstrated in this Report. Additionally, a peer review of the overshadowing impacts has been prepared by independent expert Steve King, architect and University of New South Wales academic.

The Opportunity:

Sutherland is a potentially significant centre and one that is being recognized by all levels of Government. 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, much higher than that proposed within the existing LEP. History shows that six storey development has not been viable around Sutherland for many years and additional density is needed to stimulate this centre.

The site's capability:

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

- The subject site is supremely well located adjacent to Sutherland town centre commercial and administration precincts.
- The site is within a 250m radius of the 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 for many years. 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 months in a quest to examine its capability. Preliminary modelling has evolved to exhaustive modelling and overshadowing analysis to understand impact. The attached Urban Design Report (UDR) clearly outlines this work and the resulting yield on the site.
- Many of the earmarked sites for development are unlikely to ever be taken up as development sites due to extremely fragmented ownership and high existing commercial yields.
- This site is sufficiently large, appropriately located and ready for development and these sites should be considered as part of Council's overall strategy which seeks to provide 10,100 new dwellings by 2036 to meet Sydney Metropolitan Strategy 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.
- The Sydney Metropolitan Plan notes Sutherland as a key growth centre in the Shire over the next 25 years and even notes its potential to become a major centre.

- 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.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of this submission (Planning Proposal) is to allow for a 36m residential building above basement car parking. This building form will result in a maximum floor space ratio of 3:1.

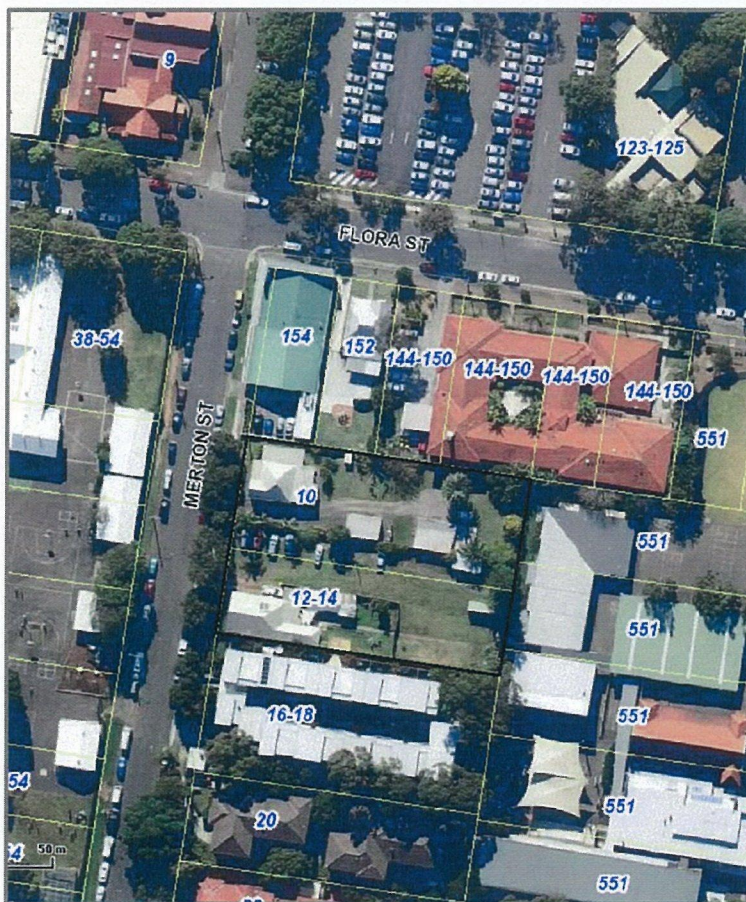
The site is currently used for two dwelling houses and is within Zone No. 6 – Multiple Dwelling B. Residential Flat Buildings are permissible with consent.

The subject site:

The specific property is described as Lots 151 and 152 DP 1020267. It has a frontage of 46.94m to the 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. The site was formerly amalgamated and so there is also a significant amount of vacant space between the two houses on the site.

The site does fall away towards the south and this has been considered in the overshadowing assessment. Indeed this assessment included full surveys of adjoining buildings to ensure accuracy of impact.

Figure 1 below shows the location of the subject site.



PART 2 – EXPLANATION OF PROVISIONS

SUMMARY OF PROPOSED CHANGES TO PLANNING CONTROLS			
	Current (SSLEP 2006)	Current (adopted draft SSLEP 2013)	Requested
Zoning	Zone No. 6 – Multiple Dwelling B	R4	No change to proposed R4 zone
Floor Space Ratio	0.7:1 (formula calc. for sites >1200m2)	1.5:1	3:1 (“V”)
Height of Buildings	3 Storeys	20m	36m (“V1”)

Figure 2 below shows the current zoning map within SSLEP 2006.

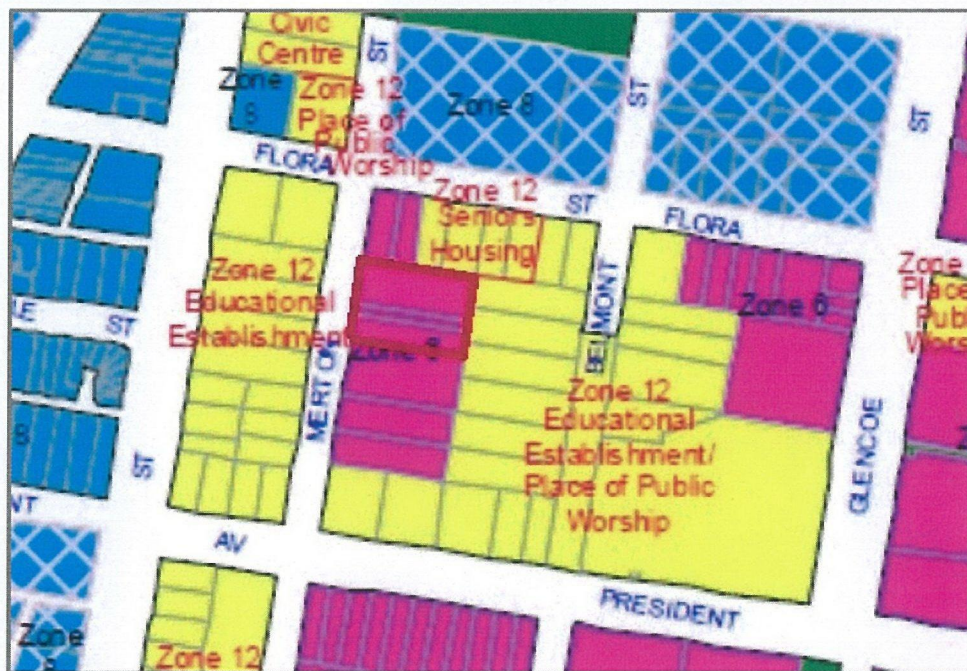


Figure 2 – Existing LEP Zoning Map

It is acknowledged that this Planning Proposal must be made in reference to SSLEP 2006 by installing new height and floor space controls however depending on gazettal timeframes, it is likely that it will 'technically' need to amend SSLEP 2013. This matter can be resolved in discussion with Council and the Department of Planning and Environment at the appropriate time. For now, the mapping will match draft SSLEP 2013 as this has been routinely exhibited for some two years.

Subject to further discussions, it may be deemed appropriate to have the planning proposal considered along-side a Development Application for the site in accordance with Division 4B, Sections 72I, 72J and 72K of the EPA Act 1979. It is requested that this simultaneous assessment of a DA and Planning Proposal be requested to be reserved as a possibility in any request by Council to Gateway.

The following are the operative provisions:

1. Amendment of the Sutherland Local Environmental Plan 2006 Floor Space Ratio Map to "V" (3:1) as shown on the map below.
2. Amendment of the Sutherland Local Environmental Plan 2006 Height of Building Map to "V1" (36m) as shown on the map below;

No change is proposed to the zoning of the site as proposed in draft SSLEP 2013.

Figures 3 and 4 below shows the proposed LEP maps for the site.

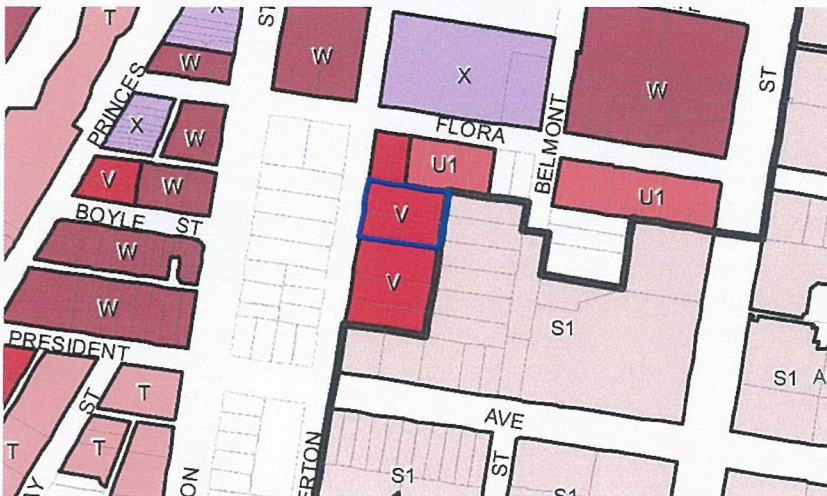


Figure 3 – Proposed FSR Map

Maximum Floor Space Ratio (n:1)

C	0.45	X	4
D	0.5	Area 5	Refer to clause 4.4(3)(b)
E	0.55	Area 5A	Refer to clause 4.4(3)(b)
G	0.85	Area 6	Refer to clause 4.5A(2)
H	0.7	Area 7	Refer to clause 6.20(2) & 6.20(5)(a)
I	0.75	Area 9	Refer to clause 4.4(3)(d)
N	1	Area 10	Refer to clause 4.4(3)(f)
P	1.2	Area 11	Refer to clause 4.4(3)(c)
S1	1.5	Area 12	Refer to clause 4.4(3)(e)
S2	1.6		
S3	1.8		
T	2		
U1	2.5		
U2	2.75		
V	3		
W	3.5		



Figure 4 – Proposed HOB Map

Maximum Building Height (m)

I	8.5	Area 1	Refer to clause 4.3(7)(a)
J1	9	Area 2	Refer to clause 4.3(7)(b)
J2	9.5	Area 3	Refer to clause 4.3(7)(c)
N	13	Area 4	Refer to clause 4.3(7)(d)
O	16	Area 5	Refer to clause 4.3(7)(e)
Q	20	Area 5A	Refer to clause 4.3(7)(e)
T	25	Area 6	Refer to clause 4.5A(2)
U	30	Area 7	Refer to clause 6.20(2) & 6.20(4)(a)
V	35	Area 10	Refer to clause 4.3(7)(f)
V1	36		
W	40		
Y	50		

PART 3 – JUSTIFICATION

The NSW Department of Planning has a publication entitled “*Guidelines for Preparing Planning Proposals*”. It outlines a range of questions which will be answered as part of the Justification process. Prior to dealing with these questions it is appropriate to provide an urban design justification for this 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 inclusion of the site in the last exhibited version (version 3) of the draft Sutherland Shire LEP 2013. It 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.

Additionally, 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.

This nomination is currently being considered by the NSW Department of Planning and Environment and Sutherland Council.

The need for density in Sutherland is generally supported by the Metropolitan Strategy for Sydney 2036 which clearly identifies Sutherland as a potential major centre and seeks to allocate growth targets for key growth areas. More on this later in the report:

In conjunction with the South Subregion local councils, the Department of Planning has applied a centre typology to identify the mix and range of existing centres within the South Subregion. This has identified three Strategic Centres. The Specialised Centre at Sydney Airport and Environs (including Cooks Cove) is partly located in the subregion and there are Major Centres at Hurstville and Kogarah.

There is also a Potential Major Centre, Sutherland, which may grow over the life of the strategy to become a Major Centre.

Centres and Corridors South – Key Directions (p58).

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.

3. Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of a development or rezoning outweighs the sum of all costs. The justification to proceed with the planning proposal has taken into consideration the public interest and the consequence of not proceeding with the change in height and FSR.

Table 2 below provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test set out in the Department of Planning's draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the proposed LEP amendment.

Sutherland Council, in the "*Cronulla Centre Review – January 2011*", noted that "*recently completed prestige developments, both commercial and residential, have provided the public benefit of improved streetscapes and contributed to a revitalisation of those parts of Cronulla*". Obviously Sutherland is not Cronulla however within its own context this principle stands true in a general sense.

Based on the responses to the key evaluation criteria in Table 2, the proposed changes to the Sutherland Shire LEP will produce a net community benefit. There are very few costs to the community in a broad sense, however it is also acknowledged that massive benefits are also difficult to claim for a residential building. The benefit, while positive, would also be reasonably modest.

Table 2 – Net Community Benefit Test Assessment

Evaluation Criteria	Assessment	✓/x
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	More detailed assessment of the proposal's compatibility with State and regional strategic direction is provided in Section B4 of this proposal. State strategic direction is clear in the Metropolitan Strategy where it earmarks the possibility that Sutherland "<i>may grow over the life of the strategy to become a Major Centre.</i>" It also notes that Sutherland LGA is forecast to provide over 10,000 new homes over the life of the Strategy. This needs a serious commitment by government because only a proportion of rezoned land is ever actually developed. Some sites remain undeveloped for many reasons and any appropriate site for added density will be required to meet these targets. The Planning Proposal is within 250m radius of Sutherland railway station and a 300m walk. It is a 1 - 2 minute walk to shops and major services. The centre is also well serviced by local and regional bus services. Strategic Direction B – Growing and Renewing Centres is relevant to this proposal. This Direction notes that "<i>concentrating a greater range of activities near one another in centres well served by public transport makes it easier for people to go about their daily activities and helps to create lively, functional places in which to live, work, socialise and invest.</i>" Direction B goes on to note: <i>Focusing new housing in and around centres helps to make efficient use of existing infrastructure, increases the diversity of housing supply, allows more trips to be made by public transport and helps strengthen the customer base for local businesses.</i> The proposed amendment is compatible with Objective B1 – To Focus Activity in Accessible Centres:	✓

Evaluation Criteria	Assessment	✓/x
	- Plan for centres to grow over time (Action B1.1); - Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport (Action B1.3); The proposed amendment is compatible with Objective B3 – To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport: - Plan for urban renewal in identified centres (Action B3.2);	
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or sub regional strategy?	The proposed amendment is located in a Town Centre as identified in the Centres and Corridors South – Sydney Metropolitan Strategy (p59). Page 58 however notes: <i>“There is also a Potential Major Centre, Sutherland, which may grow over the life of the strategy to become a Major Centre.”</i> Council and the Department of Planning and Environment are currently exploring Sutherland being an Urban Activation Precinct.	✓
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposed LEP is supported by the notion that this site is within a block of residential land which is extremely close to the town centre and nearby land earmarked for 30m and 40m apartments. The site is surrounded by Special Use land comprising schools and churches. Indeed much of the earmarked land for taller buildings is further away from the town centre than this site. For this reason the subject site is ripe for inclusion to match the controls in the vicinity and is therefore unlikely to create a strong precedent. Subsequently, the expectations of some select landowners in the locality will generally remain the same, although they may be inclined to wonder if their site could mount similar arguments. Impact is neutral.	N
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The effects of all rezoning are being monitored in general terms for the amount of new dwellings they can provide to a centre. This is being monitored via the Housing Strategy. The overall outcome is a clear desire to build a framework to attract new housing and jobs to the town centres within Sutherland.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. One could argue that population increase is an employment generating activity although no new commercial activity is proposed in a traditional sense. There will be no loss of employment lands.	✓
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	There will only be a positive impact on the supply of residential land and the increase in small housing products near to railway lines increases the supply of affordable housing.	✓
Is the existing public infrastructure	All existing services are capable of taking additional	

Evaluation Criteria	Assessment	✓/x
(roads, rail, utilities) capable of servicing the proposed site?	accommodation proposed around the town centre.	✓
Is there good pedestrian and cycling access?	Pedestrian access is very good and public transport is outstanding both locally and regionally.	✓
Is public transport currently available or is there infrastructure capacity to support future public transport.	The site is 300 metres by footpath (or 3 minute walking distance) to Sutherland Station and bus services exist from the centre. Appendix 1 examines the site's access to transport and services.	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?	Having more residents locate near transport reduces car distances travelled and allow for more sustainable housing.	✓
If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The likely impact of reduced travel distances local residents will be a decrease in greenhouse gas emissions, reduced air pollution, reduced operating costs for vehicles, more time with family and friends, and for some, a more peaceful demeanour after not having navigated Sydney traffic for several hours. Road safety will also be improved.	✓
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?	No negative impact. The site is near to Sutherland hospital and so again, this is seen to be a positive impact as people are allowed to locate around government services.	✓
If so, what is the expected impact?		
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?	No.	✓
Is the land constrained by environmental factors such as flooding?	No	
Will the LEP be compatible or complementary with surrounding land uses?	The LEP will be compatible with existing residential uses adjoining the site. High density residential housing is consistent with schools. This is a well-established tradition to locate people close to schools if possible	✓
What is the impact on amenity in the location and wider community?	The proposal will have an overshadowing impact on southern dwellings. Careful design of the building will aim to minimize impacts however issues like overshadowing will always cause impact when densities increase. Section 4 of this submission addresses this in greater detail and the UDR at Appendix 1 has examined this matter exhaustively. Appendix 2 also includes an Independent Expert Opinion in relation to the overshadowing analysis.	x
Will the public domain improve?	The building form modelled in the UDR shows a building form where school playgrounds will not be impacted during playground hours and classrooms will not be unacceptably impacted. Well-designed apartments are attractive and I consider improve the public domain of a strong	✓

Evaluation Criteria	Assessment	✓/x
	centre. In this case the two houses on site are very modest and so the area will improve. This is also a subjective issue and one really which is reliant on context. The context here is a growing vibrant centre which seeks to try and reduce the trend of people needing to drive out of the shire to work and be wed to their motor car.	
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No.	N
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	This proposal is on a site which is part of a town centre.	✓
What are the public interest reasons for preparing the draft plan?	The public interest for preparing the draft plan will be a number of economic and social benefits including: ▪ It will bring more people in proximity to local commercial businesses and therefore stimulate and consolidate employment in the centre; ▪ A new mix of more affordable housing which hasn't typically underpinned development in Sutherland Shire over recent decades; ▪ The location of smaller housing units near to good public transport. ▪ It will improve sustainability indicators due to the site's proximity to public transport and business services. ▪ It will increase the supply of affordable housing.	✓
What are the implications of not proceeding at this time?	No immediate implications at this time, except for lost opportunity to move towards meeting Council's vision and providing much needed housing in an optimal location.	N

Section B – Relationship to strategic planning framework.

4. 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)?

It has already been noted that Sutherland is noted within Sydney Metropolitan Plan – Centres and Corridors South as a “Town Centre” and also noted that it has the potential to grow into Major Centre during the life of the Plan. Such a move would put it along-side Hurstville and Kogarah in this region. This is noted under the “Strategic Centres” discussion on page 58.

The Strategy also notes:

“A key direction of this Strategy is to resolve the role of Caringbah, Miranda and Sutherland in their growth over the next 25 years. Careful strategic planning will need to be undertaken to ensure the growth of each centre is complementary.”

“Sutherland Town Centre is identified in the Metropolitan Strategy as a Potential Major Centre. While this centre provides local administration services, Caringbah–

Miranda provides more retail, health and employment services. It is well situated and serviced by road and rail infrastructure and has the capability and potential for further growth. The recent implementation of Miranda to Hurstville Bus Corridor as well as the duplication of the Cronulla Line will further strengthen Caringbah–Miranda's important role within the sub region."

Council has undertaken a review of all its centres as part of its recent Housing Strategy and this has been done under the broad mandate of the Metropolitan Strategy. To that end we are seeing the unique nature of the town centres emerge and it is certainly appropriate that housing be located around the Sutherland Centre as it emerges as a major centre within the region.

Specifically in respect of Sutherland the strategy notes:

Sutherland Town Centre is situated predominantly to the east of the rail line. Sutherland station is serviced by both the Cronulla and the Illawarra Rail Lines. The Town Centre is strong in local administration services housing the Council Chambers, courthouse, entertainment centre, shopping, education and sport facilities. A large cemetery substantially restricts further growth of the town to the west and the Princes Highway, Old Princes Highway and park lands restrict further growth of the town centre to the north, east and south. Sutherland may prove to be a focus for employment growth in the long term and should be considered in any subregional centres planning work in the future.

The proposal accords with the draft Metropolitan Strategy for Sydney and the relevant draft sub regional strategies (as outlined in Table 3 below). It also accords with recent proposals to include Sutherland as an Urban Activation Precinct.

Table 3 – Relationship to Strategic Planning Framework

METROPOLITAN PLAN FOR SYDNEY 2036	
STRATEGIC DIRECTION A: STRENGTHENING THE 'CITY OF CITIES'	COMMENT
OBJECTIVE A2 To achieve a compact, connected, multi-centred and increasingly networked city structure.	It is the clear intent of the Metropolitan Plan to establish each centre with appropriate development to stimulate appropriately located housing and employment uses to reduce travel times around the city. This proposal accords with this vision and will allow more people to live in a centre which is central to the growth in the southern region of Sydney and well connected to existing transport infrastructure. It is also a key objective of the NSW Government to locate more people closer to their places of work. This achieves that objective as well.
OBJECTIVE A3 To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing areas	Proposal will provide for additional housing in an existing growth area and will not contribute to the growth of the urban footprint.
STRATEGIC DIRECTION B: GROWING AND RENEWING CENTRES	COMMENT

OBJECTIVE B1 To focus activity in accessible centres. Action B1.1 Plan for centres to grow over time Action B1.3 Aim to locate 80% of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.	The Planning Proposal will make use of existing infrastructure, increase housing supply, allow more trips to be made by public transport and strengthen the customer base for local business in the Sutherland Town Centre. The strategy endorses that <i>"Development will occur within the walking catchments of centres."</i> It also goes on to note that <i>"LEPs will be used to provide capacity for the desired growth."</i> This Planning Proposal facilitates new housing development within a centre with good public transport.
OBJECTIVE B3 To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport. Action B3.2 Plan for urban renewal in identified centres	Some of the key outcomes of this objective which are supported by the Planning Proposal are: • revitalise existing centres to create vibrant places where it is pleasant to live, work and socialize; • enhance public domain and civic spaces; • improve centre economies by clustering activity to enhance business viability; The Planning Proposal will stimulate the redevelopment of older style residential houses buildings to improve both the standard of design and the amenity of future residents in an identified centre. It will also promote high quality, sustainable residential development.
STRATEGIC DIRECTION D: HOUSING SYDNEY'S POPULATION	COMMENT
OBJECTIVE D1 To ensure an adequate supply of land and sites for residential development Action D1.1 Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent of new housing in new release areas Action D1.2 Reflect new subregional housing targets in Subregional Strategies and Local Environmental Plans, and monitor their achievement.	Planning Proposal will allow for the redevelopment of a site for increased residential development. This Planning Proposal seeks to locate new housing within an existing urban centre. The Sutherland draft Housing Strategy identified that without changes to the current zoning patterns or development control standards in SSLEP2006, they cannot achieve the number of dwellings in centres required by the draft Subregional Strategy. This Planning Proposal will assist Council in meeting their housing targets through the new LEP 2013.
OBJECTIVE D2 To produce housing that suits our expected future needs. OBJECTIVE D3 To improve housing affordability	Planning Proposal will provide for additional dwelling units to meet the expected future needs of the community as identified in Council's Housing Strategy. It is also well established that small housing units are required within Sutherland to assist with affordability issues facing the shire.

Action D3.1 Explore incentives to deliver moderately priced rental and purchase housing across all subregions	Great diversity brings greater choice allowing young residents to remain in the Shire as they establish their own homes. This is a strong social benefit which serves to strengthen the family unit as well. As supply is increased so affordability improves. This process will also flow through to rental affordability as well which has strong ties to capital value.
OBJECTIVE D4 To improve the quality of new housing development and urban renewal	Sutherland has already shown that increasing development potential has been necessary to activate the market. This is based on simple economics but is a fact of life in terms of city development. Council's initiatives in terms of Design Review Panels and the implementation of SEPP 65 is also assisting to improve quality.

DRAFT SYDNEY SOUTH SUBREGION STRATEGY	
CENTRES AND CORRIDORS	COMMENT
OBJECTIVE B2 Increase densities in centres whilst improving livability	Planning Proposal provides for increase in residential density in the Sutherland Town Centre and will improve livability by developing dwelling units that comply with SEPP 65 requirements and are located near to transport and business services.
OBJECTIVE B4 Concentrate activities near public transport	The planning proposal assists in achieving this objective.
HOUSING	COMMENT
OBJECTIVE C1 Ensure Adequate supply of land and sites for residential development	Sutherland GLA has been allocated a target of housing requirements of 10,100 new dwellings by 2031 as set down in the draft Subregional Strategy. Major initiatives need to be undertaken at a zoning level to meet these targets and appropriate opportunities for major Planning Proposals should also be explored. It should also be noted that it is rare to have a 100% take-up of density in any zoned area and so sites which are ripe and ready for development should also be assessed and embraced as appropriate. This Planning Proposal is one of those sites.
OBJECTIVE C2 Plan for a housing mix near jobs, transport and services Action C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres. SO 2.1.1 South Councils to ensure location of new	The planning proposal assists in achieving and supporting this objective, the related actions and strategic outcomes.

dwelling improves the subregion's performance against the target SO 2.1.2 Councils to provide in their LEPs, zoned capacity for a significant majority of new dwellings to be located in strategic and local centres. Action C2.3 Provide a mix of housing. SO 2.3.2 South Councils to provide for an appropriate range of residential zonings to cater for changing housing	
OBJECTIVE C3 Renew local centres	The planning proposal assists in achieving a revitalization and renewal under-utilised land in Sutherland. This development proposal is typical of a development that will renew a local centre. While this is not public works, the development of private land around and in town centres is important in the renewal of centres.
OBJECTIVE C4 Improve housing affordability Action C2.3 Improve the affordability of housing	The strong demand for units in Sutherland is being driven by two markets: (1) ageing residents seeking to down size and utilize public transport services; (2) young first home buyers who have grown up in the Shire and wish to remain close to friends and family. The Sutherland Shire has a very unique 'tightness' in this regard. Units such as those proposed in the Planning Proposal will assist in providing affordability for this market.
OBJECTIVE C5 Improve the quality of new development and urban renewal Action 5.1 Improve the design of new development and urban renewal	The site can accommodate an attractive building and is an appropriate site for urban renewal.

5. 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.

It should be noted that the Planning Proposal is essentially inconsistent with the draft LEP 2013 as adopted although the last exhibition of the draft LEP was in the terms outlined in this Planning Proposal.

The original town centre strategy for Sutherland did not actually include the subject precinct in consideration for substantially higher density.

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.

6. 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:

State Environmental Planning Policies		Applies	Consistent
1	Development Standards	Yes	✓
4	Development Without Consent & Miscellaneous Development	Yes	✓
6	Number of Storeys in a Building	Yes	✓
14	Coastal Wetlands		N/A
15	Rural Landsharing Communities		N/A
19	Bushland in Urban Areas		N/A
21	Caravan Parks		N/A
22	Shops & Commercial Premises	Yes	✓
26	Littoral Rainforests		N/A
29	Western Sydney Recreation Area		N/A
30	Intensive Agriculture		N/A
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	✓ see notes
33	Hazardous & Offensive Development		N/A
36	Manufactured Home Estates		N/A
39	Spit Island Bird Habitat		N/A
41	Casino Entertainment Complex		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	✓
59	Central Western Sydney Regional Open Space and Residential		N/A
60	Exempt & Complying Development	Yes	✓
62	Sustainable Aquaculture	Yes	✓
64	Advertising & Signage	Yes	✓
65	Design Quality of Residential Flat Development	Yes	✓ see notes
70	Affordable Housing (Revised Schemes)	Yes	✓
71	Coastal Protection		N/A
	(Affordable Rental Housing) 2009	Yes	✓
	(Building Sustainability Index: BASIX) 2004	Yes	✓
	(Exempt & Complying Development Codes) 2008	Yes	✓
	(Housing for Seniors or People with a Disability) 2004	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
(Major Development) 2005		N/A
(Mining, Petroleum Production & Extractive Industries) 2007		N/A
(Penrith Lakes Scheme) 1989		N/A
(Rural Lands) 2008		N/A
(SEPP 53 Transitional Provisions) 2011		N/A
(State & Regional Development) 2011	Yes	✓
(Sydney Drinking Water Catchment) 2011		N/A
(Sydney Region Growth Centres) 2006		N/A
(Temporary Structures) 2007		N/A
(Urban Renewal) 2010	Yes	✓
(Western Sydney Employment Area) 2009		N/A
(Western Sydney Parklands) 2009		N/A
Greater Metropolitan REP No 2–Georges River Catchment	Yes	✓
Sydney REP (Sydney Harbour Catchment)	Yes	✓
Sydney REP No 18 - Transport Corridors	Yes	✓
Draft SEPP (Competition)	Yes	✓

6.1 SEPP 32 – Urban Consolidation:

The SEPP aims to promote the orderly and economic use and development of land by enabling urban land, which is no longer required for the purpose for which it is currently zoned or used, to be redeveloped for multi-unit housing and related development. The determination for this to occur has already taken place. The question now is: What density can this significant site achieve without inappropriate impact on overall character and nearby property? This examination is carried out in the Urban Design Report (**Appendix 1**) and professionally peer reviewed by an independent expert (**Appendix 2**). The proposed planning controls will result in an acceptable building form in context and represent an opportunity to development a well-located development in line with the strategic context for Sutherland. The impact of any proposed building form on the site has been well examined and the preferred building form is an appropriate development of this site.

This proposal is consistent with this SEPP.

6.3 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 storey and 4 or more dwellings.

The key findings of the Urban Resign Report (Appendix 1) indicate that SEPP 65 Principles and rules of thumb can be readily achieved at the development stage. 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. Concerns about height on this site therefore relate primarily to character and context rather than impact.

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.

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

Table 4 – Assessment against Ministerial Directions

Relevant Direction	Response
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production & Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environmental Protection Zones	N/A
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 density increase will not have any direct impact on this item and the change in character of the locality will not be so significant that it will damage the significance of this item. Sutherland densities are changing across the board.
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zone	<i>The objectives of this direction are:</i> (a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> (b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,</i> (c) <i>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. The planning proposal is consistent with the objectives of this Direction and works to ensure their achievement, particularly (a) and (b). The UDR at Appendix 1 also demonstrates how the

	proposal will minimise any impact of the development in line with objective (c).
3.2 Caravan parks & Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrated Land use and Transport	(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> (a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i> (b) <i>increasing the choice of available transport and reducing dependence on cars, and</i> (c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> (d) <i>supporting the efficient and viable operation of public transport services, and</i> (e) <i>providing for the efficient movement of freight.</i> 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. The proposal dramatically works towards the achievement of these objectives, particularly (a) – (d). This demonstrates the project's suitability having regard to this Direction.
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	For consideration at DA stage, however it is not believed the site is affected.
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	The site is not 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	N/A
5.3 Farmland of State and Regional Significance - NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney's Airport: Badgerys Creek	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	No restrictive site specific provisions are proposed for this site.

7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The planning proposal is shown to be consistent with the NSW Government's Metropolitan Plan for Sydney 2036, the Draft Metropolitan Strategy and the Subregional Strategy. This has been well demonstrated within this overall Planning Proposal: • 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;

Section C – Environmental, social and economic impact.

8. **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.

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

9.1 A comment on the Building Envelope and Urban Design Report

Building form is the key issue surrounding impact and this is discussed exhaustively in the Urban Design Report (UDR) at Appendix 1. This overshadowing assessment has also been peer reviewed by Steve King a UNSW academic and specialist consultant in climate responsive building design and compliance. Steve regularly assists the Land and Environment Court as an expert witness in related matters. Steve King's *Summary Expert Opinion – Independent Certification: Overshadowing Analysis* is attached at Appendix 2.

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' for the site which results in a height of 36m and a likely FSR of 2.9:1. A maximum of 3:1 is therefore proposed. The interrogation in the UDR looks at several different options and forms to understand impact.

The detailed analysis of building form provided has sought to ensure an appropriate area of open space exists on the site. In this instance it is 860m² with an 84m² roof terrace area also provided.

Setbacks at upper levels also comply with SEPP 65 and have had regard to the possible development of all adjoining sites in the future. Section 6.7 of the UDR examines this in detail.

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.

9.2 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.

9.3 Overlooking:

Overlooking and privacy issues to the school and southern properties will be a consideration at the DA stage. The stepped 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.

9.4 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.

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

10.1 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.

10.2 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.

11. 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.

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

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

PART 4 – COMMUNITY CONSULTATION

Any future gateway determination or Council resolution will specify the community consultation that must be undertaken on the planning proposal. Generally the Department adopts a 14 day or 28 day public exhibition period depending on the possible impact of the proposal.

The proposed controls are almost identical to those that were exhibited in the last draft LEP 2013 (referred to as Number 3). To this extent some consultation has already commenced.