



Panel Reference	PPSSSH-156
DA Number	DA23/0721
LGA	Sutherland Shire Council
Proposed Development	Retention of two existing buildings, demolition of existing structures, hardstands and tree removal, and construction of 6 new buildings in development stages. Proposed 24 hour, 7 day a week, land uses include warehouse and distribution, light industrial, industrial retail outlet, commercial, child care and café. Remaining works include internal roads and footpaths, new carparking and landscaping works and partial tree replacement.
Street Address	13 Endeavour Road, Caringbah
Applicant/Owner	Aliro Group Pty Ltd
Date of DA lodgement	24 November 2023
Number of Submissions	Council has received 6 submissions, 3 objecting to the proposal and 3 in support of the proposal.
Recommendation	Deferred Commencement Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The application is identified as Regionally Significant Development in accordance with Clause 2, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, as the development exceeds a CIV of \$30 million. The applicant's submission / CIV is \$134,612,034.88 (excluding GST).
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act (1979) and Regulations (2021) • Fisheries Management Act 1994 • Roads Act 1993 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Primary Production) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) • Sutherland Shire Development Control Plan 2015 (SSDCP 2015) • Child Care Planning Guideline (CCPG) • NSW DPI Oyster Industry Sustainable Aquaculture Strategy • NSW DPE Healthy Estuaries Oysters Guidelines

	<ul style="list-style-type: none"> Sutherland Shire Section 7.12 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Attachment A – Draft Conditions of Consent Attachment B – SSDCP 2015 Compliance Table Attachment C – VPA letter of Offer (from Council meeting 28 April 2025) Attachment D – DPHI Fisheries General Terms of Approval (March 2025) Attachment E - Transport for NSW Concurrence Conditions (March 2025) Attachment F – Design Review Panel Report and Recommendations <p>Other Documents:</p> <ul style="list-style-type: none"> Other documents referenced in assessment include full application package containing architectural, landscaping, civil and staging plans and sub-consultant reports. Other Council documents referred to include pre-DA advice, specialist referrals and Council RFI letter.
Clause 4.6 requests	None required.
Summary of key submissions	<ul style="list-style-type: none"> Traffic generation Extent of tree removal on site Inappropriate land uses on site Impact of bulk and scale on the surrounds Amenity impacts including noise, light pollution Support for renewal of site and sustainability measures proposed
Report prepared by	Kate Bartlett, Director, The Planning Studio, on behalf of Sutherland Shire Council
Report date	19 May 2025

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Yes**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

REPORT SUMMARY

REASON FOR THE REPORT

Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, requires this application to be referred to the Sydney South Planning Panel (SSPP) as the development has a capital investment value of more than \$30 million. The application submitted to Council nominates the value of the project as \$134,612,034.88 (excluding GST).

The report recommends deferred commencement approval of the application, subject to conditions. The deferred commencement condition requires:

- The proponent to execute and register a VPA on the title based on the letter of offer prepared by Perpetual Corporate Trust Limited (as custodian for Aliro Trusco 1 Pty Ltd) and dated 21 March 2025 to enable delivery of TfNSW required road infrastructure upgrades at Captain Cook Drive, Endeavour Road and Gannons Road;
- Design modifications to delete excess car parking spaces on site to enable retention of greater numbers of existing mature trees and landscaping; and
- Amended stormwater plans and Drains modelling that clearly demonstrate no increase in peak discharge or velocity across the northern boundary for all storm events at the site's interface with Woollooware Bay to ensure environmental protection of this sensitive area.

PROPOSAL

The application proposes retention of two existing buildings, demolition of existing structures, hardstands and tree removal, and construction of 6 new buildings in development stages. Proposed land uses include warehouse and distribution, light industrial, industrial retail outlet, commercial, childcare and café. Remaining works include internal roads and footpaths, new carparking and landscaping works and partial tree replacement. Hours of operation are 24 hour, 7 days a week.

THE SITE

The site is located on the corner of Endeavour Road and Captain Cook Drive and is known as 13 Endeavour Road, Caringbah (legally described as Lot 2 DP714965). The site has an irregular shape with a frontage to Endeavour Road (along the western boundary) and a frontage to Captain Cook Drive (along the southern boundary), resulting in a site area of 123,898m² (12.3 hectares).

ASSESSMENT OFFICER'S RECOMMENDATION

1.0 THAT:

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number 23/0721 subject to the conditions set out in Attachment A to the subject report.

ASSESSMENT OFFICER'S COMMENTARY

2.0 DESCRIPTION OF PROPOSAL

The proposal is for the retention of buildings, demolition of existing structures, hardstands and tree removal, construction of 8 buildings in a staged manner with uses, provision of estate domain works including roads and footpaths, new carparking and landscaping works.

A detailed description of the proposed development (as amended) is as follows:

- Retention of existing Building 1 and Building 2 (current tenants include Australia Post, Chopt Studio and Productions, and Woolworths), located to the western side of the site with a frontage to Endeavour Road. No changes to use, building works or parking. Existing GFA of 28,296m² to be unchanged.
- Staged early works for each proposed new building, including:
 - Demolition of existing structures, buildings, and hardstand parking areas including removal of 459 trees.
 - Site establishment and preparation including earthworks, construction of stormwater and services infrastructure, and augmentation of utilities as required.
- Use of the site for the following land uses across 6 new buildings – refer to **Figure 1 Proposed Site Plan and Building Layout (Watson Young)**:
 - Warehouse and distribution centres with ancillary office space (Buildings 3, 4, 5, 6, 7 and 8).
 - Light industrial uses with ancillary office, and industrial retail outlet areas, for overall space up to a maximum GFA of 18,303m² across the site in these buildings.
 - Commercial office (ground floor of Building 5, total 554m²).
 - Centre-based childcare centre seeking to operate 6am-8pm Monday to Friday, with a total of 68 children and approx. 17 staff (Building 5 ground and first floor, total 648m²).
 - Café (Building 5 ground, total of 112m² and seating for 26 patrons).
- Staged construction (refer to staging plan in Figure 4 Proposed Construction Staging Plan (Watson Young) and operation of the following proposed buildings, with a total gross floor area of 38,108m², with the following proposed construction stages:
 - Stage 1A: Building 5 and surrounding road access;
 - Stage 1B: Building 3;
 - Stage 1C: Building 4; and
 - Stage 3: Buildings 6, 7 and 8.
- Provision of a total of 562 car parking spaces in a staged manner, and provision of 20 motorcycle parking spots.
- The primary vehicular entry for the site will be from Captain Cook Drive. 4 vehicular access points will be provided along Endeavour Road, 3 of which will be utilised for articulated vehicles only and the remaining access point for cars.
- Operation of the site 24 hours per day, 7 days a week.
- Landscaping works and estate domain works, including estate roads and footpaths.
- Provision of estate wayfinding building identification signage.

- Dedication of approximately 2,662m², being the roundabout at Gannons Road and the frontage including the slip road from Solander Playing Fields car park to Council.
- Signalisation of Endeavor Road / Captain Cook Drive intersection.

Site plan, photomontage, and building overlay diagrams are provided below.





Figure 2 Photomontage of proposed development – site outlined in red (Watson Young)

An overlay of the proposed buildings over the existing site layout and buildings is shown below.

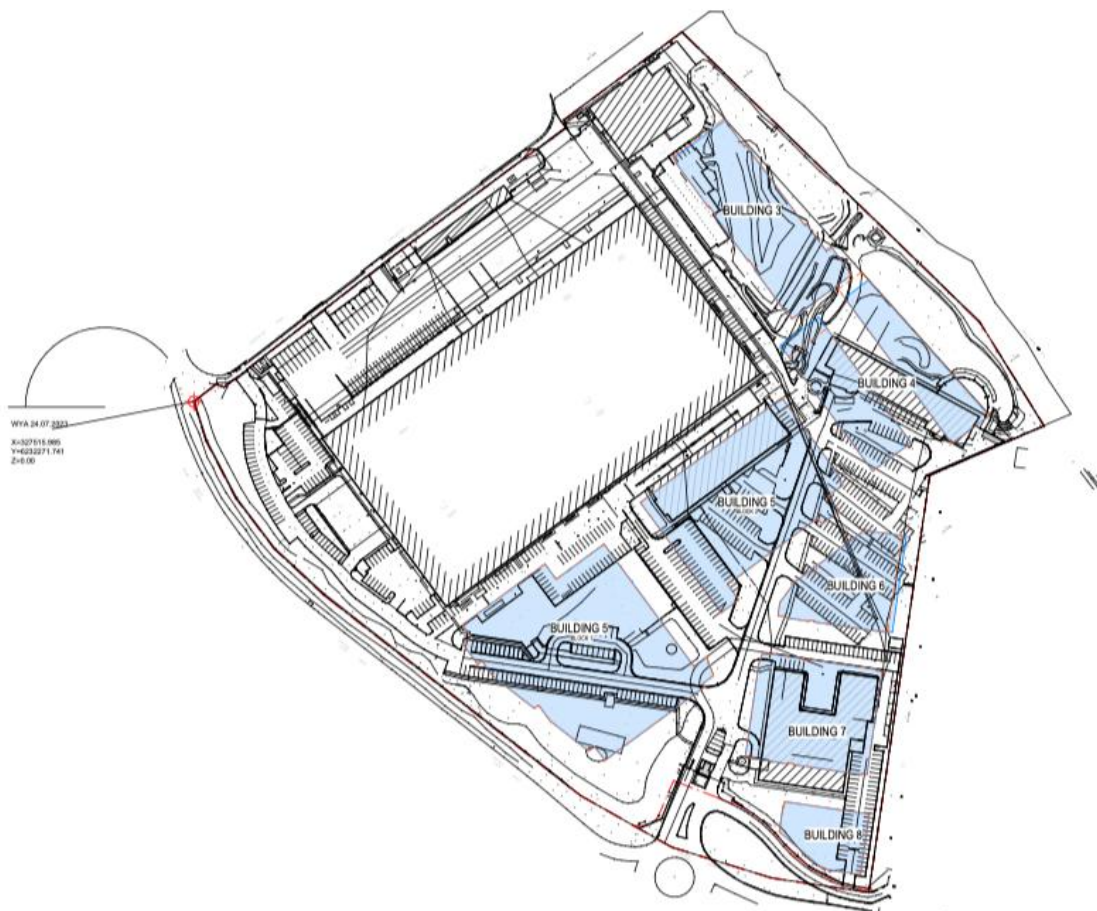


Figure 3 Existing and Proposed Building Overlay (Watson Young)

The proposed construction staging plan is outlined below.

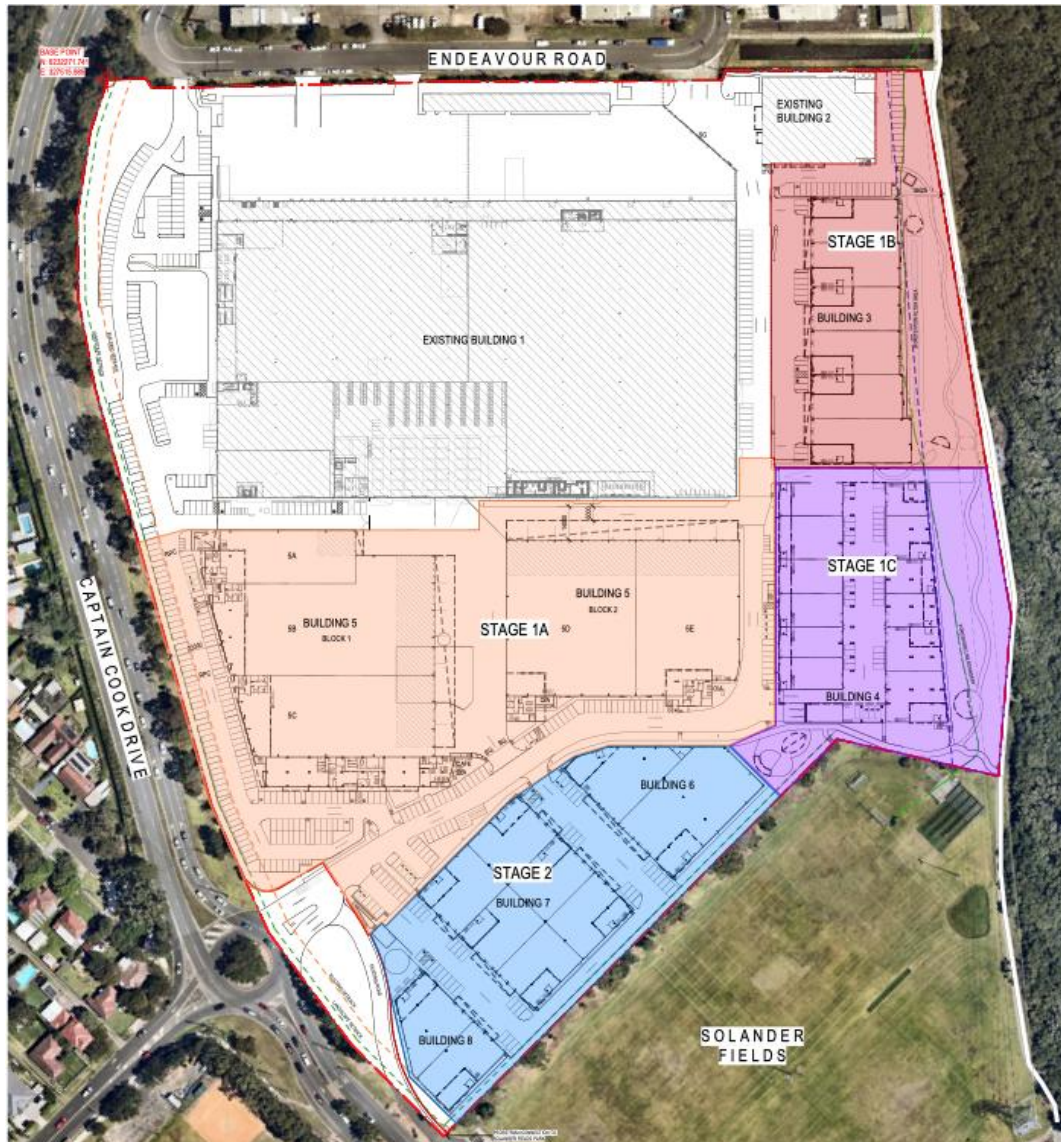


Figure 4 Proposed Construction Staging Plan (Watson Young)

3.0 SITE DESCRIPTION AND LOCALITY

The site has an irregular shape with a frontage to Endeavour Road (along the western boundary) and a frontage to Captain Cook Drive (along the southern boundary), resulting in a site area of 123,898m². A transmission easement is located on the northern portion of the site, with the support structure located in the north-eastern corner. This easement consumes approximately 9,000sqm of the site.

The site is currently contains 5 buildings and associated infrastructure and car parking formerly used by Toyota. The buildings are currently occupied by various businesses including Woolworths, Australia Post, a swimming school, an interior designer, car dealership and a creative company called Chopt Studio and Productions.

The site adjoins Solander Field recreational area to the east of the site and Woollooware Bay foreshore to the north. A shared public pathway exists between the site and the Woollooware Bay native forest mangroves. On the opposite side of Captain Cook Road, to the south of the site the area contains low-density residential development comprising of 1 and 2 storey dwelling houses. On the opposite side of

A locality plan and an aerial photo are provided below. Figure 5 shows an aerial photo of the subject site whilst Figure 6 shows the totality of the site and surrounding context.



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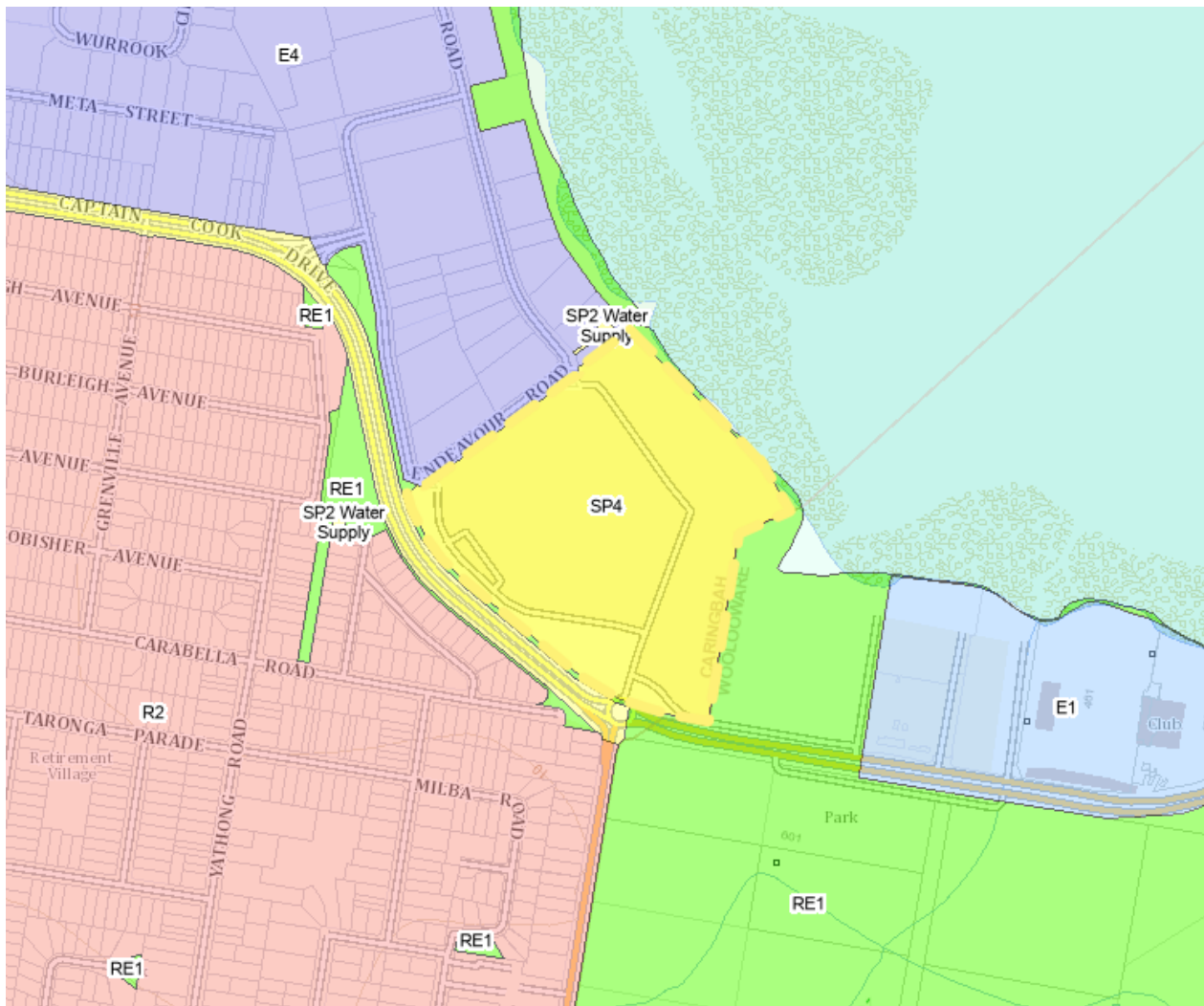


Figure 7 Zoning Plan + Site (NSW Planning Portal)

4.0 BACKGROUND

A history of the development proposal is as follows:

Pre – DA Advice (PAD23/0007)

- A pre-application discussion (PAD) was held on 16 May 2023 regarding this development. As a result of this a formal letter of response was issued by Council dated 28 June 2023. A full copy of the advice provided to the Applicant is contained within the attachments to this report, and the main points contained in the letter are as follows:
 - Planning – Matters raised included ensuring that the process for approval of subsequent land uses is appropriately detailed and managed, and that the proposal should comply with principal development standards and setbacks, including sufficient setbacks to be provided to Woollooware Bay. Buildings are to be appropriately separated to ensure strong links to Woollooware Bay, and tree removal to be limited where possible, opportunities for additional planting to be provided.
 - Environmental – Matters raised included limiting impacts on endangered ecological communities and terrestrial and aquatic ecology, DA to be accompanied by appropriate evidence for Acid Sulfate Soils and how this risk will be managed, and site contamination investigation is to be undertaken and outcomes to be documented and submitted with forthcoming DA.

- Engineering – The advice identified that the site was flood affected and provided recommendations on stormwater management and documentation requirements to satisfy flooding and stormwater controls.
- Traffic and Parking – Matters raised included provision of sufficient parking to meet demand generated by the development, proposal to be supported by a Green Travel Plan, clarity on land dedication to provide access to Solander Fields, and ensuring the application is supported by an appropriate traffic impact assessment and associated modelling.
- Infrastructure and Utilities – The northern portion of the site contains significant high voltage powerlines that must be considered and addressed in future DA.
- The advice also recommended that consultation is to occur with the key government and Council stakeholders prior to submission of the DA. This includes:
 - TfNSW
 - Council's Stormwater and Engineering Division;
 - Ausgrid;
 - Fisheries NSW; and
 - Council's Strategic Planning Team regarding the proposed Planning Agreement.

Subject Development Application (DA23/0721)

- The current application was lodged on 24 November 2023.
- The application was placed on exhibition between 6 December 2023 and 14 January 2024.
- An introductory briefing session was held with the South Sydney Planning Panel on 22 January 2024
- The proposal was considered by Councils Design Review Panel on the 7 March 2024 and the matters were raised in their report and recommendations to Council and the applicant, which is contained in the attached documents to this report. Overall, the Panel did not support the proposal in its current form and recommended changes to landscaping, site planning and massing to seek to obtain an improved and strong urban design outcome from the site.
- A 'Request for Information' was issued to the Applicant on 3 May 2024. which is contained in the documents attached to this report. Overall, the RFI noted that *"The proposal has not demonstrated that the design has been led by the unique character of the site and its surrounds nor the significant number of existing trees and landscaping elements present on the site. Key concerns include:"*
 - The proposal has not demonstrated that it has achieved the objectives of the SP4 Zone or objectives and requirements of 6.16 Urban Design of SSLEP 2015.
 - The removal of a significant number of trees on site, and the demolition of existing consolidated landscape areas, with inadequate replacement tree planting. The landscape response must seek to retain as many existing trees as possible.
 - The design and layout of the new buildings results in blank facades presenting to Solander Fields, Woollooware Bay and the adjacent shared path. This lack of passive surveillance and poor level changes creates significant design quality and CPTED risks. Increased setbacks between Buildings 3 and 4 are to improve connection through the site and draw the landscape character of Woollooware Bay into the site.

- The proposed filling of the land will, in effect, direct existing flood waters off site, which is not an acceptable outcome for Council.
 - The proposal must ensure that sufficient mitigation measures are incorporated to offset likely vehicle impacts on the local road network. In particular, the development must allow for upgrading of the intersections of Captain Cook Drive / Endeavour Road and Captain Cook Drive / Gannons Road.
- Officers met with the Applicant on 27 May 2024, with several subsequent meetings held with transport, stormwater, flooding, engineering and landscape staff.
 - A preliminary RFI response was submitted by the Applicant on 14 June 2024 outlining how they were seeking to respond to each of the RFI issues, with a full consolidated RFI package submitted on 2 November 2024, including drawings and updated consultant responses.
 - Further traffic, civil, flooding and stormwater information was requested by Council after a Panel Briefing in December 2024, with the applicant submitting a further RFI response on these matters in February and March 2025.
 - Further clarification regarding existing and proposed flood conditions on surrounding development, and stormwater discharge impacts as a consequence of the proposal was again requested in February 2025, with the applicant providing further additional information on this matter on 17 and 28 April 2025. This satisfied issues raised by Council in regard to flooding; however, further detail is required in regard to the emission of stormwater into the mangrove area adjoining Woollooware Bay. This is discussed in the report and is recommended under deferred commencement conditions.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

Following assessment, it has been established that the applicant has provided adequate information to enable a thorough assessment of this application. However, as detailed in this report, the proposal requires further design amendments to delete excess parking spaces and increase retention of existing mature trees and landscaping.

Additional information is also required to manage stormwater discharge into Woollooware Bay, and the VPA offer made to Council to deliver required road infrastructure must be executed. These matters are addressed through recommended deferred commencement conditions.

Refer to further discussion under 'Flooding and Stormwater' and 'Landscaping and Tree' sections below.

6.0 PUBLIC PARTICIPATION

The application was notified in accordance with the provisions of Appendix A of the Sutherland Shire Community Engagement Strategy 2023 (SSCES).

Council notified 850 adjoining or affected owners of the proposal and 6 submissions were received. Of the 6 submissions received, 3 objected to the proposal and 3 were in support of the proposal.

Revised Plans

The applicant lodged revised plans on 2 November 2024 and 12 February 2025. In accordance with the requirements of SSCES these plans were not publicly notified as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment. The summary of issues below is in relation to the plans notified as part of this application.

7.0 SUBMISSIONS

The key issues identified in the submission/s are as follows:

Issue 1: Extent of traffic generation and likely impacts on the surrounding street network.

Comment: The proposal is accompanied by an assessment of the traffic generation and likely impacts which has been reviewed by Council's Traffic Engineers and Transport for NSW (TfNSW) and deemed acceptable, subject to implementation of conditions recommended by TfNSW. It is noted that the proposal includes the signalisation of the intersection of Endeavour Road and Captain Cook Drive, which is expected to improve the efficiency of the street network.

The amount of parking proposed exceeds the requirements of TfNSW parking guidelines. As discussed in the report, it is recommended that this excess be replaced with further landscaping and tree planting. Overall, the site is considered to contain sufficient parking to meet the requirements espoused under the guidelines.

Issue 2: Extent of tree removal on site and negative impacts on open space

Comment: Although the applicant has amended the proposal to increase new tree planting from 337 to 387, this is not considered sufficient, particularly given the over-provision of 123 parking spaces on site.

A deferred commencement condition has been recommended to reduce car parking spaces to slightly above the minimum required, in order to retain a greater extent of existing mature trees and landscaping to address this issue.

Issue 3: Inappropriate use of site and non-compliant land uses proposed

Comment: Objections received raised concerns with the proposed land uses and that the development was not compliant with the land use requirements of the SSLEP 2015. As detailed in this report, the proposed land uses are permissible on the subject site under the SP4 Zoning.

Issue 4: Bulk/scale and building height impacts on surrounding character

Comment: The proposed buildings comply with the maximum height under the SSLEP 2015 and are considered acceptable. Plans have been amended to marginally increase building separation and setbacks to surrounding properties. Conditions are recommended to increase tree planting and landscaping, which will help address the appearance of the development from surrounding properties and the public domain.

Issue 5: Impact on economy – one letter of support that development will increase employment uses in area, and one concerned that it will not attract ‘blue collar’ labour opportunities.

Comment: The proposal seeks consent for a range of different types of warehouse and industrial spaces. The proposal is supported by an Economic Impact Assessment which identifies that the proposal would result in a range of economic benefits. The proposed land uses are permitted within the SP4 Enterprise Zone.

Issue 6: Acoustic and amenity impacts including concerns about noise and visual and light pollution originating from the development.

Comment: Conditions are recommended that would address visual and light pollution, and to ensure compliance with the submitted acoustic plans to manage noise impacts.

Issue 7: Support for sustainability measures proposed in subject development and for activation of the site.

Comment: The submissions in support for the application are noted.

8.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone SP4 Enterprise pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). The proposed development, being warehouse and distribution, light industrial, commercial, childcare and cafe, are land uses which are permissible within the zone, subject to development consent from Council.

The following Acts, Environmental Planning Instruments (EPIs), Development Control Plan (DCP), Codes or Policies are relevant to this application:

- Environmental Planning and Assessment Act 1979.
- Fisheries Management Act 1994.
- Roads Act 1993.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Primary Production) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).
- Child Care Planning Guideline (CCPG).
- NSW DPI Oyster Industry Sustainable Aquaculture Strategy.
- NSW DPE Healthy Estuaries Oysters Guidelines.
- Section 7.12 Development Contribution Plan 2020 - Sutherland Shire.

9.0 COMPLIANCE

9.1. Fisheries Management Act 1994

The application seeks to install a new stormwater outlet in proximity to key fish habitat in Woollooware Bay, which triggers the provisions of Parts 7 and 7A of the Act and the associated *Guidelines* and is therefore Integrated Development under the Environmental Planning and Assessment Act 1979. The amended application was submitted to DPI Fisheries, who granted General Terms of Approval on 26 March 2025 and are contained in Attachment D.

Fisheries in providing their GTAs were of the understanding that no increase would occur based on the initial modelling provided by Applicant. Given the current analysis undertaken by Council officers appears to indicate the current stormwater design may increase discharge into Woollooware Bay, a deferred commencement condition has been imposed to ensure accurate modelling and design solutions are submitted to and approved by Council prior to activation of the consent.

9.2. Roads Act 1993

As the application (and associated VPA offer) include a new proposed intersection signalisation, Section 87 of the Roads Act is triggered by the application. TfNSW provided 'in-principle' approval under Section 87 of the Roads Act 1993 to the provision of signalisation at the above intersection on the 4th March 2025, subject to conditions, which are contained in Attachment E and have been included in the recommended conditions of consent in Attachment A.

TfNSW Condition 3 requires that the applicant *“fully construct the traffic control signals and associated civil works to the satisfaction of TfNSW at the intersection of Captain Cook Drive and Endeavour Road prior to the issue of the first occupation certificate for any of Buildings 6, 7 and 8, identified in the Staging Plan prepared by Watson Young dated September 2023 Revision E (Drawing 005) dated 12 February 2025”*.

Satisfaction of these requirements is proposed to be physically delivered through a Voluntary Planning Agreement, which will be subject to a deferred commencement condition requiring execution and registration on title prior to activation of the consent.

9.3. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and conservation SEPP) sets out the plan objectives and planning principles for the Georges River Catchment. Part 6.2 includes a number of aims and objectives for the environment and water quality within the catchment. In addition, Clauses 6.6 (Water Quality and Quantity), 6.7 (Aquatic Ecology), 6.8 (Flooding), 6.9 (Recreation and public access) and 6.10 (total catchment management) act as development threshold requirements that prevent consent being granted where the requirements of these Clauses are not met.

The proposed stormwater and water quality provisions have been reviewed by Council's specialist engineers, who are satisfied with the proposal's flood management solutions, but advise that the development's Drains model has not adequately demonstrated the proposal will not result in adverse

impacts to the adjacent sensitive wetlands in Woollooware Bay through increased discharge in certain storm events.

Accordingly, a deferred commencement condition is recommended to obtain accurate Drains modelling from the applicant to thoroughly determine any additional discharge, and an amended stormwater design to mitigate impacts. Potential design solutions are envisaged through the deferred commencement condition, which may require offsetting any surplus into the existing stormwater channel adjacent the site. Should this diversion be required, the condition includes a requirement to register an easement for drainage over Council land to enable connection to the existing Channel if required.

In addition to the above, the proposal seeks consent for the removal of a large number of existing trees, including trees that have been identified as having significant value. Council's Design Review Panel and landscape consultant reviewed the application and raised concerns regarding the poor landscape amenity outcomes from the proposal, which are considered to be excessive. In response, conditions have been recommended as part of deferred commencement that seek to reduce the extent of tree loss on site through deletion of excess parking numbers.

Subject to the above being addressed by a deferred commencement condition of consent, it is considered that the proposal appropriately addressed the requirements of the SEPP.

9.4. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management (*previously SEPP (Coastal Management) 2018*)

Chapter 2 of the Resilience and Hazards SEPP seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management consistent with the Coastal Management Act 2016. Chapter 2 of the Resilience and Hazards SEPP applies to land within the coastal zone across NSW.

All foreshore land within the Sutherland Shire is identified as being within the coastal zone, in some instances the coastal zone extends beyond waterfront properties. In addition, much of the Sutherland Shire foreshore is identified as being within the coastal environment area and the coastal use area. The subject site is also within the coastal zone and is also identified on the Resilience and Hazards SEPP map as coastal environment area and coastal use area.

Before granting development consent on any land within the coastal zone the consent authority must be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Development on land within the coastal environment area (clauses 2.10 and 2.11)

The site is identified as being land within the "coastal environment area" on the Resilience and Hazards SEPP map. This requires the consent authority to consider certain factors before development consent is granted. These factors include the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; coastal environmental values and natural coastal processes; the

water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014); marine vegetation, native vegetation and fauna and their habitats.

As discussed, conditions have been recommended requiring amendments to the submitted proposal. These conditions will ensure that the proposal's stormwater discharge does not negatively impact the sensitive Woollooware Bay interface, increases retention of existing trees and the amount of landscaped area on the site.

Chapter 4 Remediation of Land (Previously SEPP 55)

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use (Clause 4.6).

The application was referred to Council's Environmental Science Officer who confirmed that the submitted Remediation Action Plan can be accepted for the proposed development, and the remediation and validation of the identified contamination can be controlled by conditions. These conditions have been incorporated into the recommended conditions of consent. Subject to the imposition of these conditions, Council officers are satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land uses.

9.5. State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (the Sustainable Buildings SEPP) encourages the design and construction of more sustainable buildings across NSW and commenced operation on 1 October 2023. The overarching purpose of the Sustainable Buildings SEPP is to assist NSW's target of achieving net zero greenhouse gas emissions by 2050. The Sustainable Buildings SEPP applies to all non-residential developments (except those excluded in chapter 3.1 of the Policy), including the subject proposal.

Non-residential Development (chapter 3.2)

In deciding whether to grant development consent to non-residential development, section 3.2 requires the consent authority to consider whether the development is designed to enable: the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials, a reduction in peak demand for electricity, including through the use of energy efficient technology, a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design, the generation and storage of renewable energy, the metering and monitoring of energy consumption, and the minimisation of the consumption of potable water.

The proposed general sustainability measures have been considered, and the development is acceptable with regard to the requirements listed under chapter 3.2.

Development consent must not be granted to non-residential development under the Sustainable Buildings SEPP unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. A NABERS Embodied Emissions Materials Form has been submitted with the application, and the proposal is satisfactory regarding this requirement.

9.6. State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) identifies State and Regionally Significant development in NSW. Schedule 6 of the SEPP identifies this application as regionally significant development as it has a capital investment of more than \$30 million. As such, the application is referred to the South Sydney Planning Panel for determination.

9.7. State Environmental Planning Policy (Transport and Infrastructure) 2021

Development likely to affect an electricity transmission or distribution network (clauses 2.47 and 2.48)

Division 5, Subdivision 2 of the Transport and Infrastructure SEPP relates to development that has the potential to impact on electricity supply. This application involves

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- development carried out within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), and
- development carried out within 5m of an exposed overhead electricity power line.

As such Council has notified Ausgrid and invited them to provide comments about the potential safety risks. In this case, Ausgrid have advised that the proposed development is acceptable subject to conditions. These conditions have been incorporated into the recommended conditions.

Development with frontage to a classified road (clause 2.119) and traffic generating development (clause 2.122)

Division 17, Subdivision 2 of the Transport and Infrastructure SEPP relates to land in or adjacent to road corridors or road reserves. The site has a frontage to the Captain Cook Drive which is identified as a classified road on Council's road hierarchy maps.

Before granting consent for development on land which has a frontage to a classified road the consent authority must be satisfied that certain factors have been considered. These factors include safety; efficiency of the road network; design, emission of smoke or dust from the development; nature, volume and frequency of vehicles; and the impact of traffic noise and emissions.

The proposed development includes two primary access points – the roundabout intersection at Gannons Road and Captain Cook Drive and a second entrance from Endeavour Road. The proposed vehicle access route from Endeavour Road will result in vehicles traveling north along Endeavour Road and then accessing the broader traffic network at the intersection of Endeavour Road and Captain Cook Drive.

The proposal is accompanied by a letter of offer to enter into a Planning Agreement, which includes:

- The signalisation of the Captain Cook Drive / Endeavour Road Intersection as works in kind.
- Land dedication adjacent to the Captain Cook Drive / Gannons Road roundabout which includes the island of existing trees, the Solander Fields Access Road, and new pedestrian footpath to be installed between the site and Solander Fields.

Transport for NSW has considered the proposed development and advised that the development is acceptable subject to appropriate conditions, including the requirement for signalisation of Captain Cook Drive / Endeavour Road to manage increased traffic generation. This has been incorporated into the recommended conditions. The execution of the VPA is required prior to the activation of the consent to ensure the delivery of the required TfNSW conditions and upgrades. TfNSW's requirement that the intersection be delivered prior to obtaining an OC for Buildings 6, 7 and 8 has also been included in the recommended conditions of consent.

Impact of road noise or vibration on non-road development (Clause 2.120) -

Division 17, Subdivision 2 of the Transport and Infrastructure SEPP also relates to development that may be impacted by road noise or vibration. This application includes an application for a centre based childcare centre and the site is adjacent to Captain Cook Drive and is also identified on Council's Road and Rail Noise Buffer Map.

The land is within proximity to Captain Cook Drive where the annual average daily traffic volume exceeds 20,000 vehicles. The impact of road noise and vibration on the centre based childcare centre have been considered under clause 2.120, noting that Council is recommending a condition that future detailed fit out of the childcare centre be subject to a future approval.

The application has been accompanied by a noise assessment addressing the relevant acoustic criteria and NSW Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guideline. Subject to conditions, suitable noise attenuation measures are incorporated into the design of the buildings and an acceptable acoustic environment and reasonable amenity will be achieved for future occupants. These conditions have been incorporated into the recommended conditions.

Chapter 3: Educational Establishments and Child Care facilities (Part 3.3 Early education and care facilities)

The application seeks approval for a childcare centre of up to 68 children within Building 5 and is accompanied by an Operational Plan of Management and indicative layout, but does not include a detailed proposal by an operator that demonstrates full compliance with the requirements under Part 3.3 of the SEPP and the Childcare Planning Guideline.

Council accepts the proposed use is permitted and location acceptable from assessment of the noise and air pollution testing that accompanied the application. However, total number of children, and operating hours will require a detailed plan prepared by a proposed operator to demonstrate full compliance with the

required state and federal requirements. It is noted that the application was accompanied by an indicative childcare layout, Operational Management Plan and assessment against the Guidelines. However, the detail contained within these documents was not sufficient to undertake the level of assessment required for this type of sensitive land use, particularly given its location in an Enterprise zone and specifically adjacent to significant traffic movements adjacent to the location.

Accordingly, a condition of consent is recommended requiring that the childcare centre be subject to a future detailed DA for fit out, number of children and operational hours.

9.8. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 outlines the framework for assessment and approval of biodiversity impacts for development that requires consent under the Environmental Planning and Assessment Act 1979.

The assessment of the development has revealed that the Biodiversity Offset Scheme (BOS) threshold is not triggered and biodiversity matters have been appropriately assessed via Council's LEP and DCP objectives and controls. This is addressed further in the consideration of the LEP and DCP below.

9.9. Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015. A compliance table with a summary of the applicable development standards is contained below:

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
cl2.1 Zoning	SP4	Proposed land uses include warehouse and distribution, light industrial, industrial retail outlet, commercial, child care and cafe	Complies, subject to conditions The proposed land uses are permissible in the zone.
cl.4.3 Height of Building	16m	The maximum height of the proposed development is 16m	Complies
cl.4.4 Floor Space Ratio	1.5:1	The proposed FSR is 0.54:1	Complies
cl5.21 Flood Planning	Flood related controls.	The proposal has been reviewed against the controls in Section 5.21, including whether it: (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	Complies, subject to conditions Refer to detailed assessment below for further discussion in Sections 10 and 11 of this Report.

Sutherland Shire Local Environmental Plan 2015

CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
		<p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	
cl6.1 Acid Sulfate Soils	Site is identified as Class 3	The proposal is accompanied by an Acid Sulfate Soils Management Plan.	Complies
cl6.4 Stormwater Management	The objective of this clause is to minimise the impacts of urban stormwater on land to which this Plan applies and on native bushland and receiving waters.	<p>The proposal has been reviewed by Council's Development Engineer and has confirmed that the development as submitted and amended by the applicant is not acceptable when assessed against 6.4(3):</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>Can Comply, subject to deferred commencement condition</p> <p>Refer to discussion above and in Sections 10 and 11.2 of this report. A deferred commencement condition for stormwater is required to address outstanding matters:</p> <ul style="list-style-type: none"> The applicant must submit amended plans and Drains modelling to Council to clearly demonstrate no increase in peak discharge or velocity across the northern boundary for all storm events. This is strictly tied with the GTA from Fisheries, which was on the understanding the development would not increase discharge to Woolloomare Bay; Registration of an easement for drainage over Council land to enable connection to the existing Channel is required as a

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
			deferred commencement condition.
cl6.5 Environmentally sensitive land—terrestrial biodiversity	The land is mapped as Environmentally Sensitive Land on the Terrestrial Biodiversity Map	The proposal seeks consent for removal of significant amounts of existing trees, with the minimum amount of new landscape areas proposed and limited new planting.	Complies, subject to conditions
cl6.7 Environmentally sensitive land—riparian land and watercourses	The land is mapped as Environmentally Sensitive Land on the Riparian Lands and Watercourses Map	The proposal's current Drains modelling is insufficient to demonstrate that the requirements of Clause 6.7(4) are met.	Complies, subject to conditions Detailed confirmation required as part of DC conditions as discussed in this report.
cl6.9 Limited development on foreshore area	The site is identified as a foreshore area	The proposed buildings are not located within the foreshore area, but landscaping – including paving, modifications to existing stormwater infrastructure, common outdoor areas, and soil works are proposed within the foreshore building line (FBL).	Complies, subject to Conditions The types of development proposed within the FBL are consistent with the development types permitted under Clause 6.9(2)(c), including the landscaped areas, and will not significantly alter the shape or natural form of the foreshore area. As discussed elsewhere in this report, a deferred commencement condition is recommended to ensure that the modifications to the stormwater system within the FBL won't affect the drainage of the foreshore area. A Vegetation Management Plan has been prepared as part of this application and compliance with it is recommended as a condition of consent. Accordingly, subject to compliance with the recommended conditions, development consent can be

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
			granted under the consideration matters of 6.9(3) and (4).
Cl6.13A Green Grid Links	Part of the site is mapped as green grid link	The proposed development does not limit or impact on the existing established foreshore shared path.	Complies Due to the existing overhead powerlines, there is limited opportunity to retain or enhance tree canopy cover along the green grid link. The existing pedestrian and cycleway will not be affected by the development.
cl.6.14 Landscaped Area	The site is identified as SP4 and is mapped as A - 10%	The site proposed a total area of 13.45% of the site as landscaped area.	Complies, subject to conditions The application complies with the numerical control. However, the extent of tree loss, and current design is not consistent with the objectives of the Clause - these being: <i>(a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of Sutherland Shire,</i> <i>(c) to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained.</i> In response, deferred commencement conditions have been recommended that address these deficiencies including: <ul style="list-style-type: none"> • Reduction in number of car parking, with the deleted car parking being used to retain existing mature trees and landscaping; and • Slight relocation of Building 8 to increase the retention of existing mature trees adjacent the building.

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
CI6.16 Urban Design	Development is required to demonstrate an appropriate response to urban design.	The proposed development was considered by Council's Design Review Panel (DRP).	<p>Complies, subject to conditions.</p> <p>Council's Design Review Panel considered the application in detail and did not support the design in its original form. Concerns were raised regarding extent of tree loss, building placement, safety, crime prevention, and site circulation.</p> <p>In response, conditions have been recommended that address these deficiencies as discussed above and in Sections 10 and 11 of this report.</p>

9.10. Sutherland Shire Development Control Plan 2015

The proposal has been assessed for compliance with SSDCP 2015. A compliance table with a summary of the applicable development controls is contained in Attachment B.

The assessment of the proposal has established that the application as submitted and amended by the applicant generally complies with the DCP controls, with the following key matters requiring resolution through conditions of consent:

- Childcare – Conditions have been imposed requiring that development consent is required for future fit-out of the childcare. Number of children and operating hours are not approved in this application.
- Signage – The proposal was not accompanied by an appropriate signage strategy that satisfied Council's requirements and a condition has been imposed accordingly. Whilst the development was accompanied by a 'Wayfinding and Signage' Plan (DA007 Revision D), a more detailed signage strategy is required to demonstrate how signage will be managed across such a large estate over a long period of time with different tenants entering and exiting the premises. This is to ensure that over time the site does not become subject to significant signage clutter, which creates a poor design and amenity outcome. An appropriate condition is recommended.
- Stormwater and Flooding – this is discussed further in Section 11.2 of this report.
- Landscaping and tree removal – this is discussed further in Section 11.1 of this report.

10.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received.

Water NSW

The application was referred to Water NSW who advised that it did not meet the threshold for consideration under the Water Management Act 2000 and therefore no further assessment was provided.

Design Review Panel (DRP)

The application was referred to DRP who met on 7 March 2024 and provided the following comments. The Panel acknowledged that care had been taken in preparation of the proposal. However, the design did not sufficiently draw from a thorough understanding of the site context and analysis, and was therefore inadequate as discussed earlier in this report.

The Panel noted that there are significant areas of well-established landscaping throughout the site. The proposal removes most of the existing landscaping to accommodate different levels across the site, larger buildings and greater areas of impervious surfaces. There is an opportunity for the landscape design to drive the stormwater management and site planning to greatly enhance the overall design response.

Whilst this feedback was provided to the applicant, the amended design did not seek to retain any additional existing trees on site. Accordingly, appropriate deferred commencement conditions have been recommended that will assist in resolving issues relating to building footprint and landscaping.

The Panel also made a number of recommendations around built form and design of the overall precinct noting that a light industrial site in this location should be able to provide a better response to its site while at the same time providing safe pedestrian pathways throughout. The Panel recommended that the unit mix and site planning be reconsidered to employ more of the multi-level units, which could allow the central spine to provide more space for pedestrian movements, and the site edges to be opened further.

Whilst the applicant attempted to incorporate some of the Panel's suggestions including increased building separation between Buildings 3 and 4, improved materiality and re-design to improve CPTED across the site, not all of the recommendations were incorporated.

Engineering (Assessment Team)

The application was referred to Council's Assessment Team Engineer who liaised extensively with the Applicant regarding traffic, flooding and stormwater management.

Flooding

The assessment established, based on multiple requests, and additional clarification information provided by the Applicant on 9th and 16th April 2025, that Chapter 40 from the SSDCP2015, Clause 5.21 of the SSLEP2015 and the NSW Flood Risk Management Manual 2023 have been addressed.

The TUFLOW modelling provided by the Applicant includes the existing Woolworths development (a prior stage on-site which was previously approved and constructed) as part of the Proposed scenario, and considers the Existing scenario to be that which predates the Woolworths development (i.e. the existing

pits, pipes and pavement approved as part of the Woolworths development are excluded from the existing modelling). Council acknowledges provision of a Survey Plan (ref. SY074865.000.45.1.1 prepared by MNG Landpartners, revision 1 dated 09/04/25) which has been formally submitted as Annexure A in the Response Letter dated 28 April 2025. The information provided demonstrates that the neighbouring tenancies are already flooded in the PMF event and that there is no change in the occurrence of over-floor flooding. As such the change in flood risk was generated by prior development which has already been approved and constructed on-site.

Given the above, the application is supportable in terms of chapter 40 of SSDCP 2015 and cl. 5.21 of SSLEP 2015.

Stormwater Management

The assessment established that additional information, revised plans and clarification is required to ensure compliance with AS3500.3:2003, Chapter 38 of SSDCP2015 and Stormwater Management Environmental Specification 2009.

As discussed under Section 9 of this report Council's Development Engineer believes a compliant stormwater outcome is achievable for the scale and nature of the proposed development. A deferred commencement condition for stormwater is recommended to address outstanding matters:

- The applicant must submit amended plans and Drains modelling to Council to clearly demonstrate no increase in peak discharge or velocity across the northern boundary into Woollooware Bay for all storm events; and
- Registration of an easement for drainage over Council land to enable connection to the existing Channel.

Traffic, Parking, Waste and Vehicle Movement

The application, as amended, was assessed against the relevant Council and state controls, with conditions recommended should the Panel recommend approval.

The development requires a minimum recommended 427 parking bays when assessed against Council's SSDCP2015 and the RTA Guide, as well as 12 accessible parking spaces (438 spaces). Currently the application seeks approval for 562 spaces, which is an excess of 124 parking bays.

Given the extensive tree loss proposed (see further discussion under landscape officer), a deferred commencement condition is recommended to require that a surplus 119 parking spaces be deleted from the proposal and existing trees and landscaping retained. Whilst 5 additional parking spaces will remain, these are proposed to be retained as EV charging spaces so that these do not get removed from the site's parking offering.

Landscape Officer

The application was referred to Council's Landscape Consultant who had a number concerns with the proposal and extent of tree loss.

Given the excess car parking (see discussion above), a deferred commencement condition is recommended to require that most of the surplus 123 parking spaces be deleted from the proposal and existing trees and landscaping retained. This condition would seek to retain the existing mature trees and deep soil along Captain Cook Drive and other key areas.

It is noted that final landscape considerations will be driven, in part, by the stormwater design. Accordingly, the deferred commencement condition requires submission of an amended site, parking and landscape plan seeking to achieve the above outcomes, and an associated amended stormwater drainage design and management plan.

Environmental Science - Air Quality (Childcare Centre)

The application was referred to Council's Senior Scientist who reviewed the air quality reports submitted by the applicant as well as the Traffic Management Study, Air Quality Management Plan and Childcare Operational Plan of Management. In summary the proposal satisfies air quality standards and can be supported subject to conditions of consent, including the requirement for detailed fit-out of the childcare centre to be subject to a separate approval.

Environmental Science – Contamination

The application was referred to Council's Environmental Science Officer who confirmed that the submitted Remediation Action Plan can be accepted for the proposed development, and the remediation and validation of the identified contamination can be controlled by conditions. These conditions have been incorporated into the recommended conditions of consent.

11.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

11.1. Landscaped Area and Tree Removal

The proposal complies with the minimum required numerical landscaping for the site in clause 6.14 of SSLEP 2015.

However, the extent of tree loss at 459 trees, and current design, is not consistent with some of the objectives of the Clause, including:

- (a) *to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of Sutherland Shire,*
- (c) *to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained.*

This is reflected by the Design Review Panel's analysis, which considered that an amended design could provide an opportunity for the landscape design to drive the stormwater management and site planning to greatly enhance the overall design response.

Council's Landscape Consultant also emphasises that currently a large, mounded lawn area exists aligned with Captain Cook Drive from the boom gate house around up to the existing Building 1, with a garden bed aligning the boundary with several large Norfolk Island Trees, with several high landscape significant trees located opposite the existing gate house on site.

The proposal to have the large lawn removed and car parking pushed very close to the boundary of the site is a poor outcome. Furthermore, planting opportunities are lost by way of a very small deep soil remaining against the boundary fence.

A more appropriate solution is to provide a minimum of 6-7m garden bed width around this area inside the boundary, to cater for existing trees on site, cater for those trees of high and medium landscape significance that exist on this location, whilst having the ability to plant taller trees to enable the site and proposed buildings to be softened by the tree and landscape screening, into the future.

This existing landscape treatment should be continued around to the existing boom gate entrance to encompass trees of high landscape retention and cater for their TPZ calculated deep soil, being wider. Refer to Figure below showing current condition.



Figure 8 Existing site photo along Captain Cook Drive showing deep soil and planting (Sydney Landscape Consultants)

As a result, deferred commencement has been recommended, with conditions requiring amendments to the proposal to increase the number of trees retained on site, whilst increasing the overall amount of landscaped open space.

Refer to the Figures below outlining where the proposed parking spaces are to be deleted as outlined in the Condition.

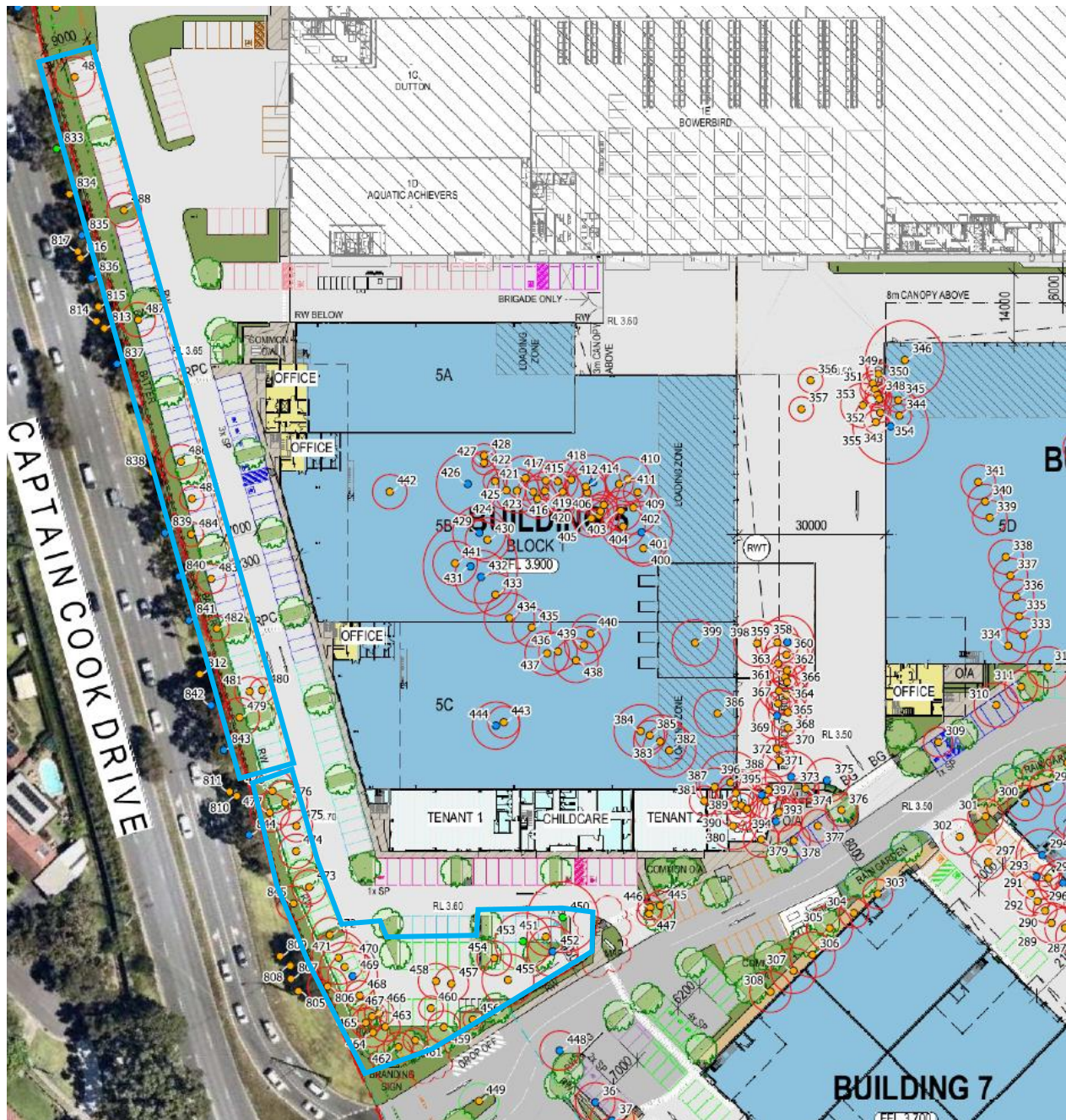


Figure 9 Plan showing trees to be removed in red – Area in blue denotes parking to be deleted and trees to be retained. (Watson Young)

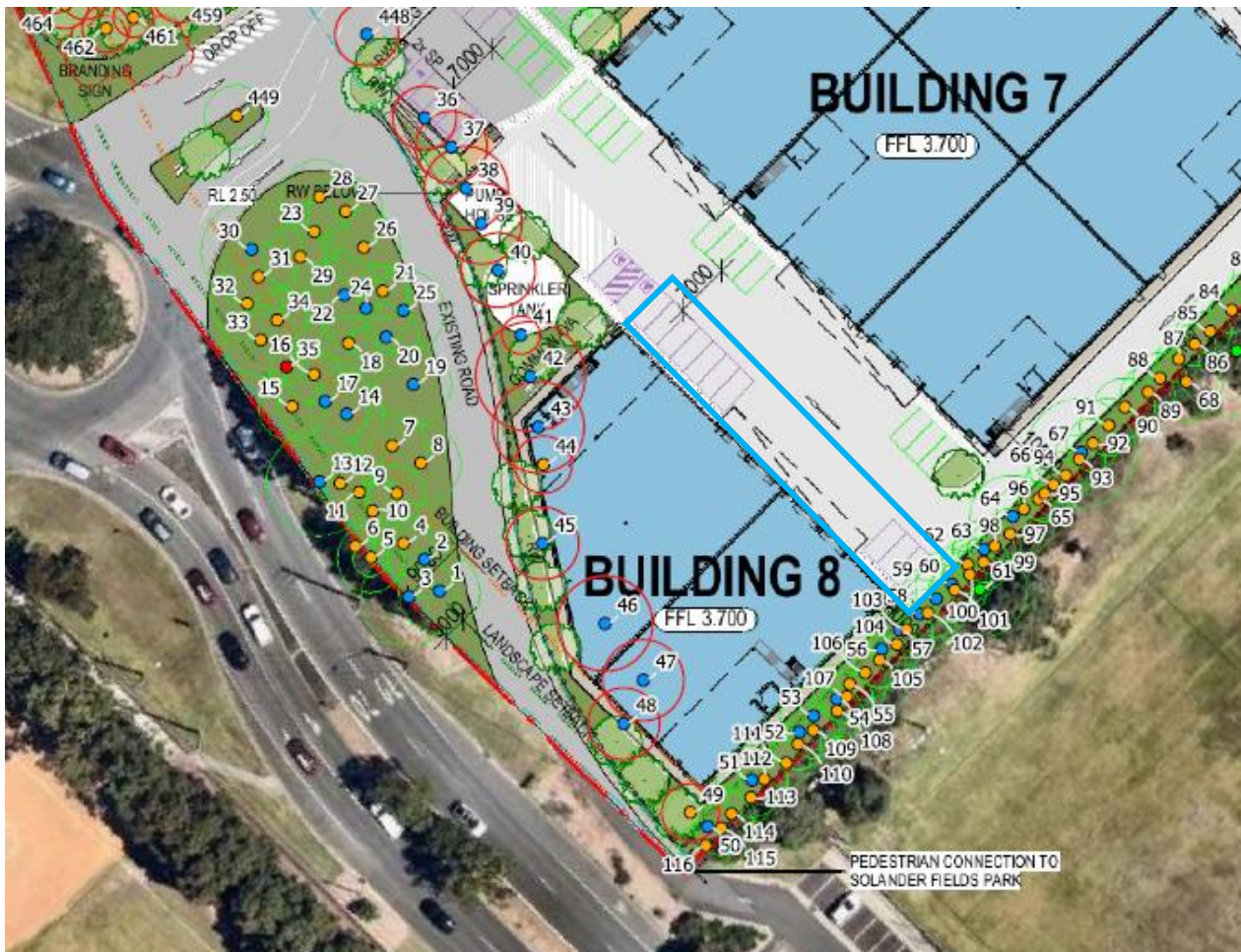


Figure 10 Plan showing trees to be removed in red – Trees 42-45 and Tree 48 to be retained through amendment to footprint of Building 8. (Watson Young)

11.2. Stormwater Management

Clause 6.4 of SSLEP 2015 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff.

Council officers have reviewed the proposal and raised concerns in relation to the modelling arrangement as it effectively underestimates the discharge to the sensitive wetlands. This means that the current design will result in an increase in flow and velocity to the wetlands across the northern boundary. Fisheries in providing their GTAs were of the understanding that no increase would occur based on the initial modelling provided by Applicant.

Accordingly, a deferred commencement condition is recommended to obtain accurate Drains modelling from the applicant to thoroughly determine any additional discharge, and an amended stormwater design to mitigate impacts. Potential design solutions are envisaged through the deferred commencement condition, which may require offsetting any surplus into the existing stormwater channel adjacent the site. Should this diversion be required, the condition includes a requirement to register an easement for drainage over Council land to enable connection to the existing Channel if required.

11.3. Riparian land watercourses

The subject land is identified as “Environmentally Sensitive Land” on the Riparian Land and Watercourses Map and the provisions of Clause 6.7 are therefore applicable.

Clause 6.7 requires Council’s assessment to consider certain matters. Council must consider impacts on water quality, water flows, aquatic and riparian species, habitats, ecosystems, stability of the bed, free passage of fish and other aquatic organisms, and future rehabilitation. Council must also consider developments impact on water extraction and appropriate measures to avoid, minimise or mitigate the impacts.

Further, Clause 6.7 requires Council to be satisfied of certain matters prior to development consent being granted. These matters include the design of the development to avoid or minimise impact; management to minimise the impact if it cannot be avoided and mitigation if the impact cannot be minimised. These matters have been addressed to Council’s satisfaction.

Subject to conditions regarding stormwater and the conditions provided by Fisheries, the application is considered to adequately address this part. Refer to discussion under Sections 9 and 10 and 11.1 and 11.2 above.

11.4. Access to the Site and Parking

Refer to Section 9.2 and 9.7 of this report for a detailed analysis of the proposal’s access and impact associated with traffic generation and other statutory provisions.

It is noted that the submitted traffic report prepared by McLaren details the different parking generation rates specified in Chapter 36 of the SSDCPT2015 and the RTA Guidelines. Table 9 of the report (refer to Figure below), then sets out the number of parking bays for each building/use proposed. Based on the recommended generation rates and floor space use, the development requires a minimum recommended of 427 parking bays, and 12 accessible parking bays and concludes that there is a surplus of 123 spaces (*note – the applicant’s report indicates a surplus of 135 spaces because accessible spaces are counted separately in the report).

TABLE 9: CAR PARKING REQUIREMENTS

Land Use	Masterplan Scale	Rate	Car Parking Required	Car Parking Provided
Building 1	26,282 GFA Warehouse Premises	1 space per 300m ² GFA	87.6 (88)	189
Building 2	2,015m ² GFA Warehouse Premises	1 space per 300m ² GFA	6.7 (7)	12
Building 3	4,942m ² GFA Warehouse Premises	1 space per 300m ² GFA	16.47 (16)	19
Building 4	8,592m ² GFA Industrial Premises (includes 20% office)	1.3 space per 100m ² GFA	111.7 (112)	131
	377m ² GFA Industrial Office Premises (Office space in excess of 20%)	1 space per 40m ² GFA	9.4 (9)	
Building 5	68 place child care centre (1,219m ² GFA)	1 space per 4 children	17	82
	112m ² GFA Cafe	1 space per 45m ² GFA	2.5 (3)	
	554m ² GFA Office Premises	1 space per 40m ² GFA	13.8 (14)	
	1,285m ² GFA Industrial Premises (includes 20% office)	1.3 space per 100m ² GFA	16.7 (17)	
	119m ² GFA Industrial Office Premises (Office space in excess of 20%)	1 space per 40m ² GFA	2.9 (3)	
	11,615m ² GFA Warehouse Premises	1 space per 300m ² GFA	38.7 (39)	
Building 6	1,869m ² GFA Warehouse Premises	1 space per 300m ² GFA	6.2 (6)	28
	1,046m ² GFA Industrial Premises (includes office)	1.3 space per 100m ² GFA	13.6 (14)	
Building 7	4,673m ² GFA Industrial Premises (includes office)	1.3 space per 100m ² GFA	60.7 (61)	62
Building 8	1,646m ² GFA Industrial Premises (include office)	1.3 space per 100m ² GFA	21.4 (21)	22
Total	66,404m² GFA	-	427	562

Figure 11 Parking requirements for each building from applicant's Traffic and Parking Assessment (McLaren)

Given the extensive tree loss proposed (see further discussion under Section 11.1), a deferred commencement condition is recommended to require most of that the surplus 123 parking spaces be deleted from the proposal and existing trees and landscaping retained, where viable, in these locations.

It is noted that the applicant's traffic consultant stated in their November RFI response to Council that: "A parking management plan is not necessary, allocation of car parking will be managed by lease agreements

In relation to the car parking locations for each building, referring to Annexure A of the submitted TPIA, it can be seen that car parking spaces are located within reasonable distances of each building. There is no requirement to have every car parking space associated with a single building (emphasis added), fronting that building. In a normal residential flat building with a basement car park, this arrangement would require drivers to walk to their desired destination, hence what has been proposed is no different and does not require excessive walking from car parking spaces.”

DEVELOPMENT ANALYSIS

USE

LEGEND

PARCELS

PARKING PROVISION

MOTORBIKES

EXISTING BUILDING 1

BUILDING 2

BUILDING 3

BUILDING 4

BUILDING 5

BUILDING 6

BUILDING 7

BUILDING 8

BUILDING 9

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The condition will require an amended indicative parking allocation be submitted and approved by Council to ensure the required parking spaces are appropriately allocated to the approved uses on site, and that accessible and other critical car parking spaces are located in proximity to the building's they are allocated to.

Clause 6.16 of SSLEP 2015 contains certain matters of consideration relating to urban design. The application is acceptable when assessed against the provisions of Clause 6.16, subject to the conditions recommended in this report.

The Council's DRP considered that the original design in March 2024, and made a number of recommendations, including:

- Significant areas of well-established landscaping exist throughout the site. The proposal removes most of the existing landscaping to accommodate different levels across the site, larger buildings and greater areas of impervious surfaces. There is an opportunity for the landscape design to drive the stormwater management and site planning to greatly enhance the overall design response.
- Establishing a better relationship between the main movement/ pedestrian spine of the precinct and the edges of the site will create a better design that acknowledges the unique location and its natural beauty, and a better connection to Country. There are opportunities for a landscape design response to influence the overarching connectivity of the precinct.
- Rather than re-grading the site and removing all existing trees there is an opportunity to retain an established mature tree canopy which contributes to the character of the new development.
- The potential for the layout of the precinct to provide more than a standard industrial site should not be lost.

The amended design submitted by the applicant in November 2024 made a number of changes to address the feedback, including increased setbacks between Buildings 3 and 4 and improved permeability and activity onto the foreshore development area, and increased new tree planting and break out spaces, including adjacent Building 6. However, retention of additional existing trees on site was not proposed by the applicant.

As a result, conditions of consent requiring further amendments to proposal are recommended. These conditions include the increased retention of existing mature trees. See discussion under section 11.1. and 11.2.

12.0 DEVELOPMENT CONTRIBUTIONS & PLANNING AGREEMENT

The proposed development has a value of greater than \$100,000. In order to provide high quality and diverse public facilities, the proposed development will attract Section 7.12 Contributions in accordance with Council's adopted Section 7.12 Development Contribution Plan 2020.

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$134,612,034.88 (the estimated cost of development identified on the development application form). Therefore, the Section 7.12 levy for the proposed development is \$1,346,203.49.

However, Council has considered and supported a letter of offer to enter into a Voluntary Planning Agreement which seeks the waiving of Section 7.12 contributions in lieu of:

- Dedication of approximately 2,662 square metres, being land adjacent to the roundabout at Gannons Road and the frontage including the slip road from Solander Playing Fields car park to Council.
- Signalisation of Endeavor Road / Captain Cook Drive intersection.

The indicative traffic intersection design, which is appended to TfNSW Concurrence is provided in the figure below, and must be delivered prior to an OC being issued for Buildings 6,7 and 8.



Figure 13 Indicative traffic intersection design (Northrop on behalf of TfNSW)

A Housing and Productivity Contribution of \$15 per square metre of 38,108m² new industrial gross floor area applies to the site. Therefore, the HPAC for the proposed development is \$571,620m².

As such, appropriate conditions have been recommended.

13.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition, Council's the development application form requires a general declaration of affiliation. In relation to this development application a no declaration has been made that there is no affiliation, and that there are no persons who have a financial interest in the application who have made political donations or gifts within the last 2 years.

14.0 CONCLUSION

The subject land is located within Zone SP4 Enterprise and pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a warehouse and distribution, light industrial, industrial retail outlet, commercial, child care and cafe, contains land uses permissible within the zone, subject to development consent from Council.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application complies with relevant development standards and controls subject to the resolution of a number of matters through a deferred commencement consent. These matters include:

- The applicant must submit amended plans and Drains modelling to Council to clearly demonstrate no increase in peak discharge or velocity across the northern boundary into Woollooware Bay for all storm events;
- Registration of an easement for drainage over Council land to enable connection to the existing Channel is required prior to commencement of works;
- Deletion of excess parking spaces adjacent Captain Cook Drive, entry into the site and adjacent Building 8 to enable retention greater numbers of existing mature trees on site; and
- Execution of the VPA for the intersection upgrade works to ensure delivery of these works as is required through the concurrence conditions provided by TfNSW.

The assessment established that whilst the envelope location of the childcare centre is acceptable from a noise and air quality perspective, given that no comprehensive fit-out by an operator has been submitted for assessment to demonstrate compliance with local and state planning controls, detailed fit-out of the childcare centre will be subject to a condition requiring separate approval.

The proposal was not accompanied by an acceptable overarching signage strategy that satisfied Council's requirements for management of tenancy signage across the estate over an extended period of time. As such a condition has been imposed accordingly.

Further, the applicant's request that they not be subject to future fit-out applications given SEPP (Exempt and Complying Development Codes) 2008 is not applicable in the SP4 zone is not supported given the recent NSW Government exhibition of the EIE for a future 'Cultural SEPP', which will permit change of use in the SP4 zone, which is anticipated to be finalised in stages in 2025.

For the above reasons, the application is recommended for approval, subject to deferred commencement.

The officer responsible for the preparation of this Report is Sue McMahon, Manager Development Services.