



IRF22/3945

Gateway determination report – PP-2022-3875

13 Endeavour Road, Caringbah

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (Urbis)
Survey Plan (Land Partners)
Landscape Masterplan (Habit 8)
Urban Design Report (SJB)
Traffic Impact Assessment (McLaren Traffic)
Retail Impact Assessment (Urbis)
Economic Benefits Assessment (Urbis)
Remedial Action Plan (JBS&G)
Ecology Assessment (Eco Logical Australia)
Civil Concept and Impact Assessment (Sparks + Partners)
Supplementary Traffic Impact Assessment (McLaren Traffic)
Site Specific LEP Provision (Urbis)
Site Specific Development Control Plan (Urbis)
UST Environmental Assessment (JBS&G)
Response to RFI Letter (Urbis)
Height Diagram and Section (SJB)
Solandra Solar Study (SJB)
Landscape Detail Endeavour Estate (Habit 8)
Updated Solandra Solar Study (SJB)
Request for new Gateway Determination

1 Introduction

1.1 Overview of planning proposal

Table 2 Planning proposal details

LGA	Sutherland Shire
PPA	Sutherland Shire Council
NAME	13 Endeavour Road, Caringbah (Former Toyota Headquarters Site)
NUMBER	PP-2022-3875
LEP TO BE AMENDED	Sutherland Shire Local Environmental Plan (LEP) 2015
ADDRESS	13 Endeavour Road, Caringbah
DESCRIPTION	Lot 2 DP 714965
RECEIVED	3/11/22 (adequate 17/11/2022)
FILE NO.	IRF22/3945
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal seeks 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.’*

To achieve this aim, the proposal seeks to retain the existing B7 Business Park zoning and amend the Sutherland LEP 2015 by:

- increasing the mapped building height from 16m to part 25m, 30m and 50m;
- increasing the floor space ratio (FSR) from 1.5:1 to 1.53:1; and
- introducing Additional Permitted Uses (APUs) to allow for:
 - hotel or motel accommodation, pubs and function centre uses with a capped overall floor space of 12,500m²; and
 - shops with a capped overall floor space of 2,000m².

1.2 Site and surrounding area

The subject site (**Figure 1**) at 13 Endeavour Road, Caringbah (Lot 2 DP714965) is approximately 12.38 hectares in size and zoned B7 Business Park (**Figure 3**) under Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). The land fronts Captain Cook Drive and Endeavour Road and was previously used for the Toyota headquarters.

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



Figure 1: Subject site (base source: Planning Proposal)

The site is adjacent to Woolloomare Bay, Solander Playing Fields and the Taren Point industrial precinct (**Figure 2**). The Woolloomare Bay shared pathway is adjacent to the northern boundary and provides for passive recreation and active transport. The site is relatively flat and low lying with minimal topographical changes of between 0m and 1.5m between Captain Cook Drive and the foreshore shared pathway, and between 0.5m – 1m running from east to west.

To the south-east is the Woolloomare Bay redevelopment which is a large scale redevelopment of the Cronulla Leagues Club comprising approximately 880 residential units with shops and hotels. The development was approved by the Department of Planning as a Part 3A Major Project and subsequently rezoned to B2 Local Centre. On the opposite side of Captain Cook Drive is an area of low-density residential development, primarily one and two storey dwellings. Woolloomare Golf Course sits to the south-east of the site.

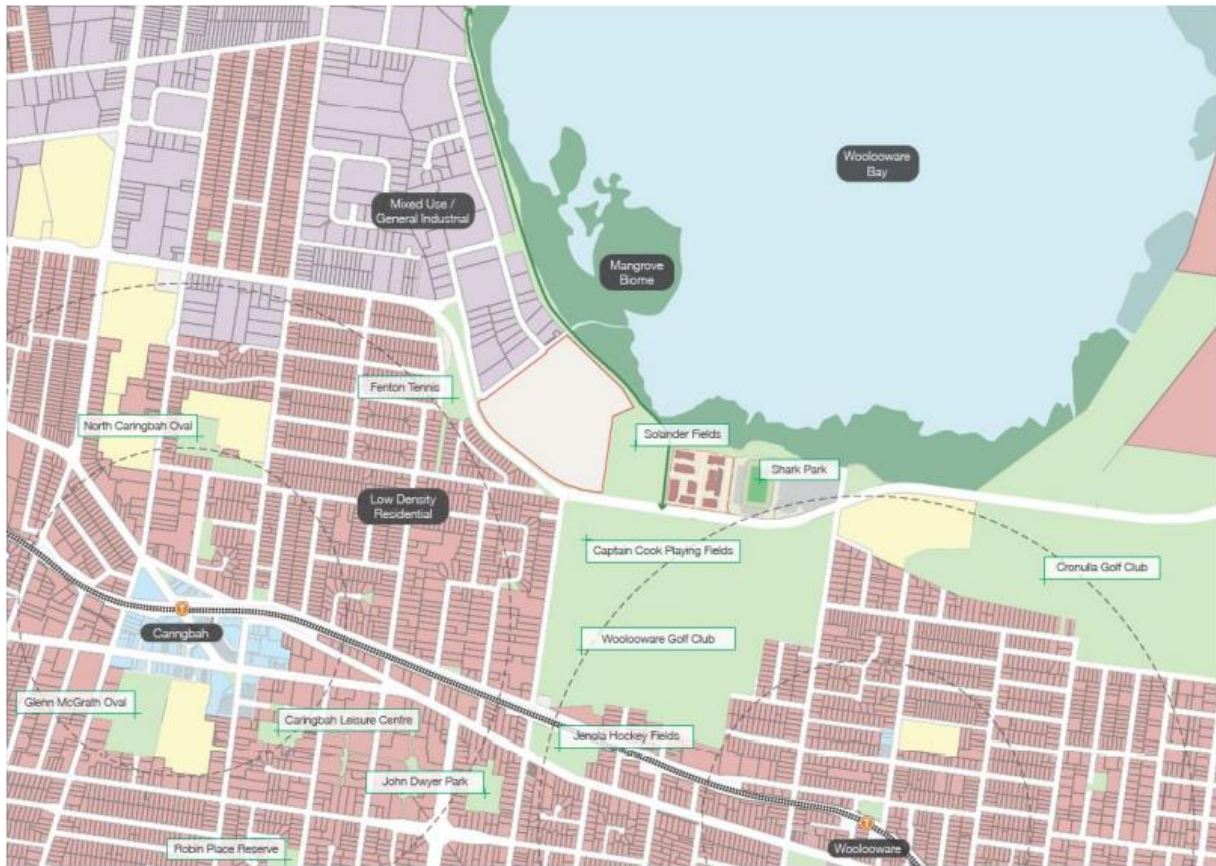


Figure 2: Site context (base source: Planning Proposal)



Figure 3: Existing land use zoning context (base source: Planning Proposal)

The site is environmentally sensitive, being located adjacent to wetlands protected by the international Ramsar Convention. Woollooware Bay is part of the Towra Point Aquatic Reserve under the *Marine Parks Act 1997*. The northern foreshore of Woollooware Bay adjacent to the subject site is recognised as ‘key fish habitat’ by NSW Fisheries, requiring a foreshore buffer to development. The Woollooware Bay foreshore is Estuarine Mangrove Forest, mapped by the Environment and Heritage Group of the Department (then Office of Environment and Heritage) as ‘high biodiversity value’. Part of the site is mapped as ‘Proximity Area for Coastal Wetlands’ under State Environmental Planning Policy (Coastal Management SEPP).

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 building line, with the foreshore area affecting just over 5% of the site. The land is also subject to a transmission easement along Woollooware Bay. The site is mapped as ‘Restoration’ under Council’s Greenweb map, with adjacent mangroves mapped as ‘Core’. A large portion of the site is flood prone.

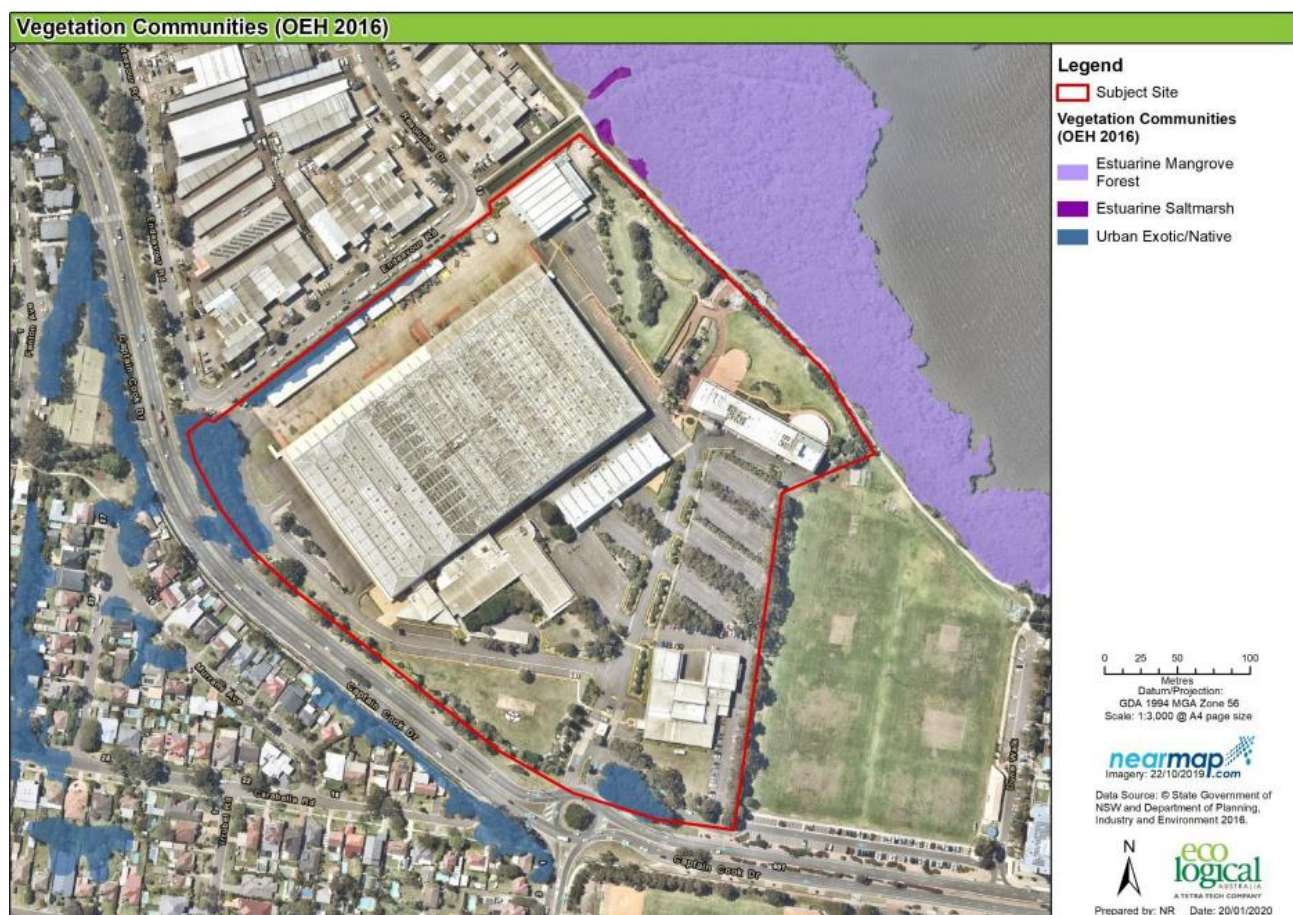


Figure 4: Vegetation mapping of site and surrounding area (base source: Planning Proposal)

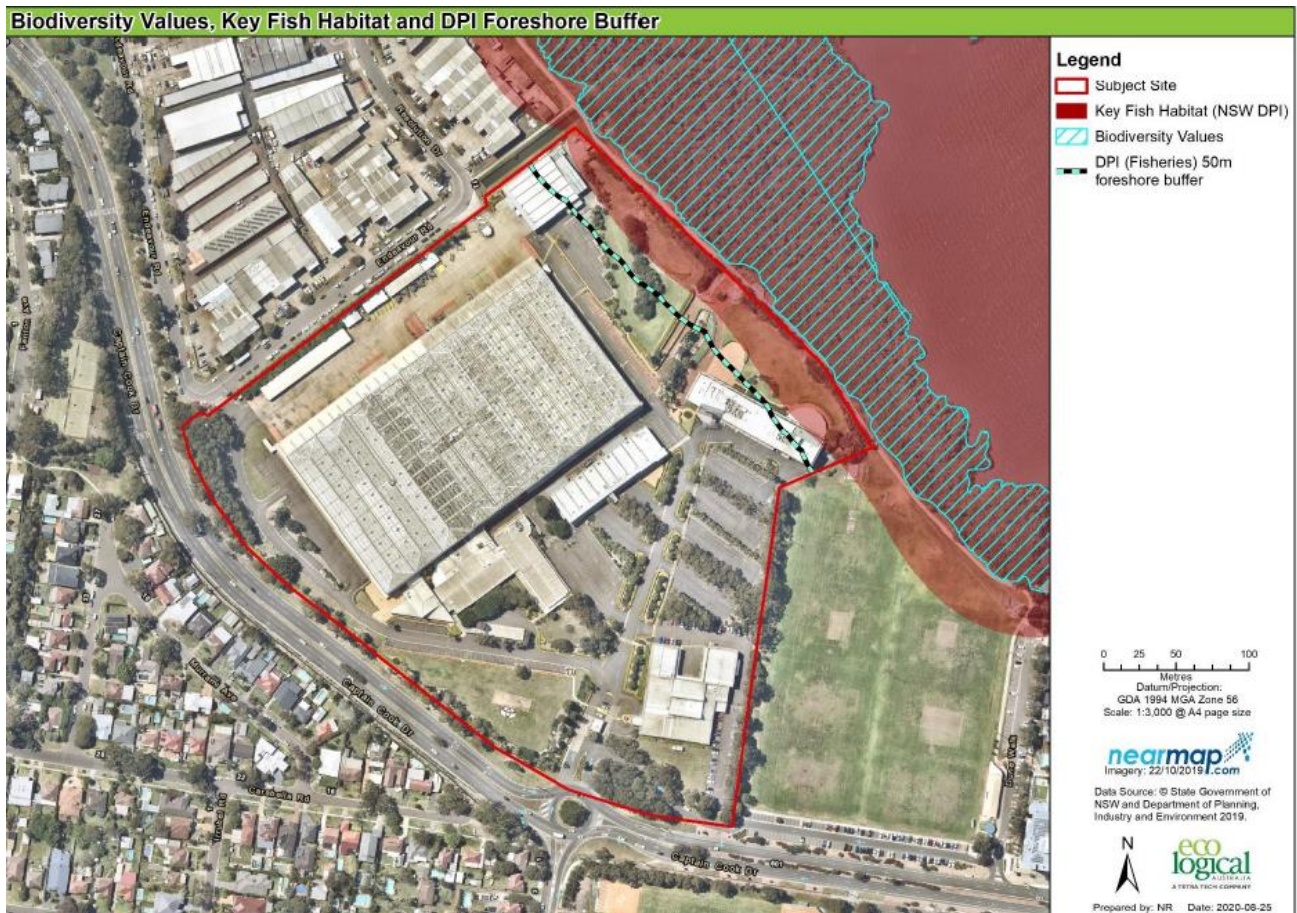


Figure 5: Biodiversity values map, key fish habitat and foreshore buffer (base source: Planning Proposal)

1.3 Background

A Gateway determination (Gateway) for the planning proposal was previously issued by the Department on 19 August 2021 (PP-2020-896). The Gateway subsequently lapsed in July 2022, Council has therefore requested a new Gateway for the proposal.

Delays in progressing PP-2020-896 have been attributed to negotiations between the proponent for a Voluntary Planning Agreement (VPA) relating to the proposal. Council's intention is that the VPA and planning proposal be exhibited at the same time. The Gateway for PP-2020-896 subsequently expired.

The Department and Council held discussions on the progression of the proposal, including if a Gateway determination extension would be appropriate. On 25 October 2022, the Department outlined to Council that providing an extension of time to complete the LEP, noting that the planning proposal is yet to progress to exhibition, will result in a significant delay to the plan being made and could not be supported. Instead, the Department recommended that a new Gateway be requested by Council, with PP-2020-896 to be subsequently withdrawn.

On 3 November 2022, Council requested a new Gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* (**Attachment A**). A new Gateway would enable sufficient time for the VPA to be finalised for concurrent exhibition with the planning proposal. Council requested authority to use its delegated plan-making functions for this amendment. Council also requested that upon the issuing of a new Gateway determination, the Department withdraw the original planning proposal.

The documentation lodged as part of the new planning proposal replicates the documentation from the original planning proposal (PP-2020-896). As such, the assessment of the strategic merit of this planning proposal remains largely as originally assessed, updated as necessary to reflect administrative changes and technical changes that have occurred.

2 Proposal

2.1 Objectives and intended outcomes

The objectives of the planning proposal are to:

- seek amendments to building height controls and add Additional Permitted Uses to facilitate a mixed-use development to stimulate greater employment opportunities on a significant site that is currently largely vacant; and
- enable a high-quality development to be achieved and increase and improve commercial, industrial offerings on the site.

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to amend the Sutherland Shire LEP 2015 per the changes below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Maximum height of building	16m	Part 25m, 30m and 50m
Floor space ratio (FSR)	1.5:1	1.53:1
Additional Permitted Uses (APUs)	N/A	Additional Permitted Uses (APUs) including: <ul style="list-style-type: none"> - Hotel or Motel Accommodation (12,500m² combined total with other APUs) - Pub (12,500m² combined total with other APUs) - Function Centre (12,500m² combined total with other APUs) - Shop (2,000m² GFA cap)
Number of dwellings	NIL	NIL
Number of jobs	Unknown	1,050 direct and indirect during construction 8,811 direct and indirect once completed and operational
Publicly accessible open space	NIL	3,000m ² of land is intended to be dedicated as public open space facilitated through a Voluntary Planning Agreement (VPA) between the proponent and Council. No proposed amendments to the LEP are proposed to implement this.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Further details of these proposed provisions and the accompanying concept design are provided below. It is noted that the planning proposal is accompanied by a draft development control plan (DCP) prepared by the proponent. Council has also prepared information stating that a site specific DCP will be prepared in the future, however this has not been prepared to accompany the Gateway request.

Land use outcomes and site layout

The planning proposal seeks to facilitate a 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 floor level. In addition, a number of APUs are proposed including hotel or motel accommodation, pub and function centres for a total maximum cap of 12,500m² and shops with a maximum cap of 2,000m².



Figure 3: Proposed masterplan

Building height

The planning proposal seeks to increase the maximum permissible height across the site from 16m to a range of 25m, 30m and 50m (**Figure 4**). This generally seeks to permit the highest 50m allowance to a central portion of the site, with 25m at the boundary with Solander Playing Field and 30m for the remainder of the site.

This results in a built form outcome with a maximum of 12 storeys to the centre of the site with a variety of building heights as shown in **Figure 4**.



Figure 4: Proposed height strategy facing east (base source: Planning Proposal)

Floor space ratio

The planning proposal seeks to increase the permissible floor space ratio (FSR) from 1.5:1 to 1.53:1. This is in response to the Council resolution described under **section 4.3** of this report that specifies 3,000m² of the land to be dedicated as public open space (through a Voluntary Planning Agreement) with the associated FSR (4,500m² gross floor area) transferred to the landowner. The planning proposal states that this is the reason that a slight increase in overall FSR is proposed.

The Department notes that the supporting urban design analysis reflects a total FSR of 1.21:1 and does not include the intent for 3,000m² to be dedicated as public open space.

Landscaping

The accompanying concept scheme reflects a 40m landscaped buffer to the northern boundary of the site (**Figure 5**). This is in response to the northern foreshore of Woolloomare Bay being recognised as 'key fish habitat' by NSW Fisheries (DPI), requiring a foreshore buffer to development, recommended at 50m. The proposal states that future consultation with Fisheries NSW will determine the appropriate foreshore buffer distance.

The proposal states that it will maintain and build upon the existing landscaping across the site, retaining or transplanting 722 trees. It states that whilst 151 trees are proposed for removal, the site will offset these by incorporating a further 422 trees, particularly around the Captain Cook Drive and Woolloomare Bay Foreshore frontages.



KEY

- Foreshore Buffer Zone
 - 1 Mean High Water Mark (MHWM)
 - 2 40m MHWM Setback Buffer
 - 3 Electrical (Transmission Lines) Easement
 - 4 50m Coastal Wetlands Buffer
 - 5 Coastal Wetlands Proximity Area
- Refer to the ecologist's report for further detail in regard to the above

Figure 5: Plan showing concept design in relationship to Woollooware Bay Foreshore constraints (base source: Planning Proposal)

Vehicular access, circulation and parking

The proposal states that it will maintain the three existing vehicular access points to the site which includes:

- Captain Cook Drive via the roundabout intersection of Captain Cook Drive/Gannons Road. This access point is intended to continue to provide access predominantly for private vehicles.
- Endeavour Road via the two existing access points which will continue to service heavy vehicles.

The Gannons Road intersection (with a series of additional sub circuits) is intended to provide an important structuring element within the site and provide a spine road that connects the different land uses of the site.

The proposal states that car parking is intended to be provided generally on the first and second storeys to enable an activated ground floor streetscape. The proposal considers there will minimal opportunity for excavation and basement car parking due to the presence of acid sulfate soils (see discussion in this report). The resulting car parking number is stated to result in a deficit of 1,572 car parking spaces when assessed against the requirements of the Sutherland Shire DCP 2015.

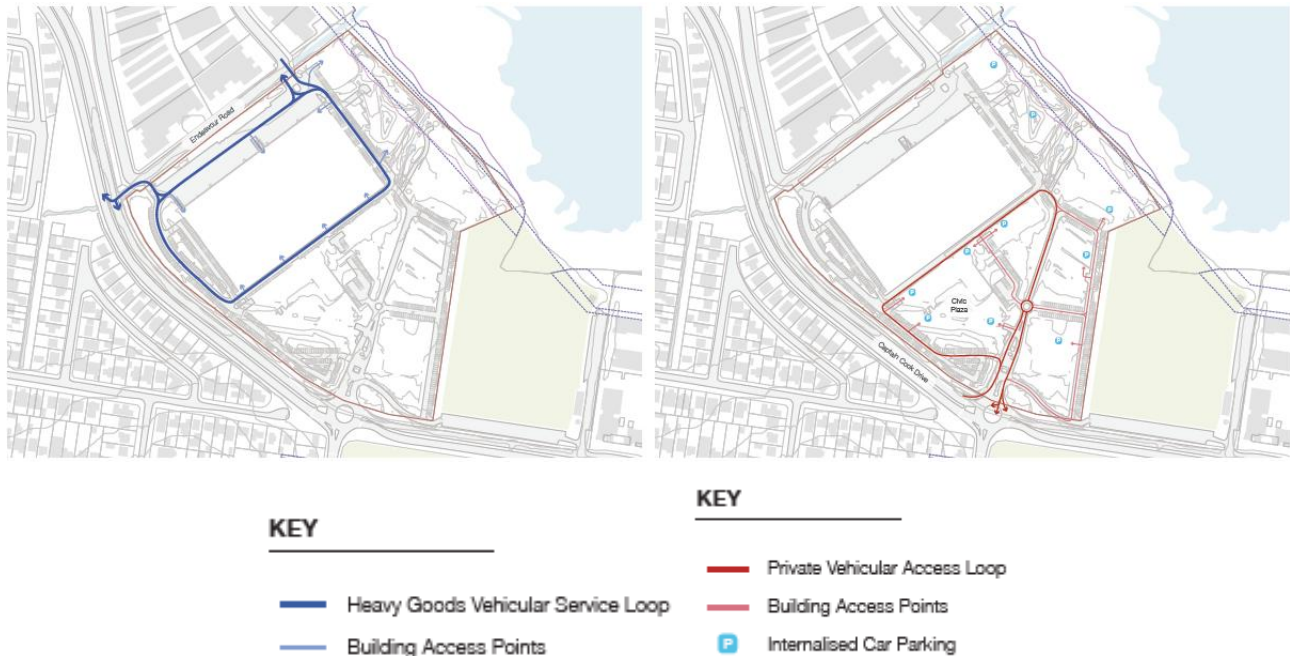
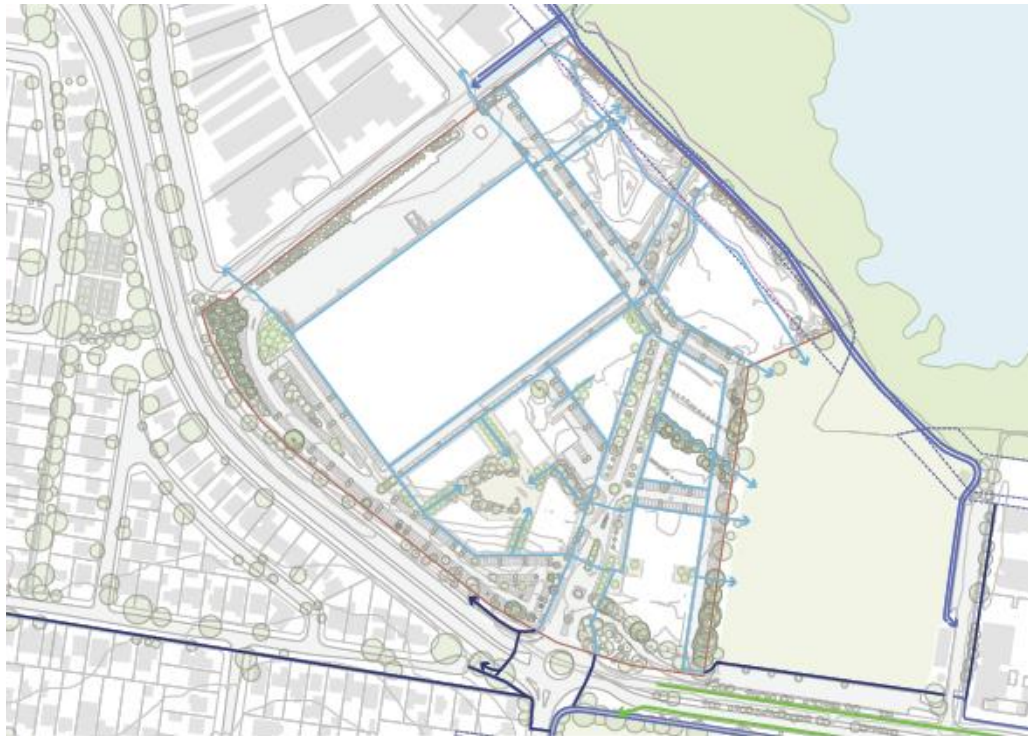


Figure 6: Plan showing intended heavy vehicle and private vehicle arrangement (base source: Planning Proposal)

Pedestrian connections and mobility

The proposal states that it will seek to strengthen pedestrian connections, improving north-south connections through the site to Solander Playing Fields as well as east-west connections to the Woolloomooloo Bay Foreshore and boardwalk.

**KEY**

- Public Footpath
- Public Shared Path
- Private Footpath
- Segregated Single Direction Cycle Path

Figure 7: Plan showing intended active transport arrangement (base source: Planning Proposal)



Figure 8: Photomontage of concept scheme facing north (base source: Planning Proposal)



Figure 9: Photomontage of future development (base source: Planning Proposal)

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the Floor Space Ratio map, Height of Buildings map and Additional Permitted Uses map, which are suitable for community consultation.

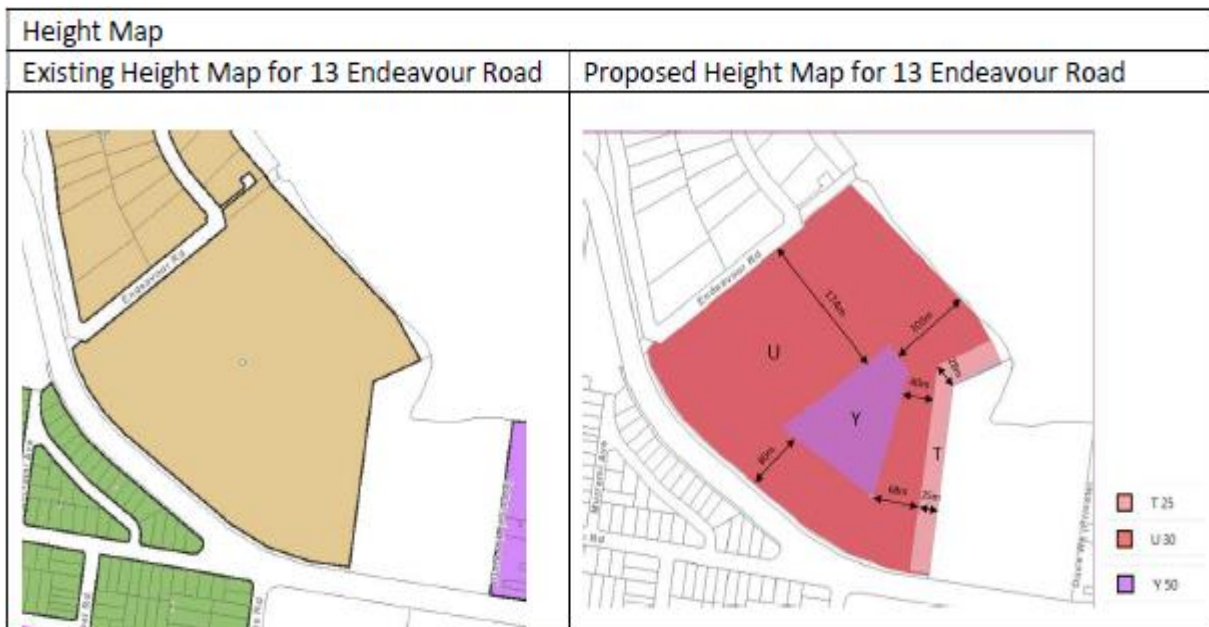


Figure 10: Existing (left) and Proposed (right) height of buildings map

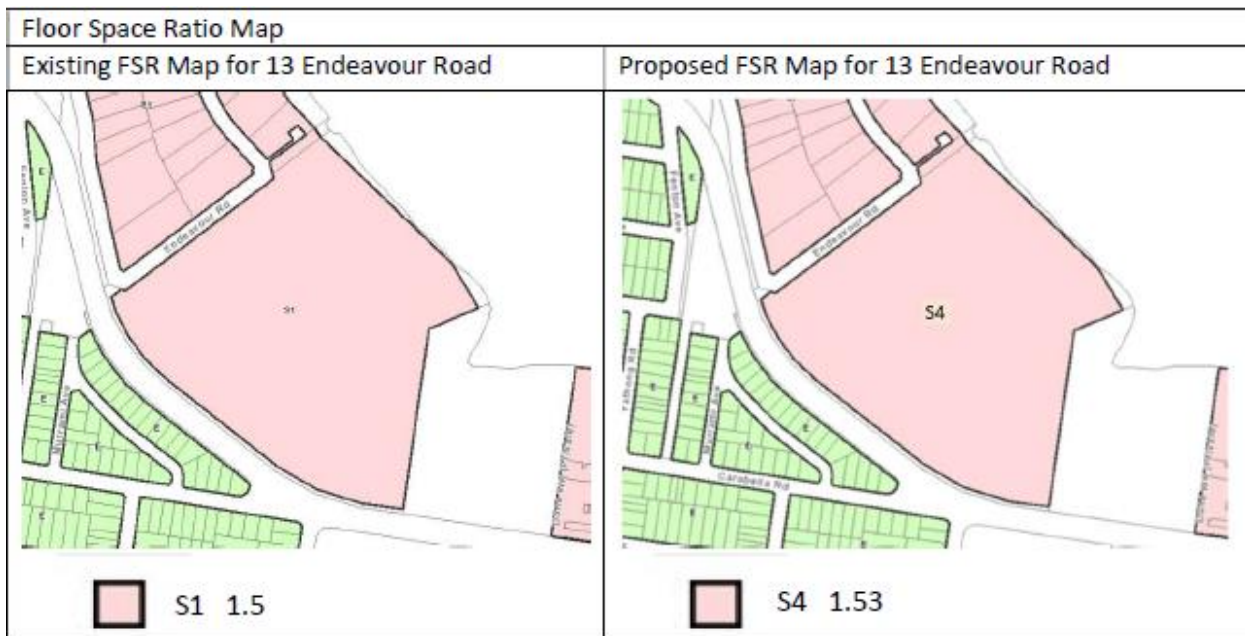


Figure 11: Existing (left) and Proposed (right) FSR map

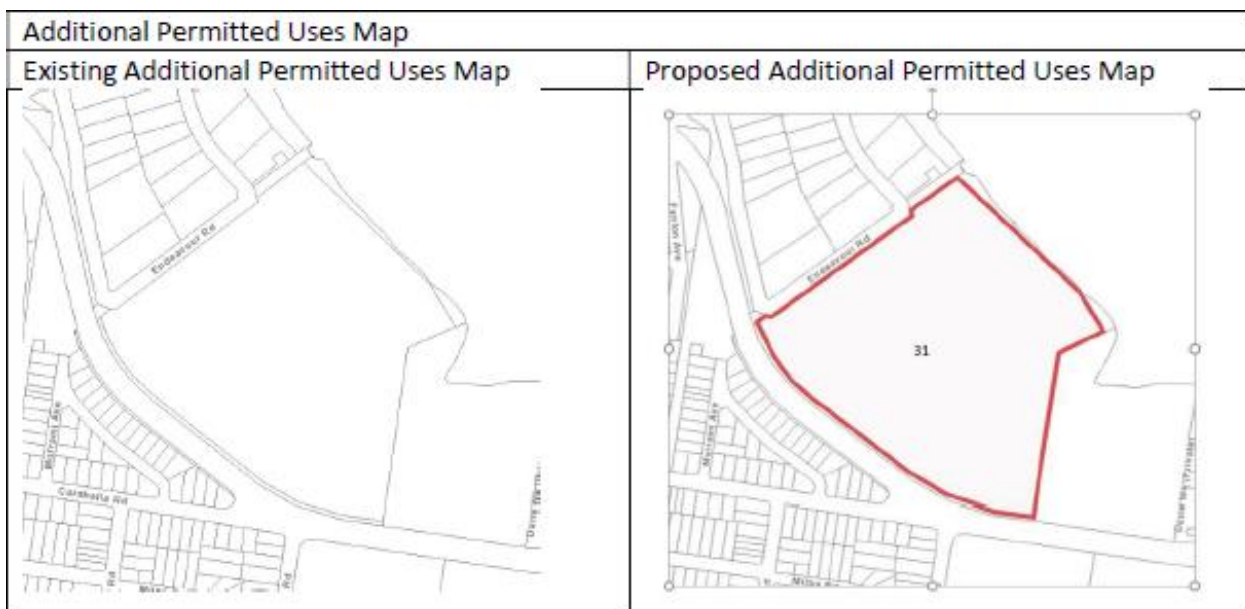


Figure 12: Existing (left) and Proposed (right) Additional Permitted Uses Map

3 Need for the planning proposal

The planning proposal states that it is not the result of a specific strategic study. It states that the proposal was a result of consideration of state policies and of Sutherland's key strategic documents such as the Sutherland Shire Local Strategic Planning Statement (LSPS), The Greater Sydney Region Plan, the South District Plan and the Sutherland Shire Employment Strategy 2031.

The planning proposal seeks to increase the permissible maximum building height control to reflect the permissible FSR more appropriately. It also seeks to enable other land uses to support the key industrial and commercial uses of the site.

A planning proposal is the appropriate means to permit additional height, floor space and additional uses. There are no other mechanisms other than a planning proposal to achieve this outcome.

4 Strategic assessment

4.1 District Plan

The site is in the South District and the then Greater Sydney Commission (now Greater Cities Commission) released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Planning Priorities	Assessment
Planning Priority S6: Creating and renewing great places and local centres and respecting the District's heritage	<p>This priority seeks to ensure the delivery of high quality, community specific and place-based outcomes that bring people together. It states that the unique character and distinctive mix of land uses, activities, social connectors and functions in these places provide social and physical connectivity, local diversity and cultural richness, all of which contribute to the liveability of neighbourhoods and enhance people's quality of life.</p> <p>The proposed planning controls will incentivise redevelopment of the site creating over 130,000m² of commercial and industrial floor space and 12,500m² - 14,500m² of APUs. The proposal envisions this will create a revitalised business park supported by uses that will entice a range of different businesses into the facility. The APUs are proposed to provide services for the day to day needs of the workers and create a gathering place for workers to connect. This is envisioned to create a thriving economic hub providing a significant amount of local jobs.</p> <p>The Department supports the vision to revitalise the site to increase the floor space available for commercial and industrial uses. The size of the site provides the potential for an appropriately designed scheme that minimises amenity impacts on surrounding properties whilst increasing employment opportunities for the Sutherland Shire. The proposal aims to facilitate improved connections and functionality which can contribute to creating an improved place outcome for the site.</p> <p>The majority of the proposed APUs complement the ongoing vision for the site as a business park apart from the introduction of a 'shop' use which is not supported as part of this planning proposal as discussed under Planning Priority 10.</p>
Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres	<p>The Plan states that as Greater Sydney's population grows over the next 20 years, there will be a need to grow existing centres, particularly strategic centres and supermarket-based local centres, create new centres including business parks, and attract health and education activities into centres. In relation to business parks, the Plan states that:</p> <p><i>Not all centres will start as retail centres. Creating jobs and providing services to local communities can be initiated within business parks. However, the built form of these business parks is critical – that is they need to be developed from the outset, as urban places which can transition into higher amenity and vibrant places while maintaining their main role as an employment precinct. Council's retail and</i></p>

	<p><i>employment strategies should provide guidance on the transition of business parks into mixed employment precincts including, where appropriate, ancillary developments to support the business park.</i></p> <p>No information has been provided with the proposal to demonstrate that Council has developed a retail and employment strategy to provide guidance on the transition of business parks into mixed employment precincts. Therefore, the primary function of the site should remain as a business park and any new uses should complement this ongoing use.</p> <p>As discussed under Planning Priority S10, the proposed APUs with the exception of 'shops' are considered to complement the business park use of the site. The introduction of 'shops' requires a more comprehensive approach developed by Council to demonstrate the future intent and role of the B7 Business Park zoning across the LGA. The remainder of the proposal will provide complementary services and facilities that do not interfere with the ongoing function of the site as a business park.</p>
Planning Priority S10: Retaining and managing industrial and urban services land	<p>The District Plan seeks to safeguard all existing industrial and urban services land from competing pressures, especially residential and mixed-use zones. These lands are required for economic and employment purposes. The Plan therefore states that the number of jobs is not the primary objective – rather, it should be a mix of economic outcomes that support the city and population.</p> <p>Redevelopment of this site under the proposed development controls will lead to the revitalisation of the site for commercial and industrial uses creating over 130,000m² of commercial and industrial floor space. Whilst the proposal does not seek to allow residential development to occur on the site or convert to a mixed-use zone, it does seek to introduce some additional uses which are not currently permitted on the land. The proposed APUs will reduce up to 14,500m² of the site from permissible uses that currently exist.</p> <p>The planning proposal states that the proposed additional uses of '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. It states that limiting the floor space of 'shop' to 2000m² and the cumulative floor space of 'pub', 'function centre' and 'hotel or motel accommodation' to 12,500m² will mean 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>It is noted that existing permissible retail uses on the site complement the objectives of the B7 zoning to provide for the day to day needs of workers. To date, Council has not developed a strategic framework for managing out of centre retail uses. Therefore, any new uses should complement the operation of a future business park which is focused on the needs of workers. An analysis of the impacts of the proposed new uses is provided below.</p> <p>Pubs</p> <p>The planning proposal seeks to introduce 'pubs' as a permissible use which is defined as:</p> <p><i>A licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.</i></p>

The Department notes that the existing B7 zoning already permits food and drink premises on the site which allows for uses including 'small bars'. The introduction of 'pubs' as a permissible use provides an extension to this permissibility and will provide additional food and drink options. The introduction of this use is considered a logical expansion of permissibility that effectively manages the land in keeping with its zoning objectives to provide services to meet the day to day needs of those workers in the area.

Function centres

The definition of a 'function centre' is *a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

The introduction of this use will provide a potential facility to support employment uses on the site for appropriate events. This effectively manages the land for a logical use that contributes to appropriate services and facilities for the day to day needs of workers.

Shop (Maximum 2,000m²)

The planning proposal states that to provide worker amenity and stimulate the tourism economy, the planning proposal seeks to allow 'shop' as a permissible use with a maximum floor space of 2,000m².

The definition of a 'shop' is *a premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.*

The proposal considers that this additional use (like a 'pub') is not dissimilar in role and function to other retail uses that are currently permissible in the B7 zone, and will play an ancillary and complementary role by primarily serving the expectant and existing workforce which currently lacks suitable retail premises in a walking catchment.

The Department contends that the B7 zoning currently already permits some retail uses including food and drink premises, neighbourhood shops which complement the objectives of the zone of providing for the needs of workers. The introduction of this further retail use appears to expand opportunities to attract visitors to the site from the surrounding area which more closely aligns with the objectives of a mixed-use zoning or local centre zoning as opposed to the B7 Business Park zoning.

The Department is not satisfied that sufficient strategic justification has been provided to introduce 'shops' as a further retail use to the site. The site has not been identified as a future centre that would necessitate additional retail uses at this time. There is currently no strategic framework in place within Sutherland to outline its approach to managing out of centre retail uses including more specifically for B7 Business Park zoning.

Unlike 'pubs' and 'function centres', the introduction of 'shops' does not provide a clear connection to the needs of workers that is not already provided for under the existing zoning. Further strategic analysis is required to confirm Council's approach to out of centre retail uses which could result in this use being further considered at a later date. Until such work is done the 'shop' use is considered an unacceptable addition to this site as it is contrary to the objectives of the B7

	<p>Business Park zone and presents no clear reason for reducing floor space available for industrial and urban services uses. A Gateway condition is recommended requiring the removal of this proposed use from the planning proposal.</p> <p>Hotel or Motel Accommodation</p> <p>The planning proposal seeks to introduce the APU of hotel or motel accommodation which is defined as:</p> <p><i>A building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:</i></p> <ul style="list-style-type: none"> <i>(a) comprises rooms or self-contained suites, and</i> <i>(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles.</i> <p>The introduction of this use with a capped floor space is considered to provide an appropriate ancillary use that will ensure the effective ongoing management of the employment land for workers. Unlike out of centre retail uses, there are currently specific tourist related planning priorities which are contained within the existing strategic framework that have identified the need for tourist related accommodation in this area. The subject site can be appropriately designed to cater for capped short stay accommodation floor space which will complement the ongoing use of the land for employment purposes.</p>
Planning Priority S11: Supporting growth of targeted industry sectors	<p>The planning proposal is consistent with the objective 48 of the District Plan, which is to <i>Create capacity for tourist accommodation in appropriate locations through local environment plans</i>. The APUs of <i>hotel or motel accommodation, pub and function centre</i> would support the viability of the site for tourism purposes as they would provide visitors with a place to stay and provide services for the day to day needs of the visitors.</p> <p>The site is also well located to and has views of Woollooware Bay and is a short drive to Bate Bay. The stimulus to local tourism which these additional uses could provide in this location creates consistency with this strategic direction.</p>
Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city	<p>The redevelopment of this site will provide residents with increased local employment opportunities and reduce the need to travel for work. This will help to improve resident worker containment and contribute to the aim of the 30 minute city.</p> <p>As the site develops, it will be necessary to undertake network traffic modelling, in consultation with TfNSW and carry out associated traffic works. Consultation with TfNSW has been conditioned as part of the Gateway.</p>
Planning Priority S13: Protecting and improving the health and enjoyment of the District's waterways	<p>The 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), which appears to require a foreshore buffer to development, recommended at 50m.</p> <p>The planning proposal and associated concept scheme reflects a buffer of 40m. The proposal justifies the 40m buffer as follows:</p> <ul style="list-style-type: none"> • the precedence set by the recent Woollooware Bay Town Centre development, where a 40m foreshore buffer was accepted;

- the presence of an existing council cycleway/walkway between the subject site and the wetlands, which fragments and separates the subject site from the wetlands;
- the presence of existing buildings and other hardstand structures within the 50m foreshore buffer; and
- constraints associated with the existing Ausgrid overhead power lines easement.

The site is also subject to several sensitive environmental constraints that need to be considered. The site is identified on the foreshore buffer overlay and as such any developments on site must not adversely impact natural foreshore processes and have minimal environmental impacts on the foreshore and its natural waterways. The site is also identified on the biodiversity and riparian land and watercourses mapping in the Sutherland Shire LEP and as such will be subject to the provisions of clauses 6.5 and 6.7 of the Sutherland Shire LEP. Council has outlined the presence of two Endangered Ecological Communities (EEC) on the shoreline adjacent to the site being the '*Taren Point Shore Bird Community*' and the '*Coastal Saltmarsh*'.

As the site is already zoned for employment uses and had a major use operating out of the site for over 50 years (Toyota), it is evident that this site is suitable for the proposed additional uses despite the environmental constraints. The proposed APUs on site, whilst increasing complexity of the assessment, is not expected to generate detrimental impacts on the site or its surrounds beyond that of any of the currently permissible uses.

Conditions are recommended with this Gateway to require consultation with Fisheries NSW and the NSW Environment Protection Authority to allow further consideration of environmental considerations.

Planning Priority S15:
Increasing urban tree
canopy cover and
delivering green grid
connections

The supporting landscape masterplan outlines the schedule of tree planting to take place on site. In the masterplan a total of 185 trees are proposed to be removed and a total of 269 trees are proposed to be planted. A total of 37 palm trees are proposed to be transplanted.

The majority of tree planting is intended to occur on the northern side of the site fronting Woollooware Bay. Planting is also occurring on the south-east of the site along Captain Cook Drive. The planning proposal states that DCP clauses will require protection of the tree canopy with replacement tree ratio of 8:1. At this stage of the planning process, the extent of information and expected requirements is acceptable to proceed to community consultation.

This priority also refers to a long-term vision for the Greater Sydney Green Grid which identifies opportunities adjacent to the subject site. The planning proposal states that DCP clauses will be prepared to require through-site walking and cycling connections to the Green Grid.

Planning Priority S16:
Delivering high quality
open space

The planning proposal refers to the Council resolution dated 24 May 2021, which specifies that 3,000m² of the site is to be dedicated as public open space. This requires the open space to be developed by the landowner and maintained by Council. The terms of this agreement are to be negotiated as part of a Voluntary Planning Agreement.

The proposal does not currently demonstrate where this open space will be located or its useability and function. A Gateway condition is recommended to


require the accompanying concept design be updated to reflect the location of this open space.

4.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. The following table includes an assessment of the planning proposal against relevant priorities and objectives.

Table 6 Sutherland Local Strategic Planning Statement

Local Strategic Planning Statement Priorities	Justification
<p>Planning Priority 2: Managing Traffic Congestion and Parking</p>	<p>This priority seeks to plan for an manage traffic congestion through planning for parking, traffic, arterial roads and smart transport.</p> <p>Traffic generation</p> <p>The proposal considers that traffic generation and parking demand would be no greater than what could be created under the current development controls. This conclusion refers to the proposal's intent to maintain the existing FSR of 1.5:1 (now proposed to increase to 1.53:1) meaning that the level of potential development intensity will largely remain the same as what can be achieved under the current density development standards for the site.</p> <p>Notwithstanding this, the proposal acknowledges that traffic generation from the site when developed to meet its maximum permissible density will impact the wider road network and will require extensive consultation with road authorities. The proposal considers that as 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 will create the need for infrastructure provision such as intersection upgrades. The proposal considers that the incremental impact of traffic generation will be assessed by Council and TfNSW prior to the granting of any future development consent.</p> <p>This issue is discussed further under Section 5, with recommended consultation to occur with TfNSW.</p> <p>Parking</p> <p>The accompanying traffic report indicates that the accompanying concept scheme may result in a deficit of 1,572 car park spaces when considered against the requirements of the Sutherland Shire DCP. The proposal states that this is due to the presence of acid sulfate soils present on site which restricts excavation for basement parking.</p> <p>Once again, the proposal states that parking shortfall will be addressed at the development application stage for each stage of development. It states that this may require the inclusion of above-ground car parking construction due to sub soil conditions.</p> <p>Issues relating to traffic generation, infrastructure and parking are discussed in greater detail under Section 5.</p>

Local Strategic Planning Statement Priorities	Justification
<p>Planning Priority 5: SCATL and Active Transport Infrastructure</p>	<p>This priority seeks to plan and provide the Sutherland to Cronulla Active Transport Link (SCATL) and other Active Transport Infrastructure.</p> <p>The proposal has the potential to provide connections to adjoining identified active transport infrastructure which will require further resolution as part of detailed design outcomes for the site. The site is located adjacent to a Primary Active Transport Link with anticipated connections to occur both to the north of the site and the east as part of the Solander Playing Fields.</p>  <p>Figure 13: Green Grid (base source: Sutherland LSPS)</p>
<p>Planning Priority 6: Collaborative Partnerships</p>	<p>This priority seeks to improve collaboration with key agencies and stakeholders to ensure the community's best interests are considered during local area changes. Of particular relevance is Action 6.4 which seeks to identify and prioritise collaboration opportunities with strategic land holders.</p> <p>The subject site is identified within the LSPS Structure Plan as a 'strategic site'. The LSPS states that large strategic land holdings represent opportunities for Council to collaborate with landowners to provide the community with open space, infrastructure and other outcomes that would otherwise be unachievable.</p> <p>The proposal responds to this Action in the following manner:</p> <ul style="list-style-type: none"> • It intends to ensure the delivery of public open space within the site through a Voluntary Planning Agreement (VPA). This responds to the intent to collaborate with landowners to provide the community with open space. • It seeks to provide additional complementary uses that due to the size of the site can be incorporated to minimise land use conflicts that could otherwise create concerns. As discussed, this approach is supported with

Local Strategic Planning Statement Priorities	Justification
	the exception of 'shops' which is not supported for the reasons outlined earlier in this report.
Planning Priority 8: Open Space and Sporting Needs	<p>This priority seeks to better understand how open spaces and sports facilities are used, the community's future needs, and optimise the use and management of existing assets to meet this challenge and acquire new open spaces where existing assets cannot meet changing needs.</p> <p>As discussed, the planning proposal refers to the Council resolution dated 24 May 2021, which specifies that 3,000m² of the site is to be dedicated as public open space. This responds to this planning priority and will provide the opportunity for improved open space offering in the area.</p>
Planning Priority 15: Grow Industrial and Urban Services Jobs	<p>This priority seeks to maintain industrial land investigate opportunities to grow local employment in industrial and urban services.</p> <p>As discussed, the introduction of 'pub', 'function centre' and 'hotel or motel accommodation' will provide a complementary land use outcome for the existing B7 Business Park zoning that will not unduly affect its ongoing use for employment purposes. The introduction of 'shop' is not supported at this time and a Gateway condition is recommended to reflect this.</p>
Planning Priority 17: Grow Tourism	<p>This priority seeks to support opportunities to grow tourism and encourage more overnight visitors, extend visitor stays and invest in tourism assets to enhance visitor experiences. The site is located within the 'Coastal Destination' zone in the LSPS which is identified as the primary area for recreation and visitation in Sutherland Shire. The Sutherland LSPS identifies this area as having rare recreational opportunities and is consequently used intensively.</p> <p>The proposed APU to allow <i>hotel or motel accommodation</i> responds to this priority and will increase opportunities for short stay visitor accommodation in a location that has been identified to be well suited for this purpose. The site is also well located to and has views of Woollooware Bay and is short distance to Bate Bay and Cronulla Beach.</p> <p>The addition of <i>hotel or motel accommodation</i> with a cap on floor space will provide a complementary use in an appropriate location that will ensure the ongoing use of the site as a business park.</p>
Planning Priority 18: Waterways and Beaches Quality	<p>This priority seeks to improve the quality of waterways and beaches by ensuring the planning framework and public works protect waterways, foreshores and beaches.</p> <p>As discussed, the site is also subject to several sensitive environmental constraints that need to be considered. As the site is already zoned for employment uses and had a major use operating out of the site for over 50 years (Toyota), it is evident that this site is suitable for development despite the environmental constraints. The proposed APUs on site, whilst increasing complexity of the assessment, will not necessarily have a greater or more detrimental impact on the site than any of the currently permissible uses.</p>

Local Strategic Planning Statement Priorities	Justification
	<p>Conditions are recommended with this Gateway to require consultation with Fisheries NSW and the NSW Environment Protection Authority to allow further consideration of environmental matters.</p>
<p>Planning Priority 19: Aboriginal Heritage, Natural Habitats and Landscapes</p>	<p>This priority seeks to protect natural habitats and landscapes by ensuring the planning framework protects urban bushland, biodiversity and scenic landscapes and recognises Aboriginal heritage. The Priority refers to a Greenweb Strategy developed by Council which aims to proactively manage significant vegetation and vegetated links between key areas of habitat in Sutherland Shire.</p> <p>The site is located adjacent to a Core area of high significance being the wetlands to the north of the site. The site itself is also identified as a restoration area which has been identified as a long term commitment to re-establishing indigenous vegetation to provide links between core areas of habitat.</p> <p>As discussed, matters relating to buffer areas to the wetlands to the north will be further considered through consultation with Fisheries NSW and the NSW Environment Protection Authority. The proposal is supported by a landscape masterplan which outlines opportunities and intent for planting to occur on the site that has the potential to address matters relating to re-establishing indigenous vegetation as part of future detailed design for the site.</p>  <p>Figure 14: Greenweb (base source: Sutherland LSPS)</p>
<p>Planning Priority 20: Urban Tree Canopy</p>	<p>This priority seeks to increase Sutherland Shire's urban tree canopy to preserve biodiversity, streetscape and character, and reduce the impacts of urban heat.</p> <p>The landscape masterplan accompanying the proposal outlines increased tree planting in addition to what is existing on site. The new plantings are intended to occur on the northern side of the site fronting Woollooware Bay. Planting is also intended to occur on the south-east of the site along Captain Cook Drive.</p>

Local Strategic Planning Statement Priorities	Justification
Planning Priority 21: Green Grid Connections	<p>This priority seeks to establish a network of green connections between open spaces, natural areas, waterways and urban places to encourage healthy living.</p> <p>As discussed, the proposal states that DCP clauses will be prepared to require through-site walking and cycling connections to the Green Grid.</p>
Planning Priority 23: Manage risks from hazards	<p>This priority seeks to understand, manage and mitigate risks and vulnerabilities when planning and building infrastructure and assets to reduce risks to life and property.</p> <p>As discussed, the proposal outlines the intention for increased tree planting to occur on site which will help to increase canopy cover and reduce the urban heat effect.</p>

Table 7 Other Local Strategies

Local Strategies	Justification
Community Strategic Plan	<p>Objective 5 of the Sutherland Shire Community Strategic Plan seeks to create a <i>prosperous community for all</i>, a strategy outlined by the plan to reach this objective being <i>enhance and promote opportunities to work locally</i>. This proposal is consistent with this objective as it will create nearly 9,000 additional jobs within Sutherland Shire meaning residents will have greater opportunity to work locally. This will mean less residents are required to travel outside of the LGA which would reduce congestion and make Sutherland a more attractive and prosperous place to live.</p>
Economic Informing Strategy 2018	<p>The Sutherland Economic Informing Strategy is a supporting document that helped inform some of the objectives and actions outlined in the LSPS. Objective 1 of the Informing Strategy is to <i>increase the number of local jobs by 10,000 FTE (total 87,937 jobs) by 2030</i>.</p> <p>This proposal is consistent with this objective as the proposed amendment to the height controls will allow for a larger scale development to provide increased floor space for employment purposes than what is currently permissible. The proposal outlines that the additional floor space will create 1,050 direct and indirect jobs during construction and 8,811 direct and indirect once completed and operational, this will help Sutherland to realise the objective to generate 10,000 additional jobs by 2030.</p> <p>Objective 2 of the informing strategy is to <i>increase Sutherland Shire's business output (turnover) by 15% by 2030</i>. The proposed APUs will create the incentive required for redevelopment of the site as well as providing for a variety of uses that will ensure the viability of redevelopment. Creating the nearly 9,000 jobs in a variety of industries will assist in meeting this objective.</p> <p>Objective 4 of the informing strategy is to <i>increase the average tourism spend in the Sutherland Shire by 20% (46m) by 2030</i>. The proposed APU of hotel/motel accommodation, function centre and pub will provide tourism opportunities on this site which will help in achieving Objective 4.</p>

4.3 Local Planning Panel (LPP) and Council Recommendation

Sutherland Shire Local Planning Panel

On 16 March 2021, the Sutherland Shire LPP reviewed a previous version of the planning proposal for 13 Endeavour Road, Caringbah. The planning proposal and staff recommendation to the Panel is shown in Table 7.

Table 8 Planning proposal and staff recommendation for Sutherland Shire LPP

Proponent Planning Proposal	Staff recommendation
<p>The planning proposal presented and considered by the Panel included the following:</p> <ul style="list-style-type: none"> • Retain Business Park zoning; • Introduce APUs including 'Tourist and Visitor Accommodation', 'pub' and 'function centre'; • Introduce APU for 'shop' (with a maximum area of 2.5% of allowable floor area equivalent to approximately 4,640m²); • Increase maximum building height to 50m; and • Retain existing FSR of 1.5:1. 	<p>Council staff reported to the Panel meeting and recommended support for the planning proposal with the following amendments:</p> <ul style="list-style-type: none"> • Restriction the size of any 'shop' to 500m², as well as limiting the total retail area on the site to 4,310m². • Introduce a DCP map to show a transition in height from the maximum height of 50m in the centre of the site to 40m and 30m at the Captain Cook Drive and Solander Playing Field perimeters.

In response, the Panel advised the following:

1. *The proposal is contrary to the strategic direction within the South 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 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, the Panel considered that the planning proposal lacked strategic merit. The Panel recommended that the planning proposal not proceed to Gateway with a two-two split decision and the Chair using the casting vote to decide not to proceed.

Two of the Panel members suggested there was potential for site specific merit if the 50m height limit was limited to the centre of the site, dropping down to 25m surrounding the centre. The two Panel members also recommended the proposed APUs be limited to 'hotel' (no tourist and visitor accommodation), function centre and 'pub' with a GFA cap on both. The site-specific merit was not considered as it was decided that the planning proposal did not demonstrate strategic merit.

Sutherland Shire Strategic Planning Committee

On 10 May 2021, Council officers prepared a report for the committee which recommended the following in response to the Panel advice:

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.*

The committee recommended that the matter be referred to the next Council Meeting to be held on 24 May 2021.

Sutherland Shire Council Meeting

On 24 May 2021, Sutherland Shire Council considered the report to the Shire Strategic Planning Committee and resolved to endorse the submission of the planning proposal for a Gateway determination as recommended by officers, subject to the following amendments:

- introduce 'shop' as an APU with a gross floor area (GFA) cap of 2000m²;
- require 3000m² of area be dedicated as open space for public use in return for the developer gaining an additional 4500m² GFA for development purposes.

4.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 9 9.1 Ministerial Direction assessment

Directions	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional plans	Consistent	The proposal is consistent with the Greater Sydney Regional Plan: A Metropolis of Three Cities, by virtue of being consistent with the South District Plan, as previously discussed in Section 4.1 of this report.
1.4 Site Specific Provisions	Consistent	<p>Direction 1.4 aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal does not seek to implement restrictive site specific planning controls, rather it encourages increased development variety through the proposed APUs. The planning proposal does propose a GFA cap on these uses, however this is done to ensure the primary uses on the site are the B7 Business Park uses and meet the objectives of the zone.</p> <p>The planning proposal is consistent with this direction.</p>
3.1 Conservation Zones	Unresolved	<p>Direction 3.1 requires that a planning proposal include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The subject site has various ecological constraints including being mapped as 'environmentally sensitive land – terrestrial biodiversity' and 'environmentally sensitive land – riparian land' under the SSLEP 2015. This means the site is subject to the provisions of clauses 6.5 and 6.7 in the LEP. The site also sits within the foreshore buffer area meaning any redevelopment on the site will also be subject to the clauses 6.9 and 6.10 of the LEP.</p> <p>The proposed changes to the development standards do not directly impact any of the above listed clauses in the LEP, however they do allow for an increased density of development and as such need to be considered for any potential environmental impacts.</p> <p>The ecological report that accompanies the planning proposal outlines that the biggest risk to the ecological constraints on the site is development occurring within the 50m foreshore buffer area. The proposed concept scheme proposes a foreshore buffer area of only 40m providing the following justification:</p> <ul style="list-style-type: none"> the precedence set by the recent Woollooware Bay development, where a 40m foreshore buffer was accepted the presence of an existing council cycleway/walkway between the subject site and the wetlands, which

Directions	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>fragments and separates the subject site from the wetlands</p> <ul style="list-style-type: none"> the presence of existing buildings and other hardstand structures within the 50 m foreshore buffer constraints associated with the existing Ausgrid overhead power lines easement. <p>The Department acknowledges that the proposed development controls will increase the density of development on site however also notes that the largest bulk of the development is proposed to be contained to the centre of the site, a significant distance from the buffer area.</p> <p>Given the coastal affectations on site a condition of Gateway will require consultation with Fisheries NSW and the NSW Environment Protection Authority. Consistency with this Direction will remain unresolved to allow appropriate consultation to occur.</p>
4.1 Flooding	Unresolved	<p>The site is identified as flood prone land in Council's Woollooware Bay Catchment Flood Study and therefore the requirements of this Direction apply.</p> <p>The proposal is supported by a flood assessment report which confirms that several areas of the site are flood affected, including</p>

the Endeavour Road frontage, Gannons Road intersection and the north-east corner of the site.



Figure 15: Woollooware Bay Catchment Flood Study Map (base source: Planning Proposal)

The proposed increased development standards will intensify development on the site. The planning proposal outlines that there is already a significant amount of development on the site and that the proposed amendments will not change how flooding is managed on site.

The proposal states that Council's Stormwater & Waterways Engineering Unit has raised no objection to the proposal on stormwater or flooding grounds and can be further considered as part of future development applications.

As the proposal has not addressed the most recent Direction, a Gateway condition is included to require updated assessment against the requirements of the Direction.

Further, should any Gateway determination be issued, a condition should require the proposal and relevant technical studies to be updated (as required and in consideration of agency comments) to address the following flood matters:

- The full range of flooding events on the site, up to a Probable Maximum Flood (PMF) event;
- Identify and map all flooding hazards associated with the full range of flooding events up to PMF;

Directions	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> Any flooding impacts which may arising from cut and fill on the site; Any flooding impacts which may arise from development which may occur within a 1% AEP impacted area of the site; Climate change impacts; and Mitigation and/or evacuation management for the site.
4.2 Coastal Management	Unresolved	<p>Part of the subject site is identified as 'Coastal wetlands proximity area', 'Coastal environment area' and 'Coastal use area' under the Coastal Management SEPP.</p> <p>As assessed above, the planning proposal will increase the development density on the site which has the potential to impact on the coastal processes adjacent to the site. The planning proposal intends to facilitate a 40m development buffer from the foreshore to mediate any impacts from future development. It is also noted that the presence of the existing foreshore walk and Ausgrid powerlines restrict development in this area.</p> <p>Given the coastal affectations on the site, a condition of Gateway will require consultation with Fisheries NSW and the NSW Environment Protection Authority. Consistency with this Direction will remain unresolved to allow appropriate consultation to occur and any necessary matters addressed.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>Direction 4.4 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>Whilst the planning proposal does not intend to carry out intensified residential development on the site, it does propose hotel or motel accommodation as an APU and a general intensification of uses on site. A contamination report has been prepared by JBS&G and attached to the planning proposal.</p> <p>The contamination report identified the presence of an underground storage tank (UST) located at the north-west boundary of the site. The report outlines that the UST was decommissioned, and foam filled in 2003. Targeted soil and ground water contamination testing was undertaken surrounding the UST and it was concluded that there were no signs of contamination.</p> <p>The UST is proposed to be excavated and removed as part of any future development application and any contamination that may occur or be identified as part of this process is anticipated to be remediated.</p> <p>The planning proposal is supported by a Remedial Action Plan (RAP) which outlines recommendations to be implemented to ensure risks and impacts during remediation works are controlled in an appropriate manner.</p>

Directions	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>The planning proposal also states that Council's Science Unit notes minor contamination on site which can be remediated to a level suitable for the proposed development.</p> <p>The planning proposal is consistent with the requirements of Direction 4.4.</p>
4.5 Acid Sulfate Soils	Unresolved	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The entire site is classed as Class 3 Acid Sulfate Soil in the Sutherland LEP 2015.</p> <p>The supporting RAP states that an Acid Sulfate Soil Management Plan has been prepared to manage this matter as part of future development. The RAP states that an assessment of natural/reworked/reclaimed soils across the site indicate that the majority of reworked/natural soils comprise silty sands and organic rich sandy clays.</p> <p>In addressing the requirements of this Direction, the planning proposal states that Council's Science Unit has confirmed that the acid sulfate 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. The proposal also states that due to the presence of acid sulfate soils, excavation for below ground parking cannot occur on site.</p> <p>The requirements of this Direction state that the Planning Proposal Authority (being Council in this instance) must not permit an intensification of land uses unless it has considered an acid sulfate soils study and that this study be provided prior to undertaking community consultation.</p> <p>It does not appear that the acid sulfate study referenced in the supporting RAP has been provided with the Gateway documentation. It is also unclear whether the PPA has considered this study in preparing the planning proposal.</p> <p>To ensure the requirements of this Direction are met, a Gateway condition is recommended requiring:</p> <ul style="list-style-type: none"> the Acid Sulfate Study be provided and included as part of the community consultation material; and the planning proposal be updated to clearly address the requirements of this Direction.
5.1 Integrating Land Use and Transport	Unresolved	<p>Direction 5.1 requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The site does not currently have access to significant public transport infrastructure with the following currently available:</p> <ul style="list-style-type: none"> an existing bus stop located approximately 200m from the south and 330m to the east of the roundabout intersection

Directions	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>of Gannons Road and Captain Cook Drive which services Cronulla to Miranda via Woollooware Bay. The proposal states that this provides services every 30 minutes during peak periods and 60 minutes outside peak periods.</p> <ul style="list-style-type: none"> An existing bus stop is located to the south-west of the site on Taronga Parade which services Cronulla to Sutherland. The proposal states that this provides services every 60 minutes. Caringbah Railway Station and Woollooware Railway Station are located via a 2.2km walking distance to the south-west and 2.3km walking distance to the south-east from the Gannons Road site access respectively. <p>The site is adjacent to current and identified active transport connections which has the potential to provide cycling connections for future workers. However, it appears likely that access to the site will rely heavily on private vehicle usage.</p> <p>Issues relating to traffic generation, infrastructure and parking is discussed in greater detail under Section 5. A Gateway condition is recommended to require consultation with Transport for NSW to address traffic and transport matters and therefore consistency with this Direction will remain unresolved to allow the outcomes of this consultation to be addressed.</p>
5.2 Reserving Land for Public Purposes	N/A	<p>The planning proposal states that it intends to reserve 3,000m² of the site for public space to be dedicated to Council.</p> <p>The mechanism for this exchange is proposed to be a Voluntary Planning Agreement (VPA). Therefore, the land is not proposed to be identified on the Land Reservation Acquisition layer and/or rezoned for public purposes, and as such this direction is not applicable.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The objective of Direction 5.3 is to ensure development does not impact on the safe and effective operation of regulated airports and defence airfields.</p> <p>The site is not subject to any inner horizontal surface heights and the proposed height of buildings amendment will not exceed the 156m outer horizontal surface height. The site is not identified as being impacted by aircraft noise on the Sydney Airport ANEF 2033 Map.</p> <p>The planning proposal is consistent with this direction.</p>
7.1 Business and Industrial zones	Inconsistent – Condition of Gateway	<p>Direction 7.1 aims to encourage employment growth and protect industrial and employment lands. This direction applies to the planning proposal as it will affect land within an existing B7 Business Park zone.</p> <p>The proposal does not seek to change the B7 Business Park (SP4) zoning, rather it seeks additional height and proposes APUs</p>

Directions	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>to facilitate redevelopment and intensification of the site. In this way, the proposal will provide the potential for additional employment opportunities with an increase in the availability and quality of industrial and commercial floor space. The proposed height increase will create a theoretical 38,324m² of industrial and warehouse gross floor area (GFA), 99,286m² of office and business premises GFA. The Department supports the creation of increased employment land for these purposes.</p> <p>The proposal also seeks the addition of 'pub', 'function centre', 'hotel/motel accommodation' and 'shop' as APUs. As outlined in the assessment of the District Plan in Section 4.1 of this report, the Department supports the addition of 'pub', 'function centre' and 'hotel/motel accommodation' but does not support the addition of 'shop'.</p> <p>Unlike 'pubs' and 'function centres', the introduction of 'shops' does not provide a clear connection to the needs of workers that is not already provided for under the existing zoning. Further strategic analysis is required to confirm Council's approach to out of centre retail uses which could result in this use being further considered. Until such work is done the 'shop' use is not supported to ensure the protection of employment land in the existing business zone.</p> <p>The remaining proposed APUs will result in a minor inconsistency with this Direction which is acceptable. A Gateway condition is recommended requiring the removal of 'shops' from the planning proposal which will ensure an acceptable response to the requirements of this Direction.</p>

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below. Note that any subsequent Gateway determination will require the proposal to be updated to reflect the consolidated SEPP framework which commenced on 1 March 2022.

Table 10 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP (Resilience and Hazards) 2021	Chapter 2 Coastal management of the SEPP includes the former SEPP (Coastal Management) 2018. The overarching objective of Chapter 2 of the SEPP is to manage development in the coastal and to protect the	<p>An assessment against the provisions of the s 9.1 Direction 4.2 Coastal Management is provided in section 4.4above.</p> <p>The supporting ecological studies undertaken on the site demonstrate that redevelopment of the site can take place in accordance with the requirements of the SEPP.</p>	Yes

SEPPs	Requirement	Proposal	Complies
	environmental assets of the coast.		
Transport and Infrastructure SEPP 2021	Chapter 2 Infrastructure of the SEPP includes the former SEPP (Infrastructure) 2007. The overarching objective of Chapter 2 is to facilitate the effective and efficient delivery of infrastructure across NSW.	<p>Under Schedule 3 of the Transport and Infrastructure SEPP, any development for commercial premises comprising 10,000m² or more in GFA must be referred to TfNSW.</p> <p>This proposal will provide the development standards to create 130,000m² of industrial and commercial floor space. As Captain Cook Drive adjacent to the site is a State Road, all future DAs meeting the 10,000m² threshold will need to be referred to TfNSW.</p> <p>Referral with TfNSW has also been conditioned as part of the Gateway determination to occur with this planning proposal.</p>	Yes

5 Site-specific assessment

5.1 Environmental

Biodiversity

As discussed above the site contains various ecological constraints. The site contains environmentally sensitive land 'terrestrial biodiversity' and 'riparian lands' and is located within the 50m foreshore buffer area for 'key fish habitat'.

As the site is already zoned for employment uses and had a major use operating out of the site for over 50 years (Toyota), it is evident that this site is suitable for development despite the environmental constraints. The proposed APUs on site, whilst increasing complexity of the assessment, will not necessarily have a greater or more detrimental impact on the site than any of the currently permissible uses.

Conditions are recommended with this Gateway to require consultation with Fisheries NSW and the NSW Environment Protection Authority to allow further consideration of this matter as part of this planning proposal.

Height, bulk and scale

A concept urban design report has been provided with the planning proposal, which anticipates that the future development of the site will be a staged development over several years. The planning proposal proposes an increase in height from 16m to 50m in the centre of the site, 30m on the remainder and 25m on the Solander playing fields boundary. The proposal states the following in relation to the increased height:

- the stepped height limit reduces the impact of overshadowing to Solander Playing Fields to acceptable levels; and

- the proposed height is consistent with the Woollooware Bay development, which has eleven residential towers of varying heights of 13-14 storeys, with four at 50m. This has created a new context of building height for the area.

The Department is satisfied that the site has the capability to accommodate additional height for the following reasons:

- the concept design seeks to minimise amenity impacts to adjoining properties by restricting the largest height increase to the centre of the site. This will allow (through appropriate design), opportunities for acceptable transition to the surrounding area to be realised.
- the additional height will unlock additional density currently permissible on the site whilst providing potential for appropriate setbacks, ground level deep soil and tree canopy provision to be provided.
- the site is separated from lower density residential development to the south by Captain Cook Drive which provides a clear distinction in character between the areas. Subject to resolution of detailed design matters, the additional height can be designed to respond to its context which includes the Woollooware Bay development to the east.

However, it is noted that the supporting concept scheme reflects a total FSR of 1.21:1. It is unclear the reason an increase in permissible FSR is needed (from 1.5:1 to 1.53:1) when the accompanying concept scheme does not seek to utilise the proposed additional FSR. Additionally, the following matters have been identified that require clarification:

- the proposed height map does not reflect the same outcome sought under the concept scheme such as the retention of the existing main warehouse building which appears to be well below the proposed 30m permissible height sought for that part of the site.
- the additional proposed height includes the area of land proposed as a buffer to the northern boundary. Clarification is required as to the mechanism proposed to ensure the final agreed buffer area is maintained.
- the intention for 3,000m² of public open space has not been incorporated into the accompanying concept scheme.
- clarification on the intended approach to car parking on the site and whether this will affect the overall built form outcome reflected in the concept scheme (further discussed below).

Overshadowing

The planning proposal provides modelling of the overshadowing impacts of the proposed development on the adjacent Solander playing fields. The Solander playing fields provide soccer fields across the site and cricket nets in the north-west corner.

The stepped heights proposed in the planning proposal are proposed to reduce the overshadowing impact on the Solander playing fields. The planning proposal proposes a 25m height limit on the boundary adjoining the Solander playing fields and 30m for the remaining boundaries. At 3pm on the winter solstice the 25m height limit will overshadow 29% of the Solander playing fields see **Figure 16** below.

Whilst it is acknowledged that the majority of Solander Fields will receive more than 2 hours of sunlight, the fields are currently not overshadowed. The planning proposal also involves a significant increase in height over the existing LEP. There is currently no overshadowing of the playing fields from the site.

The Urban Design Report accompanying the proposal has a design objective that “85% of RE1 - Public Recreation zoned land (including Solander Fields) should not more overshadowed for more than a period of two hours in mid-winter.

The planning proposal should be updated to provide further information/analysis on how adequate solar access to Solander Fields will be achieved.



Figure 16: Solander playing fields solar access modelling during the winter solstice (21 June)

Traffic

The proposed height increase will assist in unlocking the existing density potential of the site and as such any potential traffic increases are the result of the site seeking to realise its density potential. The proposed APUs in the planning proposal will not dramatically alter the existing operation of the land particularly with the recommended removal of 'shops'. Therefore, whilst the proposal will create additional impacts on traffic this is not the result of creating a new function for the site which is outside the existing strategic direction for the site.

The accompanying transport assessment concludes that the estimated traffic generation will result in 2,602 vehicles trips in the AM peak period and 2,602 vehicle trips in the PM peak period. It discusses multiple strategies to cater for this traffic generation but considers the only viable option available to ensure the future development will have acceptable traffic impacts on the local road network is to provide three signalised intersections at the following locations:

- Signalised intersection at Captain Cook Drive and Gannons Road;
- Signalised intersection of Endeavour Road and Captain Cook Drive; and
- Signalised intersection of new Endeavour Road and Captain Cook Drive.

A preliminary sketch up design was provided with the transport assessment to inform future discussions with TfNSW and Council and is shown in **Figures 17** and **18**. The planning proposal considers that the need for these upgrades will occur incrementally and there is no need to link the upgrades to the planning proposal.

The Gateway determination has been conditioned to require consultation to occur with TfNSW to confirm traffic implications and appropriate mechanism for the delivery of infrastructure to address this matter further.

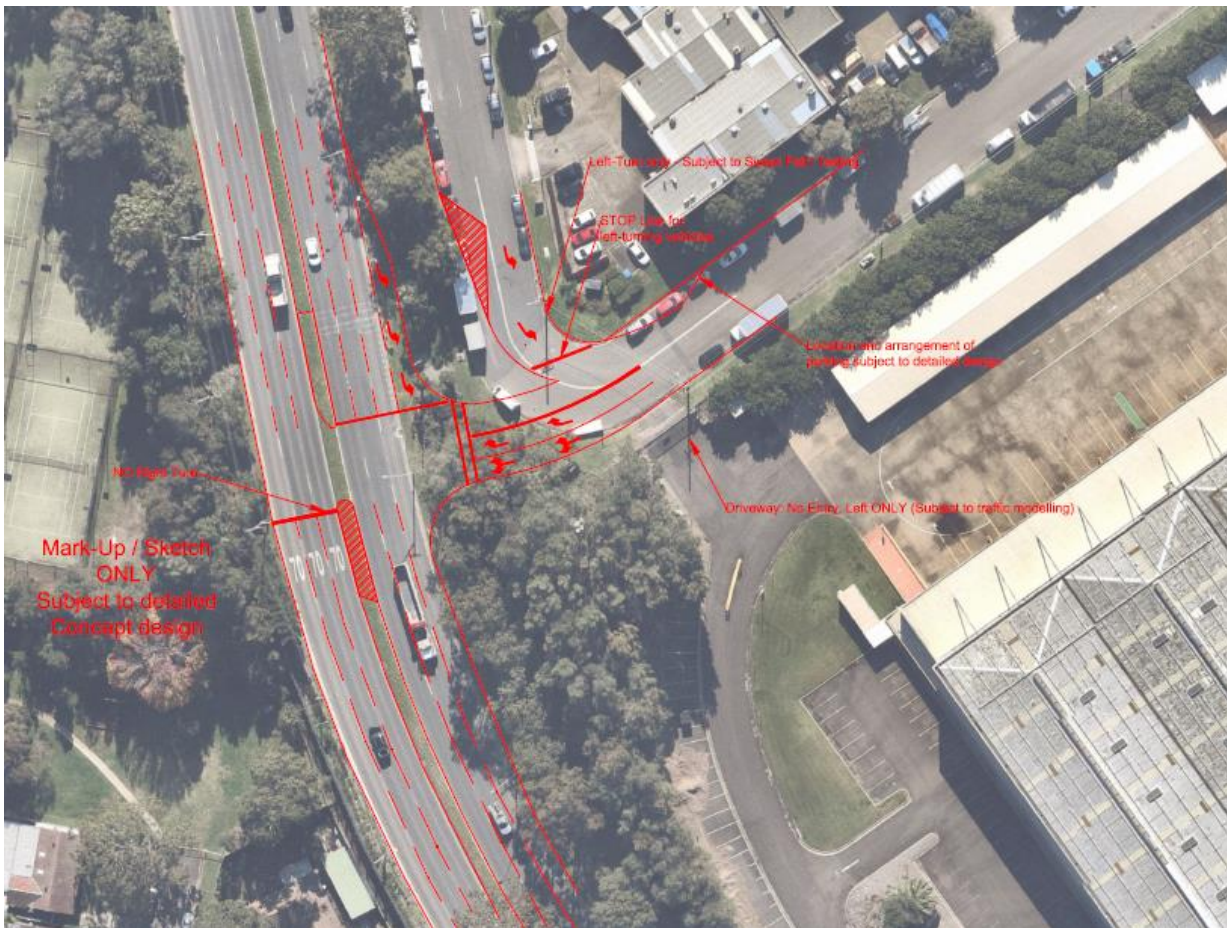


Figure 17: Sketch of potential new intersection at Endeavour Road and Captain Cook Drive (base source: Planning Proposal)

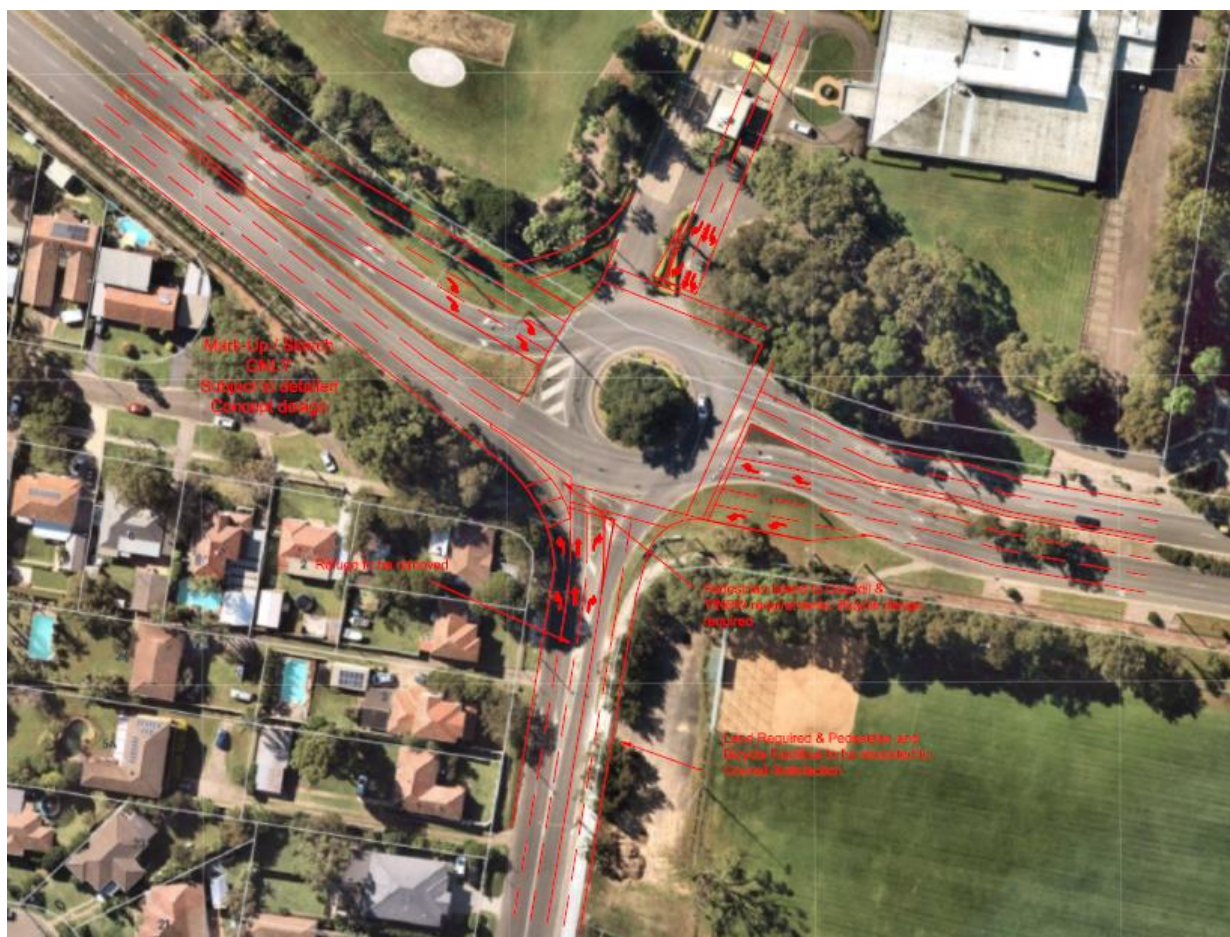


Figure 18: Sketch of potential new intersection at Gannons Road and Captain Cook Drive (base source: Planning Proposal)

Parking

The supplementary transport report indicates that the planning proposal would result in a deficit of 1,572 car park spaces against the requirements of the Sutherland Shire DCP. It states that due to the acid sulfate soils present on site, excavation for underground parking would not be permitted and as such parking would be required above ground. The planning proposal only notes the parking deficit and states that *'the parking shortfall will be addressed at development application stage'*. As this is a significant deficit, the Department requires further clarification in the planning proposal to clarify how car parking and associated traffic infrastructure works will be delivered on site and to roads adjacent to the site.

Due to the intended deficit of car parking spaces, it is pertinent that consultation with TfNSW be undertaken as part of this planning proposal process. A Gateway condition is recommended to require the planning proposal be updated to clarify the intended approach for the delivery of appropriate car parking provision and traffic infrastructure works to inform consultation with TfNSW.

5.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal will provide a significant increase in the commercial and industrial floor space available within Sutherland Shire and as such will contribute to a significant increase in jobs within the LGA. This will have a positive social impact on Caringbah and Sutherland Shire LGA as residents will have greater opportunities to work within the LGA and reduce congestion and travel times.</p> <p>The proposed hotel/motel accommodation will increase tourism within the LGA which is a key objective of the Sutherland Shire LSPS. This has the potential to attract a diverse range of people to Caringbah and to the LGA which will help to activate Sutherland.</p>
Economic	<p>The proposal will provide economic benefits by creating employment and economic activity during future construction and operation of the development. The proposal would result in the creation of 130,000m² of additional commercial and industrial land. The additional floor space will create 1,050 direct and indirect jobs during construction and 8,811 direct and indirect jobs once completed and operational.</p> <p>This will provide a positive economic stimulus to the Sutherland Shire LGA and will assist greatly in achieving the 10,000 additional jobs by 2030 target set out in the Sutherland Shire Economic Informing Strategy. As discussed earlier, the Department is not satisfied that sufficient strategic justification has been provided to introduce 'shops' as a further retail use to the site.</p>

5.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, and what infrastructure is proposed in support of the proposal.

Table 12 Infrastructure assessment

Infrastructure	Assessment
Traffic and Transport	<p>An assessment against the traffic and transport requirements associated with this planning proposal is outlined earlier in this report.</p> <p>A condition of Gateway requires consultation with Transport for NSW.</p>
Infrastructure	<p>Any future development may require utility services to be upgraded and/or augmented to enable the additional future residential population to be accommodated.</p> <p>As the proposal would intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination.</p>

5.4 Employment zone reforms

In December 2021, the reform of the employment zones was finalised with the introduction of 5 new employment zones and 3 supporting zones into the Standard Instrument (Local Environmental Plans) Order 2006. The Department is now implementing the employment zones with proposed amendments to individual local environmental plans (LEPs) across NSW.

The employment zones were introduced into 134 individual LEPs through 6 self-repealing SEPPs on 16 December 2022 but will not commence until 26 April 2023. The subject site will transition from the B7 zone to Zone SP4 Enterprise (SP4 zone) as part of this separate process.

6 Consultation

6.1 Community

The planning proposal does not specify a community consultation period.

An exhibition period of 30 days is considered appropriate and forms a condition of the Gateway determination.

6.2 Agencies

The proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Environment Protection Authority;
- Transport for NSW;
- Fisheries NSW;
- Environment and Heritage Group (EHG) of the Department of Planning and Environment;
- Water NSW;
- Natural Resource Access Regulator
- Department of Planning and Environment Water Group
- Ausgrid; and
- NSW State Emergency Service.

7 Timeframe

The Department recommends a time frame of 10 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council has advised that it would like to exercise its functions as the Local Plan-Making authority.

Given there is unresolved consistency with section 9.1 Directions which will also require consultation with relevant public agencies, it is recommended that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment Summary

The planning proposal is supported to proceed with conditions (including removal of 'shop' as an APU) for the following reasons:

- It is consistent with, and gives effect to the South District Plan and Sutherland Shire Local Strategic Planning Statement;
- It is consistent with relevant State Environmental Planning Policies;
- Any inconsistency or unresolved consistency with relevant section 9.1 Directions, will be addressed by way of Gateway conditions before public exhibition and/or during public exhibition; and
- It will facilitate the opportunity to deliver additional commercial and industrial employment opportunities in the Sutherland Shire LGA.

10 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistency with section 9.1 Direction 7.1 Business and Industrial Zones is resolved subject to the recommended Gateway condition to remove 'shops' as an Additional Permitted Use on the site;
- Note that the consistency with section 9.1 Directions 3.1 Conservation Zones, 4.1 Flooding, 4.2 Coastal Management, 4.5 Acid Sulfate Soils and 5.1 Integrating Land Use, is unresolved and will require further justification either prior to exhibition or consideration as part of agency consultation.
- Note that the recommended Gateway determination conditions are largely a duplicate of that of PP-2020-896 excepting minor administrative changes, further flooding information and that this will allow for a new Gateway timeframe for the planning proposal to be completed within.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal (including relevant attachments) be updated to:
 - (a) Remove the proposed Additional Permitted Use of 'shop' due to insufficient strategic justification;
 - (b) Address consistency with Ministerial 9.1 Direction 4.1 Flooding to address all relevant matters associated with the Directions requirements;
 - (c) Address consistency with Ministerial 9.1 Direction 4.5 Acid Sulfate Soils to address all relevant requirements including providing an Acid Sulfate Soils Study;
 - (d) Reflect the current section 9.1 Ministerial Directions applicable to the proposal;
 - (e) Reflect the current State Environmental Planning Policies applicable to the proposal;
 - (f) Remove references to the B7 Business Park Zone and refer to the new Zone SP4 Enterprise which will apply to the site and provide an analysis against the SP4 Zone;
 - (g) Clarification of the mechanism proposed to ensure appropriate built form outcomes will be achieved including retention of an appropriate buffer zone to the northern boundary and solar access to Solander Fields;
 - (h) Update the accompanying urban design report to provide a clear representation of the intended built form outcome including:

- (i) clarification of the overall distribution of bulk and scale across the site noting the current scheme reflects a FSR of 1.21:1. This must also clarify the relationship of the concept scheme to the proposed height of building map;
 - (ii) the intended location of 3,000sqm of public open space;
 - (iii) the intended design and delivery of car parking on site; and
 - (iv) update all concept scheme modelling to show the foreshore buffer area.
 - (i) Clarify the intended approach for the delivery of appropriate car parking provision and traffic infrastructure works to inform consultation with TfNSW as required under Condition 3.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).

Exhibition must commence within 3 months following the date of the gateway determination.

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Environment Protection Authority;
 - Fisheries NSW;
 - Transport for NSW;
 - Environment and Heritage Group (EHG) of the Department of Planning and Environment;
 - Water NSW;
 - Natural Resource Access Regulator;
 - Department of Planning and Environment Water Group;
 - Ausgrid; and
 - NSW State Emergency Service

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 days to comment on the proposal.

The outcomes of this agency consultation are to inform updates to the planning proposal to address the unresolved section 9.1 Directions listed below. This is to occur prior to any request for finalisation of the planning proposal:

- 3.1 Conservation Zones;
 - 4.1 Flooding;
 - 4.2 Coastal Management; and
 - 5.1 Integrating Land Use and Transport.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may

otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Prior to finalisation, the proposal and relevant technical studies must be updated (as required and in consideration of agency comments) to address the following flood matters:
 - (a) The full range of flooding events on the site, up to a Probable Maximum Flood (PMF) event;
 - (b) Identify and map all flooding hazards associated with the full range of flooding events up to PMF;
 - (c) Any flooding impacts which may arising from cut and fill on the site;
 - (d) Any flooding impacts which may arise from development which may occur within a 1% AEP impacted area of the site;
 - (e) Climate change impacts; and
 - (f) Mitigation measures and/or evacuation management for the site.
6. The planning proposal must be reported to Council (or Planning Panel) for a final recommendation no later than 8 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 10 months from the date of the Gateway determination.
8. Given there is unresolved consistency with section 9.1 Directions which will also require consultation with relevant public agencies, Council is not authorised to be the local plan-making authority.



28/11/2022

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20/12/2022

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