



planning consultants

14 February 2014
Our Ref: 8635A.2JM

Sutherland LEP Review
NSW Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001

Attention: Ms Marian Pate

By Email: sutherlandlepreview@planning.nsw.gov.au

Dear Ms Pate,

**103-113 Willarong Road, Caringbah
Former Caringbah High School Site and Caringbah Bowling and Recreation Club
Justification to Support Higher Floor Space Ratio and Height Controls**

DFP Planning Consultants (DFP) has been engaged by Homebush Bay Holdings Pty Limited, Macarbell Pty Limited and Caringbah Bowling and Recreation Club to prepare a submission to the Planning Assessment Commission (PAC) in response to the Review of Draft Sutherland Shire Local Environmental Plan 2013 (Draft SSLEP 2013).

Please find attached copy of submission lodged with Sutherland Shire Council (Council) dated 1 November 2013.

This submission supports further review of the 4.1ha Former Caringbah High School Site and Caringbah Bowling and Recreation Club site, so that appropriate floor space ratio and height controls can be adopted in order to support economic and orderly development.

Please contact the writer on 9980 6933 should you wish to discuss.

Yours faithfully,
DFP PLANNING CONSULTANTS

**JOHN MCFADDEN
PARTNER**

jmcfadden@dfpplanning.com.au

enc.

Attachment 1: Submission prepared by DFP dated 1 November 2013



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ATTACHMENT I



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1 November 2013
Our Ref: 8635A.1JM
Your Ref: LP/03/79340

General Manager
Sutherland Shire Council
Environmental Planning Unit
Locked Bag 17
SUTHERLAND NSW 1499

Attention: Mr Mark Carlon

By Email: ssc@ssc.nsw.gov.au

Dear Sir,

**Amended Draft Sutherland Shire Local Environmental Plan 2013
Proposed Redevelopment of Nos. 103 -113 Willarong Road, Caringbah
Former Caringbah High School Site and Caringbah Bowling and Recreation Club**

DFP has been engaged by Homebush Bay Holdings Pty Limited, Macarbell Pty Limited and Caringbah Bowling and Recreation Club to prepare a submission to Sutherland Shire Council (Council) in response to the exhibition of Amended Draft Sutherland Shire Local Environmental Plan 2013 (Draft SSLEP 2013).

Background

Council at its meeting of 30 September 2013 resolved by Mayoral Minute No. 15/13-14 to '*request the Minister for Planning and Infrastructure to direct the Planning and Assessment Commission to conduct a public hearing in accordance with Section 57 of the Environmental Planning and Assessment Act, 1979 into the content of Draft Sutherland Shire Local Environmental Plan 2013*'.

Draft SSLEP 2013 is currently on extended notification until 1 November 2013.

Purpose of this Submission

The purpose of this submission is to respond to Council's notification of Draft SSLEP 2013 by requesting more appropriate floor space ratio (FSR) and height controls that promote the economic and orderly development of the site.

Subject Site

The subject site is an irregular shaped 41,083m² (4.1ha) allotment known as Nos. 103-113 Willarong Road, Caringbah comprising seven (7) individual lots that are currently configured as follows:

- **No. 113 Willarong Road, Caringbah – Former Caringbah High School Site**
 - Lot 102 DP 868930 (29,740m²)
- **Nos. 103-107 Willarong Road, Caringbah – Caringbah Bowling and Recreation Club**
 - Lot 5 DP 31460 (8,081m²)
 - Lot 6 DP 31460 (562.8m²)
 - Lot 7 DP 31460 (562.8m²)
 - Lot 1 DP 31460 (1,163m²)
 - Lot 3 DP 31460 (695.6m²)
 - Lot 4 DP 31460 (139.1m²)
 - Lot P DP 413007 (139.1m²)

The former Caringbah High School site at No. 113 Willarong Road contains a disused educational establishment and the remainder of the site at Nos. 103-107 Willarong Road contains the Caringbah Bowling and Recreation Club and low density residential dwellings that are owned by the Club (**Figures 1, 2 and 3**).

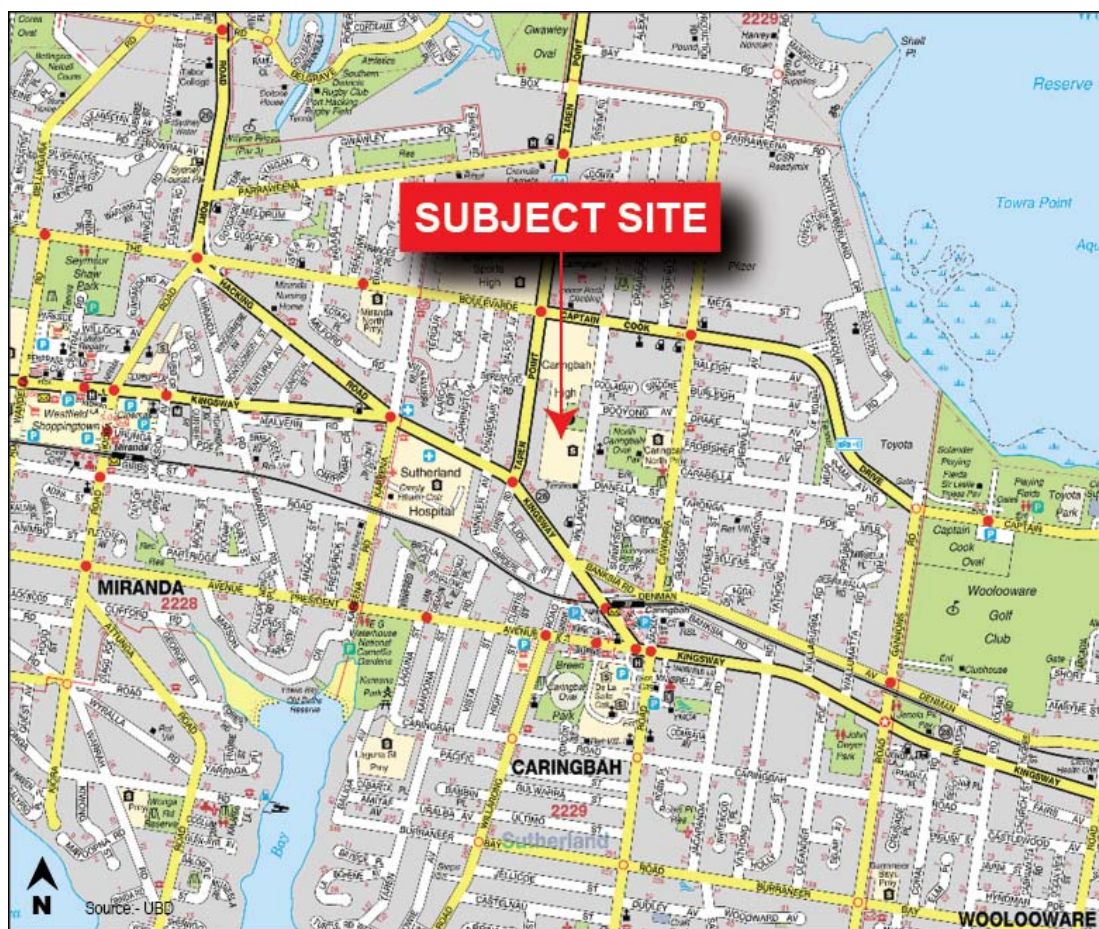


Figure 1 – Locality Plan

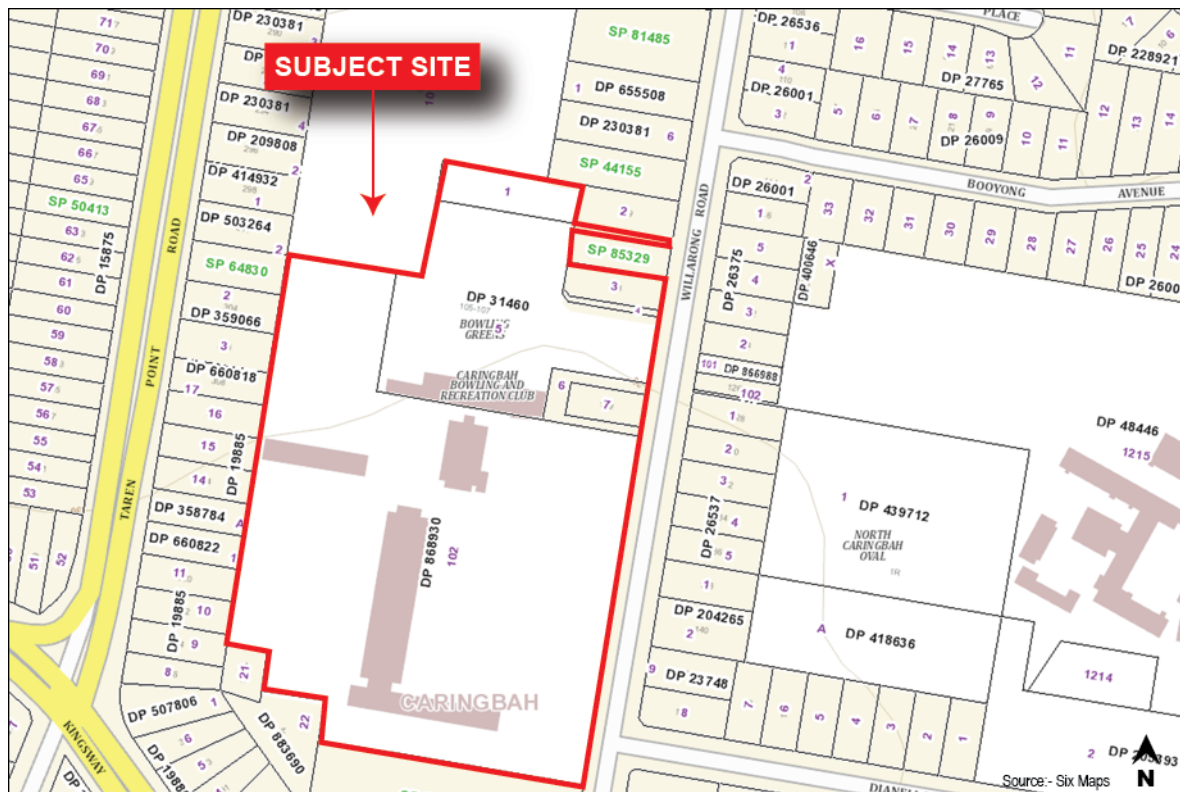


Figure 2 – Cadastral Plan



Figure 3 – Aerial Photograph

Proposed Zoning – Amended Draft Sutherland Shire Local Environmental Plan 2013

The site is proposed to be zoned R4 High Density Residential under Amended Draft Sutherland Shire Local Environmental Plan 2013 (Draft SSLEP 2013) (**Figure 4**).

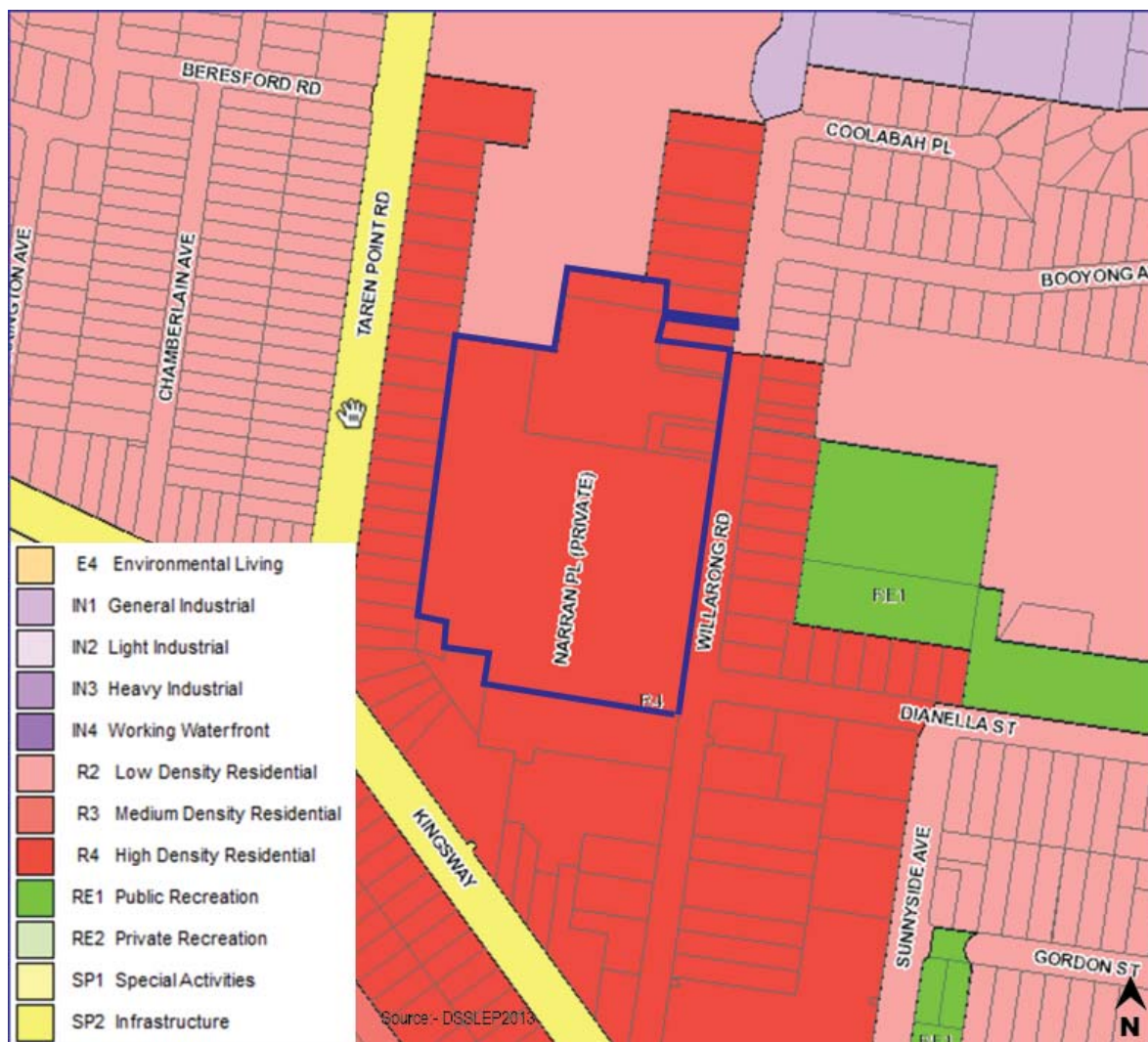


Figure 4 – Draft SSLEP 2013 Zoning Extract

The objectives of the R4 High Density Residential zone under Draft SSLEP 2013 are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Shire's population, particularly housing for older persons and people with disabilities.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting.



- *To ensure a high standard of design that responds to natural features and opportunities to incorporate existing trees and vegetation.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

Home occupations are permitted in the R4 High Density Residential Zone without consent and the following development is permitted in this zone with consent:

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works, Flood mitigation works; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Shop top housing.

All other development that is not permitted (either with, or without consent) is prohibited within the R4 High Density Residential zone under Draft SSLEP 2013.

In addition, Schedule 1 of Draft SSLEP 2013 provides for additional permitted uses on the site as follows:

CARINGBAH

5 Use of certain land at Caringbah

- (1) This clause applies to the land at 113 Willarong Road, Caringbah being lot 102 DP868930 as shown edged heavy red and identified as Area 5 on the Additional Permitted Uses Map.*
- (2) Development for the purpose of a Health services facility, recreation facilities (indoor); recreation facilities (outdoor) and registered club, are permitted with consent.*

6 Use of certain land at 103-107 Willarong Road, Caringbah

- (1) This clause applies to 103 - 107 Willarong Road, Caringbah, being Lots 1, 3, 4, 5, 6 and 7 in DP 31460 and Lot P in DP 413007.*
- (2) Development for the purpose of recreation facilities (indoor); recreation facilities (outdoor) and registered club is permitted with consent.*

The proposed additional permitted uses are acceptable as they offer greater flexibility on the site for uses to meet community needs over and beyond high density residential development.

Willarong Road Precinct – Strategic Context

Council's Willarong Road Fact Sheet describes the context of the precinct as follows:

A new residential flat zone is proposed for the area of Caringbah around Willarong Road and Taren Point Road referred as the Willarong Road Precinct. The precinct includes the surplus southern lot of Caringbah High School and the adjacent Bowling Club. The school was declared surplus in 2011 and the Department of Education obtained a Site Compatibility Certificate to permit the residential use of the site. Also included is land zoned to the west of the school site on Taren Point Road which is zoned Local Housing under SSLEP2006, land adjacent to the Bowling Club and land on the eastern side of Willarong Road. The precinct is outlined in red on the map below.

The precinct is well located in its proximity to Caringbah Centre offering ready access to shops, services, employment and public transport. Westfield Miranda, Sutherland Hospital and the Taren Point industrial area are all nearby. The precinct is also close to the recreational opportunities of Cronulla and Kurnell. It is envisaged that the development of this area for residential flats will provide improved housing choice and supply. The site could become a generator of local economic growth and employment, with 'Health services facility' as an additional permitted use on the ex-school site.

The size of the precinct offers opportunities for appropriately designed higher density development, with the provision of generous landscaped open space as part of the development. The FSR and height bonuses for the large ex-school site will require access to be provided to the adjacent lots to the west on Taren Point Road. This will make the lots on Taren Point Road easier to develop and facilitate safer vehicle movement.

In particular, it is noted that Draft SSLEP 2013 includes the following pertinent planning controls (**Figure 5**):

For the former Caringbah High School site (113 Willarong Road):

- *Allow floor space ratio of 1.2:1 and allow a bonus of 0.8:1 provided the site is developed with access provided to Area 5A (the residential lots on the western side of the site on Taren Point Road), up to a maximum floor space ratio 2:1.*
- *Allow height of 16 metres and allow a bonus of 14 metres provided the site is developed with access provided to Area 5A (the residential lots on the western side of the site on Taren Point Road), up to a maximum height of 30 metres.*
- *Minimum landscaped area 35%.*
- *Allow 'Health services facility' 'Recreation facilities (indoor)'; 'Recreation facilities (outdoor)'; and 'Registered clubs' as additional permitted uses.*

For the Bowling Club site (103-107 Willarong Road):

- *Allow 'Recreation facilities (indoor)'; 'Recreation facilities (outdoor); and 'Registered clubs' as additional permitted uses.*

Also:

- *302-312 Taren Point Road added to Area 5A, so these lots can benefit from rear access if they adjoin the former school site.*
- *For 122-144 Willarong Road and 1-13 Dianella Street, allow maximum height 20 metres and floor space ratio 1.5:1.*
- *For 87-97 Willarong Road, rezone as R4 High Density Residential with maximum height 16 metres and floor space ratio 1.2:1.*



Figure 5 – Willarong Road Precinct

However, the site is unique and warrants further consideration with respect to FSR and height controls in order to satisfy the Objects of Section 5(a)(i) and (ii) of the EP&A Act 1979 which are:

“(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land”.

Draft SSLEP 2013 includes a base FSR and height on the site of 1.2:1 and 16 metres (**Figures 6 and 7**).

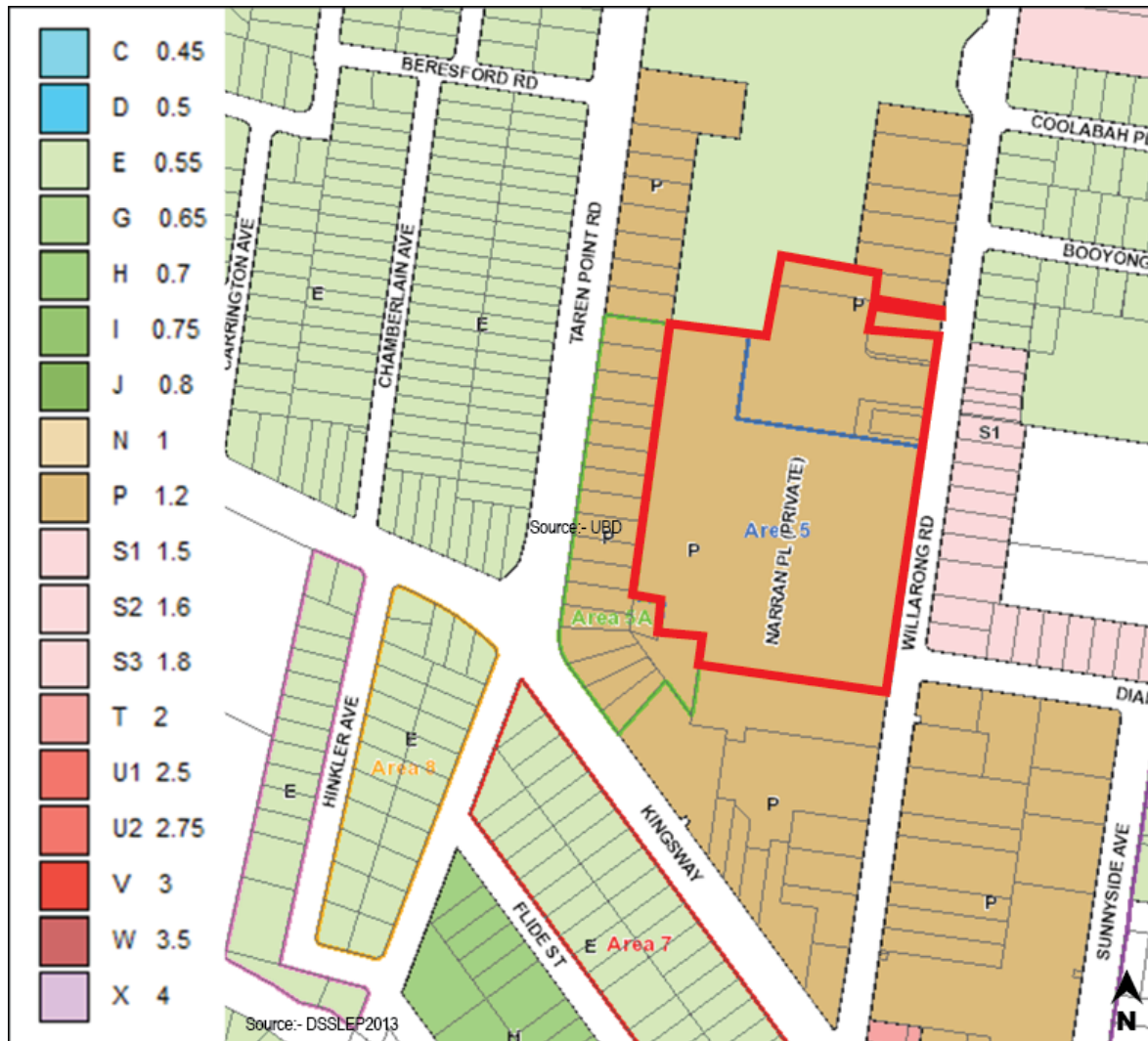


Figure 6 – Draft SSLEP 2013 FSR Map

Instead of a base FSR of 1.2:1, a 1.5:1 base FSR (excluding bonus provisions) consistent with the site located opposite the site at Nos. 122-144 Willarong Road and Nos. 1-3 Dianella Street is requested. This is particularly important to enable the integrated development of the Caringbah Bowling and Recreation Club with the former Caringbah High School Site.

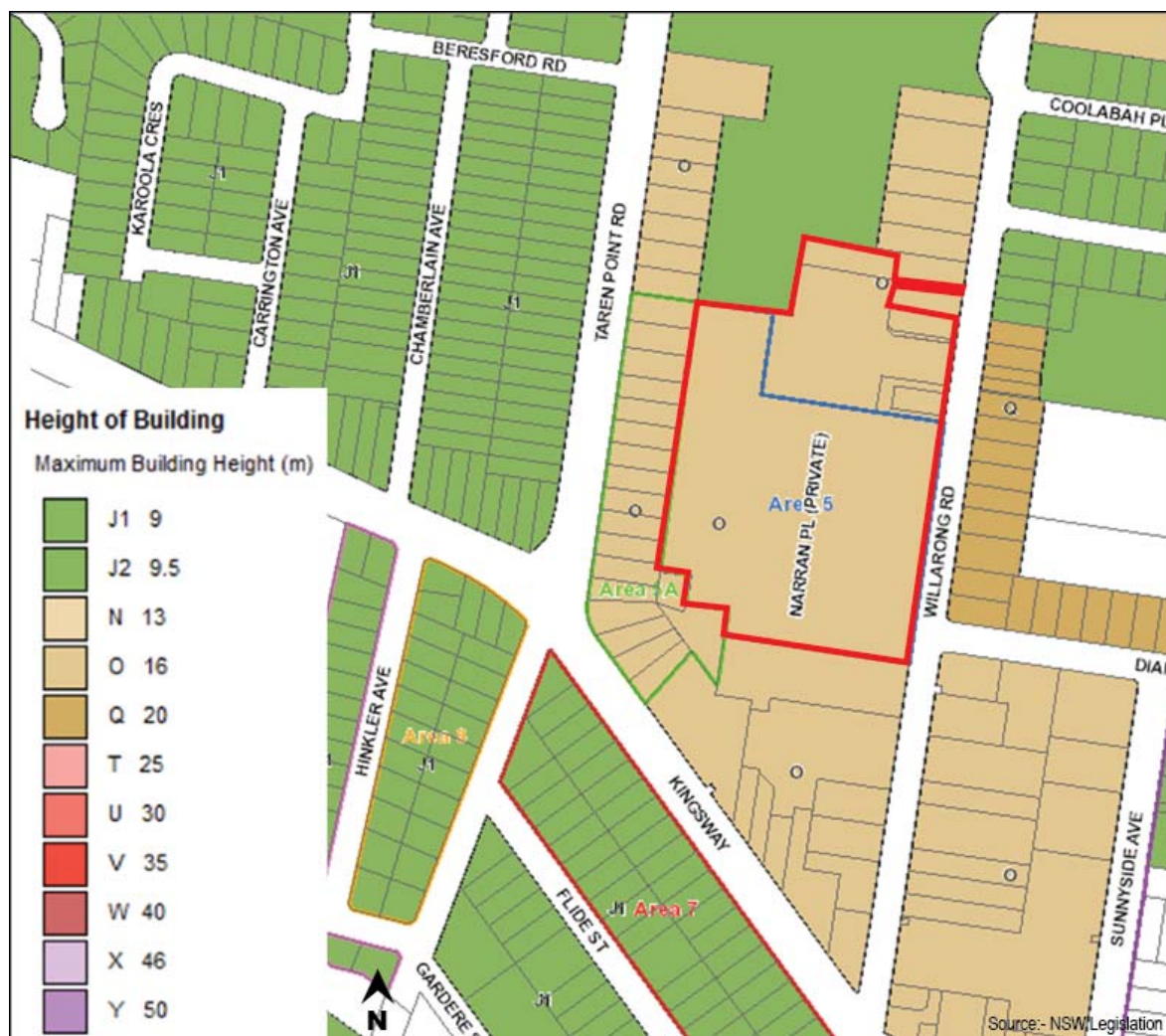


Figure 7 – Draft SSLEP 2013 Height Map

Instead of a base height of 16 metres, a base height of 20 metres (excluding bonus provisions) consistent with the site located opposite the site at Nos. 122-144 Willarong Road and Nos. 1-3 Dianella Street is requested. Likewise, this is particularly important to enable the integrated development of the Caringbah Bowling and Recreation Club with the former Caringbah High School Site.

Building Envelope Analysis

A future residential flat building/Club proposal is able to be developed in which to maximise the strategic context of the site as noted from the 3D Massing Model prepared by GM Architects (Figure 8).



Figure 8 – 3D Massing Model

The above 3D Massing Model indicates the following:

- The site is located within 600 metres of public transport including Caringbah Train Station and Bus Services, within close proximity to Miranda Town Centre and Sutherland Shire Hospital and within 200 metres of North Caringbah Oval.
- Development to the west, opposite the site in Willarong Road benefits from a much higher FSR (1.5:1 instead of 1.2:1) and a taller height (20 metres instead of 16 metres).
- The site benefits from a northern orientation that allows high density residential development to benefit from improved solar access without creating adverse overshadowing of adjoining properties.
- Future residential development and Club facilities are able to exist on the site without creating any adverse impact on surrounding development.
- The site would provide improved housing choice and supply and at the same time generate local economic growth and employment if the base density and height were increased to be consistent with development to the west.
- An increase in the base FSR and height (with retention of rear lane access bonuses to enable development on Taren Point Road to avoid direct vehicular access onto a classified road) would not create an adverse effect on the amenity of surrounding development with respect to overshadowing, bulk and scale, or other streetscape or character impacts.
- An increase in the base FSR and height (as requested above) will provide a density on the site that is consistent with the principles that underpin the Draft Metropolitan Strategy for Sydney to 2031 as the site is well located with respect to its proximity to the Caringbah Centre offering convenient access to shops, services, employment and public transport.

The site warrants greater prominence within the Willarong Road precinct, particularly given that it is one of the largest “in-fill” sites within the Sutherland LGA and also given that “Area 5A” has increased in size - being the lots which the site is required to provide access to, in order to obtain the relevant FSR and height bonuses. In addition, the site is accessible to local job employment areas and employees including Westfield Miranda, Sutherland Hospital and the Taren Point industrial area. The site is also close to other recreational opportunities in Cronulla and Kurnell.

Given that the site is to provide rear access to a higher number of properties which have a direct frontage to Taren point Road, the proposed FSR bonus of 0.8:1 is not considered high enough to properly reflect the benefits that this site will have on the Taren Road properties and the broader community within Sutherland LGA.

The site also offers an optimum solution for the purposes of future redevelopment as Homebush Bay Holdings Pty Limited, Macarbell Pty Limited and Caringbah Bowling and Recreation Club have all combined to cooperate in unity in which to recognise the benefits associated with the integration of development on this site for both the proponents and the broader community.

Accordingly, it is now appropriate for Council to consider fresh incentives for higher density redevelopment on the site, consistent with the underlying principles contained within the Draft Metropolitan Strategy for Sydney.



Strategic Planning

In order to inform the preparation of Draft SSLEP 2013, Council undertook a number of strategic planning investigations including:

- A Housing Strategy;
- An Employment Strategy; and
- An Environmental Strategy.

In particular, the Housing Strategy is Council's commitment to guide future housing supply in the Sutherland Shire to 2031.

The aims of the Housing Strategy are:

1. *To meet the needs of an ageing population, creating opportunities for people who want to downsize to small dwellings close to shops and services*
2. *To consider environmental constraints when locating additional housing*
3. *To provide suitable dwellings for an increasing number of small households*
4. *To increase housing choice*
5. *To revitalise town centres*
6. *To promote the efficient use of public transport and existing infrastructure*
7. *To retain the established residential character of mostly low density housing in landscaped settings*

The Housing Strategy recognises the challenges facing Council and the community and acknowledges that the "*Shire's population will fall unless housing supply increases*". The site will offer a range of housing types and improve housing affordability within close proximity to existing town centres and essential services.

Accordingly, the future development of the site at a higher density (FSR/height) will provide for the needs of future residents and is consistent with Council's Housing Strategy.

Draft Metropolitan Strategy for Sydney

The Draft Metropolitan Strategy for Sydney (the Strategy) promotes the efficient use of land that is located within close proximity to existing transport, services and commercial centres and in particular, the draft sub-regional strategy recognises that Sutherland LGA's population is growing with a need to accommodate up to 10,100 new dwellings by 2031.

The Strategy clearly identifies Sutherland town centre as a potential major centre and seeks to allocate growth targets for key growth areas. A key direction of the draft Sub-regional Strategy is to resolve the role of Caringbah over the next 25 years, and this locality is acknowledged particularly for its retail, health and employment services.

The proposal will satisfy the objectives of the Strategy as follows:

1. More people (including seniors) are able to locate closer to their places of employment and family;
2. Additional housing can be provided in an existing growth centre without contributing to the growth of the urban footprint;
3. Efficient use of infrastructure including public transport will strengthen the customer base for local businesses and offer development within the walking catchment of most services;

4. High quality sustainable residential development will be provided with the ability to locate new housing (including affordable housing options) within an existing urban centre to assist Council in meeting housing targets of 10,100 new dwellings by 2031 as set down in the draft Subregional Strategy; and
5. Improved liveability (through the implementation of SEPP 65) will be achieved as part of this proposal, thereby satisfying the demand from aging residents and first home buyers who wish to remain close to friends and family.

The site has the potential to assist with implementation of the Draft Metropolitan Strategy for Sydney through the provision of additional housing to address the anticipated population increase in New South Wales (NSW) and will benefit from the existing infrastructure that supports the site within the Caringbah locality.

State Environmental Planning Policies

Relevant State Environmental Planning Policies and their relationship with the proposed development on the site are outlined in the table below:

SEPP	Requirement	Proposed Development	Comply
SEPP 32 – Urban Consolidation	The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.	Able to be consistent with SEPP 32 in providing the opportunity for urban development in areas where there is existing public infrastructure, transport and community facilities, close to employment, transport, retail, services, leisure and other opportunities.	Yes
SEPP 55 – Remediation of Land	When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.	If relevant, contamination can be addressed with remediation measures to form part of a DA.	Yes
SEPP (Infrastructure) 2007	The relevant matters for consideration include the requirement to refer a development application to the RTA on the basis that the proposal will contain more than 300 dwellings (Schedule 3).	Where relevant, detailed compliance with SEPP is able to be demonstrated at the time of making a DA.	Yes
SEPP 65 – Design Quality of Residential Flat Development	This Policy aims to improve the design quality of residential flat development in New South Wales.	Where relevant, detailed compliance with SEPP 65 is able to be demonstrated at the time of making a DA.	Yes
SEPP (BASIX) 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.	Where relevant, detailed compliance with SEPP (BASIX) is able to be demonstrated at the time of making a DA.	Yes

The proposed redevelopment of the site is unlikely to create any inconsistency with any relevant State Environmental Planning Instrument. The relevant Section 117 Directions contained within the EP&A Act 1979 are outlined in the table below:

S.117 Direction No. and Title	Contents of S.117 Direction	Proposed Development	Comply
1.1 Business and Industrial Zones	A draft LEP shall retain the areas and locations of existing business and industrial zones.	N/A	N/A
2.1 Environment Protection Zones	A draft LEP must facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that would otherwise apply. A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning based on one or more grounds contained within the Circular.	N/A	N/A
2.3 Heritage Conservation	Planning proposal must facilitate conservation of places of heritage significance. A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning based on one or more grounds contained within the Circular.	N/A	N/A
3.1 Residential Zones	Planning proposal must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and be of good design.	Consistent.	Yes
3.3 Home Occupations	Planning proposal must permit home occupations to be carried out in dwelling houses without consent.	Consistent.	Yes
3.4 Integrating land use and transport	Planning proposal must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	Consistent.	Yes
4.1 Acid Sulphate Soils	The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soils Planning	N/A	N/A

	Maps as having a probability of acid Sulphate soils being present.		
4.3 Flood Prone Land	Planning proposal must be consistent with the NSW Government's Flood Prone Policy and the principles of the Floodplain Development Manual 2005, and the provisions of an LEP on flood land is to be commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	N/A	N/A
6.2 Reserving Land for Public Purposes	Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	N/A
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Proposed base FSR and height provisions are unnecessarily restrictive and prevent the economic and orderly development of land that would otherwise be consistent with Council's Housing Strategy and the Draft Metropolitan Plan for Sydney.	No

The proposed redevelopment of the site is likely to create a positive impact in the Sutherland LGA, but it is recommended that the current base FSR, height and FSR bonus concessions be increased consistent with development to the west of the site, so as to remove any unnecessary site constraints that would preclude the proposal's compliance with the relevant S.117 Directions.

Net Community Benefit

The future development of the site for residential flat buildings and new Club facilities represents a net community benefit for the following reasons:

1. Draft SSLEP 2013, if amended to reflect the revised base FSR and height provisions requested herein, would be compatible with the agreed State and Regional Strategic direction for development in the area;
2. The proposal will contribute to the development of Caringbah as a sustainable urban centre and support the emerging major town centre of Sutherland, which is promoted in significance within the Draft Metropolitan Strategy for Sydney;
3. The proposed planning controls will match the controls of the sites in the vicinity and is therefore unlikely to create a significant precedent;
4. Council's Housing Strategy has addressed the likely demand for new residential development within the locality and Draft SSLEP 2013 has applied a holistic approach to rezoning, resulting in less risk from any cumulative impacts associated with rezoning;
5. The revitalised Club facilities will boost employment generating activities and redevelopment of the Former Caringbah High School site will also create



- short term construction employment. Overall, there will be no loss of employment lands;
6. The proposal will result in a positive impact on the supply of residential land near railway lines and will increase the supply of affordable housing;
 7. All existing services are established within the locality and connection to the site will not require any significant new infrastructure to service the new development;
 8. The site is located within 600m of Caringbah Train Station and Bus Services;
 9. The proposal will result in more residents living close to public transport options which will reduce the dependence on motor vehicles and vehicle distances travelled, whilst creating more sustainable housing options and reducing the impacts in terms of greenhouse gas emissions, operating costs and road safety;
 10. The proposal will not result in any negative impact on significant Government infrastructure investments;
 11. The proposal will not adversely impact upon land that has high biodiversity value as noted from the existing Site Compatibility Certificate for residential development;
 12. Draft SSLEP 2013 will be compatible with residential uses that adjoin the site and it is noted that the current Caringbah High School Site is located adjacent to the site to the north, offering good amenity for future residents and families;
 13. The broader community will benefit from enhanced Club facilities with improved amenities and access whilst the public domain will improve as redevelopment of the site consistent with Section 5 of the EP&A Act 1979 will enhance the vibrancy of the Caringbah locality;
 14. Additional permitted uses on the site, as recognised in Schedule 1 of Draft SSLEP 2013 will offer appropriate flexibility on the site to support development that meets community needs; and
 15. The proposal is in the public interest as there will be a number of economic and social benefits including a broader mix of more affordable housing and other environmental benefits associated with sustainability that is aligned with a reduced dependence on private motor vehicle use.

Conclusion

On behalf of Homebush Bay Holdings Pty Limited, Macarbell Pty Limited and Caringbah Bowling and Recreation Club, DFP supports a 1.5:1 base FSR and a 20 metre height on the site under Draft SSLEP 2013.

This outcome would be consistent with the development located opposite the site to the west and additional bonus provisions should also be provided to assist the site with addressing the Draft Metropolitan Strategy for Sydney, Draft SSLEP 2013 and Council's Housing Strategy, particularly with respect to ensuring traffic safety for a recently enlarged development area within Area 5A adjacent to Taren Point Road.

The site offers an important in-fill residential development opportunity that benefits from close proximity to existing transport and commercial centres and the additional base FSR and height provisions requested herein are able to occur without creating any significant adverse land use conflict with surrounding development.

The development of the former school and Club sites is satisfactory having regard to the Section 117 Directions under the EP&A Act 1979 and future development is able to be assessed in accordance with Section 79C of the EP&A Act 1979.



Please contact the writer on 9980 6933 should you wish to discuss.

Yours faithfully,

DFP PLANNING CONSULTANTS

A handwritten signature in black ink, appearing to read 'John McFadden', written in a cursive style.

**JOHN MCFADDEN
PARTNER**

jmcfadden@dfpplanning.com.au

A handwritten signature in black ink, appearing to read 'K. Osborne', written in a cursive style.

Reviewed: _____