



David Sheehan - 97100965
File Ref: DN24/0024

5 December 2024

Department Of Planning, Housing & Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attention: Joina Mathew

Dear Joina

Application No. DN24/0024

Proposal: Notification of shop top housing with affordable housing
Property: 178-184 Willarong Road, 41-47 and 51 President Avenue, Caringbah

I refer to your notification email dated 8 November 2024 for the above proposal and thank you for providing Sutherland Shire Council with an opportunity to detail our concerns with the proposal. The need for affordable housing is understood and Council is generally supportive of well-considered development applications which provide for affordable housing opportunities within the Sutherland Shire. Council officers have the following feedback for your consideration:

Relationship with Prior Consent

The relationship of this application to the existing approval under DA19/0333 is not clear. Upon initial review it appeared that this proposal might commence at Level 2, with DA19/0333 relating to work below this level, and facilitative, servicing and public domain works. However, upon further review, it was noted that there are several amendments to the previously approved design at all levels, and elevations. This includes amendments to the northern tower which are labelled 'AS APPROVED', however a comparison with previous plans indicate that these too are different. An example of such changes is provided below.

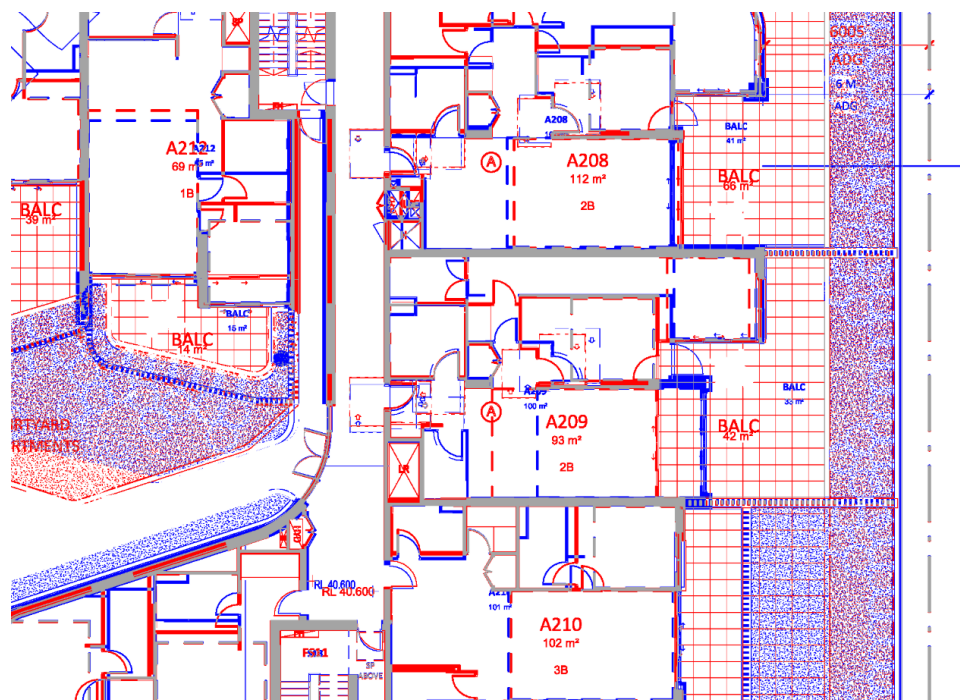


Figure 1: Example of comparison of 'Approved and Proposed' plans (Red represents approved, and blue proposed)

In terms of moving forward, if it is the intent that the SSD proposal replaces the current consent, it is requested that existing conditions are replicated in the SSD application. It would also be sensible to identify the 'cut off point' whereby works under the current consent cease to apply, and the new consent 'takes over'. It is assumed that HPC contributions will be applied to the current application, noting the lodgement date of the current proposal postdates the HPC Order.

Height

It is difficult to determine the proposed overall building height based on information presented on plans. The roof plan provides a single RL level for one of the lift overruns only, for the southern tower. RLs should be indicated for services, hobs, parapet, 'roof lantern skylight' and lift overruns, along with an indication of ground level (existing) in order to determine the actual height of the respective towers.

Notwithstanding, it is clear from elevations that both proposed towers significantly exceed the anticipated height established under the SSLEP 2015 and the 30% bonus afforded under the Housing SEPP.

It is evident from the slow turnover of development sites that Caringbah Town Centre has suffered from lack of viability. It may be the case that Council's future planning direction for Caringbah and similar town centres include increased building heights within the centre to assist with revitalisation, and housing delivery.

In terms of context, this site is located at the western edge of the Caringbah Town Centre. Land to the west is zoned R4 and has a lower permitted building height (16m) and development potential. Currently land to the west contains 3 and 4 storey walk up flat buildings. Viability for redevelopment is low, given the uplift to 5 storeys permitted under the LEP, or a possible 6 storeys under the mid rise reforms. Both the additional height permitted under the Housing SEPP, and that sought by the applicant above that height again, will produce a significant scale contrast to both existing, and likely future, development and represents a poor scale transition.

It is Council staff position that the bonus is strictly limited to the 30% permitted under the Housing SEPP. This will provide a height of building which is closer to the next tallest building (currently some 7m lower than the proposed height). To assist and achieve scale transition to adjoining land, it is further recommended that these levels are provided with an increased building setback a material differentiation applied.

Communal Open Space.

The additional communal open space provided at Level 10 is welcomed, however this is not considered a commensurate increase in the provision of communal open space, given the substantial increase in the number of apartments. In this respect greater use of rooftop areas, in particular the northern tower, is requested, where well considered consolidated opportunities for landscaping and spaces for social interaction can reasonably be accommodated. Should the rooftop be utilised as well provisioned quality communal open space, Council would support the provision of this space in place of the uppermost level which exceeds the 30% height bonus.

Building Separation

The approved building separation between the two towers previously achieved a 12m setback over the first four residential levels, with the Level 6 communal open space looking over the rooftop of the southern tower. This was a negotiated Court outcome, based upon ADG considerations. It was reliant upon screening of windows and balconies of south facing apartments to achieve the minimum distance between habitable and non-habitable rooms.

The current proposal seeks to further reduce the building separation to approximately 10.5m between buildings, whilst increasing the number of levels (see figure 2 below).

