

19 February 2021

Mark Carlon
Manager Strategic Planning
Sutherland Shire Council
4 - 20 Eton Street
Sutherland, NSW

Dear Mark,

13 ENDEAVOUR ROAD, CARINGBAH, PLANNING PROPOSAL RZN20/0003

1. INTRODUCTION

This letter has been written in response to Council's request for further information letter dated 22 October 2020 and email dated 28 October 2020, regarding the Planning Proposal lodged over land at 13 Endeavour Road, Caringbah and otherwise referred to as RZN20/0003.

This letter is accompanied by the following documentation, which comprehensively addresses the issues raised by Council:

1. **Appendix A** – Supplementary Traffic Information prepared by McLaren Traffic Engineering.
2. **Appendix B** – Site Specific LEP prepared by Urbis.
3. **Appendix C** – Site Specific DCP prepared by Urbis.
4. **Appendix D** – UST Environmental Assessment prepared by JBS&G.

The accompanying documentation addresses each of the issues raised by Council, as summarised overleaf.

2. RESPONSE TO COUNCIL

2.1. TRAFFIC IMPACTS

Q. Traffic and parking will be significant issues associated with the development of this site. The area is not well served by public transport and the rate of car ownership in Sutherland Shire is particularly high. In order to better understand the traffic implications of the planning proposal the following is required:

1. An estimate of the maximum traffic generation created by the current permissible uses on the site compared with the traffic generation created by the permissible uses requested in the Planning Proposal. This should be done in the context of the concept masterplan. The key consideration is whether the additional permitted uses have a greater or lesser traffic impact? What impact does the allocation of permissible floor space to retail, pub, function centre and tourist and visitor accommodation have on traffic generation and parking demand?

It is understood that Council require further details around the estimated maximum traffic generation created by the current permissible uses on the site compared with the traffic generation created by the additional permissible uses requested in the Planning Proposal, particularly in relation to whether additional permitted uses have a greater or lesser traffic impact and what the allocation of retail, pub, function centre and tourist and visitor accommodation has on traffic generation and parking demand.

In response, McLaren Traffic Engineering (MTE) have provided supplementary traffic information (refer **Appendix A**) in addition to their Traffic and Parking Assessment submitted as part of the Planning Proposal lodgement package. For completeness, it is recommended that both the supplementary information and the MTE Assessment be read in conjunction.

As detailed in **Appendix A**, the supplementary information determined that when assessing each development scenario, the permissible uses equate to a provision of 3,095 car parking spaces when assessed against the rates with the Sutherland Shire DCP, whilst the non-permissible uses would equate to a provision of 3,174 car parking spaces. In the case when considering the ancillary uses and shared car parking arrangement, demand of the site during peak parking demand for permissible uses is 3,055 car parking spaces, whilst the non-permissible uses are 3,027 car parking spaces. Therefore, the non-permissible uses would result in a lesser car parking requirement for the site when considering shared parking demand arrangements and ancillary uses.

Further, Council want to understand the impact resulting from the allocation of permissible floor space to retail, pub, function centre and tourist and visitor accommodation uses on traffic generation and parking demand at the site. MTE have provided an assessment within their supplementary information (refer **Appendix A**) of the peak hour traffic generation for permissible uses versus non-permissible uses. The assessment determined that “*the non-permissible uses would result in a lesser traffic impact compared to the permissible uses due to the lower peak hour traffic generation during both the AM and PM peak hour periods.*” Therefore, the traffic generation and parking demand associated with the non-permissible uses was found to either result in an improved situation or inconsequential difference.

2. The concept masterplan indicates that signalisation of 3 intersections is ultimately required (Scenario 4).

As the development will be staged, what is the tipping point(s) for signalisation of these intersections? Does the reuse of the existing buildings require signalisation of one or more intersections?

The Supplementary Traffic Information prepared by MTE (refer **Appendix A**) provides an assessment against the tipping points for the surrounding intersections. The Assessment determined the following:

- *Prior to Any Stage: The intersection of Endeavour Road / Captain Cook Drive is required to be temporarily upgraded prior to any occupation due to the existing failing intersection under the existing traffic conditions plus the Sharks Stage 3 & 4 development.*
- *Prior to Stage 3 of the Proposed Development: The intersection of Captain Cook Drive / Gannons Road is to be upgraded to the masterplan geometry prior to occupation of Stage 3.*
- *Prior to Stage 5: The intersection of Endeavour Road / Captain Cook Drive, plus the newly proposed intersection at Endeavour Road / Captain Cook Drive are to be constructed prior to occupation of Stage 5.*

In relation to the temporary upgrade of the Endeavour Road/ Captain Cook Drive intersection, it is noted that this upgrade is primarily driven by the traffic associated with the Sharks development. MTE's report outlines that the modelling concludes this intersection will be exceeding its operating capacity when considering the existing traffic conditions plus the approved stages 3 and 4 of the Sharks development. It is prudent to note that this modelling does not take into account any traffic generated by the subject site, including any traffic generated by the existing and approved uses on the site.

MTE's Report identifies that the existing estimated traffic generation of the site is 558 vehicles. Based on this, it is reasonable that Aliro Group should only be responsible for intersection upgrades once the existing traffic generation is exceeded. Based on this, the responsibility of upgrading the Captain Cook Drive/ Endeavor Road intersection before occupation of any buildings on the site should be on others.

Q. What assurance can be given to Council that signalisation will be carried out as development occurs?

It is understood Council have concerns surrounding the assurance that signalisation will be carried out as development occurs.

It is noted that full redevelopment of the site as envisaged by the masterplan will not occur immediately, rather the masterplan will take many years to deliver with development on the site occurring incrementally over time. It is anticipated that development approval will be sought through a combination of Complying Development Certificates (CDC) and Development Applications (DA) depending on the nature and type of works.

The anticipated traffic generation and impacts of a given proposal will need to be independently assessed by both Council and Transport for New South Wales (where it meets the traffic generation thresholds for referral to TfNSW), at the Development Application (DA) stage. A control to this effect has been drafted within section 6 of the site-specific Development Control Plan (refer **Appendix C**).

Prior to granting development consent, Council and TfNSW (where referral is required) will need to be satisfied that the traffic impacts associated with the proposal is acceptable. The delivery of intersection upgrades (where required) would then be conditioned by Council in the development consent.

2.2. RETAIL COMPONENT

As detailed throughout Council's letter dated 22 October 2020, it is understood Council has concerns regarding the proposed addition of 'shops' as a permissible use at the site. Particularly in relation to issues surrounding loss of employment lands, traffic management, impacts of out of centre retail and competing demands and the allocation / capping of retail floor space.

It is acknowledged that the way forward relies upon site specific LEP provisions that capture the commitments and overall intent of the masterplan, particularly in relation to the retail component.

Whilst understanding Council's willingness to have a cap on retail floor space, it is proposed to introduce a percentage based control that is consistent with the method used for B7 Business Park zoned land in the *Ryde Local Environmental Plan 2014*, specifically control 4.5B. This percentage based technique of limiting the permissible amount of shop floor space will provide council with reasonable certainty that the scale of overall retail uses won't be one that creates a new centre or be a dominant use on the site, and also provide the Proponent with flexibility noting the final building form and design is still to be determined.

The site-specific control is accompanied by a set of site-specific objectives that aim to clarify the primary role of the site will be an employment precinct comprising predominantly office and light industrial uses. Other complementary uses (such as retail) are to be in an ancillary capacity to assist in creating a vibrant and activated place that draws businesses and tenants to the site and provides for the day to day needs of workers and local residents . Future DA's will be required to be assessed against and demonstrate consistency with the objectives and controls of the site-specific clause.

A copy of the proposed site specific LEP provision is provided at **Appendix B** and reproduced below.

Clause 6.23 13 Endeavour Road, Caringbah

(1) The objectives of this clause are as follows—

- (a) To create a high quality mixed use employment precinct that provides predominately for office and light industrial uses.*
- (b) To provide employment opportunities and promote economic growth by supporting the containment of jobs within the Sutherland Shire.*
- (c) To create amenity and attract workers, businesses and community into the site ancillary uses that provide facilities or services to meet the day to day needs of workers and residents in the local area are encouraged.*
- (d) To protect the amenity of the adjacent areas by providing a transition to eastern and southern boundaries, including reasonable setbacks from side and rear boundaries and the maintenance of a transitional scale of building height.*
- (e) To ensure there are high quality areas of private and public domain including connections to the cycle network along Woollooware Bay and Gannon's Road, Solander Fields and the wider pedestrian network.*
- (f) To preserve and improve the site's significant ecological values through buffers around ecological communities and the strategic positioning of compatible land uses.*

(2) This clause applies to the land known as 13 Endeavour Road, Caringbah and identified on the Additional Permitted Uses Map.

(3) Despite any other provision of this Plan relating to the purposes for which development may be carried out, development consent may be granted for development for the purposes of tourist and visitor accommodation, function centre and pub on land to which this clause applies.

(4) Despite any other provision of this Plan relating to the purposes for which development may be carried out, development consent may be granted for development for the purposes of a shop on land to which this clause applies if -

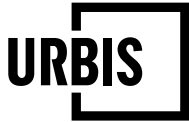
(a) the floor space for the purposes of a shop does not exceed an area equivalent to 2.5% of the floor space ratio shown for the land on the Floor Space Ratio Map.

Council's letter also raises concerns regarding the potential loss of employment lands as the site is identified as 'retain and manage' under the industrial and urban services land mapping within the South District Plan.

As demonstrated by the masterplan, the proposal will not waiver in its commitment to the B7 Business Park zone aims and objectives. The masterplan seeks to retain a significant warehouse and light industries offering with the delivery of approximately 38,324sqm of warehouse and industrial GFA, and 99,286sqm of office and business premises GFA, cumulatively comprising 92% of the total masterplan GFA, with capacity under the existing controls for more. Comparatively, the proposed non-permissible retail floor space is 2.5% of the total permissible FSR. The proposed quantum of retail floor space is minor, and still meets the objectives of the B7 Business Park zone, South District Plan and vision for the site in so far as it will support the desirability of the site for businesses and tenants to locate, and accordingly stimulate local job opportunities. This has been verified by Aliro Group's discussions with prospective industrial and office tenants for the site who are seeking close access to supporting amenities as part of relocation requirements.

It is understood that it is also Council's opinion that, "*out of centre retail also exacerbates traffic management issues*". As detailed within both MTE's Traffic and Parking Assessment and the supplementary information at **Appendix A**, the estimated traffic generation associated with the permissible uses and non-permissible uses identified that, "*the non-permissible uses would result in lesser traffic impact compared to the permissible uses due to the lower peak hour traffic generation during both the AM and PM peak hour periods.*" Therefore, the traffic management issues will not be an issue under the current masterplan and will be an improvement on the permissible traffic situation.

Furthermore, Council have expressed concern regarding out of centre retail and impacts to existing retail centres such as the Sharks Leagues Club Mixed Use Development. This issue has been addressed in the Retail Impact Assessment that was lodged with the Planning Proposal. The assessment concluded that "*there is sufficient growth within the market to accommodate the proposal without adversely impacting the ongoing viability of existing retail centres*", with "*all economic impacts from the proposed development estimated to be less than 6% of the identified centres, which is considered well within the bounds of healthy competition*". Therefore, the proposed retail offering will not result in adverse impacts to existing retail centres.



2.3. PUBLIC DOMAIN

Q. To facilitate safe and efficient public access, the areas accessible to the public need to be integrated into the wider public domain – particularly the cycle network along Woollooware Bay and Gannons Road, Solander Playing Fields and the wider pedestrian network. While some connections are adequately shown and described in the supporting documentation, there is currently no mechanisms by which Council can be assured that these positive public outcomes can be assured.

As outlined in **Section 2.2** above, a site specific LEP objective is proposed to capture the proposed positive public domain outcomes referenced in the masterplan.

In addition, a site specific DCP has been prepared by Urbis and is attached at **Appendix C**. The DCP includes objectives and controls to encourage improved access to the public domain and active transport options throughout the site.

2.4. SITE SPECIFIC LEP

It is acknowledged that Council requires site specific LEP provisions to capture the commitments made within the masterplan and facilitate a mechanism to cap the amount of 'shop' floor space permissible at the site. A Site Specific LEP has been prepared by Urbis and is attached at **Appendix B**.

2.5. SITE SPECIFIC DCP

It is acknowledged that Council requires site specific DCP provisions to capture the commitments made within the masterplan. A Site Specific DCP has been prepared by Urbis and is attached at **Appendix C**.

2.6. UNDERGROUND STORAGE TANK

It is understood from Council's email dated 22 October 2020, that they require confirmation that the Underground Storage Tanks (UST) have been removed and remediated in accordance with Underground Petroleum Storage System (UPSS) Regulation. As a result, a UST Environmental Assessment has been prepared by JBS&G and is attached at **Appendix D**. The Assessment details a summary of previous investigations and outlines the known contamination status of UPSS at the site. A detailed site inspection of the UST area was conducted by a trained and experienced JBS&G Environmental Consultant on 7 January 2021.

Based on the review of previous investigations and detailed site inspection of the UST area, the following is concluded:

- *Previous investigations and visual observations during these investigations indicate that the UST was decommissioned, and foam filled (abandoned in-situ) in 2003.*
- *Targeted soil and groundwater investigations proximate to the UST have not identified the presence of widespread contamination to soil/fill or groundwater.*
- *The UST is proposed to be excavated and removed to facilitate the redevelopment of the site.*
- *In the event isolated petroleum hydrocarbon impact to soil/fill is identified during excavation/removal of the UST, contamination is anticipated to be localised.*

- *JBS&G have prepared a RAP to validate that the excavation and removal of the UST is in accordance with relevant regulatory requirements and Australian Standards. Remedial works are anticipated to be able to be managed in accordance with the Sutherland Shire DCP 2015 and State Environmental Planning Policy No 55—Remediation of Land to ensure the site is made suitable for the proposed commercial and industrial land use.*
- *The existing UPSS infrastructure present at the site is not considered to pose any immediate contamination risk at the site, nor require immediate removal as part of the planning proposal phase. It is acknowledged that the removal of the UPSS and management of isolated contamination can be addressed under a future development application phase.*

For further details, reference should be made to **Appendix D**.

2.7. BIRD AND BAT STRIKE

Q. Considering the proximity of the site to the Taren Point Shorebird Reserve and Towra Point Nature Reserve, there is the potential risk of bird/bat strike as a result of raising building heights to 50m. The ecological assessment should be expanded to determine whether the level of risk precludes taller buildings and, if not, any necessary amelioration measures.

Studies are currently being carried out to respond to this query and will be submitted separately to Sutherland Shire Council.

3. NEXT STEPS

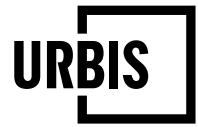
We trust that the above responses and the accompanying documentation addresses each of the issues raised by Council and will enable Council Officers to finalise the assessment of the Planning Proposal and place it on the agenda for upcoming Local Planning Panel and Council Meetings.

If you have any questions in relation to this letter, please do not hesitate to contact the undersigned.

Yours sincerely,

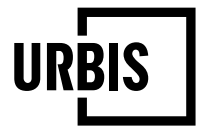
A handwritten signature in black ink, appearing to read "Jessica Ford".

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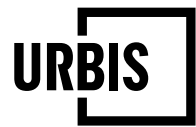
APPENDIX A

SUPPLEMENTARY TRAFFIC INFORMATION



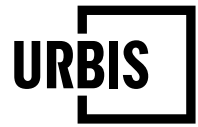
APPENDIX B

SITE SPECIFIC LEP



APPENDIX C

SITE SPECIFIC DCP



APPENDIX D

UST ENVIRONMENTAL ASSESSMENT