



14 July 2020

Brendan Metcalfe
A/Director Eastern and South Districts
Eastern Harbour City
Locked Bag 5022
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Cc: Derryn John <Derryn.John@planning.nsw.gov.au>

Dear Mr Metcalf

RE: Application for a site compatibility certificate – SCC2020SUTHE-3

I refer to your letter dated 24 June, 2020 requesting Council's comments on the application for a Site Compatibility Certificate for 1 Panorama Avenue, Woollooware.

The development proposes a three storey residential flat building comprising 16 dwellings, of which 8 are proposed to be managed by a social housing provider as affordable housing for at least 10 years. The development concept also includes a cafe fronting Swan St. The site is located directly adjacent to Woollooware rail station.

The application and accompanying report by the applicant have been reviewed by Council officers and assessed against the criteria listed in clause 37(6) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH). The following comments are structured under the considerations listed in the SEPP:

(i) The existing uses and approved uses of land in the vicinity of the development

The existing uses and neighbouring properties are single and two storey dwelling houses, villas and townhouses, and small two storey residential flat buildings at 3 & 4 Swan Street (dating from the early 1960's). The character of the locality is predominantly low density residential in a landscaped setting, peppered with a number of medium density dwellings. There has been no medium density development since 2013, and as a result, the infill development that exists at present is at a relatively low density.

The precinct has not been identified for higher density housing in Council's Local Strategic Planning Statement (LSPS) and Council is yet to undertake strategic analysis of the locality in preparation for its Housing Strategy. Action 11.1 of the LSPS prioritises Sutherland/Kirrawee and Miranda as Strategic Centres. The LSPS also seeks to prepare place based plans for the smaller centres of Engadine, Menai and Caringbah. Woollooware is not identified for further investigation or growth at this time.

Good planning outcomes are arrived at through strategic analysis of place and working with communities to determine a vision for the future. Council has not had the need to plan for how the area around Woollooware Station should proceed into the future. The development of a single very dense, mixed use development on a small site within a low density suburban

neighbourhood compromises the ability to plan for and manage change in the locality in a more cohesive way going forward.

With regard to the proposed uses, the proposed cafe is presently not permissible in the R3 Medium Density zone. It is unclear whether the Site Compatibility Certificate can allow this use, as the application is under to the SEPP ARH and *food and drink premises* are not referred to in the SEPP.

Commercial development at Woollooware is confined to the northern side of the railway line. Bringing commercial uses to the small neighbourhood to the south of the railway line is not consistent with the residential character of the locality. There has been no analysis of whether a cafe in this location would be viable or what the impact of it might be.

The cafe is in part a solution to managing the proposed nil setback to the street, as this space would otherwise not be suitable for residential use. There are no other uses permitted in the R3 zone that would be suitable in this space should a cafe be unsuccessful, so there is a concern that it could create an anomalous, vacant space.

In regard to the residential use, a low scale, partly affordable residential flat building use could sit comfortably with the surrounding land uses, given the current mix of residential development. Affordable housing is in limited supply in the local government area. The location adjacent the railway station is a good one for future residents who may not have private cars.

(ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land.

The proposal is located within the R3 Medium Density residential zone. The zone aims to provide for the housing needs of the community within a medium density residential environment. Under SSLEP2015 the zone particularly aims to:

- *To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features, and*
- *To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.*

The site is small, being only 676sq.m. The lot is also shallow and adjacent to the railway line. Panorama Ave is narrow being only 12m wide, when compared to Swan St (20m wide). These characteristics make a single lot development for the purposes of a residential flat building difficult, as there is less space to ameliorate adverse impacts. The proposal seeks to maximise the number of dwellings on site and the resultant form does not address local character, nor the requirements of SEPP 65.

The current scale of development in the locality is generally low density suburban. The existing two storey dwellings and dual occupancies would generally have a FSR of about 0.45:1 as they were developed many years ago. The more recent townhouse development would have a maximum FSR of 0.7:1 and the older flat buildings would be no greater than 1:1. New development should transition to neighbouring properties and be compatible with the established scale and landscaped setting.

The concept development has greater bulk than that captured by the FSR standard. External access ways, enclosed wintergardens, balconies, corridors and stairs all add to the overall bulk and scale of the building, yet have been excluded from the calculation of floor space. The proposed FSR appears to be larger than what is outlined in the report (1.17:1 without external breezeway access corridors, and 1.3:1 including the external breezeways). As a result of the

scale and density of the proposal, it will dominate the streetscape and be incompatible with the scale and character of surrounding development.

The building comprises a single form on a corner site with dual street frontages. The proposed built form is generally below the SSLEP 9m maximum height of buildings. Maintaining the 9m height limit will assist in keeping the development to the maximum scale of development permitted in the neighbourhood.

Panorama Ave is narrow, yet only a 3.0m setback to Panorama Avenue is proposed and a nil setback to Swan Street. It is considered that these setbacks are inconsistent with the general street character and landscaped setting, and the three storey development setback 3m from Panorama Ave would dominate this narrow street.

The 3m setback does not allow for canopy tree planting on site, and it will be more difficult for planting to thrive on the south side of a three storey building. Greater setbacks are required to maintain the landscaped qualities of the locality and integrate the proposal with the existing local character.

The concept design has not demonstrated compliance with SEPP 65 Apartment Design Guidelines, highlighting that the density sought is disproportionate for the site. The units are 8m deep, which is the maximum depth for open plan layouts. However, only a single northern window has been provided for the all but the end units. As internal layouts have not been provided, it is unclear how the bedroom will have natural light, ventilation and privacy.

The addition of the enclosed 'wintergarden', which appears to be required to meet SEPP Infrastructure requirements for noise attenuation adjacent to rail corridors, effectively makes the units too deep to comply with SEPP 65. The fully enclosed balconies will further reduce the amount of light and natural ventilation available to the units and compromise resident amenity. The units effectively have no functional private or communal 'open' space.

The adjacent single storey dwelling (to the west) is located approximately 5m from the boundary, which is unusual. The western setback proposed is 4.5m from this boundary. The building separation will be approximate 9.5m, which satisfies the ADG requirement of 9m separation between habitable and non-habitable rooms.

In residential flat zones the burden of separation is shared equally between adjoining sites. In this case the adjoining site will most likely be redeveloped for townhouses or as a dual occupancy, given the R3 zoning. These forms of development would reasonably be expected to be positioned closer than 5m to a side boundary. The subject development should be capable of meeting the majority of the required SEPP 65 building separation on its own land.

The proposal is of significantly greater scale than the buildings that comprise its local context and has significantly reduced setbacks. The outcome is a form that is out of character with the locality. The design should further consider amenity impacts on neighbouring properties, especially to the west.

Should the Department support the proposal, it is suggested that greater consideration of setbacks, bulk and scale of any proposed building should be given in the final design of the proposal. A more compatible proposal is likely to have a FSR closer to the current maximum of 0.7:1.

Given the proximity to the train station and bus services, the applicant proposes no parking for the 16 units. Half of the dwellings (8) are proposed to be affordable and car parking is not required for those dwellings under the SEPP ARH (Clause 36). However, this does not mean that the remaining units should be treated the same way.

Sutherland Shire has some of the highest car ownership rates in Greater Sydney. In the last census, only 6% of households in Woollooware did not own a car. The area presently has unrestricted on-street parking that is sought after by rail commuters. Given competing demands for car parking, future resident vehicles may be forced to park at some distance from the site.

It is considered that car parking should be provided for at least 8 dwellings. Competition for on street parking is of increasing community concern and providing 16 units without parking will compound the issue and be opposed by the community.

(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and

Services are likely to be sufficient for the proposed development.

(c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

The redevelopment of the site for a residential flat building is unlikely to have any unacceptable environmental risks to the land.

Conclusion

The request for a Site Compatibility Certificate is effectively a rezoning, without any community consultation or sufficient time for elected representatives comment. The 14 days allowed for comment does not provide sufficient time for the proposal to be reported to Council or for the local community to be canvassed. This was compounded by a technical problem that prevented access to the application documents until several days after the notice period commenced.

Site compatibility certificates are typically reserved for very large sites or precincts where significant change is being contemplated. It is unusual to facilitate change in the character of an area through an individual development on a small site. This approach is more akin to using cl.4.6 variations site by site to effect change rather than through a place based planning approach.

The subject lot is constrained, being small, shallow and adjacent to a railway line. Council has not had the opportunity to prepare a Housing Strategy and it is considered that place based planning would provide a better opportunity to resolve design constraints created by the lot configuration in the broader context of the locality.

Increased density in proximity to rail stations is generally supported, although increased densities at Woollooware are not specifically contemplated in Council's draft LSPS.

While a residential flat building is broadly compatible with the residential uses in the surrounding locality, the detailed design of the proposal requires resolution with respect to street setbacks, landscaped area, canopy planting and parking. An affordable housing building with reduced scale and density would be considered compatible in this local context and would provide a form of housing that is undersupplied in The Shire.

If the Director-General is of the opinion that the development is compatible with the surrounding land uses, it is considered that the proposal should be limited to a FSR of about 0.7:1. The proposed cafe use is not within the remit of the SEPP, may be problematic, and should be removed from the proposal. This would allow potential for a landscaped setback from the eastern boundary.

It is noted that Clause 35 of SEPP ARH requires development for the purposes of a residential flat building to be by or on behalf of a public authority or social housing provider, or by a person who is undertaking the development with the Land and Housing Corporation. Pacific Community Housing Pty Ltd is not currently listed on the National Provider Register and the application notes that a Community Housing Provider will be required to manage the affordable housing component. This aspect requires clarification.

The comments presented here are preliminary comments made by staff, and have not been endorsed by all Councillors. Given the potential for significant community interest, the proposal will be reported to the next available Council meeting for consideration and an endorsed submission submitted for your consideration following the meeting.

Should you require further information please contact Mark Carlon 9710 0523.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P Barber', with a stylized flourish at the end.

Peter Barber
Director Shire Planning

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