PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2015 Amendment 5 - 87-97 Willarong Road, Caringbah

Sutherland Shire Council

Background

Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) came into force on 23 June 2015. The process leading to adoption of the LEP involved three public exhibitions, an independent review and significant community interest.

87-97 Willarong Road, Caringbah, the subject land of this Planning Proposal, was exhibited with differing zone and development standard options through the three exhibitions leading to SSLEP2015. During the first exhibition of the LEP, the subject site was zoned R2 with development standards applying to that zone, which at the time included 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 seeking the zone and development standards exhibited in LEP2. The submission provided justification primarily on the site's location, 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 on behalf of the landowners seeking a zone of R4 High Density Residential, a FSR of 1.2:1 and a maximum height of 16m. This proposal was supported by Council on the 21st of March, 2016 and is the subject of this Planning Proposal.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend Sutherland Shire Local Environmental Plan 2015 to extend the redevelopment area known as the "Caringbah North Precinct" of high density housing to include land at 87-97 Willarong Road, Caringbah.

PART 2 - EXPLANATION OF THE PROVISIONS

Through the preparation of its new Standard Instrument LEP; SSLEP2015, Council investigated a number of new residential flat precincts across the Sutherland Shire leading to its Housing Strategy. It also looked to how increased residential populations could assist in the revitalisation and growth of various centres within the LGA, including Caringbah, resulting in the Draft Caringbah Centre Strategy.

The "Caringbah North Precinct", including the surplus Caringbah High School site, was identified in both strategies; capitalising on the Precinct's proximity to Caringbah Centre, public and private hospitals, employment land and public transport. An area around the strategic surplus school site was included in the investigation; however the Precinct's boundaries varied through the many drafts. The initial Precinct was limited to the surplus school site and adjoining properties, denoted in red below. The final extent as per LEP2015 is shown below in blue while the subject site is edged in green. The current operational school site is shaded yellow.



Figure 1 Precinct boundary over multiple versions. Red - Draft Centre Strategy, Blue - LEP2015, Green - Subject Land, Yellow - Caringbah High School

Rezoning the subject land through this Planning Proposal land would provide a logical extension to the "Caringbah North Precinct" and remove a mid block transition which currently exists to the south of the subject land. As sought through this Planning Proposal, the zone transition would be moved to the boundary of the subject land and the adjoining school which is likely to be less affected by the impacts of adjoining higher density development. The result will be a continuous stretch of high density residential zoned land to the west of Willarong Road.



Subject Site 800m radius from Caringbah train station Area newly zoned for residential flats under SSLEP2015 Existing area zoned for residential flats Area zoned B3 Commercial Core Hospitals The sites immediately south of the subject land are now 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 benefitted by special clauses under the LEP that, subject to the provision of access to properties fronting Taren Point Road, provides an additional 0.3:1 in FSR and 14m in height.

The applicant has provided supporting documentation to demonstrate how a similar height of 16m and 1.2:1 FSR could be accommodated on the subject land. A concept scheme, which provides one solution to demonstrate how a possible development could be sited, sees the land split into two development sites with a total of four residential flat buildings. Shadow diagrams, 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.



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. Council is satisfied that the FSR and height sought are appropriate and while the applicant 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 a reduction in landscaped area to 30% and removal of the minimum lot size requirement is proposed, in line with adjoining properties within the R4 zone.

The proposed outcome will be achieved by amending the following map series in relation to 87-97 Willarong Road, Caringbah:

- SSLEP2015 Land Zoning Map to rezone the subject land from R2 Low Density Housing to R4 High Density Housing.
- SSLEP2015 Floor Space Ratio Map to increase the maximum FSR of the subject land from 0.55:1 to 1.2:1.
- SLEP2015 Height of Buildings Map to increase the maximum height of buildings of the subject land from 8.5m to 16m.
- SSLEP2015 Lot Size Map to remove minimum lot size requirements for the subject land.
- SSLEP2015Landscaped Area Map to decrease the required landscaped area for the subject land from 35% to 30%.

PART 3 - JUSTIFICATION

Section A – The need for the Planning Proposal

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

While the Planning Proposal is not the result of any strategic study or report; land adjoining the site, including the surplus Caringbah High School site, was considered as part of the Draft Caringbah Centre Strategy and Council's Housing Strategy. Both strategies built on the Precinct's proximity to Caringbah Centre, public and private hospitals and railway station and acknowledged that the proposal approved through the Site Compatibility Certificate for the surplus school site failed to capitalise on the strategic importance of this large site.

The strategies resulted in the Caringbah North Precinct which involved rezoning land from a low density housing zone to R4 High Density under SSLEP2015. The strategy envisioned an area of residential flat buildings in a landscaped context which would assist in the revitalization of Caringbah Centre. The precinct also provided for a significant number of dwellings needed to satisfy Council's requirements under the Draft South Sub-regional Plan. The addition of the 87-97 Willarong Road, Caringbah to the Precinct would further the intended outcome of the Draft Caringbah Centre Strategy but is outside of these strategies' scope.

The proposal also seeks to remove the minimum lot size requirements and reduce the landscaped area requirements from 35% to 30% for the subject land in order to remain consistent with the development controls for the R4 High Density Residential zone of SSLEP2015. Further, the proposed amendments to the landscaped area and minimum lot size requirements are in keeping with those of the adjoining R4 High Density Residential zoned land.

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

Yes, the land is currently zoned for low density housing, with the most intense form of development permissible being multi dwelling housing. The land currently marks a midblock transition which will result in a poor relationship between high and low density residential. Rezoning this land will allow for higher densities and a continuous precinct of residential flats along the western site of Willarong Road.

Section B – Relationship to strategic planning framework

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

Yes. The proposal is relatively minor and is consistent with the broad policy directions contained in the Plan for Growing Sydney and the draft South Sub-regional Strategy (2007).

The Plan for Growing Sydney identifies principles and actions which will guide how Sydney will grow. Principle 1 relates to increasing housing choice around all centres through urban renewal in established areas. This planning proposal seeks to accelerate housing supply, facilitate local housing choice and provide growth through urban renewal close to Caringbah Centre. The plan also speaks to providing a variety of housing options. The proposal will allow for the redevelopment of the land for residential flats. Should redevelopment occur; the resulting residential flat building/s would provide a variety of apartment options for shire residents, including both adaptable and livable apartments.

The Draft Sub-regional strategy outlines a key action of meeting the LGA's dwelling target. Council has met this target with rezoning provided through SSLEP2015. However, it is unlikely that all zoned land will be redeveloped for varying reasons and the rezoning of this land would likely result in redevelopment and the provision of extra dwellings toward the target. The strategy also speaks to resolving the roles of Caringbah and other centres. This rezoning will add to a significant precinct of redevelopment which may aid to revitalise Caringbah. It is envisioned that Caringbah will be revived through the provision of amenities to service the new residential population.

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

Yes - Sutherland Shire Council's Community Strategic Plan "Our Shire, Our Future" 2011 provides a number of desired outcomes in three domains – live, work and enjoy. Of relevance to this planning proposal are the following outcomes under the domain Live:

Housing for all:

Housing accommodates Shire household structures and demographic changes

The proposal will allow for the redevelopment of the land for residential flats. Should redevelopment occur; the development would provide a variety of apartment options for shire residents, including both adaptable and livable apartments. Apartments provide a lower maintenance option for Sutherland Shire's aging population looking to downsize, which represents a significant demographic change in the LGA. Redevelopment would also assist in providing an increase to housing supply in the Sutherland Shire, potential assisting housing affordability for first home buyers.

Balanced Development:

• The negative impacts of development on the environment, people and economy are minimised

The proposal is close to an existing centre within an identified area of redevelopment. In centralising redevelopment to locations in proximity to existing centres, Council has ensured the protection of the lower density area in the peninsulas of the Shire.

The domain of Work and the outcome of diverse, local jobs is also relevant.

Diverse, local jobs

• Infrastructure, technology and support for local economic and employment opportunities enable residents to achieve a work/life balance

Should redevelopment occur; employment opportunities may be provided to Sutherland Shire residents during the construction phase of the redevelopment. This could provide local job

opportunities for the 8.8% of Sutherland Shire residents employed in the construction industry and aid in the achievement of a work/life balance.

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

Yes – All State Environmental Planning Policies which apply to the land are identified below, with those relevant to the proposal noted and their consistency detailed.

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
SEPP No. 19 - Bushland in Urban Areas	Yes	The planning proposal is consistent with this policy. The land contains an Endangered Ecological Community – Sydney Turpentine-Ironbark Forest, and possible remnant vegetation. The location of these species provides for a developable area within the site that would not impact upon the EEC. Further the site is protected through the LEP Environmentally Sensitive Land – Biodiversity provisions that would require further consideration of potential impacts upon development assessment.
SEPP No. 21 - Caravan Parks	N/A	
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal is consistent with this policy as it allows for the redevelopment of this site for higher density residential.
SEPP No. 33 - Hazardous and Offensive Development	N/A	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 50 – Canal Estates	N/A	

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
SEPP No. 55 – Remediation of Land	Yes	The planning proposal is consistent with this policy. The land is currently zoned residential and is only to increase in the density of the land use permitted and the development standards prescribed. The land has not been identified as contaminated, nor has it been identified by Council as having potential for contamination based on review of previous uses.
SEPP No. 62 – Sustainable Aquaculture	N/A	
SEPP No. 64 - Advertising and Signage	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	
SEPP (Affordable Rental Housing) 2009	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal is consistent with this policy.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal is consistent with this policy.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The planning proposal is consistent with this policy.
SEPP (Infrastructure) 2007	Yes	The planning proposal is consistent with this policy.
SEPP (Major Development) 2005	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	N/A	
DEEMED STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
Greater Metropolitan REP No. 2 - Georges River Catchment	N/A	
REP No. 9- Extractive Industry (No. 2)	N/A	

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

Yes – All Ministerial 117 Directions which apply to the land are identified below, with those relevant to the proposal noted and their consistency detailed.

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
1. Employment and Resources		
 1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and 	N/A	
(c) support the viability of identified strategic centres.		
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	N/A	
1.3 Mining, Petroleum Production and Extractive	N/A	
Industries The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.		
 1.4 Oyster Aquaculture The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	N/A	
 1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes. 	N/A	
2. Environment and Heritage 2.1 Environment Protection Zones	Voc	The site is not located within an
The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes	Ine site is not located within an Environmental Protection Zone; however, an Endangered Ecological Community – Sydney Turpentine- Ironbark Forest – is located on the site. The proposed inconsistencies are of minor significance as there are adequate provisions within SSLEP2015 and draft SSDCP2015 that facilitate the protection and retention of the EEC. The environmental protection provided to the EEC through the LEP is not proposed to be amended.
2.2 Coastal Protection The objective of this direction is to implement the	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
	RELEVANCE	CONSISTENT:
principles in the NSW Coastal Policy.	RELEVANCE	
2.3 Heritage Conservation	N/A	
The objective of this direction is to conserve items,	,,,	
areas, objects and places of environmental heritage		
significance and indigenous heritage significance.		
2.4 Recreation Vehicle Areas	N/A	
The objective of this direction is to protect sensitive land	,,,	
or land with significant conservation values from		
adverse impacts from recreation vehicles.		
3. Housing, Infrastructure and Urban		
Development		
3.1 Residential Zones	Yes	The proposal will provide increased
The objectives of this direction are:	105	opportunities for a variety of housing
(a) to encourage a variety and choice of housing		choice and broaden the selection of
types to provide for existing and future housing		apartment living available in the
needs,		Sutherland Shire.
(b) to make efficient use of existing infrastructure		
and services and ensure that new housing has		
appropriate access to infrastructure and		
services, and		
(c) to minimise the impact of residential		
development on the environment and resource		
lands.		
3.2 Caravan Parks and Manufactured Home Estates	N/A	
The objectives of this direction are:		
(a) to provide for a variety of housing types, and		
(b) to provide opportunities for caravan parks and		
manufactured home estates.		
3.3 Home Occupations	N/A	
The objective of this direction is to encourage the		
carrying out of low-impact small businesses in dwelling		
houses.		
3.4 Integrating Land Use and Transport	Yes	The planning proposal is consistent as it is
The objective of this direction is to ensure that urban		within 800m radius of the railway station,
structures, building forms, land use locations,		services and shopping.
development designs, subdivision and street layouts		
achieve the following planning objectives:		
(a) improving access to housing, jobs and services		
by walking, cycling and public transport, and		
(b) increasing the choice of available transport and		
reducing dependence on cars, and		
(c) reducing travel demand including the number		
of trips generated by development and the		
distances travelled, especially by car, and		
(d) supporting the efficient and viable operation of		
public transport services, and		
(e) providing for the efficient movement of freight.		

	PLANNING DIRECTION	PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
		RELEVANCE	
3.5	Development Near Licensed Aerodromes	N/A	
The	objectives of this direction are:		
(a)	to ensure the effective and safe operation of		
	aerodromes, and		
(b)	to ensure that their operation is not		
	compromised by development that constitutes		
	an obstruction, hazard or potential hazard to		
	aircraft flying in the vicinity, and		
(c)	to ensure development for residential purposes		
	or human occupation, if situated on land within		
	the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates		
	appropriate mitigation measures so that the		
	development is not adversely affected by		
	aircraft noise.		
3.6	Shooting Ranges	N/A	
	objectives of the planning direction are:	.,	
(a)	to maintain appropriate levels of public safety		
. ,	and amenity when rezoning land adjacent to an		
	existing shooting range,		
(b)	to reduce land use conflict arising between		
	existing shooting ranges and rezoning of		
	adjacent land,		
(c)	to identify issues that must be addressed when		
	giving consideration to rezoning land adjacent		
	to an existing shooting range		
	4. Hazard and Risk		
	Acid Sulfate Soils	N/A	
	objective of this direction is to avoid significant		
	erse environmental impacts from the use of land		
	has a probability of containing acid sulfate soils. Mine Subsidence and Unstable Land	NI / A	
		N/A	
	Flood Prone Land objectives of this direction are:	N/A	
	to ensure that development of flood prone land is		
aj	consistent with the NSW Government's Flood Prone		
	Land Policy and the principles of the <i>Floodplain</i>		
	Development Manual 2005, and		
b)	to ensure that the provisions of an LEP on flood		
- /	prone land is commensurate with flood hazard and		
	includes consideration of the potential flood		
	impacts both on and off the subject land.		
4.4	Planning for Bushfire Protection	N/A	
The	objectives of this direction are:		
a)	to protect life, property and the environment from		
	bush fire hazards, by discouraging the		
	establishment of incompatible land uses in bush		
	fire prone areas, and		
b)	to encourage sound management of bush fire		
	prone areas.		
	5. Regional Planning		
5.1	Implementation of Regional Strategies	N/A	

N/A	
N/A	
N/A	
Yes	While the planning proposal relates to a
	specific site, it adopts an existing zone and
	does not prescribe any site specific
	controls.
Yes	The draft plan is consistent with the
	Planning Direction.
	-
	N/A N/A N/A Yes

Section 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?

The land is partially affected by the Endangered Ecological Community – Sydney Turpentine-Ironbark Forest. The affectation covers an already developed portion of the site, with possible remnant trees also being located within the front and rear setbacks, as shown in green in the figure below.



Figure 2 Aerial showing the portion of subject land mapped as affected by EEC.

The affectation results in three of the five sites being identified as Environmentally Sensitive Land – Biodiversity in SSLEP2015. This enacts a number of considerations at the development application stage to mitigate the impacts of development and ensure the protection and retention of natural resources throughout Sutherland Shire.

The location of the EEC, being largely along the western and eastern boundary lines, and comprising of 3-4 trees, allows for development solutions that would not significantly impact the EEC, while also not inhibiting development of the sites. Further, draft SSDCP2015 contains controls that restrict development within the front, rear, and side boundaries of these sites where the trees comprising the community are located. These controls facilitate the adequate protection and retention of the EEC on the site.

It is considered that the rezoning of the land will not adversely impact the life cycle of the EEC, and that a viable local population of the species is likely to remain on the subject sites and within the local area, the community's location within the local Caringbah area is shown below in green with the subject land edged in red.



Figure 3 Local of EEC within Caringbah area denoted in green

The composition of the EEC is unlikely to be adversely modified such that it, or any critical habitats that it houses, are directly or indirectly placed at risk of extinction.

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

No, the proposal is generally minor in nature.

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

The planning proposal is minor and is unlikely to create any adverse social or economic impacts which could not be mitigated at development application stage.

Section D – State and Commonwealth Interests

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

Yes – The proposal is minor in nature as it is within an area already developed for residential purposes and, based on preliminary concept plans, will only result in an increase of 95 dwellings. Significant development proposed through SSLEP2015 within the precinct may result in the need for public infrastructure; however this issue was addressed through the development of SSLEP2015 and is not caused by the increases proposed through this Planning Proposal.

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

The views of State and Commonwealth agencies will be sought through consultation, if required, following receipt of the Gateway Determination.

PART 4 – MAPS

Land Zoning Map



Figure 4 Current Zoning



Figure 5 Proposed Zoning

Height of Buildings Map



Figure 6 Current Height of Buildings



Figure 7 Proposed Height of Buildings

Floor Space Ratio Map



Figure 8 Current Floor Space Ratio



Figure 9 Proposed Floor Space Ratio

Landscape Area Map



Figure 10 Current Landscaped Area



Figure 11 Proposed Landscaped Area

Lot Size Map



Figure 12 Current Lot Size



Figure 13 Proposed Lot Size

PART 5 - COMMUNITY CONSULTATION

In accordance with "A Guide to Preparing Local Environmental Plans' prepared by the Department of Planning and Environment (2013), it is suggested that the Planning Proposal is a low impact planning proposal as it is consistent with the pattern of surrounding land use zones and/or land uses, consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principal LEP and does not reclassify public land. This would result in an exhibition period of **14 days**.

It is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader and The Liverpool City Leader identifying the purpose of the planning proposal and where the planning proposal can be viewed.

Consultation with affected owners and adjoining landowners.

A letter will be send to landowners whose land is affected by the planning proposal, and adjoining landowners. Opportunities for one-on-one consultations to discuss the proposals will be offered to interested parties.

Displays at the Council Administration Building and local libraries

The planning proposal will be displayed at the Council Administration Building, 4-20 Eton Street, Sutherland and in all branch libraries (located in Bundeena, Caringbah, Cronulla, Engadine, Menai, Miranda, Sutherland and Sylvania)

Advertisement on the Council website

The planning proposal will be exhibited on the Council website (<u>www.sutherlandshire.nsw.gov.au</u>) with links from the home page.

Direct contact

Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

PART 6 - PROPOSED TIMELINE

The following timeframes are proposed:

Milestones	Timing
1. Gateway Determination	April 2016
2. Exhibition Start	May 2016
3. End Exhibition	June 2016
6. Review and Consideration of submissions	June/July 2016
7. Report to Committee on submissions	August 2016
8. Council Meeting	September 2016
9. Request for draft instrument to be prepared	October 2016