

ASSESSMENT REPORT

Panel Reference	PPSSSH-126
DA Number	DA22/1126
LGA	Sutherland Shire
Proposed Development	Construction of 9 residential flat buildings comprising 686 dwellings (of which 351 are affordable housing) and 4 multi-level basement car parking areas for 886 cars; site preparation and formation works including tree removal, remediation, cutting and filing; landscaping works; civil engineering works including an access road and stormwater drainage and on-site detention facilities.
Street Address	113 Willarong Road, Caringbah
Applicant/Owner	Tier Architects P/L
Date of DA lodgement	14 December 2022
Total number of Submissions	• Total: 70
Number of Unique Objections	• Unique: 70
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Section 2.19 and Clause 2, Schedule 6 of the SEPP (Planning Systems) 2021 – Capital investment value more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP (Biodiversity and Conservation) 2021 • SEPP (Housing) 2021 • SEPP (Planning Systems) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Building Sustainability Index: BASIX) 2004 • SEPP No. 65 – Design Quality of Residential Apartment Development • Sutherland Shire LEP 2015 • Sutherland Shire DCP 2015 • EP&A Regulation 2021
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Drawings (including Materials and Finishes schedule, Easement Plan, Shadow Diagrams and Waste Management Plans) • Landscape Drawings • Civil Works Drawings • Erosion and Sediment Control Plan • Survey Plan • 3D images • Access Report • Acoustic Report • Apartment Design Guide Compliance Checklist • Arboricultural Impact Assessment Report • Architectural Design Report

	<ul style="list-style-type: none"> • BASIX Certificates • BCA Reports • Civil Design Report • Clause 4.6 Variation – Building Height • Geotechnical Investigation Report • Qualitative Natural Ventilation Assessment • Remediation Action Plan • Design Verification Statement • Statement of Environmental Effects • Traffic and Parking Impact Assessment • Urban Design Assessment • Vegetation Management Plan • Waste Management Plan
Clause 4.6 requests	<ul style="list-style-type: none"> • Sutherland Shire LEP 2015 – Clause 4.3 Height of buildings – R4 High Density Residential Zone
Summary of key submissions	<ul style="list-style-type: none"> • Traffic, parking, access, road capacity and safety • Infrastructure capacity • Height, bulk and scale • Lack of amenities and open space • Social impact in terms of crime risk and over-crowding • Insufficient affordable housing • Loss of trees and vegetation • Noise • Visual privacy • Waste management • Construction impacts
Report prepared by	Simon Ip – Associate Director, Gyde Consulting on behalf of the Department of Planning and Environment
Report date	19 July 2023

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)?

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

No

Conditions

Have draft conditions been provided to the applicant for comment?

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

No

ASSESSMENT REPORT

SYDNEY SOUTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSSH-126 – DA22/1126
PROPOSAL	Construction of 9 residential flat buildings of up to 11 storeys in height, comprising 686 dwellings (of which 351 are affordable housing) and 4 multi-level basement car parking areas for 886 cars; site formation and preparation works including tree removal, remediation, cutting and filling; landscaping works; civil engineering works including an access road, stormwater drainage and on-site detention facilities.
ADDRESS	Lot 102 DP 868930 – 113 Willarong Road, Caringbah
APPLICANT	Tier Architects Pty. Ltd.
OWNER	Caringbah (NSW) Pty Ltd
DA LODGEMENT DATE	14 December 2022
APPLICATION TYPE	Integrated Development Application (IDA) – Approval required from Water NSW under section 90(2) of the Water Management Act 2000
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19 and Clause 2, Schedule 6 of the SEPP (Planning Systems) 2021
CIV	\$129,511,810.70 ¹
CLAUSE 4.6 REQUESTS	Clause 4.3 Height of buildings of Sutherland Shire LEP 2015
KEY SEPP/LEP	SEPP (Biodiversity and Conservation) 2021 SEPP (Housing) 2021 SEPP (Planning Systems) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Transport and Infrastructure) 2021 SEPP No. 65 – Design Quality of Residential Apartment Development SEPP (Building Sustainability Index: BASIX) 2004 Sutherland Shire LEP 2015
TOTAL & UNIQUE SUBMISSIONS - KEY ISSUES SUBMISSIONS	70 unique submissions
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Drawings (including Materials and Finishes Schedule, Easement Plan, Shadow Diagrams and Waste Management Plans), Landscape Drawings, Civil Works Drawings, Erosion and Sediment Control Plan, Survey Plan, 3D images, Access Report, Acoustic Report,

¹ The estimated development cost is \$142,462,991.80 inclusive of GST.

	Apartment Design Guide Compliance Checklist, Architectural Design Report, Arboricultural Impact Assessment Report, BASIX Certificates, BCA Reports, Civil Design Report, Clause 4.6 Variation – Building Height, Geotechnical Investigation Report, Qualitative Natural Ventilation Assessment, Remediation Action Plan, Design Verification Statement, Statement of Environmental Effects, Traffic and Parking Impact Assessment, Urban Design Assessment, Vegetation Management Plan, Waste Management Plan
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not applicable
RECOMMENDATION	Refusal
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	14 August 2023
PLAN VERSION	1 October 2022 version
PREPARED BY	Simon Ip – Associate Director, Gyde Consulting on behalf of the Department of Planning and Environment
DATE OF REPORT	19 July 2023

EXECUTIVE SUMMARY

The subject development application is for the construction of 9 residential flat buildings comprising 686 dwellings (of which 351 are affordable housing) and 4 multi-level basement car parking areas for 886 cars; site formation and preparation works including tree removal, remediation, cutting and filling; landscape works; civil engineering works including an access road and stormwater drainage and on-site detention facilities.

The proposed development is defined as “residential flat buildings” and is a permissible use in the R4 High Density Residential zone under the Sutherland Shire LEP 2015.

The proposal is classified as a regionally significant development pursuant to section 2.19 and clause 2, schedule 6 of the SEPP (Planning Systems) 2021.

The site is known as 113 Willarong Road, Caringbah, approximately 600m to the north of Caringbah train station and Caringbah town centre. The site is irregular in shape, has a street frontage to Willarong Road of 162.6m and a land area of 29,740 sqm. A large number of mature native trees exist on the site, including a collection of mostly Eucalypts at the southern-eastern corner, trees identified as the Coastal Enriched Sandstone Dry Forest community in the south-western portion, and trees identified as the critically endangered Sydney Turpentine Ironbark Forest community in the north-western portion of the site.

The development application was lodged with Council on 14 December 2022. On 27 February 2023, the applicant lodged an appeal with the NSW Land and Environment Court for deemed refusal of the proposal. An initial briefing to the Sydney South Planning Panel was held on 6 March 2023.

A staged development application including a concept master plan for the site comprising 12 residential flat buildings was approved by the Land and Environment Court on 7 September 2020, following an extensive section 34 conciliation process. This consent is active but has not commenced.

The key issues with the current proposal are as follows:

- The proposal seeks to utilise the bonus FSR of 0.5:1 under Chapter 2 ‘Affordable Housing’, section 17(1)(a)(i) of the Housing SEPP 2021; however, the amount of gross floor area to be dedicated for affordable housing is less than the 50% threshold required by the above provision of the SEPP. In addition, the proposal has not provided adequate information to demonstrate that the non-discretionary development standards under section 18, the design requirements under section 19, and the requirement for maintaining the use of the allocated dwellings as affordable housing for 15 years have been satisfied. As such, the proposal is not entitled to the bonus floor space.
- Due to the insufficient information provided to demonstrate that the proposal satisfies the non-discretionary development standards under section 18 of the Housing SEPP, a clause 4.6 variation may be required to be submitted.
- The proposal has a maximum height of 37m. It exceeds the height of buildings standard of 16m under clause 4.3(2) of the Sutherland Shire LEP by 21m. It does not meet the pre-conditions for obtaining the bonus height of 14m (up to 30m) under clause 4.3(2E)(e) as vehicular access is not provided to the adjoining lots fronting Taren Point Road and Kingsway. The clause 4.6 variation request fails to demonstrate that compliance with the base height standard of 16m is unreasonable and unnecessary and has not provided sufficient environmental planning grounds to justify the variation.

- The proposal has an FSR of 2.06:1 and does not comply with the 1.2:1 FSR standard under clause 4.4(2) of the Sutherland Shire LEP 2015. It does not meet the pre-conditions for obtaining an FSR bonus of 0.3:1 under clause 4.4(2A)(a) to a maximum of 1.5:1, as vehicular access has not been provided to the adjoining lots to the west. As outlined in the first dot point above, the proposal is also not entitled to the FSR bonus for affordable housing under the Housing SEPP. There is no clause 4.6 variation submitted to justify the contravention of the applicable FSR standard.
- The proposal has an excessive visual bulk and scale and inadequate landscape response that adversely affect the character of the streetscape and surrounding neighbourhood. The proposal would result in unreasonable impacts on the adjoining properties in terms of visual amenity, solar access, privacy and safety and security. The proposed development would also have poor internal amenity.
- The proposal does not satisfy the aims of Chapter 2 'Vegetation in non-rural areas' of SEPP (Biodiversity and Conservation) 2021 due to the excessive removal of native trees on the site, including the critically endangered Sydney Turpentine Ironbark Forest community.
- The proposal has not demonstrated adequate regard to the design quality principles and the objectives of the Apartment Design Guide. As such, development consent cannot be granted pursuant to section 30(2) of SEPP No. 65 Design Quality of Residential Apartment Development.
- The proposal has not adequately considered the road network capacity and any required intersection upgrade as raised by TfNSW as part of its comments made pursuant to section 2.122 of SEPP (Transport and Infrastructure) 2021.

A total of 70 community submissions have been received, raising issues including traffic and parking, infrastructure capacity, development scale and amenity impacts, which remain unresolved.

The nature, range and extent of planning issues identified above and the degree of non-compliance with the development standards cannot be appropriately addressed or resolved via conditions of consent. The proposal is not considered to be within the public interest. Therefore, the proposal is recommended for REFUSAL.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is described as Lot 102 in DP 868930, 113 Willarong Road, Caringbah.
- The site is irregular in shape. It has a frontage (eastern boundary) to Willarong Road of 162.6m, a stepped northern boundary of 50.3m, 55.2m and 123.8m, a stepped southern boundary of 19.5m, 19.2m, 29.1m, 17.4m and 124.3m, and a western boundary of 181.5m. The site has a land area of 29,740 sqm.
- The site slopes from south to north with a maximum fall of approximately 12m. There are significant level changes in the southern part of the site, where there is a steep fall from the southern property boundary. A retaining wall of up to approximately 2m high is located towards the western boundary on the southern end, which has created a raised embankment.

- A large number of mature native trees exist on the site. There is a collection of mostly Eucalypts at the south-eastern corner of the site. The trees in the south-western portion of the site along the raised embankment and western boundary are identified as the Coastal Enriched Sandstone Dry Forest community. There are two large Fig trees in the northern portion of the site to the west of the bowling greens within the adjoining property. The trees in the north-western portion of the site are characterised by a stand of Paperbark and individual endemic Eucalypt specimens, which are positive diagnostics of the critically endangered Sydney Turpentine Ironbark Forest (STIF) community. Approximately 40% of the trees on the site are endemic to the Sutherland Shire.
- The site was formerly owned by the NSW Department of Education and occupied by Caringbah High School. It is currently vacant with bitumen surfaces at the centre and the north-eastern corner.
- The site is located approximately 600m from Caringbah train station and Caringbah town centre to the south, less than 1km from Sutherland Hospital and Kareena Private Hospital to the west, approximately 2km from Miranda shopping centre further to the west, and less than 1km from the bulky goods retail and industrial areas of Taren Point to the north.



Figure 1 Aerial photograph showing the subject site (outlined in red) and adjoining properties.



Figure 2 View of the main entry to the site from Willarong Road, looking south-west. (Source: Tier Architects)



Figure 3 Bird's eye view of the site, looking north-west. (Source: Avenue Planning)



Figure 4 Bird's eye view of the location of the former high school buildings (now cleared) with the raised and vegetated embankment behind, looking west. (Source: Avenue Planning)



Figure 5 View of the embankment area and retaining wall in the western portion of the site, looking north-west. (Source: Tier Architects)

1.2 The Locality

- The site is located within the Caringbah North Residential Flat Precinct identified in the Sutherland Shire Development Control Plan (DCP) 2015.
- It is surrounded by land zoned R4 High Density Residential under the Sutherland Shire Local Environmental Plan (LEP) 2015, except for Caringbah High School to the north which is zoned SP2 Infrastructure.
- Immediately to the north of the site is Caringbah Bowling Club at 101-109 Willarong Road, which comprises 3 bowling greens, a club house, car parking and access road. Redevelopment of this site involving demolition of the existing structures and construction of a mixed-use development including 244 apartments and a bowling club facility was approved by the South Sydney Planning Panel in 2022 (DA21/0629).
- To the east across Willarong Road are a mixture of older detached dwellings, residential flat buildings and multi-dwelling housing. There are two contemporary residential flat buildings with affordable housing at 128-136 Willarong Road. To the east of this site and across Willarong Road is 138-144 Willarong Road, which is subject to a development consent for redevelopment into a 4-storey residential flat building (DA15/1452).
- Immediately to the south of the site are three contemporary residential flat buildings at 131-135 Willarong Road.



Figure 6 Existing residential buildings at 128-136 Willarong Road to the east of the site, looking north-east. (Source: Avenue Planning)



Figure 7 Existing residential flat buildings at 131-135 Willarong Road immediately to the south of the site, looking south. (Source: Avenue Planning)

- Taren Point Road to the west is a main road providing access into Sutherland Shire. The eastern side of Taren Point Road is undergoing

transition where a number of residential lots have been redeveloped or granted development consent. The Sutherland Shire LEP 2015 sets out incentive provisions requiring vehicular access to some of these properties through the subject site.

- To the north-west at 298-300 Taren Point Road is an existing 5-storey residential flat building containing affordable housing. At 304 Taren Point Road, construction work has commenced for development of a 5-storey residential flat building with affordable housing (DA15/1407). The land at 306-308 Taren Point Road and 310-312 Taren Point Road have been granted development consents for residential flat buildings with affordable housing.
- To the south-west near the intersection between Taren Point Road and Kingsway are 5 detached houses adjoined by a 5-storey residential flat building with affordable housing at 316-320 Taren Point Road and a 5-storey boarding house development at 391-393 Kingsway.
- The recently completed residential flat buildings and sites subject to development consent in the vicinity are shown in **Figure 8** below.



Figure 8 3-D block model showing recently completed (in beige) and approved (in pink) residential flat buildings near the subject site. (Source: Tier Architects)

- The site is approximately 600m from Caringbah train station, which is on the T4 Line connecting Cronulla or Waterfall to Bondi Junction.
- The nearest bus stops are located on Willarong Road and Dianella Street providing the following services:
 - 968 – Bonnet Bay to Miranda via Kareela
 - 969 – Cronulla to Sutherland
 - 977 – Miranda to Lilli Pilli
 - 978 – Miranda shopping centre to Port Hacking (Transdev NSW)

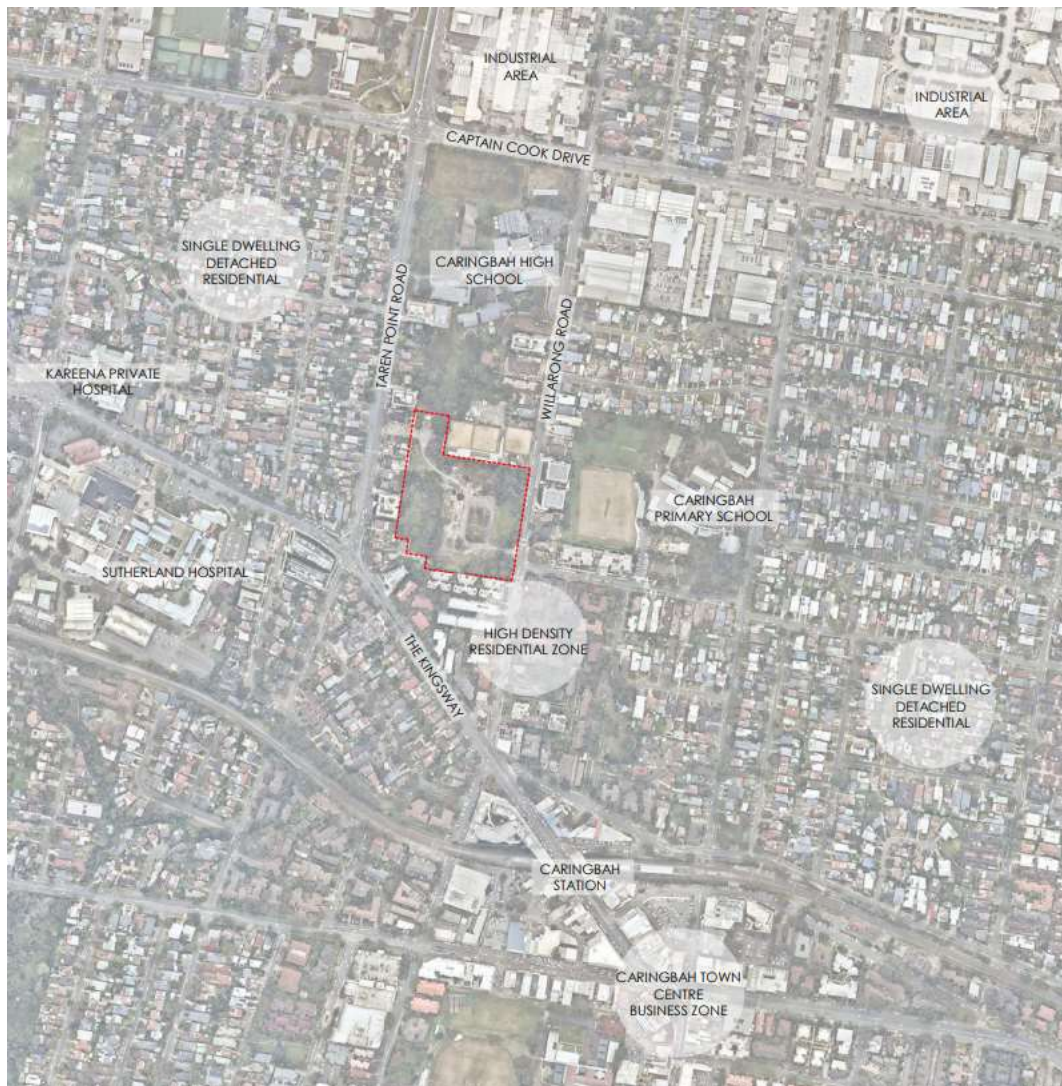


Figure 9 Aerial photograph of the subject site (outlined in redline) and the surrounding areas. (Source: Tier Architects)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development incorporates the following components:

- Construction of 9 residential flat buildings (Buildings A, B, C, D, E, F, G, H and I) with a total of 686 dwellings and basement parking for 886 cars (resident, visitor, accessible and adaptable spaces), 37 motorcycles and 77 bicycles, and 11 car wash bays. The proposed unit mix is:
 - 4 x studio units
 - 192 x 1-bedroom units
 - 427 x 2-bedroom units
 - 62 x 3-bedroom units
 - 1 x 4-bedroom unit
- Dedication of 29,830 sqm gross floor area (GFA) (50.5%), equating to 351 units, as affordable housing for a minimum period of 15 years.

- Site formation and preparation works, including tree removals (including 77 trees), remediation, cutting and filling.
- Landscaping works (including retention of 50 trees and new planting of 263 native trees).
- Civil engineering works, including construction of road access (to be known as Burrawang Lane), provision of a right-of-carriageway to the adjoining properties to the west, and stormwater drainage and on-site detention facilities.

Table 1: Development Data

Control	Proposal
Site area	29,740 sqm
Gross floor area (GFA)	59,124 sqm (Applicant's calculation) 61,190 sqm (Council's calculation)
Floor space ratio (FSR) <u>Sutherland Shire LEP</u> Base control: 1.2:1 Bonus for "Area 5": 0.3:1 <u>Housing SEPP</u> Affordable housing bonus: 0.5:1	1.99:1 (Applicant's calculation) 2.06:1 (Council's calculation)
Clause 4.6 Requests	Yes – Height of buildings only
Number of apartments	686
Maximum height <u>Sutherland Shire LEP</u> Base control: 16m Bonus for "Area 5": 14m	Variable – 21.6m to 37.0m
Landscaped area <u>Sutherland Shire LEP</u> Landscaped area 30% <u>Housing SEPP</u> Landscaped area 30%	10,150 sqm / 34% of site area (Applicant's calculation)
Communal open space <u>Apartment Design Guide (ADG)</u> 25%	12,100 sqm / 40.6% (Applicant's calculation)
Car parking spaces <u>Housing SEPP</u> 620 cars	886 cars
Adaptable unit <u>Sutherland Shire DCP</u> 20%	138 units (20%)
Liveable unit <u>Sutherland Shire DCP</u> 10%	69 units (10%)

- **Figures 10 to 14** below present the site plan, streetscape elevation, cross sections and artist's impression of the proposed development.



Figure 10 Site layout plan. (Source: Tier Architects)



Figure 11 Willarong Road streetscape elevation. (Source: Tier Architects)



Figure 12 North-south cross-section. (Source: Tier Architects)



Figure 13 East-west cross-section. (Source: Tier Architects)



Figure 14 Artist's impression of the proposed development as viewed from Willarong Road, looking along the axis of the internal access road (Burrawang Lane). (Source: Tier Architects)

2.2 Background

The development application (DA) was lodged on 14 December 2022. A chronology of events since lodgement of the DA is outlined below, including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	Event
14 December 2022	The subject DA was lodged with Council.
20 December 2022	The application was first notified by letter dated 20 December 2022.
13 January 2023	The DA was re-notified by letter dated 13 January 2023 with the community consultation period ending on 13 February 2023. The re-notification was due to an error in the original notification letter, which did not describe the proposal as an integrated development application requiring approval from Water NSW.

27 February 2023	The applicant lodged an appeal with the NSW Land and Environment Court for deemed refusal of the DA.
6 March 2023	A briefing to the Sydney South Planning Panel (Planning Panel) was held. The key issues identified by the Panel are: <ul style="list-style-type: none"> • Non-compliance with the FSR; • Building height; • Whether bonus floor space and building height provisions apply to the proposal; • Streetscape and urban design issues; • Adequacy of the single access road; and • Non-compliance with solar access and cross ventilation for dwellings.
14 August 2023	A determination meeting by the Sydney South Planning Panel is scheduled for 14 August 2023.

2.3 Site History

- The site was originally part of Caringbah High School and was owned by the NSW Department of Education. It was identified as being surplus by the Government and was later sold to a private developer.
- In October 2013, DA13/0862 was approved for demolition of all structures on the site.
- In April 2016, DA16/0388 was submitted to Council for a staged concept master plan application, which included site planning, site works, building envelopes with height and floor area details, road and infrastructure works, and open space. The application also sought concurrent approval for the detailed stage 1 works.
- Development consent for the above proposal was issued by the NSW Land and Environment Court on 7 September 2020 following an extensive section 34 conciliation process. This consent is active but has not yet commenced.
- The approved development comprises a 3-stage master plan for the site comprising 12 residential flat buildings, with stage 1 construction of 3 of the buildings. The FSR and GFA of the proposed development are 1.38:1 and 41,222 sqm respectively.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as follows:

(a) *the provisions of—*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*

- (iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
- that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

These matters are further considered below.

The proposal is an integrated development pursuant to section 4.46 of the EP&A Act. It is not a designated development (section 4.10) nor constitutes a Crown development application (section 4.33).

3.1 Environmental planning instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the EP&A Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Sutherland Shire Local Environmental Plan 2015

A summary of the key matters for consideration arising from these State Environmental Planning Policies (SEPPs) are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Biodiversity & Conservation) 2021	<u>Chapter 2: Vegetation in non-rural areas</u> The proposal does not satisfy the aims under section 2.1 of Chapter 2 of the SEPP.	N

Housing SEPP 2021	<p><u>Chapter 2: Affordable housing – Division 1 In-fill affordable housing</u></p> <p>The proposal has not demonstrated that the pre-condition for utilising the bonus FSR under section 17(1)(a)(i) of the Housing SEPP has been satisfied. Council's calculations indicate that the proposed amount of GFA dedicated for affordable housing is less than 50% of the development.</p> <p>The application does not adequately demonstrate that the proposed development satisfies the design requirements under section 19, and that the affordable housing component will be managed by a registered community housing provider under section 21.</p>	N
SEPP (Planning Systems) 2021	<p><u>Chapter 2: State and regional development</u></p> <p>Section 2.19(1) declares that the proposal is a regionally significant development as it has a capital investment value of more than \$30 million.</p>	Y
SEPP (Resilience & Hazards) 2021	<p><u>Chapter 4: Remediation of land</u></p> <p>Section 4.6(1) provides that prior to the issuing of any consent, the consent authority must consider whether the land is contaminated, and if the land is contaminated, whether it is suitable in its contaminated state or requires remediation to be suitable for the proposed uses. A detailed site investigation was previously carried out as part of the Land and Environment Court proceeding regarding a staged development application for the site (DA16/0388). The proposal is considered to be satisfactory, and appropriate conditions can be imposed to ensure remediation is undertaken for the site.</p>	Y
SEPP (Transport and Infrastructure) 2021	<p><u>Chapter 2: Infrastructure</u></p> <p>The proposal is identified as a traffic-generating development under section 2.122 and the consent authority is required to consider any submission from Transport for NSW (TfNSW). The matters raised by TfNSW have not been addressed.</p>	N
BASIX SEPP	No compliance issues are identified.	Y
SEPP 65	Section 30(2) - The proposal is not consistent with the design quality principles in the SEPP and relevant objectives of the Apartment Design Guide (ADG). Council's Design Review Forum Panel does not support the proposal.	N
Proposed Instruments	Not applicable.	N/A
Sutherland Shire LEP 2015	<p>The proposal does not satisfy the following provisions of the LEP:</p> <ul style="list-style-type: none"> • Clause 1.2 – Aims of plan • Clause 2.3 - Objectives of the R4 High Density Residential Zone • Clause 4.3 Height of buildings • Clause 4.4 Floor space ratio 	N

	<ul style="list-style-type: none"> • Clause 6.14 Landscaped areas in certain residential, employment, conservation and waterway zones • Clause 6.16 Urban design – general • Clause 6.17 Urban design – residential accommodation 	
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Consideration of the relevant SEPPs is outlined below:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 “Vegetation in non-rural areas” of the SEPP aims to protect the biodiversity values of trees and other vegetation and to preserve the amenity of non-rural areas. This chapter applies to the Sutherland Shire and the R4 High Density Residential zone.

Section 2.9 states that Part 2.3 “Council permits for clearing of vegetation in non-rural areas” applies to vegetation that is declared by a DCP. Section 4.2 of the Sutherland Shire DCP 2015 specifies the trees and vegetation to which the controls for the clearing of trees and vegetation under the SEPP apply, these include: “*single or multi trunked tree with a diameter of 100mm or more...*” and “*any bushland vegetation*”. The DCP defines bushland vegetation as “*vegetation which is either remnant of the natural vegetation of the land or, if altered, is representative of the structure and the floristics of the natural vegetation... includes trees of any size, shrubs and all herbaceous species*”.

The site is not identified in the Terrestrial Biodiversity Map of the Sutherland Shire LEP. However, the site has been mapped by the former Office of Environment and Heritage (OEH) as containing the Coastal Enriched Sandstone Dry Forest vegetation community. Council has identified that there are endemic trees remaining on the site, which are typical of the critically endangered Sydney Turpentine Ironbark Forest (STIF) community. Despite the environmental significance of the vegetation on the site, the proposal seeks to remove 77 trees out of the 100 assessed in the Arboricultural Impact Assessment, which are protected by the DCP. The proposal would remove 25 trees of the STIF community and retain only 5.

Council does not support the proposal due to the environmental impacts of tree removal and a permit is not issued pursuant to section 2.10(1) of the SEPP. The proposal does not satisfy the aims of Chapter 2 of the SEPP as it does not protect the biodiversity values of the site and preserve the amenity of the area. Further discussion about tree removal is provided in the Key Issues section of this report.

State Environmental Planning Policy (Housing) 2021

The proposal seeks to utilise the bonus floor space provisions under Part 2 “Development for affordable housing” of the Housing SEPP. The relevant provisions in this part are addressed in the table below:

Table 4 Consideration of Housing SEPP provisions

Provisions	Proposal	Compliance (Y/N)
16 Development to which Division applies	The proposed development is permitted with consent under the Sutherland Shire LEP. At least 20% of the gross floor area would be used for affordable housing. The site is in the Greater Sydney region and in an accessible area within 800m walking distance from Caringbah train station.	Y

<p>17 Floor space ratio</p> <p>(1)(a)(i) An additional FSR of 0.5:1 for residential accommodation if the maximum permissible FSR under the LEP is 2.5:1 or less, and if at least 50% of the GFA resulting from the development will be used for affordable housing</p> <p>(2) The additional FSR must be used for affordable housing</p>	<p>The application states that 50.45% of the proposed GFA (29,830 sqm) will be used for affordable housing. The applicable FSR controls as quoted in the application are:</p> <p><i>Base FSR [Cl. 4.3(2) of Sutherland LEP] 1.2:1</i></p> <p><i>Bonus FSR [Cl. 4.4(2A)(a) of Sutherland Shire LEP] 0.3:1</i></p> <p><i>Housing SEPP bonus FSR 0.5:1</i></p> <p><u>Total permitted FSR 2:1</u></p> <p><u>Total proposed FSR 1.99:1 (59,124 sqm)</u></p> <p>Council has reviewed and verified the proposed GFA/FSR and found that the proposed floor space is:</p> <p>Total GFA: 61,180 sqm / FSR: 2.06:1 Total GFA for affordable housing: 25,818 sqm or 42.4% of total GFA.</p> <p>The proposed GFA for the purposes of affordable housing is therefore less than 50% and the proposal is not entitled to the 0.5:1 bonus FSR being sought.</p> <p>Note: Section 17(1)(a)(ii) provides for a bonus FSR calculated on a pro-rata basis if the 50% affordable housing provision is not achieved. Under this circumstance, the maximum FSR bonus would only be 0.42:1.</p>	N
18 Non-discretionary development standards		
(a) Minimum site area 450 sqm	Site area 29,740 sqm	Y
(c) At least 30% of the site is landscaped area	<p>The proposal states that 34% of the site or 10,150 sqm is provided as landscaped area.</p> <p>The landscape plan has not shown the proposed carriageway for access to properties fronting Taren Point Road and the implications of this access on landscaped area provision has not been considered. It cannot be established that this requirement has been satisfied.</p>	N
(d) Deep soil zone on at least 15% of the site where each zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is at the rear of the site	<p>The proposal states that 34% of the site or 10,150 sqm is provided as deep soil zone.</p> <p>The landscape plan has not shown the proposed carriageway for access to properties fronting Taren Point Road and the implications of this access on deep soil area provision has not been</p>	N

	considered. It cannot be established that this requirement has been satisfied.	
(e) Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct sunlight between 9am and 3pm at mid-winter	The proposal states that 71.3% or 489 apartments would receive direct sunlight in mid-winter. However, the application has not provided sufficient information on the extent of solar access and to which part of the living room and balcony (window / balcony area and time-intervals) in mid-winter. There is insufficient information to indicate whether this requirement has been satisfied.	N
(g) Parking – 1-bedroom: 0.5 space / 2-bedroom: 1 space / 3-bedroom: 1.5 space ²	Requirement: Studio (4): 2 1-bedroom (192): 96 2-bedroom (427): 427 3-bedroom (62):93 4-bedroom (1): 1.5 Total (686): 619.5 Total provided: 748 residents' parking spaces (886, if including visitor parking)	Y
(h) Minimum internal area – as per Apartment Design Guide (ADG)	The submitted ADG compliance checklist does not confirm whether all apartment types comply with the minimum internal area requirement of the ADG.	N
19 Design requirements	The proposed development, in terms of massing, built form, scale and landscape response, is not compatible with the desirable elements of the character of the local area. Refer to the Key Issues section of this report for further information.	N
21 Affordable housing component to be used for affordable housing for at least 15 years and managed by a registered community housing provider	The proposal has not provided sufficient details of the community housing provider to be commissioned for managing the affordable housing dwellings. This matter should not be addressed solely by a condition of consent as it is a pre-condition for satisfying the SEPP requirements. There is no certainty that the affordable housing stock would remain or	N

² As the subject DA seeks to utilise the affordable housing provisions of the Housing SEPP, the SEPP's car parking provisions prevail for the whole development and not just the affordable housing component over Council's DCP. For reference, Council's DCP requires 1,134 car parking spaces, including 963 spaces for residents and 171 for visitors. The proposed parking provision is 248 spaces less than what would have been required under the DCP.

	appropriately managed as affordable housing for the prescribed time period.	
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The proposal does not meet the relevant requirements of the Housing SEPP and is not entitled to the floor space bonus.

State Environmental Planning Policy (Planning Systems) 2021

The proposal has a capital investment value of \$129,511,810.70.

The proposal is classified as a regionally significant development pursuant to section 2.19(1) of the SEPP, as it satisfies the criterion in clause 2 of Schedule 6 (the threshold being a capital investment value of more than \$30 million). Accordingly, the Sydney South Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 of the SEPP provides that prior to the issuing of any consent, the consent authority must consider whether the land is contaminated, and if the land is contaminated, whether it is suitable in its contaminated state or requires remediation to be suitable for the purposes for which the development is proposed to be carried out.

A detailed site investigation was carried out as part of the Land and Environment Court proceeding regarding the previous staged development application for the site. The investigation finds that backfill material as part of the rehabilitation of the former quarry has resulted in unacceptable levels of petroleum hydrocarbon (localised in extent), and that buried fibre cement sheeting has been discovered. A remediation action plan (RAP) was recommended to be prepared.

An RAP has been submitted with the current application. Council's Environmental Assessment Officer considers that the RAP needs to be reviewed and endorsed by a NSW Environment Protection Authority (EPA) accredited site auditor. The site auditor must certify the appropriateness of the RAP in the form of an interim audit advice or a section B site audit statement. This matter can be addressed via a condition of consent.

The proposal is considered to satisfy the provisions of the SEPP, subject to appropriate conditions relating to remediation and validation requirements.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is identified as a traffic-generating development under section 2.122 of the SEPP as it constitutes residential accommodation with 300 or more dwellings on a site with access to a road (generally). The consent authority is required to consider any submission from Transport for NSW (TfNSW). Council has referred the proposal to TfNSW for comments.

For background, the previous approval for staged development of the site has included conditions requiring the following road network upgrades:

- A new roundabout at the intersection of Willarong Road / Booyong Avenue;
- A new roundabout at the intersection of Willarong Road / Dianella Road and the site entrance; and
- Signalisation of the intersection of Captain Cook Drive / Willarong Road.

The Traffic and Parking Impact Assessment supporting the current application argues that the two roundabouts mentioned above are not required as a direct result of the proposed development. It also states that any traffic signals at the intersection of Captain Cook Drive /

Willarong Road would “*increase traffic delays for vehicles turning left from Willarong Road to Captain Cook Drive and for vehicles travelling along Captain Cook Drive*”.

TfNSW has reviewed the proposal and requested electronic copies of SIDRA modelling for the Captain Cook Drive / Willarong Road intersection to validate the applicant’s assertion, and to consider whether traffic signalling is necessary. It also notes that “*the modelling scenarios for this intersection has not included a base year model and base year with development model scenarios, which should be undertaken to identify the traffic impacts of the proposed development on the existing operational performance of the intersection and comparison with future year models (with and without the proposed development)*”.

As the above issues are outstanding and not resolved, the proposal should not be supported on traffic generation grounds.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP applies to the proposal. The SEPP aims to ensure development satisfies water, energy and thermal comfort standards to promote sustainable development.

The application is accompanied by BASIX Certificate No. 704955M_06 (dated 8 November 2022) and 1343622M_02 (dated 9 November 2022), both prepared by EPS. The Certificates demonstrate the proposed development satisfies the relevant water, thermal and energy commitments as required by the SEPP. Appropriate conditions of consent can be imposed to ensure the identified commitments are implemented.

State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development

Section 30(2) of the SEPP provides that consent cannot be granted if the development does not demonstrate adequate regard to the design quality principles and the objectives specified in the Apartment Design Guide for the relevant design criteria.

The design quality principles are considered as follows:

Principle 1: Context and neighbourhood character

The Caringbah North Residential Flat Precinct where the site is located is predominantly characterised by a mixture of residential uses of up to 4- / 5-storey in scale within a landscaped setting. The proposed site layout relies on only one two-way internalised street, creating an “inward” focused, high-density community with poor connectivity and limited capacity to integrate with the surrounding neighbourhood. The proposed massing is excessive featuring large building footprints and significant height of up to 11 storeys. With reduced setbacks and separation between buildings (as compared to the previous approved staged development) the proposed height is unacceptable and is not compatible with the local character.

Principle 2: Built form and scale

The proposed massing and built forms across the site would create a highly urbanised and dense development, which is inconsistent with the character and scale of existing and recently completed residential buildings in the locality. The continuous perimeter blocks presented to Willarong Road lack appropriate regard for the surrounding development pattern.

Principle 3: Density

The density being sought will severely constrain the permeability of the site, create bulky buildings that are isolated and without a proper address, and result in poorly configured landscaped areas with inadequate sunlight, access and unclear delineation between public

and communal domain. The proposal will create unacceptable visual and amenity impacts on the adjoining properties and surrounding areas.

Principle 4: Sustainability

Despite the significant size of the site, the proposed development would experience considerable self-overshadowing, particularly to the communal open spaces. The development scheme features apartments with constrained solar access and natural ventilation (such as units at re-entrant corners and internalised study rooms with no windows). There are no appropriate justifications for the breaches against the applicable development standards (FSR and height), nor comparison of the degree of solar access and natural ventilation that could otherwise be achieved for the proposed dwellings should the standards be complied with. There is insufficient evidence that sustainability performance of the development has been optimised.

Principle 5: Landscape

The proposal has not retained sufficient quantum of existing native trees on the site for integration with the development. The site planning fails to present a strong landscape presence along the Willarong Road frontage and property edges. The continuous, elongated built forms occupy large portions of the site with insufficient landscaped vistas to mitigate the visual impact on the adjoining properties and the public domain. The site layout lacks a clear spatial hierarchy and relationship between built forms and the various open space typologies. A large proportion of the communal open spaces would be overshadowed in mid-winter.

Principle 6: Amenity

The distribution, massing and configuration of built forms would result in poor amenity for the future occupants in terms of solar access, natural ventilation, privacy and outlook. The communal open space has poor solar access and useability. The site layout fails to deliver on-grade vehicular access to every building on the site. Pedestrian pathways to buildings have poor legibility and way-finding capability.

Principle 7: Safety

The proposed development would experience safety and security problems through the ambiguous differentiation between public, communal and private realm, the convoluted and meandering pedestrian pathways with low levels of passive surveillance and activation, and inadequate landscape design that presents concealment opportunities.

Principle 8: Housing diversity and social interaction

The poor configuration and amenity of the communal open space will compromise social interactions between future residents. The “inward” oriented development is likely to create an enclave and does not integrate with the rest of the neighbourhood.

Principle 9: Aesthetics

The architectural design presents homogenous, ‘box-like’ built forms with repetitive articulations and material palettes. The scale, proportion and length of the towers lead to a dominant massing that is visually intrusive to the wider setting. Given the size of the site, the proposal is expected to deliver a more nuanced and diverse architectural expression, which is lacking in the scheme.

Further consideration of the above principles and the relevant design criteria in the ADG are provided in the Key Issues section of this report.

Sutherland Shire Local Environmental Plan 2015

Aims of plan

The aims of the LEP include:

- (a) *to deliver the community's vision for Sutherland Shire by achieving an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable,*
- (c) *to protect and enhance the amenity of residents, workers and visitors in all localities throughout Sutherland Shire,*
- (f) *to protect and enhance the natural environment and scenic quality of the Sutherland Shire through the retention and rehabilitation of wildlife habitats, wildlife corridors, bushland, foreshores and waterways,*

The proposal is inconsistent with these aims as it would not achieve a suitable balance between development and management of the environment, protect and enhance the amenity of existing and future residents, and retain and rehabilitate significant vegetation on the site.

Zoning and permissibility

The site is zoned R4 High Density Residential and residential flat buildings are permitted with consent.



Figure 15 Sutherland Shire LEP 2015 - Land zoning map, with the site outlined in red. (Data source: Planning Portal)

The R4 zone objectives include the following:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.*

The proposal is inconsistent with the above zone objectives as:

- The site has a significant land area of over 2.9 hectares and the proposed development contains 686 dwellings. However, no local services, such as neighbourhood shops,

and limited onsite facilities are proposed to meet the day-to-day needs of the future and existing residents.

- The proposal does not demonstrate a high standard of urban design and residential amenity. The landscape design does not provide for sufficient retention of existing native trees on the site.

Development standards and local provisions

The controls relevant to the proposal are considered in **Table 5** below. The proposal does not comply with the FSR and height of buildings standards in the LEP. A clause 4.6 variation has been submitted in relation to the non-compliance with the height of buildings standard only.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings	<p>Clause 4.3(2): maximum 16m</p> <p>Clause 4.3(2E)(e): for land identified as “Area 5” on the map, development may exceed the base control by 14m if it incorporates vehicular access to all lots identified as “Area 5A” on the Height of Buildings Map, i.e. to a maximum of 30m</p> <p>Refer to Figure 16.</p>	<p>Variable - 21.6m to 37.0m (Council’s calculation)</p> <p>The site is located in Area 5. The proposal has not satisfied the pre-condition for utilising the bonus height allowed under clause 4.3(2E)(e), as clear and effective vehicular access has not been provided to <i>all</i> lots in Area 5A.</p>	No, a clause 4.6 variation has been submitted
FSR	<p>Clause 4.4(2): maximum 1.2:1 (35,688 sqm)</p> <p>Clause 4.4(2A)(a): for land identified as “Area 5”, the building may exceed the base control by up to 0.3:1 if the development incorporates vehicular access to all lots identified as “Area 5A” on the FSR Map, i.e. to a maximum of 1.5:1 (44,610 sqm).</p> <p>Refer to Figure 17.</p>	<p>2.06:1 (61,190 sqm) (Council’s calculation)</p> <p>The applicable FSRs as quoted in the application are: <i>Base FSR 1.2:1 [Cl. 4.4(2)]</i> <i>Bonus FSR 0.3:1 [Cl. 4.4(2A)(a)]</i> <i>Housing SEPP bonus FSR 0.5:1</i> <u><i>Total permitted FSR 2:1</i></u> <i>Total proposed FSR 1.99:1 (59,124 sqm)</i></p> <p>The site is located in Area 5. The proposal has not satisfied the pre-condition for utilising the bonus floor space allowed under clause 4.4(2A)(a), as clear and effective vehicular access</p>	No

		<p>has not been provided to <i>all</i> lots in Area 5A.</p> <p>In addition, as outlined above, the proposal has not satisfied the pre-condition for vehicle access to enable the 0.5:1 bonus FSR under the Housing SEPP.</p> <p>No clause 4.6 variation for FSR has been submitted.</p>	
Landscaped Area	<p>Clause 6.14: Minimum 30% of the site area to consist of landscaped area* as per the Landscape Area Map</p> <p>*Landscaped Area is defined as a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</p>	<p>The proposal states that 34% of the site or 10,150 sqm is provided as landscaped area.</p> <p>The landscape plan has not shown the proposed carriageway for access to properties fronting Taren Point Road and the implications of this access on landscape area provision. Based on the current information, it cannot be established that this requirement has been satisfied. If the full extent of the carriageway is excluded from landscaped area calculations, it is likely that the provision would be less than 30%.</p>	No, insufficient information has been provided to demonstrate compliance
Urban design	<p>Clause 6.16: Stipulates a range of matters for consideration relating to urban design generally</p> <p>Clause 6.17: Stipulates a range of matters for consideration relating to urban design for residential accommodation</p>	Does not meet one or more matters for consideration. Refer to the Key Issues section of this report for details.	No



Figure 16 Extract of Sutherland Shire LEP 2015 - Height of Buildings Map (Data source: Planning Portal)



Figure 17 Extract of Sutherland Shire LEP 2015 – Floor Space Ratio Map (Data source: Planning Portal)

Clause 4.6 Request – Height of Buildings

The proposed building heights (to the top of lift overrun or roof ridge as applicable) and the non-compliance with the base height control of 16m under the Sutherland Shire LEP are summarised below:

Table 6: Comparison of the proposed height of buildings and the 'base' height control

Building	Proposed height (m) (Applicant's information)	Proposed height (m) (Council's calculations)	Non-compliance with 16m base height control (m/%) (based on Council's calculations)
A	26.0	26.1	10.1 / 63%
B	28.6	28.5	12.5 / 78%
C	24.8	24.9	8.9 / 56%
D	36.3	36.8	20.8 / 130%
E	36.9	37.0	21.0 / 131%
F	22.9	23.2	7.2 / 45%
G	21.6	21.9	5.9 / 37%
H	36.0	36.0	20.0 / 125%
I	35.8	35.8	19.8 / 124%

Clause 4.3(2E)(e) of the LEP permits a bonus height of 14m for the site, shown as "Area 5" on the Height of Buildings Map (see **Figure 16** above), if vehicular access to all properties within "Area 5A" is provided. This would require legal and functional access to be incorporated in this development proposal to the rear of all the properties adjoining the site's western boundary, which front onto Taren Point Road and Kingsway. This is to allow vehicular access to these adjoining properties so that they do not need to rely on the main roads of Taren Point Road and Kingsway.

The proposal fails to demonstrate how vehicular access will be achieved for all the 17 lots contained in "Area 5A". The architectural and landscape plans show an indicative carriageway with potential to connect to 328A Taren Point Road only. The easement plan shows that the carriageway extends along the full extent of the western boundary of the site; however, this is not shown in the other drawings.

The proposal does not satisfy the statutory requirement in the LEP, which stipulates that any development seeking to benefit from the height bonus must incorporate vehicular access for all those stated lots. This would require the development to be sited away from the western boundary to enable such access. The development is therefore not entitled to the LEP bonus height and the base height control of 16m applies. The proposal exceeds this standard by up to 21m.

Clause 4.6(3) provides that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4)(a) further provides that development consent must not be granted unless the consent authority is satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,*

Clause 4.6(4)(b) requires that development consent not be granted unless the concurrence of the Planning Secretary has been obtained.

These matters are considered below having regard to the applicant's Clause 4.6 request. The Clause 4.6 request is not support for the following reasons:

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The request fails to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

- The applicant's clause 4.6 request assumes that a height of buildings control of 30m applies, which is inclusive of the 14m bonus under clause 4.3(2E)(e) of the LEP. The request is not in support of the variation to the 16m base height control under clause 4.3(2) of the LEP. As the pre-conditions to utilising the bonus height have not been met, the applicable height control is 16m. The variation to the height control is up to 21m and not the 6.9m as claimed by the applicant. The applicant's request has not addressed the correct development standard.
- The request attempts to make a numerical comparison to the approved building heights under the previous consent for staged development granted by the Land and Environment Court, which has not commenced. The previous approval was specific to the parameters and circumstances of that application. The request fails to justify the contravention of the development standard in terms of the planning merits of the proposal, including the resultant bulk and scale and associated environmental impacts.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

The key arguments in the applicant's request include the provision of high-density living close to Caringbah town centre, consistency with the aims of the LEP and objectives of the height standard, as well as similarity to the previous approved proposal in terms of height variations and streetscape presentation.

The proposed height variation is more than double the base control. The proposal has not undertaken any comparison of the environmental impacts between a compliant and the current scheme. The section drawings and 3D models in the Architectural Design Report do not indicate the 16m height control plane and the shadow diagrams do not describe the additional overshadowing due to the non-compliance.

The proposal has not adequately considered how the development will be integrated with the existing and recently completed buildings in the locality and the character of the streetscape. The rooftop plant and equipment would contribute to the visual bulk and scale of the development; however, there are inconsistencies in the representation of the rooftop structures across the plans, elevations and sections. As will be further discussed in the Key Issues section of this report, the proposal has not demonstrated adequate urban design and amenity outcomes for the site and the locality.

There are insufficient environmental planning grounds to justify the contravention of the development standard.

Whether the development will be in the public interest

As noted earlier, the proposal does not satisfy two of the objectives of the R4 zone.

The objectives of the height of buildings standard as prescribed in clause 4.3(1) of the LEP are:

- (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.*

The proposal is not consistent with the stated objectives for the height standard. There are no appropriate justifications or analysis to demonstrate the height and scale of buildings are compatible with the adjoining developments and the character of the streetscape. The proposal has not provided sufficient information to demonstrate reasonable daylight access to all buildings and the public domain. Importantly, the proposal has not demonstrated that visual and amenity impacts on the adjoining and nearby properties have been minimised.

The proposal seeks to rely on the bonus height provisions of the LEP, despite the lack of clear evidence that vehicular access will be provided to all lots within “Area 5A”. The requirement for incorporation of vehicular access to these lots is to remove the need for cars to enter and exit Taren Point Road and Kingsway, which are main roads to and from the Shire. Given the size of the site and the extensive earthworks proposed, the achievement of this vehicular access is a reasonable design outcome. The failure to provide this access for the adjoining lots, as well as the environmental impacts that would result from the development, illustrate the lack of public interest to support the height variation being sought.

Even if it can be established that vehicular access to all the lots is no longer required, it does not justify the additional height which is only available through the site constraint of being required to provide that access. If no access is provided then the height limit for the site is 16m.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft instruments that would affect the merit assessment of the proposed development.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Sutherland Shire Development Control Plan 2015 applies to this application. Chapter 7 Caringbah North Residential Flat Precinct and Chapter 39 Natural Resource Management are relevant to the consideration of the proposal. The relevant provisions of the DCP that the proposal does not satisfy are discussed in the Key Issues section of this report.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

Not applicable.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the EP&A Regulation 2021 contains matters that must be taken into consideration by the consent authority in determining a development application, including any demolition of a building. The provisions of the Regulation have been considered and can be addressed via conditions of consent.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality have been considered. The matters that have been considered in this assessment include:

- Context and setting
- Access and traffic
- Utilities and infrastructure
- Contamination
- Biodiversity
- Urban design
- Amenity impacts
- Social and economic impacts
- Construction impacts

The proposal will result in significant adverse impacts on the locality. A detailed discussion of these impacts is provided in the Key Issues section of this report.

3.3 Section 4.15(1)(c) - Suitability of the site

The massing, scale and intensity of the proposed development would detract from the character of the locality and result in unreasonable environmental and social impacts on the adjoining properties and the public domain. The proposal has not adequately resolved crucial planning matters, including urban design, tree retention, Green Web restoration, landscape treatment, traffic generation, vehicular access to the adjoining properties fronting Taren Point Road and Kingsway, as well as internal amenity of the development itself in terms of solar access, natural ventilation, privacy, safety and security and open space.

Despite the fact that the site has a significant land area and is located close to public transport, the density being sought could not be accommodated without detrimental impacts on the surrounding areas. The proposal would not facilitate an acceptable planning outcome and the site is not suitable for the proposed development.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposal is not in the public interest due to the environmental and social impacts of the development, which are a result of the non-compliance with the applicable controls as discussed in the body of this report.

3.6 Development contributions

The Sutherland Shire Section 7.11 Development Contribution Plan 2020 applies to the proposed development. The applicable development contribution amount can be required as a condition of consent.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to Transport for NSW and Council's design review panel for comments as required by the EP&A Act and relevant SEPPs, as outlined below in Table 7.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Transport for NSW (TfNSW)	<p>Section 2.122 – State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>The proposal is deemed to be traffic generating development as identified in Schedule 3, as it seeks to provide residential accommodation for 300 or more dwellings. Prior to determining the DA, the consent authority must consider any submission from TfNSW and the accessibility of the site.</p>	<p>TfNSW notes that the proposal does not seek to implement traffic signalisation at the intersection of Captain Cook Drive and Willarong Road, as this would cause traffic delays.</p> <p>TfNSW requests electronic copies of SIDRA modelling for the above intersection to validate the applicant's assertion outlined above, and to consider whether traffic signalling is not necessary in this case.</p> <p>It also notes that <i>“the modelling scenarios for this intersection has not included a base year model and base year with development model scenarios, which should be undertaken to identify the traffic impacts of the proposed development on the existing operational performance of the intersection and comparison with future year models (with and</i></p>	No

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		<i>without the proposed development)</i> ".	
Design Review Forum Panel	Section 28(2)(a) – SEPP 65 Advice of the design review panel	<p>Council's Design Review Forum Panel does not support the proposal. It considers that the density and height being sought cannot be accommodated on the site without compromising urban design quality and amenity of the adjacent streetscape, adjoining properties and the subject site itself. The Panel also considers that the development of the site should be guided by a rigorous and detailed master plan and staged so that individual buildings can be properly assessed at the DA stage.</p> <p>The issues raised by the Panel is further discussed in the SEPP 65 assessment and the Key Issues section of this report.</p>	No
NSW Police – Sutherland Shire Police Area Command	General referral	<p>The Local Area Command has recommended crime prevention measures for incorporation in the development. These include:</p> <ul style="list-style-type: none"> • Suitable lighting at entry/exit points, pathways, car parks and driveways; • Landscape design that minimises concealment opportunities; • Access control such as security shutters at car park entries, intercoms, CCTVs, door and window locking systems and secured letter boxes; and • Legible building layouts with good wayfinding. <p>Some of these matters, such as legible building layout and landscape design that limits concealment opportunities, require resolution through significant amendments to the design scheme</p>	No

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Integrated Development (section 4.46 of the EP&A Act)			
Water NSW	The proposed development requires a water supply work approval pursuant to section 90(2) of the Water Management Act 2000.	On 21 March 2023, Water NSW issued General Terms of Approval for the proposed development. These terms must be included in any consent issued by the Planning Panel. The development consent holder must also apply to Water NSW for a Water Supply Work approval prior to the commencement of any work or activity.	Yes

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	<p>The proposal contains design issues and gaps in the documentation as follows:</p> <p><u>Vehicular access and parking</u></p> <ul style="list-style-type: none"> The proposed carriageway to the adjoining properties fronting Kingsway and Taren Point Road as well as the cul-de-sac bowl require additional width to accommodate heavy rigid vehicles (HRVs) with way-finding signage provided. Car and motorcycle parking bays and signage for parking restrictions need to be provided within Burrawang Close. Certain parking bays and access aisles within the basement car park are not compliant with relevant design standards. <p><u>Fire protection</u></p> <ul style="list-style-type: none"> A fire hydrant services report was not submitted. Additional details regarding hydrants and associated hardstand areas, static water sources within the basements and access for fire brigade vehicles and firefighters are required. <p><u>Stormwater management</u></p> <ul style="list-style-type: none"> The proposed stormwater drainage system directly connects to Council's drainage infrastructure in Willarong Road and is not supported. 	No

	<ul style="list-style-type: none"> An easement is required for any formal drainage path through the adjoining school site. <p>Additional information is required to address the above matters.</p> <p>Refer to the Key Issues section of this report for further discussion.</p>	
Traffic	<p>Council's traffic engineer has recommended traffic signalling at the intersection of Captain Cook Drive and Willarong Road*, as well as roundabouts in Willarong Road at the junctions with Booyong Avenue and Dianella Street, to mitigate potential traffic impacts. There is no objection to the proposed single access point for the site, subject to dedication of a portion (10m) of the private access road for public use with continuous footpath treatment in Willarong Road.</p> <p>*Note: Council has raised the issue that TfNSW has requested SIDRA modelling to support the applicant's assertion that signalisation of the intersection between Willarong Road and Captain Cook Drive is not required. In this case, Council's traffic engineer has recommended conditions to require the above signalisation to be implemented as part of the development.</p>	Yes, subject to conditions
Building	<p>The proposal (including the supporting technical reports) has demonstrated that it is capable of meeting the requirements of the Building Code of Australia (BCA). Further design details, including a combination of fire engineered performance solutions and deemed-to-satisfy solutions, would be required at the Construction Certificate stage.</p> <p>The proposal has not included any hydraulic plans to illustrate the provision of fire services infrastructure, such as hydrant and sprinkler boosters, water tanks, pump rooms and emergency vehicle hardstand areas (as per the NSW Fire and Rescue's Fire Safety Guideline – Access for Fire Brigade Vehicles and Firefighters). The above matters need to be addressed at the development application stage.</p>	No
Waste	<p>The proposal cannot be supported as there are information gaps in the application as follows:</p> <ul style="list-style-type: none"> Details of waste management systems, such as garbage chutes or compactors; Transfer of recycling materials from the 240-L bins on the residential levels to the 660-L bins for collection, including the adequacy of the storage space and headroom for bin lifting equipment; Swept path analysis for access by waste collection vehicles; and Details of on-going management, maintenance and cleaning of all waste and recycling facilities. 	No

Landscape	<p>Council's Landscape Architect and Arborist does not support the proposal for the following reasons:</p> <ul style="list-style-type: none"> The proposal involves excessive removal of environmentally significant native trees. It does not satisfy the DCP's Green-Web restoration principles to link tree canopy, create or conserve wildlife corridors and enhance the bushland character of the Shire. The landscaped and communal open space design is unsatisfactory in terms of useability, amenity, legibility, accessibility and safety and security. <p>Refer to the Key Issues section of this report for details.</p>	No
Environmental Science	<p>Council's Environmental Assessment Officer considers that the submitted Remediation Action Plan (RAP) needs to be reviewed and endorsed by a NSW Environment Protection Authority (EPA) accredited site auditor. The site auditor must certify the appropriateness of the RAP in the form of an interim audit advice or a section B site audit statement.</p>	Yes, subject to conditions
Public Domain	<p>Council's Public Domain Engineer has identified the need for various public domain and street frontage works, which could be required via conditions of consent; they include:</p> <ul style="list-style-type: none"> A new 12.5m wide driveway crossing, footpaths, kerb and gutter, street signage, utility services connections and street lighting. Removal and replacement of street trees. Stormwater connections. Removal of redundant crossings and laybacks. Two roundabouts in Willarong Road at the corners of Dianella Street and Booyong Avenue. 	Yes, subject to conditions

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Sutherland Shire DCP 2015 from 13 January 2023 until 13 February 2023. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (1301 letters sent); and
- Notification on the Council's DA Tracker website.

Council received a total of 70 unique submissions, comprising 69 objections and 1 submission expressing neutrality towards the proposal. Among the 70 submissions, one submission is from School Infrastructure NSW (SINSW) on behalf of the NSW Department of Education.

The submission from SINSW states that the existing government schools within the locality will have the capacity to accommodate the additional demand from the proposed

development. It recommends upgrades to active transport links and improvements to pedestrian crossings to promote pedestrian safety. One specific matter raised is the potential overlooking into the grounds of Caringbah High School from the future development.

The issues raised in these submissions are considered in **Table 9**. Note that the total number of submissions included in the table below exceeds the number of unique submissions, as the submissions may raise multiple issues simultaneously.

Table 9: Community Submissions

Issue	No of submissions	Council Comments
<p>Traffic generation, road capacity and car parking Submissions raised concerns that the development will increase traffic volume and reduce on-street car parking.</p>	63	<p>The proposal meets the car parking provision requirements of the Housing SEPP, which overrides Council's DCP in this instance.</p> <p>In reviewing the traffic generation aspect of the proposal, TfNSW has requested electronic copies of SIDRA modelling to assess the required road network upgrade. The modelling has not been received and the potential traffic impacts remain unresolved.</p>
<p>Development exceeds the capacity of existing infrastructure Submissions raised concerns that the existing infrastructure (e.g., road network and capacity, electricity, water and sewerage utilities, and internet services) would not adequately support the development.</p>	51	<p>As outlined above, the issue with the capacity of the existing road network in supporting the proposed development remains unresolved.</p> <p>Council has identified issues with the proposed stormwater engineering design, which is not acceptable in its current form (refer to the Key Issues section of this report).</p> <p>Any required upgrade to electricity, water, sewerage and telecommunications utilities to support the proposed development could be addressed via conditions of consent.</p>
<p>Safety Submissions raised concerns that the development will result in safety issues for pedestrians and road users as result of increased traffic.</p>	44	<p>TfNSW requires traffic modelling details to determine the required road network upgrade, particularly relating to the intersection between Willarong Road and Captain Cook Drive. These details have not been provided.</p>

		Other localised upgrade, such as construction of roundabouts at the junctions between Willarong Road and Booyong Avenue, and Willarong Road and Dianella Street, as well as construction of footpaths across the street frontage of the site, could be addressed via conditions of consent to improve traffic safety.
Overdevelopment and parking provision Submissions raised concerns that the ratio of dwelling units to allocated car parking spaces is not appropriate.	42	The proposal meets the car parking provision requirements of the Housing SEPP, which overrides Council's DCP in this instance. However, given the density of development, the design of the internal road should provide for parking of delivery trucks and visitors.
Height/scale/bulk Submissions raised concerns that the bulk and scale of the development are inconsistent with surrounding areas.	35	Agreed. Refer to the Key Issues section of this report.
Cumulative impacts Submissions raised concerns the developments planned or under construction on Willarong Road will exacerbate traffic and parking impacts.	31	In reviewing the traffic generation aspect of the proposal, TfNSW has requested copies of SIDRA modelling to assess the required road network upgrade. This matter remains unresolved.
Lack of amenities and open spaces in the proposed development Submissions raised concerns that the development lacks open spaces and amenities for all residents.	18	The configuration, solar access and safety and security of the proposed communal open space on the site are not adequate. Given the size of the site and the scale of development proposed, the proposal should have incorporated local services, such as neighbourhood shops, to support the existing and future residents in the locality.
Social impact Submissions raised concerns the development will result in increased crime and overcrowding.	17	Agreed. The site layout does not provide a clear differentiation between public and communal domain and legible way-finding. Multiple communal areas would suffer from a lack of

		<p>activation and present concealment opportunities.</p> <p>The development relies on a single access road with limited permeability across the site. It is likely to result in an isolated community, which does not integrate with the surrounding neighbourhood.</p>
<p>Additional permitted uses should be incorporated into development</p> <p>Submissions raised concerns that other permitted uses (e.g. health facilities, indoor recreational or registered club) were not considered for the site.</p>	11	<p>“Registered clubs” or “recreation facilities (indoors)” are not permitted uses in the R4 zone under the Sutherland Shire LEP.</p> <p>However, it is agreed that local services, such as neighbourhood shops or the like, and ancillary recreation facilities for the residents should have been provided on the site due to the number of dwellings proposed.</p>
<p>No direct access to emergency vehicles</p> <p>Submissions raised concerns the development offers limited access to emergency vehicles.</p>	8	<p>Agreed.</p> <p>The proposal has not provided adequate details for hardstand areas for emergency vehicles. The ability of the carriageway along the western boundary in accommodating emergency vehicles remains unresolved.</p>
<p>Overshadowing and solar access</p> <p>Submissions raised concerns that some of the units in the development receive limited solar access and the development overshadows the surrounding dwellings.</p>	8	<p>Agreed. The application contains insufficient information to verify the degree of solar access to proposed dwellings. The proposal has not minimised overshadowing on the neighbouring sites due to the excessive deviation from the development standards in the LEP.</p>
<p>Contaminated land issues</p> <p>Submissions raised concerns that the development is on an old quarry with contamination issues.</p>	6	<p>A remediation action plan has been submitted with the application. Site contamination issues could be addressed via conditions of consent.</p>
<p>Lack of affordable housing and governance by Council</p>	6	<p>The proposal has not met the 50% GFA requirements of the Housing SEPP in order to obtain a bonus FSR of 0.5:1. The application also does not provide any details of the future community housing provider to demonstrate a commitment to</p>

		maintaining and managing the affordable housing stock for a minimum period of 15 years.
Loss of trees/vegetation Submissions raised concerns the development will result in loss of vegetation on the site with no mitigation measures.	6	Agreed. The proposal will result in excessive removal of native trees on the site.
Noise impacts Submissions raised concerns that the development will result in increased traffic noise and disturbances from overpopulation.	6	The floor space density being sought in the proposal has limited the ability to provide additional setback along the perimeter of the site. The proposal has not minimised privacy and noise impacts on the neighbouring properties.
Non-compliance with previous court decision Submissions raised concerns that the new development application has omitted the carriageway providing access to Taren Point Road.	6	Agreed. The proposal has not demonstrated adequate access to properties fronting Taren Point Road and Kingsway. The proposal is not qualified to utilise the bonus floor space and bonus height provisions under the LEP. The proposal would not achieve a satisfactory planning outcome.
Demolition and construction issues – traffic, noise, vibration Submissions raised concerns that the development has not provided a construction traffic management plan.	5	A detailed construction traffic management plan could be required to be prepared via a condition of consent.
Inadequate school capacity in area Submissions raised concerns that the local schools lack capacity for the increased students.	5	The submission from SINSW advises that the existing government schools within the locality will have sufficient capacity to accommodate the additional demand from the proposed development.
Privacy impacts Submissions raised concerns that the height of the development poses potential child safety issue due to direct views onto the grounds of Caringbah High School.	4	The floor space density being sought in the proposal has limited the ability to provide additional landscaped setback along the perimeter of the site. The proposal is also considered to have an excessive bulk, height and scale. The proposal has not minimised privacy impacts on Caringbah High School.

Destruction of natural habitat Submissions raised concerns that the development will result in loss of habitat for animals.	2	The site is identified as a Greenweb Restoration Area under the Sutherland Shire DCP. The proposal involves excessive removal of native trees and the self-overshadowing from the future buildings may limit growth of the replacement planting proposed. The proposal has not optimised opportunity to create an effective habitat that connects with existing vegetation corridors in the locality.
Existing services are inadequate and will not meet future demands Submissions raised concerns that the existing services (e.g., supermarkets) are inadequate for the development.	2	Local services, such as neighbourhood shops, should have been provided on the site due to the number of dwellings proposed. The proposal only provides a small communal room and a gymnasium at a location that is isolated from the residential uses with limited activation. This is considered insufficient and inadequate given the number of dwellings proposed.
Ensure minimal impacts from stormwater drainage	1	Council has identified issues with the proposed stormwater engineering design, which is not acceptable in its current form (refer to the Key Issues section of this report).
Impact on property prices Submission raised concerns that the development will reduce property prices in the surrounding areas.	1	Fluctuation in property prices is not considered a valid planning consideration.
Inadequate geotechnical investigation	1	A geotechnical report has been prepared and submitted with the application.
No construction and environmental management plan submitted	1	A detailed construction management plan could be required to be prepared via a condition of consent.
Waste management concerns Submission raised concern that the waste management capacity will be inadequate for the development.	1	The proposal has not provided sufficient information to demonstrate adequate waste management arrangements.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application:

5.1 Urban design

Site planning and massing strategy

- The proposal has not included appropriate site and context analyses that thoroughly consider the topography, vegetation, street network, scale of development and local character. The site layout is not established based on a clear and appropriate set of organising principles. Instead, the proposal relies on a staged development scheme approved by the Land and Environment Court, but with the building footprints further expanded while exceeding the applicable height and FSR controls and ignoring the setbacks, building separation and landscape quality of the concept approval.
- The proposal presents a site layout that appears to maximise floor plate areas (to capture the affordable housing bonus under the Housing SEPP) at the expense of streetscape, landscape, open space and amenity outcomes.

The site plan features elongated building footprints along the eastern, western and southern boundaries. The distribution of massing and height across the site would create significant overshadowing to the neighbouring properties as well as the communal open spaces and dwellings within the site itself, compromise physical and visual permeability, and result in poor internal amenity.

- The proposal does not provide a permeable street network and would result in poor way-finding and ill-defined public, communal and private domain. There is no proper address to the buildings away from the internal access road. The single access point may also isolate the development site from the rest of the neighbourhood.
- The building setback for Burrawang Lane is only 4m on both sides, which would constrain the provision of canopy trees to create a high-quality internal streetscape for a development with significantly higher density and height than other existing buildings in Willarong Road. There is a lack of consideration for on-street parking within Burrawang Lane for deliveries, drop-off and pick-up of residents and visitors.
- Buildings A, B and C are isolated from the rest of the development with poor pedestrian connections.
- The communal open spaces have a “left-over” quality with poor access, activation and solar access, and have no distinction between public and communal domain.
- There is an absence of a staging strategy or plan for the entire development. It is unclear how access and circulation would be accommodated when development occurs incrementally across the 2.9 ha site.
- The proposal seeks to justify the merit of the current scheme by comparing against the staged concept plan and development for the site approved by the Land and Environment Court in 2020. The subject proposal would result in an inferior planning and design outcome than the previous approved scheme as:
 - The previous approved master plan achieves the strategic intent of the Sutherland Shire LEP 2015 to reduce reliance on Taren Point Road and Kingsway for vehicular access to properties with a frontage to these main roads via the provision of an alternative access road within the subject site. The LEP provides for bonus FSR and height to incentivise the provision of this public

benefit. The access road has been configured as a loop that enables access to the adjoining properties to the west, while simultaneously offering a direct “address” to buildings deeper within the site and enhanced permeability.

- Although a number of sites along Taren Point Road and Kingsway have been redeveloped or granted consent for residential flat building development, there are 7 lots (No. 322, 324, 326, 328, 328A, 328B Taren Point Road and 395 Kingsway) that have not yet received consent for redevelopment at the time of writing. An alternative route through the subject site would provide a safe vehicular access to these adjoining properties in lieu of direct ingress and egress from the major intersection between Taren Point Road and Kingsway.



Figure 18 Previous master plan approved by the Land and Environment Court in 2020. (Source: Tier Architects)

- The approved building blocks present as “pavilions” with smaller footprints and depths that would optimise natural lighting and ventilation to the apartments. The layout has also reserved greater separations (minimum 9m between buildings, as compared to minimum 6m in the current scheme) and gaps to allow sightlines across the site, sunlight to the communal open space and landscaping to soften the building masses.
- The previous master plan has provided greater setbacks and height reduced at certain locations to minimise overshadowing and privacy impacts and increase solar access to communal open space:

Setbacks	Approved master plan	Current Proposal
Northern side boundary	14m (Building D) 14m to 19m (Building E) 6m (Building F)	4.5m (Building F) 6m (Building D)
Southern side boundary	27.1m (Building H, I and J) 25.3m (Building C)	15.4m (Building G and I) 10.2m (Building C)
Western side boundary	10m (Building A) 14.2m (Building B) 13.7m (Building C)	10.2m / 10.3m (Buildings A, B and C)
Eastern street boundary	7.5m (Building F, G and H)	7.5m (Building F and G)

Streetscape and site edge responses

- There is currently an established 3- to 3.5-storey street wall scale to the south of the site along Willarong Road. The bowling club site to the north at 101-109 Willarong Road has been approved for a multi-storey mixed-use development which is setback from the street (DA21/0629). The application fails to provide a comprehensive context analysis illustrating how the proposed scale and proportions presented to Willarong Road will respond to the emerging height profile and any height transition needed to harmonise the streetscape.
- Buildings F and G present to Willarong Road as long, continuous 6-storey perimeter blocks. This is in contrast to the more recent residential development opposite at 128-136 Willarong Road, which has a 4- to 5-storey height. The length of the buildings ranges from approximately 48m (Building F) to 69m (Building G), exceeding that of other existing (including recently completed) residential developments in the locality. The outcome is unsympathetic to the existing and likely future streetscape character, failing to meet clause 6.17(c) of the Sutherland Shire LEP.



Figure 19 Street wall perspective depicting Buildings G (front) and F (rear) on the Willarong Road frontage. (Source: Tier Architects)

- Building F has a limited 4.5m wide setback to the northern shared boundary with the bowling club site. The approved mixed-use development on this adjoining site incorporates two bowling greens adjacent to the street frontage, with the 6- to 8-storey residential buildings located to the rear (setback approximately 45.7m from the front boundary) (see **Figure 20**). The height, scale and elongated form of Building F in conjunction with its limited northern setback are likely to result in visual intrusion when

viewed from the public domain and the adjoining and nearby properties. This arrangement also provides limited opportunities for through-site visual corridors and deep soil landscape screening to complement the character of the residential neighbourhood, where the recently completed residential flat buildings present as “pavilions” with smaller building footprints.

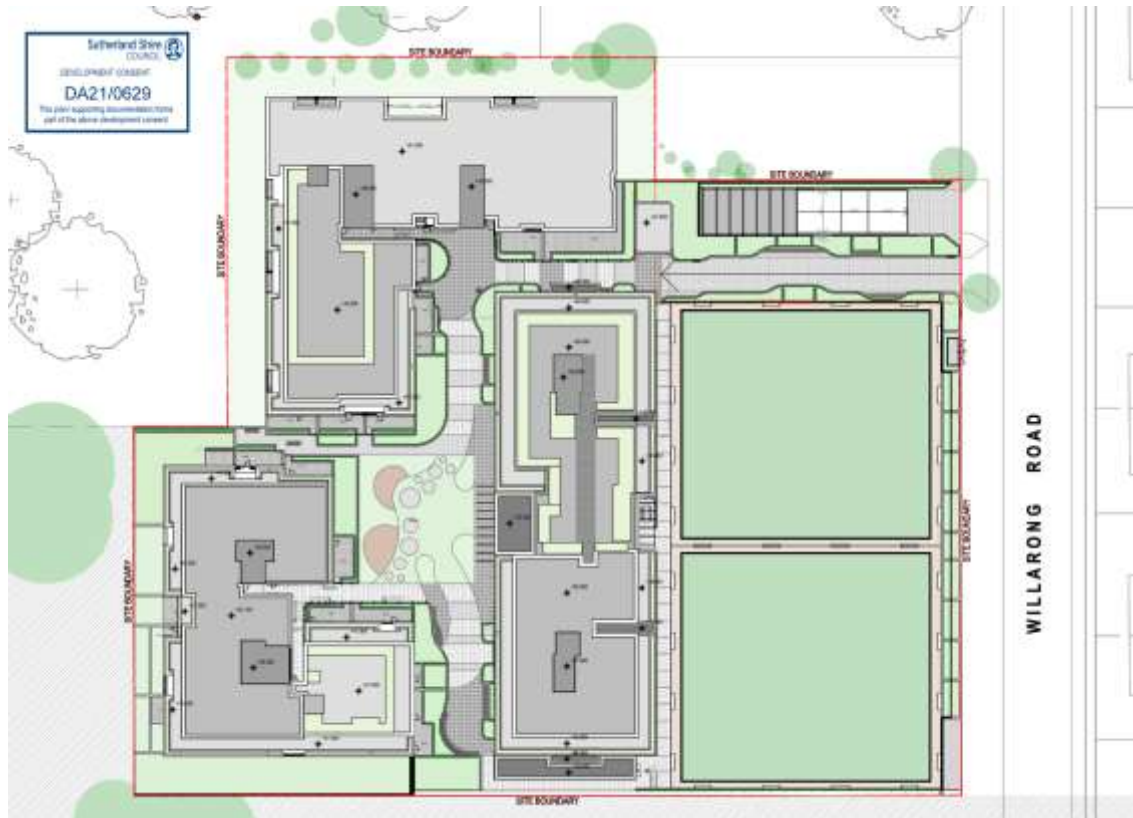


Figure 20 Approved site layout plan for 101-109 Willarong Road to the north of the subject site. (Source: DKO Architecture / Sutherland Shire Council)

The proposal fails to demonstrate how it relates to the emerging streetscape rhythm and does not satisfy the assessment principles for side and rear setbacks under section 7.3.1, Chapter 7 of the DCP. The proposal fails to demonstrate that the side setback is sufficient to improve the streetscape as required by clause 6.17(c) of the LEP.

- Buildings A, B and C overlook the western boundary. All three buildings have an elongated configuration and are aligned in a linear manner parallel to the western boundary. This would create a visual barrier to the east-facing units in the existing properties fronting Taren Point Road.

The exposed basement and elevated ground floor levels along the western boundary would exacerbate the bulk and scale as perceived from the neighbouring as well as the subject sites.

The alignment of Buildings A, B and C fails to consider outlook, solar access and landscape amenity to the neighbouring lots to the west as required by the DCP precinct objectives for side and rear setbacks (Objectives 2, 4 and 5).

- Apart from Building F, the 11-storey Building D also provides limited setback from the northern boundary (6m to 9m), relying on “borrowed amenity” from the recently

approved mixed use development at 101-109 Willarong Road. The submitted Urban Design Report provides no information illustrating how the proposed building alignments and limited side setbacks on the subject site would visually integrate with the approved development to the north and the public domain.

- The scale and bulky proportions of buildings fronting the internal road (Burrawang Lane) would be visually intrusive from viewpoints along Willarong Road and the surrounding areas. The development would detract from the character and visual amenity of the residential precinct (see **Figure 21**).
- The proposal provides no meaningful or informative analysis of the visual bulk associated with the height being sought for Buildings D (4/11 storeys), E (4/11 storeys), H (4/11 storeys) and I (up to 11 storeys). Perspectives provided in part 4.0 of the Architectural Design Report illustrate that the 11-storey scale and bulky tower proportions will be visually prominent at pedestrians' eye level from locations near the site entry on Willarong Road (see **Figure 21**) as well as the western end of Burrawang Lane (see **Figure 22**).



Figure 21 Perspective showing the proposed buildings fronting Willarong Road and along Burrawang Lane as viewed from Willarong Road, looking west. (Source: Tier Architects)



Figure 22 Perspective showing the proposed buildings along Burrawang Lane (left – Buildings B, D, E and F, right Building C) as viewed from the cul-de-sac looking north-east. (Source: Tier Architects)

Architectural expression

- Generally, the façade compositions lack modulation and depth. The facades fail to adequately incorporate vertical elements within the podium and tower forms to achieve elegant, slender proportions to respond to the emerging grain and texture of the precinct. The proposal has an excessive scale and a concentration of bulk at the centre of the site, exacerbating the poor response to the local character.
- The 11-storey towers (Buildings D, E, H and I) present 'box-like' proportions and are poorly articulated with repetitive facade pattern and horizontal emphasis, amplifying the perceived scale of the taller buildings. The excessive length and rectangular proportions of the towers lead to a dominant massing, which is visually intrusive to the urban wider setting.
- Insufficient information is provided to clearly demonstrate the extent of landform changes. The development fails to illustrate how the building height and profile respond to the natural landform of the site and as such does not satisfy clause 6.16(1)(e) of the Sutherland Shire LEP.
- Despite the size of the site, the proposal fails to deliver a nuanced and elegant approach to the architectural language and expression for the individual buildings. The proposal adopts a homogenous design for all buildings without diversity. Most buildings are designed with similar proportions and aesthetic expression, lacking individual architectural identity required to complement the residential neighbourhood and promote a sense of community and place.
- Multiple buildings have protruding basements and exposed blank walls, which further contribute to the overall poor appearance of the development.
- The location of garbage collection areas in front of building entries on Burrawang Lane would detract from the overall visual presentation of the development.

- The proposal fails to adequately consider and minimise the impacts on the adjoining land, in terms of size, bulk, height, scale and siting, as required by Clause 6.17(e) of the LEP.

5.2 Tree protection and Green Web consideration

The site is located within the Caringbah North Residential Flat Precinct identified in the Sutherland Shire DCP 2015. Chapter 7 of the DCP applies specifically to the above precinct. Part 8 provides objectives relating to landscape design that seek to retain and enhance existing tree canopy, contribute to streetscape character and promote sustainability. A specific control for the subject site is to retain the existing large trees on the southern section of the land.

Chapter 39 of the DCP relates to natural resource management. The site is identified as being within a “Greenweb Restoration Area” under this chapter.

When assessed against the DCP provisions, the following issues with the proposal have been identified:

- The site is mapped as containing the Coastal Enriched Sandstone Dry Forest vegetation community by the former Office of Environment and Heritage (currently Environment and Heritage Group, Department of Planning and Environment) in 2016. Upon review of the Arborist Report and a site visit, Council identifies that the endemic trees which remain on the site are more typical of the critically endangered Sydney Turpentine Ironbark Forest (STIF) community. Despite the environmental significance of the trees and vegetation on the site, the proposal seeks to remove 77 trees, out of the 100 assessed in the Arborist Report, which are protected by chapter 39 of the DCP.
- Council has mapped the existing trees on the site and their significance, noting many trees of high and medium significance will be impacted by the proposal.

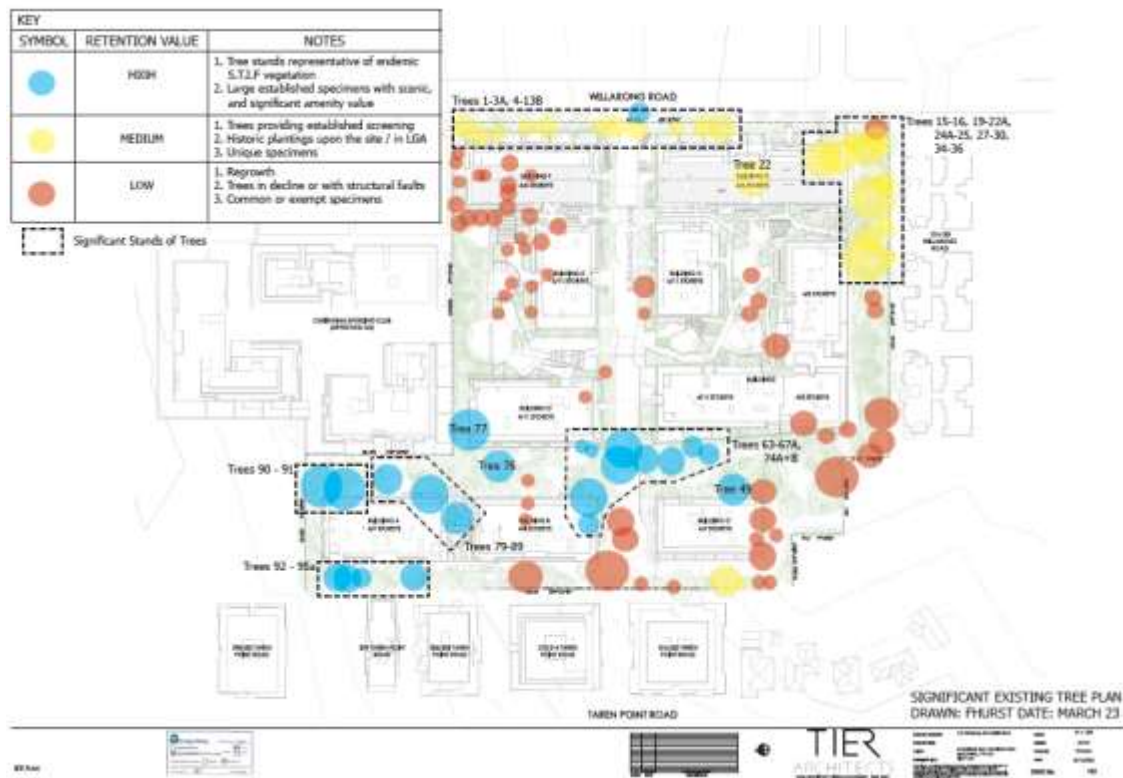


Figure 23 Significance of existing trees affected by the proposal. (Source: Sutherland Shire Council, based on drawing prepared by Tier Architects)

- Despite the environmental significance of the site, the architectural design has dictated which trees are possible for retention rather than respecting and developing around the high valued trees and stands of vegetation.
- The proposal seeks to retain existing trees along the eastern (Willarong Road) frontage and the southern boundary where the site is adjoined by a residential flat building. A tree impact assessment must be prepared to test the viability of retaining trees 1-19, 29, 30, 34 and 36, as most of these trees would suffer from incursions into their tree protection zones. A pruning assessment must also be made to test the viability of tree retention and the practicalities of working around existing trees that are within close proximity to the proposed buildings during construction.
- The proposal seeks to remove over 25 trees of the STIF community and retain only 5 of them. The proposal intends to remove two significant stands of STIF trees being trees 63-67A, 74A & 74B and 77-89.
- The proposal intends to remove two large Ficus Hilli of a height that will provide immediate relief between the subject and adjoining site at No.105 Willarong Road.
- The proposal fails to retain and enhance existing trees on the site in accordance with the Greenweb Restoration principles, such as linking tree canopy, enhancing the bushland character of the Shire, and creating and conserving wildlife corridors between core habitat areas, that is, Dianella Street Reserve east of the site.
- Planting to areas within the proposed Greenweb corridor must comprise exclusively of groundcovers, shrubs and trees of the Sydney Turpentine Ironbark Forest and

Coastal Enriched Sandstone Dry Forest vegetation communities, to reinforce the heritage of vegetation upon the site. Vegetation proposed to be planted in the Greenweb corridor must be grown from seed of local provenance.

Having regard to the above, the proposal does not satisfy the following DCP controls:

- The objectives of Part 4 Tree and Bushland Vegetation (objectives 1, 3, 6 and 7).
- The objectives of Part 4.8 Special Considerations of Trees which Contribute to Scenic and Visual Quality (objectives 1, 3, 4, 5, 6, and 7).
- The objective (objective 2) and assessment principle (principle 3) of Part 4.9 Special Considerations for Trees in Greenweb Areas.
- The principle (principle 2) of Part 4.10 Special Considerations for Trees which are Growing in Close Proximity to Buildings.

5.3 Landscape design / communal open space

The Objectives and Design Criteria of Part 3D Communal and Public Open Space and 3E Deep Soil Zones of the ADG, the provisions of clause 6.17 Urban design – residential accommodation of the Sutherland Shire LEP 2015, and the provisions of Chapter 7: R4 Caringbah North Precinct of the Sutherland Shire DCP are relevant to the landscape design aspects of the proposal.

The site is environmentally sensitive containing a large number of endemic and native trees and provides a link to a wider network of biodiversity within the Willarong Road area. The proposal must provide for the removal of weed species and retention and replanting of endemic vegetation to protect and enhance the existing landscape setting. The landscape design needs to achieve a sympathetic interface with the adjoining residential properties as well as high amenity for the future residents of the proposed buildings.

The proposal fails to achieve satisfactory landscape outcomes as:

General issues

- The proposal fails to demonstrate how the site planning achieves 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter), as required by Design Criterion 2, Objective 3D-1 of the ADG.

According to the submitted Design Verification Statement and ADG Checklist, 8,760 sqm (72.39%) of the total 12,100 sqm of communal open space receives a minimum of 2 hours direct sunlight during mid-winter. However, the proposal fails to demonstrate which areas are included in the solar access calculations as the “principal usable parts” of the communal open space to meet the requirements of the above Design Criterion.

- Multiple buildings fail to engage with the communal landscaped areas as blank walls are exposed to the ground plane. The proposal fails to achieve passive surveillance and promote safety as sought by Objective 3D-3 of the ADG.
- The communal open space diagram (DWG 590) indicates which areas are proposed as communal open spaces. The open space located along the southern boundary is not well suited for this purpose as it has limited solar access during mid-winter, lacks passive surveillance and activation, and is bounded by extensive blank walls of the adjoining buildings.

- The proposal fails to satisfy clause 6.17(f) of the LEP as the residential accommodation does not integrate with a well-designed landscaped setting.

Block-specific issues

- Building A shares an interface with Caringbah High School and has a northern vantage without overshadowing from any large buildings on the adjoining school ground. The form and disposition of Building A have created a missed opportunity for a light filled and useable communal open space for residents in this area.
- The area adjoining Building A is proposed to be densely vegetated with a crushed granite pathway that circulates round the perimeter of the building. The pathway does not lead to any particular destination nor provides nodes or places to gather except one turfed space of only 20 sqm in size oriented east, which will be overshadowed by the approved residential flat development at No.101-109 Willarong Road. The dense vegetation and winding pathway do not meet the principles of crime prevention through environmental design (CPTED). This is contrary to Objective 3D-3 of the ADG.
- Building A is detached from the remainder of the development and requires a well-considered way-finding strategy or signage system; this is absent in the proposal. The stepped, crushed granite pathway is a poor solution in terms of accessibility for persons with disabilities, and longevity as the pathway also appears to be utilised as an overland flow path according to the stormwater design.
- There is no direct access from the terraces of the ground floor units within Building A to the surrounding landscaped area; this would further isolate residents' engagement with this communal space. This problem is also exacerbated by the fact that the northern ground floor units are approximately 2.8m higher than the adjacent ground level.
- Buildings B and C have similar issues to those mentioned above for Building A. There is a disconnection between the adjacent ground level and the elevated level of the ground floor terraces due to protrusion of the basement. The landscaped spaces around Block B do not meet the CPTED principles, lack accessibility and fail to provide adequate amenity for residents.
- Building C is bordered on three sides by wide carriageways. The terminus of the road states 'future road connection'; however, no design detail is provided. There is a lack of landscape buffer between the building and the carriageway.
- The western side of Building D would receive sunlight for most of the day, making it a valuable space for the residents. However, access from Building D to this space is indirect and requires walking around the building. There is only a narrow passageway to this communal space that appears to be a fire egress. An equitable access for persons with a disability or elderly people should have been provided from within the building.
- The current grade for the communal areas to the west of Building D is steep at 1 in 10. The design should manipulate the topography to provide more useable spaces, for example, through benching out some areas of lawn and providing ramped accessways to better serve the residents as a place to gather or play.

- According to the shadow diagrams, the northern courtyard space adjacent to Building E achieves only limited direct sun due to overshadowing from the recently approved development to the north (DA21/0629).
- The useability of the communal spaces adjacent to Buildings E and H is determined by their access to natural light. The quality of these spaces needs to be tested against a more detailed set of shadow diagrams. The mid-winter shadow diagrams indicate that a large portion of these spaces fail to achieve 2 hours of sunlight. The layout, form and scale of the proposed buildings on the site have contributed to self-overshadowing.
- The locations of the children's play areas west of Buildings E and H are not supported due to their proximity to Burrawang Lane and the lack of opportunity for supervision or passive surveillance from the apartments' balconies.
- The communal open space between Buildings H and I is largely shaded throughout the day. According to the shadow analysis (DWG 560), only a small portion of the open space receives direct sun between 11:00am and 12:00 noon in mid-winter. The spatial quality of this courtyard is poor with limited sky exposure due to the L-shaped building form enclosing the south and western portions of the courtyard.

The majority of the area receiving sun is occupied by raised planter beds (above-structure landscaping), which are not suitable for seating or outdoor dining, etc. Consolidated lawn areas and deep soil zones do not appear to achieve good levels of solar access during mid-winter.

- Only Buildings F, G and I have small rooftop communal open spaces servicing the residents of these buildings. The communal spaces are not practical as they are narrow, linear and interrupted by large structural columns. The position of the rooftop communal spaces beside private open spaces has the potential to cause privacy and noise issues for the neighbouring residents. The rooftop communal spaces are not practical for larger groups as there is no fixed seating and only 1 barbeque per space. There are no breaks in the perimeter garden bed to take advantage of the outlook.
- Given the inadequate solar access shown on the shadow diagrams for the ground floor communal open spaces, and the potential for outstanding views at elevated levels, rooftop communal spaces should be provided in each building block and enlarged to provide proper amenity for the residents.
- Some of the ground floor apartments in Building G are more than 2m below the street level on the eastern boundary. The private open spaces and interior of these apartments would not receive adequate solar access once the trees and shrubs in the landscape setback are established.
- Burrawang Lane requires further detailing to establish key points of pedestrian crossing. The drawings should demonstrate pedestrian routes to and from building foyers and at basement driveway entries to ensure safety.

- The proposal would fail to establish tree canopies along Burrawang Lane, due to the insufficient building setbacks at 4m wide. Canopy trees would not reach their full potential given the constraints posed by the adjacent built forms.
- Failure to moderate the scale of the built forms via tree planting would occur in the narrow setback areas between Buildings E and F and Buildings G and H. Canopy trees are unable to be established in these narrow spaces due to the lack of solar access, deep soil and wind tunnel effects that affect tree growth.

Having regard to the above issues, the proposal is not considered to satisfy Objectives 3D-1, 3D-2 and 3D-3 of the ADG, and the following provisions in Chapter 7 of the Sutherland Shire DCP:

Part	Provisions
5 Streetscape and Building Form	Objectives 3, 4, 6, 9 and 10. Controls 2 and 7.
6 Street Setbacks	Objectives 2, 3 and 4. Control 4.
7 Side and Rear Setbacks	Objectives 1, 2, 4, 5, 6, 7 and 9 and Assessment Principles
8 Landscape Design	Objectives 1 and 4. Controls 7, 10, 21 and 22. Assessment Principles for Determining the Quality of Landscaping
10 Solar access	Objectives 1, 2 and 4

5.4 Internal Amenity

Parts 3 and 4 of the ADG are relevant to considering the amenity of the proposed dwellings.

Building separation:

- On the lower 4 floors, the separation between Buildings E and F is insufficient at 6m between balconies and habitable rooms (the ADG guidance is 12m), failing to meet the design guidance provided under Parts 3F Visual Privacy and 4H Acoustic Privacy of the ADG.

The arrangement will compromise amenity to future occupants of Units FG01, FG10, EG03, EG04, E107, E108, F109, F110, F209, F210, E207, E208, F309, F310, E307, E308, contrary to Objective 3F-2 of the ADG. Extensive reliance on privacy screens does not mitigate acoustic privacy issues and will restrict daylight access and/or outlook for the bedrooms facing the narrow open link between the buildings. Extensive privacy screening will reduce passive surveillance and may also increase the perceived bulk and scale.

- At Levels 4 and 5, the separation between Buildings E and F (between habitable room windows) is only 12m, which is less than the 18m under the ADG.
- On the lower four floors, the separation between Buildings H and G at 6m between balconies and habitable room windows is insufficient, failing to meet the design guidance provided under Parts 3F Visual Privacy and 4H Acoustic Privacy of the ADG.

The insufficient building separation will result in privacy impacts to units facing the space between the buildings, including GG03, GG02, HG06, HG07, G103, G102, H106, H107, G203, G202, H206, H207, G303, G302, H306 and H307.

At Levels 4 and 5, the separation between habitable room windows between Buildings G and H is only 12m, which is less than the 18m under the ADG.

- On Level 4 (5th floor), north-facing balconies in Building D encroach into the 9m setback zone. This fails to ensure adequate building separation distances are shared equitably between the subject and neighbouring sites as required by design guidance under 3F Visual Privacy and 4H Acoustic Privacy of the ADG. The arrangement may result in privacy impacts on the neighbouring site where habitable room windows overlook the shared boundary as part of the approved development (DA21/0629). Landscape plan 14 of 40 fails to include perimeter planter boxes along the northern balcony edge to prevent overlooking.

Privacy:

- In Building B, the north-facing unit BB01 on Basement Level 01 includes an operable living room window directly facing the communal landscaped area parallel to the western boundary. The arrangement is unacceptable as it would compromise privacy and amenity to future occupants of this unit.
- According to Detail Section 3 (DWG 452), the south facing ground floor units in Building D are located below the level of the new internal street. These units have insufficient outlook and daylight intake, relying on privacy screens to mitigate potential overlooking from the footpath.
- The floor plans would lead to adverse acoustic and visual privacy impacts on the ground floor habitable rooms in Buildings E, F, G and H, where windows are oriented towards the outdoor communal areas. These include units FG01, EG03, EG04, HG06, HG07 and GG03. Ground floor windows facing common outdoor areas are relied upon for natural cross ventilation and the proposal fails to demonstrate that the raised planter beds or screens will prevent access to these windows, which may compromise security.
- Some units in Building I are subterranean due to extensive excavation (DWG 400). At finished floor level RL 33.90 (and private open spaces at RL 33.80), the west facing ground floor units in Building I are located a full floor level below the green web corridor. The proposal fails to demonstrate how privacy impact and overlooking from the Greenweb corridor can be prevented with the pathway and outdoor seating located within close proximity to the retaining wall.
- Despite extensive privacy screening to the south-facing bedroom windows at the vertical indentation in Building I, the layouts are likely to undermine acoustic privacy due to insufficient separation between bedroom windows of adjoining dwellings.

Having regard to the above, the proposal does not satisfy the Objectives of Parts 3F and 4H of the ADG.

Solar and daylight access:

- The sun eye diagrams and solar access drawings both fail to indicate which living room windows (including to recessed living areas / behind deep balconies) have been counted as receiving 2 hours of sunlight in mid-winter, noting direct sunlight is

measured as having minimum 1 sqm, at 1m above the floor level, and for at least 15 minutes according to the Design Guidance of the ADG.

- Objective 4A-1 of the ADG seeks to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Design Criterion 1 provides that *“Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in Sydney”*.

The proposal fails to demonstrate that the above Design Criterion is met for each building within the development. According to the Statement of Environmental Effects, 71.37% (489 of 686 units) of the proposed development achieve 2 hours sunlight at mid-winter; however, the proposal fails to demonstrate that the criterion is met for each building.

Council’s assessment indicates that Buildings C, G and H fail to achieve the minimum requirement.

- The L-shaped footprint of Building I delivers poor amenity to the internal corner units. To prevent direct sightlines between habitable room windows and balconies of adjoining units, extensive privacy screening is applied which would restrict outlook and daylight access afforded to these units. The compromised access to light and outlook is contrary to Objective 3F-2 of the ADG.
- According to the solar study provided in Part 4.3 of the Architectural Design Report, 26 of 686 units (3.8%) will receive no solar access. However, the proposal fails to identify where these units are located. Development should demonstrate that a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter as per Criterion 3 of ADG Objective 4A-1.

Cross ventilation:

- Design Criterion 1 under Objective 4B-3 of the ADG provides that at least 60% of apartments are naturally cross-ventilated in the first nine storeys of the building.

According to the submitted ADG Checklist, 381 of 634 apartments achieve natural cross-ventilation, which is equivalent to 60% of units in the first nine storeys of the development. Despite the above information, the proposal fails to demonstrate that the Design Criterion is met for each building within the proposed development. The Qualitative Natural Ventilation Report states that 60.09% of apartments in the first nine storeys within the development are cross ventilated with 3 additional apartments likely to achieve cross ventilation, the information above does not provide further clarity.

- The submitted drawings have counted corner, cross-through as well as single-aspect apartments that rely on façade indentation to achieve “cross ventilation”. These single-aspect apartments rely on windows/doors to the balcony and a small secondary window facing a slot or indentation in the façade to achieve “cross ventilation”. Any such air cross-flow may benefit a part of the living room (or bedroom in some cases) but not the rest of the apartment.

Additionally, the ADG states that effective cross ventilation is achieved when the inlet and outlet have approximately the same area, allowing air to be drawn through the apartment using opposite air pressures on each side of the building. The drawings do not provide details on the dimensions of the operable windows, and the floor plans

show that the secondary windows have narrow widths. Based on the available information, these single-aspect apartments are not considered to meet the definition for natural cross ventilation under the ADG.

If such single-aspect apartments are excluded, the total number of natural cross ventilated apartments (corner and cross-through) will be:

Building	Total number of units within first 9 storeys	Cross ventilated units (number / %)	Compliance (Y/N)
A	58	36 / 62%	Y
B	62	46 / 74%	Y
C	49	28 / 57%	N
D	79	36 / 46%	N
E	57	34 / 60%	Y
F	52	22 / 42%	N
G	73	32 / 44%	N
H	51	34 / 66%	Y
I	150	65 / 43%	N

The above shows that Buildings C, D, F, G and I will not meet the Design Criterion in the ADG.

Apartment layout:

- Due to the deep building footprint, several units in Building I include internalised study areas without windows, such as units IG10, IG07, IG05 and IG06. The arrangement is unacceptable as these areas lack natural light and ventilation, and may be converted into undersized, windowless bedrooms, contrary to the design guidance provided under Objective 4D-1 of the ADG.
- Several buildings have long, convoluted and substantially internalised common corridors, which would compromise residential safety and wayfinding, contrary to the objectives and design guidance under Part 4F of the ADG.
- The residential lobbies and entries in Building A (basement and ground levels) are poorly configured and inefficient. The ground level entry to Building A would require one to first access through the long communal corridor of Building B.
- The community room and gymnasium at the northern end of Building A is located at Basement Level 2, isolated from the residential components, the main circulation areas and the new internal street. The architectural plans (DWG 241) indicate a connection from the interior to the outdoor areas and the gravel path along the northern boundary. Notwithstanding, the landscape plan (Sheet 9 of 40) depicts a residential level in this location so it is unclear whether the communal room can be accessed from the outside, or not. The finished floor level of Basement Level 2 is stated as RL 27.70, whereas the gravel pathway is at RL 27, as such stairs or a ramp would be required in any event to provide equitable access.
- The documentation, including the ADG Checklist, has not provided sufficient information to confirm whether all apartments satisfy the objectives and design guidance under Part 4D Apartment size and layout of the ADG, including room sizes, dimensions and overall interior areas of units. Similarly, the documentation does not have sufficient information to confirm whether the balcony dimensions and sizes meet the objectives and design guidance under Part 4E Private open space and

balconies of the ADG. A set of larger scaled and fully dimensioned floor plans of various apartment types proposed should be prepared to demonstrate compliance with the above.

- Apartments C606, C706, I512 and I610 are noted as studio apartments but do not satisfy the definition in the ADG (studio apartment – an apartment consisting of one habitable room that combines kitchen, living and sleeping space). These are 1-bedroom apartments but undersized as they are less than 50 sqm in internal area as required by the ADG.

Safety and security

- The security risks associated with the lack of activation and casual surveillance at the north-western and southern portions of the site have been discussed above.
- Where Buildings B and C front onto Burrawang Lane, the ground floor building frontages are dominated by driveway entries and service areas. The design fails to provide adequate activation and engagement with the pedestrian environment.

5.5 Impacts on neighbours

The proposal has not minimised adverse impacts on the adjoining land pursuant to clause 6.17(b) and (e) of the Sutherland Shire LEP 2015 and the provisions in Chapter 7 Caringbah North Residential Flat Precinct of the Sutherland Shire DCP 2015 as:

Overshadowing

- The proposed development would cast shadows on the adjoining residential developments to the south and west of the site. The proposal fails to depict the additional overshadowing caused by the non-compliant building heights.
- Three-dimensional shadow modelling is only prepared for the southern neighbour at 131-135 Willarong Road, but not the existing or approved developments to the west along Taren Point Road. Notwithstanding, the shadow analysis for 131-135 Willarong Road is insufficient to ascertain solar access to the living areas and private open space as per the ADG provisions.

Privacy

- The balconies on level 4 of Building D encroach upon the 9m setback as per the design guidance of the ADG. There is a lack of mitigation measures to minimise overlooking and impact on the northern neighbour.

Visual amenity

- The loss of existing canopy coverage will detract from the visual amenity of the surrounding sites. The scale, proportions and intensity of buildings fronting the internal road (Burrawang Lane) are visually intrusive to public domain viewpoints along Willarong Road and surrounding areas.
- The limited northern setback provided for Building F would result in visual dominance to the approved development on the neighbouring site at 101-109 Willarong Road (DA21/0629) and the public domain. The proposal provides no view line analysis or streetscape perspectives to justify the outcome.

- The proposal provides insufficient built form relief along the southern site edge, where the excessive length of Building I (approximately 60m) does not minimise overshadowing or reserve adequate outlook corridors to mitigate impacts on the existing development at 131-135 Willarong Road. The building layout and scale amplify visual bulk and exacerbate a sense of enclosure to the neighbouring property.
- Due to the elevated basement levels, Buildings I and G present extensive blank walls along the southern boundary detracting from the visual amenity of the neighbouring site.
- On the lower floor levels, Buildings F, E and D present exposed blank walls and retaining walls to the northern boundary, detracting from the presentation to the neighbouring site.
- Buildings A, B and C present long spans of blank walls to the neighbouring sites to the west, detracting from their visual amenity. Similar concerns relate to the eastern elevation of Building A where the basement level protrudes above ground, resulting in exposed blank walls and limited activation along the shared boundary. The degree of basement protrusion is most significant for Building C due to the fall of the land.

Safety and security

- The landscape plan (Sheet 11 of 40) indicates a future road connection to the adjacent lot at No. 328A Taren Point Road. However, no access points or levels are provided to benefit the neighbouring sites at Nos. 328B, 322, 324, 326 and 328 Taren Point Road, and hence does not provide opportunity for rear access to facilitate future redevelopment of these sites envisaged in the LEP. The future road connection is designed as a 'cul-de-sac' which, based on limited pedestrian activation and passive surveillance, may cause security issues to these neighbouring lots.

5.6 Traffic and access

The proposal entails the following outstanding issues relating to traffic generation, access and car parking design:

Traffic generation

- The application has been referred to TfNSW for comments pursuant to SEPP (Transport and Infrastructure) 2021. In reviewing the traffic-generation potential of the proposed development, TfNSW has requested electronic copies of SIDRA modelling to verify the applicant's assertion that traffic control signals are not required at the intersection of Willarong Road and Captain Cook Drive. TfNSW has also identified gaps in the modelling scenarios to assess the traffic impacts of the proposed development on the existing operational performance of the above intersection. The above information has not been provided and as such, the potential traffic impacts remain unresolved.
- The modelling should also have regard to the increase in residential density that exceeds the base FSR control without providing additional access points to properties fronting Taren Point Road and Kingsway, which is the pre-requisite for

obtaining floor space bonus under the LEP. This pre-requisite has not been fulfilled in the proposal.

- To mitigate the potential traffic impacts from the development and to allow safe and efficient movement of vehicles, cyclists and pedestrians, Council considers that the following road upgrade measures are necessary:³
 - Traffic signals at Captain Cook Drive and Willarong Road.
 - Roundabouts in Willarong Road at the intersections with Booyong Avenue and Dianella Street.

Vehicular access design

- The cul-de-sac bowl needs to have a radius to accommodate a heavy rigid vehicle (HRV).
- To accommodate furniture trucks, waste trucks and emergency vehicles, the parking lanes in Burrawang Lane need to be widened to accommodate an HRV.
- The traffic lanes in the service carriageway are too narrow at 2.8m; the carriageway needs to be widened to meet Australian Standard (AS) 2890.2: 2018 and modelled on two HRVs passing. Swept paths analysis should be provided to demonstrate the passing of two HRVs where the carriageway deflects (chainage 180m).
- The proposal has not provided adequate information regarding the carriageway for back-of-house vehicles for the properties fronting Taren Point Road and Kingsway. Additional details, such as dimensions, pavement type, grades, cross-sections, two-way movements, sightlines, lighting and cutting and filling are required. The above information is especially relevant due to the presumed use of the carriageway for waste service and delivery trucks.
- The drawings fail to indicate location for access and wayfinding devices for vehicles and pedestrians at the service carriageway for properties fronting Taren Point Road and Kingsway.
- Council requires a continuous footpath treatment in Willarong Road and dedication of part of Burrawang Lane. This matter can be addressed via conditions of consent.

Car parking design

- Within Burrawang Lane, details of car and motorcycle parking bays and signage for parking restrictions are required.
- Council's engineers have identified that 37 (out of 99) of the proposed accessible / disabled parking bays are not compliant with AS2890.6:2009.
- The internal driveways within basement car park "C" must be widened from 3.3m to 5.5m.

³ Council notes that traffic signalling at the Kingsway / Willarong Road intersection will be undertaken by TfNSW; as such, the above is not required to be provided as part of the subject development.

- Three-phase electrical power must be provided in the garages (or provide centralised charging stations) with sufficient room in the master power switchboard, for the supply of power to electric cars.

Due to the deficiencies in the traffic modelling and information provided, and the unresolved issues with vehicular access and parking design above, the proposal cannot be supported.

5.7 Engineering / building matters

Fire safety

- A fire hydrant services report prepared or endorsed by a qualified fire engineer with supporting documentation relating to potable water flow and pressure from Sydney Water was not submitted.
- The drawings have not included details on any static water sources at the basements. It is unclear whether there is sufficient flow and pressure in Sydney Water's street potable water supply and whether a suction connection outlet is required.
- The drawings do not identify the required hydrants and associated hardstand areas. For buildings over 25m in height, clause 10.4.3 and figure 22 of the NSW Fire and Rescue document, Access for Fire Brigade Vehicles and Firefighters must be addressed.

Stormwater management

- The proposed stormwater drainage system makes a direct connection to Council's drainage infrastructure in Willarong Road and is not supportable. The catchment breakdown is approximately 66% to Willarong Road and 33% to the pipeline and easement that traverse Caringbah High School, and then connected to Council's street pit (No. 31602) at the south-eastern corner of the intersection of Captain Cook Drive and Taren Point Road. The applicant needs to prepare an audit of the existing drainage system for an understanding of the catchment that drained to Willarong Road.
- The stormwater design needs to detail emergency overland flow path from "sag" pit within the carriageway to the road.
- The stormwater drainage design shows a "Rock Lined Drainage Swale" (No. 201020 sheet C04/02 by Wilson). A formal drainage path will need to be captured by an easement over the school site.

Substations

- The plans fail to indicate the location of electrical substations and associated accessway.

The proposal should be refused on the basis of unresolved engineering, building and fire safety matters.

5.8 Inadequacy of information

The following provides a summary of the deficiencies and gaps in the documentation:

Drawings

- There is insufficient information to clearly identify the extent of landform changes and earthworks, particularly due to the scale of the development proposed. The existing and proposed ground lines in the sections should be supplemented with reduced level (RL) details. The existing and proposed ground levels, including top of retaining walls, should be stated in the plans and elevations.
- The drawings provide insufficient dimensional details relating to the proposed buildings.
- There are inconsistencies in the representation of the rooftop plant and equipment areas across the plans, elevations and sections. For example, the large, centrally positioned plant areas on the roofs of Buildings D and I as shown on the floor plans (DWG 218) are not outlined in the western elevation (DWG 300) and northern elevation (DWG 301).
- The finished floor level (FFL) for the lowest (above-ground) floor of Block A is misidentified on the landscape plans as RL 33.80 rather than RL 30.80, which is one storey's difference.
- Burrawang Lane (internal road) requires further information to establish the locations of pedestrian crossings.
- There are insufficient details of waste collection points for those buildings without frontage to Burrawang Lane. The consequential noise impacts from waste pick-up have not been addressed.
- The drawings should illustrate the location and configuration of building/engineering services, such as substations, fire hydrants and associated hardstand areas and access ways, etc.
- The materials and finishes should be annotated on the elevations and cross referenced to the materials and finishes schedule. The schedule (DWG 900 and 901) should include written explanation of the materials and colour palettes in addition to images.
- The profile of the 16m base building height control under the LEP is not provided. Dimensions of the building and basement footprints are omitted.
- The referral from NSW Police has raised issues regarding potential increase in crime risk and recommendations for design measure or treatments. These need to be considered and incorporated in the design scheme.

Clause 4.6 variation – height of buildings

- The proposal has a maximum height of 37m, which is 21m above the base control. The submitted variation request only seeks to justify the exceedance of the height standard inclusive of the bonus, which the proposal is not entitled to. The clause 4.6 variation request is not acceptable as it refers to a previous consent for staged development that has not commenced. The request has not provided adequate environmental planning grounds to justify the height variations being sought.
- There is also insufficient information in the Urban Design Report and Architectural Design Report to demonstrate the key differences from the previous approved master plan, including the distribution of massing, building footprints, built forms,

heights, setbacks and separation, and how the proposal would integrate with the existing and approved development along Willarong Road.

- There is no clause 4.6 variation submitted in relation to FSR.

Access to adjoining properties

- There are discrepancies between the easement plan and the architectural and landscape drawings. The design scheme shows that landscaped areas and a pedestrian pathway will be provided along the western site boundary adjacent to Buildings A and B. This contradicts the potential easement for vehicular access in the same area as shown on the easement plan.
- The landscape plans show a “Future road connection” to the adjacent property at No. 328A Taren Point Road. However, no design details are provided. The proposal appears to assume that this carriageway would allow access by service vehicles; however, manoeuvrability and turning circles have not been demonstrated.
- The Statement of Environmental Effects and drawings indicate that landscaped area equivalent to 34% of the site (10,150 sqm) will be provided in the development. However, the implications of a potential vehicular access along the western boundary of the site for properties along Taren Point Road (as shown in the easement plan) on landscaped area provision are unknown. Similarly, the effect on the provision of deep soil areas as a result of this potential access is not addressed.

Floor space calculations

- As noted in this report, Council has identified that the applicant’s floor space calculations are incorrect.

Solar access

- It is unclear as to how the site planning and landscape layout achieve 50% direct sunlight to the “principal usable part” of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June, as the principal usable portion of such open space is not clearly identified.
- Drawing DWG 590 suggests that 8,283 sqm of communal open space achieves more than 2 hours sunlight in mid-winter. This is stated to be 8,760 sqm in the ADG Checklist (p. 1).
- Part 4.3 of the Architectural Design Report indicates 26 out of 686 units will receive no sun in mid-winter; these units should be clearly identified (as differentiated from those units that receive less than 2 hours of sunlight).
- The sun eye diagrams and solar access plans (DWG 512) should be supported by details of which living room windows and balconies that are counted as receiving 2 hours sunlight in mid-winter as per the ADG guidance.

Overshadowing of adjoining properties

- While sun eye diagrams have been prepared, the information available is insufficient to illustrate the extent of solar access retained for the living room windows and balconies/courtyards of the adjoining development to the south in mid-winter. This should also be summarised in a tabulated format capturing the solar access at 15-minute intervals.

- The isometric shadow modelling (in the Architectural Design Report) should have 15-min intervals for mid-winter to facilitate cross-referencing to the sun eye diagrams.
- There is no comparison in the difference of overshadowing impacts between a compliant scheme (in terms of height and floor space ratio), the previously approved development application for the site, and the current proposal.

Cross-ventilation

- Having regard to the provisions of the ADG, the proposal should demonstrate cross-ventilation is achieved for at least 60% of apartments in each building of the development.
- The Qualitative Natural Ventilation Report has not adequately demonstrated that those single-aspect units will achieve natural cross-ventilation, as the areas of operable windows facing the façade indentations are not given and sufficiently considered.

Unit size

- The architectural plans and ADG Compliance Checklist should confirm whether the dwelling sizes fully meet the ADG requirements.

Trees and vegetation

- The site has been identified as containing the Coastal Enriched Sandstone Dry Forest vegetation community. Council has identified the endemic trees which remain on the site are more typical of the critically endangered Sydney Turpentine Ironbark Forest (STIF). The proposal has not clearly or sufficiently considered the impacts of the proposal on the STIF.
- As identified by Council, an additional tree impact assessment should be undertaken to ensure the viability of the proposed tree retention, in conjunction with further details of construction staging and tree protection measures.
- A tree removal and retention plan must accompany the application. The plan must include the diameter of the structural root zone and tree protection zone of each tree, overlaid with the ground floor plans, basement outline and services.
- A development staging plan must accompany the application with specific reference to trees proposed to be retained and removed at each stage. Any temporary public domain or landscape treatments at each stage must be stated.
- A plan of management for existing trees during construction was not included in the submitted Arboricultural Impact Assessment.

Traffic

- As outlined above, electronic copies of SIDRA modelling and additional scenario modelling details are required for review by TfNSW. There is insufficient analysis of the adequacy of the proposed single access road.

Stormwater, engineering and building

- Any stormwater easements over the adjoining properties need to be indicated in the drawings.
- Council's engineering referral comments have identified additional issues with the stormwater and civil work design and documentation.

- Hydraulic plans are needed to show the hydrant and sprinkler coverage, supported by a detailed assessment of the type, size and location of fire service infrastructure, and location of hardstand areas for emergency vehicles.

6. CONCLUSION

The development application has been considered in accordance with the requirements of the EP&A Act and the Regulation as detailed in this report. Based on the assessment against the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported and warrants refusal.

The proposal significantly exceeds the default maximum height of buildings and maximum FSR (base controls) prescribed under the Sutherland Shire LEP 2015. The applicant seeks to rely on the bonus height and FSR provisions in the LEP; however, the pre-conditions to obtain these bonuses which involve the provision of vehicular access to the adjoining sites have not been demonstrated. The proposal also has not complied with the affordable housing criteria to obtain the bonus FSR under the Housing SEPP 2021.

There is no clause 4.6 variation submitted to justify the contravention of the FSR standard in the LEP.

The submitted clause 4.6 variation request for height is unacceptable. The request has not correctly stated the proposal's contravention of the base height control in the LEP. The actual variation being sought, which is up to 21m, is much higher than what is specified in the request (up to 7m) as the proposal is not qualified for any height bonus under the LEP. The request fails to establish the environmental planning grounds for the variation nor demonstrate that strict compliance with the standard is unreasonable or unnecessary.

The breaches of the FSR and height standards and other applicable planning controls will result in detrimental and unreasonable environmental and social impacts on the locality, including:

- Lack of vehicular access to the adjoining properties fronting Taren Point Road and Kingsway to minimise vehicular ingress into and egress from these main roads consistent with the strategic intent of the LEP.
- Excessive visual bulk and scale and inadequate landscape response that adversely affect the character of the streetscape and surrounding neighbourhood.
- Failure to adequately protect environmentally significant trees on the site for integration with the development and contribution to the Green Web.
- Unreasonable amenity impacts on the adjoining properties, including visual amenity, solar access, privacy and safety and security.
- Poor internal amenity in terms of solar access, natural ventilation, privacy, useability of communal open space, way-finding, access, safety and security.
- Isolation of the proposed development from the surrounding residential community due to the limited site permeability, reliance on a single laneway for access, and elongated and bulky built forms along the street frontage. Buildings further within the site do not have a proper address and rely on convoluted access routes.

In addition, the proposal has not adequately resolved issues relating to traffic generation and any required road network upgrade, vehicular access and car parking design, stormwater management, fire safety and facilities for emergency vehicles.

The proposal has a broad scope involving 9 residential flat buildings and associated works. There are major deficiencies in the information provided with critical details missing. The supporting analysis is inadequate to inform orderly development of the site. The key justifications in the proposal pertain to a comparison with the previous master plan scheme approved by the Land and Environment Court in 2020. As the current proposal is a new development application, such a comparison should not be relied upon as the principal justification. The proposal has not appropriately demonstrated its own planning merit nor successfully justified its non-compliance from the relevant controls. As such, the proposal should be refused.

7. RECOMMENDATION

That the Development Application No. DA22/1126 / PPSSSH-126 for construction of 9 residential flat buildings ranging from 4 to 11 storeys and comprising 686 dwellings (of which 351 are affordable housing) and 4 multi-level basement car parking areas for 886 cars; site formation and preparation works including tree removal, remediation, cutting and filling; landscaping works; civil engineering works including an access road and stormwater drainage and on-site detention facilities, at 113 Willarong Road, Caringbah be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* for reasons set out below:

- (a) The proposal does not satisfy the relevant provisions of the Housing SEPP 2021 as follows:
 - i) The proposal does not satisfy the pre-conditions for obtaining a bonus floor space ratio of 0.5:1 under section 17(1)(a)(i) of the Housing SEPP 2021, in that less than 50% of the gross floor area would be dedicated for affordable housing.
 - ii) The proposal does not provide adequate and consistent information to demonstrate that the non-discretionary development standards under section 18 of the Housing SEPP 2021, being landscaped area, deep soil zone, solar access and minimum internal area, have been met. A clause 4.6 variation may be required to justify the contravention of the standards.
 - iii) The proposal fails to demonstrate the design requirements under section 19 of the Housing SEPP 2021 have been satisfied.
 - iv) There is insufficient information to demonstrate that the nominated affordable housing will be used and maintained as such for a minimum period of 15 years, as required in section 21 of the Housing SEPP 2021.
- (b) The proposal does not satisfy the aims of Chapter 2 'Vegetation in non-rural areas', under section 2.1 of SEPP (Biodiversity and Conservation) 2021 due to the excessive removal of native trees on the site, including the critically endangered Sydney Turpentine Ironbark Forest (STIF) community.
- (c) The proposal does not demonstrate adequate regard to the design quality principles of SEPP No. 65 Design Quality of Residential Apartment Development. The proposal has not provided adequate regard to the objectives relating to community and public

open space, visual privacy, pedestrian access and entries, solar and daylight access, natural ventilation, apartment size and layout, common circulation and spaces, and acoustic privacy specified in the Apartment Design Guide. As such, development consent cannot be granted pursuant to section 30(2) of this SEPP.

- (d) The proposal has not adequately considered the road network capacity and any required intersection upgrade by failing to provide digital copies of SIDRA modelling and information requested by Transport for NSW as part of its comments made pursuant to section 2.122 of SEPP (Transport and Infrastructure) 2021.
- (e) The proposal does not satisfy the relevant provisions of the Sutherland Shire LEP 2015 as follows:
 - i) The proposal is inconsistent with the aims of the LEP specified in clause 1.2(2)(a), (c) and (f) as it would not achieve an appropriate balance between development and management of the environment, protect and enhance the amenity of existing and future residents, and retain and rehabilitate significant vegetation on the site.
 - ii) The proposal does not satisfy the objectives of the R4 High Density Residential zone in that it does not provide facilities or services to meet the day to day needs of the residents, nor promote a high standard of urban design and residential amenity in a landscape setting.
 - iii) The proposal does not comply with the height of buildings standard under clause 4.3(2) nor the pre-conditions for obtaining the bonus height under clause 4.3(2E)(e), as vehicular access is not provided to all lots within the adjoining land identified as “Area 5A” on the Height of Buildings Map. The clause 4.6 variation request fails to demonstrate that compliance with the height of buildings standard, which in this case is specified in Clause 4.3(2), is unreasonable and unnecessary and has not provided sufficient environmental planning grounds to justify the contravention of the standard.
 - iv) The proposal does not comply with the floor space ratio standard under clause 4.4(2) nor the pre-conditions for obtaining the bonus floor space pursuant to clause 4.4(2A)(a). There is no clause 4.6 variation submitted to justify the contravention of the applicable development standard, which in this case is specified in Clause 4.4(2).
 - v) The proposal has not provided adequate and consistent information to establish that the landscaped area requirement under clause 6.14 has been satisfied.
 - vi) The proposal does not satisfy the urban design matters specified in clause 6.16(1)(e) and clause 6.17(b), (c), (e) and (f).
- (f) The proposal does not facilitate alternative vehicular access to the adjoining properties fronting Taren Point Road and Kingsway to reduce direct access from the above main roads, which is envisaged as a strategic outcome for the locality in the Sutherland Shire LEP 2015.
- (g) The proposal does not satisfy the objectives and controls in Part 4 ‘Tree and Bushland Vegetation’ of Chapter 39 ‘Natural Resource Management’ of the

Sutherland Shire DCP 2015 due to the excessive tree removal and the inadequate landscape design to facilitate restoration of Green Web corridor.

- (h) The proposal does not satisfy the objectives and controls in Part 5 'Streetscape and Building Form', Part 6 'Street Setbacks', Part 7 'Side and Rear Setbacks', Part 8 'Landscape Design' and Part 10 'Solar Access' of Chapter 7 'Caringbah North Residential Flat Precinct' of the Sutherland Shire DCP 2015, in that the building and landscape design have not appropriately responded to the context and setting of the site and mitigated impacts on the amenity of the adjoining and nearby properties.
- (i) The proposal has not sufficiently addressed or resolved stormwater management, vehicular access and car parking configuration, fire safety and site facilities required to support the development.
- (j) The documentation supporting the development application is deficient in crucial information and contains errors in floor space calculations.
- (k) The proposal will result in detrimental environmental and social impacts on the locality. The site is not considered to be suitable for the proposed development.
- (l) The proposal is not in the public interest.

Attachments

The following attachments are provided:

- A1: Architectural Drawings
- A2: Landscape Drawings
- A3: Shadow Diagrams
- A4: Civil Works Plans
- A5: Survey Plan
- A6: Waste Management Plan
- A7: 3-D images
- A8: Access Report
- A9: Acoustic Report
- A10: Apartment Design Guide Compliance Checklist
- A11: Architectural Design Report
- A12: Arboricultural Impact Assessment Report
- A13: BASIX Certificates (2 x certificates)
- A14: BCA Reports (4 x volumes)
- A15: Civil Design Report
- A16: Clause 4.6 Variation – Building Height
- A17: Materials and Finishes Schedule
- A18: Easement Plan
- A19: Erosion and Sediment Control Plan
- A20: Geotechnical Investigation Report
- A21: Qualitative Natural Ventilation Assessment
- A22: Remediation Action Plan
- A23: SEPP 65 Design Verification Statement
- A24: Statement of Environmental Effects
- A25: Traffic and Parking Impact Assessment
- A26: Urban Design Report
- A27: Vegetation Management Report

- A28: Waste Management Report