

Caringbah Area 1: Coles and adjacent properties

8 Submissions were received. Coles request removal of site amalgamation requirements. Adjacent land owners request inclusion in the amalgamation area to take advantages of additional height and density.

Summary of Issues

Coles formally request through their submission to be removed from any amalgamation requirements of Area 1. Coles state that the amalgamation would force the collaboration of multiple parties, with differing financial interests, priorities, timelines, accountabilities, motivations and goals. These parties span two levels of government as well as private interests. Coles' concerns relate to this amalgamation process becoming highly protracted with many years of negotiation. They state that risks of unreasonable expectations or demands by other parties could indefinitely halt any such redevelopment process and ultimately prevent outcomes for the Caringbah centre that would assist revitalisation. They assert that the land can be effectively developed with the need for amalgamation.

Coles submit that the requirement for pedestrian access between Park Lane and Willarong Road has no public benefit. The submission notes that the site already has sufficient pedestrian access via President Avenue, President Lane or the roadway (Ralcorp land) on the northern boundary of the site. In the same context, this same submission notes existing pedestrian and vehicular access arrangements for 340 and 344-346 Kingsway across Council car park land for lots 340R, 344-346 and adjacent the council Community Aid Centre. The submission notes that the current pedestrian walkway from the Kingsway along railway land is the desired pedestrian access route to the Kingsway and should remain so. Coles submit there is a lack of detail in terms of structural design intended for this pedestrian route.

Coles contest the legitimacy for any pedestrian access needs between Park Lane and Willarong Road as well as their responsibility in development outcomes for the Council car park and therefore this reliance for vehicular access for sites 344-346 and 340 Kingsway.

A number of submissions support the amalgamation of the council car park with adjacent land owned by the Coles Group, known as Area 1 within the draft plan. Specifically, a submission received from properties 340, 336-338 and 344-346 Kingsway. These properties all wish to be also considered for inclusion in the amalgamation Area 1.

A submission has been received opposing any potential sale of council's car park within Area 1. The submission notes the current public accessibility and ownership of this land, and emphasises its opposition to any potential sale or transfer to private ownership.

Other issues raised by submission relate to potential loss of car parking with the rezoning of the council car park land and any opportunities for its sale.

Concern is also raised with regards to loss of public access across the council land brought about by the potential redevelopment of Area 1. Submissions also raise the validity of the proposed pedestrian and vehicular access requirements.

Another submitter has raised objection to the transfer of the council car park land from Zone 12 under SSLEP2006 to B3 Commercial Core under the draft plan. There is a view that the change in zone reflects a potential loss of public parking facilities.

A submission has raised the issue of "pedestrian plaza" and there being no definition provided for it in the dictionary of the Draft Plan. The submitter states that with no real definition or detailed information as to the design requirements of any such plaza in order to qualify for additional height and FSR, it becomes questionable whether any such public space is of benefit.

One comment raises the opportunity for council to consider an appointment of an independent expert architect to assess the architectural form of any proposed development in Area 1. The submission states that such an appointment will ensure that any proposed development achieves a high standard of urban design reflecting the significance of this area and the benefits properties gain through bonus FSR and height.

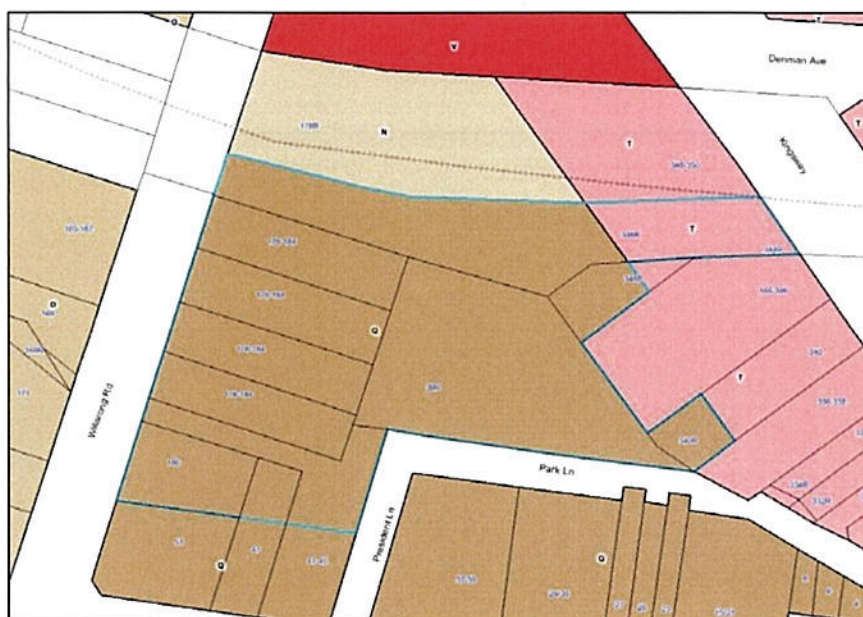
Analysis of Issues

Area 1 is proposed to have a maximum FSR of 2.5:1 and a maximum height of 20m (6/7 storeys). Under the draft plan the mapped height and floor space ratio may be exceeded by 26 metres and 0.5:1, provided that:

- Construction occurs in the area noted as Area 1 (see image taken from Height of Buildings map below),
- The lot has an area of at least 6,000sqm and

- The development provides a pedestrian plaza; pedestrian access through the site from Park Lane to the Kingsway and from Park Lane to Willarong Road; and
- The development provides vehicular access to 344-345 Kingsway (Lot 1 DP 219784) and 340 Kingsway S/P 13533).

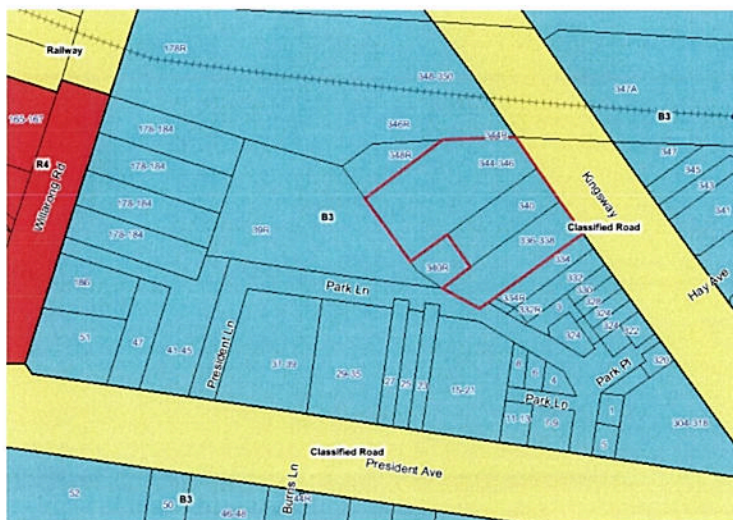
Therefore development with a total height of 46m (14/15 storeys) and 3:1 is possible in Area 1 outlined in blue below.



Draft SSLEP2013 Caringbah Centre Area 1 in blue

Coles as part of their submission for removal of any amalgamation requirements, request that the FSR and height increases be retained across their land(s). This would mean that on their site, they could achieve a maximum FSR of 3:1 and Height of 46 metres without any amalgamation or access requirements as proposed for Area 1 and without any public benefit by way of pedestrian, vehicular access or pedestrian plaza.

Properties 336-338, 340 and 344-346 Kingsway support their request for inclusion in the amalgamation and request that they too get the added benefit of bonus height gained with amalgamation requirements- an additional 26 metres over these sites (total 46m – 15 storeys). Under draft SSLEP2013 this area is proposed to have a maximum height of 25m (7/8 storeys) and a maximum FSR of 3:1. This an increase from the current SSLEP2006 development controls of and FSR of 2.5:1 and a height of 4 storeys. They contend that such would enable pedestrian and vehicular access opportunities, and enhance the development opportunities for the area by inclusion of additional landowners.



DSSLEP2013 336-338, 340 and 344-346 Kingsway in red outline

Area 1 includes:

- The Coles site, being 178-184 Willarong Road, plus
- 186 Willarong Road (squash courts),
- 47 President Avenue (shops),
- 348R Kingsway (SSC Caringbah Community Centre)
- 340R Kingsway (SSC car parking)
- Part 41-45 President Avenue (shops),
- Rail Corporation NSW land along the railway used as access, and
- 39R President Ave - Council's car park

It is noted that Area 1 does not include the portion of this the land fronting President Avenue, nor 51 President Avenue (Whitworths Marine Supplies) on the corner of Willarong Road.

The amalgamation came about as a result the draft Caringbah Centre Strategy (draft Strategy) (considered by council in July 2012 SDC003-13). At the time, submitters identified a lack of a 'heart' of community space for Caringbah, such as play areas and parks in the centre, and the need for Caringbah to have better pedestrian connectivity, streetscape and footpath improvements generally. The draft Strategy sought to address this by requiring the provision of public plaza spaces as part of redevelopment of some key sites. The draft Strategy also included a requirement for a pedestrian plaza on an improved pedestrian route as part of any future redevelopment of the amalgamated site of Coles supermarket and the adjacent council car park. The strategy also sought to improve access to properties fronting the Kingsway.

During the consideration of the draft Strategy, Coles presented an alternative schematic design for the area. This scheme proposed a tower element above a podium over the Coles site and council car park. These towers were taller than any other proposed in the Centre.

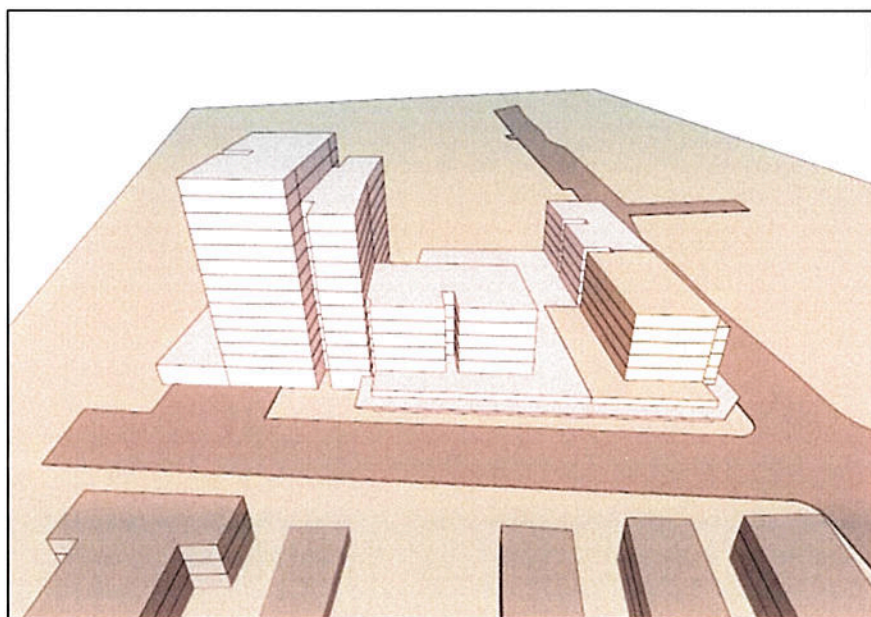
The draft Strategy proposed a number of benefits including a public landscaped plaza and pedestrian links to the railway station. With towers proposed on both the Coles

site and the council car park, it was considered that this location adjacent to the railway line would reduce the visual impact on the centre generally. It was also considered that taller buildings in this location would balance the presence of the Meriton tower on the north of the railway line. The most important contribution of the proposed development would be the creation of a new public space in a part of the centre which is relatively sheltered from the effects of the busy roads. At the time, the alternative design presented by Coles presented no sound urban design rationale to increasing the height of buildings fronting President Avenue to eight (8) stories. As such, the height on President Avenue was recommended to be maintained at 6/7 storeys.

At the time it was considered that further development of the Coles schematic design was necessary. The recommendation was to allow a bonus height on the amalgamated site (within Area 1) up to 46 metres (14 storeys), and FSR up to 3:1, providing that an area of public open space and pedestrian and vehicle access through the site be created as part of the development.

Coles' current concerns, in relation to difficulties with negotiations brought about by amalgamation requirements, are understandable. Since last year, Coles appear to have purchased additional properties in Area 1. Obviously a larger site is easier to develop, enabling more opportunities to address setbacks, and ameliorate amenity impacts however opportunities to redevelop may be stifled by negotiations with other parties, beyond Coles' control.

In response to Coles' submission, additional testing and urban design modeling has been undertaken to determine potential impacts of the Coles site being redeveloped independently, without the car park, at a maximum FSR of 3:1 and height of 46 metres. The below images demonstrate preliminary modeling outcomes used to achieve this conclusion.



Potential built form (from Willarong Road)

The outcome of such preliminary modeling demonstrates that development on this site can be achieved at this FSR and height whilst maintaining reasonable visual, aesthetic and amenity impacts to established built form West of Willarong Road, proposed President Avenue building envelopes and the greater Caringbah Town Centre area. There is some concern as to how the supermarket will be serviced by long rigid trucks, as the space available on site and the turning circles required by such trucks may be problematic. It is noted that the redevelopment of the Coles site is dependent on providing all the required car parking on site (both commercial and residential car spaces) as well as adequate service arrangements. Coles is yet to demonstrate that this can be achieved on site.

Whilst the Coles proposal does not provide a pedestrian plaza or pedestrian access through the site from Park Lane to Willarong Road, the proposal will maintain pedestrian movements and vehicular access to 344-345 Kingsway (Lot 1 DP 219784) and 340 Kingsway S/P 13533) through the Council car park. The desire for pedestrian access to Willarong Rd is questionable. The main attractor for pedestrian movements appears to be to/from the intersection of Willarong Road and President Ave to/from the Kingsway. Therefore it is considered that pedestrian access through the Coles site to Willarong Rd is not a mandatory requirement.

It is considered that whilst vehicular access from Park Lane to Willarong Road is beneficial, as it would provide greater separation between vehicles and pedestrians, provide vehicular entrance/egress via the signalised intersection, and improve vehicle movements through the precinct, it is considered that Park Lane can adequately provide access for development of Council's car park and properties fronting the Kingsway and President Ave.

The two properties fronting the Kingsway (340 & 344-346) are largely dependent on the planning outcome for council's car park land. Their motivation for inclusion in the amalgamation known as Area 1 is understandable.

However, if Coles are permitted to redevelop independently, council should reconsider the merits of the amalgamation (Area 1) requirements, and potentially consider a new amalgamation scenario. Amalgamation of the Council car park with those privately owned Kingsway properties may be considered as an alternative.

A revised amalgamation pattern known as Area 1 is shown below.



Revised amalgamation pattern known as Area 1

Council staff has also undertaken a preliminary assessment of potential built form outcomes and amalgamation opportunities for properties 336-338, 340 and 344-346 Kingsway at a height of 46 metres and FSR of 3:1 (as per the Coles amalgamation proposal), including the council car park and adjoining council land (340R Kingsway and 348R Kingsway).

Development fronting the Kingsway can be achieved within the heights and densities as currently proposed in the draft plan. Additional height to 46 metres could facilitate a higher element on the site (in the form of a resident flat building). The tower could be located in north east corner of the site whilst maintaining a reasonable visual, aesthetic and amenity impacts to established built form south along President Avenue. However, along this section of the western side of the Kingsway, the maximum height is proposed to be 25m 7/8 storeys. With the existing Meriton tower (10 storeys) and proposed tower on the corner of President Avenue and Kingsway (35 metres – 10 storeys), a tower built form outcome could assist in creating a rhythm. However any tower element in this central location should demonstrate compatibility with this rhythm and that provide by all taller structures in the Caringbah Centre. Accordingly, a tower of 46m may not be appropriate. These tower elements are noted on the map below and shown by area marked crosshatched.



Caringbah Area 1 - Draft Masterplan

It should be noted that residential towers in the locations above will prevent a tower on the council car park, as such must comply with the requirements of SEPP65 particularly with regards to setbacks and overshadowing of adjacent development. Requiring the Kingsway properties to amalgamate with council's car park has the potential to solve access arrangements and realise the floor space potential of both the car park and the Kingsway properties. The amalgamation could have the following benefits:

- create a pedestrian way through the centre
- facilitate a pedestrian plaza space in the centre
- enable some commercial floor space to activate the pedestrian way (as indicated in dark purple above)
- facilitate some at grade car parking as well as underground car parking for the Kingsway development sites
- facilitate movements from Willarong Rd/ Park Lane/ to President Ave (as indicated in yellow above) using Rail Corporation land

In all, the amalgamation has the potential to enable a better form of development. Should the breaking of the amalgamation plan, the tower on Coles site and the tower on the Kingsway be supported by council, the amalgamation requirements for the area noted as Area 1 on the Height of Buildings and Floor Space Ration Maps must be reviewed. More detailed design requirements and expectations such as building envelopes, access and open space arrangements, can be undertaken in the Development Control Plan.

Rezoning

As per the Hay Avenue site, opportunities for the retention of Special Uses zones

are limited under the new planning framework and should only be applied in particular and limited circumstances. For council car parks, the use of Zone B3 - Commercial Core reflects the most appropriate zone given zoning available under the draft plan and the objectives and intent of the Caringbah Town centre.

Definitions

A definition of 'Pedestrian Plaza' is not provided in the dictionary of the draft Plan. Council can only use standard definitions prescribed under the State Legislation, namely Standard Instrument (Local Environmental Plans) Order 2006. In the absence of a formal definition provided for in the standard instrument, it is understood that reference to such terminology is provided by way of industry and community expectation, common usage, and definitions provided in the Australian Macquarie Dictionary that provides for adequate reasoning and understanding against the Australian English language.

Independent Assessment

The Independent Hearing and Assessment Panel (IHAP) provides an independent hearing forum for objectors and applicants on certain development applications. Furthermore the Architectural Review Advisory Panel (ARAP) considers the architectural merit of concept plans and development applications for major commercial, industrial, residential and community developments in the Shire. There is no reason to suggest that a proposal for the redevelopment within this area would not be subject to independent assessment.

Response to Issues

The draft plan should proceed as exhibited, however, based on an assessment of submissions received in response to Area 1, the following amendments are recommended:

1. That the Coles site be removed from Area 1;
2. That the FSR be increased to a maximum of 3:1 across the Coles site;
3. That the height be increased to a maximum of 46 metres across the Coles site.
4. That a new amalgamation pattern be drawn up to incorporate Council land (i.e. 39R President Avenue; 340R & 348R Kingsway) and 336-338, 340 and 344-346 Kingsway. The amalgamation of these properties will form to create a revised Area 1;
5. That the additional height afforded through Clause 4.3(7)(a) for the revised Area 1 be set to 5 metres.
6. That public benefit by way of pedestrian and vehicular access as well as the provision of pedestrian plaza be facilitated by the amalgamation of sites forming the new Area 1; and
7. That should the owners at 336-338, 340 and 344-346 Kingsway wish to pursue a height greater than 30m, they provide modeling to ensure that the streetscape is appropriate and the amenity of the area is not diminished