

Report to the Secretary's delegate on an application for a site compatibility certificate under Clause 39 of the State Environmental Planning Policy (Housing) 2021 – Ref: SCC2025SUTHE-1

SITE: 1 Panorama Avenue, Woollooware, Lot 11 DP 19678 (the site).

APPLICANT: Pacific Community Housing Pty Ltd on behalf of the owner, PCH 1 Pty Ltd. The proposed community housing provider is Pacific Community Housing.

LGA: Sutherland Shire

THE SITE

Description of site and surrounding context

The subject site has an area of 674.9m², contains a single storey detached residential dwelling, ancillary garage and pool and can be accessed from both Swan Street and Panorama Avenue. The site is on the corner, with an 18m frontage to Swan Street and 31m frontage to Panorama Avenue. The site's gradient falls 1.6m from the southwest corner to the northeast corner.

The site is within an existing residential area (**Figure 1**). It is bound by the T4 Line and Woollooware Station to the north and is adjacent to a single storey detached residential dwelling to the immediate west.

Woollooware train station is accessible to the site, being directly north of the site. Hagger Park is accessible via the pedestrian overbridge, as is the local centre which is within 400m of the site. Bus stops are approximately 120m from the site.



Figure 1: Aerial photo of the site, surrounding area and public transport (source: nearmap, 2025)

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) controls for site

- zoned R3 Medium Density Residential (R3) (**Figure 2**)

The zone permits several residential land uses, including attached dwellings, boarding houses, dual occupancies, dwelling houses, group homes, multi dwelling housing, semi-detached dwellings and shop top housing. Residential flat buildings are prohibited

- maximum building height of 9m
- maximum floor space ratio (FSR) of 0.7:1
- does not contain any heritage items (**Figure 3**).



Figure 2: Zoning map under Sutherland LEP 2015 (source: spatial viewer, 2025)

Heritage

There are several local heritage items listed under LEP 2015 near the site, including:

- item 4110, Wyndham Flats- a residential flat building located opposite of the subject site to the east
- item 4105, Remnant Canopy- consisting of Eucalyptus Globoidea (White Stringybark) and Eucalyptus Paniculata (Grey Ironbark) which is to the north of the site, across the railway tracks.



Figure 3: Heritage Map Sutherland (source: spatial viewer, 2025)

PROPOSAL:

The site compatibility certificate (SCC) application as lodged seeks to facilitate:

- 8 storey residential flat building development containing 28 apartments (mix of studio, 1, 2 and 3 bedroom apartments),
- a minimum of 20% of apartments are adaptable and 50% (14) being affordable for at least 15 years and managed by Pacific Community Housing, a registered community housing provider.
- 60m² commercial premise located on the ground floor, no residential car parking and communal open spaces.
- The proposal is based on an FSR of 2.86:1 and 29m height of building.

It is noted that the SCC does not provide for permissibility for a commercial premise. Figures 4 – 6 show aspects of the proposal.



Figure 4: Concept residential flat building proposed for the site (source: Stanisic architects, 2025)

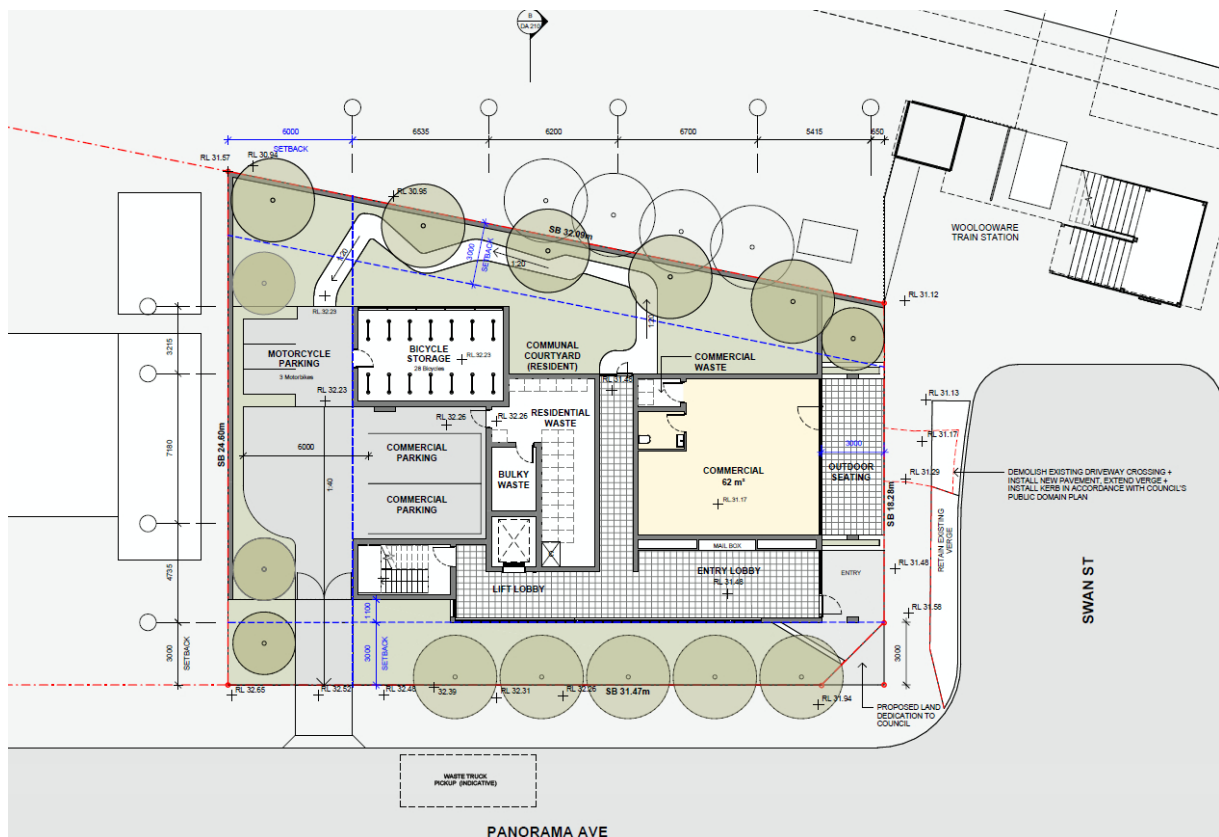


Figure 5: Proposed ground floor plan for the site (source: Stanisic architects, 2025)

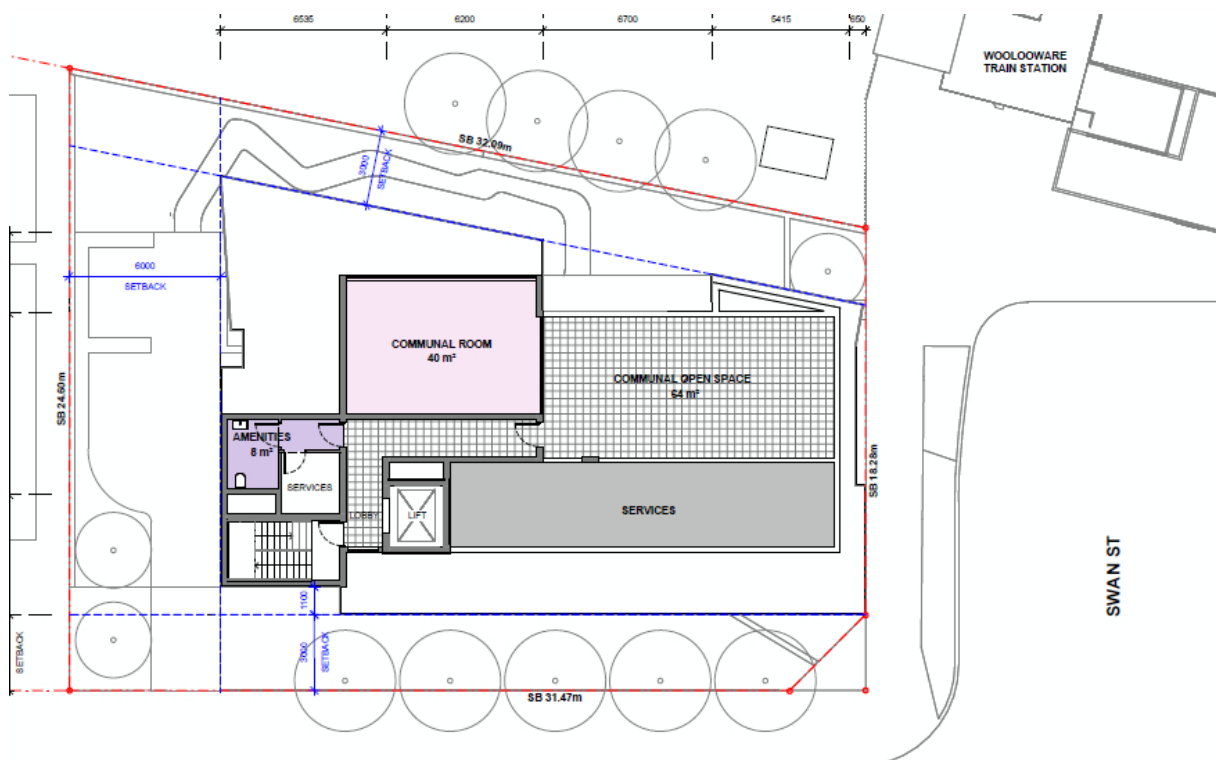


Figure 6: Proposed roof level layout (source: Stanasic architects, 2025)

PREVIOUSLY ISSUED SCC ON THE LAND

On 8 October 2020, a SCC was issued for a residential flat building (RFB) with maximum height of 9m and floor space ratio (FSR) of 1.068:1. The current SCC is valid until 8 October 2025.

The determination required:

- the final scheme be subject to the consent authority undertaking a detailed assessment of the proposal as part of the Development Application process. This includes resolution of the issues: density, bulk and scale, building design, traffic and parking, permissibility of the proposed ground-floor non-residential use.

On 15 June 2023, a SCC was issued for a RFB with approximately 12 apartments, with 50% proposed to be affordable housing. This SCC is valid until 15 June 2028.

The determination required:

- final scheme for the DA including the building setbacks, density and height is subject to the consent authority undertaking a detailed assessment as part of the DA process
- compliance with the *SEPP 65 – Design Quality of Residential Apartment Development* (now referred to as the Apartment design guide or the ADG under the State Environmental Planning Policy (Housing) 2021 (the Housing SEPP)
- the final design not detrimentally impact the amenity of existing surrounding development.

In February 2025 the NSW Government released the Low and Mid Rise Housing Policy (the LMR). The LMR policy enables increased densities within 400 and 800m of identified train stations. Woollooware station is identified as an LMR station.

The new SCC application (subject to this assessment) utilises the potential future character created by the LMR policy.

COMPARISON OF DEVELOPMENT CONCEPTS

The table below outlines the different SCC's land uses, height, FSR, dwelling numbers and parking.

Table 1: Existing and proposed SCCs for the site

	2020 SCC	2023 SCC	Proposed SCC
Land Use	Shop top housing	RFB	RFB
Building Height	9m (max height of 10.7m including lift overrun)	9m (max height of 10.7m including lift overrun)	29m
Storey	3	3	8 storey
FSR	1.068:1	1.068:1	max 2.86:1
Dwelling numbers	16	12	28
Car Parking	No car spaces	No car spaces	2 spaces for commercial

PREVIOUS DEVELOPMENT APPLICATION (DA)

Development Application- DA21/0907- refused

On 31 August 2021, a development application (DA) was lodged with Sutherland Shire Council for a 3 storey/10.6m high, shop top development with 12 units, 50% to be provided as affordable housing for a minimum of 10 years. This application was refused on 18 October 2022 by unanimous vote by the Sutherland Shire Local Planning Panel (LPP). Reasons for refusal included inconsistency with the description in Schedule 1 of the SCC and failure to resolve matters listed under Schedule 2 of the SCC.

Review of Determination- RA23/0004- refused

On 18 April 2023, a Section 8.2(1)(a) review application for the above DA was refused.

Court Appeal- LEC Case number 2023/88722 - discontinued

The Applicant appealed the decision in the Land and Environment Court in March 2023. The proceedings were discontinued in February 2024.

PERMISSIBILITY STATEMENT

State Environmental Planning Policy (Housing) 2021

The application has been made under Clause 36, Chapter 2, Part 2, Division 5 of the

Housing SEPP. This section sets out the requirements of permitting residential flat building with consent by registered social housing providers, public authorities and joint ventures.

Table 2: Clause 36 and 37 Housing SEPP

36 Land to which Division applies	
(1) This Division applies to the following land—	The subject site is located in Sutherland Shire LGA.
(a) land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City within 800m of—	
(i) a public entrance to a railway station or light rail station, or	The site is located approximately 8m from the entrance of Woollooware Railway station.
(ii) for a light rail station with no entrance—a platform of the light rail station,	
37 Development to which Division applies	
(1) This Division applies to development for the purposes of residential flat buildings carried out on land to which this Division applies—	A SCC application does not need to be made by or on behalf of people listed in accordance with Clause 37 of the Housing SEPP, but does require owner's consent (clause 39(1) of the Housing SEPP). The applicant has provided satisfactory evidence of landowners' consent for the purpose of this application. If progressed, a development application made under this Division will be required to be by or on behalf of the relevant people.
(a) by or on behalf of a public authority or social housing provider, or	
(b) by a person who is carrying out the development with a relevant authority.	The applicant has stated it intends to provide community housing as a Community Housing Provider for the project. The applicant also provided a certificate of registration for Pacific Community Housing, verifying the Pacific Community Housing as a Community Housing Provider.
(2) This Division does not apply to—	
(a) development to which this Part, Division 1 applies, or	Division 1 does not apply to the SCC pathway.
(b) development to which Chapter 3, Part 4 applies.	The proposal does not include Build to Rent (Chapter3, Part 4).

As Division 1 does not apply to development under a SCC, the provisions relating additional height and density within Division 1 do not explicitly apply to this application.

The proposal utilises the future character created under the Housing SEPP including the following provisions:

- Chapter 6 LMR Housing policy- the proposal aims to utilise the height (24m) and FSR (2.2:1) as prescribed by the LMR Housing Policy.
- Chapter 2 Affordable Housing- the proposal aims to access the additional floor space ratio and height bonus afforded by this division, which as mentioned above is not applicable to the SCC pathway.

CONTINUED APPLICATION OF HOUSING SEPP

The application of Housing SEPP, Chapter 4, Design of Residential Apartment Development and the Apartment Design Guide (the ADG) apply to development proposed under Division 5 of the Housing SEPP.

As such, should a SCC be issued, a future development application for a residential flat building proposed under Division 5 of the Housing SEPP will be required to meet Chapter 4, Design of Residential Apartment Development and the ADG. These same design requirements apply to all other forms of residential flat building development.

AGENCY COMMENTS

TfNSW

The development is located on a local road and as such TfNSW did not provide any comments for this SCC. As the development abuts the heavy rail corridor, it was recommended that Sydney train should be consulted.

Sydney Trains - TfNSW

The proposal is supported in principle by Sydney Trains, however, will require early consultation to ensure all relevant heavy rail considerations are taken into account and are incorporated in the design stage of development. Considerations include-

- setback from Transport Asset Manager (TAM) land
- services to the development cannot be located in TAM land
- drainage impact from the development
- design consideration- noise and vibration from the rail corridor, anti-throw measures to restrict objects being thrown onto the rail corridor
- access gate to the rail corridor.

COUNCIL COMMENTS

A copy of the SCC application was provided to Council for its consideration and comment in accordance with Clause 39(4) of the Housing SEPP.

Clause 39(6)(a) of the Housing SEPP sets out that the Secretary must not issue a SCC unless the Secretary has considered comments, if any, received from the

relevant council within 14 days after the application for the certificate was made.
Sutherland Shire Council's comments are incorporated in the section below.

Compatibility with Surrounding Landuses - Clause 39(6)

The Planning Secretary or their delegate must not issue a certificate unless they are of the opinion that the site of the proposed development is compatible with the surrounding land uses, having regard to the following matters:

Clause 39(6)(b)(i) - the existing uses and approved uses of land in the area

Under the State Environmental Planning Policy (Housing) 2021 (the Housing SEPP), Woollooware is identified as an area to which LMR Housing Policy applies. The table below compares controls applicable to the site for Sutherland Shire Local Environmental Plan (SSLEP) 2015 and LMR Housing Policy.

Table 3 Comparison of Controls

Controls	Sutherland LEP 2015	LMR Housing Policy RFB or Shop-top Housing
FSR	0.7:1	2.2:1
Height	9m	22 m (RFB) 24m (shop-top)
RFB	Not permitted	Permitted
Car Parking	20.5 spaces	None specified for residential

The predominant built form in the surrounding area is shown in Figures 7-12 and includes:

- single or 2 storey dwellings
- mid-rise residential flat buildings (3-4 storey),
- manor homes (2 storey),
- low rise residential flat buildings (2 storey)
- multi-dwelling housing in the form of terrace housing and town houses.

Approximately 150m to the south of the site and across the Kingsway is a R4 High Density Residential zoned land that includes several 2, 3, and 4 storey residential flat buildings.

Council details a RFB is broadly compatible with the residential uses in the surrounding locality, however the proposed scale of the development is not compatible in the local context.

Council has raised concern that the proposed café is not permissible in the R3 Medium Density Residential zone and all commercial developments are located to the northern side of Woollooware. The SCC provide permissibility for a residential flat building, and does not include providing permissibility for a commercial premise. The zone does not permit a café but does permit non-residential uses, such as, neighbourhood shops, centre-based childcare facilities or community facilities. The most appropriate permissible use for the ground floor of the development will need to be further considered at the DA stage.



Figure 7: Various density in the surrounding area (source: Nearmap, 2025)



Figure 8: View towards the eastern end of Panorama Ave, single dwelling and terrace houses (source: Google Map, 2025)



Figure 9: Manor house opposite of the subject site on Panorama Ave (source: Google Map, 2025)



Figure 10: Manor houses opposite to the subject site on Swan St. Midrise RFB on Kingsway is visible at the end of Swan St (source: Google Map, 2025)



Figure 11: Single dwelling, Low rise RFB and manor house on Swan St (source: Google Map, 2025)



Figure 12: mid-rise RFB within the R4 zoned land, along Kingsway (source: Google Map, 2025)

Clause 39(6)(b)(ii) - the impact that the RFB, including its bulk and scale, is likely to have on existing uses, approved uses and preferred future uses of the land

Existing and approved uses of the surrounding land

FSR

Council considers the FSR of 2.86:1 excessive in the local context and disagree with the applicant's FSR calculations, because the site is in close proximity to a rail corridor, the balconies would be required to be enclosed which would increase the FSR.

The proposed FSR of 2.86:1 exceeds Sutherland LEP 2015 of 0.7:1 but is in closer alignment with the LMR Housing Policy of 2.22:1. Additional floor space ratio proposed in the application under Division 1 of the Housing SEPP, is not applicable to the SCC application. The FSR controls are a matter for further consideration at the DA stage.

Height

Council has stated that the proposed development is excessive in height in relation to its local context. Council details that the submitted plans incorrectly show neighbouring buildings as being the same height or higher to that which is being proposed. Additionally, they detail that the plans incorrectly show an area designated for shops and potential for small public square. Council also believes this is not an accurate depiction and not compatible with existing or future approved uses.

The proposal's building height (8 storeys) is not in character with the existing 1-2 storey character (**Figure 13, 14, 15, 16**) but it is compatible with the future character (**Figure 17, 18, 19, 20**) in context with the LMR Housing Policy which permits 6 storeys in the R3 zone within 400m of the station. The 8-storeys proposed in the application includes the additional building height under Division 1 of the Housing SEPP, which is not applicable to an SCC application. The height controls are a matter for further consideration at the DA stage.

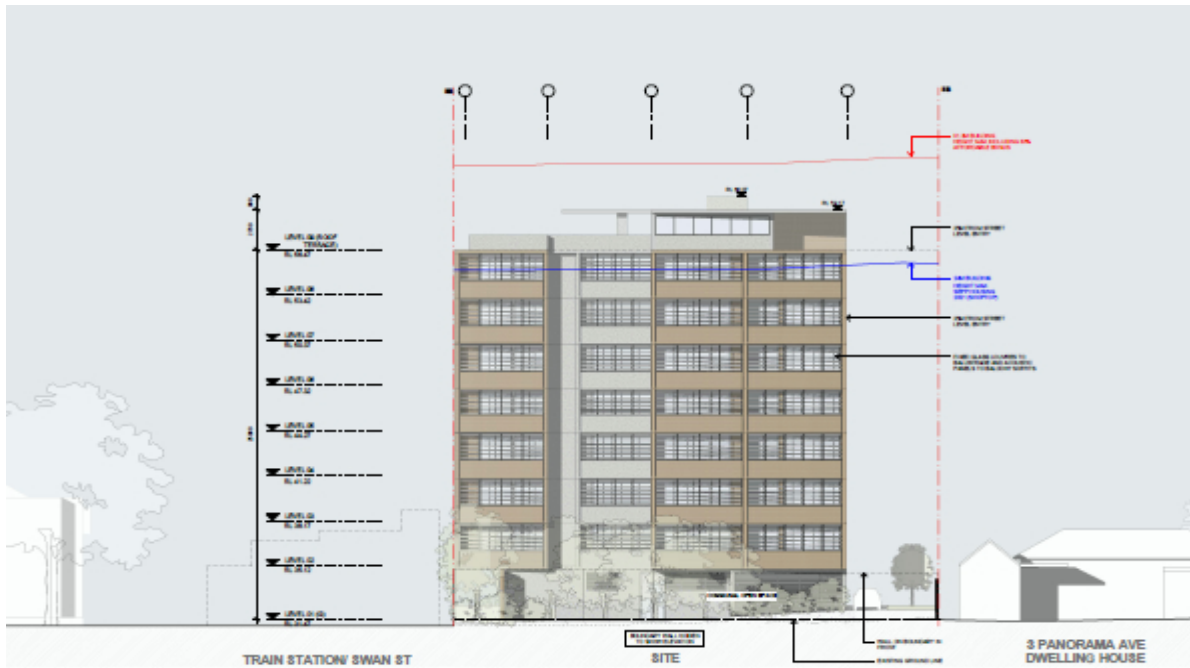


Figure 13: View from the north- proposed concept next to the existing 1 storey dwelling to the right (Source: Stanisis Architect, 2025)

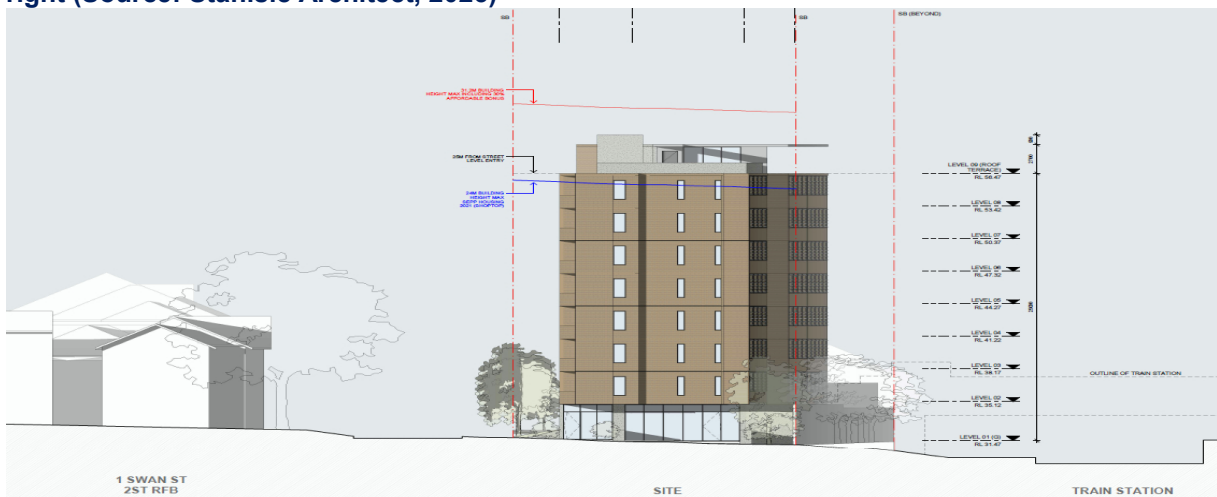


Figure 14: View from the east- proposed concept next to the existing 2 storey manor house and 2 storey single dwellings across Panorama Ave (Source: Stanisic Architect, 2025)

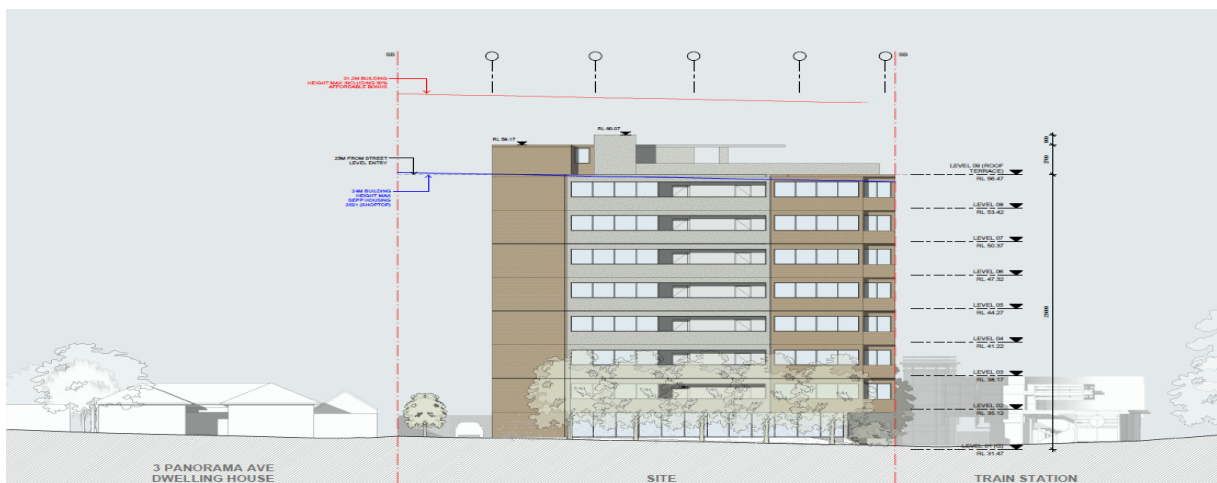


Figure 15: View from the south- proposed concept next to the existing 1 storey dwelling to the left and Woollooware statin behind the building (Source: Stanisic Architect, 2025)

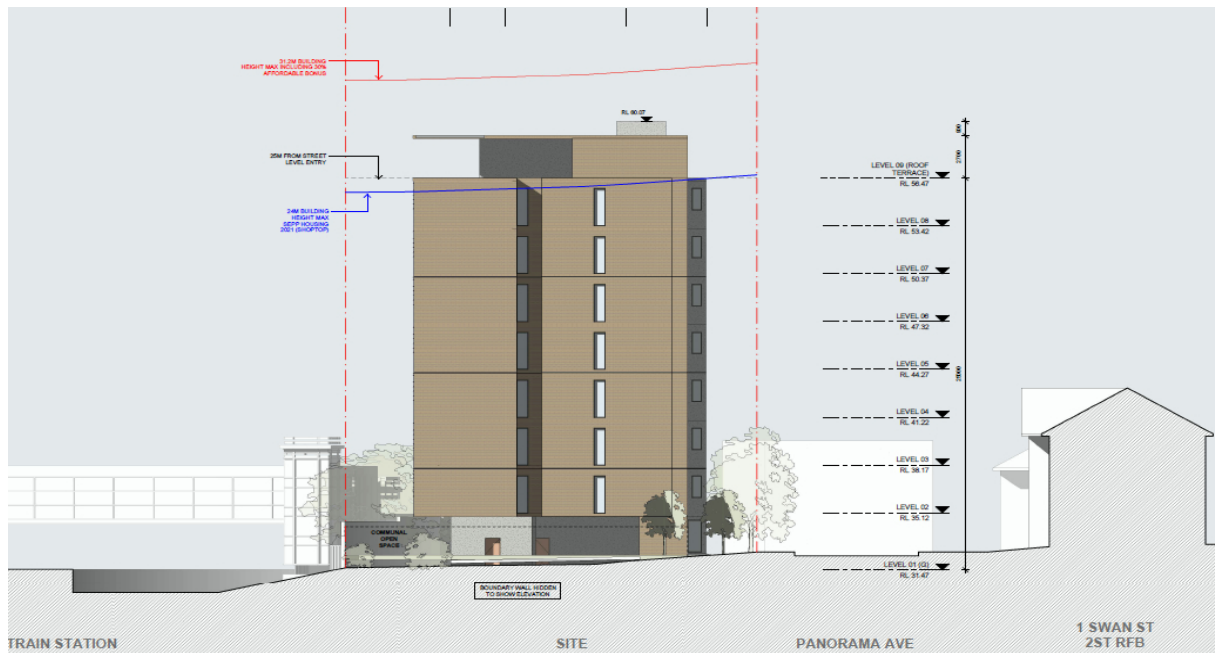




Figure 17 and 18: 3D impression for existing and future character of the surrounding area against the concept development (Source: Stanasic Architect, 2025)





Figure 19 and 20: 3D impression for existing and future character of the surrounding area against the concept development (Source: Stanisic Architect, 2025)

Setbacks, Landscaping and Overshadowing

Council has raised concern regarding the nil setback to Swan Street, the 3m setback to Panorama Avenue which does not allow for adequate tree planting, the deficiency in the quality of landscaping provided for the development and adverse overshadowing impact on the southern side of Panorama Avenue and 1 Swan Street.

It is noted that the setback plan provided a setback of 3 to 5.1m for Panorama Avenue and nil to 3m setback for Swan Street.

The development concept scheme proposes to provide approximately:

- 166m² (24%) deep soil zone
- 216 m² (32%) total landscaped area.

Any design concerns/ issues are a matter for further consideration at the DA stage.

The proposed built form outcomes are supported by hourly shadow analysis plans at mid-winter between 9am and 3pm (**Figure 21-27**). The proposal does introduce additional overshadowing on surrounding residential properties, the affected dwellings will still receive the minimum 2 hours of sunlight between 9am and 3pm on the winter solstice, in accordance with ADG requirements.

Table 4: Shadow Analysis for the site- Mid Winter

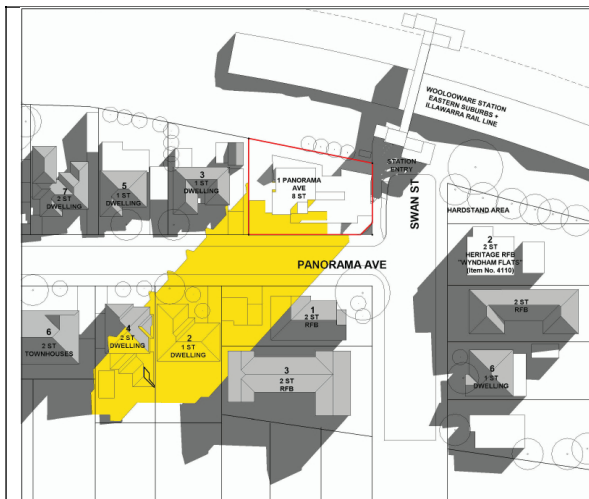


Figure 21: Shadow analysis - 9am (source: Stanisic architects, 2025)

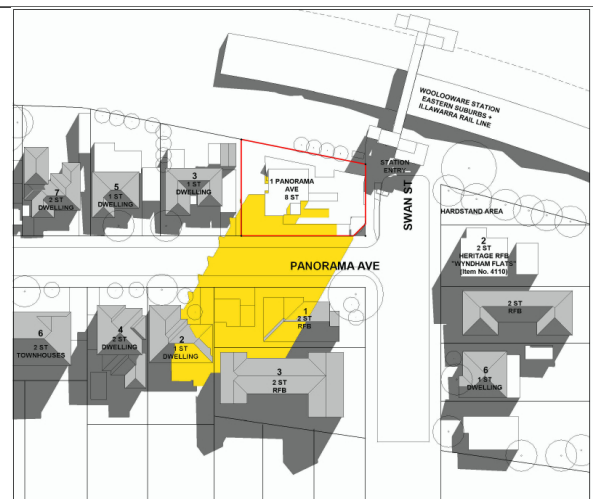


Figure 22: Shadow analysis - 10am (source: Stanisic architects, 2025)

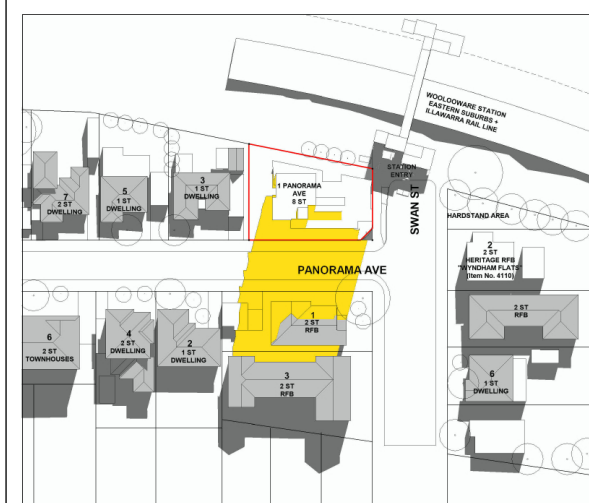


Figure 23: Shadow analysis - 11am (source: Stanisic architects, 2025)

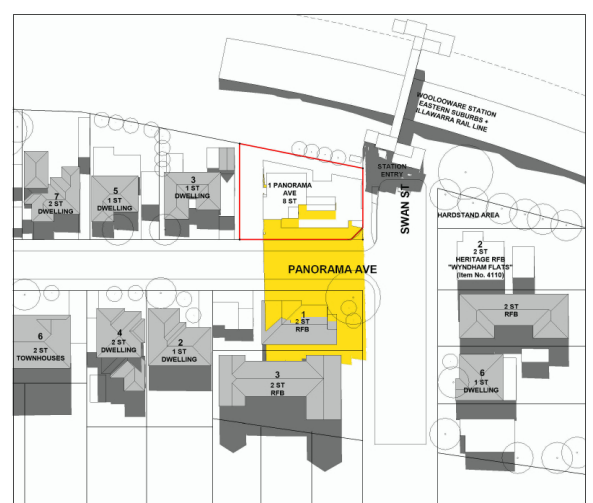


Figure 24: Shadow analysis - 12pm (source: Stanisic architects, 2025)



Figure 25: Shadow analysis - 1pm (source: Stanisic architects, 2025)



Figure 26: Shadow analysis - 2pm (source: Stanisic architects, 2025)

The site is considered to have access to services, infrastructure and utilities.

The site is:

- adjacent to Woollooware train station which provides access to key centres such as, Miranda, Cronulla, and the Sydney CBD
- Approximately 120m walking distance to the closest bus stop which provide connections to Caringbah, Miranda, Sutherland and Cronulla
- located within 300m of Woollooware local centre and 1km of the Cronulla Commercial Centre, which includes a wide variety of commercial uses
- located in close proximity to Hagger Park and located within the 300m of Woollooware Oval.

Council has stated it is unclear whether services/infrastructure are sufficient as the applicant has not provided any commentary regarding requirements for hydrant boosters or electrical substations, and whether adequate waste storage spaces are provided.

The details about the services/infrastructure will be more accurately considered following detailed design at the DA stage.

Clause 39(6)(c)- Development's effect and risks on the environment-

The Planning Secretary must not issue a certificate unless the Secretary is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable risks to the land (Clause 39(6)(c)).

Council noted in their submission that redevelopment of the site for a residential flat building is unlikely to have any unacceptable environmental risks to the land.

Flooding

Council's 2021 Woollooware Bay Catchment (WBC) Flood Study identifies that the site is flood affected at the probable maximum flood (PMF) (**Figure 28**).

The flooding is identified as low risk and categorised as flood fringe in the WBC Flood Study. This flooding affectation is capable of being addressed as part of the DA process.

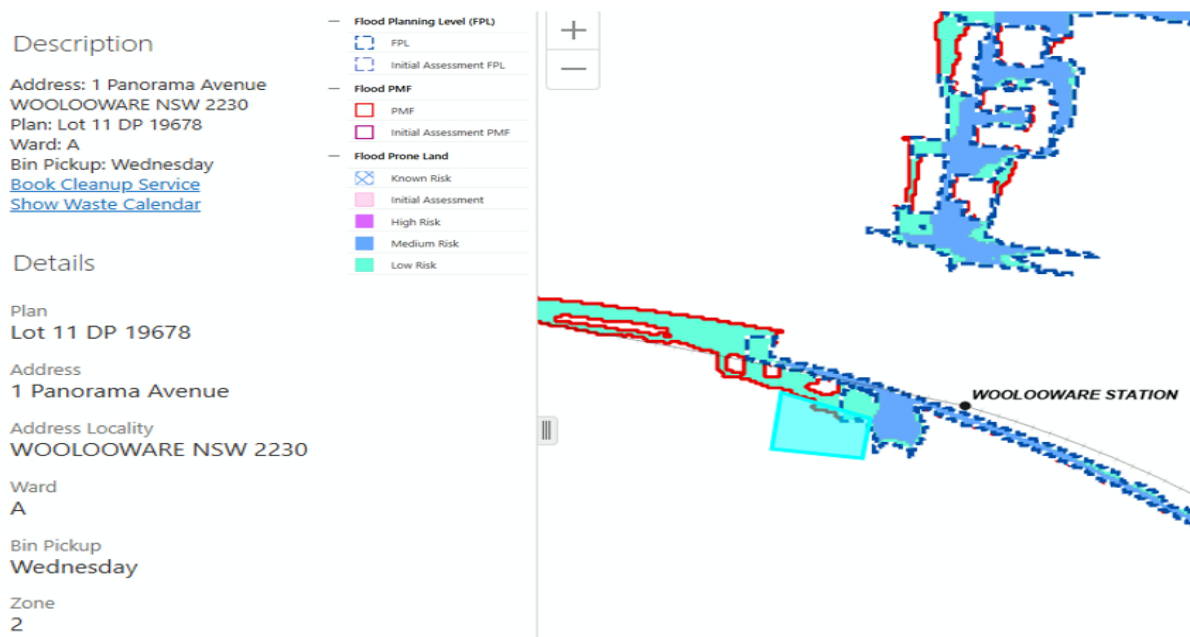


Figure 28: 3D flood affectation of the site (Source: Sutherland Shire First Check, 2025)

Contamination

The site is currently used for residential purposes and is not likely to have been used for hazardous land use. Should the SCC be issued, the consent authority for a development application may undertake further contamination consideration as deemed necessary.

Bushfire Hazard and Acid Sulfate Soil

The site is not identified to be affected by bushfire hazard or acid sulfate soils.

Biodiversity

The site is not identified as having any ecological, biodiversity or natural environment significance according to the Sutherland LEP 2015. As the site is located within an established urban area, impacts on ecological, biodiversity or natural environment will be minor.

Heritage

The site is not identified as a heritage item or located in a heritage conservation area. However, there is a heritage item nearby “WyndamFlats” at 2 Swan Street, which is a 2-storey freestanding residential flat building which is from the Interwar period, likely constructed between 1930 and 1942. It is appropriate that during the preparation of a development application, the proximity of the heritage item to the subject should be further considered to encourage design outcomes that respect the significance of this item.

Acoustic impacts

Council has raised concern that as the sites adjoins the rail line, it is likely that additional noise attenuation is required. They are also concerned the design will rely on air conditioning for ventilation, which they feel is not acceptable, particularly for affordable housing.

The site will be subject to acoustic impacts from trains as it is adjacent to the T4 Line. The current application includes information to advise that this is achievable to meet noise and vibration criteria subject to the use of the recommended acoustic treatments.

The details for acoustic treatments and building design can be further considered and resolved as part of the DA stage through consideration of the relevant standards.

Parking

A Traffic and Parking assessment report was submitted to support the SCC application which indicates that the site is well served by train and bus services, and as such the development does not provide any parking spaces.

Council's Development Control Plan requires the proposal to provide 20.5 residential parking spaces. Council's submission notes that the parking arrangement for the previous proposal (which also proposed no parking for 12 dwellings) was not supported and the current proposal involves more dwellings. Surrounding street parking is at capacity and it is implausible that there will be zero car ownership. Clause 38(2) of the Housing SEPP does not require car parking for this development type.

The parking arrangements are satisfactory for the purposes of the SCC application. However, the parking provision will be more accurately considered following detailed design and assessment at the DA stage.

Sydney Trains- TfNSW requirements for design and construction of the RFB

The site adjoins Illawarra rail corridor to the north and as such Sydney Trains, TfNSW has supported the proposal in principle but requested:

- early consultation on the design, including pre-DA review by Sydney Trains
- detailed development design which incorporates heavy rail and transport asset consideration, such as setbacks to the corridor or an access gate on Panorama Ave
- future designs should adequately address the following:
 - drainage from the development to be disposed or managed
 - noise and vibration from the rail corridor
 - anti-throw measures to restrict opening of structures proposed within 20m of the corridor.

Pacific Community Housing

The application intends to provide a minimum of 50% of the dwellings for affordable rental housing. Pacific Community Housing Pty Ltd has been identified as the social housing provider that intends to manage the affordable housing component of the development.

The application was accompanied by a certificate of registration verifying Pacific Community Housing as a registered Community Housing Provider.

Pacific Community Housing will be the provider for 50% of the dwellings for a period of at least 15 years.

RECOMMENDATION

The Secretary or their delegate, may determine the application by issuing a certificate or refusing to do so.

It is considered that a SCC should be issued, subject to requirements, on the basis that:

- the proposed use will assist in providing additional housing choice and opportunities for affordable housing in the Sutherland LGA
- a residential flat building is generally consistent with the land uses permitted, or constructed on adjoining land in the vicinity of the site
- the proposal will provide affordable housing within walking distance of well-connected public transport, helping to provide good access to services and jobs
- the site is suitable for more intensive use, having regard to the criteria set out in Clause 39(6) of the Housing SEPP and noting that more detailed design considerations will be undertaken as part of any development application
- matters under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A) should be assessed as part of a future development application
- the development is not expected to have an adverse impact on the environment or cause unacceptable risks to the natural environment.

CONSIDERATION OF CONDITIONS

The issuing of a SCC under Chapter 2, Part 2, Division 5 of the Housing SEPP confirms that a residential flat building is compatible in accordance with the relevant provisions.

A SCC is not a substitute for a development approval. The issuing of a SCC should not be interpreted as an endorsement of the proposed concept as detailed assessment of the merits of a specific design is subject to a subsequent development assessment process.

Likewise, the consent authority will assess and determine the DA which relies on the SCC by considering matters set out in section 4.15 of the *Environmental Planning & Assessment Act 1979*. Matters include relevant provisions under the State Environmental Planning Policy (Housing) 2021, Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015.

SCC REQUIREMENTS

A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate (clause 39(7) of the Housing SEPP).

It is recommended that:

Schedule 1 - The project description:

'Residential flat building with at least 50% of apartments proposed to be managed by a registered social housing provider as affordable housing for a minimum period of 15 years.'

Schedule 2 - Requirements imposed on determination

A conditional requirement be included in schedule 2 of the SCC, being:

1. *The final scheme, including the building setbacks, density and height will be subject to the consent authority undertaking a detailed assessment of the proposal as part of the development application process under section 4.15 of*

the Environmental Planning and Assessment Act 1979;

- 2. The final scheme for the development application complies with Apartment Design Guide; and*
- 3. The design of the final scheme for the development application is to consider and not detrimentally impact the amenity of existing surroundings.*

ATTACHMENTS

Attachment Report

Attachment A – Site Compatibility Certificate

Attachment B – Letter to Council

Attachment C – Letter to Applicant

Attachment D – GANSW comments

Attachment E – Sutherland Shire Council comments

Attachment F - Sydney Trains comments

Appendices to the SCC

Appendix 1 - SCC Application dated June 2025

Appendix 2 - Site Survey

Appendix 3 - Architectural design report

Appendix 4 - Architectural design concept plans

Appendix 5 - Pacific Community Housing Registration

Appendix 6 - Authority to lodge_SCC2025SUTHE-1

Appendix 7 - Transport traffic and parking

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