

# Environmental Health and Regulation Committee



**Report Title:** Planning Proposal 87-97 Willarong Road, Caringbah

**Report Number:** EHR048-16

**Committee Meeting Date:** 07/03/2016

Minute Council Meeting Date: 21/03/2016  
Number:  
426

## EXECUTIVE SUMMARY

- Council has received a planning proposal which seeks to rezone land at 87-97 Willarong Road, Caringbah from R2 Low Density Residential to R4 High Density Residential and increase both the floor space and height from 0.55:1 and 8.5m to 1.2:1 and 16m respectively.
- The rezoning would create an extension to land recently zoned for high density development.
- The increased height and density is acceptable in this context.
- The Planning Proposal is supported for referral to Gateway.

## REPORT RECOMMENDATION

THAT:

1. Council rezone 87-97 Willarong Road, Caringbah to R4 High Density Residential with amendments to map series to facilitate a maximum FSR of 1.2:1, height of 16m, landscaped area requirement of 30% and no minimum lot size requirement.
2. The above amendments be incorporated into a stand-alone Planning Proposal to be submitted to NSW Planning and Environment for Gateway Approval.

## **PURPOSE**

The purpose of this report is to consider a planning proposal received for 87-97 Willarong Road, Caringbah. The application seeks to rezone the land from R2 Low Density Residential to R4 High Density Residential. It also seeks to increase the development standards applicable on the site from the existing maximum floor space ratio (FSR) of 0.55:1 and height of 8.5m to 1.2:1 and 16m respectively.

## **BACKGROUND**

This site has had multiple zones and development standards through the three exhibitions leading to Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). It was subject to specific consideration by the Independent Review. During the first exhibition of the Local Environmental Plan (LEP), the site was zoned R2 with development standards applying to that zone, which at the time were a 9m maximum height and a maximum FSR of 0.55:1. Through resolution of Council, the site was rezoned to R4 High Density Residential with an FSR of 1.2:1 and a height of 16m for the second exhibition of the LEP. The Independent Review noted that no submissions had been made to prompt the change in zone between LEP1 and LEP2 and that no planning advice had been provided on the issue. The panel suggested that this decision was not good planning practice and the site should revert to the zoning and development standards under LEP1 for the third exhibition.

During the third exhibition of the LEP, a submission was made in the format of a planning proposal seeking the zoning and development standards exhibited in LEP2. The submission provided justification primarily on the site's location benefits, including its proximity to the centre and hospitals. The submission noted the abrupt transition to higher densities to the south and proposed the inclusion of this site to remove the mid block zoning boundary and shift the transition point to the larger school site. The Officer's report noted the context and suggested the proposal had merit but was unable to progress in LEP3 as it would necessitate the re-exhibition of the plan, which given the significant delays that had already occurred, was not seen as being in the public's best interest.

A Planning Proposal was then lodged in June, 2015 as a stand-alone rezoning application. The application provided some justification for the rezoning but it was inadequate to properly assess the proposal. Further information was sought from the applicant on 19 June 2015 which was not returned until 27 November 2015. As such the application was unable to be presented to Council in 2015.

## **DISCUSSION**

### **Site and Context**

The subject land includes five lots of land at 87-97 Willarong Road, Caringbah which currently includes both single dwelling houses and townhouses. An excerpt of the zoning map featuring the subject site is attached

marked 'Appendix A'. The sites have a combined size of approximately 6,816m<sup>2</sup>. The sites adjoin the northern campus of Caringbah High School which has recently been increased in capacity to allow for the disposal of the southern campus also located on Willarong Road. A number of mature trees exist along Willarong including both public street trees and those within the front setback of the properties.

The site is located within walking distance (800m) to the Caringbah train station, providing access to the CBD. Caringbah Centre provides a range of services and amenities including shopping centres, banks and a post office. Also within walking distance are both Kareena Private Hospital and Sutherland Hospital, and a number of schools and child care services.

The land is currently zoned R2 Low Density Residential under SSLEP2015 and has a maximum height of 8.5m and a maximum FSR of 0.55:1. The land opposite shares the same zoning and development standards of the subject site and primarily contains single dwellings. Caringbah High School shares the north and west boundary with the site and is zoned SP2 Educational Establishment.

The land to the south of the site is an area which was rezoned through the SSLEP2015 Housing Strategy process. This land includes the surplus southern Caringbah High School campus, Caringbah Bowling Club site and a number of private dwellings. The sites immediately south of the subject land are zoned R4 High Density Residential with an FSR of 1.2:1 and a maximum height of 16m. The surplus Caringbah High School site is also benefited by special clauses under the LEP that, subject to the provisions of access to properties fronting Taren Point Road, provides an additional 0.3:1 in FSR and 14m in height. A Context Map is attached marked 'Appendix B'.

Three of the properties are mapped as being Environmentally Sensitive Land - Biodiversity under SSLEP2015. This is triggered due to the presence of the Endangered Ecological Community (EEC) of Sydney Turpentine-Ironbark Forest which is mapped on the western boundary of the land and also includes a portion of the north west corner of 87 Willarong Road. The majority of the mapping denotes an area now developed into townhouses. As most of the EEC is located on the boundaries of the subject land, the impact of any development of the site could be effectively managed through the development assessment process and is not an impediment to the rezoning of this land.

### **Planning Proposal and Applicant's Justification**

The Planning Proposal seeks to rezone the site to R4 High Density Residential to facilitate residential flat buildings development. The Planning Proposal also seeks an increase to the floor space ratio of the site to 1.2:1 (from 0.55:1) and an increase in height to 16m (from 8.5m). These development standards match the adjoining sites to the south which are also zoned R4.

The proposal provides justification for the rezoning, primarily on the location of the site given its proximity to Caringbah Centre which offers a variety of services, shopping facilities and transportation to the city. The proposal also notes the proximity to both Sutherland and Kareena Hospitals and other employment opportunities. The proposal suggests that the rezoning would facilitate additional residential development which would contribute to Council's housing requirements. The construction phase of any future development also has the potential to generate local employment opportunities.

The proposal includes supporting documentation which seeks to demonstrate how the height and density sought can be accommodated while meeting the requirements of *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* and the supporting *Apartment Design Guide* (ADG). This is primarily shaped by the requirements for building separation, deep soil landscaped area and overshadowing of adjoining properties. Examples of built form modeling, provided by the applicant, are attached and marked 'Appendix C'.

### **Analysis of the Planning Proposal**

The scheme provides one solution to demonstrate how a possible development could be sited. The scheme sees the land split into two development sites with a total of four residential flat buildings. Shadow studies were requested to support the proposal. Shadow diagrams for midwinter demonstrate the worst case scenario for loss of sun for neighbouring properties. The studies, replicated below, demonstrate that development could result in minimal overshadowing on the adjoining school while the properties adjacent to the site would be partially overshadowed in the afternoon.

As the length of the built form presented in this scheme runs east to west, the southern neighbouring sites would be the most affected. While these sites are currently occupied by single dwellings, they have been zoned for residential flats under SSLEP2015. An alternative building form may reduce the overshadowing impact which could be explored through the development application process. While the application has not demonstrated the internal solar access implications of the proposed development standards, this can be resolved through the appropriate design solutions and the development application process. Shadow Analysis diagrams are attached marked 'Appendix D'.

The block form presented demonstrates that the FSR can be accommodated while generally meeting the building separation requirements within the ADG and without significant impact on the adjoining properties. While the application has only proposed to amend the height and FSR, it is reasonable to amend all development standards to be in line with those typical of the proposed zone. Therefore should the rezoning be supported a reduction in landscaped area to 30% would be reasonable and the minimum lot size mapping should also be removed.

## **CONSULTATION**

Should the Planning Proposal be supported by Council and approved at Gateway, it would be subject to public consultation. Consultation requirements are set within the Gateway Approval but generally involve a 14 or 28 day public exhibition with documentation available for public viewing.

## **BUDGET AND RESOURCES**

The preparation of a Planning Proposal to progress these LEP amendments is budgeted for within the budget and resources allocation to Strategic Planning. A portion of these costs are recovered through the planning proposal application fee.

## **POLICY**

The recommendations contained in this report will form part of a Planning Proposal to amend SSLEP2015.

## **CONCLUSION**

It is recommended that Council support the rezoning of 87-97 Willarong Road, Caringbah to R4 High Density Residential to facilitate the redevelopment of this land for residential flat buildings with an FSR of 1.2:1 and height of 16m. The rezoning would create a continuous stretch of land zoned for residential flat buildings along Willarong Road and remove the abrupt zoning boundary which currently exists mid block. The land is in close proximity to Caringbah Centre, public transport, schools and hospitals.

## **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon, who can be contacted on 9710 0523.

File Number: 2015/212816

## **COMMITTEE RECOMMENDATION**

THAT:

1. Council rezone 87-97 Willarong Road, Caringbah to R4 High Density Residential with

amendments to map series to facilitate a maximum FSR of 1.2:1, height of 16m, landscaped area requirement of 30% and no minimum lot size requirement.

2. The above amendments be incorporated into a stand-alone Planning Proposal to be submitted to NSW Planning and Environment for Gateway Approval.

(Councillor Schreiber / Councillor Walton)

## COUNCIL RESOLUTION

THAT:

1. Council rezone 87-97 Willarong Road, Caringbah to R4 High Density Residential with amendments to map series to facilitate a maximum FSR of 1.2:1, height of 16m, landscaped area requirement of 30% and no minimum lot size requirement.
2. The above amendments be incorporated into a stand-alone Planning Proposal to be submitted to NSW Planning and Environment for Gateway Approval.

(Councillor Croucher / Councillor Schreiber)

## APPENDIX

### Appendix A - Subject Site



Appendix A - Subject Site.pdf

### Appendix B - Context Map



Appendix B - Context Map.pdf

### **Appendix C - Proposed Form**



Appendix C - Proposed Form.pdf

### **Appendix D - Shadow Analysis**



Appendix D - Shadow Analysis.pdf