

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference:	2017SSH045
DA Number	DA17/1626
LGA	Sutherland Shire
Proposed Development	Demolition of existing structures and construction of an Affordable Rental Housing residential flat building containing 46 units and 2 levels of carpark
Street Address	89 to 91 Willarong Road, Caringbah (Lot 1 in SP 8148)
Applicant/Owner	Landmark Group Australia Pty Ltd
Date of DA Lodgement	27 November 2017
Number of Submissions	Two (2)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP)	The residential flat building will comprise Affordable Rental Housing.
List of all relevant 4.15 matters	• State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) • State Environmental Planning Policy No. 55 – Remediation of Land • Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Sutherland Shire Development Control Plan 2015 (SSDCP 2015) • Section 7.11 Contributions: - 2016 Shire Wide Open Space and Recreational Facilities Contribution Plan - 2016 Community Facilities Plan
Report prepared by	Lauren Franks - Environmental Assessment Officer Sutherland Shire Council
Report date	30 July 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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

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?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

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

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

EXECUTIVE SUMMARY

REASON FOR REPORT

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Sydney South Planning Panel (SSPP) as the development is for Affordable Rental Housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009 and is nominated under Schedule 7.5(b) of the State Environmental Planning Policy (State and Regional Development) 2011.

PROPOSAL

The application is for demolition of all existing structures and the construction of a residential flat building (RFB) comprising 45 units (50% to be used as Affordable Rental Housing) over 5 levels with basement car parking for 60 vehicles at 89-91 Willarong Road, Caringbah. The main issues identified are as follows:

- Isolation of No. 87 Willarong Road
- Non-compliance with SSLEP 2015 - Building Height
- Impact on adjoining Angophora tree
- Streetscape impacts
- Setbacks
- Waste management
- Driveway width

THE SITE

The subject site is located on the western side of Willarong Road, south of the intersection of Willarong Road and Captain Cook Drive. The site comprises 1 parcel of land with 4 townhouses and 2 villas on the site. Caringbah Centre and railway station is approximately 795m to the south east.

The site has recently been rezoned from R2 Low Density Residential to R4 High Density Residential under SSLEP 2015 and is situated 56m north of the commencement of the Caringbah North Residential precinct.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

That pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to the maximum building height development standard satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the maximum building height development standard be varied to 19.4m, in respect to this application.

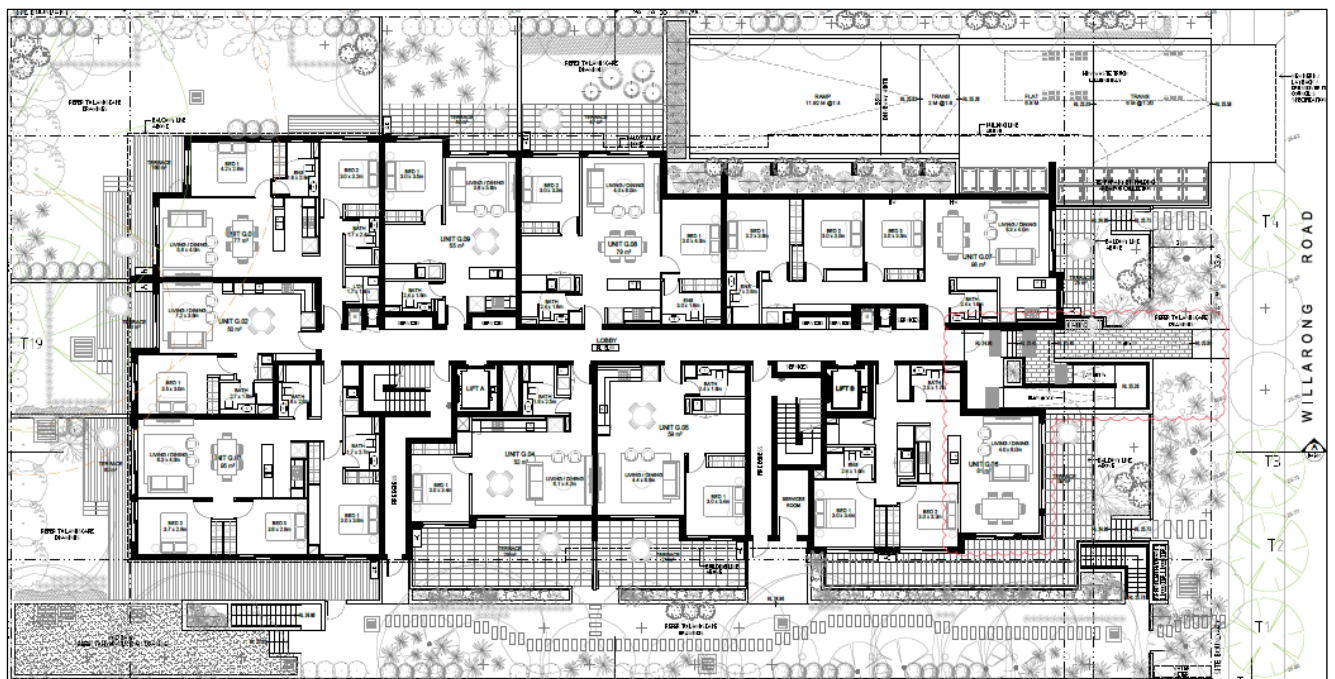
1. That Development Application No. 17/1626 for demolition of existing structures and construction of an Affordable Rental Housing residential flat building containing 46 units and 2 levels of carpark on Lot 1 in SP 8148 at 89 to 91 Willarong Road, Caringbah be approved, subject to the draft conditions of consent detailed in **Appendix “A”** of the Report.

ASSESSMENT OFFICER’S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

The proposal is for demolition of all existing dwelling houses and ancillary structures on the site and the construction of a residential flat building comprising the following:

- 1 x 5 storey residential flat building comprising 45 units.
- 50% of the gross floor area is to be used as Affordable Rental Housing.
- An apartment mix of 16 x 1 bedroom, 29 x 2 bedroom and 11 x 3 bedroom units (including provision of 9 adaptable and 6 livable units).
- A two level basement that will accommodate 60 car parking spaces, including 45 resident spaces, 10 visitor spaces, 1 car wash bays, 5 bicycle and 4 motorcycle parking spaces and the storage of waste.
- The provision of communal open space is provided on the roof.
- Vehicular access is proposed from Willarong Road into the basement.



2.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 89-91 Willarong Road, Caringbah. Willarong Road is a collector road that facilitates flow of traffic from surrounding lower order residential streets to Captain Cook Drive and Kingsway.

The site has an east – west orientation and is rectangular in shape. It has a frontage of 33.6m and a depth of 60.96m with a total site area of 2,048m². The site has a cross fall of approximately 2m falling from the front south eastern corner to the rear north western corner of the site. The site drains to the rear via an existing drainage easement across Caringbah High School. A multi dwelling housing development exists on the site comprising of 4 townhouses and 2 villas, ancillary outbuildings and vegetation. The site is 795m from Caringbah Railway Station and Caringbah Centre. Sutherland Hospital is located 1.1km to the south-west of the site on Kingsway.

The streetscape within the immediate vicinity of the site is primarily characterised by single dwellings interspersed with dual occupancy development. However, this is set to change as high density residential development begin to emerge along the eastern side of Willarong Road to take advantage of the uplift in zoning to R4 High Density Residential.

The site is situated 4 properties north of land that forms part of the North Caringbah Precinct within Sutherland Shire Development Control Plan 2015 (SSDCP 2015). Land opposite the site is zoned R2 Low Density Residential under SSLEP 2015. The rear western boundary of the site adjoins Caringbah High School which has a zoning of SP2 Educational Establishment under the SSLEP 2015.



Figure 1: Aerial view of the site

3.0 BACKGROUND

A history of the development proposal is as follows:

- The current application was submitted on 27 November 2017.
- The application was placed on exhibition with the last date for public submissions being 25 January 2018. 2 submissions were received.
- An Information Session was held on 10 January 2018. No parties attended.
- On 19 February 2018 a letter was issued requesting that a significant amount of additional information be provided as the development was largely non-compliant.
- Council Officers met with the Applicant and their consultants on 22 March 2018 to discuss the contents raised in the letter.
- Various concept designs to resolve waste collection and driveway width were submitted after discussions. Many of the issues remained unresolved.
- A further meeting was held with the Applicant on 7 June to re-discuss the issues raised in the letter.
- Amended plans and additional information were lodged on 20 March, 18 June 2018, 19 June and 24 July 2018.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application, including a Clause 4.6 requesting a variation to the building height standard and additional information to satisfy waste management, traffic and parking generation and retention of the Angophora on the adjoining property.

5.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2015).

Adjoining or affected owners were notified of the proposal and 2 submissions were received as a result.

Submissions were received from the following properties:

Address	Date of Letter/s	Issues
Caringbah High School	1 February 2018	1-8
112 Willarong Road	19 December 2017	1

The issues raised in these submissions are as follows:

Issue 1: Traffic and parking

Comment: This matter is addressed below in the "Assessment" section of this report.

Issue 2: Waste

Comment: This matter is addressed below in the “Assessment” section of this report.

Issue 3: Privacy

Comment: This matter is addressed below in the “Assessment” section of this report.

Issue 4: Impact on neighbouring tree

Comment: Concern was raised that an Angophora situated on the adjoining rear site (Caringbah High School) will be adversely impacted by the basement. Council’s Landscape Architect assessed this tree and the extent of the tree protection zone to ensure this tree can be retained. Amended plans have been provided reconfiguring and increasing the basement setback from the western rear boundary to the satisfaction of Council’s Landscape Architect. Tree protection conditions of consent have been imposed.

Issue 5: Flooding of adjoining properties

Comment: Council’s Development Engineer has assessed Stormwater Plans submitted with the application and concludes that the details provided are satisfactory subject to conditions of consent.

Issue 6: Disruption through the construction phase

Comment: It is acknowledged that during the construction phase, disruption to the amenity of surrounding properties may occur. The disruption caused during the construction of the development will be temporary and mitigated through conditions of consent relating to noise and construction hours.

Issue 7: Damage to property during excavation

Comment: A condition of consent has been imposed requiring the applicant to provide a dilapidation report and geotechnical report prior to issue of a Construction Certificate for adjacent properties at No. 87 and No. 93 Willarong Road and Caringbah High School.

Issue 8: Caringbah High School – interruption of day to day school activities and examinations

Comment: Caringbah High School have requested that a noise and vibration assessment be undertaken by the applicant ensure the health and learning environment of students are not adversely affected. A condition of consent has been included which restricts the hours of building and demolition work and also the sound pressure level emitted during this period. In addition, a condition has been imposed requiring contact details of the site manager / builder to be provided to the school.

Submission Review Panel (SRP)

Referral to Council’s SRP was not required as the issues raised were considered to be non-substantive, justifiable, addressed via a condition of consent or required to be further explored by the applicant who has since been resolved.

6.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone R4 High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent from Council.

The proposed development is located within zone R4 High Density Residential. The objectives of this zone have been considered in the assessment of the development.

The application has been made using the incentives contained within State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The ARH SEPP permits a higher building density and reduced parking standards, than permitted by SSLEP 2015.

The following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)
- Section 7.11 Contributions:
 - 2016 Shire Wide Open Space and Recreational Facilities Contribution Plan
 - 2016 Community Facilities Plan

7.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

7.1 State Environmental Planning Policy – 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 property is not listed in Council's Contaminated Land Register. A site inspection and search of Council records has revealed that the subject site is also unlikely to be contaminated and is therefore fit for its intended use. Suitable conditions are recommended in relation to demolition and asbestos removal.

7.2 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Georges River REP)

The Georges River REP requires a consent authority to consider the cumulative impact of the proposed development on the Georges River or its tributaries. This specifically means considering acid sulphate soils, flooding, land degradation, stormwater runoff and vegetated buffer areas. The site is 1.1km from the Georges River and does not contain acid sulphate soils. The site is not newly released land and has a history of residential development constructed on the site. Council's Development Engineer has ensured that stormwater runoff is appropriately managed and does not cause flooding of any adjoining property. Council's Landscape Architect has imposed conditions of consent selecting appropriate tree and plant species that are native to the local area and which fulfil the objectives of the Georges River REP.

7.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

The Applicant seeks consent for the RFB pursuant to the Affordable Rental Housing SEPP, under Part 2, Division 1. In-fill Affordable Rental Housing in the form of a residential flat building is permitted if it is located in an "accessible area". The site satisfies these criteria as it is located within 800m walking distance of the public entrance to Caringbah Railway Station (795m). Further, a residential flat building is permitted with consent under SSLEP 2015.

Standard / Control	Required	Proposed	Complies
State Environmental Planning Policy (Affordable Rental Housing) 2009			
Clause 10.2 Land to which division applies	Accessible Area - must be within 800m of a Railway Station	795m to Caringbah Railway Station	Yes
Clause 13 Floor Space Ratio	0.5:1 bonus (if the existing max FSR is less than 2.5:1 and 50% used as affordable housing)	50% of the gross floor area is to be used as affordable housing. 1.2 (SSLEP 2015) + 0.5 (ARH SEPP) = 1.7:1 3,481.6m ² allowed 3,481m ² 1.7:1	Yes
14. Standards that cannot be used to refuse consent (if compliant)			
Site area	450m ² min	2,048.06m ²	Yes
Landscaped area (podium and deep soil combined)	30% min is to be landscaped area (614.4m ²)	36.2% (743.2m ²)	Yes
Deep soil zones	15% of the site area (307.2m ²)	21% (432m ²)	Yes
Solar access	Min. 3 hrs of sunlight to living rooms and POS for 70% (31 units) of units between 9am and 3pm.	31 units – 71.1%	Yes
Car Parking	1 bed (14) – 0.5 spaces 2 bed (26) – 1 spaces 3 bed (5) – 1.5 spaces	7 spaces req'd 26 spaces req'd <u>8 spaces req'd</u> 41 spaces required	Yes – 45 (4 in excess – permitted as being excl. from FSR under Cl.

			13.3 of SEPP)
Sutherland Shire Local Environmental Plan 2015			
Building Height	16m	19.4m	No – 21.25%

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

The proposal is affected by SEPP 65. Sutherland Shire Council engages its Architectural Review Advisory Panel (ARAP) to guide the refinement of development to ensure design quality is achieved in accordance with SEPP 65. A brief assessment of the proposal having regard to the design quality principles of SEPP 65 is set out below:

Design Quality Principles	Assessment
Principle 1: Context and neighbourhood character	The site has been rezoned from low to R4 High Density Residential under SSLEP 2015 and now forms part of the North Caringbah Precinct within SSDCP 2015. The proposal is generally an appropriate response to the new development standards applicable under SSLEP 2015 and bonus FSR permitted under the Affordable Rental Housing SEPP. Once the adjoining sites are redeveloped, the building will sit within the higher density streetscape. The development is consistent with the desired future character of the R4 High Density Residential zone as envisaged by SSLEP 2015 and SSDCP2015. It is acknowledged that should approval be issued for this DA, isolation of No. 87 Willarong Road would result and subsequently, this was raised to the applicant as an issue. The applicant has submitted information detailing the correspondence that occurred with the owner of this property which has included sms and email. In addition, the applicant has obtained a property valuation report to demonstrate an offer has been made that is consistent with current market value. Since this offer has been made and refused, the owner of No. 87 Willarong Road has commenced discussions with Council about the development potential of the isolated site.
Principle 2: Built form and scale	The built form and scale is acceptable in the context of the area, given that the area has been upzoned to allow for greater height and density under SSLEP 2015. The scale will be compatible with new development that maybe constructed in the future, particularly upon surrounding properties situated along the western side of Willarong Road. The built form is a modern design that is adequately articulated and whilst a height variation of 3.4m is proposed as discussed in the Assessment Section, the proposal is acceptable.
Principle 3: Density	The density for the development is permitted under the Affordable Rental

	Housing SEPP. The building is adequately articulated and the setbacks provided minimise the bulk of the building when viewed from the street and adjoining properties.
Principle 4: Sustainability	The development incorporates BASIX requirements and sustainability measures into its overall design to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 5: Landscape	The proposed development includes deep soil areas in accordance with the Affordable Rental Housing SEPP. The southern side, front setback of the site and within common areas will be adequately landscaped to enhance the site, screen the building bulk of the development and be consistent with the character of the locality. However, the provision of a switchback ramp within the front setback inhibits the opportunity for additional deep soil planting which would thicken the vegetation provided between the street and residential flat building. This is not ideal and is discussed further in the assessment section of the report and has been resolved by way of a condition of consent.
Principle 6: Amenity	The proposal generally satisfies the provisions of the ADG with respect to appropriate floor plan layouts, cross ventilation, solar access and visual/acoustic privacy.
Principle 7: Safety	The proposed development incorporates suitable Crime Prevention Through Environmental Design (CPTED) Principles in the design.
Principle 8: Housing diversity and social interaction	The proposal provides a mix of apartment types, which encourages diversity including adaptable, livable and 50% Affordable Rental Housing. Communal open space is provided on the roof with facilities that encourage social interaction amongst residents.
Principle 9: Aesthetics	An appropriate composition of building elements, textures, materials and colours within the development has been generally achieved.

7.5 Apartment Design Guide (ADG)

The proposal is affected by the ADG. The following table contains an assessment of the proposal against key controls of the ADG. Refer to the Assessment section of this report for further details with respect to performance of the proposal against the ADG.

Apartment Design Guide (ADG) – Key Controls			
Objective	Design Criteria	Proposal	Complies (% variation)
2F Building Separation		No RFB on rear site. Proposed RFB on adjoining southern site has been assessed. To date there are no development approvals or formal applications for the site to the north.	

	<i>Up to 4 storeys:</i> 12m habitable rooms / balconies <i>5-8 storeys:</i> 18m habitable rooms / balconies	<u>South – DA17/0771:</u> G: Excl. courtyards, 15m L1-L3.: 15m L4.: 15.4m (adjoining property at No. 93 Willarong Rd is setback 9m)	Yes No – 15% variation
3D Communal Open Space	50% to receive for 2 hours min between 9 am and 3 pm on 21 June (mid-winter)	>50% will receive in excess of 2 hours.	Yes Yes
3E Deep Soil Zones	Min. 6m dimension & 7% (117.6m ²) deep soil area	21.25% (435.2m ²). Generally 6m in width.	Yes
3F Visual Privacy	Up to 12m high (4 storeys) Habitable/balconies: 6m Non-habitable: 3m 12 - 25m high (5-8 storeys) Habitable: 9m Non-habitable: 4.5m	<u>Ground Floor:</u> Nil to courtyard / 6m to bedroom wall to south Nil to courtyard / 6m to bedroom wall to north Nil to courtyard / 6m to wall to rear <u>Level 1-3 Floor:</u> 6m to balcony and wall of building to south 6m to balcony and wall to north 6m to balcony and wall to rear <u>Level 4 Floor:</u> 6.4m to balcony / 9m to wall to south 6.4m to balcony / 9m to wall to north (exc. 2 splayed walls) 6.2m to balcony to 9m to wall to rear <u>Roof Terrace:</u> 9m to south / 10m to north / 9m to rear	Yes Yes No – 28.8% variation Yes
4A Solar and Daylight Access	Living rooms and POS for 70% (32) of the units are to receive 2hrs direct sunlight between 9am and 3pm. Maximum 15% (7) of units received no sunlight to habitable rooms.	34/45 (75.5%) 5 units (11.1%)	Yes Yes
4B Natural Ventilation	60% of apartments to be cross ventilated (27)	62.2% 28 cross ventilated.	Yes
4C Ceiling Heights	2.7m 3.1m floor to floor	2.7m 3.05m	Yes No – 1.6%

			variation
4D Apartment Size	1br bedroom – 50m² 2br Bedroom – 70m² 3br Bedroom - 90m² *Add 5m² to units with an additional bathroom. Every habitable room to have a window in an external wall with a total min. glass area of >10m² of the floor area of the room. Daylight and air may not be borrowed from other rooms. Min. width of living / dining rooms 3.6m for 1 br units and 4m for 2 and 3 br units.	1br bedroom – Min. 50m² 2br Bedroom – Min. 76m² 3br Bedroom – Min. 95m² Each habitable room within an external wall provided with a window. 3.6m for 1 bedroom and 4m for 2 or more bedrooms.	Yes Yes Yes
4E Private open space	Primary balconies 1br = 8m² / depth 2m 2br = 10m² / depth 2m 3br = 12m² / depth 2.4m Ground level apartments (or on podium) 15m² with min 3m depth	8m² / depth 2m 10m² / depth 2m 12m² / depth 2.4m Min. 25m² achieved with 3m depth.	Yes Yes
4F Common Circulation & Spaces	Max. number of apartments off a circulation core on a single level is 8.	6 units off levels G-L3.	Yes
4G Residential Storage	1br apartment = 6m³ 2br apartment = 8m³ 3br apartment = 10m³ At least 50% of storage to be located within the apartments.	45 storage lockers within basement. Condition has been imposed requiring lockers adjacent to car spaces 7, 8, 9, 11, 3, 5, 25 & 26, 41, 42, 39 to be connected to same unit. Separate storage cupboard within each unit.	Yes

7.6 Local Controls – SSDCP 2015

The statement of compliance below contains a summary of applicable development controls and a compliance checklist relative to these:

Sutherland Shire Development Control Plan 2015 – Key Controls			
Chapter 6 - R4 Residential Flat Buildings			
Objective	Design Criteria	Proposal	Complies (% variation)
Lot width	26m	33.6m	Yes
Building Form	To be articulated.	Articulated.	Yes
	Facades to be composed with an appropriate scale,	Façade acceptably detailed.	Yes

	rhythm and proportion, which respond to the building's use and desired future character. Finished roof level of basement is to be located at or near ground level. 1m landscaped setback to neighbouring properties is to be provided along driveways to basement car parks. Driveway walls adjacent to the entrance of a basement car park are to be treated with so that the appearance is consistent with the external finish of the building. Lift overruns and service plants must be integrated with well-designed roof structures and architectural elements which are an integral part of the building design. The need for additional building services must be resolved at design stage (eg. electricity kiosk / substation and fire services facilities) and must be co-ordinated and integrated with the overall design of the development without compromising building or landscape design.	Basement is at or below ground level. 1m provided. Driveway walls consistent with the external finish of building. Lift overrun centrally located. Mechanical services room centrally positioned on rooftop. Substation not required as advised by applicant and Ausgrid. Fire services integrated acceptably into design.	Yes Yes Yes Yes Yes
Street setbacks	7.5m (1.5m encroachment for 1/3 façade)	7.5m to building wall & articulation to 5.3m.	No – 11.6% variation
Basement setbacks	3m from side / rear boundary	N side: 0.6m S side: 3.8m Rear: 4.93m	No – 80% variation
Landscape design	Communal open space should have a minimum 100m ² (where FSR is 2:1 or less) with min. 3m dimension.	Min. 319m ² achieved with min. 3m dimension.	Yes
Building Layout & Private Open Space	Clothes lines are not to be visible from public place and have access to sunlight.	Condition imposed that clotheslines concealed below balustrade.	Yes
Solar Access	Skylights and lightwells must not be used as the primary source of daylight	Skylights and lightwells are not relied upon as primary source of daylight	Yes

	in habitable rooms. Neighbouring dwellings to receive 10m² solar access to private open space and solar access to north facing windows or habitable rooms.	in habitable rooms. Ground floor units within No. 93-95 Willarong Rd will not comply.	No
Visual and Acoustic Privacy	Located, orientate and design new development to maximise the provision of visual privacy. Use detailed site and building design elements to increase visual privacy without compromising access to light and air. Minimise the potential for overlooking of adjacent school yards through the careful orientation of balconies and windows, coupled with screening devices. All noise generating equipment such as mechanical plant or equipment, a/c units etc to be designed so that they protect the acoustic privacy of residents and neighbours.	Unit layouts have been re-configured. Inclusion of privacy screens along each side and rear elevations to retain privacy and introduction of some articulated elements. Rear elevation incorporates privacy screens. A/C placements on balconies. No real alternate location.	Yes Yes Yes Yes
Adaptable units	20% (9 units)	9 units	Yes
Livable units	10% (5 units)	6 units	Yes
Parking	Visitor parking at rate of 1 space per 4 units. Developments with 10 or more dwellings require 1 designated carwash bay with minimum dimensions of 3m x 7.6m. Additional carwash bays are required in development in excess of 30 dwellings at a rate of 1 per 20 dwellings.	11 required. 10 provided. 2 required. 1 provided.	No – 10% variation No – 50% variation
Waste	Rates: 1 br unit – 80L garbage & 80L recycling 2br unit – 100L garbage & 120L recycling 3br unit – 120L garbage & 120L recycling Bins to be wheeled <75m to collection point.	2 x bin rooms with a combined area of 40m² provided in basement which is to Council's Waste Officer's satisfaction. <75m distance. Tug used to move bins to holding	Yes Yes

	14m ² hard waste storage area required.	area. 19.2m ² bulky waste room in basement.	Yes
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8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

8.1 NSW Police

The NSW Police provided a response on 18 April 2018 and undertook a crime risk evaluation, noting recommendations that have been addressed through conditions of consent.

8.2 Design Review Forum (DRF)

The proposed development was considered by Council's DRF and the panel recommended that the following changes to the proposal be considered to improve its design quality:

- *Proposal isolates neighbouring site to the north.*
- *While the building scale and articulation responds to the streetscape, the excessively long side elevations create some issues of bulk and scale in the context, and some further articulation is recommended.*
- *The panel recommends the building be articulated into two discrete elements separated by an open breeze-way.*
- *Hard surfaces need to be porous (Georges river catchment area REP)*
- *Main corridor excessively long and lacking in amenity*
- *Healthy, existing trees should be maintained along street frontage*
- *Further consideration of tree roots and canopy of Angophora is required.*
- *Clearly defined entry spaces required within each unit.*
- *Some ground level 3 bedroom units should be provided.*
- *Side elevations require increased screening at balcony edge to address privacy issues with neighbours.*

Revised plans were provided that have attempted to address some of the issues raised by DRF.

8.3 Architect

Council's Architect considered the revised plans provided to address the DRF comments, concluding that:

"The proposal fails to provide acceptable amenity to a large proportion of units and results in a building which is bulky in appearance...I agree with the panel's (i.e. DRF) recommendations generally and the applicant should address each of the matters outlined in their report. In particular, the applicant has not demonstrated that the density proposed be accommodated on the site without unduly impacting on compliance and amenity."

Revised plans and additional information were provided demonstrating provision of a 2nd lift to improve amenity to units, incorporation of cross-through units and articulated elements into the building form.

8.4 Development Engineer

Council's Development Engineer considered the single width driveway to basement level 1 as being inadequate for the size of the development, requesting that the driveway be widened to 5.5m to facilitate two way access. In addition, the ponding depth of the OSD was to be reduced to a maximum 300mm. Amended plans have been provided demonstrating a two way driveway which is supported by Council's Development Engineer. The OSD issue has been addressed via conditions of consent.

8.5 Public Assets Engineer

The proposed development was referred to Council's Public Assets Engineer who was supportive of the proposal subject to conditions of consent.

8.6 Building Surveyor

The proposed development was referred to Council's Building Surveyor who was supportive of the proposal.

8.7 Environmental Health Officer

The proposed development was referred to Council's Environmental Health Officer who was supportive of the proposal.

8.8 Waste Officer

The proposed development was referred to Council's Waste Officer who initially raised concerns with the waste collection arrangement which was from Willarong Road's kerbside. This issue has been resolved through widening the driveway to accommodate a HRV sized loading bay to facilitate a HRV truck to reverse on-site to collect bins from a holding bay. Bin store rooms and a bulky waste room have been provided within the basement to Council's Waste Officer's satisfaction. Subsequently, support for the proposal has been given subject to conditions of consent.

8.9 Landscape Architect

The proposed development was referred to Council's Landscape Architect who supports the amended proposal subject to conditions of consent.

9.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 4.15(1) 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.

9.1 Isolation of No. 87 Willarong Road

Adjoining the subject site to the north is a single dwelling house situated on No. 87 Willarong Road. To the south of this property (No. 93-95 Willarong Road) a residential flat building is proposed and currently under assessment with Council.

The applicant was informed by letter on 19 February 2018 that insufficient evidence has been submitted with the DA to satisfactorily demonstrate that all reasonable attempts have been made to acquire No. 87 Willarong Road, which has the potential to be isolated. Since issue of the letter, discussions have been held with the owner of this adjoining property relating to redevelopment of their site for a residential flat building. At the time of writing this report, no DA had been lodged for this adjoining site. Therefore, as a development has yet to be assessed or approved, site isolation must be considered given No. 87 Willarong Road does not meet the minimum 26m site width requirement of the SSDCP 2015 and no other opportunities exist for amalgamation as Caringbah High School wraps around this adjoining site to the north and rear.

The principles to be considered when a development will contribute to the isolation of land through redevelopment were set out by Brown C in *Melissa Grech v Auburn Council* [2004] NSWLEC40.

As specified by Brown C, where no satisfactory result is achieved from negotiations:

“the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.”

This judgement also states that the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of a DA.

In response to Council’s request for evidence of attempts to acquire No. 87 Willarong Road, the applicant has provided evidence of two offers being made above the value of the property (as determined in a property valuation report obtained by the applicant). Discussions with the owner’s representative have been in the form of email, sms and telephone conversations. Information demonstrating this correspondence has been submitted to Council.

Council’s desire for sites to be amalgamated is reflected in both the objectives of the R4 High Density Residential zone within SSLEP 2015 and within the strategy of Chapter 6 of SSDCP 2015. A key aim of the zone objectives is *“to minimise the fragmentation of land that would prevent the achievement of high density residential development”*. In relation to the SSDCP 2015, the strategy behind the development controls is that *“the area will be developed with well designed residential flats alongside other multi-dwelling developments.”*

The level of information submitted by the applicant demonstrating that a reasonable attempt to acquire No. 87 Willarong Road is sufficient. There is merit in the proposal as the subject site achieves the minimum site width and there are examples throughout Sutherland Shire of sites achieving a residential flat building development which are less than 20m in width. The undersized lot only has one adjoining residential property and whilst it is preferable that it amalgamate with the subject site, to refuse the DA based on isolation when the applicant has explored all options to acquire the land is unreasonable in the circumstances.

9.2 Building Height

The proposed development fails to comply with the development standard for height. Clause 4.3(2) of SSLEP 2015 stipulates a maximum height of 16m for this site. The lift over runs, pergola, fire stairs, mechanical services room, bathroom and planter boxes forming the balcony balustrade exceeds the maximum height permitted by 3.4m, resulting in a variation to the standard of 21.25%.

The objectives for the building height development standard set out in clause 4.3(1) of SSLEP 2015 are as follows:

- (a) *to ensure that the scale of buildings:*
 - (i) *is compatible with adjoining development, and*
 - (ii) *is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and*
 - (iii) *complements any natural landscape setting of the buildings,*
- (b) *to allow reasonable daylight access to all buildings and the public domain,*
- (c) *to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,*
- (d) *to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,*
- (e) *to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,*
- (f) *to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.*

A height of 19.4m is proposed to the highest point of the building, being the lift over run. At this highest point, the height breach is situated within the centre of the building. The continuation of the lift to the roof terrace is an appropriate response to the development to ensure accessibility is available to all occupants. The pergola is centrally located on the roof and is a light weight, open form structure that is adequately set back 4.5m from the northern side boundary and 10.5m from the southern side boundary each side of the roof edge and 7m from the rear roof edge. The pergola is necessary in providing shade and improve amenity of future occupants but will not increase the level of overshadowing caused to the adjoining property to the south at No. 93 Willarong Road. The fire stairs,

bathroom and mechanical services are also centrally located, attached to the lifts to ensure these elements are as inconspicuous as possible.

The subject site adjoins the eastern side of Caringbah High School to the rear. However, three properties to the south is the commencement of a master plan which is currently under assessment by Council. It is recognised that this site has a permissible building height of 30m. The non-compliant portions of the proposed building on the subject site will sit well below the height of the development that is likely to be constructed on the vacant school site and therefore will sit comfortably within the overall locality.

The applicant has lodged a written request in accordance with the requirements of Clause 4.6 of SSLEP 2015.

A full copy of this request is on the file and the most relevant section is reproduced below:

“The non-compliance will have no unreasonable adverse impacts on adjoining properties with regard to visual impacts or overshadowing, and to require strict compliance would mean removing parts of the building without resulting in a real planning benefit to neighbourhood character or amenity. In fact, removal of units would be counterproductive as it would result in the loss of affordable rental accommodation within the locality.

To insist on strict compliance would thwart and preclude the redevelopment of the land to a reasonable standard, and not allow the site to reach its full development potential.

The proposed height encroachment is negligible in all aspects and the request for a minor variation is not an unreasonable requirement to achieve the orderly and economic redevelopment of the subject site in accordance with the intentions of the Environmental Planning and Assessment Act, 1979 and the transition to a higher density residential development of the site. There is no planning purpose to be served by limiting the height strictly to the maximum height allowable given the absence of amenity related impacts and the provision of a lift which enables equitable access to the communal roof space.

In short, we consider that there are sufficient environmental planning grounds to justify the applicant’s proposed variation to the height standard.”

The Clause 4.6 provided has been assessed against Clause 4.6(3)(a) and (b) as follows:

a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Compliance with the development standard is considered to be unnecessary, as the non-compliant portions of the building are adequately setback from the roof edge which obscure the height on the

roof top and will provide equitable access to the communal open space area for all occupants of the building, encouraging social interaction with the development.

The applicant has demonstrated that compliance with the development standard is unreasonable and unnecessary as the proposal is consistent with both the objectives of the development standard and zone and therefore will unlikely result in significant impacts upon the street and adjoining properties in terms of visual intrusion, privacy and overshadowing.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The non-compliant portions of the building are the result of providing equitable access to the communal open space area on the roof and ancillary structures required for this space that will improve the amenity of the space allowing for positive social interaction. The site's 2m cross-fall results in the north-western corner of the ground floor extending 0.8m out of the ground. This constraint has contributed to an increased building height above the permissible 16m.

The proposal will unlikely create significant impacts upon adjoining properties, streetscape and the character of the locality, as the non-compliant portions are adequately setback from the roof edge and boundaries of the site. Specifically, adjoining properties are single storey and two storey in height so the angle and setback of the roof terrace will prevent overlooking to these properties. Subsequently, adequate justification is demonstrated that there are sufficient planning grounds to vary clause 4.3 of SSLEP 2015 relating to building height.

The applicant's written submission demonstrates that compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case. It also demonstrates sufficient environmental planning grounds to justify varying this development standard. The proposed development is in the public interest as the proposal complies with the objectives for both height and the R4 zone. The proposed variation does not raise any matters of State or regional environmental planning significance. In addition there is no public benefit to maintain the building height development standard in the circumstances of this case.

In conclusion the variation to the height development standard satisfies all relevant parts of clause 4.6 and therefore the variation can be supported.

9.3 Floor Space Ratio

Clause 4.4(2) of SSLEP 2015 stipulates a maximum floor space ratio (FSR) of 1.2:1 for the site. Clause 13 of the Affordable Rental Housing SEPP permits an additional FSR of 0.5:1, as 50% of the gross floor area will be used for Affordable Rental Housing. The development proposes a FSR of 1.7:1 (3481m²) which is compliant under the Affordable Rental Housing SEPP.

9.4 Affordable Rental Housing

50% of the floor space ratio of the development is to be used as affordable rental housing. Additional information was provided indicating which units are proposed to be used as affordable rental housing. A condition will be included to ensure that 50% of the floor space is available as affordable rental housing.

9.5 Streetscape

The objectives for streetscape contained within Chapter 6 of SSDCP 2015 aim to ensure building elements visible from the street make a positive contribution to the streetscape and locality. Further, the objectives seek to create entrances that provide a desirable and safe identity for the development which assist in visitor orientation and ensure that building services are integrated into the overall building form.

The site has a cross-fall of approximately 2m falling from the front south-eastern corner to the rear north-western corner. This is minor given the site's depth of 60.96m. Within the front setback, the land is naturally flat. However, the design approach taken has been to lower the building 0.8m at the front to avoid the building extending 1.5m above natural ground level at the rear. Ideally, the building should be split into two parts to ensure ground floor units have a good relationship with the natural ground level. This decision has seen the inclusion of a switchback ramp at the entry to the building to allow disabled access. This is an undesirable entry with a particularly poor outcome given the flat nature of the site. . The applicant has disagreed to split the building into two parts for various reasons including increased overshadowing to No. 93 Willarong Road from the front part of the building, overlooking between unit balconies situated at the middle common party wall and the need for inclusion of a ramp or steps on the rooftop common open space. Notwithstanding these arguments, the poor presentation to the street cannot be supported. A good design could avoid this awkward presentation. Subsequently, the following condition has been imposed:

"The entry path to the building is to be amended to become a ramp extending perpendicular from the front boundary to the front door. When measured from the front boundary, the ramp is to comprise of a 0.9m landing following be a 1:14 ramp for a 7.7m length and then a 1.2m landing followed by a 1:14 ramp for a 3.5m length and then a 1.5m landing. To accommodate this ramp, Unit G.07 will need to be amended so that the entry door is swapped with the laundry."

To minimise the bulk of the development when viewed from the street, a 3m landscaping strip is proposed incorporating a mixture of vegetation that will aid in screening the development when viewed from the street and improve the amenity of the ground floor units from pedestrians and traffic noise.

9.6 Privacy / Overlooking

Clause 11.2 of Chapter 6 of SSDCP 2015 stipulates that new development is to maximise visual privacy to adjoining properties. Overlooking into adjoining properties at No. 87, No. 93 Willarong Road and the school playground of Caringbah High School will occur from this development.

It is unavoidable to have no balconies or habitable room windows directed to each side and rear boundary. To mitigate overlooking impacts as best as possible, operable privacy screens have been intermittently fitted on top of balustrades and planter boxes have been provided along the full length of Level 4 and partially along Level's 1-3. These elements will also soften the appearance of the building when viewed from adjoining properties and the streetscape and therefore is acceptable.

In regards to maintaining privacy to the rear property (Caringbah High School), deep soil planting is proposed within the rear setback to screen the development from Caringbah High School and reduce the potential for overlooking. A submission received from Caringbah High School requested that all windows facing the school are either frosted, fitted with fixed louvres or have high sill heights. This is excessive and it is inevitable that a degree of overlooking occurs. However, the mitigation measures noted above including planter boxes and operable privacy screens will assist in overlooking the school.

9.7 Building Separation and Setbacks

Front

Clause 2.2 of Chapter 6 of the SSDCP 2015 requires a 7.5m front setback with building elements encroaching up to 1.5m for a maximum of 1/3 of the façade. When measured to the wall, a 7.5m front setback is achieved; however the balconies on each level extend 2.17m into the articulation zone, resulting in a 5.33m front setback which equates to a non-compliance of 11.1%.

Non-compliance is supported as the extension into the articulation zone occurs for an open formed element being a balcony so bulk is minimised. Further, the element extending to 5.3m is a point encroachment only, occurring for a total length of 3.5m only to facilitate a curved balcony which contributes positively to the building's appearance from the streetscape.

Side and Rear

Clause 3F of the ADG requires building's balconies and habitable rooms between storeys 4-8 to be setback a minimum 9m from the boundary. Setbacks to each side and rear boundaries are setback 6.4m, resulting in a non-compliance of 2.6m (28.8%). These setbacks are measured to the balcony balustrade. When measured to the building wall, a 9m setback is achieved.

In addition, Clause 2F of the ADG requires separation distance between buildings of 18m from the 5th storey. Whilst no residential flat building is constructed on any adjoining property, a residential flat building on the adjoining southern site has been assessed by Council and is set back 9m from the northern side boundary. Combined with the 6m side setback proposed on Level 4 of the proposed

development, a separation distance of 15.4m is achieved. This represents a non-compliance of 2.6m or 15%.

To minimise potential privacy impacts on adjoining properties to the north and south, planter boxes are proposed on Level 4 extending the whole length of the side building setbacks. Along the rear elevation, planter boxes extend 1/3 of the balcony balustrade. This restricts the angle at which residents can look down into adjoining properties, providing them with an outlook primarily directed to the skyline, unless occupants of units on Level 4 were standing directly at their balcony balustrade. The area to the rear, directly behind the site is the school's open grassed area. Therefore, it is not anticipated that the turfed playground behind the site will be utilised for long periods. Furthermore, the two units with balconies at Level 4 which overlook the playground wrap-around the building so are not solely orientated to the playground.

9.8 Basement Setback

Clause 3.2 of Chapter 6 of SSDCP 2015 requires a 3m basement setback from side and rear boundaries where the basement construction extends beyond the building footprint. Compliance is achieved along the rear and southern side boundary; however the northern side setback is 0.6m representing a non-compliance of 2.4m or 80%. The intrusion into the setback distance is a result of the driveway and carwash bay, bicycle parking and two storage rooms and occurs for a length of 29m.

The aims behind these development controls are to ensure privacy to adjoining properties is maximised, visual intrusion from building bulk is minimised and that an opportunity for ample deep soil zones is achieved. As the non-compliant portion of the basement features the driveway above, the basement remains fully concealed below ground. Along the driveway, adequate planting is proposed to aid screening of the basement entry and aligning walls of the driveway which would otherwise appear heavy, bulky and dominated by built elements of the development.

9.9 Ceiling Height

The ADG stipulates a 3.1m floor to floor height. A 3.05m floor to floor height is proposed, resulting in a 0.05m non-compliance. In considering a 2.7m floor to ceiling height, the ADG considers that 0.4m is required for each floor for structure, services, set downs and finishes. In response to this issue, the applicant has provided a detailed section diagram illustrating how the development can work based off a 3.05m floor to floor separation. There is evidence of development around the Sutherland Shire adhering to a 3.05m floor to floor separation. To ensure the applicant adheres to the 3.05m, a condition of consent has been recommended requiring certification of levels prior to the pouring of each floor or roof slab and upon completion of the roof frame.

9.10 Traffic and Parking

The submitted Traffic and Parking Assessment report has been reviewed by Council's Assessment Team Engineer. In many streets throughout the Sutherland Shire, traffic volumes are increasing as higher density living and car ownership increases. Development along Willarong Road within close

proximity to the Caringbah North Precinct is no exception as the area has been “upzoned” from low density to high density residential. However, whilst these changes do have an effect on residential amenity, they are within the capacity of the local street network and not dissimilar to many local roads in close proximity to high activity generators such as other schools, hospitals, playing fields and shopping centres. A submission from a resident received during the notification period has requested that traffic lights be constructed at the corner of Willarong Road and Kingsway to assist motorists turning right from Kingsway into Willarong Road. This is a matter for Council’s Traffic Committee to consider and it has been forwarded to the committee chair so that Council’s Traffic Engineers can determine if traffic lights in this location are necessary.

A 2nd submission received raised concern with the provision of a single driveway width with a waiting bay extending beyond the front boundary, causing a potential risk to passing pedestrians. The applicant has amended their design to provide a two-way driveway.

The proposal has provided residential car parking compliant with the Affordable Rental Housing SEPP as detailed within the Compliance Table. Visitor parking however is also supplied even though it is not strictly required by the SEPP, but is required at a rate of one space per four units in accordance with SSDCP 2015. This equates to 11 car spaces. However, 10 spaces are provided. Given that a reduced residential car space rate is applied to the proposal and a bicycle lane will be constructed in front of the site, to re-allocate one of the four excess resident spaces to a visitor parking space would not be ideal in the circumstances as parking on Willarong Road directly in front of the site is in high demand at all times of the day and evening.

SSDCP 2015 requires the provision of two dedicated car wash bays. The proposal includes one dedicated car wash bay. Strict compliance could be achieved by deleting parking spaces but this would not be an ideal outcome given the site location as this will increase the demand for on-street parking. However, given the development comprises affordable rental housing, the need for a 2nd car wash bay is paramount as residents on low to middle incomes are more likely to rely on washing their car themselves than pay money to a carwash facility. Therefore, allowing a visitor car space to be dually used as a carwash bay is recommended. The following condition has been imposed to this effect:

“Visitor car space no. 1 is to be dually used as a carwash bay.”

9.11 Overshadowing

Clause 10.2 within Chapter 6 of SSDCP 2015 stipulates that *“direct sunlight to north facing windows of habitable rooms and 10m² of useable private open space areas of adjacent dwellings should not be reduced to less than 2 hours between 9am and 3pm on 21 June.”*

The new development will overshadow ground floor units with north facing windows and their private open space within the proposed residential flat building at No. 93 Willarong Road. The SSDCP 2015 states that consideration will be given to reduced solar access where the proposed dwelling is

generally compliant with all development standards and controls, and the extent of impact is the result of orientation and areas that are undergoing change. The site is an east west block and therefore overshadowing is inevitable due to the orientation of the site. The development is permissible within the zone and will comply with the maximum FSR permitted under the Affordable Rental Housing SEPP. The immediate surrounding area is also undergoing considerable change due to the uplift in zoning to R4 High Density Residential. Whilst the height is non-compliant, these portions of the building do not create unacceptable overshadowing as they are significantly set back from the edge of the building.

9.12 Waste Management

Initially, the proposal's waste arrangements were not supported. The proposal conflicted with Council's "Environmental Specification – Waste Collection for new multi-unit dwellings and residential flat buildings". The design has been amended to accommodate a HRV sized truck on-site through widening the driveway. A bin holding bay has been situated on the southern side of the driveway extending partially within the front setback. Waste will be collected weekly from 660L bins which will be wheeled up to the holding bay by the site manager using a tug. This is acceptable to Council's Waste Officer with appropriate conditions of consent recommended.

9.13 Road Noise

The site is situated on a collector road. To minimise the impact of noise from the road on the future occupants of the development, a condition will be imposed requiring the building to be designed in accordance with State Environmental Planning Policy (Infrastructure) 2007 and 'Development near Rail Corridors and Busy Roads – Interim Guidelines' produced by the NSW Department of Planning.

10.0 SECTION 7.11 CONTRIBUTIONS

The proposed development will introduce additional residents to the area and as such will generate Section 7.11 Contributions in accordance with Council's adopted Contributions Plans. These contributions are based upon the likelihood that the development will require or increase the demand for local and district facilities within the area.

Section 7.11 Contributions for the affordable rental housing component of the development (*i.e.* 50% of residential floorspace ratio) receive an exemption on the basis that it will provide significant social, economic and environmental benefit to the local community in terms of providing housing that is affordable.

The following Section 94 Contributions will remain payable for 16 units:

Regional Contribution:	\$249,681.40
Local Contribution:	\$70,318.60

It has been calculated on the basis of 22 residential units with a concession of 6 existing townhouses / villas.

11.0 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.

12.0 CONCLUSION

The proposed development is for a residential flat building at 89-91 Willarong Road, Caringbah. The subject land is located within *Zone R4 – High Density Residential* pursuant to the provisions of Sutherland Shire Local Environment Plan 2015 and the proposed development includes 50% Affordable Rental Housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

In response to public exhibition two submissions were received. The matters raised in these submissions have been dealt with by design changes and conditions of consent where appropriate. The proposed development is of the desired future character for development within the R4 High Density Residential area.

The issue in relation to isolation of No. 87 Willarong Road is pertinent to the application. Sufficient documentation has been provided to confirm that all reasonable attempts have been undertaken by the property owner to acquire this adjoining property. The proposal includes variations to building height, setbacks, solar access to adjoining properties and streetscape impacts. These variations have been discussed and are considered acceptable subject to design changes and/or conditions of consent.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (LF).