

Planning Proposal
13 Endeavour Road Caringbah
(Lot 2 DP714965)

Contents

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument	3
Part 2 – An explanation of the provisions that are to be included in the proposed instrument.....	6
Part 3 – The justification for those objectives, outcomes and the process for their implementation	7
Section A - Need for the planning proposal	7
Section B – Relationship to strategic planning framework.....	7
Section C – Environmental, social and economic impact	21
Section D – State and Commonwealth interests	21
Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies	23
Part 5 – Details of the community consultation that is to be undertaken on the planning proposal	24
Part 6 – Project Timeline	26
Appendix 1: Criteria for Delegation of Plan Making Functions	27

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

The purpose of this land owner initiated Planning Proposal for the site at 13 Endeavour Road Caringbah (Lot 2 DP714965) is to amend the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) as follows:

1. Addition to Schedule 1 Additional Permitted Uses to facilitate the permissibility of *'shop'*, *'hotel or motel accommodation'*, *'function centre'* and *'pub'*, on the condition that the total gross floor area of *'shop'* is a maximum of 2000m², and that the total gross floor area of *'hotel or motel accommodation'*, *'function centre'* and *'pub'*, cumulatively does not exceed 12,500m² in total; and an amendment to Additional Permitted Uses Map to identify 13 Endeavour Road Caringbah.
2. An amendment to the height map for 13 Endeavour Road Caringbah with three heights on the single lot: 50m for a central portion of the site, 25m for a 25-28m wide strip of land adjacent to the public open space on the eastern boundary Solander Field and 30m for the remainder of the site as shown in Figure 2 below.
3. An amendment to the Floor Space Ratio map for 13 Endeavour Road Caringbah to allow floor space of 1.53:1



Figure 1 Site Map: 13 Endeavour Road, Caringbah

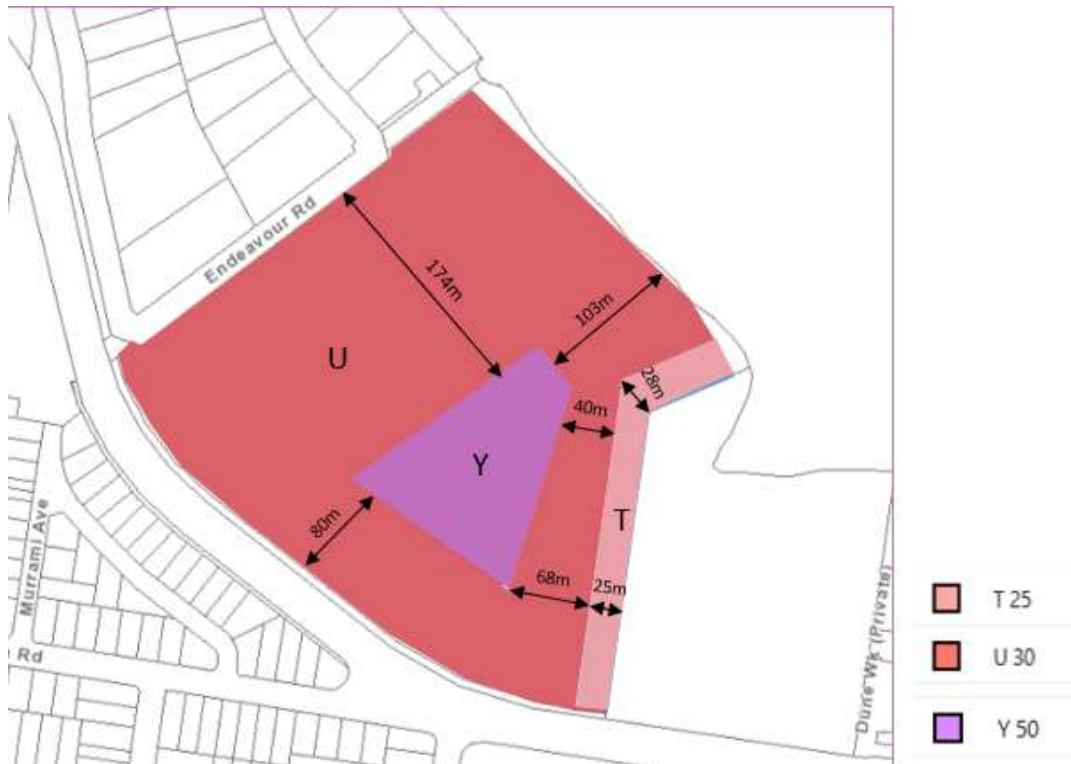


Figure 2 Proposed Height Map: 13 Endeavour Road, Caringbah



Figure 3 Proposed Floor Space Ratio Map: 13 Endeavour Road, Caringbah

The intended outcome of the planning proposal is to facilitate the delivery of greater employment opportunities in the redevelopment of the 12.38 hectare site at 13 Endeavour Road Caringbah. This site was previously occupied by the Toyota Corporation and is currently vacant. The Planning Proposal does not seek any change to the B7 Business Park zoning of the site.

The Planning Proposal has strategic merit in that it will support the growth of urban services jobs and tourism, providing additional employment to the Sutherland Shire consistent with the strategic focus of the South District Plan, Council's Local Strategic Planning Statement and Economic Informing Strategy. The proposed additional land uses can complement the B7 Business Park zone, providing worker amenity and attracting a broader range of businesses to establish on the site.

The proposal has some inconsistency with strategic objectives to retain and manage employment and urban services lands. However, the primacy of employment uses for the land is preserved in the Planning Proposal with a cap of 2,000m² on the gross floor area of the additional permitted use 'shop' (which is 1.08% of permitted floor space on the site) and a cap of 12,500m² on the cumulative total gross floor area of the additional uses of 'hotel or motel accommodation', 'function centre' and 'pub' (which is 6.7% of the permitted floor space on the site).

The proposal has site specific merit in that the proposed increased building height will allow the available floor space ratio to be realised in a variety of building forms, allowing a site context which can provide pleasant landscaped outdoor spaces and good pedestrian amenity. The proposed maximum height of 50m in the central portion of the site is consistent with the maximum height allowed for the nearby Cronulla Sharks Leagues Club residential development (Woolooware Bay). The proposal is for a transition in height from 50m in a central portion of the site to 25m on the southeast border to mitigate overshadowing effects on Solander playing fields, and to 30m for the remainder of the site.

Council resolved (PLN015-21) that 3,000m² of the subject site is to be dedicated as public open space with the associated FSR of 4,500m² to be transferred back to the landowner. This is the reason for the proposed increased floor space ratio from 1.5:1 up to 1.53:1. The landowners have confirmed their intention to enter into a Planning Agreement with Council for the provision of the park. The dedicated public open space is to be developed by the applicant and will be maintained by Council upon handover. The location of the park within the site has not yet been established, but the intention is for the park to provide a significant public benefit, with an exemplary place making outcome for the site and the locality. The terms and conditions of the land transfer, including the location of the park, are to be negotiated as part of the Planning Agreement. The terms of the Agreement will be arrived at before the public exhibition of the Planning Proposal so the Agreement can be exhibited concurrently with the Planning Proposal.

Council is willing to exercise an authorisation to use delegated plan making function for this Planning Proposal, should such an authorisation be issued as part of the Gateway determination. The evaluation criteria for the issuing of an authorisation is attached as Appendix 1.

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

SSLEP2015 is to be amended as follows:

LEP Provision	Amendment	Relevant Objective (from Part 1)
Schedule 1 Additional permitted uses Clause 31	<p>Use of certain land at 13 Endeavour Road, Caringbah</p> <p>(1) This clause applies to land at 13 Endeavour Road Caringbah (Lot 2 DP714965) and identified as “ 31”on the Additional Permitted Uses Map</p> <p>(2) Development for the purpose of shop is permitted with development consent, only if</p> <p>(a) the total gross floor area of shop does not exceed 2,000m².</p> <p>(3) Development for the purpose of hotel or motel accommodation; function centre and pub is permitted with development consent, only if</p> <p>(a) the cumulative gross floor area of hotel or motel accommodation; function centre and pub does not exceed 12,500m².</p>	Objective 1.

Maps to be amended:

Additional Permitted Uses Map

It is proposed to identify 13 Endeavour Road Caringbah (Lot 2 DP714965) as “Area 31” on Additional Permitted Uses Map – Sheet APU_006

Height Map

13 Endeavour Road Caringbah (Lot 2 DP714965) to be amended
Height Map- Sheet HOB_006

FSR Map

13 Endeavour Road Caringbah (Lot 2 DP714965) to be amended
Floor Space Ratio Map- Sheet FSR_006

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Section A - Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of a single strategic study or report. It is in response to a land-owner initiated planning proposal.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendment to the Sutherland Shire Local Environmental Plan 2015 is beyond the scope of Section 3.22 of the Environmental Planning and Assessment Act (errors and inconsistencies). Therefore, a planning proposal is the only acceptable means to achieve the intended outcome.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Q4. Will the planning proposal give effect to council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with a broad policy direction contained within *The Greater Sydney Region Plan: A Metropolis of Three Cities* and the *South District Plan*. It does not involve loss of industrial land to residential uses. The Planning Proposal adds tourism uses consistent with Strategy 24.2 of the Region Plan, Planning Priority S11 of the District Plan and Planning Priority 17 of the LSPS. While this poses some degree of conflict with the 'retain and manage' direction of all tiers of strategy, this is a foreshore site that adjoins open space, the Botany Bay to Bate Bay cycleway, and the Woollooware Bay Aquatic Reserve. It is also in very close proximity to the beaches of Bate Bay, Kamay National Park (including Cooks landing site) and Cronulla. This gives the site a unique potential to add to the tourism offer in Sutherland Shire and provided much needed tourist accommodation.

The Planning Proposal seeks to allow a small amount of floor space to be used as 'shop', 'pub' and 'function centre' to broaden the attractiveness of the B7 Business Park zone to potential users. While this poses some inconsistency with the requirement to retain and manage industrial and urban services land, floor space caps for the additional permitted uses will control this potential impact. The additional uses will improve the amenity of the site encouraging office and high tech uses to the site.

The proposal does not respond to a changing circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing controls.

Are the LEP controls less than 5 years old?

Sutherland Shire Local Environmental Plan 2015 is more than 5 years old, having been made on 23 June 2015.

Below is an assessment of the strategic merit and site specific merit of the proposal in relation to regional and district plans and council's local strategic planning statement and supporting strategies.

Retain and manage industrial and urban services land	
<p>The Greater Sydney Region Plan: A Metropolis of Three Cities Direction: Jobs and skills for the city</p> <p>Objective 23: Industrial and urban services land is planned, retained and managed</p>	<p>There is strategic alignment through all tiers of policy supporting the retention and management of the employment potential of the land.</p> <p>SSLEP2015 rezoned the subject site from an industrial to Zone B7 Business Park, allowing offices as well as light industrial development. The primary aim of the zone is <i>'to provide a range of office and light industrial use'</i>. The site, recently vacated by Toyota, is identified in Council's LSPS as a strategically important employment site. The LSPS notes that Council will create conditions for flexible redevelopment on redundant industrial sites, so the precincts can be seedbeds for urban services and new economic activities.</p>
<p>South District Plan Direction: Jobs and skills for the city</p> <p>Planning Priority S10: Retaining and managing industrial and urban services land</p> <p>Objective 23: Industrial and urban services land is planned, retained and managed.</p>	<p>The site has good existing infrastructure in the form of buildings, internal road network and landscaping, and has potential to be further developed with urban services and business park uses in an attractive precinct.</p> <p>The additional uses 'shop', 'pub', 'function centre' and 'hotel or motel accommodation' will increase the site's amenity for workers and could encourage the establishment of other employment generating uses. Limiting the floor space of 'shop' to 2000m² (which is 1.08% of permitted floor space on the site) and the cumulative floor space of 'pub', 'function centre' and 'hotel or motel accommodation' to 12,500m² (which is 6.7% of the permitted floor space on the site), will mean that the majority of floor space will meet the primary aim of the zone providing for a range of office and light industrial uses.</p>
<p>Local Strategic Planning Statement (LSPS) Productivity Planning Priority 15: Grow industrial and urban services jobs:</p> <p>Action 15.1 Retain and manage all land zoned for industrial and urban services</p> <p>Maintain our industrial land and investigate opportunities to grow local employment in industrial and urban services</p>	
<p>LSPS Supporting Strategies: Economic Strategy</p> <p>Strategic Approach 2.4: Protect industrial and urban services land through strategic land use planning and regulation</p>	

	<p>The proponent's Retail Impact Assessment establishes that there is sufficient growth within the market to accommodate the proposed additional uses without adversely affecting the ongoing viability of existing retail centres.</p> <p>Allowing increased building height on the subject site will offer design options for the development of high quality office buildings taking advantage of bay views to create a quality business park environment.</p>
Economic development of tourism sector	
<p>The Greater Sydney Region Plan: A Metropolis of Three Cities Direction: Jobs and skills for the city</p> <p>Productivity Objective 24: Economic sectors are targeted for success</p>	<p>The Region Plan and District Plan both reinforce the economic potential of tourism in supporting productivity. The District Plan highlights the potential of Sutherland Shire's tourism assets.</p> <p>The LSPS aligns with this direction recognising the need for more tourist and visitor accommodation in the Sutherland Shire to stimulate the local tourism economy.</p>
<p>South District Plan Direction: Jobs and skills for the city</p> <p>Planning Priority S11: Supporting growth of targeted industry sectors</p> <p>Objective 24: Economic sectors are targeted for success Action 48 Create capacity for tourist accommodation in appropriate locations through local environmental plans</p>	<p>The subject site is on the edge of the Taren Point industrial area, but also close to the tourist attractions of Cronulla's surf beaches, foreshore walks, and Kamay Bay National Park in Kurnell. Allowing the additional uses of 'hotel and motel accommodation' and 'function centre' in this waterfront location will provide a stimulus to the local tourism economy.</p> <p>It is significant that no tourist and visitor accommodation has been developed in Cronulla in over twenty years primarily because it is out bid by residential flat buildings.</p>
<p>Local Strategic Planning Statement (LSPS): Productivity</p> <p>PP17 Grow Tourism Support opportunities to grow tourism and encourage more overnight visitors, extend visitor stays and invest in tourism assets to enhance visitor experiences</p>	<p>Development of the site which takes advantage of the existing infrastructure and the localities natural features will create jobs, contributing to the job target for the Sutherland Shire as set out in the Economic Strategy.</p>
<p>LSPS Supporting Strategies: Economic Strategy Outcome 4: Increased size and value of tourism's contribution to Sutherland Shire economy</p> <p>Objective: Increase the average tourism spend in the Sutherland Shire by 20% (\$46m) by 2030.</p>	<p>Allowing a small component of this site to be used for hotel and motel accommodation represents a reasonable balance between 'retaining and managing employment land' and 'creating capacity for tourist accommodation'.</p>

<p>Strategic Approach 4.1 Support and incentivise investment to increase short stay visitor accommodation opportunities in Cronulla and surrounding areas.</p>	
<p>Placemaking</p>	
<p>The Greater Sydney Region Plan: A Metropolis of Three Cities Direction: Designing places for people</p> <p>Liveability Objective 12: Great places that bring people together</p>	<p>The planning proposal will support the development of employment -generating floor space and provide jobs close to where people live. The additional uses of ‘pub’, ‘function centre’ and ‘hotel and motel accommodation’ will create tourism opportunities in a waterfront location adjacent to the public open space of Solander Fields. The additional use of ‘shop’ will provide worker amenity with conveniently located shops.</p> <p>Together the additional uses can help create a precinct which is a “place” rather than just a work site – it can combine working with recreation and leisure, and provide a quality public domain for workers, visitors and local residents. This will support bringing people together strengthening local community connections.</p>
<p>Creating local employment opportunities</p>	
<p>The Greater Sydney Region Plan: A Metropolis of Three Cities (2018) Direction: Jobs and skills for the city</p> <p>Objective 21- Internationally competitive health, education, research and innovation precincts</p>	<p>Allowing additional uses on the subject site will increase the amenity offered by the site helping to broaden employment opportunities. An attractive, high amenity campus will be more attractive for prospective commercial tenants and help attract quality businesses. A higher amenity site will help create a business park environment providing white collar and high skill jobs needed by the local community.</p> <p>Sutherland Shire has poor resident worker containment, with 55% of resident workers working outside the LGA. Redevelopment of the subject site will increase local employment, thereby improving resident worker containment and contributing to the goal of a 30-minute city.</p>
<p>South District Plan Direction: A well connected city</p> <p>Planning Priority S12 Delivering integrated land use and transport planning and a 30-minute city</p> <p>Objective 14 <i>A Metropolis of Three Cities-</i> integrated land use and transport creates walkable and 30-minute cities</p>	
<p>LSPS Supporting Strategies: Community Strategic Plan</p>	

<p>Outcome 5: Sutherland Shire: A prosperous community for all</p> <p>Strategy 5.2 Enhance and promote opportunities to work locally</p>	
<p>LSPS Supporting Strategies: Economic Strategy</p> <p>Outcome 1: Provide a prosperous community with a fulfilling work/ life balance</p> <p>Objective: Increase the number of local jobs by 10,000 FTE (total 87,937 jobs) by 2030.</p> <p>Outcome 2: A diverse, resilient and self-sustaining business community providing a prosperous and fulfilling lifestyle.</p> <p>Objective: Increase Sutherland Shire's business output (turnover) by 15% by 2030.</p>	
<p>Protecting the environment</p>	
<p>South District Plan</p> <p>Direction: A city in its landscape</p> <p>Planning Priority S13 Protecting and improving the health and enjoyment of the District's waterways</p> <p>Objective 25 The coast and waterways are protected and healthier</p> <p>Action 60 Protect environmentally sensitive areas of waterways and the coastal environment area</p>	<p>The subject site on the foreshore of Woollooware Bay, adjacent to the Towra Point Nature Reserve. The Reserve is an estuarine wetland of international importance protected under the Ramsar Convention. Woollooware Bay is part of the Towra Point Aquatic Reserve under the <i>Marine Parks Act 1997</i>. The northern foreshore of Woollooware Bay adjacent to the site is recognised as 'key fish habitat' by NSW Fisheries, requiring a foreshore buffer to development, recommended at 50m.</p> <p>The site is mapped in SSLEP2015 as Environmentally Sensitive Land- Riparian Lands and Watercourses and Biodiversity. There are Endangered Ecological Communities mapped along the shoreline in the DCP ('Taren Point Shorebird Community' and 'Coastal saltmarsh'). The site is subject to a foreshore building line (approximately 30m wide).</p> <p>The environmental sensitivity of the subject site will be matters for consideration in the assessment of any development application on the site. Adding uses to the subject site increases the complexity of assessment but does not in itself increase the risk of impacts on</p>

	the adjacent environmentally sensitive areas, as the site is already an open zone where a range of uses including 'light industrial' and 'office' are permitted.
Local Strategic Planning Statement (LSPS): Sustainability PP22 Efficiency and Innovation Explore new approaches to improve energy, water and waste efficiencies to improve the resilience of Sutherland Shire.	As a site of 12.38 hectares, under single ownership, in preparation for redevelopment, this is an ideal situation to require redevelopment with improved energy, water and waste efficiencies. DCP clauses will require high environmental and efficiency performance standards for new development on the site, including a 5.0 Star Energy NABORS Commitment Agreement and a Green Star Designed Assessment demonstrated attainment of a 4 Star Green Star rating.
Increasing tree canopy cover and Green Grid links	
South District Plan Planning Priority S15 Increasing urban tree canopy cover and delivering Green Grid connections Objective 30 Urban tree canopy cover is increased Objective 32 The Green Grid links parks, open spaces, bushland and walking and cycling paths	The Planning Proposal seeks to increase maximum allowable height from 16m up to 50m in a central portion of the site, with height 25m adjacent to Solander Field in the east and 30m for the remainder of the site. Developing the available floor space in taller building forms has the advantage of allowing a greater percentage of the site to be reserved for landscaping and opportunities for access ways, including walking and cycling paths. The increased height limit potentially allows for increased tree canopy cover and space for through- site walking and cycling connections between parts of the Green Grid.
Local Strategic Planning Statement (LSPS): Sustainability PP20 Urban tree canopy Increase Sutherland Shire's urban tree canopy to preserve biodiversity, streetscape and character, and reduce the impacts of urban heat PP21 Green Grid connections Establish a network of green connections between open spaces, natural areas, waterways and urban places to encourage healthy living	A key Green Grid element adjacent to the subject site is the north-south foreshore shared path. DCP clauses will require protection of the tree canopy cover with replacement tree ratio of 8:1. DCP clauses will require through- site walking and cycling connection between parts of the Green Grid walking and cycling links in the public domain.
Collaboration to manage growth	
Greater Sydney Region Plan- A Metropolis of Three Cities (2018) Direction 2: A collaborative city	Council has resolved (PLN015-21) that 3,000m ² of the subject site is to be dedicated as Public Open Space with the associated FSR of 4,500m ² to be transferred back to the landowner, with

Objective 5: Benefits of growth realised by collaboration of governments, community and business	the open space to be developed by the applicant and maintained by Council. The terms and conditions of the land transfer are to be negotiated as part of a Planning Agreement.
Local Strategic Planning Statement (LSPS): Infrastructure and Collaboration PP6 Collaborative partnerships: Improve collaboration with key agencies and stakeholders to ensure the community's best interests are being considered during local area changes	<p>The landowners Aliro have confirmed by letter their intention to enter into an Agreement with Council.</p> <p>A site specific DCP will require public amenity benefits of a through-site shared path public access, and the protection and extension of the landscaping and canopy cover on the site.</p>

b) Does the proposal have site specific merit, having regard to:

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The natural environment

The northern foreshore of Woollooware Bay adjacent to the site is recognised as 'key fish habitat' by NSW Fisheries, requiring a foreshore buffer to development, recommended at 50m from mean high watermark. The extent of the buffer can be determined during agency consultation for the Planning Proposal. SSDCP2015 provisions will set the foreshore buffer distance from mean high watermark.

The site is categorised in the DCP Greenweb map as partly Greenweb Restoration and partly Greenweb Support. The site presents opportunities to support this biodiversity corridor by retaining existing trees and replanting locally indigenous species on the site. The site is in close proximity to an environmentally sensitive area with protected saltmarsh in the bay where the stormwater runoff will be discharged. Careful treatment will be required for stormwater prior to discharge to remove contaminants. This is best addressed at development assessment stage.

The site is close to the Taren Point Shorebird Reserve and Towra Point Nature Reserve, so there is potential for increased risk of bird and bat strike as a result of raising building heights to 50m. The proponent has confirmed studies are presently being carried out to assess the risk. It is considered that this matter can be addressed at development application stage. The Development Control Plan can include provisions for light spill and reflectivity mitigation features.

Contamination and acid sulphate soils

Council's Science Unit confirms that the presence of acid sulphate soils and ground gases can be managed in future development of the site and does not pose a restriction to the proposed height and additional uses sought by the Planning Proposal. Soil contamination issues on the site can also be addressed at development assessment stage.

Flood risk and stormwater management

The subject site is flood affected as identified in Council's Woollooware Bay catchment flood model completed in 2018, and is affected by two overland flow paths. Council's Stormwater & Waterways Engineering Unit has raised no objection to the Planning Proposal on stormwater or flooding grounds. Stormwater and flooding issues can be addressed as development applications are prepared.

Existing, approved and likely future uses of land in the vicinity of the proposal

The Planning Proposal seeks additional uses to meet changing expectations and trends in industrial areas, facilitating a working environment which fulfils multiple functions (such as entertainment, food and drink, everyday shopping). This would also serve the wider industrial area and residential neighbourhoods nearby.

Traffic generation and parking provision

Traffic and parking will be significant issues associated with the development of this site. The area is not well served by public transport and the rate of car ownership in Sutherland Shire is high. Allowing additional uses on the site are likely to encourage visitation, and increase local traffic, particularly on weekends.

The site as currently zoned B7 and has significant development potential. The Planning Proposal does not increase the intensity at which the site can be developed because this is set by the existing floor space ratio of 1.5:1. The proponent's supplementary traffic assessment has demonstrated that the traffic generation and parking demand would be no greater than could be created under the current uses and controls. However, traffic generated by the site when occupied to the allowable density will impact the wider road network and require extensive consultation with road authorities. If the Planning Proposal proceeds, development of the site will occur incrementally. Increased traffic generation will also occur incrementally, and, in time, reach a tipping point where the traffic impacts create the need for the costly and complex work to intersections.

The anticipated traffic generation and impacts of each development application will be assessed by Council and Transport for NSW (where it meets the traffic generation thresholds for referral to TfNSW). Prior to granting development consent for any new development Council and TfNSW will need to be satisfied that the traffic impacts are acceptable.

The McLaren Traffic Engineering report accompanying the proposal nominates a preferred option to signalise three intersections to address the traffic generated by the site when fully developed. These are: Captain Cook Drive/ Gannons Road; a new intersection created by the extension from the bend of Endeavour Road to Captain Cook Drive, and signalisation of the current intersection of Endeavour Road and Captain Cook Drive. The need for these changes would increase incrementally and there is no trigger to link these upgrades to the Planning Proposal.

The McLaren Traffic Engineering Transport Assessment report indicates that the uses as illustrated in the concept plan would result in a deficit of 1,572 car parking spaces when assessed against the requirements of SSDCP2015. Due to acid sulphate soils present under fill on the site, no excavation for underground parking is allowed. All parking must be at grade or in constructions above ground.

The parking shortfall will be addressed at development application stage for each development, but may require above-ground car park construction due to sub-soil conditions.

Internally, the site has an existing road network as a legacy of its former use by Toyota. A site specific DCP will require that the proposal maintains the three existing vehicular access points to the site, one from Captain Cook Drive via the roundabout intersection of Captain Cook Drive/ Gannons Road and two from Endeavour Road. The access points off Endeavour Road will continue to serve heavy goods vehicles, whereas the Captain Cook Drive access will be predominantly for private vehicles. The DCP will also require improved pedestrian connections through the site to Solander Fields and the Woollooware Bay foreshore and boardwalk.

Impact of increased building height from 16m to 50m

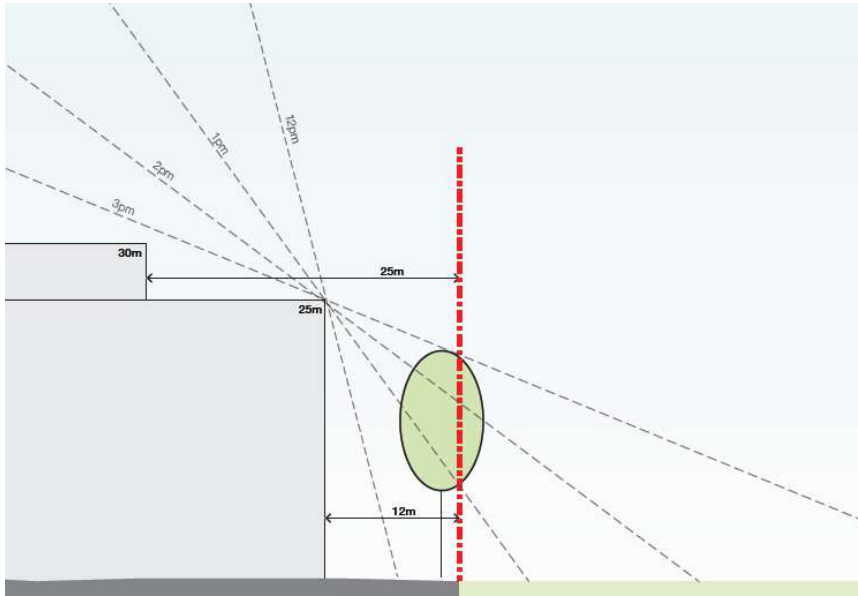
The proposal is to increase maximum allowable building height to 50m in a central portion of the site, with 25m at the boundary with Solander Playing Field and 30m for the remainder of the site.

Allowing increased height up to 50m on the site creates potential for overshadowing of the adjacent Solander Fields public open space. To manage the impact of the height increase, the height of 50m is proposed to be limited to a central portion of the site. The area with maximum height of 50m is bounded by the centre of the internal road known as Toyota Avenue to the east and the existing large warehouse building to the west. The maximum allowable height reduces to 25m for a 25m wide strip of land at the boundary with Solander Fields, and 30m for the remainder of the site.

This stepped height limit reduces the impact of overshadowing to Solander Playing Field to acceptable levels. The maximum overshadowing impacts of the proposed height increase on the adjacent public open space, at 3pm midwinter, is illustrated below.



View of SE boundary of site with Solander Playing Field: Midwinter 3pm overshadowing



Indicative section on SE boundary of site with Solander Playing Field: Midwinter 3pm overshadowing

The proposed height increase is consistent with the Woollooware Bay development on the nearby site adjacent to the eastern boundary of Solander Playing Fields, which has eleven residential towers of varying heights of 13-14 storeys, with four at 50m. Building height up to 50m on the subject site would create a different character to the low density residential areas on the other side of Captain Cook Drive, where the height limit is 8.5m. It is considered that the Woollooware Bay development has created a new context of building height and density in this area.

Impact of increased floor space ratio from 1.5:1 to 1.53:1

This increase is minor and will have very little impact on the bulk and scale of development on the site. It is intended to compensate for the loss of floor space potential from the land that is to be dedicated as a park, as required by Council resolution (Minute 115, PLN015-21).

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The proposal is largely consistent with Councils local strategies, including the Community Strategic Plan, Draft Local Strategic Planning Statement and Economic Strategy. Examples are outlined in the table above.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes the planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 55— Remediation of Land	Applies	<p>Clause 6 of SEPP55 requires in the event of a change of land use, the planning authority must consider whether the land is contaminated, if the land can be suitably remediated for the proposed use.</p> <p>The Remedial Action Plan prepared for the proponent by JBS &G identifies that in order to render the site suitable for the mix of uses proposed, remediation/ management of asbestos impacted fill, and removal of the UPSS infrastructure, and hydrocarbon impacted fill (if present) are required. The report concludes that following completion of the remediation works the site will be suitable for the proposed land uses.</p> <p>Council's Science Unit notes minor contamination on site which can be remediated to a level suitable for the proposed development.</p>
State Environmental Planning Policy No 64— Advertising and Signage	Applies	Detailed compliance with SEPP 64 provisions will be demonstrated within all future development applications relating to signage and advertising on the site.
State Environmental Planning Policy (Coastal Management) 2018	Applies	The northern portion of the site is mapped as "Proximity Area for Coastal Wetlands", "Coastal Environment Area" and "Coastal Use Area" under the Coastal Management SEPP 2018. The relevant coastal impacts have been addressed as part of the Ecological Report prepared by the proponents and reviewed by Council's Science Unit.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP
State Environmental Planning Policy (Infrastructure) 2007	Applies	Development applications of size and capacity which meet the thresholds identified in Schedule 3 of the SEPP, will require referral to Transport for NSW in accordance with clause 104 of the SEPP.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Applies	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP
State Environmental Planning Policy (Concurrences and Consents) 2018	Applies	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 (s117) Directions)?

PLANNING DIRECTION	IS THE PLANNING PROPOSAL CONSISTENT?
1. Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	Minor inconsistency. The proposal retains the B7 Business Park zoning. To provide worker amenity and stimulate the tourism economy, the planning proposal allows 'shop' (maximum 2,000 m ² gross floor area), and 'pub', 'hotel and motel accommodation and 'conference centre' (cumulative maximum gross floor area 12,500m ²) on the site zoned B7 Business Park. The inconsistency is minor because the floor space of the additional uses is capped at a specific amount to ensure its role is supportive and does not take away from the primary employment purpose of the land. A Retail Impact Assessment submitted on behalf of the proponents concludes there is sufficient growth in the market to accommodate the proposed development without adversely affecting the ongoing viability of existing centres.
2. Environment and Heritage	
2.1 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	The site is mapped as 'environmentally sensitive land' in SSLEP2015 and the site adjoins land that is mapped as 'high biodiversity value'. The Planning Proposal will not reduce the environmental protection standards that apply to the land, seeking to protect and conserve environmentally sensitive land.

PLANNING DIRECTION	IS THE PLANNING PROPOSAL CONSISTENT?
<p>2.2 Coastal Management The objective of this direction is to protect and manage coastal areas of NSW</p>	<p>The northern portion of the site is mapped as 'Proximity Area for Coastal Wetlands', 'Coastal Environment Area' and 'Coastal Use Area' under the Coastal Management SEPP 2018.</p> <p>The relevant coastal impacts have been addressed by the proponent as part of the Ecological Report and reviewed by Council's Science Unit and found to be acceptable.</p> <p>Consultation with Fisheries NSW will determine the appropriate foreshore buffer distance from mean high water mark, which will be stipulated in the site – specific DCP provisions.</p>
<p>2.6 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by the planning proposal authorities</p>	<p>The Remedial Action Plan submitted by the proponent (JBS &G) identifies actions to remediate the site. The RAP identifies that in order to render the site suitable for the mix of uses proposed, remediation/ management of asbestos impacted fill, and removal of the UPSS infrastructure, hydrocarbon impacted fill (if present) are required. The report concludes that the remediation works will render the site suitable for the proposed land uses.</p> <p>The report has been reviewed by Council's Science Unit, who concur that minor contamination on site is able to be remediated to a level suitable for the proposed development.</p>
<p>3. Housing, Infrastructure and Urban Development</p>	
<p>3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	<p>The proposal gives effect to the objectives of improving access to jobs and services, reducing distances travelled and increasing the choice of available transport.</p> <p>The Planning Proposal will increase employment opportunities on the subject site, so could reduce travel time to work for local residents. The site is not on the rail line, so public transport is limited to bus travel. Recommended DCP provisions will better integrate the site with the active transport network.</p> <p>All development applications will be required to address subsequent road transport challenges in a manner that is satisfactory to TfNSW and Council.</p>

PLANNING DIRECTION	IS THE PLANNING PROPOSAL CONSISTENT?
3.5 Development Near Regulated Airports and Defence Airfields	<p>A review of the relevant airspace limitations affecting the site shows that the site is not affected by any Inner Horizontal Surface Heights, and the Outer Horizontal Surface affecting the site is 156m AHD.</p> <p>The proposed heights sought as part of this Planning Proposal will not impact the OHS.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	<p>The entire site is mapped as Class 3 acid sulphate soils under SSLEP2015.</p> <p>Council's Science Unit confirms that the acid sulphate soils and ground gases can be managed in development and do not pose a restriction to the proposed height and additional uses requested in the Planning Proposal.</p>
4.3 Flood Prone Land The objectives of this direction are: <ol style="list-style-type: none"> to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 	<p>The subject site is flood affected as identified as flood prone under the Woollooware Bay Catchment Flood Study. The additional uses will not change how flooding is managed on the site.</p> <p>Council's Stormwater & Waterways Engineering Unit has raised no objection to the Planning Proposal on stormwater or flooding grounds. Stormwater and flooding issues can be addressed as development applications are prepared.</p>
5. Regional Planning	
5.10 Implementation of Regional Plans Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within Regional Plans	<p>The proposal aligns with the overall intent of the Regional Plan. Allowing additional uses has a minor impact in reducing floorspace for industrial uses. However, additional uses will create employment in the tourism sector</p>
6. Local Plan Making	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>The planning proposal will not increase the need for referrals for development applications</p>
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<p>The site will be the subject of a site specific chapter in SSDCP2015. The required amendments to the DCP will not place unnecessarily restrictive planning controls on the site</p>
7 Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	<p>The Planning Proposal is consistent with the Greater Sydney Regional Plan 2018.</p>

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Council's Science Unit have reviewed the planning proposal and note that considering the proximity of the site to the Taren Point Shorebird Reserve and Towra Point Nature Reserve there is potential risk of bird/ bat strike as a result of increased building height to 50m. The proponent has given an undertaking to do studies to assess this risk. Provided the study finds there is not catastrophic risk, mitigation measures can be implemented at development design stage to prevent bird/ bat strike.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Allowing increased height up to 50m on the site creates potential for overshadowing of the adjacent Solander Fields public open space. To manage the impact of the height increase, the height of 50m is proposed to be limited to a central portion of the site. The area with maximum height of 50m is bounded by Toyota Drive to the east and the existing warehouse building to the west

The maximum allowable height reduces to 25m for a 25m wide strip of land at the boundary with Solander Fields. The remainder of the site has maximum allowable height of 30m.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is anticipated to have positive social and economic impacts. Allowing increased building height is expected to increase development potential for commercial floor space on the site, creating local employment. Allowing additional uses will increase worker amenity for the site and the tourism businesses established will contribute to the local tourism economy. Promoting tourism has been a long standing economic goal of Council.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure for the planning proposal. The planning proposal does not include changes to the B7 zone or floor space ratio currently allowed on the site. Apart from allowing additional uses, the intensity of use remains the same as currently permissible, although the site, which was previously occupied by one business (Toyota), is not currently developed to the maximum floor space ratio already allowed.

Development of the additional permitted uses of 'shop', 'pub', 'function centre' and 'hotel or motel accommodation' will result in public visitation of the site which currently does not occur. This visitation will increase local traffic, both within and outside normal business hours and during the whole week. The traffic study (by McLaren Traffic Engineering) accompanying the proponent's masterplan shows that a fully developed site would require signalling of three nearby intersections on Captain Cook Drive. This would result in increased travel times and impact on the effectiveness of Captain Cook Drive as a Caringbah bypass. There is also likely to be increased congestion on the local road network.

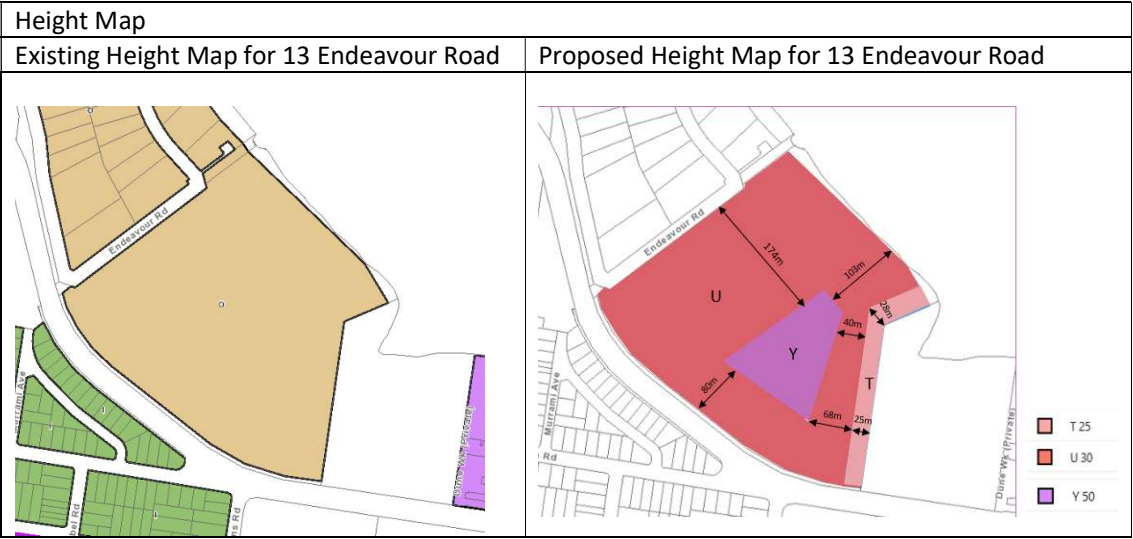
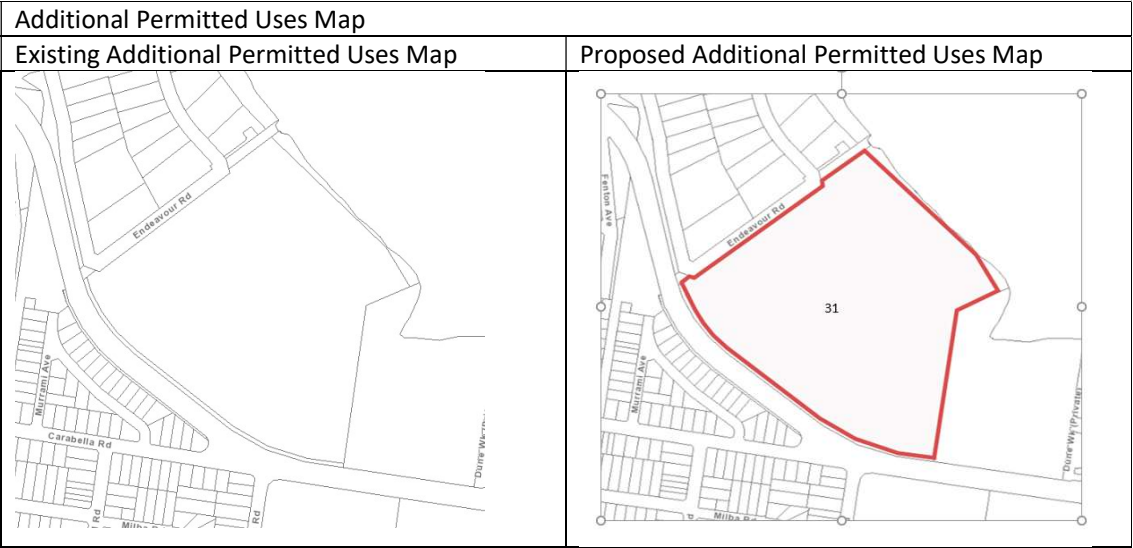
However, the proponent's Supplementary Traffic Information indicates that the proposed uses are not predicted to generate more traffic impact than if the site was fully developed with the currently permitted uses and the existing floor space ratio of 1.5:1.

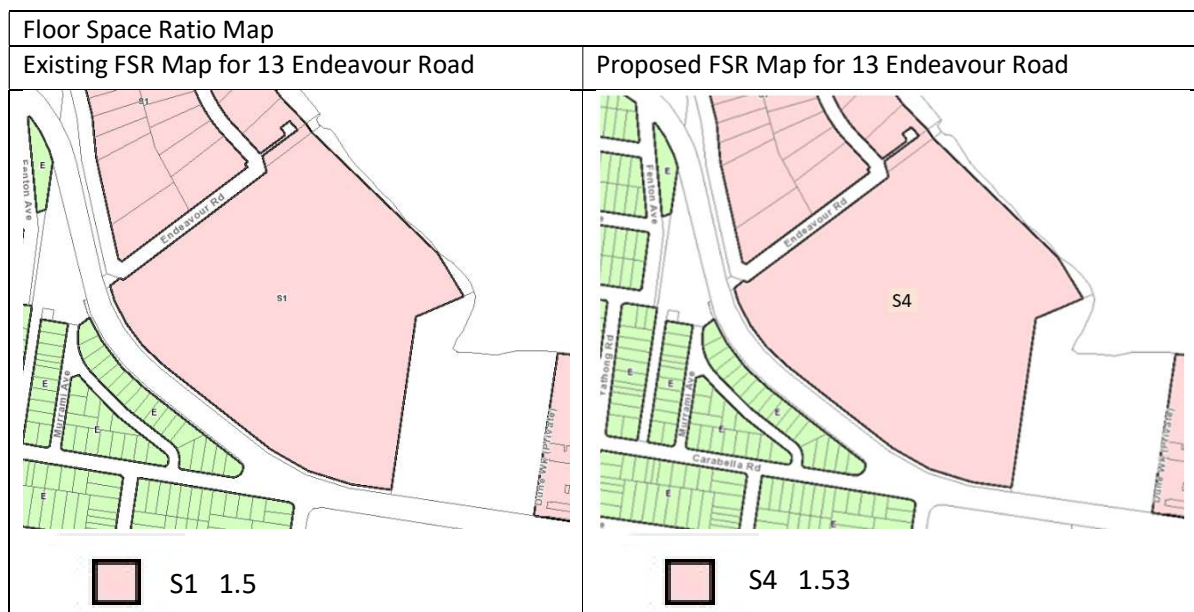
All development applications for the site will be required to address subsequent road transport challenges in a manner that is satisfactory for TfNSW and Council.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies





Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2016), the Planning Proposal will be exhibited for a period of 28 days. It is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader and The Liverpool City Leader identifying the purpose of the planning proposal and where the planning proposal can be viewed.

Consultation with affected owners and adjoining landowners

A letter will be sent to landowners whose land is affected by the planning proposal, and adjoining landowners. Opportunities for one-on-one consultations to discuss the proposals will be offered to interested parties.

Displays at the Council Administration Building and local libraries

The planning proposal will be displayed at the Council Administration Building, 4-20 Eton Street Sutherland.

Advertisement on the Council website

The planning proposal will be exhibited on the Council consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from the home page. It is anticipated that the mapping changes will be available through Shire Maps (Council’s interactive online mapping system).

Direct contact

Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

Part 6 – Project Timeline

Milestones	Timing
Gateway Determination	September 2021
Exhibition Start	October 2021
End Exhibition	November 2021
Review and Consideration of Submissions	November/December 2021
Report to Committee on Submissions	March 2021
Council Meeting	March 2021
Request for Draft Instrument to be Prepared	April 2022

Appendix 1: Criteria for Delegation of Plan Making Functions

Local Government Area: Sutherland Shire

Name of draft LEP: Planning Proposal: 13 Endeavour Road Caringbah

Address of Land (if applicable): 13 Endeavour Road Caringbah

Intent of draft LEP: This planning proposal is land owner initiated and seeks to amend Sutherland Shire Local Environmental Plan 2015 (SLEP2015)

Additional Supporting Points/Information: The Planning Proposal submitted by the landowner and all supporting studies submitted by the landowner are attached.

Also attached:

Report to Local Planning Panel (SSLPP016-21) (16 March 2021)

Local Planning Panel Report of Meeting SSLPP016-21

Report to Council PLN015-21 (10 May 2021)

Minute No 15: Council resolution to PLN015-21

Letter from land owners Aliro agreeing in principle to entering into VPA

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Not relevant		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		Not relevant		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Not relevant		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Not relevant		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Not relevant		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?		Not relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Not Relevant		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Not Relevant		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not Relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not Relevant		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not relevant		
Does the planning proposal create an exception to a mapped development standard?		Not Relevant		

Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		Not Relevant		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.