

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYE051
DA Number	DA16/0388
LGA	Sutherland Shire
Proposed Development	Staged Concept Master Plan and a Stage 1 including construction of a residential flat building containing 124 dwellings, provision of infrastructure and services including access roads and public domain works, and site subdivision.
Street Address	Lot 1, Lot 3, Lot 4- 7 DP 31460, Lot P DP 413007, Lot 102 DP 868930 (Nos. 103-113) Willarong Road, Caringbah
Applicant	Tier Architects
Date of DA lodgement	4 April 2016
Number of Submissions:	Submissions received from 57 properties.
Recommendation:	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The development has a capital investment value of more than \$30 million and as such is nominated under part 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.
List of all relevant 4.1591)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy(State and Regional Development) 2011 • State Environmental Planning Policy 65- Design Quality of Residential Flat Development (SEPP 65) and accompanying Apartment Design Guide (ADG) • State Environmental Planning Policy 55- Remediation of Land (SEPP 55) • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) • Sutherland Shire Development Control Plan 2015 (SSDCP 2015)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • South Sydney Planning Panel Record of Deferral (23 May 2017) • Architectural Review Advisory Panel (ARAP) comments (2 June 2016) • RMS response (20 July 2018) • List of Objector Issues
Report prepared by:	<i>Kylie Rourke</i> <i>Development Assessment Officer</i> Sutherland Shire Council
Report date	16 July 2018

Summary of 4.15 matters

Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards **None received**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No- refusal**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **recommendati on**

REPORT SUMMARY

REASON FOR THE REPORT

Pursuant to the requirements of State Environmental Planning Policy (State and Regional Development) 2011, this application is referred to the Sydney South Planning Panel (SSPP) as the development has a capital investment of more than \$30 million and as such is nominated under Part 2 of Schedule 7 as Regionally Significant Development.

PROPOSAL

The application seeks consent for a staged Masterplan application which includes site planning, building envelopes and building heights, gross floor area, road and infrastructure works and open space. The Application also seeks concurrent approval for the detailed Stage 1 works which include:

- Site consolidation and subdivision and establishment of easements;
- Construction of a four to seven storey residential flat building (RFB) containing 124 apartments and three levels of basement car parking;
- Construction of 2562m² of Communal Open Space, at ground level and within three separate roof top terraces;
- Construction of the new access roads (roads 1, 2 and 3) within the Masterplan site to allow for access throughout the site;
- Signalisation of intersections at Willarong Road & Captain Cook Drive and Willarong Road & the Kingsway;
- Construction of OSD 1 (beneath road 2) and OSD 3 (beneath road 1).

THE SITE

The development site consists of eight individual lots comprising one large lot (Lot 102 DP 868930) formerly part of the Caringbah High School (113 Willarong Road) and 7 smaller lots (Lot 1, 3, 4, 5, 6 & 7 DP 31460, Lot P DP 413007) at 103 - 109 Willarong Road owned and occupied by the Caringbah Bowling and Recreation Club. These lots combine to form an irregular shaped site located off the western side of Willarong Road in Caringbah. The site has a frontage to Willarong Road of 235m and a depth of up to 173m for a total area of 41,106m².

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

Development Application No. 16/0388 for a Masterplan and detailed Stage 1 works at Lot 1, Lot 3, Lot 4-7 DP 31460, Lot P DP 413007, Lot 102 DP 868930 (Nos.103-113) Willarong Road, Caringbah be refused for the following reasons:

1. The proposal has not satisfactorily addressed the Panels reasons for deferral dated 23 May 2017.

2. The proposal fails to comply with the development standards for Floor Space Ratio and Building Height and results in the overdevelopment of the site. A written Clause 4.6 variation request has not been submitted to justify the contravention of these development standards.
3. The proposal fails to demonstrate that adequate regard has been given to the advice obtained by Council's Design Review Panel, the design quality principles contained in State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development, and the Apartment Design Guide.
4. Insufficient detail has been provided to assess the application, including a Landscape Masterplan with sufficient detail, Operational Plan of Management, Staged Construction Plan, or a Building Report and Access Report which references the Bowling Clubhouse.
5. Insufficient detail has been provided regarding delivery vehicles, and visitors relating to the Bowling Club use, to determine if the Stage 1 road design is suitable for this element of the proposal.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

The application is for the Masterplan approval for the overall site and the construction of stage 1 works at the above property. Details of the proposal are as follows:

Masterplan

The Masterplan application seeks consent for a Staged Masterplan application which includes Torrens and Strata subdivision, site planning, including building envelopes and building heights, gross floor area, road and infrastructure works and open space. The anticipated yield on completion of the Masterplan is 611 apartments. A summary of the works proposed at each stage is provided below:

Stage	Lots included	Works
Stage 1	Lot A and part of common property.	<ul style="list-style-type: none"> Construction of building A1, A2, B1, B2, C1 & C2: 124 units Construction of all roads (road 1, 2 and 3) Construction of 2 of 3 OSD tanks (OSD 1 and 3) Site Consolidation and subdivision Signalisation of two intersections: at Willarong Road & Captain Cook Drive and Willarong Road and the Kingsway.
Stage 2	Lot 3 (Bowling Club Site)	<ul style="list-style-type: none"> Partial Demolition of Bowling Club- closure of Bowling Green 3 for upgrade/upsize & demolition of maintenance shed Provision of temporary patron parking (on Lot 2) Construction of access for bowling club to Willarong Road (on Lot 2)

		<ul style="list-style-type: none"> • Construction of new bowling club • Construction of Buildings L, M, O: 104 apartments • Construction of OSD 2 • Construction of parking area
Stage 3	Lot D and part of common property	<ul style="list-style-type: none"> • Demolition of remaining portion of the existing club • Demolition of Bowling Green 1 • Construction of buildings P and N : 84 apartments • Construction of "Civic Heart"
Stage 4	Lot B	<ul style="list-style-type: none"> • Construction of D1, D2, E1, E2, F and G:167 apartments • Construction of Childcare Centre
Stage 5	Lot C	<ul style="list-style-type: none"> • Construction of buildings H1, H2, I, J, K: 132 apartments • Construction of swimming pool, gym, café, convenience store.

Stage 1 Works

The proposed Stage 1 Development Application is positioned on the southern-most portion of the Masterplan site currently known as 113 Willarong Road. The Stage 1 lot area is proposed to be 6532m², and following strata subdivision, will be known as "Lot A" of the Masterplan site. Details of Stage 1 is as follows:

- Site consolidation and subdivision and establishment of easements;
- Construction of a four to seven storey residential flat building (RFB) containing 124 apartments and three levels of basement car parking;
- Construction of 2562m² of Communal Open Space, at ground level and within three separate roof top terraces;
- Construction of the new access roads (road 1, 2 and 3) within the Masterplan site to allow for access to the proposed and future development within the precinct;
- Signalisation of intersections at Willarong Road & Captain Cook Drive and Willarong Road & the Kingsway;
- Construction of OSD 1 (beneath road 2) and OSD 3 (beneath road 1).

Subdivision

Stage 1 of the proposal intends to consolidate the site, Torrens subdivide into two lots, then subdivide again into strata lots. The consolidation of the site will create a single lot encompassing all lots subject to the Masterplan, i.e. the Bowling Club Land and the ex- High School Land, with a total area of 41,106m².

Following consolidation, the creation of two Torrens Title allotments is proposed, the first being the site which is proposed to be owned and operated by the Caringbah Bowling Club and will comprise an allotment area of 8,879m² (referred to as a Lot 3 on the Site Subdivision Process Plan below). The second Torrens lot comprises the remaining portions of the site, with a total area of 32,227m². Following the creation of the Torrens lots 2 and 3, lot 2 will be further subdivided into five strata lots

(Lots A to E) with common property. The Applicant has provided the following flow chart describing the proposed subdivision:

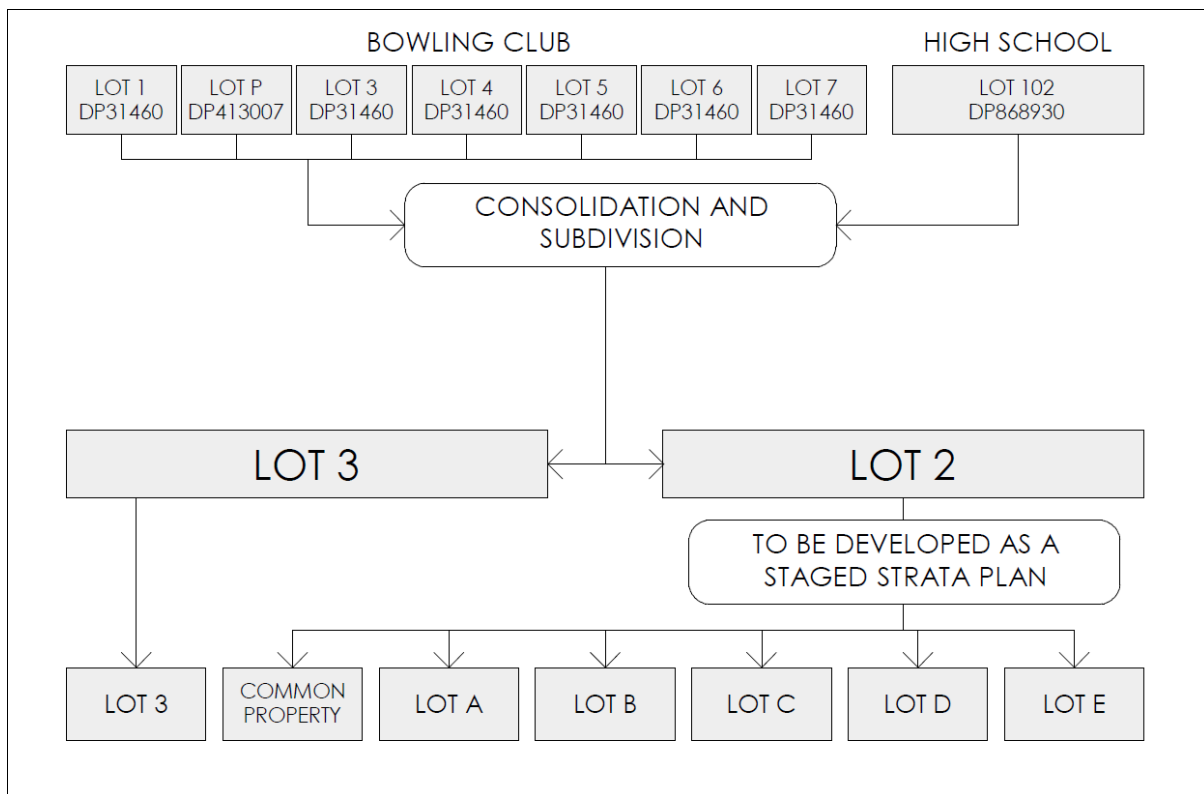


Figure 1: Flow Chart of subdivision proposed by applicant. Note that the new Bowling Club site is referred to as future “lot 3” and the staged strata plan will be positioned on future “lot 2” (source: Applicant).

2.0 SITE DESCRIPTION AND LOCALITY

The development site consists of eight individual lots comprising one large lot (Lot 102 DP 868930) formerly part of the Caringbah High School (113 Willarong Road) and 7 smaller lots (Lot 1, 3, 4, 5, 6 & 7 DP 31460, Lot P DP 413007) at 103 - 109 Willarong Road owned and occupied by the Caringbah Bowling and Recreation Club. These lots combine to form an irregular shaped site located off the western side of Willarong Road in Caringbah. The site has a frontage to Willarong Road of 235m and a depth of up to 173m for a total area of 41,106m².



Figure 2: Aerial view of the subject site

The site has a maximum fall of approximately 13m to the north with a 9m fall along the Willarong Road frontage. While there is little cross fall, there is a sharp fall from Willarong Road into the southern portion of the site followed by a 2m high retaining wall resulting in a raised platform toward the western corner.

The former school site is vacant following the demolition of the school buildings which previously occupied the site. There are several mature trees on and adjacent to the site, notably a large collection of mostly eucalypts in the south eastern corner as well as in the south western corner along the retaining wall and rear boundary. The trees present at the south-western portion of the site form part of the Coastal Enriched Sandstone Dry Forest. There are two large fig trees on the northern portion of the site to the west of the existing bowling greens.

The northern portion of the site accommodates the Caringbah Bowling Club, which comprises three bowling greens, club house, at grade car park and access road. The Bowling Club land includes two freestanding residential dwellings at 103 Willarong Road and 109 Willarong Road Caringbah. There is an existing narrow one-way vehicle access handle located between No. 99 Willarong Road and 101 Willarong Road. The effect of the existing road, as it relates to the subject development, is No. 101 is surrounded entirely by the Masterplan site.

The site is located less than 600m from Caringbah train station and commercial centre to the south, less than 1km from Sutherland and Kareena Hospitals, 2km from Miranda Westfield shopping centre to the west, and less than 1km to the bulky goods retail and industrial areas of Taren Point to the north. The site is within the Caringbah North Residential Flat Precinct which has recently been “up

zoned” under Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) from low density residential to High Density Residential.



Figure 3: Aerial view of the locality

3.0 BACKGROUND

On 17 October 2013 Council granted approval for the demolition of all structures on the site through Development application DA13/0862. This consent has been acted upon and the site is now vacant of structures.

Previous Consideration by the Panel

The subject development application was lodged on 4 April 2016. The South Sydney Planning Panel (SSPP) was briefed on the proposal on 15 June 2016. Several fundamental issues were identified at the briefing including: non-compliance with setback controls; car parking; architectural design; height and FSR distribution across the site; tree removal; access roads; isolation of properties at 99 and 101 Willarong Road; and overshadowing.

The proposal proceeded through Council's assessment process, however a number of issues raised by Council remained unresolved, and on 23 May 2017, Council made a recommendation to the SSPP for refusal. The Masterplan Site Plan previously considered by the SSPP is provided below, and a full size copy is included in the package provided to the SSPP:



Figure 4: Masterplan presented to the Panel on 23 May 2017 (Architectural Plan 002, Revision E dated 31.03.2017).

On 23 May 2017, the SSPP deferred the determination of the application to allow the applicant to submit amended documentation (refer **Appendix A**). The SSPP requested that additional material be submitted by 30 June 2017 to address the SSPP's reasons for deferral. A table which provides Council's comments on each of the Panels reasons for deferral is provided in the "Assessment" section of this report.

Ideally, Council would have reported the proposal back to the SSPP by 30 June 2017, in accordance with the deferral recommendation. However, in an effort to assist the Applicant in developing the

proposal to a point where it could be supported, Council provided feedback and met with the applicant on various occasions to resolve the outstanding issues. Despite these efforts, critical issues that were raised when the proposal was initially lodged with Council (letter dated June 2016), such as the proper integration of the Bowling Club site into the Masterplan scheme, remain outstanding.

Council did not wish to delay reporting the proposal back to the Panel any longer, and as such the proposal is reported on the basis of the material which has been submitted to date.

Current Proposal

An excerpt of the most recent version of the Masterplan (**Revision H**) is provided below:



Figure 5: Most recent revision of Masterplan (Architectural Plan 002, Revision H dated 10.05.2018).

As illustrated in Figure 5 above, the site configuration, boundary setbacks and Gross Floor Area distribution and remains relatively unchanged from the proposal last considered by the SSPP in May 2017. The most substantial change is the addition of three storeys to Building O, and provision of a step in building N and O to reflect the change in LEP height limit from 16m to 30m. The site planning as it relates to the bowling club site remains essentially unaltered. The table below identifies the buildings which have undergone height changes and the net impact on yield:

Masterplan Building Reference	No. Storeys Previous Version Considered by SSPP (Revision E)	No. Storeys Current Version (Revision H)	Difference between schemes
B1	8	7	-1 storey
C1	8	7	-1 storey
E1	8	9	+1 storey
I	6	7	+1 storey
K	9	8	-1 storey
N	6	7	+1 storey
O	5	8	+3 storeys
Total Gross Floor Area (m ²)	56096	55796	-300m ²
Total Masterplan Yield (Indicative total apartments)	656 units	611 units	-45 units
Total Stage 1 Yield	143 dwellings	124 dwellings	-19 dwellings

Timeline of events following Panel Deferral on 23 May 2017

- 29 June 2017: Additional information was submitted by the applicant (Architectural Plans, Revision F dated 28.06.2017).
- 25 July 2017 to 11 August 2017: Revised plans were notified and 16 submissions were received, 12 of which were in support of the proposal.
- 28 July 2017: Assessing Officer sent letter to applicant indicating that the submitted information had not satisfactorily addressed the Panels reasons for deferral.
- 11 September 2017: The applicant lodged additional information. Council provided feedback to the applicant, listing outstanding issues including engineering, site planning and the relationship of the development to the bowling club in a letter dated 30 November 2017.
- 9 May 2018: Council advised the applicant to submit a full package of information including a response to issues raised by the SSPP, ARAP and RMS. Additional information was submitted on 11 May 2018 and also on multiple other occasions including 12 July and 24 July 2018.
- 20 July 2018: RMS provided comments to Council, raising no objection to the proposal, subject to conditions of consent (see RMS comment attached at **Appendix D**).

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

The applicant has not provided adequate information to enable a thorough assessment of this application.

- A written Clause 4.6 variation request to justify the contravention of the Height and FSR development standards.
- Detailed specifications of Landscape Works proposed under the Masterplan, including detail on the Bowling Green construction to confirm compliance with the minimum volume of landscaped area required under SSLEP2015.
- The trees identified for removal and retention on the Landscape Masterplan Revision B dated 20.06.2017 (Canvas Architects) do not match those identified for removal/retention on the tree

identification plan Revision H dated 10.05.2018 (Tier Architects). In particular, significant tree No. 91, and tree 96 located on the adjacent site at No 298-300 Taren Point Road are proposed to be retained in the Landscape Masterplan and removed in the Tree Identification Plan.

- A Staged Construction Management Plan and Operational Plan of Management detailing (amongst other things) how the Bowling Club is proposed to operate following Torrens Title subdivision, and during the various stages of the future Masterplan works.
- Building Report which references the Bowling Club use and the compliance of this element of the building with the BCA, particularly following the proposed Torrens Title subdivision.
- Access Report which references the Bowling Club concept design.
- Detail on delivery vehicles, and visitors relating to the Bowling Club, to determine if the Stage 1 road design is suitable for this element of the proposal.

In multi-stage applications, the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. In the proposal before Council, however, necessary details regarding the Bowling Club Operation and the proposed subdivision of the land have not been provided. The details submitted are not sufficient to make a full and proper assessment.

5.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Sutherland Shire Development Control Plan 2015. The proposal has been notified three times as described below:

- The notification of the proposal originally lodged with Council was undertaken from 18 April to 11 May 2016, 36 objections were received.
- Revised Plans (Masterplan Revision B) of the plans were notified from 5 December to 23 December 2016, and 27 objections were received.
- Revised Plans (Masterplan Revision F) were notified from 25 July 2017 to 11 August 2017, and 16 submissions were received, 12 of which were in support of the proposal.

Submissions were received from a total of 57 separate residences (some residents submitted more than one objection).

An information session was held on 3 May 2016. Forty-two residents attended. Residents raised issues which included traffic impacts, pedestrian safety, driveway and road design, additional bonus height, parking, inaccurate plans, relationship to bowling club, commercial uses proposed, internet access, development at the expense of the community, waste and emergency access, poorly considered proposal, overshadowing and insufficient setbacks (particularly to the building to the south), and site isolation.

Key issues raised (and the proportion of objections that mention each item) are listed below. A full list of the locations of those who made submissions, the dates of their letters and issues raised is contained within **Appendix B** of this report.

Issue No.	Issue	Proportion of Objections who raised issue (% age of total- 57)
1.	Traffic/Carparking	68%
2.	Height/Bulk/Scale	53%
3.	Support proposal	21%
4.	Overshadowing	19%
5.	Privacy	12%
6.	Setbacks	11%
7.	Relationship with Bowling Club	10%
8.	Social Impact	7%
9.	Non-compliance with Development Controls	5%
10.	Loss of trees/vegetation	5%
11.	Other	30%

6.0 MAJOR ISSUES

A summary of the main issues identified are as follows:

1. Traffic/Carparking

A substantial number of objections raised concern regarding the increased volume of traffic and the parking required to service the Development. The Applicant has submitted a Traffic Report, and intends to upgrade two intersections (Willarong Road/Captain Cook Drive and Willarong Road/Kingsway) to address the increased traffic anticipated as part of the Stage 1 works. The RMS have reviewed the Applicants submission and have raised no objection to the proposed upgrade, subject to conditions. Traffic is discussed in further detail in the “Assessment” section of this report.

The Masterplan has not identified the volume of parking proposed at each stage, however should the application be deemed worthy of support, Council can implement conditions of consent to ensure each stage provides the parking consistent with the rates in Council’s SSDCP2015.

2. Height/Bulk/Scale

A large proportion of objections raised concern that the proposal was effectively too big, and would impact upon resident amenity. This issue is deemed to be a valid concern, and is discussed in further detail in the “Assessment” section of this report.

3. Overshadowing

The Stage 1 proposal has been amended to reduce the extent of overshadowing proposed under the original scheme. There are significant concerns regarding the proposed massing and site planning proposed for the Masterplan. It is not supported in its current form. The resolution of the issues with site planning would go some way to improving overshadowing on adjoining land.

4. Privacy

Privacy impacts on adjoining properties, specifically the sites at No. 131 Willarong Road, the Caringbah High School and at No 101 Willarong Road was raised as a concern by residents. The issues primarily related to overlooking from the Stage 1 development, and the impact from the redevelopment of the Bowling Club Land. The assessment of the application has identified a number of issues regarding the building envelope positions on the southern portion on the lot, and the design of the Bowling Club site. The resolution of these issues may resolve some of the issues raised by residents regarding privacy.

5. Setbacks

Concern was raised regarding the proximity of the development to side boundaries. The Stage 1 proposal has been amended to provide setbacks to boundaries as recommended by the ADG. Further development of the Masterplan however is required to ensure the proposal better relates to its context.

6. Relationship to Bowling Club

Many residents have asked questions about the inclusion of the Bowling Club land and the equity of the allocation of GFA in the Masterplan. The issues raised by residents reflect many of the concerns also identified following Councils assessment of the application, as discussed in the “Assessment” section of the report.

7. Social Impact

The social impact of the additional residents on the locality was raised as an item of concern for a number of residents. The density of the site is facilitated by the SSLEP2015 controls, and therefore the increased number of dwellings, and thus residents is facilitated by the density permitted by the SSLEP2015. Notwithstanding, social implications of a development are a relevant consideration under the Environmental Planning and Assessment Act, and will be considered in further detail should Council consider a development on the site that was worthy of support.

8. Non-compliance with Development Controls

Non-compliance with the applicable development controls is deemed to be a valid concern, given Council has identified numerous elements of the proposal which do not demonstrate constancy with the relevant Environmental Planning Instruments, and Development Control Plans and Policies. Development control compliance is discussed in detail in Part 8 of this report.

9. Loss of trees/vegetation

Residents have raised concern regarding the loss of trees and also the amount of “green space” or landscaping proposed under the Masterplan. This issue is deemed to be a valid concern, and is discussed in further detail in the “Assessment” section of this report.

10. Other Issues

The following issues were also raised:

- Loss of Views
- Development exceeding available infrastructure
- Demolition and construction issues
- ADSL & Telstra Service Existing Service is inadequate & will not meet future demands

The issues raised are in related to detailed design concerns, however the applicant has failed to address the broader site planning issues relating to the Masterplan proposal. The concerns raised warrant further attention following the proper resolution of the Masterplan detail.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within *Zone R4 High Density Residential* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). The development proposes residential flat buildings, a childcare centre, a café and convenience store as indicative uses. These uses are defined under SSLEP 2015 as Residential Flat Buildings, Centre-based Childcare centres and (the retail component of) Shop top housing, and are permissible land uses within the zone with development consent from Council.

The proposed use as a Bowling Club is prohibited within the R4 zone however clause 4 and 5 of Schedule 1- Additional Permitted Uses within SSLEP 2015, permits the use of the lots which constitute the Masterplan site to be used for the purposes of a recreation facility (indoor) and recreation facility (outdoor) for a registered club.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and supporting Apartment Design Guide (ADG)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)
- Section 94 Plans- Shire Wide Open Space and Recreation Facilities 2005 and Section 94 Communities Facilities Plan.

8.0 COMPLIANCE

The statement of compliance below contains a summary of applicable Planning Instruments, development standards and controls and a compliance checklist for the Masterplan element of the proposal. Although some modifications have been made to improve the Stage 1 works, by reducing

the overall height by one storey, stepping the building toward the southern boundary and increasing setbacks, the stage 1 detail is based upon a Masterplan which requires significant amendment. As such, Council has reserved the assessment of the detailed stage 1 component until the fundamental issues relating to the Masterplan are properly resolved.

8.1 State Environmental Planning Policy (Infrastructure)

Schedule 3 of the Infrastructure SEPP requires traffic generating development to be referred to the Roads and Maritime Service (RMS). The RMS have provided comment on the proposal, and have raised no objection to the development subject to the imposition of consent. The RMS comments are discussed in further detail in section 9 of this report.

8.2 State Environmental Planning Policy 55- Remediation of Land (SEPP 55)

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. The Applicant has submitted a detailed site investigation (Environmental Earth sciences, August 2016) and Council is satisfied that the site can be made suitable for the proposed uses, subject to the report recommendations.

8.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – Design Quality Principles (SEPP 65)

The proposal is subject to the provisions of SEPP 65. SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles.

Sutherland Shire Council engages a Design Review Panel known as the Design Review Forum (DRF) (previously known as the Architectural Review Advisory Panel- ARAP) to give independent advice on the design quality of the development when evaluated in accordance with the design quality principles contained in SEPP 65 and the Apartment Design Guide (ADG). A brief assessment of the proposal having regard to the design quality principles is set out below:

Design Quality Principles	Assessment
Principle 1: Context and Neighbourhood Character	<p>The site is well located for a high density residential precinct, positioned within a 600m radius of Caringbah railway station and is a convenient walking distance from shops and offices, Caringbah Library, medical services and public transport. The site is also within walking distance to primary and high schools.</p> <p>With regard to the more immediate context of the site, the Masterplan has not yet demonstrated an acceptable design response to adjacent sites, the streetscape and neighbourhood.</p>

	<p>The GFA is distributed almost entirely to the south of the Bowling Greens, and as a result 7-9 storey buildings are massed at the western and southern peripheries of the site and six and seven storey buildings present to Willarong Road. Existing development adjacent to the site is three storeys in height and new development proximal to the site is no greater than five storeys.</p> <p>The subject site should provide lower scale “transitional zones” at the street and side boundaries to better relate to its context.</p>
Principle 2: Built Form and Scale	<p>The scale of the buildings proposed are up to 14m beyond the height permitted on adjoining sites. The large area set aside for bowling greens, the massing of the development primarily to the south of the bowling greens and the additional “bonus” 0.3:1 FSR proposed on the site intensifies the scale of the buildings on the southern portion of the lot and exacerbates the disparity of densities between the subject site and existing development. The proposed site planning reduces the built form alternatives which could be explored further if the scheme was developed to properly integrate the Bowling Club land into the Masterplan.</p> <p>The design is not considered to achieve a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings which comprise 3-5 storey residential buildings and detached residential dwellings.</p> <p>The building envelopes also propose buildings of a 8/9 storey scale 3m from the pedestrian footpath. While the built form will be further developed as part of the detailed design phase, the scale of buildings enabled by the Masterplan envelopes will create a poor quality pedestrian environment that could be avoided if the GFA was more evenly distributed across the site.</p>
Principle 3: Density	<p>113 Willarong Road benefits from FSR and Height bonuses under SSLEP2015 and the proposal intends to “transfer” 4451m² of GFA from the Bowling Club site to the future Lot 2 land.</p> <p>Following subdivision, the newly created Lot 2 proposes an FSR of 1.6:1. An FSR of 0.72:1 is proposed on Lot 3 (the newly created Bowling Club site). The Lot 2 FSR exceeds the base level FSR of 1.2:1 and the greater FSR of 1.5:1 enabled under Councils SSLEP2015 “bonus” provisions.</p> <p>Under the Masterplan, the proposed GFA is to be distributed almost</p>

	<p>entirely on future lot 2. The result is that the development on Lot 2 is substantially larger in density when compared to adjoining sites. The density of the proposal is not consistent with what would be reasonably expected on the site under SSLEP2015.</p>
Principle 4: Sustainability	<p>The development incorporates BASIX into its overall design. Sustainability initiatives could be improved through apportionment of GFA to each stage based on optimising solar access and ventilation into future dwellings and common areas.</p>
Principle 5: Landscape	<p>The application has not provided a Landscape design that establishes a clear strategy for the Masterplan and future stages, and enables the provision of attractive landscaped elements, with a high level of amenity, which is well integrated with the future built elements.</p> <p>Public Domain Works are proposed in Stage 1 (Roads) and Stage 3 (Civic Heart). Council cannot determine if the design of these spaces meet the criteria within Principle 5 without a more detailed landscape design which establishes a clear direction for the Stage 1 works and future stages based upon detailed analysis of the sites current and future features. Detailed specifications for the stage 1 public domain landscape works, including pedestrian accessibility, solar access, views and vistas, safety, future character, and plant selection have not been provided.</p> <p>The master plan relies on the inclusion of the bowling greens to meet deep soil requirements across the amalgamated sites. Lots A, B, C and E will not comply in isolation with Councils landscaping requirement.</p> <p>Landscape areas on future Bowling Club land (i.e. the Bowling Greens) are poorly integrated into the Masterplan scheme and lack utility as genuine landscaping. Access to these spaces restricted to members of the Club, and will not be freely usable for residents and visitors (being designated as a privately owned Bowling Club land). The Landscaped spaces on the Bowling Club land do not optimise usability, or social interaction consistent with Principle 5. The proposal does not integrate landscaped area with the development, but rather excise it from its surrounds. The inclusion of the Bowling Greens serves only to increase quantum of landscaped area, not quality.</p> <p>Following redevelopment and Torrens subdivision of this lot, Council is provided with no certainty this landscaping would be retained as genuine landscaped area, with modern bowling greens often comprising artificial turf.</p>

	<p>Detail regarding the streetscape and public domain works is critical in the Masterplanning process; however the submitted application fails to clearly define the landscape treatments proposed. No information has been provided as to the potential landscape elements of the proposed 'civic heart' or the potential future surrounding uses.</p> <p>The site is located within a “Greenweb restoration area” area of Sutherland Council which requires 100% indigenous trees and 50% indigenous understorey species. Without a detailed plant schedule for the Masterplan, Council is unable confirm the suitability of the plant selection for the site.</p> <p>The proposal intends on removing two substantial fig trees to reposition Bowling Green 3 to the west of its current location as part of the stage 2 works (refer Arch Plan 109 “tree identification plan”). The Fig Trees are a significant natural feature of the site which positively contribute to the local context. The Masterplan is capable of incorporating these important landscape features, with redesign. Other trees throughout the site and on adjoining land have been recommended to be retained, and incorporated into the Masterplan, however the Applicant has failed to do so.</p>
Principle 6: Amenity	<p>Some elements of Masterplan do not provide adequate separation distances between building envelopes to ensure future buildings can conform with the ADG recommendations. The resultant built form is likely to result in compromised amenity for future residents.</p> <p>Adequate detail, particularly with regard to the public domain and landscaped areas has not been provided. This detail is necessary to demonstrate that the amenity for existing and future residents is enhanced as a result of the Masterplan.</p>
Principle 7: Safety	<p>The distinction between private open space, communal open space and public space is not clear at ground level and this ambiguity may jeopardise site safety.</p>
Principle 8: Housing Diversity and Social Interaction	<p>The proposal is capable of providing a mix of apartment types and sizes, which encourages diversity including adaptable and garden apartments.</p>
Principle 9: Aesthetics	<p>ARAP raised concern that the ordering of the taller buildings in stage 1, could be improved by better articulating a base, middle and top in order to break down the scale. The most recent revision of the Stage 1 building does not appear to have incorporated this recommendation.</p>

8.4 Apartment Design Guide (ADG)

The ADG is akin to a DCP that complements SEPP 65. The code gives more detailed guidelines in respect of general design quality principles set out in SEPP 65. The ADG illustrates good practice, though is not a statutory instrument.

The Masterplan provides only indicative building envelopes and compliance with ADG criteria will need to be more fully demonstrated in future applications. Nonetheless, Council has assessed the level of residential amenity proposed in terms of building separation, building depth, natural ventilation, solar access, open space, and deep soil planting to determine whether or not the criteria can generally be achieved. Importantly, the built form proposed under the Masterplan has remained generally unchanged from the revision last presented to the SSPP. A detailed checklist for the envelopes proposed Masterplan is provided below:

Apartment Design Guide (ADG) – Key Controls			
Masterplan			
Building separation	<p>Minimum separation distances:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><u>Five to eight storeys (approximately 25m):</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	<p>Non-compliant elements of the proposal are listed below:</p> <p>Building H2(3 storeys) and J (9 storeys)= 6m</p> <p>Building E2(3 storeys) and F (9 storeys)= 10m</p> <p>Building D1 (8 storeys) and D2(5 storeys) = 6m</p> <p>Building I (7 storeys) and K (8 storeys)= 8.4m</p> <p>Building O(8 storeys) and M (8/9 storeys)= 9m</p>	<p>Only complies between non-habitable rooms.</p> <p>Only complies between habitable and non-habitable rooms.</p> <p>No (3m -12m deficient)</p> <p>No (0.6-9.6m deficient)</p> <p>Only complies between non-habitable rooms.</p>

		<p>Building P(5 storeys) and N(5/7 storeys)=13m</p> <p>I (7 storeys) and H1 (6 storeys)=11m</p> <p>J(9 storeys) and E1(9 storeys)=19m</p> <p>M(8/9 storeys) and F (9 storeys)=23.5m</p>	<p>Only complies between habitable and non-habitable rooms.</p> <p>Only complies between non-habitable rooms.</p> <p>Only complies between habitable and non-habitable rooms.</p>
	<p><u>Nine storeys and above (over 25m):</u></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms 		
Solar access	Living rooms and private open spaces of at least 70% of apartments in a building should receive a minimum of 2 hours direct sunlight between 9am and 3pm in the Sydney Metropolitan Area.	Solar access diagrams provided by the applicant demonstrate that between 71% and 81% of apartments will receive the required solar access for each of the future stages.	Yes
Building Depth	12-18m	Multiple buildings propose a building depth of greater than 18m.	No
Natural ventilation	60% of apartments to be naturally cross ventilated.	Cross ventilation diagrams provided by the applicant show Min 63% of apartments will be naturally cross ventilated	Yes
Communal open space (COS):	<p>25%</p> <p>Direct sunlight to at least 50% of COS for 2 hours, 9am – 3pm</p>	<p>Stage 1=39%</p> <p>Stage 2</p> <p>Bowling Club=Nil</p> <p>Lot E=54%</p> <p>Stage 3=37%</p> <p>Stage 4=26%</p> <p>Stage 5=35%</p>	No, Lot 3 (Bowling Club) does not comply.

		Proponent has indicated that apartments on Lot 3 (bowling club land) will be granted access to COS on Lot 2.	
Deep Soil Area	7% of site area (2877m ²)	Masterplan Deep Soil excluding bowling greens= 10198m ² (25%) <u>Following Torrens Subdivision</u> Lot 2=31% (10001m ²) Lot 3 (Bowling Club site)=10% (892m ²) *Excluding Bowling Greens	Yes

8.5 Local Controls – SSLEP 2015 and SSDCP 2015

Since the SSPP last considered the proposal, Sutherland Shire Development Control Plan 2015 (SSDCP2015) came into effect. Relevant to the subject application, SSDCP2015 contains a chapter for the Caringbah North Residential Flat Precinct, which includes a specific vision and strategy for the subject site and its immediate surrounds. A compliance table which details compliance with the new DCP and other applicable development controls is provided below.

Clause	Control	Required	Provided	Complies
Masterplan				
Sutherland Shire Local Environmental Plan 2015				
4.3 & 4.3(2E)(e)	Building Height	<u>Base Provisions</u> Bowling Club Land: 16m 113 Willarong Road: 16m <u>Bonus provisions</u> 113 Willarong Road 14m bonus= 30m max height.	Building P=15.97m Building N=15.8/22.2m Building O=16/28.36m Max 29.92m Proposal has not incorporated vehicular access for all lots in Area 5A. Bonus Height of 14m does not apply.	No

4.4 & 4.4(2A)(a)	Floor Space Ratio	<u>Base provisions</u> Bowling Club Land: $1.2 \times 11366\text{m}^2 = 13639\text{m}^2$ 113 Willarong Road: $1.2 \times 129740\text{m}^2 = 35688\text{m}^2$ Max. GFA= 49327m^2 <u>Bonus Provisions</u> 113 Willarong Road 0.3:1 bonus= 8922m^2 Max GFA with bonus= $58,249\text{m}^2$	<u>Following Torrens Subdivision</u> Lot 3 (Bowling Club Land)= $0.73:1 (6475\text{m}^2)$ Lot 2= $51774\text{m}^2 = 1.6:1 (51774\text{m}^2)$ <u>Consolidated site</u> = $1.36:1 (55796\text{m}^2)$ Proposal has not incorporated vehicular access for all lots in Area 5A. Bonus FSR of 0.3:1 does not apply.	No
6.14	Landscape d Area	Minimum 30% = $12,330\text{m}^2$	Masterplan landscaped area including bowling greens= $12803\text{m}^2 (31\%)$ Masterplan landscaped area excluding bowling greens= $10198\text{m}^2 (25\%)$ <u>Following Torrens Subdivision</u> Lot 2= $31\% (10001\text{m}^2)$ Lot 3 (Bowling Club site)= $39\% (3499\text{m}^2)$ Excluding Bowling Greens= $10\% (892\text{m}^2)$	Only compliant if Bowling Greens are included in LSA calculation.
Sutherland Shire Development Control Plan 2015				
Chapter 7- R4 Caringbah North Precinct				
5.2	Lot Width	26m	Min 32m	Yes
6.2	Street Setbacks	7.5m	7.5m	Yes
8.2	Tree retention	Development at No. 113 Willarong Road should allow for the retention of the existing large trees on the southern section of	Most trees positioned in the south- eastern corner of the site are proposed to be retained; however future basement excavation is likely to affect the viability of these specimens.	No, long term viability uncertain.

		the site.		
14.4	Parking	1 space per 1 bed 1.5 spaces per 2 bed 2 spaces per 3 bed Plus 1 visitor space per 4 units.	Parking volume as not been dedicated under the proposed Masterplan. Should the proposal be deemed worthy of support, a condition of consent could be imposed which dictates parking volumes required to be provided.	Yes, subject to condition.
Chapter 39- Natural Resource Management				
1.5	Controls for Greenweb Restoration Area.	Development should contribute to a long term strategy of establishing connectivity between bushland remnants through its siting, design and landscape treatment. For residential development connectivity can be achieved through: a. Planting of species indigenous to the locality, and b. Retention of native canopy trees.	A number of trees have been proposed to be removed, or are likely to be affected by excavation, that are capable of being accommodated in the Masterplan, with redesign. A plant schedule has not been provided for the Masterplan. Council is unable to confirm the suitability of the public domain planting throughout the development.	No

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1. Roads and Maritime Service

The advice received from the RMS indicates the design and supporting information submitted for the new signalised intersections at Willarong Road/ the Kingsway and Willarong Road/Captain Cook Drive is satisfactory. The RMS has indicated they require that the new signals to be provided as part of Stage 2 of the proposed development. The applicant has proposed to provide them at Stage 1 which is acceptable.

A copy of the RMS letter is provided at **Appendix D**. Subject to obtaining a Works Authorisation Deed (WAD), Construction Pedestrian Traffic Management Plan (CPTMP) and a Road Occupancy Licence (if necessary), the RMS did not raise any objection to the proposal. Should the proposal proceed to an

approval, a condition of consent would be recommended to ensure the works are carried out as per the RMS conditions.

9.2. NSW Police

The NSW Police advised that the development will result in an increase in activity, which will increase the potential risk of crime. The Police raised specific concern regarding the increase in traffic and the impact from delays for drivers and access for emergency vehicles onto main arterial roads. A road network and traffic management plan was recommended to be provided for police and public consultation prior to the commencement of the Stage 1 works.

The Police also recommended treatment options for consideration in terms of improving Crime Prevention Through Environmental Design (CPTED) within the development such as landscape design, territorial reinforcement, lighting, access control and way-finding.

The Police comments specifically mention that design with clear boundaries between public and private space can aid in territorial reinforcement and the deterrence of crime. As discussed in further detail below, more detailed information regarding the proposed public domain design and relationship to future private spaces is required in order for Council to undertake a detailed assessment regarding CPTED principles.

9.3. Architectural Review Advisory Panel

The proposal was considered by Council's Design Review Panel known as the Architectural Review Advisory Panel (ARAP) on 12 May 2016. Although the designing firm has changed (from GM Architects to Tier Architects), and some modifications have been made since ARAP's initial consideration of the proposal, for the purposes of a design review, the Masterplan is not fundamentally different to the scheme considered by ARAP. Re-referral of the revised application was not considered to be of any value to the assessment process. ARAP's initial comments remain applicable and valid.

In their commentary, the Panel expressed concern that the Masterplan needed significant further development and recommended, amongst other things, the DA process be reordered to enable the Masterplan to be resolved before the detailed Stage 1 works were considered. ARAP also recommended access be provided for the sites adjoining the western boundary (facing Taren Point Road/The Kingsway), and the site planning be re-considered and refined to respond to the site analysis (including retention of existing trees). The Applicant has not satisfactorily addressed these issues and they remain outstanding. A copy of the full report from ARAP is attached at **Appendix C**.

9.4. Architect (Assessment Team)

The application was referred to Council's Architect who raised concerns with the proposed Masterplan and Stage 1 development. Some issues which relate to the provision of accurate information, height non-compliances, GFA allocation and the residential amenity within the stage 1 residential flat building have been addressed, however the proper resolution of the fundamental planning issues for the Masterplan element remain.

9.5. Building

The application was considered by Councils Building Surveyor, who raised no objection to the new components of the works proposed, however issues were raised with regard to the satisfaction of the Building Code of Australia fire requirements, by the creation of the new Torrens title lots, which would transect the existing Bowling Club Building. This issue is discussed in further detail in the “Assessment” section of this report.

9.6. Landscape Architect

The proposal was referred to Councils Landscape Architect. A number of issues were identified with the Landscape design, particularly the level of detail provided for Councils Assessment of the Masterplan and Stage 1 public domain works. Landscaping is discussed further in the “Assessment” section of this report.

9.7. Engineering

Council’s Engineers, including Development Engineer, Traffic Engineer and Stormwater Engineer have undertaken an assessment of the application. Subject to suitable conditions of development consent no objection is raised to the proposal. Should the proposal be supported, appropriate conditions relating to detail drainage design, internal road design, and staging would be recommended.

9.8. Environmental Science

The proposal was referred to Councils Environmental Science Unit for comment on site contamination and impacts on flora and fauna. The site is listed on Councils contaminated land register due to its historical uses for mining, excavation and fill.

The Site Investigation (Environmental Earth Sciences, 31 August 2016) was deemed to be satisfactory, and conditions of consent can be imposed to require the recommendations of the investigation be implemented should the proposal be deemed worthy of support.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 SSPP Reasons for Deferral

As discussed above, the SSPP considered the proposal on 23 May 2017, where it was decided to defer a decision on the application pending the submission of additional information to Council. Each of these matters is listed in the below table, followed by a comment from Council.

SSPP- Record of Deferral: 23 May 2017

Reason for deferral- items	Comment	Resolved?
<i>Modifying the proposal to adequately conform with the Sutherland Shire LEP 2015 including compliance with the height of buildings standard.</i>	<p>The proposal remains non-compliant with the SSLEP2015 provisions for Height and FSR.</p> <p>The proposal has not demonstrated vehicular access is provided to all lots contained in "Area 5A", and therefore does not benefit from the bonus height and FSR afforded by SSLEP2015.</p>	No
<i>Adequately addressing the design and statutory compliance issues discussed in the Council assessment report and the appended ARAP report.</i>	<p>Stormwater, Traffic and inconsistencies between plans have now been satisfactorily addressed by the applicant.</p> <p>Proposal remains unsatisfactory with regard to SEPP65 design quality principles, SSLEP2015 development controls, and does not fully respond to ARAPs recommendations.</p> <p>See further discussion on statutory compliance in part 8 of this report.</p>	No
<i>Clarifying, quantifying and providing formal documentation of the proposed measures relating to the consolidation, land title and use arrangements that are proposed in regard to the overall site, assuming approval of the master plan, particularly the distinction between public and on site residential entitlement to use of the proposed on site open spaces and the impact of those arrangements on the extent of at ground communal open space provided for future residents of the complex</i>	<p>The applicant has provided further detail on the subdivision and detailed staging of the Masterplan and land use entitlements. Some of the detail provided has unearthed additional issues, including utility and equity of access to landscaped spaces and questions regarding the ongoing operation of the bowling club.</p> <p>Access to the Bowling Club land has been confirmed to be restricted to Members only, and the applicant has indicated future residents on the Bowling Club site would be entitled to use the Communal Open Space on Lot 2.</p> <p>It is unclear how the staged Masterplan works would be practically implemented whilst the Bowling Club remains Operational. Bowling Green 1, temporary parking and temporary access is proposed on land that will be no longer owned by the Club, and the Club is proposed to be partially demolished while operational.</p>	No

	<p>The applicants Planner has provided the following comment regarding the relationship of the Masterplan with the Bowling Club:</p> <p><i>We are advised that the agreement in place between the Caringbah Bowling Club and Caringbah Pty Ltd is a matter of commercial in confidence. It is noted however that the inclusion of the bowling club facilities within the overall masterplan of the site will ensure from a planning perspective the long term retention for the facility.</i></p> <p>Satisfactory detail regarding design of on-site open spaces, and the distinction of public and private land remains outstanding.</p>	
<i>Adjusting the building locations to more centrally locate the taller buildings, to provide a more acceptable transition with the existing residential flat building located immediately to the south of the site, and the planned future context of the locality, and provide more acceptable solar access to the adjacent southern building.</i>	<p>The amendments to the Stage 1 building improve the solar access to the adjacent southern building</p> <p>The large area set aside for at grade parking and bowling greens on the Bowling Site, however, intensifies the scale of buildings on the southern portions of the site, making them not in keeping with the expected future context of the site and unable to achieve reasonable transitions to adjacent sites.</p>	No
<i>Demonstrating arrangements for practical access to the rear of Tarren Point Road properties from the road proposed to be located adjacent to the subject sites common boundary with such properties.</i>	<p>The applicant has not provided satisfactory detail regarding access for all lots contained in "Area 5A" in accordance with SSLEP2015.</p>	No

10.2 Floor Space Ratio & Building Height

SSLEP 2015 permits a bonus of 0.3:1 for FSR and 14m for Height (clause 4.392E)(d) and 4.4(2A)(a)) on the southern portion of the site if vehicular access to the rear of the properties adjoining the sites western boundary (fronting Taren Point Road/the Kingsway) is provided. These properties comprise a string of sites from No 302 to 328B Taren Point Road and No 391 to 395 Kingsway, and are referred in SSLEP2015 as "Area 5A", and are outlined in green on the map below:



Under these circumstances, the SSLEP2015 base provisions apply, which permit an FSR of 1.2:1 and height of 16m. The proposal exceeds these standards, and therefore fails to comply with Clauses 4.3(2) and 4.4(2) of SSLEP2015.

The applicant proposes to redistribute GFA from the Bowling Club land to future Lot 2, the consequence of which is, following subdivision, Lot 2 would constitute an FSR of 1.6:1. So even if the SSLEP bonus criteria were to be satisfied, the proposal would still fail to comply with the maximum “bonus” FSR of 1.5:1 permitted by clause 4.4(2A)(a).

Clause 4.6 variations have not been submitted for the breach in the base FSR and Height provisions or (assuming vehicular access to the Area 5A properties could be somehow resolved), the breach in the bonus FSR provisions. Considering the deficiencies of the proposal, Council is unlikely to be supportive of a variation relating to the current scheme under either circumstance.

Clause 4.6 provides that development consent must not be granted for development that contravenes a development standard unless the consent authority (in this case the SSPP) has considered a written request from the applicant that seeks to justify the contravention of the development standard. In the absence of the clause 4.6 request, it is Council's view that the SSPP is unable to grant consent to the proposal.

10.3 Staging

As identified in the Panels reasons for deferral and ARAPs recommendations, an approved Masterplan should precede any Stage 1 DA application for individual buildings. As ARAP articulated, an approved Masterplan would allow individual developments to proceed over time with a controlled end outcome in sight. The applicant has not amended the proposal to in line with these recommendations.

10.4 Design Quality

Various aspects of the Masterplan proposal fail to demonstrate that the proposal has satisfactorily responded to the advice provided from Councils Design Review Panel, considered the design quality principles (SEPP 65), and the recommendations within the ADG for good quality apartment design.

Design Review Panel

As discussed in part 9 of this report, ARAP recommended the DA process be reordered to enable the Masterplan to be considered before the detailed Stage 1 works, access be provided for the Taren Point Road properties, and the Masterplan be re-considered and refined to respond to the site analysis (including existing trees). The Applicant has not satisfactorily addressed these issues and they remain outstanding .

Design Quality Principles

The proposal fails to demonstrate that the scheme is consistent with the 10 design quality principles contained in SEPP65. The large area set aside by the at grade Greens and Parking Area on the Bowling Club site, and the transfer of GFA to the southern portion of the lot intensifies the scale of

buildings on the southern portion of the lot and is not in keeping with the expected future context of the site, results in difficulty in managing transition areas to adjacent properties, and achieving an adequate level of amenity for future residents.

Apartment Design Guide

The building envelopes proposed under the Masterplan fail to reflect the ADG building separation and maximum building depth controls. Figure 8 below illustrates the proposed building separation distances; with the red annotations (by Council) representing areas which fail to comply with the ADG recommended distances.

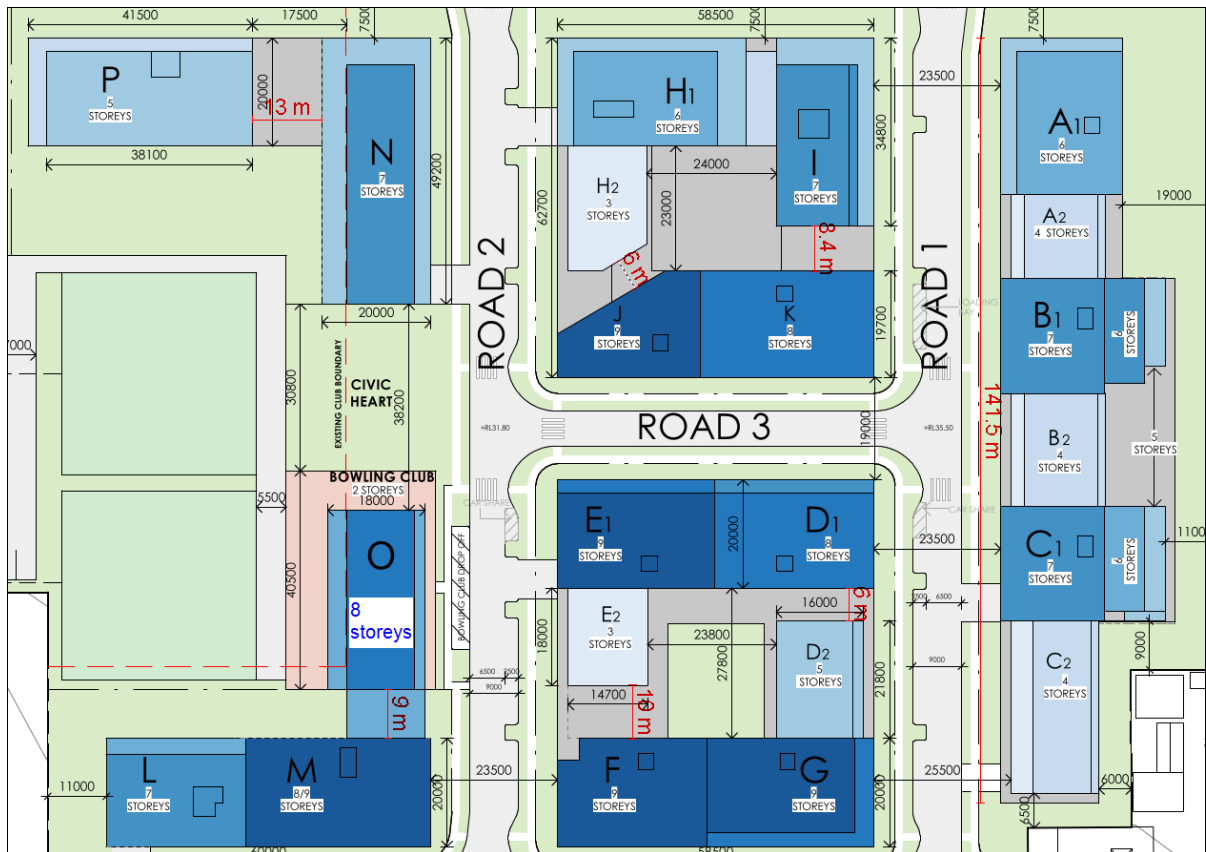


Figure 8: Building separation (Source: Applicants plans, red notation added by Council)

There are multiple parts of the Masterplan which fail to provide the minimum separation distances recommended for different privacy interface conditions. Some envelopes fail to provide the minimum separation required between habitable rooms and balconies i.e. a 19m separation distance has been provided between building J (9 storeys) and E1 (9 storeys), where 24m is recommended.

Other envelopes fail to achieve even the minimum separation deemed necessary between non-habitable rooms i.e. a 6m separation has been provided between buildings D1(8 storeys) and D2(5 storeys), where 9m is recommended.

The provision of envelopes which do not comply with the distances for the greater separation requirements between habitable rooms, is that future development will be bound to specific floor plan layouts and apartment configurations, which may not suit the context of the building. The need to

locate non-habitable rooms such as bathrooms and laundries on the north-eastern aspect of a building (such would be the case for Building J), for example, would mean the amenity of units would be compromised by internalised, or poorly oriented habitable spaces.

Masterplan building envelopes set the block sizes for future development, and should facilitate buildings which are capable of complying with primary development controls such as the ADG to ensure high quality residential amenity. The proposed envelopes will constrain future development options, create difficulty in achieving the ADG design guidance and objectives, and will stifle future good design. The proposal therefore fails to satisfy clause 28(2) of SEPP 65, reproduced below:

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- (a) the advice (if any) obtained from the design review panel, and*
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and*
- (c) the Apartment Design Guide*

The difficulty in achieving the minimum separation distances, is further evidence that the bulk and scale of the Masterplan (particularly on Lot 2) is not compatible with the characteristics of the site, and that the redistribution of GFA from the bowling club land does not result in a better planning outcome.

10.5 Traffic

Three vehicular access points are proposed off Willarong Road into the Masterplan site, to service “Road 1” and “Road 2” of the residential component, and another to provide access to the Bowling Club Land. RMS has confirmed acceptance of the signalisation of two intersections to facilitate the development, at Willarong Road/Captain Cook Drive and Willarong Road/Kingsway.

A Traffic and Parking assessment has been prepared and reviewed by Council (Updated Traffic and Parking Impact Statement, TSA). The report indicates that the proposed development is expected to generate in the order of 189 peak hour trips to and from the site and that the proposed signalisation at the Willarong Road/Captain Cook Drive and Willarong Road/Kingsway intersections will result in an improved level of service, safety and efficiency following implementation of traffic signals.

Should the proposal be deemed worthy of support, Council is satisfied, subject to the RMS recommendations, that the Applicant has adequately addressed the increase in traffic anticipated as part of the Masterplan site.

10.6 Torrens Title Subdivision

The site is currently in dual ownership, with the Bowling Club having granted consent to the lodgement of the original application. The Torrens subdivision proposed as part of the stage 1 works carries through this dual ownership, albeit with slightly different lot boundaries for each of the new Torrens

Lots. As discussed above, GFA is proposed to be “transferred” from the Bowling Club land to Lot 2 through covenants and easements.

As discussed by ARAP, should consent be granted to the Torrens land Subdivision, future Development Applications would be predicated on a Masterplan site which is not a consolidated site, with much of the density concentrated on the southern portion of the site, and much of the open space on the Bowling Club site.

The creation of Torrens Title lots, and the separate ownership of land within the Masterplan site, before all stages are completed, provides uncertainty regarding equitable access to landscaped areas on the Bowling Clubs site. In order to assure the orderly development of the land, the Masterplanned site should remain consolidated until such time as the development has been completed. The applicant was advised of this through ARAPs commentary, however this issue remains outstanding.

10.7 Bowling Club

Planning of Bowling Club Site

The Caringbah Recreational Bowling Club is a Private Club (rather than a community facility open to all members of the public). The result in terms of site planning for the Masterplan is a disconnect between the Bowling Club land and the new residential development on Lot 2.

The Bowling Club is positioned on the northern portion of the Masterplan site, with an unrestricted northern aspect, where High Density Residential Development is a permissible form of development. Ideally, open space capable of being enjoyed by all residents of the site on an unrestricted basis, surrounded by a transitional zone of lower scale residential dwellings which are designed to take advantage of the northern aspect would be positioned at this location. Proposed at this position however, is a restricted access recreational facility, with at grade parking.

Modern site planning would ordinarily position all parking areas underground, and the bowling greens on a podium level or on the rooftop of residential or commercial buildings to maximise these key site features. Again, the transfer of GFA from the Bowling Club land is, in Councils opinion, a worse planning outcome than if the proposal was to comply with the SSLEP development standards.

The primary driver for the site planning appears to be land ownership rather than best practice planning outcomes. The result is a development which compromises residential amenity and does not take advantage of the unique features of the site.

Vehicular Access

What appears to be an internal 3.2/5.5m wide road is proposed adjoining the eastern and southern boundaries of the bowling greens and connected to the Bowling Club parking area. Given the future position of the redeveloped club, the most practical access into the Clubhouse building for deliveries and visitors would be via the internal road (Road 2) proposed under the Masterplan. This would allow the footprint of the proposed additional road on the Bowling Club land to be used to better connect the clubhouse to the Bowling Greens.

The Masterplan Civil Works Plan does not include an access point to enable deliveries to the Bowling Clubhouse, or any on street parking in front of the Bowling Club from Road 2.

Council requested additional details in relation to servicing the Bowling Club including the largest proposed delivery vehicle, proposed car parking layout and parking numbers, dating back to June 2016, and this information remains outstanding. The submitted Traffic Report has not reviewed element of the Masterplan that relates the Bowling Club use.

The applicants response has been that further detail will be provided at a later stage. However, given the application requests the approval of Stage 1 works, which includes the construction of the internal roads, this detail is required prior to the determination of the subject application. The level of detail therefore is determined to be insufficient with regard to the vehicular access to the Bowling Club component.

Pedestrian Accessibility

The level proposed for the bowling club (RL32.8) is approximately 1m higher than the level proposed for the road (RL31.8). This would create an unnecessary level change which would complicate future access for less able visitors into the site. The submitted Access Compliance Report (Vista Access Architects, 29.03.2016) makes no mention of the Bowling Club component of the Masterplan.

Ongoing Operation

As part of the Stage 1 Masterplan works, the entire subject site is proposed to be consolidated into one lot, then subdivided into two lots (Lot 3 as the bowling club land, and Lot 2 as the road, common areas, and future strata plan lots A to E). The applicant has indicated that the Bowling Club will continue to operate as usual until Stage 2 of the Masterplan works. At Stage 2, the club is proposed to be “partially demolished” and temporary patron parking and access is proposed off-site on Lot 2. Stage 3 proposes the construction of a new bowling club is and demolition of the remaining portion of the existing club.

The new lot boundaries and the relationship to existing and proposed buildings are depicted on the stage 2 works diagram below:

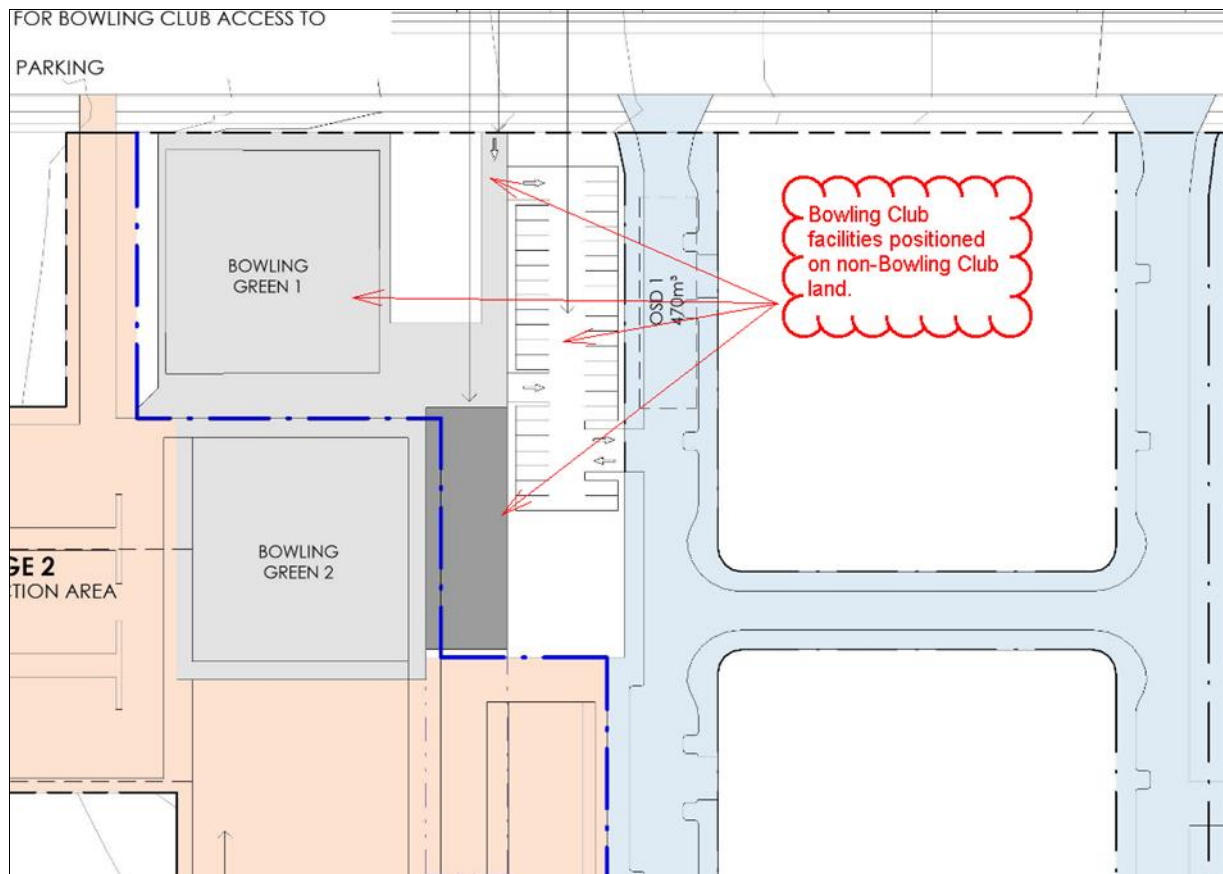


Figure 9: Architectural Plan Dwg. No. 117 Stage 2 Diagram (source: Applicant)

As a result of the subdivision/boundary adjustment required to facilitate stage 1, a number of facilities owned by the bowling club, including Bowling Green 1, a portion of the Clubhouse, the Maintenance Shed, the eastern parking area and the Bowling Club entry driveway will not be positioned on Bowling Club owned land, but rather the residential development site associated with the newly created Lot 2.

To address the encroachment on Lot 2, an easement is proposed for the Clubhouse is proposed.

No detail has been provided to illustrate how the Bowling Club will remain operational throughout these processes. The Construction Management/Demolition Plan submitted by the applicant is lacking in detail and is outdated: relating to the demolition works already undertaken for the old High School Buildings (Drawing No 12700, GM Architects Sep 2013). Council has been provided with no detail regarding the relatively complex construction staging, such as a Staged Construction Plan, or an Operational Plan for the Bowling Club which details if/how the club will operate during and post demolition of half of the building, or the terms of the agreement is between the two landowners regarding land use access entitlements to Bowling Green 1, parking and access which are proposed to be located "offsite". Council therefore has inadequate information to determine the proposed Staged Masterplan and Torrens Title subdivision is acceptable.

Fire Safety

The timing of the Torrens Title subdivision at stage 1 of the Masterplan will result in a potential fire safety issue as it relates to the BCA. The applicant has indicated that at stage 1 the existing Bowling

Club building will still be in place, and the Club will be “operational as usual”. The Torrens subdivision line however, will divide the existing Bowling Club building effectively into two halves. The subdivision will therefore create a “fire source” as defined by the BCA, and insufficient information has been submitted which details how this will be managed prior to demolition(stage 1), following partial demolition (at stage 2) and following full demolished (stage 3). The submitted Building Report makes no reference to the Bowling Club building or the Torrens Title subdivision.

Future Bowling Green 3

The plans indicate a potential third Bowling Green situated “potentially above basement car park”. No detail has been provided to Council regarding the concept design, or timing of the potential third green, nor has any mention been made in the submission about a basement carpark.

10.8 Landscaping

Masterplan Landscaping

Insufficient detail has been provided in the Landscape Masterplan to determine if the public domain works proposed as part of stage 1, are acceptable. The plans fail to clearly articulate private, semi private and public space, and the social spaces outside the café, convenience store, gymnasium, child care centre, indicative ground levels, and retaining wall detail has not been provided, and the extent of hard and soft surfaces has not been clearly articulated. In addition, a plant schedule for the Masterplan Landscaping has not been provided to ensure plantings are consistent with Council’s Greenweb specifications (Chapter 39, SSDCP 2015).

ARAP have previously provided specific recommendations on the proposed Landscaping, and raised concern that no real process of analysis had been presented to arrive at the Masterplan design. Since ARAPs review of the proposal on 12 May 2016, no genuine effort has been made to address these issues which are critical in ensuring a co-ordinated approach to future stages and a good planning outcome on the site consistent with SEPP 65 is achieved.

Stage 1 Landscaping

Council was unable to undertake a detailed assessment of the Stage 1 landscaping, as insufficient detail was provided. Inconsistency between Masterplan and Stage 1 Architectural and Landscape Drawings was also identified.

Tree Retention

Two fig trees located to the west of the Bowling Greens, trees along the western boundary, and trees on the adjoining properties are proposed to be removed. These trees provide a valuable landscaped setting for residents for the development itself and also new development currently being undertaken on sites with a frontage to Taren Point Road.

In addition, trees marked for retention are likely to be impacted by the proposed excavation indicated on the Architectural Plans. Further detail is required to ensure the long term viability of tree 66 (proposed to be retained in the centre of the stage 4 development).

Bowling Club Landscaping

The proposal indicates a total of 3499m² of deep soil has been allocated on the new bowling club site (Lot 3). 75% of this “deep soil area” is accommodated within Bowling Greens 2 and 3. The utility of these Landscaped Areas has been questioned by Council, ARAP and the SSPP.

Following the Panels deferral, the applicant has confirmed that access to the Bowling Club land will be restricted to members of the Club, and as such not freely available to residents of the Master planned site. In addition, the 75% of the Deep Soil area contained in the bowling greens is unable to be planted upon. A representative of the Bowling Club has also indicated that Bowling Green 3 may have asphalt drainage structures contained underneath the turf it so it is unlikely this green would satisfy Councils definition of “Landscaped Area” in any case. If the Bowling Greens are excluded from the landscaped area calculations, the Masterplanned site does not meet the minimum 30% landscaped area development standard required under SSLEP2015. It is therefore highly questionable, given the level of detail provided to Council, whether the Masterplanned site is capable of complying with the landscaped area development standard, or and should not be supported.

Notwithstanding the potential numerical non-compliance, deep soil zones have important environmental and residential amenity benefits as articulated in objective 3E-1 of the ADG:

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

For this reason the ADG recommends they be well integrated into co-located with Communal Open Space. The submission of information on the private/public land use entitlements of the open space associated with the Bowling Club, has confirmed that the contribution and value of these spaces to the on-site amenity of residents is limited. The deep soil zones provided on the Bowling Club land fail to meet the primary objective for deep soil zones which is to support healthy plant and tree growth, being unable to accommodate plants.

10.9 Site Isolation

The development of the site has the potential to isolate sites located at No. 101 Willarong Road, and compromise No. 99 Willarong Road.

The applicant has submitted a planning response regarding the isolation of No. 101A and 101 Willarong Road Caringbah (refer SSPP package of documents), which provides detail on how the landowner of 113 Willarong Road Caringbah has made genuine attempts to amalgamate the site in accordance with the Planning Principles of the Land and Environment Court.

A Development Application has been lodged, and is currently under assessment for the site at No 99 Willarong Road (DA17/0993) for a Residential Flat Building, who is currently in negotiations to acquire property to the north at No. 97 Willarong Road.

Should the proposal be deemed worthy of support, deletion of the access path which runs between No. 99 and 101 (lot P DP413007) could be further investigated to enable these lots to be consolidated in the future.

11.0 SECTION 94 CONTRIBUTIONS

Should the proposal be deemed worthy of support, Council would impose conditions of consent requiring section 7.11 contributions to be levied.

12.0 DECLARATION OF AFFILIATION

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

13.0 CONCLUSION

The proposed development is for a Staged Concept Masterplan and detailed Stage 1 approval for a residential flat building, site subdivision, and provision of infrastructure and services at 103-113 Willarong Road, Caringbah.

The subject land is located within *Zone R4 High Density Residential* pursuant to Sutherland Shire Local Environmental Plan 2015. The development proposes residential flat buildings, a childcare centre, a café and convenience store as indicative uses. These uses are defined under SSLEP 2015 as Residential Flat Buildings, Centre-based Childcare centres and (the retail component of) Shop top housing, and are permissible land uses within the zone with development consent from Council. The proposed use as a Bowling Club is prohibited within the R4 zone however clause 4 and 5 of Schedule 1- Additional Permitted Uses within SSLEP 2015, permits the use of the lots which constitute the Masterplan site to be used for the purposes of a recreation facility (indoor) and recreation facility (outdoor) for a registered club.

The application was placed on public exhibition on three separate occasions and in response to public exhibition, submissions were received from 57 properties. The matters raised in these submissions have been discussed in this report and include traffic and carparking, overdevelopment, height/bulk and scale and privacy. Many of the issues raised are reasonable and valid, given the suite of issues which remain unresolved.

The application relies upon both the transfer of GFA from the Bowling Club land to future Lot 2, and the bonus Height and FSR provisions contained in SSLEP 2015. The Applicant has failed however to demonstrate that the proposal has satisfied the criteria to activate the bonus provisions. In any event, proposed Lot 2 does not comply with either the base or the bonus FSR development standards. In the absence of a written clause 4.6 variation which demonstrates that a better planning outcome is capable of being achieved, it is Council's view that the SSPP is unable to grant consent to the proposal.

Insufficient detail has been submitted regarding the Landscape Design, which is critical in determining compliance with the minimum landscaped area development standard contained in SSLEP2015. Based on the information before Council, it is unlikely the proposal would achieve the minimum volume of landscaped area.

The proposal has not adequately responded to the advice provided by Councils Design Review Panel, the SEPP 65 Design Quality Principles or the Apartment Design Guide. Future detailed building designs which are based on the proposed building envelopes are likely to produce compromised amenity for residents.

The submitted Building Report, Access Report and Traffic Report fail to consider the Bowling Club element of the site. The Application also lacks critical details on how the relatively complex staging will be practically implemented given the Bowling Club is intended to carry on operating following subdivision and partial demolition.

The Applicant has submitted additional information in an effort to address the SSPP reasons for deferral dated 23 May 2017. This information has been assessed having regard to the Heads of Consideration under 4.15 of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies.

The Applicant has addressed some issues which primarily relate to Traffic and Stormwater Management, however the Applicant has not satisfactorily addressed the Panels reasons for deferral, or the Heads of Consideration under the EP&A Act and therefore the proposal is recommended for refusal.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Mark Adamson – Manager, Major Development Assessment (KRO).