



File Ref: 2025/503702

22 July 2025

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Dear Ms Iqbal

RE: SCC2025SUTHE-1 Site Compatibility Certificate Application for 1 Panorama Avenue, Woollooware

I refer to your letter dated 23 June 2025 requesting Council's comments on the application for a Site Compatibility Certificate (SCC) for 1 Panorama Avenue, Woollooware.

The development proposes a nine storey, 29 metre high, shop-top housing development comprising 28 units, of which 50% are proposed to be managed by a social housing provider as affordable housing for a minimum of 15 years. The development concept includes a ground floor café use. The site is located directly adjacent to Woollooware rail station.

Background

Site Compatibility Certificate – 1 (approved)

On 8 October 2020, DPIE issued a SCC in accordance with the former SEPP (Affordable Rental Housing) 2009 for the site in relation to a three storey/9 metre residential flat building with 16 units and 50% affordable dwellings, to be provided for 10 years. The SSC was issued for the development described under Schedule 1, and subject to requirements imposed on determination under Schedule 2:

Schedule 1:

The demolition of the existing building on the site and the construction of a residential flat building, in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 with a maximum height of 9m and floor space ratio of 1.068:1

Schedule 2:

The final scheme will be subject to the consent authority undertaking a detailed assessment of the proposal as part of the development application process. This will include resolution of a number of issues including but not limited to:

- *density;*
- *bulk and scale;*

- *building setbacks;*
- *building height;*
- *compliance with State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development;*
- *number of dwellings, based on the above matters;*
- *building design;*
- *landscaping;*
- *traffic and parking;*
- *heritage;*
- *acoustic treatment;*
- *the amenity of surrounding development; and*
- *permissibility of the proposed ground-floor non-residential use.*

Development Application (refused)

On 31 August 2021, a development application (DA21/0907) 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 (refused)

On 18 April 2023, a Section 8.2(1)(a) review application (RA23/0004) for the above DA was refused.

Court Appeal (discontinued)

The Applicant appealed the decision in the Land and Environment Court (LEC Case number 2023/88722) in March 2023. The proceedings were discontinued in February 2024.

Site Compatibility Certificate - 2 (approved)

On 15 June 2023 a SCC was issued for:

Schedule 1:

Residential flat building of approximately 12 apartments of which at least 50% are proposed to be managed by a registered social housing provider as affordable housing for minimum period of 15 years.

Schedule 2:

- 1. The final scheme for the development application, 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 application process under section 4.15 of the Environmental Planning and Assessment Act 1979;*
- 2. The final scheme for the development application complies with SEPP 65 – Design Quality of Residential Apartment Development; and*
- 3. The design of the final scheme for the development application is to consider and not detrimentally impact the amenity of existing surrounding development.*

Council Information Review

The application has been reviewed by Council officers and assessed against the criteria listed in Chapter 2, Division 5, Clause 39 of the State Environmental Planning Policy (Housing) 2021 ('SEPP Housing'). It is considered that if the current proposal was to proceed to a development application it would be unlikely to be able to comply with Council's development controls.

A number of key concerns have been identified within this submission. It is critical that these matters are addressed at the outset, as Council officers are concerned that any approval under the SCC may preclude meaningful amendments during the DA process and 'lock in' significant issues.

The following comments are structured under the considerations listed in the SEPP Housing, that the residential flat building is compatible with the surrounding land uses in respect of:

(i) The existing uses and approved uses

Existing use and context

The site is located on the south-eastern corner of Panorama Avenue and Swan Street, Woollooware. The Site is an irregular shape, narrowing to the east. The Site shares its northern boundary with the Sutherland-Cronulla Railway line and is directly adjacent to Woollooware Train Station's southern entrance. The western boundary is shared with No. 3 Panorama Avenue, which is occupied by a single storey dwelling house.

Panorama Avenue is characterised by detached single storey, dwelling houses in a landscaped setting, except for two x two storey townhouse developments at 6A and 6 Panorama Avenue. A new two-storey dual occupancy is located at 2 Panorama Avenue. Panorama Avenue connects to The Kingsway via Swan Street, which is characterised by a combination of single dwellings (2 and 8 Swan St), dual occupancies (1 and 6 Swan St) and two x two storey residential flat buildings (3 and 4 Swan Street).

Both Panorama Avenue and Swan Street terminate in cul-de-sacs. Swan Street is a popular drop off location for commuters using Woollooware Station, and both Panorama Avenue and Swan Street are heavily utilised for commuter parking. The Swan Street frontage of the Site, and part of the Panorama Avenue frontage, are no parking zones.



Figure 1: Context Map with existing uses in immediate locality of the site

LMR, SEPP Housing and Sutherland Shire Council's Housing Strategy

State Government reform has identified Woollooware for higher density housing as part of the Low and Mid-Rise Housing reform (LMR), in within 800 metres walking distance of the station. These reforms allow increased height and FSR for residential flat developments up to 6 storeys in R3 zones. Bonus affordable housing provisions within SEPP Housing allow building heights and FSR up to 30% over and above the LMR.

Council had consulted with DPHI ahead of the release of the LMR. Council officers queried the inclusion of Woollooware in the reforms due to the area not having a main line supermarket and limited provision of amenities to support the potential uplift. Staff also raised potential adverse impacts on the amenity of existing R2 zones with regard to mid-block transitions.

Council has adopted its Housing Strategy which will be followed by Place Plans for key centres. Place Plans will determine where density delivers housing, where investment in infrastructure will occur and embeds actions from Council Strategies into a future vision to give the community and businesses an understanding of how a place will change into the future.

Council has prioritised the larger strategic centres of Miranda and Sutherland/Kirrawee for investigation and growth at this current time. Council has yet to undertake strategic analysis of the locality in preparation for a place-based plan for Woollooware. Other key centres will continue to be prioritised first, such as Caringbah, Cronulla, Engadine and Jannali.

Good planning outcomes are a result of strategic analysis of place and consultation with communities. Council has not yet planned for how the area around Woollooware Station should proceed into the future. The development of a single, high rise and very dense mixed-use development on a small lot within a low-scale suburban neighbourhood compromises the ability to plan for and manage cohesive change in the locality going forward.

Prohibited use

The proposed cafe is presently not permissible in the R3 Medium Density zone. It is unclear whether the Site Compatibility Certificate can allow this use.

Commercial development at Woollooware is confined to the northern side of the railway line. Bringing commercial uses to the small neighbourhood to the south of the railway line is not consistent or nor is it compatible with the residential character of the immediate locality.

Inadequate contextual analysis

It is noted that the proponent's information contains multiple misrepresentations of the site context and future building scale. Drawings DA 411(issue B), DA 413(B) DA 900(A), DA 901(A), DA 902(A), DA 903 (A) misrepresent neighbouring buildings as being of the same height of building or higher to that which is being proposed. This representation of the scale and use of the surrounding properties does not allow a true visual comparison or assessment of the proposal in its context and makes unfounded assumptions about future development in the locality. These should be removed.

Context Plan (DA002, Issue B) details an area designated for shops along the western side of Swan Street in proximity to the site with a nil setback to the boundary and potential for small public square at the southern corner of Swan Street and Panorama Road. These uses do not accurately depict, nor are they compatible with existing or future approved uses of the area and this Plan should also be removed.

Other assertions throughout the architectural set refer to residential flat development where single housing or dual occupancies are located. The proponent incorrectly identifies No. 1 and No. 2 Swan Street as RFBs, when Council records indicate they are currently a dual occupancy, and single dwelling house (respectively). An inadequate contextual survey of the neighbouring uses has been provided.

(ii) The impact that the residential flat building, including its bulk and scale, is likely to have on the existing uses, approved uses and uses that, in the opinion of the Planning Secretary, are likely to be the preferred future uses of the land

The proposal is located within the R3 Medium Density Residential zone. The zone aims to provide for the housing needs of the community within a medium density residential environment. Under SSLEP2015 the zone particularly aims to:

- To promote a high standard of urban design and residential amenity in a high-quality landscape setting that is compatible with natural features.
- To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.

The impacts of the proposal have been discussed further below.

Height, scale and bulk

The site is small, being only 674.9m². The lot is shallow and adjacent to the railway line. Panorama Ave is narrow being only 12m wide, when compared to Swan St (20m wide). These characteristics make a single lot development for the purposes of a residential flat building difficult, as there is less space to ameliorate adverse impacts. The proposal seeks

to maximise the number of dwellings on site and the resultant form does not address local character, nor the requirements of SEPP Housing.

The current scale of development in the locality is low density suburban. The existing two storey dwellings and dual occupancies would generally have a FSR of about 0.45:1 as they were developed many years ago. The more recent townhouse development would have a maximum FSR of 0.7:1 and the older flat buildings would be no greater than 1:1. New development should transition to neighbouring properties and be compatible with the established scale and landscaped setting.

The proposed development utilises additional permitted height and FSR from the Low and Mid-Rise Housing reforms, which allows a 'base' FSR of 2.2:1 and 'base' building height of 24m for a building containing shop top housing in the 'inner area' in R3 zones. The applicant can secure a 30% bonus height and floorspace under SEPP Housing as the affordable housing component comprises at least 10%. The development proposes a 29-metre-high building with an FSR of 2.86:1 on a site area of 674.9m².

The proposed development is excessive in height in relation to its context, where the characteristic form of development is one and two storeys in height with a pitched roof. A 29-metre-high building is uncharacteristic of the area, visually dominant and highly visible when viewed from the surrounding development and the public domain. The lack of setback on the upper floors increases visual bulk of the building form. The design of the development contains little articulation to mitigate the bulk and scale of the development, with a lack of domestic human scale treatment at lower levels.

The applicant's FSR calculation is not agreed, and the proposed FSR exceeds the maximum allowable onsite. The calculation fails to include various storage and service areas and access walkways. Past advice provided by Sydney Trains note that due to proximity of the Site to the rail corridor, balconies may be required to be enclosed as possible winter gardens. This would significantly increase the FSR calculation, adding further to the bulk and scale of the building.

Parking

Two car parking spaces have been provided on-site for the Café use. No on-site car parking (including disabled parking) has been provided for residents, and no on-site waste collection or separate loading facilities are proposed.

Car parking was not a resolved matter under the refused DA (which was a requirement of the former SCC) and remains unresolved. Although Chapter 2, Division 5 of SEPP Housing prescribes that car parking is not required (clause 38(4)), this would have an unacceptable impact in the local neighbourhood given that:

- The current proposal is of significantly greater scale than the previous proposal
- Existing streets already suffer from high parking demand (are already at capacity) including illegal parking.
- The number of objections received in relation to parking with the previous and smaller proposal
- Only 50% of the 28 dwellings will be affordable housing managed by PCH – it is implausible that there will be zero car ownership and at the very least the non-discretionary development standards for parking contained in Clause 19(2)(f) of Division 1 In-fill affordable Housing should apply i.e.:

“(f) the following number of parking spaces for dwellings not used for affordable housing—

(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,

(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,

(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,”

- The proposal will result in a loss of existing on street parking due to change in vehicle access arrangements and servicing of the site.

Therefore, any SCC should stipulate the need to address parking on this basis or alternatively an SCC should not be issued until the proposal is amended to show basement parking can be achieved at these rates.

Visual and streetscape impact, landscaping and setbacks

The Site is located on a visually prominent corner site adjacent to the entrance to Woollooware train station. The proposed development will have an unacceptable impact upon the streetscape of Panorama Avenue and Swan Street.

The proposed building setbacks are inconsistent with the general street character and landscaped setting. A nil setback to Swan Street and a 3m setback to Panorama Ave coupled with the height of the building will dominate the streetscape particularly the narrow street of Panorama Avenue.

The 3m setback to Panorama Avenue does not allow for successful canopy tree planting on site, and it will be more difficult for planting to thrive on the south side of a 29m high building. Greater setbacks are required to maintain the landscaped qualities of the locality, which will soften the bulk and scale of the building to integrate the proposal with the existing local character.

The proposal includes a deficiency in size and quality of landscaping in response to the bulk and scale of the proposed development. Clause 6.14 of the SSLEP requires the provision of a minimum of 30% of the site to be landscaped, equating to 202.47m². Documentation indicates that 183m² of deep soil landscaped area has been provided in DA 802(B) contrary to 166m² deep soil in application documents. It is considered that quality landscape and deep soil setbacks should be provided, particularly on the southern and western property boundary.

Noise and ventilation

The concept design has not demonstrated compliance with the Apartment Design Guidelines, highlighting that the density sought is disproportionate for the site. The units are oriented to face the adjoining railway line, particularly the central single aspect units. In order to achieve adequate noise attenuation from the rail corridor, it is expected that all northern openings will require glazing closed to achieve compliance (creating winter gardens). The design of the floor plate will not provide adequate cross ventilation to units. Reliance upon air-conditioning for ventilation is inappropriate, particularly for affordable housing, due to the excessive cost to run.

Overshadowing impacts

The development will cause adverse overshadowing impacts to existing properties on the southern side of Panorama Avenue. 1 Swan Street is particularly affected by shadow from 9am to 2pm to north-facing windows in mid-winter.

(iii) The services and infrastructure that are or will be available to meet the demands arising from the development

It is unclear whether services/infrastructure are likely to be sufficient for the proposed development. The applicant has not provided any commentary regarding requirements for hydrant boosters or electrical substations.

Waste is proposed to be serviced kerbside on Panorama Avenue, however it hasn't been demonstrated that adequate waste storage space is provided, or whether servicing can be achieved safely and without amenity impacts on the surrounding streets.

- (iv) **That in the opinion that the development is not likely to have an adverse effect on the environment and will not cause unacceptable environmental risks to the land.**

The redevelopment of the site for a residential flat building is unlikely to have any unacceptable environmental risks to the land.

Conclusion

More affordable housing options are needed in the Sutherland Shire, and Council officers are supportive of affordable housing development, particularly within close proximity to existing public transport options. However, careful design and site planning is required to balance the need for this type of accommodation where proposed at a high-density scale, when the site is located in a more sensitive low to medium density context. It is Council officers' view, that the subject proposal has been unable to achieve this balance. As a result of the scale and density of the proposal, it will dominate the streetscape and be incompatible with the scale and character of surrounding development.

Site compatibility certificates are typically reserved for very large sites or precincts where significant change is being contemplated. It is unusual to facilitate change in the character of an area through an individual development on a very small site. Council has not had the opportunity to prepare a Place Plan for Woollooware which would provide a better opportunity to resolve design constraints created by the lot configuration in the broader context of the locality.

While a residential flat building is broadly compatible with the residential uses in the surrounding locality, the proposal does not present a compliant design with respect to (but not limited to) the issues discussed. It is of concern that the development approved under the SCC will effectively 'lock in' many of these issues, making it difficult for significant changes to be resolved at the DA stage. Therefore, it is critical these issues are addressed upfront.

The comments presented here are preliminary comments made by staff and have not been endorsed by all Councillors.

Should you require further information, please don't hesitate to contact Beth Morris bmorris@ssc.nsw.gov.au on (02) 9710 0376.

Yours sincerely,



Beth Morris

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