RESPONSE TO REQUEST FOR INFORMATION – DA23/0721

13 Endeavour Road, Caringbah

The following table includes a response to Sutherland Shire Council's (Council) Request for additional information (RFI) dated 3 May 2024. This response reflects discussions between the Applicant and Council to date. For completeness, the full text of each request is provided in the left-hand columns, accompanied by the Applicant's corresponding interim response in the right-hand column.

The Applicant's responses have been informed by input by the expert consultant team and should be read in conjunction with the attached annexures.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
Sutherland Shire Council RFI Covering Letter			
1	Pre-lodgement advice for the proposal was provided on 28 June 2023. It is encouraging to see that many of the issues raised have been considered in preparation of the development application. While a significant amount of information has been included with the application, environmental, landscape and design matters need further development to garner full support for the proposal. Officers are happy to meet with you regarding issues raised. It is recommended that you bring amendments / analysis to these meetings to ensure progression of the application.		Noted. The Applicant has had multiple meetings with Council to discuss the issues raised. These have been summarised in Section 1.0 of the Response to RFI Covering Statement.
2	Further analysis and amendment is required in terms of the design and siting of the development, the means of addressing the flooding affectation on the site and the means of disposal of stormwater from the site.		It is considered that no further analysis is required as the current design demonstrates how flood affection and stormwater management will be undertaken, and in each case the proposed development has demonstrated there is a positive effect when compared to the existing regimes. The flood report demonstrated the post development scenario resulted in a positive effect on the flooding regime in Endeavour Rd when compared to existing conditions, with a reduction in flood levels occurring. This was due to less overland flows leaving the site directly into Endeavour Rd, and more flows being directly conveyed underground via the proposed pit and pipe network to the drainage channel. From a stormwater management perspective the proposal provides the best outcome ecologically as the majority of stormwater generated by the site is now treated to remove pollutants, and the discharge is to a concrete lined channel rather than an unlined outlet directly to Woolooware Bay. The existing 375mm dia outlet to the mangroves is proposed to be utilised to its full capacity. Replacement of this existing pipe with a larger diameter pipe to capture more stormwater from the site may disturb the mangroves due to additional volume being added. Construction of a weir would have a negative impact on ecology as this would involve disturbance of the surrounding area of the works and require rehabilitation This outlet was discussed with NSW Fisheries during a pre-lodgement meeting and it was agreed to use the concrete lined canal would cause the least impact on the mangroves. This comment, and overall stormwater and flooding matters have been addressed in subsequent meetings and discussions with Council, summarised in **Section 1.0** of the Response to RFI Covering Statement, culminating in a further RFI from Council dated 27 August 2024. Refer to the Stormwater and Flooding RFI Response Covering Statement (**Attachment J**) for detailed responses to Council's RFI dated 27 August 2024. These responses reflect an email response provided by Sparks + Partners to Council on 27 September 2024, with no response received as yet.
3	The landscape and vegetation outcomes need to be heightened. The extent of tree removal is not supported.		1. Tree removal is a necessity due to the change in site levels in response to flooding and general vehicle and pedestrian accessibility requirements. 2. Notwithstanding the above, a majority of trees currently planted on site are not endemic and were planted by the former landowner to suit their specific landscape requirements, which is not in line with the natural flora heritage. The proposed new landscaping is more aligned with the geographical heritage. 3. Replacement endemic vegetation and tree canopy is proposed to suit the new site levels following filling to mitigate existing flooding impacts. 4. Many of the palm trees are diseased and require removal to prevent further spread and damage to persons or property. 5. Refer to the Amended Landscape Plans (**Attachment E)** for further information as to extent of proposed canopy coverage and Urban Heat Island Effect

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4	The siting of the warehouses and other structures and associated hard surfaces can be improved with the aim of retaining trees/vegetation and would improve the relationship with the environmentally sensitive Woolooware Bay, its shared pedestrian path, and other existing site amenity and environmental features.		Existing vegetation has been maintained where possible with regard to the required change in levels from existing to address flood affection. Replacement vegetation is proposed to an extent that is in excess of the minimum landscaped area requirement of 10% under the LEP, being 13.25%. Moreover, a greater separation is provided between Buildings 3 and 4 to enable increased landscaping and tree planting, while the number of tenancies within Building 6 has been reduced, to enable removal of hardstand and loading areas to the north and east of Building 6, thereby enabling greater landscape provision and tree planting. This also improves the amenity and visual link from the central spine through to the shared path alongside Woolooware Bay by avoiding exposing loading zones and the industrial use to the Woolooware Bay and Solander Fields whilst making the site suitable and safe for tenant requirements and operations. Moreover, increased tree planting and vegetation is proposed within the foreshore area. The proposed design maintains the existing trees along all boundaries where possible. Refer to the Arboricultural Response to RFI Response Covering Statement (**Attachment P**) and the Amended Arboricultural Impact Assessment (**Appendix Q**) which demonstrates that the existing trees along the south-eastern boundary can be retained in the current design. The site has been arranged to avoid exposing loading zones and the industrial use to the Woolooware Bay and Solander Fields whilst making the site suitable and safe for proposed operations. Uses which require higher amenity, being the childcare and café have been placed next to the main access from Captain Cook Drive to provide a more welcoming entry point, and in a safer location away from the heavier vehicle operations.
5	It may be the case that further information can be furnished to support some areas of concern raised below. However, a more sensitive siting of building footprints across the site, including the deletion or significant redesign of Buildings 3, 4 and Building 6 to allow for retention of trees, and to address stormwater and flooding impacts will be critical in the success of this application.		
6	The proposal has been reviewed by Council's Design Review Panel (DRP) who have raised significant concerns regarding the proposal. A copy of the DRP Report and recommendations are provided at Attachment 2. These recommendations have been folded into officer advice in this correspondence.		Refer responses provided below
Building Design, Layout, Stormwater, and Landscaping Matters			
7	The relevant zone objectives and urban design considerations within Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) seek to ensure new development achieves high architectural and landscape standards, retains and enhances the natural environment, strengthens, enhances and integrates into the existing character of distinctive locations and contributes to the desired future character of the locality.		The development achieves the highest architectural and landscape standards within the constraints of the site, and skilfully balances the need for a safe and functional design, with maximisation of landscaping while achieving the most appropriate stormwater and ecological outcome. The proposed landscaping, stormwater design and treatment strategy and vegetation management strategy will enhance the surrounding natural environment. The proposed development is consistent with and is an improved outcome from the existing site and surrounding industrial buildings, for example by introducing more native species and removing non-endemic species, and is consistent with the desired future character of the site as an enterprise precinct, and addresses the foreshore.
8	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:		Refer responses provided below
9	• The removal of a significant number of trees on site and the demolition of existing consolidated landscape areas. Although the proposal has sought to provide some replacement landscape and planting, the design and minimal replacement planting is not supported. It is strongly recommended that the proposal be amended to allow for retention of existing trees and significantly greater replacement planting, located in generous landscaped areas that allow for trees to achieve their maximum canopy spread. Deletion or significant redesign of Building 6 is essential to allow for the retention of trees. The landscape response must seek to retain as many existing trees as possible.		Tree removal is a necessity due to the change in site levels in response to flooding, the previous landowner's built form arrangement not being conducive to longer term use of the site, along with general vehicle and pedestrian accessibility requirements. Notwithstanding the above, a majority of trees currently planted on site are not endemic and were planted by the former landowner to suit their specific landscape requirements, which is not in line with the natural flora heritage. The proposed new landscaping is more aligned with the geographical heritage. The tree planting in the car parks (where the proposed Building 6 is located) is a flood affected zone that needs to be filled with additional fill material expected to be detrimental to the existing trees' long term health. It is noted that Council's Independent Arboricultural and Landscape Review and further advice acknowledged that it retention of these trees is not possible due to the required filling of the site for stormwater and flooding compliance. Moreover, even if those trees could be retained, they are planted in rows in between the car parking aisles, with the existing car park layout being only functional for the previous landowner's use and not appropriate for the proposed new use. Even though additional tree retention is not possible, the amended proposal increases the number of proposed trees on the site from 337 to 387 Increased tree planting and landscaped area has been

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			provided to the north of building 6 by reducing the number of tenancies within Building 6 to enable removal of hardstand and loading areas to the north and east of Building 6. The proposed tree planting will be comprised of endemic species and suit the new site levels following filling to mitigate existing flooding impacts.
10	• Whilst the site's SP4 Enterprise Zone is acknowledged, the current layout and design places an unreasonably high level of primacy on vehicular movements over pedestrian (worker/visitors) and bicycle movements, creating unnecessary risk of pedestrian / vehicle conflicts. Insufficient setbacks are provided between all buildings, providing limited opportunities for landscaping and replacement tree planting. For example, the building separation between Buildings 1 and 3 is to be reconsidered to avoid duplication of vehicle circulation.		A Safety in Design review has been undertaken as part of the design process in preparing the proposed design and includes traffic management: • Main loading zones for larger trucks are located away from pedestrian zones • The spine road is for circulation of vehicles and located away from manoeuvring areas. Pedestrian crossing are delineated with line marking and sign posts • Interaction between pedestrians and small trucks for the light industrial buildings is addressed in the same way as any other light industrial sites with a traffic and pedestrian management plan prepared to assess and address risks through speed controls, visibility lines, line marking and sign posting. • Separation of buildings 1 and 3 is to preserve a safe driveway to the existing building 1 parking requirements without interfering with Building 3 hardstand operations. • Although no specific setbacks to buildings within a single lot are required under the LEP/DCP, setbacks with vegetated zones have been provided to soften the transitions between built form and enhance the visual amenity. • Manoeuvring of larger articulated vehicles will be limited to the Building 5 Hardstand areas which are separated from the main internal estate roads and pedestrian paths. Refer to the Safety in Design Report and Response to RFI Statement for further detail.
11	• The design and layout of the new buildings results in blank facades presenting to Solander Fields, Woolooware Bay and the adjacent shared path. This lack of passive surveillance and poor level changes creates significant design quality and CPTED risks that must be addressed in an amended proposal. Increased setbacks between Buildings 3 and 4 are to improve connection through the site and draw the landscape character of Woolooware Bay into the site.		Additional photomontages and identification of materiality and finishes for Buildings 3 and 4 are provided at **Attachment B**. The photomontages show that Building 4 office mezzanines are facing the foreshore, providing articulation and passive surveillance on this area. Building 3 proposes offices facing the internal road as these types of tenants rely on their exposure to the internal access road and for effective wayfinding. Notwithstanding, the north-eastern elevation of Building 3 is proposed to be articulated with the use of different materials and colours including translucent panels, vertical timber battens and artwork zones. The setback between buildings 3 and 4 is proposed to be increased from 3m to 8m allowing an increase to landscaping and tree planting (noting a truck access path is still required to be maintained to provide access to the electrical transmission easement). This brings the landscape character of the foreshore into the site. The Building 3 southern façade facing this setback has also been revised, including incorporation of glazing to provide passive surveillance to the setback between buildings 3 and 4. An artwork zone is retained. Refer to the photomontages for further detail (**Attachment B**) Passive surveillance from Building 4 to Woolooware Bay is also improved through the proposal of a dedicated walkway on Level 1 along the north-eastern façade which overlooks the foreshore area. This also provides to provide safe pedestrian access for tenancies on this upper level to the foreshore.
12	• Insufficient space has been afforded at south-eastern side of Building 4 between Buildings 4 and 6, noting removal of Building 6 will assist (see comments below). This area will require redesign and enlargement to provide amenity, ensure a safe route with clear sightlines, and to allow for a visual landscaped corridor connected to the adjacent wetland.		As discussed above, hardstand areas to the north and east of Building 6 have been removed, allowing for the creation of a landscaped area with additional amenity, tree canopy planting and landscaped area. This improves the site's visual connection to Woolooware Bay. This has been achieved without substantially reducing building footprints of Buildings 4 and 6. Refer to the revised photomontages at **Attachment B** and within the Amended Landscape Plans at **Attachment E.**
13	• The proposed filling of the land will, in effect, direct existing flood waters off site. The proposal seeks to drain stormwater in a conventional matter (pipes, pits, and bio-retention basins) to a channel within Endeavour Road and surrounding lands which are already flood affected. Council will not accept any additional stormwater to this channel and an alternative solution will need to be prepared.		The advice provided by Council (Andrew Reid) in a meeting held on the 22 June 2023 was that the drainage systems in both Captain Cook Dr and Endeavour Rd are stressed, and stormwater discharge to Captain Cook Dr should be reduced, and any additional connections to Endeavour Rd should assess the impacts. It was advised that additional connections to Woolooware Bay would not be supported from an ecological perspective. In this regard a full assessment of the existing and proposed drainage and flooding regime would need to be undertaken. This assessment was completed and provided to Council in the submitted reports. It was determined by the assessment that to balance the flooding and ecological impacts a direct connection to the existing channel, downstream of the surrounding properties resulted in the best outcome. It was determined the existing flooding regime is a result of the existing site levels being low, and the existing drainage system being undersized. This results in local overland flows being directed out of the site toward Endeavour Rd and directly to Woolooware Bay. To ensure compliance with Councils flood controls and to be able to adequality drain the site, filling of the site was determined to be required. This allows for the setting of the building floor levels above the flood level with adequate freeboard, and

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			allows for the site to drain to the channel minimising any detrimental ecological effects to the mangroves in Woolooware Bay. As shown in the flood report, the post development scenario resulted in a positive effect on the flooding regime in Endeavour Rd, with a reduction in flood levels occurring. This was due to less overland flows leaving the site directly into Endeavour Rd, and more flows being directly conveyed underground via the proposed pit and pipe network to the drainage channel. This proposal provided the best outcome from an ecological perspective as the majority of stormwater generated by the site is now treated to remove pollutants, and the discharge is to a concrete lined channel rather than an unlined outlet to Woolooware Bay. Notwithstanding, the amount of water discharged directly to Woolooware Bay from the 375mm diameter pipe and overland flow from the foreshore area has been maximised within the constraints of the site and overall stormwater drainage design. This comment, and overall stormwater and flooding matters have been addressed in subsequent meetings and discussions with Council, summarised in **Section 1.0** of the Response to RFI Covering Statement, culminating in a further RFI from Council dated 27 August 2024. Refer to the Stormwater and Flooding RFI Response Covering Statement (**Attachment J**) for detailed responses to Council's RFI dated 27 August 2024. These responses reflect an email response provided by Sparks + Partners to Council on 27 September 2024, for which no response has been received.
14	• The bio basins need to be coordinated between the Engineering and Landscape consultant teams so the quality of the landscape outcome can be properly assessed. Ideally the bio basins could be relocated, or another engineering solution proposed so as not to limit the landscape quality upon the Boulevard.		1. There are bio-basins along the entire foreshore of Woolooware Bay precinct (approved by Council and NSW fisheries) with swales for water quality. The proposed swales are planted out with endemic planting native to the foreshore and become an important link from the site to the foreshore landscape. 2. The swales are a natural feature in keeping with Council's sustainability strategy. 3. This idea has been successfully used in other business parks such as Habitat Byron Bay. Bio-swales and bio-basins are more conducive to long term maintenance, water quality and performance rather than other engineering solutions such as underground gross pollutant traps. 4. The use of the word "Boulevard" is metaphorical inferring that the footpath is on the main circulation road with representative canopy trees along both sides. It is not a "boulevard" in the classic urban definition (a wide street in a town or city, typically one lined with trees). This comment, and overall stormwater and flooding matters have been addressed in subsequent meetings and discussions with Council, summarised in **Section 1.0** of the Response to RFI Covering Statement, culminating in a further RFI from Council dated 27 August 2024. Refer to the Stormwater and Flooding RFI Response Covering Statement (**Attachment K**) for detailed responses to Council's RFI dated 27 August 2024. These responses reflect an email response provided by Sparks + Partners to Council on 27 September 2024, for which no response has been received.
15	• The pedestrian spine with its swale is to be redesigned to benefit from greater width, with some consistent canopy trees, treated as a street that can organise the building elements and their openings, creating a positive arrival experience, rather than a narrow walkway that is obviously secondary to vehicle movements.		1. The former landowner had the site as a gated facility with no public access. The current proposal is to open the estate for public access to tenancies within the estate with a positive entry statement with physical and visual connectivity from Captain Cook Drive through to Woolooware Bay and it's shared cycle and pedestrian path. 2. The shared cycle and pedestrian spine is 2500mm wide which is compliant with Austroads' recommended width based on the expected pedestrian and cycle traffic volume. There is also a second pedestrian footpath on the opposing side linking the café with the various buildings in the estate, providing an effective total footpath width of 4000mm along the boulevard. 3. The proposed design has canopy trees spaced consistently along the pathway. 4. A Safety in Design RFI Response Covering Statement (**Appendix LL**) has been undertaken as part of the preparation of the proposed design, which took into account the various industrial, commercial and amenity uses. Dedicated pedestrian pathways have been provided, along with separation of light and heavy vehicles particularly pertaining to the child care and cafe. 5. The 2500mm wide shared pathway also has a vegetated verge/raingarden alongside providing a substantial setback from the road that broadens and enhances the pedestrian experience.
16	• By locating Building 3 and 4 envelopes close to the foreshore building line, the outcomes for the proposed staff (and visitor) amenity areas have significantly reduced amenity than currently – this is in addition to the design and interface issues between the buildings and foreshore raised in this letter. As part of the general building re-design, the staff amenities should be reconsidered to ensure a good design outcome. Further, the application does not demonstrate how the detailed design within and adjacent to the Foreshore Building Line meets the requirements of Clause 6.9 (Limited development on foreshore area) of SSLEP 2015 P. Further justification (and potential re-design) is required to ensure the application meets the requirements of this Clause.		Development consent may be granted to the proposal as the proposed development within the foreshore area is limited to landscaped areas. This will involve restoration of the foreshore area with mass planting and increased tree planting. The landscaping is compatible with the existing Ausgrid electricity infrastructure in the foreshore area. The proposed development will provide continuous public access along the foreshore path and boardwalk. Buildings 3 and 4 are setback from the Foreshore Building Line in varying distances, and is consistent with the other buildings (including recently approved development) facing the foreshore. Furthermore the Foreshore zone is proposed to be revegetated and enhanced from what was implemented by the previous landowner through tree canopy planting and endemic species. This will substantially screen the

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			proposed buildings when viewed from Woolooware Bay, and ensure that the foreshore area has a landscaped character that extends the Woolooware Bay landscaped character into the site. Moreover, the amended design includes a new dedicated outdoor common area for staff of Buildings 2 and 3, and another dedicated outdoor common area for Buildings 3 and 4. These all include share structures, seating and feature trees, and picnic areas. Moreover, the outdoor common areas at the north-eastern corner of the site and between Buildings 4 and 6 have been substantially improved with added shade, tree planting, and seating. Therefore, amenity in the foreshore area has been improved. As demonstrated in Section 5.5.3 of the original SEE, the proposed development meets all requirements of cl 6.9 of the LEP. Development in the foreshore building area is limited to landscaping and revegetation which is compliant. Council has not raised any specific clause that the proposed development is in contravention of. Therefore, the proposed development is consistent with clause 6.9.
17	· The location of the childcare centre and café are to be reconsidered. They must be sited in high amenity parts of the site, rather than near areas of heavy vehicle traffic and logistics and warehousing uses.		The location of the child care (and café) were tested in several locations in the preparation of the proposed design, including with a Safety in Design review and the Childcare Letter of Support (refer to **Attachment S** and **Attachment R**). The proposed location separates the childcare and childcare parking spaces away from heavy vehicles, keeping it within the light vehicle zone that also incorporates Woolworth's Direct to Boot, Dutton One and Carlisle Swim School. In this light vehicle zone, no heavy vehicles will travel past the childcare centre car parking spaces. This provides the safest outcome for parents as they travel to and from the child care centre from the car parking spaces. Refer to Traffic and Parking RFI Response Covering Statement (**Attachment N**) for further discussion. As discussed in **Section 3.6.1**, the proposed site access layout is critical for separating light and heavy vehicles, while also balancing efficient and functional floorplates, loading areas and hardstand, with amenity and safety of users. Given the existing access western access road services light vehicles and uses such as Woolworths Direct to Boot and Carlisle Swim School already, it follows that the western access road should remain for light vehicles only. Locating the childcare centre in conjunction with any other building would result in an interface with heavy vehicles which would be an inappropriate and high risk safety outcome.
18	As a result of the above, the proposal has not demonstrated that it has achieved the objectives of the SP4 Zone. In particular, it has not satisfactorily demonstrated that it will 'enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards' nor does it 'minimise the impact of development within the zone on areas of environmental or heritage significance'.		• The proposal exhibits a high quality architectural and landscape design to enhance the visual appearance of the area. In particular, - The buildings have been designed to be a destination of choice for business within 'The Shire' with well-articulated facades, maximised glazing, natural colour palette and artwork zones. - New endemic landscaping has been proposed to replace the former landowner's bespoke landscaping. This improves the ecological outcomes on the site and ensures that the landscaping accords with the specific proposed use and functional layout. To this end, landscaping and tree planting has been maximised in consideration to the estate's operational requirements. - The foreshore zone is proposed to be revegetated with native landscaping and trees to replace existing grassed open space. Additional outdoor amenity for staff and visitors have been incorporated to provide improved amenity and improved connection to nature and Woolooware Bay. - The development is setback from the foreshore building line and the proposed treatment of facades presenting to Woolooware Bay exceeds that of surrounding developments, and provides visual interest with a range of materiality, artwork, glazing, which are all in the background of multiple canopy trees which will line the foreshore. • The proposal does not result in any adverse impacts to areas of environmental significance to the north. Refer to updated documentation including Amended Stormwater Management Report (**Appendix K**), Amended Ecological Assessment (**Appendix H**), Stormwater and Flooding RFI Response Covering Statement (**Appendix J**), and Amended Vegetation Management Plan (**Appendix I**) which demonstrate that the proposed development will not result in any unacceptable adverse environmental impacts to Woolooware Bay. The proposed development will be screened with increased tree planting. Refer to the RFI Covering Statement for further assessment demonstrating that the proposal does not result in adverse impacts to areas of environmental significance.

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19	Additionally, the proposal has not evidenced that it will result in an outcome that sufficiently addresses the objectives and requirements of 6.16 Urban Design of SSLEP 2015, as demonstrated in the detailed feedback provided by Council's DRP.		The proposal addresses the objectives of 6.16 Urban Design of SSLEP 2015 in the following ways: • High quality building design, urban design, amenity and materiality has been proposed to provide A-grade commercial premises within the Sutherland Shire. The project has been designed by an experienced consultant team with in-depth knowledge of the market to exceed the expectations of end users and shire business community. • An extensive response to the site content and character of the neighbourhood and streetscape through site analysis has been incorporated within the proposal. The proposal has adhered to all of Council's prescriptive requirements such as setbacks and height controls. • The site is a modern extension of the older low quality industrial buildings to the North/West while responding to the natural settings of both the Woolooware Bay and Solander Fields boundaries. Existing grassed open space to the Woolooware bay boundary will be replaced with endemic species in consultation with Council and with consideration to the Ausgrid transmission lines. Existing mature trees to the East boundary will be retained within the Council setback zone and the existing landscape zone will be extended. • Building facades facing boundaries use a mix of neutral toned materials and geometries to blend into the surrounding natural environment. Offices have been positioned to capture vistas both within and external to the site. • The site creates its own public domain which is predominantly focused on pedestrian and vehicle safety. Urban scale, materiality, landscaping, surveillance and connectivity have all been considered within the proposal. • The natural environment will be enhanced through higher quality stormwater, sustainable building practices and planting of native species. • The site is on reclaimed land with existing flooding issues. The proposed landform improves flooding both internal and external to the site. • A CPTED report has been submitted with the application demonstrating the proposal's response to crime prevention. Controlled access points, lighting, CCTV and surveillance principles have been incorporated in the design.
20	An amended scheme is required to sufficiently address the planning, environmental and design considerations relevant to the site. This should be reflected through both a written response and design changes. As a minimum it would be expected that the Building 6 footprint is deleted or fundamentally re-designed, and that the overarching scheme is considered within the principles of an improved landscaped outcome and a better balance of vehicular and pedestrian prioritisation.		Refer to Annexure A for proposed revised Building 6 design which also proposes an increased landscaping and open space adjacent the building. Refer to the Amended Architectural Drawings (**Attachment B**) and RFI Covering Letter for further detail.
Impacts on Traffic Network			
21	Noting the submission received from Transport for NSW (TfNSW) and likely vehicle generation, and constraints of the existing road network, the proposal must be revised to ensure that sufficient mitigation measures are incorporated to offset likely vehicle impacts on the local road network.		The intersection of Captain Cook Drive / Gannons does not need to be upgraded as a result of the proposed development. The proposed development will only result in an additional total worst case of 63 additional trips during the peak periods, which equates to approximately one additional trip per minute. Given that the Gannons Road / Captain Cook Drive intersection will perform at an acceptable level or service in the pre and post development scenarios, an upgrade to this intersection is not warranted. It is noted that the intersection of Endeavour Road / Captain Cook Drive is currently failing and overdue for an upgrade. Although the responsibility for the upgrade of Endeavour Road / Captain Cook Drive lies mostly with the road authorities because the proposal only marginally increases the traffic to this intersection by 1% in the peak periods, the Applicant is offering to enter into a Planning Agreement with Council to upgrade the Endeavour Road / Captain Cook Drive intersection as works in kind. As demonstrated in the Traffic and Parking RFI Response Covering Statement (**Attachment N**), upgrade of this intersection will improve its performance from a Level of Service F to an acceptable Level of Service C.
22	In particular, the development must allow for upgrading of the intersections of Captain Cook Drive / Endeavour Road and Captain Cook Drive / Gannons Road.		

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			To further reduce the traffic generation of the development, the Applicant will run shuttle services between the site and local train station, including Miranda and Caringbah, for staff members to promote alternative transport modes.
Voluntary Planning Agreement			
23	Any future VPA will need to be accompanied by a letter of offer which clearly outlines the parties and works proposed.		Under separate cover, the Applicant will submit a revised letter of offer to enter into a Planning Agreement with Council for both the land dedication and works in kind to upgrade the Endeavour Road / Captain Cook Drive intersection. The revised letter of offer to enter into a Planning Agreement will propose to dedicate to Council the area of land currently occupied by two lanes of the existing roundabout, plus a further area required for the standard road reserve (including kerb and footpath); and the existing slip lane that provides access to Solander Fields. The scope of the land dedication is consistent with advice received from Council on 7 June 2024 which indicated that the initially proposed extent of land dedication limited to a section of the roundabout did not form a suitable public benefit. This Planning Agreement will not exclude the operation or seek to be offset against any s7.11 Refer to **Section 2.11** of the Covering Statement for further information. The revised letter of offer to enter into a Planning Agreement will also propose to undertake the signalisation upgrade of the Endeavour Road / Captain Cook Drive intersection. These works in kind are proposed to be offset against the s7.11 contribution and Housing and Productivity Contribution payable for the DA. The value of the works in kind are also proposed to reflect an additional contribution proportionate to the percentage increase of traffic at the intersection generated by the DA (1.1% of the estimated cost for design and construction of the intersection upgrade works based on the indicative design), and a further additional contribution in excess of the nexus of generated traffic. Refer to **Section 2.11** of the Covering Statement for further information.
24	With respect to land adjacent to the Gannons Road roundabout, it is noted that the proposal seeks a right of way easement and the dedication of land that falls within the existing roundabout. Advice in relation to this land has been sought from internal departments in order to guide Council's preferred outcome. Further advice in relation to this matter is not available at the time of preparing this letter. This will follow as soon this information is available.		
Agency Submissions			
25	Referrals received by TfNSW, Ausgrid and DPI Fisheries have identified additional matters to be addressed.		Refer to the following responses below and Attachments: • TfNSW – Items 129-137 and the Traffic and Parking RFI Covering Statement (**Attachment N**). • Fisheries – Item 83 and the Amended Ecological Report (**Attachment H**). • Ausgrid – Item 87 and the Electrical Infrastructure Services RFI Response Covering Statement (**Attachment X**). Referral advice from Ausgrid and DPI Fisheries has been received and will be incorporated to the detailed design as follows: • Suitable planting will be implemented in the foreshore buffer zone • Environmental safeguards as stipulated in the Erosion and Sediment Control Plan and Acid Sulphate Soils Management Plan and Assessment will be implemented during construction • Permanent stormwater treatment measures will be maintained with manufacturer's requirements • A preliminary enquiry has already been made to Ausgrid for the connection of the proposed development • A suitably qualified consultant has been engaged to prepare a design to satisfy Ausgrid's requirements pertaining to development work in and around existing electrical infrastructure including proposed connection of the proposed development, and Ausgrid's approval will be sought in accordance with their processes and requirements as part of normal course for development works.
26	Critically, TfNSW have advised that the current proposal is not supported due to the likely impact on the road network and lack of mitigation measures proposed to offset likely impacts.		Refer to responses provided in Items 129-137
Responding to Issues			
27	It is considered that the application can be amended to resolve the matters raised. A detailed list of all issues to be addressed is provided at Attachment 1.		This RFI package forms a complete response to the RFI and includes an amendment to the proposed development pursuant to clause 37 of the EP&A Regulation. The Covering Statement functions as an

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	The amended application will need to be accompanied by updates to all key assessment documentation, including a revised Statement of Environmental Effects, architectural and landscape diagrams and other relevant specialist reports.		addendum to the Statement of Environmental Effects. The remainder of the package includes all supporting documentation that has been amended to reflect the revised proposal.
28	An 'overlay' site plan showing the future proposed building envelopes overlaid on the existing is also required. This will need to be submitted for both the application as it has been currently lodged, and for a future amended application.		An overlay site plan showing the future proposed building envelopes overlaid on the existing is also required is provided within the Architectural Drawings at **Attachment B** (Drawing SK05). Plans showing the site plan overlay in relation to existing trees is provided within the Amended Civil Engineering Drawings (**Attachment M**) and the Amended Arboricultural Impact Assessment (**Atachment Q**).
Attachment 1 – Assessment Issues			
1. Building Design			
Building Setbacks and Separation			
29	<u>Issue</u> Buildings 6, 7, and 8 provide a large setback to Solander Field however this is dominated by the vehicle circulation with minimal opportunities for generous planting or landscaping. The relationship of these buildings to Solander Field is minimal with limited opportunities for passive surveillance or activation on this important edge. As detailed below, Buildings 3 and 4 effectively cut off Woolooware Bay from the rest of the site, by presenting a blank strong façade with limited activation or passive surveillance. The landscaped area between the edge of these buildings and the Bay are remnant left over spaces that are not activated and are a significant opportunity for the site, which haven't been optimised. This interface is further addressed below. Outside of the site edges, there is limited planting or landscaping, resulting in large expanses of hard surface. The limited landscaped areas between parking spaces and along the edges of buildings do not allow for significant tree growth, further reducing likely tree canopy. This is most obvious between Buildings 3 and 5, noting the dual circulation space. The separation between Buildings 4 and 5 is minimal with limited landscaping. Building separation between Building 3 and 1 is overly generous as it essentially provides for a dedicated service lane, when a revised and more efficient layout is possible which would allow for increased flexibility in the position of Building 3 in relation to the foreshore area. Additionally, the DRP has recommended that more room between Buildings 4 and 6 would also allow for a visual landscaped corridor connected to the adjacent wetland. Likewise, they have recommended widening the break between Building 3 and Building 4 to create a visual corridor that connects the staff facilities with the landscaped area.	The proposal is to be revised address the following: · The south-eastern setback to Building 4 footprint is to be enlarged, to provide amenity, ensure a safe route with clear sightlines, and to allow for a visual landscaped corridor connected to the adjacent wetland.	The proposal is compliant with all setbacks and building height restriction as well as staying clear of the foreshore boundary limit and separation from electrical transmission easement. The layout for buildings 3 and 4 is designed to avoid exposing loading zones to Woolooware Bay and present an architecturally treated facade instead of hardstand and driveways with heavy vehicles. Building 4 rear block has all offices facing the foreshore, with glazing and articulation elements on this north facade, with direct pedestrian access to the landscaped area. Building 4 level 1 is further setback from the foreshore boundary line and with the tenancies running perpendicular to the bay to minimise the bulk of the building from this frontage whilst presenting mezzanine offices instead of blank walls. Building 3 tenancies require exposure, passive surveillance and wayfinding to the front, where vehicles access the site. The rear is architecturally treated to avoid presenting a blank wall with the use of different materials and colours which break down this facade. This facade include also some vertical translucent panels to let the natural light through to the working space and also vertical accents and artwork zones to further articulate this facade. Refer to the façade detail plans SK03 and SK04 within the Architectural Drawings (**Attachment B**) for further detail. The Building 4 setback from south-east boundary ranges from nearly 7m to 17.5m which provides enough space for pedestrian access and landscaping whilst serving as the main pedestrian and bicycle connection to the foreshore. As shown in the photomontages below which is included within the Architectural Drawings (**Attachment B**), a visual landscaped corridor is already provided from the internal access road without requiring further enlargement of the Building 4 south-eastern setback:  *View to Woolooware Bay from internal access road at the south-eastern corner of Building 5 Block 2*

Matter Raised	Required Solution	Applicant's Response to Matter Raised
		 *View to Woolooware Bay and Solander Fields from internal access road at the north-eastern corner of Building 5 Block 2* GF entry and L1 exit crossovers from building 4 ramp are located to provide adequate sight lines for vehicles with the design being prepared in conjunction with a Safety in Design review (refer to **Attachment S**) and coordinated with the Traffic and Parking Impact Assessment. There is a level difference between Buildings 6, 7, 8 and Solander Fields with a retaining wall designed to retain the existing trees along the boundary. The Arboricultural RFI Response Covering Statement demonstrates that all trees along the Solander Fields boundary can be retained. Their roots can extend below the hardstand adjacent to Buildings 7 and 8. It is noted that the hardstand around the north and east of Building 6 has been removed, this is an improved outcome. Hardstand around Buildings 7 and 8 is necessary for a functional site layout and is considered best practice for industrial use. Moreover, a Safety in Design review (**Attachment S**) outcome was to limit public access between Solander Fields and the site. This is appropriate for the proposed industrial use. Notwithstanding, the eastern elevations of Building 6, 7 and 8 have windows for the upper level ancillary office mezzanine which overlook the eastern site boundary and provide passive surveillance.
	· Building 6 is to be either deleted or significantly redesigned to allow for retention of trees.	Building 6 has been redesigned to eliminate the hard surface and truck movements to the north, and replaced with a landscaped common outdoor area and canopy trees, establishing an end point to the internal road and increased pedestrian amenity alongside the shared path connecting the development with the foreshore. The original proposal maintained the existing trees along the eastern boundary within the setbacks which is shown in the Landscape Plans. This has been further improved with the removal of hardstand to the east of the Building 6, allowing for additional tree planting.
	· Increase the setbacks between Buildings 3 and 4 to provide for stormwater (see Point 4) and to improve the connection through the site and to draw the landscape character of Woolooware Bay into the site.	The setback between buildings 3 and 4 has been increased to 8m to allow an outdoor area with tree planting and provide a much shorter maintenance access for Ausgrid, which results in a significant gain on net landscape area along the foreshore for tree planting. The landscaping between Buildings 3 and 4 (noting however that access is required to be maintained for the electrical transmission easement, though this will be a decomposed granite path which is permeable) draws the landscape character of Woolooware Bay into the site. As discussed in the Stormwater and Flooding RFI Response Covering Letter, a weir between Buildings 3 and 4 will not provide any significant benefit, rather it is appropriate from a ecological perspective and overall stormwater catchment design to retain the 375mm pipe that discharges at the midpoint of the northern boundary. A photomontage of this increased setback between Buildings 3 and 4 is shown in the photomontage below which is included within the Architectural Drawings (**Attachment B**).

Matter Raised		Required Solution	Applicant's Response to Matter Raised
			 *View to Building 3 and 4 increased setback, landscaping and Ausgrid access path from the foreshore area.*
		· The site design, building footprints and landscape response shall seek to retain as many existing trees as possible.	The retention of further existing trees than already proposed is not achievable due to site filling to address existing flood affections. Even if filling of the site was not required, the proposed building footprints are required to provide regularly shaped, adequately sized, high clearance and clear span tenancies demanded by the market. Notwithstanding, tree canopy and tree planting is proposed to be increased in the amended proposal. Refer to the Amended Landscape Plans (**Attachment E**) and **Section 3.3** of the Response to RFI Covering Statement for further justification.
		· The dedicated service road between Buildings 1 and 3 is be deleted and an alternative hardstand and access arrangement proposed which allows for the buildings to accommodate an increased landscape buffer / setbacks to Woolooware Bay	The hardstand for building 3 has been designed to minimise interaction between heavy vehicles accessing the site via Endeavour Rd and the operation and vehicle movements specific for building 3. As indicated above, building 3 has been arranged to provide a softened projection to the bay with an articulated facade, instead of loading areas and truck movements. There are no other alternatives.
		· Response and treatment of interface between the site and Solander Field is to be reconsidered to allow for increased landscaping and to ensure compliance with Clause 6.9 of the LEP.	The proposal is compliant with the required landscape setback as per the DCP and existing trees along the boundary are being retained within this setback, with the design specifically addressing the change in levels to retain the existing trees. Development in this area provides landscape amenity and is consistent with the landscaped character of Solander Fields. Therefore, compliance with clause 6.9 of the LEP is achieved.
		· The pedestrian spine, with its swale is to re-designed with greater width, with some consistent canopy trees. The spine should be treated as a street that can organise the building elements and their openings, creating a positive arrival experience, rather than a narrow walkway that is secondary to vehicle movements.	The proposed design allows for a two-way vehicle roadway, and a 2.5m shared path separated from the road by a 3m landscape buffer which allows enough space for the proposed canopy trees at regular intervals as shown on the Landscape drawings. This pedestrian route gives direct access to offices on buildings 6 and 7 and also provides a link through the estate from Captain Cook Drive to the Woolooware Bay foreshore shared path. Alongside building 5, a 1.5m footpath is provided to allow safe pedestrian access to its offices. Landscaped bays with canopy trees are also provided at least every 6 parking spaces. The roadway, pedestrian path and shared path all meet Austroads' recommended dimensions.
30	The northeastern boundary of the site adjoins a shared pathway along the southern edge of Woolooware Bay. Currently the proposal only allows for external landscaped spaces between buildings but presents an extensive continuous blank wall to the shared pathway, presenting poor design outcomes adjacent key community infrastructure and Crime Prevention Through Environmental Design (CPTED) risks. The DRP advice has identified significant concerns with the interface of the proposed buildings with the shared pathway. A greater degree of activation and passive surveillance towards Woolooware Bay is required. This is a significant asset for the site and one that marks a distinct opportunity that isn't capitalised in the current scheme. Given the proposed 24/7 hour operation of the	The interface between the shared path and buildings along the northern elevation of the site is to be improved to ensure CPTED risks are minimised and the future interface is well designed between the site and adjoining environmentally sensitive land. An improved response towards Woolooware Bay is required. This should be achieved through: - Meaningful landscape treatment along this edge of the site, supported by buildings which address this frontage and create opportunities for staff	The proposal is compliant with all setbacks and building height restriction as well as staying clear of the foreshore boundary limit and separation from electrical tower. The layout for buildings 3 and 4 is designed to avoid exposing loading zones to the bay and present an architecturally treated facade instead of hardstand and driveways with heavy vehicles. Refer to the façade detail plans SK03 and SK04 within the Architectural Drawings (**Attachment B**) for further detail. Building 4 has the northern tenancies' offices facing the foreshore, providing passive surveillance to the landscaped area and with direct pedestrian access doors from the building. Noting limitations on development in the Foreshore Buffer Zone, staff outdoor areas and landscape walkway are proposed

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	site, this creates a strong opportunity for the passive surveillance and activation of both Solander Fields and Woolooware Bay (and the adjacent shared path). In addition to the above, the interface with Woolooware Bay is important in managing environmental impacts as it is identified as a riparian zone and wetlands buffer area.	recreation, whilst also ensuring compliance with Clause 6.9 of SSLEP 2015.	within the foreshore zone to promote connectivity to Woolooware Bay, as well as pedestrian links from the estate to the foreshore shared pathway.
		- Potential location of the childcare and café spaces towards this edge / towards the north-eastern corner of the site is to be considered.	The childcare is located near the main entry to the site and away from heavy vehicle movements as these mostly enter the site via Endeavour Rd. If the childcare was to be relocated elsewhere in the estate, its access would increase interaction with heavy vehicles which is contrary to the outcomes of the Safety in Design review undertaken during the preparation of the design (refer to **Attachment S**). More specifically the light vehicle southern access road is centred around the Woolworths Direct to Boot, Dutton One, Carlisle Swim School, proposed childcare and café and will be permitted for passenger vehicles only.
		Increased openings and windows addressing the northern boundary must be included, which will activate the northern elevations of Buildings 3 and 4.	Building 4 has the northern tenancies' offices facing the foreshore, with glazing and articulation elements on this north facade, with direct pedestrian access to the landscaped area. Building 4 level 1 is further setback from the foreshore boundary line and with the tenancies running perpendicular to the bay to minimise the bulk of the building from this frontage whilst presenting mezzanine offices instead of blank walls. Building 3 tenancies require exposure, passive surveillance and wayfinding to the front, where vehicles access the site. The rear is architecturally treated to avoid presenting a blank wall with the use of different materials and colours which break down this facade. This facade includes also some vertical translucent panels to let the natural light through to the working space and also vertical accents and artwork zones to further articulate this facade. Refer to the façade detail plans SK03 and SK04 within the Architectural Drawings (**Attachment B**) for further detail.
		Increased separation between buildings is to incorporate landscaping and create a meaningful connection between the landscaped areas within, and outside, the site.	The setback between buildings 3 and 4 has been increased to 8m to allow an outdoor area with tree planting and provide a much shorter maintenance access for Ausgrid, which results in a significant gain on net landscape area along the foreshore for tree planting. The landscaping between Buildings 3 and 4 (noting however that access is required to be maintained for the electrical transmission easement, though this will be a decomposed granite path which is permeable) draws the landscape character of Woolooware Bay into the site. As discussed in the Stormwater and Flooding RFI Response Covering Letter, a weir between Buildings 3 and 4 will not provide any significant benefit, rather it is appropriate from a ecological perspective and overall stormwater catchment design to retain the 375mm pipe that discharges at the midpoint of the northern boundary.
		Buildings 3 and 4 are to allow for activation and passive surveillance of the shared path through increased opening / integration of staff facilities and outdoor areas.	Building 4 northern tenancies' offices are facing the foreshore. Also, 3 pedestrian connections are provided at each end of buildings 3 and 4, including a widened setback between Buildings 3 and 4 which are overlooked by glazing on Building 3 southern façade facing the gap between Buildings 3 and 4. Moreover, Building 4 has been redesigned on L1 to provide a covered outdoor area and a dedicated walkway alongside the north facade to connect with the foreshore and improve passive surveillance.
31	It is noted that the DRP raised significant concerns regarding the location of the childcare centre which are shared by Council. The desire to have a childcare centre centrally located within the development is noted; however, consequently, the childcare centre is located in close proximity to several heavy traffic routes creating potential pedestrian / vehicle risks. It is strongly recommended that the childcare centre be relocated to a more appropriate part of the site so that it is capable of meeting both Council's controls and the requirements of the SEPP (Transport and Infrastructure) 2021 and planning for childcare guidelines. Concerns raised by the DRP also highlighted that the Childcare should be sited in a place with better amenity. It is proposed to be in a central location as noted, with play spaces set on roof tops overlooking a sea of cars. In a large precinct with parkland on two sides the childcare centre should be relocated, with an outlook to trees or parks rather than the carpark, and play spaces on natural ground level shaded by established trees.	The childcare centre is to be relocated to an area that experiences less heavy vehicle movements and has greater amenity. The application can only seek approval for an overall childcare use, 'shell', and number of children. Any future childcare centre will require a detailed fit-out development application. The application still requires assessment against Council's controls and the SEPP (Transport and Infrastructure) and associated guidelines as they relate to early education and care facilities.	The childcare is located near the main entry to the site and away from heavy vehicle movements as these mostly enter the site via Endeavour Rd. If the childcare was to be relocated elsewhere in the estate, its access would increase interaction with heavy vehicles which is contrary to the outcomes of the Safety in Design review undertaken during the preparation of the design. More specifically the light vehicle area at the front of the site is centred around the Woolworths Direct to Boot, Dutton One, Carlisle Swim School, proposed childcare and café.
32	The position of the site next to Solander playing fields to the east, and the boardwalk alongside the mangroves of Woolooware Bay to the north, has not been seen as a benefit. The proposals layout does not establish a strong relationship between the main movement/ pedestrian spine of the precinct and the edges of the site. An improved circulation layout that capitalises on the visual and landscape amenity of Solander Fields	Changes are required to the scheme as detailed earlier in this letter, while also considering: • Retention of an established mature tree canopy which contributes to the character of the new development, rather than re-grading the site and removing all existing trees. Trees can also readily become focal points in the precinct,	As discussed above and in **Section 3.2 and 3.3** of the Response to RFI Covering Statement, filling of the site is required, and Council has acknowledged their overall support for filling the site to achieve internal flooding compliance and to drain the majority of stormwater to the Endeavour Road Channel. The outdoor common spaces have been redesigned to include feature trees and increase canopy tree planting. Refer to the Amended Landscape Plans (**Attachment E**).

Matter Raised		Required Solution	Applicant's Response to Matter Raised
	and Woolooware Bay would drive a better design that acknowledges the unique location and its natural beauty, and a better connection to Country. The failure to recognise these opportunities, compounded by the loss of significant existing trees, lack of replacement planting and good landscaped outcomes results in the proposal failing to meet two key objectives of the SP4 Zone (Enterprise). These objectives are: • 'To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards', and • 'To minimise the impact of development within the zone on areas of environmental or heritage significance'.	the centres of good amenity for staff break areas, the café, or the childcare centre.	It is noted that the site was formerly a gated estate with no public access, whereas the current proposal provides to open the site to public, enhance the visual outcomes and provide connectivity through the estate and to Woolooware Bay.
33		Relocation of the childcare and café would provide for the creation of a strong sense of place through the locating of both uses in an area of high amenity. The current location of both uses is in close proximity to a path for heavy vehicle movements.	Refer to response in Item 31 above. The location of childcare will have dual east and west aspect allowing for solar access, while it is located in a location where only passenger vehicles are required. All childcare parking will be located alongside the kerb adjacent to the childcare centre. Refer to the Safety in Design RFI Response Covering Statement at **Attachment S** for further justification.
34	The proposed site layout has ignored the significant amount of trees and landscaping present on site. As identified in the landscaping section below and the DRP recommendations, trees that are significant and provide a positive contribution to the site should stay – the stand of trees located at Building 6 have been identified as the most valuable trees	Within the electrical easement corridor, a number of breakout spaces or activity nodes exist. These spaces provide tables and chairs and an amphitheatre for small events. There is an opportunity to integrate these areas throughout the development rather than trying to accommodate them in a 'left over' area which is back of house, cut off from the main public areas.	Limited development is permissible within the Foreshore Buffer Zone, however the proposal includes breakout spaces to activate the area, to provide connectivity to nature and Woolooware Bay. Common spaces are accessible from the site, specially via the shared path to the south-east of building 4 where a setback between 7 and 17.5m is allowed to provide landscaping, canopy trees and common outdoor areas connection with the foreshore. Moreover two new outdoor common areas have been added in the foreshore area near Buildings 2 and 3, and near Buildings 3 and 4. This makes the entire foreshore area an area dedicated to staff amenity and high quality landscaping.
35		There is not a strongly defined pedestrian entrance way for the site, creating a lack of street presence or a defined front of house for the whole site, which must be resolved.	The pedestrian access connects with the only existing pedestrian access from Captain Cook Drive, which is alongside the Solander Fields parking area. Design for Accessibility has been taken into account with connectivity provided from the existing Council footpath to the estate, and through the estate to each building.
36	The site is uniquely located, adjacent to Woolooware Bay and Solander Playing Fields. Despite this setting, the proposal has not demonstrated that the proposals' location alongside Woolooware Bay and Solander Playing Fields has not been appropriately responded. The proposal seeks the removal of 459 trees on site, with proposed replacement planting of 337 new trees. The majority of this tree removal occurs as a result of the location of Building 3, Building 5 Blocks 1 and 2, Building 6 and various hardscape driveway and parking areas. The extent of this tree removal is significant, especially considering the low numbers of replacement planting, time taken for planted trees to reach maturity, extent of the hard surface area proposed for the site, and the likely impacts of urban heat island effect. Where vegetation is approved for removal, Council requires replacement planting at 8:1 for each mature tree removed. The proposal achieves a replacement ratio of 0.75:1, well below Council's mandated control. Whilst total compliance with the requirements of this part may not be possible, the current proposal's extent of non-compliance is not acceptable. The extensive amount of tree removal and lack of replacement planting results in a significant loss of the Greenweb Core, Support and Restoration. This is not supported and must be addressed in a revised application.	The proposal is to be revised to achieve greater tree retention and significantly increase additional tree planting consistent with the advice throughout this letter.	As discussed above and in **Section 3.2 and 3.3** of the Response to RFI Covering Statement, filling of the site is required to remedy existing flood affections, and Council has acknowledged their overall support for filling the site to achieve internal flooding compliance and to drain the majority of stormwater to the Endeavour Road Channel. It is noted that the proposed landscaped area is increasing from 12.81% to 13.25%, and therefore exceeds the minimum required by the SSCLEP. Despite the removal of trees that are generally non-endemic and specific to the former land owner's requirements, the proposal includes replacement planting that achieves a canopy cover comparative to existing albeit with endemic species more appropriate and appreciative of the geographical heritage. In particular, the amended propose has increased total tree canopy cover from 23.35% to 24.57% and increased tree planting substantially from a total of 337 trees to 387 trees.
37		Additionally, any forthcoming response must be accompanied by: • A Tree Management Plan and a site-specific tree masterplan;	An indicative planting schedule is already provided within the Landscape Plans and Vegetation Management Plan, appropriate for the DA stage. It is appropriate for detailed planting plans and a tree management plan to be provided prior to the relevant Construction Certificate.
38	Development must ensure a suitable transition to adjoining land, and limit impacts to adjoining wetlands, foreshore areas and threatened species. Under Chapter 39 (1.4(1)) of the Sutherland DCP 2015, the development must ensure that through its siting, design and landscape treatment, maximise habitat values and minimise disruption to connectivity through: a. continuous canopy and understorey planting along one boundary, or b. retention and revegetation of remnant bushland elements.	• Detailed plans for all landscaped areas.	The detail in the Amended Landscape Plane (**Attachment E**) has been increased. This level of detail is adequate for the DA stage. Detailed design documentation can be provided prior to the relevant Construction Certificate
39		• A detailed plan for the pedestrian entry point of the site.	An adequate level of design detail for the pedestrian entry point of the site from Captain Cook Drive is provided in Plan L-13 within the Amended Landscape Plans (**Attachment E**). Sections are also provided of the pedestrian paths within the site. Detailed design documentation can be provided prior to the relevant Construction Certificate, however noting the current design is compliant.
40		Council's Landscape Officer has provided extensive comments on the proposal regarding the trees proposed for removal and has provided a detailed series of suggestions that would allow particular trees to be retained. These comments are provided at Attachment 3 and are to be adopted where they do not conflict with a wider site design change responding to other comments.	Refer to responses for items 89 to 128.
41	As identified by the DRP and Council's Landscape officer there are significant concerns with the proposed approach to the landscape areas. In particular, the DRP has recommended that the pedestrian spine with its swale would benefit from greater width, with some consistent canopy trees, treated as a street that can organise the building elements and their openings, creating a positive arrival experience, rather than a narrow	The proposal is to be revised to address the built form and landscape matters described above.	1. The former landowner had the site as a gated facility with no public access. The current proposal is to open the estate for public access to tenancies within the estate with a positive entry statement with physical and visual connectivity from Captain Cook Drive through to Woolooware Bay and it's shared cycle and pedestrian path. 2. The shared cycle and pedestrian spine is 2500mm wide which is compliant with Austroads' recommended width based on the expected pedestrian and cycle traffic volume. There is also a

Matter Raised		Required Solution	Applicant's Response to Matter Raised
	walkway that is secondary to vehicle movements. Wayfinding should be clear and obvious to pedestrians and drivers		second pedestrian footpath on the opposing side linking the café with the various buildings in the estate, providing an effective total footpath width of 4000mm along the boulevard. 3. The proposed design has canopy trees spaced consistently along the pathway. 4. A Safety in Design review has been undertaken as part of the preparation of the proposed design, which took into account the various industrial, commercial and amenity uses. Dedicated pedestrian pathways have been provided, along with separation of light and heavy vehicles particularly pertaining to the child care and cafe. 5. The 2500mm wide shared pathway also has a vegetated verge/raingarden alongside providing a substantial setback from the road that broadens and enhances the pedestrian experience. 6. Wayfinding has been documented in the Architectural Drawings
42		Additionally, any forthcoming response must be accompanied by: • A Tree Management Plan and a site-specific tree masterplan;	An indicative planting schedule has already been provided in the Amended Landscape Plans (**Attachment E**) and Amended Vegetation Management Plan (**Attachment I**). A detailed planting plans and tree management plan can be provided prior to the relevant Construction Certificate. A detailed planting plan can be provided prior to the relevant Construction Certificate
43		• The plant schedules included in the landscape set allocated to the zones identified;	
44		• A site plan clearly overlaying the proposed building footprints on top of the existing;	An overlay site plan showing the future proposed building envelopes overlaid on the existing is also required is provided within the Architectural Drawings at **Attachment B** (Drawing SK05). Plans showing the site plan overlay in relation to existing trees is provided within the Amended Civil Engineering Drawings (**Attachment M**) and the Amended Arboricultural Impact Assessment (**Atachment Q**).
45		• Any future landscape plan must detail where future trees are located to ensure that sufficient space to allow the maximum canopy spread of the selected tree species is possible.	All trees proposed the Amended Landscape Plans (**Attachment E**) have sufficient space for full canopy spread. Sections are provided. The Arboricultural RFI Response Covering Statement (**Attachment P**) and Amended Arboricultural Impact Assessment (**Attachment Q**) demonstrate that all trees proposed to be retained can be feasibly retained.
46	The submitted Vegetation Management plan provides insufficient details to adequately assess the proposal.	The Vegetation Management Plan is to be updated as follows: • To meet the requirements of NSW DPI Fisheries as well as Councils Greenweb – the VMP must be modified to specify that only locally indigenous species are planted within the foreshore buffer zone.	The Amended Vegetation Management Plan (**Attachment I**) has been amended as follows: • *Cakile maritima, Sesuvium portulacastrum* removed from list • *Alectryon coriaceus* changed to *Alectryon subcinereus* • *Myoporum boobialla* changed to *Myoporum acuminatum* • *Oplismenus imbecillis* changed to *Oplismenus aemulus* • *Poa poiformis* changed to Poa labillardierei
47		• Planting species for Bioretention swales must be included.	Bioretention swales species are now included in the Amended Vegetation Management Plan (**Attachment I**).
48		• Detail of proposed paths, seating areas and any other infrastructure proposed in the restoration foreshore area.	Details of the proposed foreshore treatments are discussed in Section 2 of the Amended Vegetation Management Plan (**Attachment I**), shown in Figure 2-1 of the Amended Vegetation Management Plan (**Attachment I**), and in the following drawings within the Amended Landscape Plans (**Attachment E**): • Landscape concept plan 02 • Landscape detail plain building 2-3 common area • Landscape detail plain building 3-4 common area • Landscape detail plain building 4 common area
49		• Table 3-3 Indicative planting densities and quantities, the subtotals column includes the area size in its calculations – please rectify.	Planting densities have been amended as requested and all areas / quantities and calculations have been checked and validated in the Amended Vegetation Management Plan (**Attachment I**).
50		• Amend tree and shrub planting rates change to; Trees - 1/7m² (from 1/5m²) and Shrubs - 1/2m² (from 1/3m²). These rates closer mimic Council's Greenweb Specification planting rates and would reduce tree canopy cover so as to allow for more light penetration to the lower canopy species, assisting with establishment and growth of the lower growing plant species. The other planting rates are appropriate.	

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51		• Table 3-2 Pre-planting, indicates that mulching (as well as jute matting) will only cover 80% of the planting area. Clarification is to be provided as to why this has not been proposed for 100% of the planting area.	Mulching or jute matting in VMP zones 2 and 4 is a conservative over-estimate as retained plantings will collectively occupy greater than 20% of VMP zones 2 and 4 and mulching or jute matting of retained areas is unlikely to be feasible).
52		• The plan is to include a requirement that reports regarding progress and maintenance works are provided to Council.	Reporting requirements are included in Section 3.5 of the VMP.
53		• The plant species Alectryon coriaceus is not native to the Sutherland Shire and may become invasive. This could be substituted with Alectryon subcinereus (Native Quince) which can be found in the Sutherland Shire and is also a shrub to small tree size.	*Alectryon coriaceus* has been replaced with *Alectryon subcinereus* in the Amended Vegetation Management Plan (**Attachment I**).
54	Generally, the site is being filled pushing all existing flood waters off site and draining stormwater in a conventional matter (pipes, pits, and bio-retention basins) to Endeavour Road. The proposed drainage system flows most of the stormwater from the development to an open lined drainage channel to the north of the development site that traverses Lot 4 in Deposited Plan 714965 (known as No.477 Captain Cook Drive Caringbah). This channel and surrounding lands are already flood affected. Council will not accept any additional stormwater to this channel, in fact wishes to reduce stormwater flow to this channel from the Development. Bio retentions basins in the form of rain gardens consume nearly all the garden beds dedicated beside the pedestrian pathway. Bio basins to perform their intended function have specific requirements for planting densities and species, these are not detailed in the plan set. The engineering criteria to ensure functional performance of the bio basins to treat water on site may also limit the quality of landscaping as the volume and type of plant material can influence performance. The bio basins need to be coordinated between the Engineering and Landscape consultant teams so the quality of the landscape outcome can be properly assessed. Ideally the bio basins could be relocated, or another engineering solution proposed so as not to limit the landscape quality upon the Boulevard.	The design is to be amended to take as much stormwater flow as possible to the suggested overland flow path referenced in the following areas: • High worth is placed on the existing tree lines located between long strips of car parking bays (bays on a northeast – southwest alignment), as depicted on survey diagram No. SY074865.000.1.6 sheet 10. The existing surface levels are in the range of 1.82mAHD (north) to 2.3mAHD (south). Fill around these trees must be minimised.	The advice provided by Council (Andrew Reid) in a meeting held on the 22 June 2023 was that the drainage systems in both Captain Cook Dr and Endeavour Rd are stressed, and stormwater discharge to Captain Cook Dr should be reduced, and any additional connections to Endeavour Rd should assess the impacts. It was advised that additional connections to Wooloware Bay would not be supported from an ecological perspective. In this regard a full assessment of the existing and proposed drainage and flooding regime would need to be undertaken. This assessment was completed and provided to Council in the submitted reports. It was determined by the assessment that to balance the flooding and ecological impacts a direct connection to the existing channel, downstream of the surrounding properties resulted in the best outcome. As shown in the flood report, the post development scenario resulted in a positive effect on the flooding regime in Endeavour Rd, with a reduction in flood levels occurring. This was due to less overland flows leaving the site directly into Endeavour Rd, and more flows being directly conveyed underground via the proposed pit and pipe network to the drainage channel. This proposal provided the best outcome from an ecological perspective as the majority of stormwater generated by the site is now treated to remove pollutants, and the discharge is to a concrete lined channel rather than an unlined outlet to Wooloware Bay. Alternatives to increase stormwater discharge to match the pre-development scenario at the mid-point of the northern boundary will result in unacceptable ecological impacts. Replacement of this existing pipe with a larger diameter pipe to capture more stormwater from the site may disturb the mangroves due to additional volume being added. Construction of a weir would have a negative impact on ecology as this would involve disturbance of the surrounding area of the works and require rehabilitation. Therefore, as discussed with NSW Fisheries during a pre-lodgement meeting and it was agreed to use the concrete lined canal would cause the least impact on the mangroves. Notwithstanding, the amount of water discharged directly to Woolooware Bay from the 375mm diameter pipe and overland flow from the foreshore area has been maximised within the constraints of the site and overall stormwater drainage design. This comment, and overall stormwater and flooding matters have been addressed in subsequent meetings and discussions with Council, summarised in **Section 1.0** of the Response to RFI Covering Statement, culminating in a further RFI from Council dated 27 August 2024. Refer to the Stormwater and Flooding RFI Response Covering Statement (**Attachment K**) for detailed responses to Council's RFI dated 27 August 2024. These responses reflect an email response provided by Sparks + Partners to Council on 27 September 2024, for which no response has been received.
55		• If the land around these trees is left as is or similar, an overland flow path must be created to the Bay. A suggested strategy is to create a bio-retention basin / overland flow path along the existing "Overland Flow Path" shown on drawing No.SY074865.000.1.6 sheet 7 by Land Partners. This flow path will need to be widened to ensure the existing peak flow velocity over the northern boundary is similar. The existing bridge will need to be widened and strengthened for the Ausgrid maintenance trucks.	
56		• Council's preference is to drain stormwater as much as possible along the abovementioned "Overland Flow Path".	
57		• Floor space to be redistributed to other buildings to create an appropriate overland flow path between buildings 3 & 4 (further apart).	
58		Through addressing the "Overland Flow Path" suggestion, the resultant architectural response (redistribution of floor space and changing of proposed buildings) will require an amended flood study and stormwater drainage design	
59	The subject site is flood affected and the current proposed approach to managing flooding is highly dependent on the site layout not changing. The development assessed against Chapter 40 of SSDCP2015, Clause 5.21 of Sutherland Shire Local Environmental Plan 2015, the NSW Government Flood Prone Lands Policy, and the NSW Floodplain Development Manual 2005 (FDM). The FDM provides guidelines for the implementation of the NSW Government's Flood Prone Land Policy.	Depending on the amendments to the site layout, and to address stormwater feedback above, the proposal will need to be accompanied by an updated Flood Report.	An Amended Flood Report is provided at **Attachment L**. It also responds to the matters outlined in the further RFI from Council dated 27 August 2024
60	A Construction and Site Management Plan is to be submitted to Council for review and approval and is to include a suitable Traffic Guidance Scheme.	The revised proposal is to be accompanied by a Construction and Site Management Plan and include a suitable Traffic Guidance Scheme.	A Preliminary Construction and Environmental Management Plan is provided at **Attachment T.** A Preliminary Construction Traffic Management Plan containing a suitable Traffic Guidance Scheme is appended to the Preliminary Construction and Environmental Management Plan.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
61	Car Parking Arrangements It is noted that the proposal complies with the required amount of parking; however it is noted that many spaces are provided on the street in the internal road system, remote from individual tenancies. Noting the suggested amendments to circulation of the site and concerns raised regarding landscaping and overall site layout, this will need to be further considered and any revised application will need to be accompanied by a parking management plan. Internal Shared Pathway The internal shared path has potential safety issues where the path emerges between parked vehicles.	The site layout must be revised to resolve potential safety issues between pedestrians/cyclists and parking/vehicle circulation layouts as identified in the detailed advice regarding car parking arrangements, and the internal shared pathway. Revised plans which accommodate adequate sight distances and / or slow points, noting this may require the loss of additional car parking spaces. The revised arrangement is to ensure that access to the childcare, in any future location, can be appropriately managed to avoid vehicle risks with small children.	The original design was considered suitable from a safety perspective and has considered sight lines which are appropriate. Notwithstanding, the Amended Architectural Drawings (**Attachment B**) demonstrate further improvement to safety by removing some of the crossing points where pedestrian pathways emerged between parking spaces. Moreover, suitable line-marking and sign posting will be provided to aid in the management of pedestrian and vehicle interfaces. Speed control signage will also be provided throughout the estate to limit vehicle speed. As explained above in Item 17, the location of the child care (and café) were tested in several locations in the preparation of the proposed design, including with a Safety in Design review (refer to **Attachment S**). The proposed location is the safest, as it separates the childcare and childcare parking spaces away from heavy vehicles, keeping it within the light vehicle zone that also incorporates Woolworth's Direct to Boot, Dutton One and Carlisle Swim School. In this light vehicle zone, no heavy vehicles will travel past the childcare centre car parking spaces. This provides the safest outcome for parents as they travel to and from the child care centre from the car parking spaces. For clarity, all car parking spaces allocated to the childcare are located with direct footpath access to the childcare centre. There will be no need to cross any internal access roads. Refer to Traffic and Parking RFI Response Covering Statement (**Attachment N**) for further discussion.
62		A preliminary parking management plan identifying what spaces are to be allocated to each tenancy	A parking management plan is not necessary, allocation of car parking will be managed by lease allocation of car parking spaces, with each tenant being entitled to the requisite number of car parks per tenancy in accordance with the DCP parking rates. This approach is similar to any other development site with multiple tenants. If required, each space can be signposted at the rear of the car parking space or line marked according to the allocation. In relation to the car parking locations for each building, the amended Architectural Drawings (**Attachment B**), 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, 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. In addition to the above, there are pedestrian facilities provided throughout the site to facilitate the safe passage of pedestrians to each building from associated car parking spaces. Refer to Traffic and Parking RFI Response Covering Statement (**Attachment N**) for further discussion.
63	Access to and from the site The proposal approach for access to and from the site raises concerns with the proposed functionality of the intersection at Gannons Road and Captain Cook Drive. The assumption that west bound vehicles will choose to turn left from Endeavour Road into Captain Cook Drive and head west via a U-turn at Gannons Road is likely to be problematic and indicates a strong need to upgrade the intersection to support safe and efficient movements to and from the site. It is highly likely that upgrades at both the intersections of Endeavour Road/Captain Cook Drive and Gannons Road/Captain Cook Drive are required to ameliorate the associated traffic impacts and provide safe access to and from the site.	The following additional documentation required to be submitted to Council as part of an amended application: • Details of the upgrading of Endeavour Road/Captain Cook Drive and Gannons Road /Captain Cook Drive is to form part of the proposal.	There have been no assumptions made in the TPIA dated 6 October 2023 that vehicles would turn left out of Endeavour Road and complete a U-turn at Gannons. The right turn from Endeavour Road onto Captain Cook Drive is a known large delay. Based upon how traffic theory works and driver behaviour, vehicles / drivers will seek to utilise those routes with lower delay. A sensitivity test was adopted due to there being alternative travel routes available to the site. The sensitivity test assumed 60% of vehicles turned right at Gannons Road / Captain Cook Drive from the site access. Given that the Gannons Road / Captain Cook Drive intersection will perform at an acceptable level or service in the pre and post development scenarios, an upgrade to this intersection is not warranted. However, it is noted that the intersection of Endeavour Road / Captain Cook Drive is currently failing and overdue for an upgrade. As such, although the responsibility for the upgrade of Endeavour Road / Captain Cook Drive lies mostly with the road authorities, and although the proposal only marginally increases the traffic to this intersection by 1% in the peak periods, the Applicant is offering to enter into a Planning Agreement with Council to upgrade the Endeavour Road / Captain Cook Drive intersection as works in kind. The indicative design is shown within the **Section 2.11** of the Response to RFI Covering Statement.
64	Alternative Modes of Transport Council's Bike Plan identifies a need for the installation of an offroad facility along the full Captain Cook Drive frontage of the site and this should be incorporated into the plans as a 2.5m shared path. This, along with other supporting works, would assist in encouraging the safe passage of vulnerable road users accessing Captain Cook Drive, which would support the provision of a Green Travel Plan.	• An updated Green Travel Plan to reflect Council's recent mode share targets for cycling and public transport specified within the Active Transport Strategy and Public Transport Strategy to 2030.	It is understood that an offroad bicycle facility relates to works envisaged by Council on its land rather than any works required for the site. As such, the onus is on Council to deliver these works, utilising the development contributions it receives from a range of developments. It is noted that vulnerable road users can use the slip lane to Solander Fields to access Captain Cook Drive, or the shared path alongside Woolooware Bay to access areas to the north of the site. The mode share targets for cycling and public transport specified within the Active Transport Strategy and Public Transport Strategy to 2030 are: 1) Increase the current active transport mode share of all daily trips taken across Sutherland Shire by 25% by 2030 2) Increase the current public transport mode share of all daily trips taken across the Sutherland Shire by 35% by 2030.

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			The submitted Green Travel Plan already provides target mode shares that will contribute to the achievement of the above.
65	**Note**: In responding to the matters raised in this request for further information, it is likely that the development will need to undergo significant amendments. Once a revised application is submitted, you are advised that a further detailed assessment of the vehicle movements will be undertaken which may raise additional matters for consideration.		An Amended Traffic and Parking Impact Assessment is provided at **Attachment O**. It includes a detailed assessment of all vehicle movements and concludes that they are acceptable.
66	Clause 6.1 of SSLEP 2015 requires consideration of Acid Sulfate Soils. Whilst an Acid Sulfate Soils Management Plan (ASSMP) has been submitted in support of the application, this plan does not incorporate an acid sulfate soils assessment, and is required to inform of the presence and extent of acid sulfate soils within the site. Furthermore, the plan does not provide details of the location of test pits, or the location of the single sample which was subject laboratory analysis. The management procedures given within the ASSMP are general in nature and do not give specific information on the management of ASS at the site, for example: • The volume of material to be excavated; • The type of liming material and volume required; • The liming method (skip bin or stockpile, mixing method etc.); and • The location of the neutralisation works.	The following must be provided: • Submission of the Detailed Acid Sulfate Soils Assessment referenced within the ASSMP to be submitted as part of this DA, prepared in accordance with the following: - Acid Sulfate Soils Management Advisory Committee (ASSMAC) Acid Sulfate Soil Manual (1998); and, - Sutherland Shire Local Environmental Plan 2015;	The detailed assessment forms part of the ASSMP and is not a separate document, please refer to Section 3.4.2 of the document, noting further P/ASS assessment was completed as part of the DSI (Section 3.4.1) As outlined in these sections, a total of 14 samples have been submitted for SPOCAS analysis across the site from representative lithologies, in addition to field screening. The assessment was conducted in accordance with ASSMAC (1998) and with reference to Council's LEP (2015). The volume of material requiring management will be determined during any excavation which may encounter P/ASS and will be appropriately managed in accordance with the ASSMP (as validated by JBS&G). The ASSMP provides an appropriate anticipated liming rate based on existing data and provides discourse on appropriate neutralisation chemicals which may be used (noting the location of the works and actual method of neutralisation would be determined by the appointed contractor, as may be governed by material availability at the time etc). Further responses are provided below to address information sought.
67		• The Detailed Acid Sulfate Soils Assessment must be prepared or reviewed by a suitably experienced and qualified environmental consultant, certified under one of the following schemes: - EIANZ 'Certified Environmental Practitioner' (CEnvP); or, - Soil Science Australia 'Certified Professional Soil Scientist' (SSA CPSS).	The ASSMP has been reviewed by Matthew Bennett, one of JBS&G's Certified Environmental Practitioners Site Contamination specialists (CEnvP(SC)). Please refer to document transmittal details provided on the last page of the report.
68		The Acid Sulfate Soils Management Plan is to be updated to include: • Name, position titles, signature and relevant certification details of the author and reviewers of the report; • Report prepared or reviewed by a suitably experienced and qualified environmental consultant, certified under one of the following schemes: - EIANZ 'Certified Environmental Practitioner' (CEnvP); or, - Soil Science Australia 'Certified Professional Soil Scientist' (SSA CPSS).	The ASSMP has been prepared by Chris Kauffman, one of JBS&G's Senior Consultants with 6 years experience and has been reviewed by Matthew Bennett, one of JBS&G's Certified Environmental Practitioners Site Contamination specialists (CEnvP(SC)). Please refer to document transmittal details provided on the second-last page of the attached Amended Acid Sulfate Soils Management Plan (**Attachment KK**) report for relevant author and reviewer details.
69		• Spatial data of acid sulfate soils assessment, including sample locations, locations of criteria exceedances and inferred extent of potential and actual acid sulfate soils.	As noted above, 14 samples have been analysed for SPOCAS in addition to field screening in accordance with ASSMAC (1998) across the entire site. The results are presented in Section 3 of the ASSMP. JBS&G note that the data collected to date has identified that P/ASS materials are present across the entire site, consequently there is no spatial delineation of areas which are / are not underlain by P/ASS (which has typically been identified at depths of 2 m below the site surface, at the depth of the water table and below). As such, all development activities across the entire site will conservatively require management in accordance with the ASSMP where P/ASS may be disturbed.
70		• An itemised list of construction and operational phases of the development which may disturb acid sulfate soils and site-specific information pertaining to management of acid sulfate soils for each phase (may be submitted in separate reports), including but not limited to: - The volume of material to be excavated; - The type of liming material and volume required;	A Construction Management Plan can be provided prior to the relevant Construction Certificate. As outlined in the ASSMP, it is anticipated that minor disturbance of P/ASS may occur in limited areas, however the majority of the site will require raising of site levels (not excavation) to facilitate development. The volume of material will be confirmed during any excavation which may encounter P/ASS and will be appropriately managed in accordance with the ASSMP (as validated by JBS&G). The ASSMP provides an appropriate anticipated liming rate based on existing data and provides discourse on appropriate

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		- The liming method (skip bin or stockpile, mixing method etc.); - The location of the neutralisation works.	neutralisation chemicals which may be used (noting the location of the works and actual method of neutralisation would be determined by the appointed contractor). The liming rate(s), based on the actual volume and nature of P/ASS disturbed during the works and location / method of liming will be confirmed during the treatment works to ensure neutralising is achieved as per the ASSMP.
71	Under the Resilience and Hazards SEPP (2021), Council is required to be satisfied that the subject site is suitable, or can be made suitable following remediation, for the proposed land use (specifically including the sensitive childcare use). The Detailed Site Investigation (DSI) and Remedial Action Plan (RAP)are missing the necessary document control information required as per the NSW EPA Contaminated Land Guidelines: Consultants Reporting on Contaminated Land (2020) and Council requirements.	The reports are to be updated to address the following matters: • Name, position titles, signature and relevant certification details of the author and reviewers of the report;	The DSI and RAP were prepared by Chris Kauffman and reviewed by Matthew Bennett, one of JBS&G's Certified Environmental Practitioners Site Contamination specialists (CEnvP(SC)). Please refer to document transmittal details provided on the second-last page of the Amended Remedial Action Plan (**Attachment II**) and Amended Detailed Site Investigation (**Attachment LL**) for relevant author and reviewer details.
72		• Report prepared or reviewed by a suitably experienced and qualified environmental consultant, certified under one of the following schemes: - EIANZ 'Certified Environmental Practitioner – Site Contamination' (CEnvP – SC); or, - Soil Science Australia 'Certified Professional Soil Scientist – Contaminated Site Assessment & Management' or 'Soil Survey' (SSA CPSS CSAM or SS).	The DSI and RAP were reviewed by Matthew Bennett, one of JBS&G's Certified Environmental Practitioners Site Contamination specialists (CEnvP(SC)). Please refer to document transmittal details provided on the second-last page of the Amended Remedial Action Plan (**Attachment II**) and Amended Detailed Site Investigation (**Attachment LL**) for relevant author and reviewer details.
73		The Remedial Action Plan is to be updated to address the following: • Requirement for an unexpected finds protocol (UFP) to be placed on the site. • If Option 3 for site remediation (as identified in the RAP) is selected: - Requirement for engagement of a NSW EPA Site Auditor to review all relevant environmental documentation; - Requirement for preparation of a Long-term Environmental Management Plan (LTEMP), as per Sutherland Shire DCP (2015) Ch. 40; - Requirement for a covenant on the land title, enforcing implementation of the LTEMP; - Any ongoing testing, monitoring and maintenance as required by the LTEMP and/or the site auditor; and - If Option 4 for site remediation (as identified in the RAP) is selected, Section 5 will need to be updated to reflect new remediation methodology.	Please note details of the Unexpected Finds Protocols required by the RAP are presented in **Section 7.1.** JBS&G note that the RAP was initially prepared in alignment with the NSW EPA's former position that picking of bonded ACM was not an appropriate remedial method. JBS&G note the EPA have revised their position, and that this remedial option is now permissible. Notwithstanding, the RAP has been revised to reflect the current position of the EPA and Aliro's preference to remediate the site without containment such that it can be made suitable unencumbered by any ongoing long-term EMP. On this basis the RAP will be updated with Option 1 being the preferred remedial approach, prior to the relevant Construction Certificate. Refer to Section 4.4 of the Amended Remedial Action Plan (**Attachment I**).
74	The Biodiversity Assessment Report identifies that some stands of Casuarina stated to be planted, may actually be natural regeneration.	• Supplementary documentation is to be provided considering existing stands of Casuarina on site and whether these are natural regeneration or whether they are planted.	Section 3.3 Historical assessment of the Updated Ecological Report (**Attachment H**) identifies that the existing Casuarina glauca (swamp oak) on the Site is evident as landscape plantings in 1989 photography, associated with the Toyota building development and the existing roundabout and internal road construction. As the Casuarina stands are planted, amended assessment is not required. Moreover, they are already proposed to be retained. Refer to the Updated Ecological Report (**Attachment H**) for further detail.
75		• Should the Casuarina stands be natural regeneration, an amended assessment is to be provided.	
76	The submitted Biodiversity Assessment Report relies heavily on the implementation of a CEMP to mitigate potential impacts of the proposed development on the surrounding environment. Given the reliance on this document, the CEMP must be provided to Council during the assessment phase for consideration. It must incorporate the mitigating measures outlined in the submitted Biodiversity Assessment Report.	• Revised proposal to be accompanied by a Construction and Site Management Plan.	SLR has prepared a Preliminary Construction Environmental Management Plan (**Attachment T**) which incorporates the mitigation measures outlined in the Ecological Report.
77	The air quality report prepared by JBS&G Consultants incorporated air quality modelling that considers a worst-case scenario at the site. Generally, the methodology undertaken is supported, however, the model results require further clarification as follows:	• The air quality report is to be updated to address comments provided by officers in response to the JBS&G methodology.	JBS&G is no longer in business and is therefore unable to update the Air Quality Report. However, SLR has reviewed the JBS&G Air Quality Report and provided an Addendum Air Quality Impact RFI Response Statement that addresses each of these matters and provides further assessment where necessary. It

Matter Raised		Required Solution	Applicant's Response to Matter Raised
78	• Are the receptor locations 1 and 2 the same as the air monitoring locations ML04/R001 and ML03/R002? If this is the case the model does not predict the air quality at the south eastern play area as the closest point monitored from Captain Cook Drive is 65m. This is important as it may influence the way the open space areas are managed on days where DPE air quality ratings are at tipping points between "Good, Fair and Poor". • The report needs to show the air quality isopleths arising from the modelling to help better understand the impacts associated with the proximity to Captain Cook Drive, assumptions regarding on-site car parking areas, truck access / delivery and idling at the adjacent warehouse and vehicular traffic on internal road network. • Tables 7.6 and 7.7 in the provided report need to be reviewed as it appears that they incorrectly reference the NSW EPA Criterion PM10 and PM 2.5. i.e. PM10 should be 50ug/m3 and PM 2.5 25ug/m3 . The results would then suggest that PM2.5 levels are elevated and are likely to exceed NEPM standards more often when ambient conditions are at levels closest to "Poor" under the NSW EPA air watch system.	• Given the location of the childcare centre, the high sensitivity and the potential impact on young children's health, an Air Quality Management Plan is also required.	should be read in conjunction with the existing Air Quality Report. The further information and assessment provided in the Addendum Air Quality Impact RFI Response Statement negates the need for an updated Air Quality Report, but concludes that an Air Quality Management Plan is required for the child care centre. SLR has prepared an Air Quality Management Plan (**Attachment U**) in accordance with the findings of both the JBS&G Air Quality Report and SLR's Addendum Air Quality Impact RFI Response Statement.
79	Under the current planning framework, the site is not eligible for Complying Development Certificates under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as it is zoned SP4 Enterprise. Accordingly, the proposal seeks to allow for a diversity of land uses. Whilst the intent of the proposed approach is acknowledged, there are challenges in establishing a suitable set of parameters to adequately govern future uses through conditions of consent rather than new separate DAs for individual uses. The range of land uses proposed are diverse and significantly varied which may result in non-compliances with minimum parking controls and total GFA approved. It is not clear that the above approach is possible under the Environmental Planning and Assessment Act 1979 and supporting Regulations, noting that it relies on a PCA to effectively be granting consent for fitout and ultimate uses. It is recommended that the application be further updated to address the above concerns and to also include legal advice on the permissibility of the proposed approach. The proposed approach for the childcare centre potentially exposes staff, visitors and children to significant and unacceptable risk inconsistent with the planning controls in the SEPP (Transport and Infrastructure) 2021 and planning for childcare guidelines. For these reasons, any future childcare centre, which is classified as a sensitive land use, will need to be subject to its own separate use and fit out DA	• The proposed childcare fit-out will need to be subject to separate approval.	It is confirmed that the proposed DA seeks consent for the fitout and use of the proposed childcare centre. The proposed fitout includes three unencumbered indoor play areas, two unencumbered outdoor play areas, including internal partitioning, installation of fixtures and fittings (bathrooms and kitchen) and floor and wall coverings. It is noted that loose furniture does not require development approval. Chapter 1 Childcare, as the future childcare centre operator, has provided a Letter of Support (**Attachment R**) stating that: • The proposed Childcare Plan of Management is consistent with their future operations. • The proposed design meets the needs of Chapter 1 Early Learning and in their opinion meets the NSW Child Care Planning Guideline. No further design changes would be needed to enable Chapter 1 Early Learning to operate. This means no further planning approvals would be required to enable their operation. The landscaped play space for the future childcare centre is also appended to the Letter of Support. Compliance with Part 3.3 of the Transport and Infrastructure SEPP is demonstrated in Section 5.5.6 of the SEE, while compliance with the NSW Child Care Planning Guideline is demonstrated in Appendix GG of the DA. Childcare operational matters are detailed in an Updated Childcare Operational Plan of Management (**Attachment GG**) which now references the Air Quality Management Plan. All relevant impacts, guidelines and requirements of environmental plan instruments have been assessed in this DA. Therefore, as the fit-out of the childcare centre is proposed, compliance is demonstrated and all relevant environmental impacts are assessed, a separate use and fitout DA is not required. Moreover, conditions of consent requiring additional PCA involvement is not required. Refer to **Section 3.6.2** of the RFI Response Covering Statement for further detail.
80		• Legal advice on the ability of a Principal Certifying Authority to manage future tenancies and fit outs through a condition of consent is to be provided to Council for its consideration.	**Fitout of Buildings 3, 4 and 6** There is no change to the proposed fit-out for Buildings 3, 4 and 6. The architectural drawings show the alignment of all fixed walls, doors and amenities proposed as part of this application for fit-out across these tenancies, which also seeks consent for the indicative placement of: • Installation of partitions, finishes (wall, floor and ceilings) and joinery elements. • Re-alignment of intertenancy walls. • Installation of shelving and racking. • Installation of services. Refer to **Section 3.7.2** of the RFI Response Covering Statement contains further explanation and a revised suggested condition of consent that reflects a similar condition of consent approved by Council in DA22/1127 relating to Woolooware Bay Town Centre, which experiences the same environmental constraints that limit application of CDCs under Part 5 of the Codes SEPP. This is a directly comparable and relevant precedent and demonstrates that this approach can be approved by Council. It is considered that the parameters proposed in the suggested condition of consent are sufficient to ensure that the fitouts accord with worst-case potential impacts already assessed by Council, noting that any fitout will need to be consistent with either a warehouse or distribution centre land use, or light

Matter Raised		Required Solution	Applicant's Response to Matter Raised
			industrial land use, as well as comply with the BCA. It is noted that all tenancies and uses will be subject to the proposed Operational Plan of Management which contains measures relevant to all approved land uses that adequately mitigate amenity impact, including but not limited to hours of operation, loading, unloading, noise management, safety and security, and waste management. Therefore, the proposed fitout condition of consent is considered to be acceptable, appropriate and approvable. **Proposed land uses and maximum gross floor area** The DA seeks consent for a maximum GFA of 38,500sqm for the purpose of warehouse and distribution centre, of which GFA up to the following specified limits may, in the alternative, be used for light industrial (up to 18,303sqm GFA), commercial office (up to 554sqm GFA), café (up to 112sqm GFA), child care centre (up to 1,219sqm GFA) or industrial retail outlet (up to 500sqm GFA, with a maximum GFA of 100sqm per unit within Building 5). The DA has considered the environmental impacts and minimum parking requirements of all land uses proposed in a scenario with alternative uses achieving the maximum stipulated GFA, which generates the highest minimum parking demand. The DA has also considered the traffic impacts of and recommended intersection upgrades required in the worst-case scenario with alternative uses achieving the maximum stipulated GFA. In this scenario, the DA has demonstrated compliance with Council's minimum parking requirements. Amenity impacts associated with all proposed land uses are considered in the DA and will be appropriately managed in accordance with the submitted Operational Plan of Management (Appendix K of the DA) and Childcare Operational Plan of Management (Appendix X of the DA). On review, it is not necessary for a condition of consent to require a PCA to specifically manage the uses of future tenancies. This is because consistency with a condition of consent that stipulates the maximum GFAs of the proposed land uses as listed above would already be a precondition to issue of any Construction Certificate. Refer to **Section 3.7.1** of the RFI Response Covering Statement for a revised suggested condition of consent and further explanation.
81	A formal letter of offer for the Voluntary Planning Agreement (VPA) is to be submitted to Council for consideration and to allow the progression of the planning agreement. Council does not support piecemeal or partial funding of infrastructure through a planning agreement process, as it may result in significant delay until such time as sufficient funds are available for the upgrading of the relevant infrastructure. Preliminary discussions with TfNSW has identified that a State VPA may not be required where Council is responsible for the collecting of funds and upgrading of state road intersections. This matter will need to be subject to further discussion between TfNSW, Council, and the applicant.	• A letter of offer is to be submitted to Council to allow the further progression of the Voluntary Planning Agreement (VPA).	When the DA was lodged, the Applicant indicated its intention to enter in two Planning Agreements. Since lodgement of the DA, the Applicant has undertaken further consultation with Council, which will culminate in the preparation of one Planning Agreement Letter of Offer to Council for the land dedication and works in kind to upgrade the Endeavour Road / Captain Cook Drive intersection. It will reflect the matters raised and requested in meetings with Council and TfNSW to date, as summarised in **Table 2** of the Response to RFI Covering Statement. This revised Letter of Offer for a Planning Agreement will be provided to Council shortly under separate cover. It is understood that the PA will be negotiated and exhibited concurrently with the continued assessment of the DA. Refer to **Section 2.11** of the Response to RFI Covering Statement for further explanation. .
82		• This letter of offer is to clearly outline the proposed public benefit items	
83	The referral from DPI Fisheries has identified that the site is upstream of a Priority Oyster Aquaculture Area (POAA) and adjacent to Towra Point Aquatic Reserve. DPI Fisheries has requested that the proposal adequately consider the State Environmental Planning Policy (Primary Production) 2021, the NSW DPI Oyster Industry Sustainable Aquaculture Strategy and the NSW DPE Healthy Estuaries Oysters Guidelines to ensure the proposed development has no net impact on downstream water quality and any consequential impact on the oyster industry.	• The proposal is to be updated to consider State Environmental Planning Policy (Primary Production) 2021, the NSW DPI Oyster Industry Sustainable Aquaculture Strategy and the NSW DPE Healthy Estuaries Oysters Guidelines.	Consideration of State Environmental Planning Policy (Primary Production) 2021, the NSW DPI Oyster Industry Sustainable Aquaculture Strategy and the NSW DPE Healthy Estuaries Oysters Guidelines is included within the Section 2 of the Updated Ecological Report prepared by Ecologique (**Attachment H**) Ecologique considers that the proposal is not development that is incompatible with oyster aquaculture or the development of a POAA. Potential short term construction impacts are considered to be a low risk provided best practice construction mitigation measures are implemented and maintained (i.e., erosion and sediment control plan, acid sulfate soil management plan). Best practice water sensitive urban design has been considered in the proposal's stormwater management strategy (Sparks & Partners 2024a) to minimise and mitigate potential operational impacts. Sections 2 and 7 of the Updated Ecological Report prepared by Ecologique (**Attachment H**) provides further discussion and consideration of the NSW Food Authority guidelines.
84	Transport for NSW has provided a referral response and advised that they do not support the proposal as:	A revised Traffic and Parking Impact Assessment Report is to be provided.	Refer response provided to Traffic and Parking, and Agency Submissions above
85		This is to include identification and detailing of appropriate road upgrades to the intersections of Captain Cook	

Matter Raised		Required Solution	Applicant's Response to Matter Raised
	• The DA is expected to result in additional traffic generation that will impact the operation of the classified road network, resulting in delays for other road users and future site tenants. • Intersections of Captain Cook Drive/Endeavour Road and Captain Cook Drive/Gannons Road are expected to be operating at or close to capacity without the proposed development following completion of Stages 3 and 4 of the Cronulla Sharks development. • There have been several recorded crashes at the intersection of Captain Cook Drive/Endeavour Road and Captain Cook Drive/Gannons Road. • Increases in traffic volume and average traffic delay on the nearby road network are expected to increase the risk of additional crashes occurring at Captain Cook Drive/Endeavour Road and Captain Cook Drive/Gannons Road. • The Applicant will be unable to provide a Green Travel Plan (GTP) that encourages sustainable transport options to the development as vulnerable road users such as pedestrians and cyclists road safety of the development has not been considered as no supporting works have been identified by the Applicant to encourage safe passage of vulnerable road users accessing Captain Cook Drive's existing public and active transport nodes.	Drive/Endeavour Road and Captain Cook Drive/Gannons Road to address Council and TfNSW concerns.	
86		This must also identify how safe passage of vulnerable road users will be achieved.	
87	Ausgrid's submission identifies several matters which will need to be addressed including: • A preliminary enquiry is to be made regarding the capacity of the existing electricity network to address the likely site demands. This should consider whether substation may be required that may have spatial implications for the proposal. • The service mains that supply the site may not have sufficient clearance to the proposed construction. • There are existing overhead 132kv transmissions lines and Tower 49 near the site. Please make sure the access proposed to maintain the current tower and the tower 49 will be replaced with two steer poles. • Appropriate safety clearances as per the required standards will need to be maintained on site. Where this cannot be achieved, existing overhead mains may need to be relocated. • Demonstrate that the sites potential impact on the existing substation S9186 can be mitigated.	Additional information is to be provided detailing how the matters raised by Ausgrid have been addressed. This may warrant changes to the current proposal to appropriately respond to the matters raised.	C-Level, which is a suitably qualified consultant, has commenced the process of preparing and seeking approval for a design to satisfy Ausgrid's requirements pertaining to development work in and around existing electrical infrastructure including proposed connection of the proposed development. Ausgrid's approval will be sought in accordance with their processes and requirements as part of normal course for development works. A detailed response to these matters is provided in the Electrical Infrastructure Services RFI Response Statement prepared by C-Level (**Attachment X**), which also contains evidence demonstrating that a preliminary enquiry has already been made to Ausgrid for the connection of the proposed development.
Attachment 3 – Landscape Officer Comments and Recommendations			
1. General			
89	The site is zoned SP4 'Enterprise' and mapped with the following environmental layers, Greenweb 'Restoration' and OEH Vegetation Communities Urban / Exotic Native. The northern periphery of site is within a buffer zone for the Endangered Ecological Community being the Coastal Salt Marsh and Estuarine Salt Mash as mapped by Councils DCP 2015. The adjoining Woolooware Bay is mapped as a Greenweb 'Core' area. The site has three key interfaces, north where the site is intersected by the Foreshore Building Line, Woolooware Bay and the shared pedestrian pathway, east to Solander playing fields and south to Captain Cook Drive. The proposal seeks to construct a new enterprise precinct including various industrial, retail, and commercial development as well as accompanying public domain works.		The current proposal has taken the same approach as the Woolooware bay town centre foreshore landscape treatment including plant lists from Councils green web online tool and plant lists provided by the ecologists at Council and in this team.
90	For the purposes of clarity in the referral I have undertaken the assessment in the following zones being the Northern VMP Area, Existing Building 2, Building 3, Building 4, Building 5 (North), Building 5 (South), Building 6, Building 7, Building 8, Eastern landscape setback, Central roadway and pedestrian path and the Southern Landscape Setback.		
2. Existing Trees			
91	As described in the Arborist report the site is comprised of a mix of native and exotic planted specimens of varying significance with a general overall rating for the tree population being in fair-good health and fair structural condition. The Arborist has surveyed 844 trees on the site and in the road reserve, of which 459 trees are proposed to be removed and 384 trees are to be retained under the current proposal.		This is acknowledged. No further comments.
2.1 The Foreshore			

Matter Raised		Required Solution	Applicant's Response to Matter Raised
92	I. The western portion of this area has recently been mulched and planted with appropriate shrubs and groundcovers as part of VMP works for stage 1.		This is acknowledged. No further comments.
93	II. One Pittosporum is proposed to be removed as it is beneath the AusGrid easement. This is a low value specimen.		Detailed planting plan can be provided prior to the relevant Construction Certificate
94	III. Trees located upon the northern boundary flush against the existing fence, shall be successfully retained under the current proposal and exist outside of the Ausgrid easement. These trees are also sufficiently distanced from proposed construction works and shall not be influenced by them.		The Landscape Plans currently show the trees along the northern boundary as retained.
2.2 Existing Building 2			
95	The stand of trees 685-694 to be removed to site the carparking north of the existing building is comprised mostly of Cocos palms which are exempt specimens under Councils DCP Chapter 39 and best removed from within the proximity of the VMP area and waterway.		This is acknowledged. No further comments.
2.3 Building 3			
96	The stand of trees 695-741 are comprised predominately of Palms and Callistemon which are low value specimens, these are located wholly within the footprint of Building 3. There is three specimen plantings of Angophora costata intermixed however their location and size make them unviable for retention.		This is acknowledged. No further comments.
2.4 Building 4			
97	I. Trees 784 – 804 are comprised predominately of Palms located wholly within the building footprint, their location makes them unviable for retention.		This is acknowledged. No further comments.
98	II. Trees 216 – 227 are a row of Washingtonia palms located wholly within the building footprint, their location makes them unviable for retention.		This is acknowledged. No further comments.
99	III. Trees 770 -782 are required to be removed to site the building and ancillary works. Of this group Trees 774 – 782 comprised of Meleleuca quinquenervia and Washingtonia robusta are worthy of retention. These trees are currently proposed for removal due to approximately 300mm of proposed 'Fill' and as the Arborist notes a proposed retaining wall.	<u>Recommendation:</u> To see this stand retained, the fill proposed could be removed as it exists outside of the building footprint and within a designated landscape area. The retaining wall noted by the Arborist as a 'primary impact' and cause for removal of these trees finishes in line with the eastern edge of the building, so should not interfere with these existing trees. Refer Architectural plans (Sheet 400). The retention of these specimens around the new 16m high building will provide some immediate relief in scale, whilst the proposed landscaping establishes.	1. Trees 774-782 – are impacted by the proposed fill, GTC accepts that the fill extends into a landscaped area, however, GTC have been informed that this area of fill is associated with the requirements associated with flood/stormwater aspects. 2. Washingtonia robusta are not native to the Sutherland Shire and this site. They also provide minimal tree canopy cover to mitigate urban heat island effect. They have been planted as feature forecourt palms to the former land owner's now redundant office building with no ecological merit intended. 3. High quality architectural features are proposed to the buildings and screening is counter to highlighting the proposed buildings' features. 4. Melaleuca quinquinervia has large evasive root systems. Pulling up pavement , footings, and the demolition of buildings will damage tree roots even with arborist supervision which makes retention hard. 5. The relief in scale for buildings that are ~14m in height is inconsequential considering the imposition of the multi storey Woolooware Bay development to the east, the large electricity transmission towers to the north and existing warehouses to the west.
2.5 Building 5 (Block 1)			
100	I. Trees 358 – 382 are a mix of well-established planted specimens forming boarders to the existing carparking including Magnolia grandiflora, Corymbia citriodora and Washingtonia robusta. Their location makes them unviable for retention when compared to the proposed built form.		This is acknowledged. No further comments.
101	II. Trees 382 – 444 are a mix of well-established planted specimens forming boarders to the existing carparking including Cupaniopsis ancardioides and Banksia integrifolia, these are the most botanically significant trees on site given the Greenweb 'Restoration' Zoning. Their location makes them unviable for retention when compared to the proposed built form. Should the Building require redesign the retention of this significant stand of trees should be prioritized.		This is acknowledged. No further comments.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
2.6 Building 5 (Block 2)			
102	I. Trees 313 – 341 are a mix of well-established planted specimens forming boarders to the existing carparking including Magnolia grandiflora, Corymbia citriodora and Washingtonia robusta. The location of these existing specimens around the existing road leaves them unviable for retention when compared to the proposed built form.		This is acknowledged. No further comments.
103	II. Trees 343 - 355 are a mix of native and exotic trees and palms. They exist as part of an established garden bed and rest area. Particularly native trees 343, 348 and 353 Cupaniopsis ancardioides 'Tuckeroo' provide great shade an amenity and exist on the periphery of the proposed built form.	Recommendation: This stand exists in a garden bed surrounded by asphalt / concrete, so if the current extent of the garden bed were retained it would encompass the Tree Protection Zones of all 12 specimens. Fill is proposed to raise the FFL of the proposed building, but the trees could be retained at a lower level. It is recommended the hardstand and northwest corner of the building is redesigned to accommodate this group of trees. This group of trees could form a part of a 'Communal Open / Area' as is proposed at Building 5 (Block 1).	These trees are located within the center of the site proposed for cut/fill associated with the requirements of stormwater/flood infrastructure. To retain these trees within the center of the proposed bulk earthworks would require excessive tree sensitive construction methods and redesign of the proposed building footprint, infrastructure, and access roads. Considering that only one (1) tree is determined to be of medium retention value with the remaining trees in this group determined to be of low retention value, the measures required to retain these trees is not considered reasonable. The proposal includes the replacement of these 12 trees with a significantly higher number of endemic trees. The existing tree species are not significant in scale and will remain as proposed to be removed.
2.7 Building 6			
104	Trees 122 – 146 & 209 – 302 are a significant stand of planted canopy trees and palms and sub canopy trees comprised of Magnolia grandiflora, Corymbia citriodora and Washingtonia robusta. This is the largest and most dense stand of trees onsite and provides great shade amenity.	Recommendation: The proposed building footprint encompasses the entirety of this stand of trees currently. It is recommended that Building 6 is amalgamated with Buildings 7 & 8 to enable all or part of this stand to be retained. This group of trees exists in a garden bed surrounded by asphalt / concrete, so if the full or partial extent of the garden bed were retained it would encompass the Tree Protection Zones of all or part of the stand of trees.	The stand does currently offer shade and amenity to the existing surrounds. However, benefits of the associated shade and amenity are debatable as the stand is currently in situ within a car park only. Therefore, the reality is that the benefits of said features offer considerably limited value. If these trees and associated benefits were considered within a proposed residential development, those values may potentially be significant. However, within the context of the site and industrial usage, those values are become somewhat redundant. Additionally, it is noted that most of the palm species within this area were observed to demonstrate characteristics symptomatic of Fusarium Wilt. As such they were allocated predominantly low retention value(s) and should be considered for removal. Regardless of the requirements of cut/fill and stormwater requirements, the proposal of undertaking extensive redesign here is considered to be unreasonable. Moreover, even if cut'fill was not required for stormwater requirements, the entire stand of trees envelopes a car park that is not conducive to the future use of the site and will remain as proposed to be removed noting the limited ecological benefit compared to proposed replacement endemic species.
105	Should this stand of trees be retained as part of the proposal, its central location would make it an ideal gathering place for onsite occupants and visitors alike. The location addresses the Boulevard and is a central point providing access to Solander Fields and the the Foreshore. As the site is proposing retail tenancies and a café these could be accommodated in a smaller building(s) in this area amongst the stand of trees, so it remains a viable use of space for the development. This area could also serve as the primary 'Open Space' for the onsite occupants and visitors allowing the removal of the two communal areas from within the dedicated VMP area.		The boulevard has been designed to incorporate new endemic landscaping and bio-swales to enhance the visual amenity. Controlled access points from the site to Solander playing fields have been provided due to security and CPTED considerations.
2.8 Building 7			
106	Trees 303 – 308 are an avenue of established Magnolia grandiflora, which conflict with the western façade of Building 7. The realignment of the new boulevard and proposed geometries of the buildings makes these trees unviable for retention.		This is acknowledged. No further comments.
2.9 Building 8			
107	Trees 36 – 48 are a line of large native Corymbia maculata / citriodora these are some of the largest trees on the site as they are planted as individual specimens rather than in a stand. They form a perimeter planting to the existing road and are local landmarks upon the site and could provide immediate relief, in terms of scale to built form and shade amenity. The current design proposes removal of these trees due to fill, carparking and infrastructure. Trees 43- 48 are within the footprint of Building 8.	Recommendation: Trees 36-42 currently exist in a large turf area and if they were to be retained in the new scheme their locations would be within a designated landscape area. This landscaped area would encompass the tree protection zones of trees 36-42 with the rationalization of some parking spots. Fill is proposed to raise the FFL of the building, but the trees could be retained at a lower level and the hardstand could ramp	This is acknowledged. Tree retention has been determined to be unfeasible by the design team due to the constraints of the design objectives and compliance requirements., including to provide regularly shaped, clear-span, and high-clearance tenancies to achieve minimum functionality.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
		up to meet the built form. The footprint of building 8 could be rationalized or amalgamated with Building 7 to retain trees 42-48 which would see the 16m high building mass setback further from the road and screened further with existing trees.	
2.10 Eastern Landscape Setback			
108	Trees 71 - 116 & 160 -169 these trees exist in a garden bed beside the asphalt carparking area and are bound by a concrete kerb. These trees are proposed for retention and despite proposed filling shall be suitable to be retained. The trees have an asymmetrical Tree Protection Zone, as beyond the kerb the asphalt carparking area is not conducive to house roots. The root mass extends east into the grassed bank of Solander Playing Fields, which will remain undisturbed. There is potential that some of these specimens may require pruning during or post construction, but this is expected to be very minor and less than 10% of the canopy volume in accordance with Councils DCP.		This is acknowledged. One of the palms in this group was assessed as being subject to Fusarium Wilt following the site assessment. Additionally, of the surrounding palms two (2) were observed to be of poor health and fair condition. Indicating there is the potential for the disease to have spread into those palms surrounding the infected tree. As such, it was determined that the palms were not suitable for retention, nor transplant.
2.11 Central Roadway and Pedestrian Path			
109	Trees 228 – 308 located on the east side and trees 320 – 459 are located on the western side of the existing main boulevard within the site. They are comprised of an avenue Magnolia grandiflora and Corymbia citriodora. The realignment of the new boulevard and proposed geometries of the buildings makes these trees unviable for retention.		This is acknowledged. No further comments.
2.12 Southern Landscape Setback			
110	I. Trees 456 – 489 are comprised almost exclusively of palms, some of which are exempt specimens in accordance with Councils DCP. There is a 1m+ of fill in this area to site the new building and hardstand, these specimens are not of great enough environmental significance to warrant redesign and retention.	<u>Recommendation</u>: Despite the above there is potential to retain the cluster of palms 460-465 beside the entrance to provide some immediate amenity. Palms have small root balls and Tree Protection Zones	This is acknowledged. No further comments.
111	II. The remaining specimens located upon the Council verge are proposed for retention. A 3m landscape setback is proposed on this boundary which will contain the fill proposed inside the boundary and preserve the northern side of the Tree protection Zones of Council trees.		This is acknowledged. No further comments.
2.14 General Notes regarding Tree Retention and Protection			
112	I. Architectural redesign in conference with the site Arborist should be undertaken to prioritise the retention of the following tree and palm stands. Trees 774 – 782, 460- 465, 343 – 355, 209 – 302 & 122 – 146 (All or part of stand) and 36 – 48.		This is acknowledged. No further comments.
113	II. The site has a large number of Washintonia robusta and Magnolia grandiflora specimens. Both species are readily transplantable and could be managed during different stages of construction and reincluded in the landscape design. The reuse of these specimen plantings at mature sizes would bring immediate shade amenity, scale to new buildings, and restore the pre-existing character.		GTC recommend that the retention of palm stands is not considered in the vicinity of those observed to be symptomatic of Fusarium Wilt. Transplantation is also not recommended of palm species associated with the above noted reasoning. Consideration may be given to the transplantation of Magnolia species subject to further investigation and in consideration of the staging of the works, and if achievable can be incorporated in the final Landscape Plans prior to the relevant Construction Certificate. However, considering the low retention value of the majority of the species on site, the associated costing and logistics of transplanting these species when compared to the replacement with advanced specimens is not considered to be reasonable
114	III. Trees stands in existing garden beds or bordered by concrete or asphalt hardstand are more conducive to tree retention as roots have unlikely spread outside of the garden bed. These trees can be retained at a lower level and fill can be placed around without hindering the trees health and vigour.		Existing trees have spread outside the garden bed and under pavement and this is evident on site. Tree retention has been maximised as far as possible and incorporated within the current proposal.
115	IV. A Tree Management plan should be submitted with a revised application.		A Tree Management Plan can be provided post-approval prior to issue of the relevant Construction Certificate.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
3. Proposed Trees			
3.1 The Boulevard			
116	I. The entries at the north and south of site for the central pedestrian pathway running adjacent the Boulevard lacks clear definition in the landscape. The southern entry is located beside large ancillary structures ie. The pump house and is immediately transected by the road servicing Building 8 and Building 7. Its position appears to be an afterthought to the built form and carparking rather than a primary driver to create a user-friendly path.	Recommendation: As this is the main pedestrian spine the proposed width of 2.5m could be increased to create a wider shared path for pedestrians and cyclists whom are both expected to utilize the path. The path should have appropriate line marking and delineation and way finding. The beginning of the path should be located as such to make it clearly identifiable and safe for pedestrians to cross.	NSWFB requires fire tanks and pumps to be easily accessible and near the main entry form their fire fighting operations, which is common for industrial development
117	II. The landscaping adjacent the pathway which separates it from the road is again cluttered by services and ancillary development ie. The substations adjacent Building 7.	Recommendation: Ancillary structures and services should not dominate the edges or entries to the main pedestrian pathway; these should be relocated out of sight or below ground where possible and the areas designated for wayfinding and landscaping.	The landscaping adjoining the main path is a planted swale with river pebble, rockwork, trees, grasses and tree ferns. Services reticulation is generally underground, and placement of substations is coordinated with Ausgrid's requirements.
118	III. The pedestrian pathway does not afford a pedestrian crossing directly to the Café apart of Building 5.	Recommendation: For the safety and amenity of pedestrians the Café would be better relocated upon the eastern side, or another Café area could be provided. A single Café tenancy servicing the entire sites tenancies appears to be significantly inadequate in providing ease of amenity for on site occupants and visitors. For example, those occupants in existing Building 2 and proposed Building 3 have 300- meter walk and multiple crossings to reach the café as currently proposed. As previously mentioned, the area in which Building 6 is proposed is ideal for a central gathering place for onsite occupants and visitors alike, addressing the 'Boulevard' whilst providing access to Solander Fields and access to 'The Foreshore'. As the site is proposing retail tenancies and a café these could be accommodated in a smaller building(s) in this area amongst the stand of trees, so it remains a viable use of space for the development. This area could serve as the primary 'Open Space' for the on-site occupants and visitors allowing the removal of the two communal areas from within the dedicated VMP area. This location also provides the best solar amenity on the site with an eastern vantage and the majority of the building mass in close proximity to the area located on the southern side.	The applicant has proposed a café be incorporated given the general lack of amenity in the wider precinct and is typical of an industrial estate of this size. It has been located in the most appropriate position and is not proposed to be relocated. An additional crossing may be available closer to the café and can be resolved in detailed design prior to the relevant Construction Certificate
119	IV. The landscape plans identify large canopy trees to be planted along side the pathway in the garden beds and bioretention basins. The endemic canopy trees proposed as per the schedules provided in the landscape package can spread up to 15-20m wide. Their locations as proposed with a 4m setback to building façade is inadequate to house the trees. The trees cannot be expected to reach their full potential due to the clashes they will have with the built form. These trees proposed will be vital in restoring canopy upon the site and providing shade and amenity especially amongst the expanse of built form and hardstand.	Recommendation: The buildings should be setback to a minimum of 7.5m where proposed beside canopy trees to ensure the canopy at maturity can be accommodated.	The canopy trees selected along the pedestrian spine will have growth in the order of 10m diameter canopies and their viability is appropriate for the location. The final detailed planting schedule can be provided prior to the relevant Construction Certificate.
120	V. Bio retentions basins in the form of rain gardens consume nearly all the garden beds dedicated beside the pedestrian pathway. Bio basins to perform their intended function have specific requirements for planting densities and species, these are not detailed in the plan set. The Engineering criteria to ensure functional performance of the bio basins to treat water on site may also limit the quality of landscaping as the volume and type of plant material can influence performance.	Recommendation: The bio basins need to be coordinated between the Engineering and Landscape consultant teams so the quality of the landscape outcome can be properly assessed. Ideally the bio basins could be relocated, or another engineering solution proposed so as not to limit the landscape quality upon the Boulevard.	The final detailed planting schedule can be provided prior to the relevant Construction Certificate.
3.2 The Foreshore			

Matter Raised		Required Solution	Applicant's Response to Matter Raised
121	I. The Foreshore is intended to be a dedicated area for the VMP to offset the extensive canopy loss upon the site. It is now burdened by stormwater infrastructure, communal open areas and a large access pathway / road, the quality of this VMP area is eroded by competing uses.	Recommendation: The Foreshore area should as originally intended be designated to restoring canopy and biodiversity on the site. The other competing uses should be relocated outside of this area. Having this area accessible by site occupants and visitors is encouraged, though seating and pathways should be informal and compliment the natural quality of the adjacent Mangroves.	1. The current proposal includes areas for communal use to activate the area and increase the connection to nature and Woolooware Bay yet keeping within the limited development permissible, which aligns with the commentary provided by the DRP. 2. A softscape bio-swale for water quality is soft engineering and landscape in character. The current foreshore area is generally turf (other than the recently revegetated area by the applicant), a planted swale like all the swales running along Woolooware Bay foreshore is an environmental outcome much better than the existing site conditions. 3. There is no road in the VMP zone., Its a permeable deco granite pathway that functions for requisite access to the electricity transmission tower is in line with other similar infrastructure along the foreshore in front of Woolooware Bay town centre. 4. The foreshore area is already burdened by infrastructure through electricity transmission towers and wires and the consequent requirement for access.
122	II. The Foreshore area is disconnected from the greater site and is not easily accessible for visitors and site occupants. The northern façades of Buildings 3 and 4 are defensive and provide no glazing to overlook the Foreshore or utilize the northern aspect. The filling required to site the built form has required a retaining wall to run along the northern edge of Building 3 and Building 4 beside the egress path. Whilst there is a single door from each Ground floor tenancy to this path it is disconnected by the level change.	Recommendation: The Foreshore area should be easily accessible both physically and visually, so it does not become forgotten upon the site. Clearly defined pathways should lead to it and glazing should be incorporated on the building facades to ensure it remains a key feature upon the site. Breaks in built form of Buildings 3 and 4 with connecting pathways or connections via designated internal pathways or lift wells would vastly improve accessibility to the space and ensure it remains relevant and well maintained.	Refer comments provided above relating to Building 4 offices' glazing facing the foreshore zone, activation of the zone through breakout areas and proposed pathways, Building 3 design decreasing the existing level change and the proposed design incorporating a gradual and undulating grade in the foreshore zone. Proposed building levels have been set to mitigate the existing flood affection and this does result in required changes in level.
3.3 The Edges			
123	I. The landscape setback to Captain Cook drive of 3m wide is supportable as the batter to the proposed retaining wall will ensure the preservation of trees in the Council Road reserve. 3m is the required setback as nominated in the DCP controls. The batter appears at its steepest at 1 in 3 which is supportable and the limit to ensure ease of maintenance.		Noted and no further comment
124	II. The eastern setback to Solander Fields can be embellished in shrubs and understory planting as is proposed.	Recommendation: The proposal whilst achieving the minimum requirement for setbacks and designated landscape area could certainly be improved upon, the edges and setbacks could be embellished given the size of the site. The rationalization of hardstand areas built form and carparking requirements could certainly provide more landscape area and in turn create a improved landscape setting and greater amenity.	The eastern setback has retained most of the trees and added more trees, shrubs , tree ferns and groundcovers. The viability of tree retention has been checked by the project arborist and incorporated into the design.
3.4 Building Frontages and Carparking			
125	I. The landscaping proposed amongst the built form is very limited and will not provide any significant visual or cooling amenity to the site. The garden beds proposed are very small and it is likely that the reflective heat from the surrounding hardstand and built form will dry these small garden beds out and burn plants.	Recommendation: To provide greater visual amenity and natural cooling to the site landscaping between the built form should be significantly increased. Garden beds should be redesigned to be significantly larger to accommodate tree planting. These planter beds proposed between buildings must be irrigated. To improve the amount and quality of landscape around building frontages the vehicular movements and parking requirements should be tested upon the plans to test whether hardstand can be substituted for landscape area.	Garden bed dimensions and positions are compliant to similar projects we have completed of this scale and arrangement. The landscapes continue to be successful in all those projects. Traffic swept paths and best practice industrial design have been incorporated and coordinated with the landscape design.
126	II. The proposal satisfies the controls pursuant to tree planting between car spaces.	Recommendation: Again, to improve the amount of tree planting, canopy replacement and quality of landscape across the site, parking requirements should be tested to understand whether hardstand can be substituted for landscape area and further tree planting. Planter beds housing trees must be irrigated and have a substrate comprised of a Soil Vault System like 'Stratacell' to ensure their successful establishment and longevity.	Strata cell is not a requirement. We have constructed over 200 projects with similar garden beds and dimensions with no issues with trees reaching mature height or any other issues with pavements.
127	A detail plan of the proposed Entry area should be provided for assessment.	Recommendation:	The applicant would prefer not to have large canopy trees at the entrance to the estate.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
		A significant specimen planting such as Ficus rubiginosa should be provided to create a focal point and to compliment the Magnolia grandiflora in the round about opposite. The retention of the stand of palms known as trees 460-465 as referenced above in 2.12.I will also provide value to the entry.	
4. Other Matters			
128	The plant schedules included in the landscape set should be allocated to the zones identified. A site specific tree masterplan should also be provided.		A Tree Management Plan and allocation of plant schedules to specific zones can be provided post-approval prior to issue of the relevant Construction Certificate.
Transport for NSW Comments (1/2/24)			
129	Reference is made to Council's correspondence, concerning the abovementioned Development Application (DA) which was referred to Transport for NSW (TfNSW) for comment under clause 2.119 and 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.		The intersection of Captain Cook Drive / Gannons does not need to be upgraded as a result of the proposed development. The proposed development will only result in an additional total worst case of 63 additional trips during the peak periods, which equates to approximately one additional trip per minute. Given that the Gannons Road / Captain Cook Drive intersection will perform at an acceptable level or service in the pre and post development scenarios, an upgrade to this intersection is not warranted. It is noted that the intersection of Endeavour Road / Captain Cook Drive is currently failing and overdue for an upgrade. Although the responsibility for the upgrade of Endeavour Road / Captain Cook Drive lies mostly with the road authorities because the proposal only marginally increases the traffic to this intersection by 1% in the peak periods, the Applicant is offering to enter into a Planning Agreement with Council to upgrade the Endeavour Road / Captain Cook Drive intersection as works in kind. As demonstrated in the Traffic and Parking RFI Response Covering Statement (**Attachment N**), upgrade of this intersection will improve its performance from a Level of Service F to an acceptable Level of Service C. To further reduce the traffic generation of the development, the Applicant will run shuttle services between the site and local train station, including Miranda and Caringbah, for staff members to promote alternative transport modes.
130	TfNSW has reviewed the application and does not support the DA due to the following reasons listed in TAB A. It has been identified by TfNSW that no transport or traffic amelioration measures are proposed by the Applicant at the intersection of Captain Cook Drive (classified road) / Endeavour Road or Captain Cook Drive / Gannons Road to reduce the impact of the proposed development in terms of improving road safety and network efficiency outcomes that benefit the development's operations and traffic generation including existing and future road users.		
131	As such, TfNSW recommends that the Applicant investigate and propose appropriate traffic mitigation measures to reduce the delay and associated road safety impact of the proposed development on the classified road network to address TfNSW comments in TAB A. Following receipt of updated information that addresses TAB A, TfNSW will review the material and respond accordingly.		
132	TfNSW would welcome an opportunity to discuss this matter with Council and the Applicant to address the matters raised in TAB A. If you have any further queries regarding this matter, please contact Matthew Houlden, Land Use Planner via email at development.sydney@transport.nsw.gov.au.		
133	The DA is expected to result in additional traffic generation when compared to the existing site uses and previously approved development on-site that will impact the operation of the classified road network.		The traffic generated by the development is only marginally increased at peak periods (maximum 1.1% increase) compared to the existing condition. This takes into account the existing gross floor area on the site, which is an accepted method of calculating existing traffic generation. Hence, while it is appropriate for the site to contribute to infrastructure upgrade works, the main responsibility for upgrade works along Captain Cook Drive lies with TfNSW and Council. Notwithstanding, as above, a works in kind Planning Agreement with Council is proposed for the Applicant to undertake the signalisation of the Captain Cook Drive / Endeavour Road intersection. Following the completed upgrade, all surrounding intersection will have an acceptable level of service. Refer to the Traffic and Parking RFI Response Covering Statement (**Attachment N**) for further discussion.
134	The proposed development is expected to increase traffic on the classified road network, resulting in increased delays for people driving vehicles in the future. This will mean additional delays for future site tenants utilising this development but also impacting existing and future road users.		
135	When the neighbouring development (known as the Cronulla Sharks development Stages 3 and 4) is operational, this will increase traffic to the classified road network and the intersections of Captain Cook Drive / Endeavour Road and Captain Cook Drive / Gannons Road which are expected to be operating at or close to capacity without the proposed development. It should be noted that the Cronulla Sharks development Stages 3 and 4 is delivering mitigation works on the surrounding development to address road safety and network efficiency as part of their Development Consent that was imposed by Council and TfNSW.		The intersection of Endeavour Road / Captain Cook Drive is already at capacity without the Sharks Stage 3 and 4 development. The intersection of Gannons Road / Captain Cook Drive is not at capacity with the Sharks Stage 3 and 4 development. It is noted that Cronulla Sharks are not undertaking any mitigation works to fix regional issues, they are only undertaking mitigation works associated with their development. Council & TfNSW are requesting that the Applicant mitigate regional issues. The proposal will only contribute a maximum 1.1% traffic increase in peak periods, and will therefore only marginally exacerbate what is a regional traffic issue. Although the responsibility for the upgrade of Endeavour Road / Captain Cook Drive lies mostly with the road authorities, and although the proposal only marginally increases the traffic to this intersection by 1% in the peak periods, the Applicant is offering to enter into a Planning Agreement with Council to upgrade the Endeavour Road / Captain Cook Drive intersection as works in kind.

Matter Raised		Required Solution	Applicant's Response to Matter Raised
136	In the latest available five-year period, there have been number of recorded crashes at the intersections of Captain Cook Drive / Endeavour Road and Captain Cook Drive / Gannons Road.		The intersection of Gannons Road / Captain Cook Drive has roughly 1-2 crashes a year. This does not indicate serious safety deficiencies. The intersection of Endeavour Road / Captain Cook Drive has 1 crash a year. Which again does not indicate serious safety deficiencies. Notwithstanding the above the Applicant has proposed a works in kind Planning Agreement with Council to undertake the signalisation of the Endeavour Rd / Captain Cook Dr intersection.
137	Increases in traffic volume and average traffic delay on the nearby road network are expected to increase the risk of additional crashes occurring at Captain Cook Drive / Endeavour Road and Captain Cook Drive / Gannons Road. TfNSW also notes that the Applicant will be unable to provide a Green Travel Plan (GTP) that encourages sustainable transport options to the development as vulnerable road users such as pedestrians and cyclists road safety of the development has not been considered as no supporting works have identified by the Applicant to encourage safe passage of vulnerable road users accessing Captain Cook Drive's existing public and active transport nodes.		The proposed development is providing the following to promote alternative transport modes: • Internal shared path connecting to the rear of the property and to the existing cycle and pedestrian path that runs along the mangroves. It should be noted that this connects to the east and west/ north towards Sans Souci. • Shared path along Endeavour Road (existing). • Pedestrian connections to Solander Fields, providing access to nearby bus stops. There is limited opportunity for pedestrians and cyclists to cross Captain Cook Drive directly along the site frontage. These users would have to cross either at the intersection of Cawarra Road / Captain Cook Drive or at Foreshore Boulevarde / Captain Cook Drive. It is understood in the future, more broader cycling and pedestrian infrastructure will be provided by Sutherland Shire Council, as it noted in their Active Transport Strategy (2002-2032). It should be noted that within close proximity to the site, there appears to be off-road cycling facilities along the frontage of the site and along Captain Cook Drive with the ability to cross at Captain Cook Drive / Endeavour Road, which will have a signalised crossing after the intersection upgrades. Hence, in the future, there will be greater cycling and pedestrian connections that connect the site to the broader cycling and pedestrian network. In the interim periods, it is understood that the site will run shuttle services between local train stations, including Miranda and Caringbah for their staff members to promote alternative transport modes. Refer to the Traffic and Parking RFI Response Covering Statement (**Attachment N**) for further discussion.