Special Environment and Planning

30/04/2012 EAP185-12
Cronulla Sharks Preferred Project Report (PPR) - Concept Plan Application (MP10_0229) - 461 Captain Cook Drive, Woolooware
Submission to the PPR
File Number: LP/03/332127
Director: Environmental Services (MC)
Report Item

(Appendix B and C attached to this report are available electronically only.)

REPORT IN BRIEF

Purpose
The purpose of this report is to provide a summary of the changes to the Cronulla Sutherland Leagues Club's Concept Plan in order for Council to make comments to the Department of Planning & Infrastructure on the final concept.

Summary
The proponent has prepared a detailed report, called a Preferred Project Report (PPR), to further justify the concept in light of the issues raised in submissions and advice from the NSW Department of Planning and Infrastructure. The concept has also been revised in some respect to address some specific weaknesses highlighted by the submissions received. In brief, the key amendments to the proposed scheme are as follows:

- Reduction in residential building heights by between 1 and 6 storeys;
- Reduction in the amount of residential floor space by 15%;
- Amended layout of some residential building footprints;
- Reconfiguration of layout for retail, club, and parking uses within the commercial component;
- Resultant amendments to total developable floor area; and
- Revised layout of structures within Foreshore Park and riparian setback.

The PPR has been considered in detail by the cross-divisional team of senior staff to see whether Council's previous concerns have been addressed. However, in essence the review has found that the PPR is simply a tweaking of the initial concept. It does not address Council's fundamental concerns that relate to the intensity of development in this location and its impacts. It remains a stand-alone shopping mall with a separate dense residential development that has no meaningful relationship to surrounding land uses. Traffic and parking issues remain. Rather than reconsider the scale and density of the project, the proponent has carried out substantial analysis to further justify the approach taken by this proposal. The amendments that have been made do address clear weaknesses in the initial concept and significantly improve the design, but do not make the concept itself acceptable. As such the bulk of Council's initial concerns remain valid and it is recommended that Council confirm its objection to the proposed development.

REPORT IN FULL

Purpose and Background

The development concept for the Cronulla Sharks Redevelopment is being considered by the Minister for Planning and Infrastructure under Part 3A of the Environmental Planning and Assessment Act, 1979. The initial concept plan was exhibited for 2 months between 5 October and 5 December 2011. Council considered a detailed report on the concept plan (EAP094-12) and resolved that the report be forwarded to the Minister to detail Council's concerns.

Due to the timing of the exhibition period, Council did not have an opportunity to consider the points made in community submissions before it considered the merits of the proposal. Council considered a further report on the content of the submission at its meeting of 22 February 2012 (EAP146-12). A total of 4,813 submissions were made by the general public and 9 submissions by public agencies. Of the 4,813 submissions made by members of the general public the following levels of support and objection were stated:

- 2,695 submitters (56%) support the proposal.
- 2,099 submitters (44%) object to the proposal.
- 19 submitters (<1%) stated neither an objection nor support for the proposal.

The issues raised by the public were largely covered in Council's submission. Because no new significant issues were raised, Council resolved not to make a further submission.

The Part 3A process differs from that of the assessment of a development application. Rather than moving to assessment of a proposal after exhibition, the proponent is given an opportunity to respond to the issues raised in the submissions received and any further directions made by the Department of Planning and Infrastructure and submit a revised concept. This step is known as the Preferred Project Report (PPR). A copy of the PPR is available electronically at **Appendix B.**

The PPR has now been submitted and the Department of Planning & Infrastructure is currently finalising the assessment of the project. The PPR has been referred to Council by the Department and Council has been invited to make comments on the final concept. Any submission is required no later than 4 May 2012. Given the timing of Council meeting dates the Department has been requested to accept Councils submission following it's meeting of 7 May. The Department has advised that this is acceptable.

Key Changes to exhibited Concept Plan

The Preferred Project Report consists of a series of expert reports and amended plans. The PPR further justifies the concept in light of the issues raised in submissions and the advice given to the proponent by the Department of Planning and Infrastructure. The concept has also been revised in some respect to address specific weaknesses highlighted by the submissions received. In brief, the key amendments to the proposed scheme are as follows:

- Reduction in residential building heights by between 1 and 6 storeys;
- Reduction in the amount of residential floor space by 15%;
- Amended layout of some residential building footprints;
- Reconfiguration of layout for retail, club and parking uses within commercial component;
- Resultant amendments to total developable floor area; and

- Revised layout of structures within Foreshore Park and riparian setback.

In relation to the residential component of the project, the amended scheme generally concentrates taller residential buildings within the middle of the site to create a transition of heights from the centre of the site to both Captain Cook Drive and Woolooware Bay. One residential flat building (Building B) has been removed and a new terrace form building included along the eastern boundary to provide greater activation and casual surveillance to this area. In general terms the amendments to the residential component are significant improvements, largely due to a significant reduction in density. Photomontages of the revised scheme are shown at **Appendix A**.

As a result of the proposed amendments, the indicative dwelling yield of the Concept Plan has been reduced from approximately 700 to approximately 600 dwellings. An overview of the changes to building heights is provided below;

Table 9 – Approved and proposed maximum building heights

Building (Column 1)	Maximum RL to top of parapet (excludes plant) (Column 2)		Indicative No. of Storeys including podium (Column 3)	
	Exhibited Project	Preferred Project	Exhibited Project	Preferred Project
A	RL 50.75	RL 32.15 (-18.60m)	15 storeys	9 storeys
B	RL 35.25	RL 47.65 (+12.40m)	10 storeys	10-14 storeys
C	RL 32.15	RL 12.05 (-20.10m)	9 storeys	3 storeys
D	RL 29.05	RL 29.05 (no change)	8 storeys	8 storeys
E	RL 56.35	RL 47.65 (-8.70m)	16 storeys	8-14 storeys
F	RL 38.35	RL 32.15 (-6.20m)	11 storeys	9 storeys
G	RL 50.75	RL 47.65 (-3.10m)	15 storeys	10-14 storeys
H	RL 32.15	RL 32.15 (no change)	9 storeys	9 storeys

The amendments to the residential flat buildings have resulted in the following changes to the mix of unit types:

Table 10 – Indicative Apartment Mix and Sizes

Apartment Type	Exhibited Indicative Mix	Amended Indicative Mix	Indicative Minimum Internal Sizes
1 bedroom	25% to 35%	20% to 35%	50
2 bedroom	55% to 65%	50% to 65%	70
3 bedroom	5% to 15%	5% to 15%	95

The proponent has amended the shopping mall and club component of the development by:

- Shifting Level 2 parking to Level 3;
- Consolidating all retail uses from Level 3 and Level 2 onto Level 2;
- Introducing ground-level retail tenancies within the Entry Forecourt.

An overview of the proposed uses within the various levels of the amended commercial building is as follows:

- Level 1 (ground level) accommodates the Entry Forecourt to the centre off Captain Cook Drive including retail tenancies, the lower level of a proposed two storey medical centre, the Sharks Club loading dock area and floor space for leisure activities and entertainment. This level will also include car parking and the retail loading dock area with access from the extension to Woolooware Road. The main Club entry will be accessed at this level via elevators to Level 3, providing separation between the club activities such as licensed bars and gaming and the retail/leisure activities.

- Level 2 will be the principal retail area with a proposed floor space configuration to accommodate major and mini-major retailers as well as smaller specialty shops around a main retail arcade. A "Landscape Court" area opens out to the north and is proposed to be fringed by an external food court precinct which will provide for outdoor dining that takes advantage of the public domain northern aspect and views to Woolooware Bay and the City. This level will also accommodate the upper level of the proposed medical centre.

- Level 3 will accommodate the upper level of parking and the primary Sharks Club premises, including the outdoor 'Club Deck' area and a secondary entrance to the Club from the upper car park.

- Level 4 will accommodate a restaurant and office administration area within the existing Sharks Club building envelope.

On the whole, the amended Concept Plan now seeks approval for a total of 155,410m2 new gross building area and 84,915m2 of new gross floor area across the site. This represents a reduction of 12% from the overall gross floor area from the exhibited Concept Plan.

In relation to parking, approval is now sought for an overall total of 883 residential parking spaces to be provided within the residential component of the development. The visitor parking rate for the residential precinct has been increased from the rate of 1 space per 8 apartments to 1 space per 6 apartments. The overall parking provision for the eastern commercial and club component is 693 spaces for shared use by the club/retail/ leisure/medical centre patrons. This is an increase of 42 spaces from the exhibited concept.

The PPR also refines the layout of uses within the foreshore park. It removes hard surfaces located within the 30 metres of the MHWM in front of the western residential precinct of the site, with the exception of two timber walkways connecting to the educational platforms. Shared pathways to the north of Toyota Stadium and the retail/club precinct are proposed to be elevated timber boardwalks, allowing for riparian vegetation to grow underneath. Other key amendments to the foreshore park and riparian buffer include:

- The foreshore path and associated landscape elements adjoining the residential precinct (seating, BBQ, shade canopy, playground etc) have been moved south to be out of the 30m zone (from mean high water mark).

- A larger vegetated riparian buffer is proposed between the foreshore park/residential precinct and mangroves. The vegetated buffer proposed will be a possible salt marsh

(pending further investigation). However, if this is not possible, species will be chosen from the Swamp Oak Floodplain Forest ecological community.

- The foreshore path and associated landscape elements (retail courtyard, leisure breakout space, seating etc) have been moved south to be out of the 30m zone (from mean high water mark).

- A larger vegetated riparian buffer now exists between the northern retail entry and mangroves. The vegetated buffer proposed will be of the Swamp Oak Floodplain Forest ecological community.

- The 3m wide shared path in front of the retail and club precinct is now proposed to be elevated to allow the vegetated riparian buffer to grow underneath with little disturbance.

Analysis of the Preferred Project Report

The initial concept was reviewed in detail by a cross divisional team of senior council officers. The review team found that the proposal to concentrate retail and residential uses around the Sharks' grounds had a number of significant failings. These relate to the relationship of the site relative to surrounding land uses and its inability to integrate into the future urban structure of Sutherland Shire, as well as issues that arise from the proposed form and intensity of the development proposed, in addition to weakness in the resolution of the design in relation to architectural, environmental and traffic considerations.

The PPR has been considered in detail to see whether Council's concerns have been addressed. However, in essence the PPR is simply a tweaking of the initial concept. It does not address Council's fundamental concerns that relate to the intensity of development in this location and its impacts. It remains a stand-alone shopping mall with a separate dense residential development that has no meaningful relationship to surrounding land uses. Rather than reconsider the scale and density of the project, the proponent has carried out substantial analysis to further justify the approach. The amendments that have been made address clear weaknesses in the initial concept and do significantly improve the design, but do not make the concept itself acceptable.With respect to traffic impacts, the amended proposal will result in a slight reduction in trip generation and a slight increase in the ratio of parking provision. However, these changes do not alleviate the concerns previously raised by Council.

The PPR contains a number of detailed reports that accompany the revised plans. The following sections of this report address the key issues that arise from the PPR.

1. **Appropriateness of the Site for the Scale of Development Proposed**

A fundamental point made in Council's submission was that a project of this scale and density, in this isolated location, would be a poor strategic planning outcome and inconsistent with the State's Centres Policy 2009, the Metropolitan Strategy for Sydney 2036 and the draft South Subregional Strategy. These strategic planning documents do not support out of centre development nor do they support concentrated development that is not served by public transport.

Rather than modify the proposal in response, the proponent has attempted to further justify the proposal by describing it as a "new town centre" under the Metropolitan Plan typology.

The PPR goes to considerable lengths to justify its claim; however, while the argument put forward is cleverly constructed it ignores the fundamental weaknesses of the proposal which are stated below:

The development will not function as a town centre

To be considered a town centre a place must have an urban character where a mix of commercial and residential uses interact with the public domain to produce a vibrant place. The form of a town centre follows its function and history as it evolves as an urban place. Town centres change over time because economic and social factors change the way businesses and dwellings interrelate with the public domain. Open space and public spaces are critical to the success of town centres because they provide opportunities for both casual and formal interaction by the community. These are fundamental qualities of a town centre that ensure they remain vibrant and relevant over time.

The proposal fails in its claim that it would be a town centre. It is essentially a privately owned internalised shopping mall and a separate, stand-alone, high density residential development. The proposed development has no social infrastructure, no true public domain and no opportunity to grow and change over time.

The existence of Toyota Stadium in the centre of the site splits the proposed development into two very distinct and separate elements. The two components are only linked by the fact that they are put forward by the same proponent. The footpath along busy Captain Cook Drive and the foreshore board walk do not compensate for the lack of public domain. These are simply pedestrian links which are a basic expectation in all neighbourhoods.

There is no street system or central public domain to integrate the two elements or to act as a focus for the future community. The planned food court would appear to be the only central spot where the community would be likely to gather. This is a poor excuse for a public place and a poor focus for a community. Similar relying on a licensed club as the only community focus is a poor basis on which to build a community.

Rather than having a true public domain and being an urban place, the proposal would be a privately owned internalised shopping mall. It provides little to activate the pedestrian links. Visitors to the shopping mall or club would rightly perceive the experience as a one dimensional experience; they would feel that they were visiting a shopping centre not a visiting a town centre.

Similarly, Toyota Stadium and the club do not substitute for centrally located urban space or true public domain. While they will be a focus on game days, these are few. The stadium does not contribute to the daily quality of life for those living in the development or the amenity of the shopping centre for visitors. It is a one dimensional space that would rarely activate the “centre”.

The playground and BBQ area within the foreshore park is a good amenity for the residents of the residential flat buildings. Given that this facility has to serve the 600 households that comprise the development, it is considered to be essential and would benefit from facilities to serve more age groups. However, it should not be seen as a public park for the “new centre”. It is not in a central location; it is isolated from the shopping mall and it is needed for the residential component alone. The foreshore park does not substitute for public domain in a

town centre. It is an environmental buffer needed to help reduce impacts on the adjoining significant ecosystems.

In essence the proposed development does not reflect the intent and principles embodied in the Metropolitan Plan for Sydney that should be used to guide and direct the growth and renewal of urban centres. If approved as proposed the development may have a profitable shopping centre, but it will not be a successful town centre.

The development cannot be integrated into a future urban centre

A development of the scale proposed would only be appropriate if it was one part of a future strategy to create a high density community served by a high capacity public transport system. However, this is not the case at Woolooware. There is no opportunity to link the development into a greater future centre.

This is an isolated site because it is a former wetland that was filled as a garbage dump and subsequently used for active recreation. It is at the edge of the urban area and adjoins significant wetlands to the north. It also adjoins the Toyota headquarters to the west which is a significant employer in Sutherland Shire, a key economic generator and considered to be strategic employment land. Opposite the site to the south and south east, the Woolooware Golf Club and Woolooware High School provide further barriers to any expansion of a centre.

As such the proposed development is a one off standalone proposal. It would stand in stark contrast to the scale and density of surrounding land uses into the distant future. This outcome would be inconsistent with good urban planning.

The site does not have access to public transport

A repeated principle of the Metropolitan Strategy for Sydney 2036 is the need to locate new centres, jobs and residential dwellings focused around public transport facilities. In fact the very definition of a centre contained in the strategy is:

> *A centre is a place where varying concentrations and combinations of retail, commercial, civic, cultural and residential uses are* ***focused around transport facilities****.*

Clearly it is the State's intention that new centres and high density residential development utilise existing and planned public transport systems because this is the most efficient and sustainable way to accommodate future growth. Yet the subject site is beyond walking distance to Woolooware station and is not served by bus. In response to this fundamental weakness the proponent claims that the quantum of development proposed will act as a catalyst for the provision of a new public bus service. However, there is no guarantee that a future service will be provided. There are many localities across Sydney where public transport services have never eventuated. There is no proof that 600 dwellings will be sufficient to create a profitable public transport service. In response, the proponent has committed to fund an interim shuttle service to the station. However, this is no substitute for a public transport system because it is unlikely to be able to satisfy the various commuting patterns of residents and no guarantee that it will be provided in perpetuity.

Clearly this standard of access to public transport facilities inherent in this proposal falls well

short of that expected by the Metropolitan Plan. In fact the Plan states:

> *Planning for the urban renewal of large sites outside walking catchments of existing centres should investigate the establishment of new centres within the urban renewal area. This will help ensure areas of new housing are better serviced by shops and services.*

Instead of out of centre locations such as proposed, the Metropolitan Strategy favours the urban renewal of existing urban centres. It states:

> *The urban renewal of existing centres will help extend the benefits of strong, vibrant centres to more neighbourhoods throughout the metropolitan area. Renewal can provide for a mixture of land uses and activities, boost local economies, create better public spaces, provide safe and attractive places for people to gather and help provide well–located housing.*

This is in fact the strategy being pursued by Council through it Centres Strategies for Sutherland, Caringbah and Cronulla Centres and Standard Instrument Centres LEP which are currently subject to community consultation.

2. Height and density

The height and density of the residential component of the proposed development has been reduced as detailed above. Essentially this consists of a redesign of the residential buildings so that height moves towards the centre of the site and building density is reduced overall. As a result the number of units is reduced from approximately 700 to 600 units.

These changes certainly improve the residential component of the development. There is more space between the residential buildings and the edges of the development are superior to the earlier concept. The fact that approximately 100 units have been removed highlights the intensity of the project and the shortcomings of the initial design.

However, despite the fact that the amended concept is an improvement over the original, it remains an intensively developed site. It still contains three 14 storey buildings, three nine storey buildings, an eight storey building and a 3 storey building. Council's initial concerns were that the proposal has a dense urban form which is not consistent with the surrounding low density environment; the proposal has significant landscaping limitations because podium planting will not screen or soften 14 storey buildings, nor can the visual intrusion of buildings be screened by landscaping when viewed from Woolooware Bay or foreshore open space; and the proposal results in excessive height and adverse visual impacts particularly when viewed from Woolooware Bay and from Captain Cook Drive. These concerns remain with the refined concept.

Essentially the proposal remains a high density residential development at the edge of Woolooware Bay. As a result it will stand as a group of towers visible from across the bay. This will fundamentally change the visual character of Woolooware Bay, yet it is being proposed without any broader strategic plan that sets the future direction for the bay. Should future buildings around the bay be at or around tree height (five or six storeys) so that the natural qualities of the bay and foreshore are the dominant visual element or should the land sky interface be punctuated with tower building forms? Lack of consideration of the wider strategic context of the development of this site at the density proposed falls short of what is

considered to be good planning.

3. Foreshore Setback and Riparian Zone

The proponent has persisted with a 30m riparian vegetated buffer in the preferred project report, and provided additional information and assessment to support this 30m buffer.

Demonstration of suitability of 30m buffer

The proponent notes that "*The Concept Plan scheme has clearly demonstrated that mitigation of other potential land-use impacts (water quality, stormwater detention and flooding, human interference, light noise, etc) on adjoining aquatic habitat can readily be achieved within the proposed 30 metre setback "*. This is not the case. No quantitative data has been provided on any of these impacts, nor has there been a demonstration that reduction of the riparian buffer from 40m to 30m will achieve the same goals. No light or noise modelling has been undertaken as has been required on other major projects adjacent to sensitive sites. Modelling of the performance of stormwater proposals utilising industry standard packages such as MUSIC has also not been undertaken. Therefore there has been no demonstration that the proposed 30m buffer can adequately mitigate impacts from the proposal. On the contrary there have been numerous studies of edge effects of development which indicate edge effects of 40m or greater (Matlack 1994, Paton 1994, Rose 1997, Gardner 1998, Dostal 2000, Drinnan 2005 - See Appendix C for references).

Historical development of Woolooware Bay and Precedents

The proponent dedicates several pages of the response to submissions examining recent development approvals along Woolooware Bay. These have little relevance to the current proposal as they relate to sites that are currently zoned either industrial or public open space, based on zoning from the 1993 Sutherland Shire Local Environmental Plan, which established appropriate setback for the industrial development and provision of a public open space link and riparian buffer based on legislation and understanding of ecological requirements at that time. These sites were also Torrens Title subdivided prior to the gazettal of the Georges River REP and other legislation and guidelines requiring consideration of a 40m vegetated riparian zone. Opportunities to provide adequate buffers for subsequent building and strata subdivision have been restricted by these earlier planning decisions and instruments.

The Sharks site does not have such restrictions and hence provides an opportunity for environmental improvement not available on other sites along the Bay.

Merit assessment of vegetated core riparian zone

The proponent notes the recommended use of a merit assessment to determine the appropriate width of a core riparian zone to the wetlands of the site. Council largely agrees with the assessment, however, based on the assessment of the riparian functionality of the wetlands as moderate to high, it would suggest that a higher priority be given to this area and a larger 40m buffer provided. In such an instance the limited functionality of the existing terrestrial component does not negate the significance of the riparian functionality of the wetland, but rather reinforces the need to improve the situation.

In addition to the above the proponent tends to ignore one key component of the NOW guidelines, the need to provide a vegetated buffer to the Core Riparian Zone (CRZ), which is recommended at 10m. Based on the proponent's assessment that a 30m CRZ is required for

the site this should entail a 40m vegetated buffer comprising a 30m CRZ and a further 10m vegetated buffer. Despite this, the proponent still proposes a 30m buffer in total.

Proponent's Conclusion

Based on the arguments above, the proponent concludes that “These purposes are clearly able to be achieved within the 30 to 60 metre foreshore zone detailed in the Concept Plan scheme”. Once again though, the proponent has provided no quantifiable data to support this premise. The only valid conclusion that one can draw from the information provided by the applicant is that there will be a net benefit to the wetlands following the development compared to the current situation. Council would agree that this is the case. However, what the proponent has failed to do is demonstrate that the 30m buffer will deliver the same benefits to the environment that a 40m would.

Overall Assessment

While Council considers that the arguments presented by the proponent in favour of the 30m vegetated buffer are flawed, the response to Submissions did contain some key additional information lacking in the original Concept Plan. Additional ecological surveys had been undertaken over the spring, summer period to provide evidence of usage of the mangrove wetland area by vertebrate species. This information was not provided with the Concept Plan and hence appropriate buffer sizes were recommended by Council based on conservative assumptions of potential species that may utilise the mangroves, based on surveys of surrounding areas. As the new studies have identified that there is only limited use of this area by migratory and significant species, the criticality of protection of this area is diminished for some potential impacts. For example, noise and light spill become less of an issue if bird roosting and breeding habitat is not located directly adjacent to the proposed development. The lack of need to manage these impacts may provide some justification for the reduction of riparian buffer widths, provided other impacts can be successfully managed within this reduced buffer.

One of the key features that a vegetated riparian buffer also provides is the management of stormwater discharge and surface flows. The proponent intends to manage these impacts outside the riparian buffer, again providing some potential for reduction below 40m. Unfortunately the proponent has not provided any modelling to demonstrate that the proposed stormwater management for the site will not have an adverse impact on the adjoining wetlands, rather they have provided a commitment to ensure this happens. Documented design and modelling to demonstrate that this could be achieved would provide greater certainty in relation to this issue and potentially support a reduction in riparian buffer zone width, unfortunately this has not been provided.

Changes to the original proposal

The proponent has made several design changes to the original proposal in the preferred project. These changes are all a positive contribution to the functionality of the riparian zone and protection of the wetlands. Removal of hard surfaces and structures within the riparian zone is supported and provides greater opportunities for planting and ecological services. The proposal to plant this area with saltmarsh and swamp oak forest vegetation rather than turf and exotic species is also a significant benefit to the ecological functioning of the area. Thus the preferred project presents a significant improvement over the original proposal. However, in order to provide the broadest benefit for the functionality of the riparian zone it is suggested that the planting suite for this area also include species from the Swamp

Sclerophyll Forest endangered ecological community.

Further analysis required
It is recommended that the proponent be required to provide an additional report addressing stormwater management on the site. Such a report would contain a more detailed concept for the management of stormwater on the site, along with modelling to demonstrate that water quality goals (the protection of the wetlands to the north of the site by compliance with ANZECC standards) can be achieved.

It is also recommended that any approval require the 30m riparian buffer to be planted exclusively with indigenous vegetation. The species list should also be expanded to include species from the Swamp Sclerophyll Forest endangered ecological community. Should such actions be undertaken then Council may be in a position to support a reduced riparian buffer of 30m.

4. Flooding, Sea Level Rise and Stormwater Management
While the proponent has commented on flooding and sea level rise in its PPR submission it has still not addressed Council's concerns of flooding and sea level rise and also Council's concerns of stormwater management as detailed below:

Flooding
Council's information indicates that the subject site is affected by both flooding from Woolooware Bay Catchment and the lower Georges River. The proponent relies on flood investigations carried out by Kozarovski & Partners for previous development applications at the site. These earlier studies should be reassessed in light of the Lower Georges River Flood Risk Management Study & Plan. A flood study should be undertaken as part of this application as flooding needs to be considered at the earliest stages of the design process to ensure that any adverse effects are identified and easily rectified. The Office of Environment and Heritage (OEH) is of the same opinion that a detailed flood study should be undertaken at the conceptual stage.

Previous development consents for 461 Captain Cook Drive, Woolooware require the applicant to implement a range of flood mitigation works (refer to DA06/1007 & DA06/1008). This work has NOT been satisfactorily completed. In a site meeting with Council staff, the proponent's engineering consultant also confirmed that the flood mitigation measures had not been constructed in accordance with his recommendations. Council retains the bond monies and is pursuing the applicant for non-compliance with the consents. It is considered that no new development proposals should be approved in 461 Captain Cook Drive, Woolooware until all past development approvals have been fully complied with.

Sea Level Rise
The Sea Level Rise Risk Assessment for Sutherland Shire commissioned by Council indicates that the subject property will be affected by sea level rise brought on by Climate Change. The proponent relies on sea level rise investigations carried out by Kozarovski & Partners for previous development applications at the site, recommending a sea level rise allowance of 0.41 metres. The proponent has indicated that it will now consider adoption of a 900mm rise by 2100, in light of Council's recommendations, but is yet to provide any modelling of this increase. Modelling of the impacts of increases in sea level rise should be undertaken as part of this application so that the impacts can be considered at the earliest

stages of the design process to ensure that any adverse effects are identified and easily rectified.

Stormwater Management

It is proposed to discharge stormwater to Council's drainage infrastructure, which consists of a constructed channel crossing the subject site. The development is therefore subject to On-Site Detention (OSD). The proponent contends that OSD is not warranted due to the location of the subject site at the bottom of the catchment and furthermore that this can be dealt with at the project application stage. The assertion that OSD is not warranted must be supported by a detailed hydrologic model of the catchment comparing pre and post developed conditions. It may well be that OSD is not beneficial in this instance, but this must be clearly demonstrated. The impacts of OSD or no OSD need to be considered at the earliest stages of the design process due to the location and nature of the site to ensure that any adverse effects are identified and easily rectified.

The proponent proposes to utilise the existing constructed stormwater channel crossing the subject site. The drain is tidal and has been colonised by mangroves, which exacerbate flooding upstream. No further drainage connections to the channel or structures (eg. pedestrian crossings) which could potentially decrease the channel area should be permitted until such time as its conveyance has been restored. This may involve removing mangroves or augmenting the channel by some other means. Removal of mangroves from constructed stormwater channels for flood mitigation has been approved by the NSW State Government authorities in the past where compensation is provided.

The proponent proposes it construct a trash rack in the existing stormwater channel at Captain Cook Drive. This device would presumably become a public asset. A trash rack may or may not be appropriate in this location. Council has constructed a number of these devices in recent years. The applicant should investigate and select a suitable gross pollutant trap capable of operating in tidal conditions. A detailed design should be carried out and submitted to Council for approval. All stormwater infrastructure that will become a public asset is subject to Council approval. The proponent proposes to construct the piped stormwater system over the landfill area to reduce infiltration. Details of the amount of fill required to provide sufficient grades for the stormwater system should be considered and detailed at concept stage.

The stormwater management concept is based on the philosophy of Water Sensitive Urban Design (WSUD). However, insufficient detail is provided to ascertain whether design objectives and performance criteria can actually be met. Further investigation, as stated in Section 3 above, is required and to be successful WSUD must be fully integrated into the overall design of the development. This requires the applicant to commission an interdisciplinary team of highly experienced professionals that includes, but is not limited to: planners, architects, environmental scientists and engineers.

Conclusion

Sutherland Shire Council found that the initial concept for the redevelopment of the Cronulla Sutherland Leagues Club's site unacceptable. It formed this view because the scale and intensity of development in this location will result in unacceptable visual, environmental and traffic impacts. Further the location is considered to be unacceptable for a shopping mall and 600 dwellings because it is isolated from public transport and does not meet the strategic planning framework for the establishment of new centres. While the PPR addresses some of the weaknesses of the initial concept, it does not address the fundamental weakness that stems form the intensity and scale of the development being proposed. As such it is recommended that Council maintain its strong objection to the proposal.

Report Recommendation:

1. That the Department of Planning and Infrastructure be advised that Sutherland Shire Council remains opposed to the Cronulla Sutherland Leagues Club's revised concept as detailed in the Preferred Project Report (PPR). While the PPR addresses some of the weaknesses of the initial concept, it does not address the fundamental weakness that stems from the intensity and scale of the development being proposed which will result in unacceptable visual, environmental and traffic impacts. Further, the location is considered to be unacceptable for a shopping mall and 600 dwellings because it is isolated from public transport, does not form part of a centre and does not meet the strategic planning framework for the establishment of new centres.

2. That this report be submitted to the Department of Planning and Infrastructure to inform the Department of the key issues raised by the PPR.

APPENDIX A - Photomontages of the revised scheme

Figure 6 - View from east along Captain Cook Drive - as exhibited

Figure 7 - View from east along Captain Cook Drive - as amended

Figure 8 - View from west along Captain Cook Drive - as exhibited

Figure 9 - View from west along Captain Cook Drive - as amended

APPENDIX B: Preferred Project Report (NOTE: This document is 89 pages in total)

- 10688_FINAL_PPR_and_RTS_30Mar12_LR.pdf

APPENDIX C: References

Appendix C - References.docx

Committee Recommendation:

1. That the Department of Planning and Infrastructure be advised that Sutherland Shire Council remains opposed to the Cronulla Sutherland Leagues Club's revised concept as detailed in the Preferred Project Report (PPR). While the PPR addresses some of the weaknesses of the initial concept, it does not address the fundamental weakness that stems from the intensity and scale of the development being proposed which will result in unacceptable visual, environmental and traffic impacts. Further, the location is considered to be unacceptable for a shopping mall and 600 dwellings because it is isolated from public transport, does not form part of a centre and does not meet the strategic planning framework for the establishment of new centres.

2. That this report be submitted to the Department of Planning and Infrastructure to inform the Department of the key issues raised by the PPR.

3. That as there is No Stopping along Captain Cook Drive in front of the proposed building, what measures are to be taken to ensure that spill over of parking from the development does not take the parking reserved for the playing fields and parking spaces generally in this area.

4. That if the development is approved that Council strongly recommends 65 sqm for one (1) bedroom units.

Council Resolution:

1. That the Department of Planning and Infrastructure be advised that Sutherland Shire Council remains opposed to the Cronulla Sutherland Leagues Club's revised concept as detailed in the Preferred Project Report (PPR). While the PPR addresses some of the weaknesses of the initial concept, it does not address the fundamental weakness that stems from the intensity and scale of the development being proposed which will result in unacceptable visual, environmental and traffic impacts. Further, the location is considered to be unacceptable for a shopping mall and 600 dwellings because it is isolated from public transport, does not form part of a centre and does not meet the strategic planning framework for the establishment of new centres.

2. That this report be submitted to the Department of Planning and Infrastructure to inform the Department of the key issues raised by the PPR.

3. That as there is No Stopping along Captain Cook Drive in front of the proposed building, what measures are to be taken to ensure that spill over of parking from the development does not take the parking reserved for the playing fields and parking spaces generally in this area.

4. Sutherland Shire Council hereby revokes any consent to the use of 3 Lots of land owned by Sutherland Shire Council being Lot 21 DP529644, Lot 1 DP711486 and Lot 1 DP501920 in this proposal for development.