



Business Paper

Shire Strategic Planning Committee

Monday, 10 May 2021

**To commence at the conclusion of the
Extraordinary Council Meeting**

**Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

SUTHERLAND SHIRE

ORDER OF BUSINESS

- 1. OPENING OF MEETING AND WEBCAST STATEMENT**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
- 4. DISCLOSURES OF INTEREST**
- 5. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**
- 6. PRESENTATIONS**
- 7. REPORTS FROM OFFICERS**
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- 8. QUESTIONS**
- 9. CONSIDERATION OF BUSINESS IN CLOSED SESSION**
- 10. CONFIDENTIAL REPORTS FROM OFFICERS**
 - NIL No confidential reports are being tabled.

PLN015-21 PLANNING PROPOSAL FOR 13 ENDEAVOUR ROAD, CARINGBAH

PLN015-21

Attachments: Appendix A (under separate cover) [↗](#) and Appendix B [↘](#)

In accordance with [section 375A](#), this matter requires a planning decision as it involves the exercise of a function of Council under the [Environmental Planning and Assessment Act 1979](#) relating an environmental planning instrument under that Act but does not relate to an order under Division 2A of Part 6 of that Act.

EXECUTIVE SUMMARY

- A proponent initiated Planning Proposal for 13 Endeavour Road, Caringbah (the ex-Toyota site) seeks to allow additional uses of tourist and visitor accommodation, pub, function centre, and shop (up to 4,640m²) and increase permissible height to 50m. The size, location and development potential of the site presents a unique opportunity for a high quality employment precinct close to recreational amenities. However, the vision presented by the proponent cannot be guaranteed, as the Planning Proposal only affects permissible uses and primary development controls.
- The District Plan directs Council to 'protect and manage' industrial and urban services land. The Local Planning Panel was divided in their advice to Council, and ultimately the Chair used his casting vote to determine that the proposal had no strategic merit and should not proceed on the basis that the proposed additional 'high value' uses, particularly 'shop', have the potential to undermine the purposes of the B7 Business Park zone and undermine existing centres. The two dissenting Panel members outlined how the Planning Proposal could be modified to be acceptable.
- The Planning Proposal is considered to have strategic merit in supporting both the growth of industrial and urban services jobs and tourism – both of which are Planning Priorities of equal weight in the LSPS. Upon the detailed review of the Panels advice, it is considered that the Planning Proposal can be amended to address many of the Panels concerns and on this basis it is recommended that it proceed to NSW Department of Planning, Industry and Environment (DPIE) for Gateway Determination and subsequent public exhibition.
- The amendments recommended will exclude the additional use of shop; replace the additional use of tourist and visitor accommodation with hotel or motel accommodation; limit the additional uses of hotel or motel accommodation, function centre and pub, to 12,500 m² in total; amend the draft Height Map to specify a maximum 50m height limit for only a central part of the site with 25m adjacent to Solander Fields and 30m for the remainder of the site; and increase the foreshore buffer to 50m in line with NSW Fisheries recommendation.
- It also recommended that site specific Development Control Plan provisions that facilitate the vision presented by the proponent and which also protect the amenity of the locality be exhibited concurrently with the Planning Proposal.

REPORT RECOMMENDATION

THAT:

1. The report, including the advice of the Sutherland Shire Local Planning Panel (Attachment B), be received and noted.
2. The Planning Proposal for the site at 13 Endeavour Road, Caringbah, be referred to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway Determination, subject to the following amendments:
 - a. exclude the additional use of shop;
 - b. replace the additional use of tourist and visitor accommodation with hotel or motel accommodation;
 - c. limit the additional uses of hotel or motel accommodation, function centre and pub, to 12,500 m² in total; and
 - d. amend the draft Height Map to specify a maximum 50m height limit for only a central part of the site, with 25m adjacent to Solander Fields and 30m for the remainder of the site.
3. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
4. Subject to a positive Gateway Determination, the Planning Proposal be publicly exhibited in accordance with the conditions of the Gateway Determination and Council's engagement policies.
5. Site specific Development Control Plan provisions be prepared and exhibited that seek to both facilitate the vision presented by the proponent and protect the amenity of the locality, as detailed in this report.

PURPOSE

This report provides an assessment of a proponent initiated Planning Proposal for 13 Endeavour Road, Caringbah (the ex-Toyota site) to allow additional uses and increase permissible height to 50m.

BACKGROUND

The Site

The subject site at 13 Endeavour Road, Caringbah (Lot 2 DP714965) is a large site of 12.38 hectares, zoned B7 Business Park under Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). The site is adjacent to Woollooware Bay, Solander Playing Fields and the Taren Point industrial precinct. The Woollooware Bay shared pathway is adjacent to the northern boundary. To the southeast is the Woollooware Bay residential development and town centre ('Bay Central') redevelopment of the Cronulla Leagues Club. Opposite Captain Cook Drive is an area of low density residential development. Woollooware Golf Course sits to the south east of the site.

The subject site was formerly the Toyota headquarters. The existing buildings and infrastructure include the main warehouse with an area 2.8ha, various storage sheds and office buildings. The site has a network of streets and hardstand at-grade car parking areas (560 spaces), and established landscaping. Vehicle entry points to the site are from the Captain Cook Drive/Gannons Road roundabout and from Endeavour Road. Landscaped setbacks to Captain Cook Drive vary from 15m-40m.

The site is environmentally sensitive, being located adjacent to wetlands protected by the international Ramsar Treaty. Woollooware Bay is also part of the Towra Point Aquatic Reserve under the *Marine Parks Act 1997*. Under SSLEP2015, the entire site is mapped as 'Environmentally Sensitive Land - terrestrial biodiversity' and 'Environmentally Sensitive Land – riparian land'. The site is subject to a 30m foreshore area, affecting just over five percent of the site. The land is also subject to a transmission easement along Woollooware Bay. A large portion of the site is flood prone.

Current Zoning

The land is zoned Zone B7 Business Park, and the objectives of the zone are:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To prevent the fragmentation of large sites and to realise their economic strategic advantage.
- To provide opportunities for the erection of buildings requiring large floor areas and to discourage small-scale uses unless they are of an ancillary or service nature.
- To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards.
- To minimise the impact of development within the zone on areas of environmental or heritage significance.

Uses permitted with consent in Zone B7 are: centre-based child care facilities; garden centres; hardware and building supplies; light industries; neighbourhood shops; office premises; oyster aquaculture; passenger transport facilities; respite day care centres; roads; self-storage units; tank-based aquaculture; warehouse or distribution centres. As an 'open' business zone, all uses not prohibited are permitted with consent. Prohibited uses include shops, function centres, pubs, and tourist and visitor accommodation. Under the existing zone the site could be developed as a business park for office type uses, or for manufacturing or warehousing/distribution.

Under SSLEP2015, the site currently has a maximum building height of 16m, with maximum floor space ratio of 1.5:1. The minimum landscaped area is 10% and minimum lot size for subdivision is one hectare.

DISCUSSION

The Planning Proposal

The Planning Proposal's (Appendix A) stated aim is to *"to facilitate the development of a world class business park that provides a variety of building forms that cater for a range of employment types including industrial/ manufacturing, office, high-tech, filming, scientific and creative industries and distribution and warehousing amongst an activated ground plane"*.

The proponent's Planning Proposal seeks the following amendments to SSLEP2015:

- Allow additional permitted uses of tourist and visitor accommodation, pub, function centre, and shop (up to maximum area of 2.5% of the allowable FSR on the site, which is equivalent to approximately 4,640 m²)
- Increased building height across the site to 50m, with transitional perimeter bands of 40m and 30m on the southern (Captain Cook Drive) and eastern (Solander Playing Fields) boundaries

The Planning Proposal does not seek to change the current allowable floor space ratio of 1.5:1.

The proponent contends that a larger range of uses is required for the site to increase employment opportunities by improving the amenity of the site for workers. A range of facilities is needed to create *"a high- amenity and vibrant place that attracts tenants and employers to the area"* and that the addition of *'tourist and visitor accommodation'* can be accommodated *"while not undermining the primary employment role of the site"*.

The proponent contends that taller buildings up to 50m will allow the current floor space ratio of 1.5:1 to be realised, and will facilitate a range of building forms and enable complementary land uses that are undersupplied in the area. Their planning proposal notes that the Woollooware Bay Sharks development ('Bay Central'), with maximum height of 50m, has created a new context for development.

Urban Design Study, Indicative Concept Masterplan and Supporting Reports

The Planning Proposal is supported by an Urban Design Report (which includes a concept masterplan), a Landscape Masterplan, Transport Assessment, Retail Demand and Impact Assessment, and Economic Benefits Assessment. All documents submitted can be viewed on the Planning Proposal page of Council's [website](#) - 13 Endeavour Road Caringbah.

The concept masterplan submitted in support of the proposal illustrates a possible development outcome for the site. New and existing buildings are shown in distinct character precincts, in a landscaped context. The key features of the masterplan are:

- Variation in building heights with maximum 50m height confined to the middle of the site.
- Adaptive re-use of some existing buildings.
- Improved vehicle and pedestrian connections into and through the site, based on the existing street grid within the site.
- Retention of significant stands of existing trees and enhanced landscaped open spaces within the site.

However, the Planning Proposal cannot be conditioned to ensure what is shown in the concept masterplan. If successful, the Planning Proposal will only change height limits and permissible uses. Land uses and built forms will be set through subsequent Development Applications.

Strategic Merit of the Planning Proposal

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, requires the strategic merit of the proposal to be tested by asking will it:

- give effect to the relevant district plan; or
- give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district or local strategic planning statement; or
- respond to a change in circumstances, such as an investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

This assessment is provided under the following subheadings:

a) **South District Plan: Does the proposal give effect to the relevant district plan?**

Planning Priority S10: Retaining and managing industrial and urban services land

Objective 23: Industrial and urban services land is planned, retained and managed.

Assessment: SSLEP2015 rezoned the subject site from a general employment/industrial zone to Zone B7 Business Park allowing offices as well as light industrial development. The rezoning was in recognition of the strategic potential for this well-located large site in single ownership to

become a business precinct, providing a greater variety of local employment opportunities with better alignment with the skills of the local community.

The proponent has requested additional uses that are not generally consistent with the current B7 zoning. The proponent maintains that allowing the additional uses will increase the site's amenity and make it more attractive to prospective tenants, thereby encouraging the establishment of already permissible employment generating uses, and meeting the aims of the zone, including: *"to provide a range of office and light industrial uses"* and *"to encourage employment opportunities"*.

Allowing additional uses of *'shops'* *'pub'*, *'function centre'* and *'tourist and visitor accommodation'* will reduce the amount of floor space available for light industrial and office uses currently permissible on the site. Allowing these uses is contrary to the goal of *"retaining and managing industrial and urban services land"*. The majority view of the Local Planning Panel was that the proposal lacks strategic merit because of this inconsistency. The Panel's commentary is further discussed below.

The proponent seeks to allow shop/s up to 4,640m² of floor space. This could take the form of a single large shop or a cluster of retail stores. Supermarkets tend to be the dominant form of retailing and given that Woolworths and Aldi are confirmed as tenants at Bay Central, the site is likely to be very attractive to competitors. A retail use of this scale is inconsistent with the South District Plan, which notes that while allowing office uses in an industrial area can support local jobs growth, it *"is not about allowing retail to support office activity"* (South District Plan p77). A full line supermarket would serve a wider market than just the workers, tourists and nearby residents. This outcome would undermine the effective management of industrial and urban services land.

The provision of some additional uses may increase the attractiveness of the site as a place to establish a business. However, a number of minor ancillary uses are already permissible in the B7 zone under SSLEP2015 including: gyms (recreation facilities (indoor)), neighbourhood shops (80m²), high technology industries, artisan food and drink premises, educational establishments, industrial retail outlets (bulky goods), restaurants or cafes, and industrial retail outlets.

Protecting industrial and employment land from uses which compete with traditional town centre uses, helps to maintain wide local variety of urban services and employment opportunities while also maintaining the vitality of town centres. The additional permitted uses sought are inconsistent with this priority of the District Plan.

Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage

Objective 21: Use place-based planning to support the role of centres as a focus for connected neighbourhoods

Assessment: Maintaining the vitality of local centres is an important priority of the District Plan. The proposed additional uses, particularly 'shop' will have some impact on local centres. The proponent's Retail Impact Assessment identifies the proposed shop as a 'market-style grocer', with an area of 4,307m². A shop with this floor area could be a large supermarket.

The Retail Impact Assessment estimates the loss of trade to nearby centres from the proposed new uses on the site, with the greatest loss of -4% to Caringbah Centre (1.2km away). The cumulative impacts of the proposed development and neighbouring Bay Central on existing centres of Miranda, Caringbah, Cronulla, Taren Point, Woollooware and Sylvania is estimated to be less than 15%. (Bay Central will have Woolworths, Aldi, Dan Murphy liquor store and specialty shops). The Retail Impact Assessment concludes that there is sufficient growth in the market to accommodate the proposed development "without adversely affecting the viability of existing retail centres", as a loss of 6% is 'within the bounds of competition'.

The South District Plan supports the location of retail and commercial activity in existing centres. In centres, shops are co-located with many other uses including health, education, leisure, entertainment and cultural facilities as well as public transport access. Confining major retail development to centres zoned for retail activity makes better use of existing infrastructure and has been a consistently applied Council strategy to maintain the viability of centres. Facilitating competing retail on this site will encourage vehicle movement between supermarkets exacerbating traffic generation.

Council's Local Strategic Planning Statement sets out a program of place- based planning for centres including Caringbah Centre. The intention is to revitalise Caringbah. Loss of trade for Caringbah Centre as a result of retail development on the subject site will undermine this aim.

Planning Priority S11: Supporting growth of targeted industry sectors

Objective 24: Economic sectors are targeted for success

Action 48: Create capacity for tourist accommodation in appropriate locations through local environmental plans

Assessment: The Planning Proposal includes the addition of 'tourist and visitor accommodation' as a permitted use on the site. The proposal is consistent with this priority. Council has consistently recognised the need for more tourist and visitor accommodation in the Sutherland Shire to encourage tourism, create employment and stimulate the local economy, with emphasis on the need for more hotels. While *tourist and visitor accommodation* is a permitted use in centre zones, few accommodation options have been developed in those locations where residential flats tend to be the highest value use. The subject site is attractively located near beach and bay and could add to the tourism offer.

While the additional use of *tourist and visitor accommodation* potentially displaces other types of industrial employment, the limits of market demand for such a use (if it is a hotel) will practically limit the floor area taken up by the use. A hotel would provide employment and meet the short term accommodation need in a location with numerous advantages. A pub and function centre would also support the viability of the site for tourism. The stimulus to local tourism which these additional uses could provide in this location creates consistency with this strategic direction. However, allowing *tourist and visitor accommodation* could allow serviced apartments and this is discussed further below, in relation to the Local Planning Panel's comments.

Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city.

Objective 14: A Metropolis of Three Cities- integrated land use and transport creates walkable and 30-minute cities

Assessment: The Planning Proposal estimates job creation from redevelopment of the site to be 5,460 jobs by 2040. Sutherland Shire has poor resident worker containment, with 55% of resident workers working outside the LGA. The site is well connected to Council's active transport network which extends to Bayside Council and beyond. It is anticipated that the redevelopment of the subject site will increase employment, improve resident worker containment and contribute to the aim of a 30-minute city.

However, the site has transport challenges. The range of uses illustrated in the masterplan would generate approximately 2600 vehicles per hour during peak, which is greater than South Village (1200 vph). As the site develops, it will be necessary to undertake network traffic modelling, in consultation with TfNSW and carry out associated traffic works. The site is well connected to the Shire's exiting cycle network, including the Botany Bay network. Alternate methods of transport to the site may be facilitated.

Planning Priority S13: Protecting and improving the health and enjoyment of the District's waterways

Objective 25: The coast and waterways are protected and healthier

Action 60: Protect environmentally sensitive areas of waterways and the coastal environment area

Assessment: The subject site is on the foreshore of Woollooware Bay, adjacent to the Towra Point Nature Reserve and Towra Point Aquatic Reserve. The northern foreshore of Woollooware Bay adjacent to the subject site is recognised as 'key fish habitat' by NSW Fisheries (DPI), requiring a foreshore buffer to development, recommended at 50m. The site is subject to a foreshore area (approximately 30m wide) and is mapped in SSLEP2015 as environmentally sensitive land- Riparian Lands and Watercourses and Biodiversity. There are Endangered Ecological Communities mapped along the shoreline ('Taren Point Shorebird Community' and 'Coastal Saltmarsh').

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 the adjacent environmentally sensitive areas, as the site is already zoned to allow a range of uses including light industrial and office. Increased height would allow greater retention of trees and complementary landscaping to embellish the foreshore buffer - part of development controls for the site. As such the Planning Proposal is not inconsistent with this priority.

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

Assessment: The Planning Proposal is for increased maximum height from 16m up to 50m on the subject site, with no increase in floor space ratio.

Developing the available floor space in taller building forms has the potential advantage of allowing a greater percentage of the site to be reserved for landscaping and to provide opportunities for access ways. Hence the Planning Proposal could facilitate an increased tree canopy cover and provide through-site walking and cycling connections between parts of the Green Grid. Development controls could facilitate a pedestrian access through the site to the existing foreshore link.

b) Does the proposal give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department?

Local Strategic Planning Statement (15/09/2020)

Infrastructure and Collaboration- Planning Priority 6 Collaborative partnerships

Action 6.4: Identify and prioritise collaboration opportunities with strategic land holders.

“Large strategic land holdings represent opportunities for Council to collaborate with land owners to provide the community with open space, infrastructure and other outcomes that would otherwise be unachievable”

Assessment: The subject site has strategic importance as it is currently largely unoccupied and could be developed to provide a range of employment opportunities and a high quality urban design outcome. There is potential to facilitate public amenity benefits such as through-site shared path public access, enhanced landscaping and tree canopy cover, and sustainability benchmarks through site specific DCP clauses.

Productivity- Planning Priority 15 Grow Industrial and Urban Services jobs

Action 15.1: Retain and manage all land zoned for industrial and urban services.

Assessment: The Planning Proposal has some consistency with this action of the LSPS because the increased height limit allows greater flexibility in how the floor space potential is realised on the site. Development with increased height limit could result in increased worker amenity and allow more landscaping, while facilitating adaptive re-use of the existing large single storey warehouse. However, the additional uses will somewhat reduce the amount of floor space available for industrial and urban services, with the potential for a large scale retail of particular concern. This issue is further discussed in relation to the Panel's advice.

The 2020 Sutherland Industrial and Urban Services Land Review Study commissioned by Council, undertaken by SGS, found that there is high demand for floor space and low vacancy rates in the Taren Point employment area due to its central location and access to the airport, port and major arterial roads. The study reiterated the State and Council policy that industrial lands across the LGA should be retained and managed.

Productivity-Planning Priority 17 Grow Tourism

Action 17.3: Support initiatives to increase short stay visitor accommodation opportunities in Cronulla and surrounding areas, and in other appropriate locations across Sutherland Shire

Action 17.6: Support initiatives to provide tourism infrastructure and tourist and visitor accommodation by providing incentives through the planning framework.

Assessment: The proposal is consistent with this priority. Development of the site to create a recreation destination, with additional uses of *pub, function centre and tourist and visitor accommodation* (in the form of a hotel), will support tourism and provide employment.

Sustainability- Planning Priority 22 Efficiency and Innovation

Action 22.1: Encourage initiatives that contribute towards achieving low-carbon, high efficiency strategies on strategic precincts or contiguous areas larger than 10 hectares

Assessment: As a strategic site of 12.38 hectares under single ownership, with no existing tenants and in preparation for redevelopment, this is an ideal location to gain improved environmental outcomes. Redevelopment can improve energy, water and waste efficiencies. If the Planning Proposal proceeds, DCP objectives and controls can require environmental and efficiency performance standards for new development on the site, consistent with this LSPS priority.

Planning Priority 23 Manage risks from hazards

Action 23.5: Respond to the impacts of urban heat on our community through tree planting, landscaping improvements and sustainable urban design

Assessment: The masterplan which accompanies the Planning Proposal indicates good landscaping and pedestrian access ways though the site. If the Planning Proposal proceeds, DCP clauses will require the provision of quality landscaping and increased tree canopy cover.

LSPS Supporting Strategies: Economic Informing Strategy (December 2018)

Outcome 1: Provide a prosperous community with a fulfilling work/ life balance

Objective: Increase the number of local jobs by 10,000 FTE (total 87,937 jobs) by 2030.

Assessment: Development of the site takes advantage of the existing infrastructure to create an attractive place of employment. The increased height limit will help realise increased employment density on site and contribute to the job target for the Sutherland Shire, consistent with this LSPS priority.

Outcome 2: A diverse, resilient and self-sustaining business community providing a prosperous and fulfilling lifestyle.

Objective: Increase Sutherland Shire's business output (turnover) by 15% by 2030.

Strategic Approach 2.4: Protect industrial and urban services land through strategic land use planning and regulation

Assessment: Allowing additional uses to be permissible on the site zoned B7 will reduce the potential floor space available for urban services uses. However, a co-ordinated redevelopment of the large site will significantly add to Sutherland Shire's business output. This is further discussed in relation to the Panel's advice, below.

Outcome 4: Increased size and value of tourism's contribution to Sutherland Shire economy

Objective: Increase the average tourism spend in the Sutherland Shire by 20% (\$46m) by 2030.

Strategic Approach 4.1: Support and incentivise investment to increase short stay visitor accommodation opportunities in Cronulla and surrounding areas.

Assessment: Allowing additional uses of *pub, function centre and tourist and visitor accommodation* will facilitate redevelopment that supports local tourism.

LSPS Supporting Strategies: Community Strategic Plan

Outcome 5: Sutherland Shire: A prosperous community for all

Strategy 5.2 Enhance and promote opportunities to work locally

Assessment: A large proportion of the resident worker population of the Sutherland Shire travel outside the LGA for work. Development of the subject site with a range of uses could enhance opportunities for more residents to work locally.

c) Does the proposal respond to a changing circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing controls?

Assessment: The proposal is not responding to any significant investment in infrastructure or changing demographic trends in the locality.

The Strategic Merit test also requires consideration of whether the planning controls are in need of review, if an instrument is less than five years old. The Sutherland Shire Local Environmental Plan was made on 23 June 2015 and a comprehensive review is now underway and scheduled for 2022. As the LEP is more than five years old, review is appropriate.

Site Specific Merits of the Planning Proposal

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, requires the site specific merit of the proposal to be tested, having regard to the following:

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

1. Natural environment

Contamination and acid sulphate soils

Council's Science Unit confirms that the presence of acid sulphate soils and ground gases can be managed in the proposed development and does not pose a restriction to the proposed height and additional uses sought. Soil contamination issues on the site can be made suitable.

Environmental values

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. While the proponent has confirmed studies are presently being carried out, it is considered that this matter can be addressed at Development Application stage. The adjacent 'Bay Central' development also has a 50m maximum height, but is somewhat further away from the

Taren Point Shorebird Community. The Development Control Plan can include provisions for light spill and reflectivity mitigation features.

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.

2. 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). The Planning Proposal seeks to permit shops with floor area of no more than 2.5% of the potential floor space permissible on the site, resulting in up to 4,643m² of retail floor space, which could be a supermarket. A full scale supermarket would serve a greater market than the workers on the site and attract shoppers from commercial centres and reduce the market share of shops in established centres. The 'Bay Central' development is within walking distance to the subject site, which will have supermarkets (Woolworths, Aldi) and a liquor store. This reduces any anticipated need for retail uses on the subject site to meet the day to day needs of workers.

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 the weekend.

The site as currently zoned already 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 intensity will impact the wider road network and require extensive consultation with road authorities. The Planning Proposal is not a development application, and is not governed by a staged masterplan. 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 supplementary traffic assessment found that an upgrade to the Endeavour Road/ Captain Cook Drive intersection is already required because of the impact of the Sharks development.

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.

Impact of increased building height from 16m to 50m

The proposed height increase is consistent with the nearby 'Woollooware Bay' and 'Bay Central' development. The first stages of the 'Woollooware Bay' development on the site adjacent to Solander Playing Field, have maximum height of 50m. The site has eleven residential towers of varying heights of 13-14 storeys, with four at 50m. This redevelopment has created a new context of building height and density in this area. However, the 'Woollooware Bay' development has public open space across Captain Cook Drive, so has less immediate streetscape impact on nearby low density residential areas than the proposal. 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.

The Concept Masterplan which accompanies the proponent's Planning Proposal shows shadow analysis of the concept building layout. The concept plan assumes buildings up

to 8 storeys (32m height) adjacent to Solander Playing Field, with unacceptable overshadowing impacts on the public open space from 2pm on 21 June. An alternative height map submitted by the proponents has 50m height limit for a central part of the site, 25m height limit for a 25-28m wide strip of land on the boundary with Solander Fields, and 30m height limit for the remainder of the site. This arrangement is more acceptable as it creates less overshadowing, particularly on the public open space of Solander Fields.

Use of site specific Development Control Plan provisions

Site specific DCP provisions prepared by Urbis were submitted with the Planning Proposal. These provisions seek to provide for character precincts, existing buildings and internal road networks, as well as built form, landscaping, parking and design provisions.

If the Planning Proposal proceeds, the proponent's Draft DCP can be amended to better integrate it into SSDCP2015, and with additional provisions as follows:

- Objectives and controls for energy and water use to achieve low carbon high efficiency environmental outcomes as follows:
New development on the site must comply with the following standards:
 - a 5.0 Star Energy NABORS Commitment Agreement (CA) or equivalent
 - a Green Star Designed Assessment and can demonstrate attainment of a 4 Star Green Star rating at a minimum
 - waste generated in any demolition of a building will be minimised and commits to achieving a minimum 80% recovery of construction and demolition waste
 - waste generated during construction or during the lifecycle of buildings will be minimised through design and on-site waste management and commits to achieving a minimum 70% recovery of commercial and industrial waste
- Objectives and controls requiring 50m foreshore buffer.
- Objectives and controls for landscaping including tree canopy coverage on the site and landscaped street setbacks (consistent with the DCP requirements which apply for the nearby Cawarra Road Zone B7 Business Park); Captain Cook Drive: 8m landscaped setback (with no parking); Endeavour Road: 4m landscaped setback (with parking allowed); Solander Playing Field: 12m landscaped setback (with parking allowed).
- Objectives and control to encourage active uses at ground floor to activate ground plane
- Objectives and control to encourage flexible built forms to cater for changing industrial trends
- Objectives and control requiring through-site public access via a shared path.
- Replacement tree rate to be amended to 8:1, consistent with DCP Chapter 39

Statutory Considerations***Local Planning Panel Advice***

The State has directed that all planning proposals prepared after 01/06/2018 must be referred to the local planning panel for advice prior to the Council's decision on the planning proposal, unless the planning proposal is minor or will not have any significant adverse impact on the environment or adjoining land. Accordingly, the Planning Proposal was referred to the Sutherland Shire Local Planning Panel for advice on 16 March 2021. The Panel Minutes are attached as Appendix B.

The Local Planning Panel was divided in their advice to Council, and ultimately the Chair used his casting vote to determine that the proposal has no strategic merit and should not proceed to Gateway Determination as it is contrary to the strategic direction within the District Plan to "retain and manage" employment lands. A minority of the Panel expressed conditional support for the proposal.

Following is a summary of the issues raised by the Panel and recommendations in response.

Strategic Merit

Panel Advice: The proposal is contrary to the strategic direction within the District Plan of "retain and manage" employment lands and a recent overview by SGS Economics. Allowing higher order or higher value uses is likely to undermine the primacy of employment uses. The proposal will undermine the role of retail business centres and would add a quasi-residential use (albeit not permanent accommodation), which has the potential to undermine ongoing use and flexibility of the B7 and surrounding industrial zones. There has been no fundamental strategic shift in employment planning provisions since the making of SSLEP2015 and hence little planning justification for the proposal. A wide analysis of employment lands was not undertaken. The site is separated from the Sharks site and thus the changed land use are not justified.

Additional Panel Commentary in Minutes: The additional uses should be limited to hotel, function centre and pub in order to address strategic merit concerns. Some retail uses are already permitted in the zone. The Proposal could be amended to allow the additional use of hotel only (with a floor space cap); pub and function centre (also with a floor space cap), as these uses could complement B7 zone.

Recommended amendment to Planning Proposal in Response:

To keep primary focus on retaining employment generating uses and not undermine existing centres, it is agreed that *shop* not be added as an additional permitted use.

To ensure that the predominant use meets the objectives of the B7 zone it is agreed that some limitations be placed on the extent of tourism accommodation. The requested use of tourist and visitor accommodation would allow serviced apartments, which, as a high value quasi-residential use, could also challenge the main purpose of the land which is to provide employment. Limiting the additional use to hotel or motel accommodation would avoid this possibility. The additional uses of hotel or motel

accommodation, function centre and pub be conditional on their cumulative floor space not exceeding 12,500 m².

These limitations would ensure that this large site meets the 'retain and manage' objectives of the District Plan as well as meeting tourism objectives of the District Plan and Council's LSPS. Increasing amenity on this large site will attract employment opportunities, ensuring that the dominant purpose of the B7 zoning (business park) prevails.

Height increase to 50m in SSLEP2015: (DCP map showing transition to 20m at Captain Cook Drive and Solander Field).

Panel Advice: If the proposal was for increased height only, there is scope for height increases. As the proposal lacks strategic merit, site specific considerations do not apply.

Additional Panel Commentary in Minutes: The 50m height should be confined to the centre of site, with transitional heights to boundaries. The warehouse building height should be retained with incentive clause to allow height up to 25m to encourage adaptive re-use.

Recommended amendment to Planning Proposal in Response:

Allowing part of the site to have greater height will assist in retaining trees and higher amenity work space. The site is very large and can sensitively accommodate higher buildings. Limiting the central part of the site to a 50m height limit will assist in providing a transition to surrounding built form.

It is recommended that the draft Height Map in the Planning Proposal be amended to specify a maximum 50m height limit for a central part of the site (aligning with the internal road network and the southeast wall of the existing warehouse), with 25m height limit for a 25-28m wide strip of land on the boundary with Solander Fields to mitigate overshadowing of Solander Fields, and 30m height limit for the remainder of the site, as shown below:



Draft LEP Height Map for 13 Endeavour Road Caringbah

Foreshore Buffer 40m

Panel Advice: Increase foreshore buffer from 40m to 50m, consistent with NSW Fisheries recommendation.

Recommended amendment to Planning Proposal in Response:

SSDCP2015 provisions be included to ensure the foreshore buffer is 50m, consistent with NSW Fisheries recommendation. The Department of Planning advises us that the foreshore buffer setback will be resolved during agency consultation at Gateway.

Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*

The planning proposal has been assessed against all relevant Ministerial Directions and S9.1 Directions for Planning Proposals and found to be generally consistent. Direction 1.1 Business and Industrial Zones is particularly relevant. The objectives of this direction are to:

- (a) *encourage employment growth in suitable locations,*
- (b) *protect employment land in business and industrial zones, and*
- (c) *support the viability of identified centres"*

“Identified centres” are strategic centres, and the proposal is unlikely to affect the viability of the Sutherland Shire’s strategic centres Miranda and Sutherland. Allowing a shop with floor area over 4,000m² would not support the viability of Caringbah centre. Allowing additional uses as requested does reduce the floor area available for permissible industrial and office uses, but limiting the gross floor area would limit this impact. The proposal will encourage the growth of tourism employment.

RESOURCING STRATEGY IMPLICATIONS

Management of Council’s Local Environmental Plan (SSLEP2015) is conducted within the budget allocation of strategic planning.

COMMUNITY ENGAGEMENT

Once the Gateway Determination has been issued consultation will take place in accordance with the requirements of the Determination.

STRATEGIC ALIGNMENT

This report contributes to the delivery of Our Community Plan - Outcome 1 “A community informed and engaged in its future”. It specifically delivers on the following:

Delivery Program (2017-2022) Deliverables	Operational Plan 2020/21
5.1.2 Support our growing business community by reducing barriers to growth where possible	5A Develop and Implement an Economic Development Strategy and Plan that supports economic growth aimed at sustaining a prosperous community.
5.2 Increase access to local employment and training opportunities	5D Actively grow the contribution towards the local economy via artistic and cultural tourism
5.2.1 Enhance and promote opportunities to work locally	

POLICY AND LEGISLATIVE REQUIREMENTS

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies and found to be consistent, subject to amendment.

The Environmental Planning Assessment Act 1979 and Regulations require Council to submit all Planning Proposals for a Gateway Determination before being placed on public exhibition. The recommendations contained in this report will initiate this process.

CONCLUSION

The purpose of this Planning Proposal is to amend the SSLEP2015 to allow additional uses and increase allowable height on the site at 13 Endeavour Road, Caringbah (zoned B7 Business Park). The concept design supporting the Planning Proposal illustrated the potential of developing buildings

with a range of heights up to 50m on the large landscaped site to achieve a quality working environment in conjunction with recreational amenities.

The Planning Proposal has strategic merit in promoting economic activity and supporting tourism. However, it also conflicts with the District Plan directions to 'retain and manage' industrial and urban services land. It may also impact on the revitalisation of Caringbah centre. The greatest challenge is from the proposed use of shop, because it is a higher value use which is likely to undermine the primacy of employment uses on the site. In line with advice from the Local Planning Panel, this additional use is not supported.

The proposed additional use of tourist and visitor accommodation is also not supported, as this use would allow serviced apartments, a quasi-residential use which would undermine the use of flexibility of Zone B7 and surrounding industrial uses. However, narrowing the term to hotel adequately addresses this concern. The additional uses of hotel, function centre and pub, if limited to a total gross floor area of 12,500m² or 6.7% of the available floor space, could complement the future uses on this B7 Business Park site while maintaining the primacy of employment uses on the site.

As the proposal demonstrates strategic merit with key elements of the District Plan and Council's LSPS, it is recommended to refer the planning proposal to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway determination, with the following amendments:

1. Remove shop as a permitted use.
2. Additional uses of hotel or motel accommodation, function centre and pub, be conditional on total gross floor area of these uses not exceeding 12,500m².
3. A Height Map be included in the LEP specifying 50m height limit for a central part of the site, 25m height limit for a 25-28m wide strip of land on the boundary with Solander Fields, and 30m height limit for the remainder of the site.

RESPONSIBLE MANAGER

The manager responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon.

File Number: 2020/389086



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 16 March 2021

6.00pm

e-Meeting

SUTHERLANDSHIRE

Sutherland Shire Local Planning Panel

16 March 2021

PANEL: Jason Perica (Chair), Julie Savet Ward, Jan Murrell, Mark Carleton

STAFF IN ATTENDANCE: Manager, Major Development Assessment (Mark Adamson), Manager, Development Assessment and Certification (Simone Plummer) and Manager Strategic Planning (Mark Carlon).

Disclosures of Interest: File Number: 2015/14239 - There were no declarations of interest.

Apologies

There were no apologies

NOTE

All interested parties were advised of the changed meeting arrangements and given the opportunity to address the Panel during the teleconference.

The teleconference was recorded, and is available on Council's website.

Sutherland Shire Local Planning Panel

16 March 2021

SSLPP016-21 Planning Proposal Report - 13 Endeavour Road, Caringbah
File Number: 2020/389086

There were no speakers against the proposal.
 Speaking for the proposal were David Lousick & Stephen White.

PANEL DECISION:

The Planning Proposal for the site at 13 Endeavour Road, Caringbah, proposes to increase permissible maximum building height to 50m and allow additional uses in the zone of 'tourist and visitor accommodation'; 'function centre'; 'pub'; and 'shop'.

The Panel has differing views on whether the Planning Proposal should proceed, either in an amended form, or not at all. The decision was split, with the Chair Jason Perica and Mark Carleton of the view the matter does not warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway determination. The other two Panel members support the Planning Proposal, but with amendments before proceeding. Given the voting, the casting vote of the Chair was used that the proposal not proceed to gateway determination.

The key issues relate to strategic merit and site-specific merit, as outlined below.

Strategic Merit

The majority of the Panel (with the Chair's casting vote) were of the view that the proposal lacked strategic merit and should not be supported. Specifically:

1. The proposal is contrary to the strategic direction within the District Plan of "retain and manage" employment lands and a recent overview by SGS Economics.
2. In principle, the proposed addition of uses in the zone is equivalent of allowing higher order or higher value uses, which is likely to undermine the primacy of employment uses. The additional uses proposed are also likely to undermine the role of retail business centres and would add a quasi-residential use (albeit not permanent accommodation), which has the potential to undermine ongoing use and flexibility of the B7 and surrounding industrial zones.
3. There is strategic logic to the relatively-recent Council decision to zone the site B7, to support employment containment in the Shire and diversity of employment zones. This occurred recently (2015) and there has been no fundamental strategic shift since that time, other than a large land use vacating the site, known as likely at the time. Additional uses being permissible is likely to lead to land fragmentation as the proposed higher order additional uses are proposed through DAs, which is likely to undermine the flexibility to provide employment diversity and opportunities from a large site in single ownership, including which may benefit the wider region. There is no apparent anchor use or key tenant(s) from which the supporting ancillary uses can be derived. In any case the key anchoring employment uses would be permissible in the

Sutherland Shire Local Planning Panel

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current zone and decisions about additional permitted uses to support those existing permissible uses could occur at a later stage, when there is greater certainty regarding the outcome. This should also be done more holistically with other B7 zones.

4. The proposed changes do not appear to have been informed by wider analysis and review of employment lands (B7 or otherwise). The District Plan (Priority 10) warrants an approach to protect the primacy of employment uses for the site and wider network of employment zones.
5. The site is separated from the Sharks site by playing fields and the changes at that site do not justify the additional land use changes proposed at this site.

Given the above concerns and conclusions that the proposal lacks strategic merit, the site-specific considerations related to height and form do not apply. However, if the proposal did not include additional uses, but just height, Mr Perica and Carleton saw scope for height increases although were concerned with the disparity between loose height proposed in the LEP/Planning Proposal and a "Concept Plan" being used to justify the proposal. The proposed LEP height limits by the applicant were not appropriate.

Ms Murrell and Ms Savet Ward consider the additional uses should be limited to a hotel, function centre and 'pub'. This is in order to address strategic merit concerns related to protecting the primacy of employment uses, South District Plan objectives to retain and manage employment and urban services lands, provide some flexibility and reduce potential fragmentation. These additional uses are seen to complement the B7 zone with the primary focus to retain employment and the concept of a business park for the Shire. As such, the proposed additional uses outlined in the Planning Proposal should be amended as follows:

- Hotel only (with a cap on GFA) and no tourist and visitor accommodation;
- Delete shop as a separate use (noting DAs can include ancillary uses); and
- Pub and function centre (with a cap on GFA).

Site-Specific

As mentioned, this does not apply as the majority of the Panel formed the view the proposal lacked strategic merit. The Planning Proposal is only supported by Ms Murrell and Ms Savet Ward as having site-specific merit if the following changes are made:

- The 50 m height – must be confined to a central triangular portion of the site as shown on the attached map, figure 1. and inserted into the draft LEP as a map. This is to mitigate adverse impacts in particular overshadowing, for the Solander playing fields and surrounding residential areas, and minimise tensions between the height standard and the FSR, which is recommended to remain at 1.5:1. The remainder of the Exchange precinct, would then transition down appropriately to the adjoining boundaries.

- For the warehouse building, the existing height should be retained with an incentive clause or similar to allow height up to 25m that encourages adaptive reuse/ retention of the large existing footprint at the lower levels. Heights should then step down to 20m at the northern and eastern edges, informed by urban design, overshadowing analysis and ecological constraints;
- Increase the 40m foreshore buffer to 50m and secure this with objectives and controls. This should also consider and demonstrate augmentation to adjoining public access to provide a public benefit (such as bicycle and pedestrian linkages, rest areas) as well as planting of ecological communities to support and enhance the protection and functioning of the important neighbouring wetlands;
- A suggested height map by Ms Murrell and Ms Savet Ward is below:



- Mechanisms to ensure a Masterplan led approach which ensures a high quality public domain;
- Mechanisms to incentivise business and primary employment;
- Objectives and numerical controls for landscape treatments including controls for tree canopy coverage on the site and landscaped setbacks (without parking) of 8m to Captain Cook Drive, 4m to Endeavour Road, and 12m to Solander Field.
- Objectives and controls to encourage active uses at ground floor to activate the ground plane.

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- Objectives and controls to encourage flexible built forms to cater for changing industrial trends and, uses.
- Objectives and controls to achieve sustainable development, including passive and active energy, reduced potable water use and waste reduction in line with circular economy principles
- A through-site public access, protected by legal mechanisms.
- Replacement tree rate to be amended to 8:1, consistent with DCP Chapter 39.
- The above issues are to be addressed by the applicant before a draft LEP is exhibited and an accompanying site specific DCP/concept plan placed on exhibition at the same time. This will provide greater certainty in the planning process.

REASON FOR THE RECOMMENDATION:

The reasons and rationale are outlined above. Given the above, the Panel recommends to Council that the Planning Proposal not proceed to Gateway.

VOTES

The decision was 2-2, as outlined previously. Mr Perica as chair used his casting vote to form a majority decision.