



**Planning &  
Infrastructure**

**MAJOR PROJECT ASSESSMENT:  
*Cronulla Sharks Development – Concept Plan for a Mixed  
Use Development***

***461 Captain Cook Drive, Woollooware***

***Proposed by Bluestone Capital Ventures No. 1 Pty Ltd***

**MP 10\_0229**



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

June 2012

## ABBREVIATIONS

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CIV	Capital Investment Value
Council	Sutherland Shire Council
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report
Proponent	Bluestone Capital Ventures No. 1 Pty Ltd
RtS	Response to Submissions

Cover Photograph: Photomontage of northern elevation of indicative Leagues Club and Retail Centre (Source: Proponent's PPR)

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## EXECUTIVE SUMMARY

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Bluestone Capital Ventures No. 1 Pty Ltd (the proponent) in partnership with Cronulla Sutherland Leagues Club is seeking Concept Plan approval for a mixed use development at the Cronulla Sharks site, 461 Captain Cook Drive, Woollooware, within the Sutherland Local Government Area.

The proposal (as exhibited) sought approval for a retail, entertainment and leisure centre integrated with upgraded club facilities, eight residential building envelopes between 8 and 16 storeys containing approximately 700 units, upgrade of the existing football Stadium and adjoining facilities and a total of 1534 car parking spaces. It is also proposed to subdivide the proposed retail component of the site from the club and stadium facilities.

The Environmental Assessment (EA) was exhibited for a period of 62 days between 5 October 2011 and 5 December 2011. As a result, the department received 4851 submissions, including nine submissions from public authorities and 4842 submissions from the public (both for and against the proposal). Key issues raised included height, density, traffic, car parking and environmental impacts.

On 30 March 2012, the proponent submitted a response to submissions and a Preferred Project Report (PPR). The PPR proposes amendments to the residential component including a 15% reduction in floor space (approximately 100 units) and reduced overall building heights (from 8 - 16 storeys down to 3 - 14 storeys). The retail, club and parking layout have also been revised.

The revised proposal seeks approval for 50,991m<sup>2</sup> of gross building area within the retail, entertainment, leisure and club precinct and 104,419m<sup>2</sup> of gross building area for the residential commercial precinct with up to 600 units.

Sutherland Shire Council has made submissions during the exhibition of the EA and PPR objecting to the proposal.

The key issues in respect of the proposal are the suitability of the introduction of a new centre in the region; the economic impact of the centre; traffic and parking impacts; environmental impacts and the interface with Woollooware Bay; built form and residential amenity.

The department obtained independent advice from economic and traffic consultants to inform its assessment of the key issues. The department supports the introduction of the proposed centre on the basis that it addresses significant demand for retail floor space in an area where it has been identified that existing centres are unable to cater for this demand. Critically, the subject site provides an appropriate location for the proposed Concept Plan.

The department is satisfied that the additional traffic generated by the proposal can be accommodated within the local road network, the built form is appropriate in the context of a new centre, environmental impacts can be minimised and the measures proposed for provision of off-site parking during game days are supported in principle.

The department has assessed the merits of the application, taking into consideration the issues raised by the public and relevant public authorities. The department is satisfied that the site is suitable for the proposed development and the project will provide environmental, social and economic benefits to the region.

It is also considered that the identified impacts have been adequately addressed in the PPR and by way of modifications to the Concept Plan. The Concept Plan is recommended for approval, subject to modifications and future assessment requirements. As sufficient detail has been provided in relation to the proposed subdivision of the retail and club portions of the site, it is recommended that no future environmental assessment be required for this component of the proposal.

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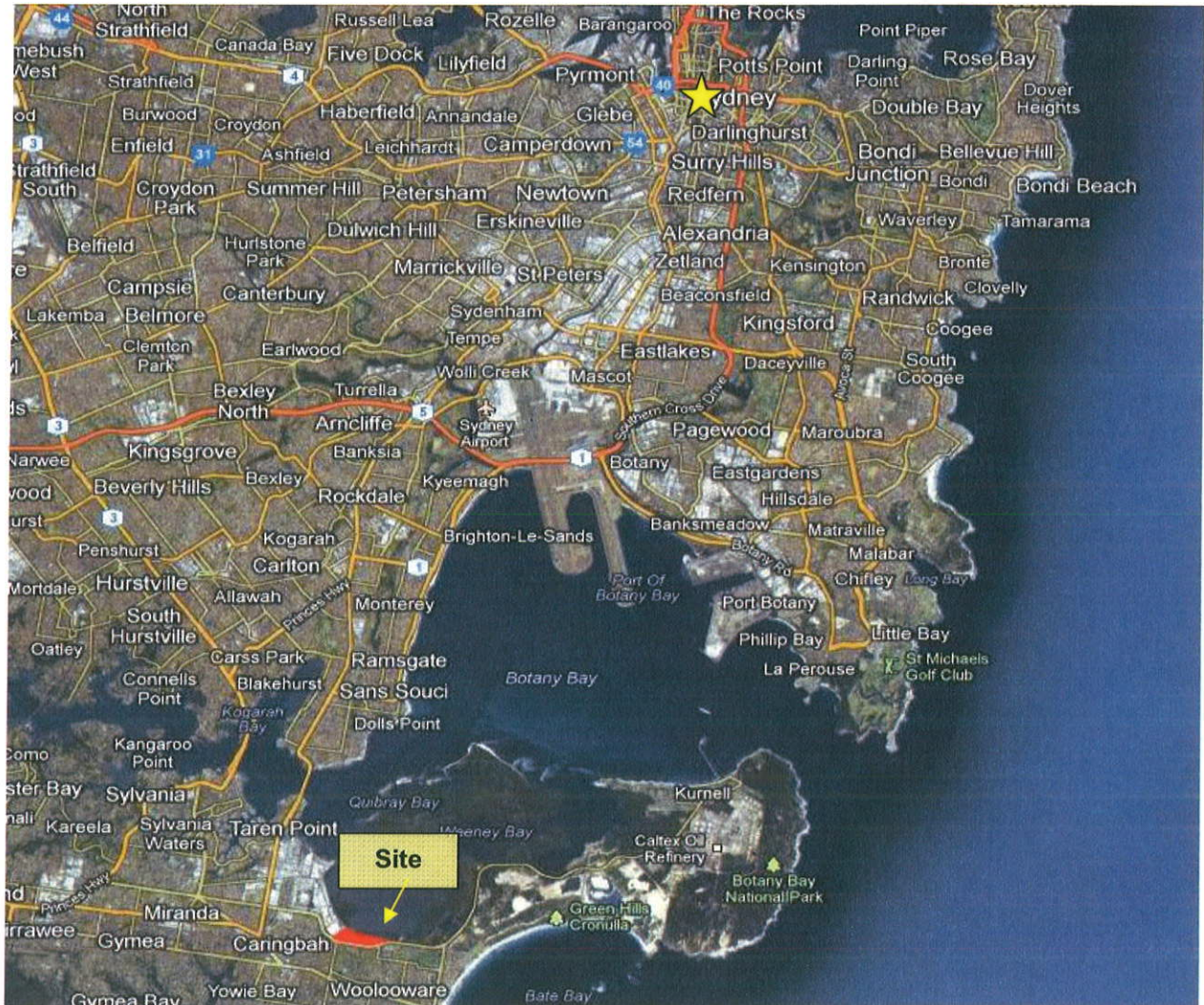
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## 1. BACKGROUND

### 1.1 Site Description

The site is located at 461 Captain Cook Drive, Woollooware, which is located on the northern side of the Captain Cook Drive, approximately 20 kilometres south of the Sydney CBD. The site is located within the Sutherland Local Government Area (**Figure 1 and 2**).



**Figure 1:** Site Locality – Regional Context (Source: Google Maps 2012)

The site is occupied by:

- the Cronulla Sutherland Leagues Club (a four storey building containing bar areas, a bistro and gaming / function rooms) and a bitumen sealed car park servicing the Leagues Club (providing approximately 532 car parking spaces);
- a football stadium with a current capacity to hold 21,000 spectators; and
- a car parking area providing approximately 511 car parking spaces and sports facilities to the west of the stadium used for training by the Cronulla Sharks Rugby League Club and on Saturdays by Caringbah Junior Rugby League Club.

Access to the site is off Captain Cook Drive, with the main access to the Leagues Club car parking area via a roundabout at the intersection with Woollooware Road. Another feature of the site is a tidal drainage channel that dissects the eastern and western portion of the site.



The site has a total area of 10.06 hectares, with the residential component of the project located on 4.13 hectares and the retail / leagues club improvements located on 5.93 hectares. The site is legally described as Lot 11 DP 526492, Lot 20 DP 529644 and includes Council owned allotments that bound the site to the north (Lot 21 DP 529644 and Lot 1 DP 711486) and a triangular allotment to the south (Lot 1 DP 501920).



**Figure 2:** Site outlined in red



**Figure 3:** View from eastern car park towards the Leagues Club (Source: Proponent's EA)





**Figure 4:** View from northern end of the Toyota Stadium to the south-east with the Leagues Club in background (Source: Proponent's EA)



**Figure 5:** View of training fields looking to the north-west with the transmission lines crossing the site (Source: Proponent's EA)

## 1.2 Surrounding Development

As shown in **Figure 2**, the site is located on the edge of Woollooware Bay, with Captain Cook Drive (a four lane divided carriageway and classified as a regional road) providing access to the site and to the broader locality of Kurnell and Cronulla. The nearest residential dwelling to the site is located to the south of Woollooware High School, approximately 200 metres from the site. To the north of the site is the Woollooware Bay foreshore which accommodates a band of mangroves that provide a transition from the hard surfaces of the car park through to Woollooware Bay. An existing timber pedestrian bridge is provided through the mangroves to a viewing area onto Woollooware Bay, located opposite the Leagues Club parking area.

The immediate area to the south and south-east includes Woollooware Golf Course and Woollooware High School, while a service station and fitness centre are located to the east. To the west are the Solander playing fields and large scale industrial complexes, including Toyota.

132kV electricity transmission lines are located within the northern portion of the site, located within an easement approximately 35 metres wide. Support structures are located off-site immediately to the east and west of the site.

Further to the north east lies the Kurnell Peninsula. The village of Kurnell is approximately nine kilometres from the site. Cronulla is approximately two kilometres to the south-east; the suburb of Woollooware is located immediately to the south; and Carringbah is located to the west.

Woollooware Train Station is located approximately 1 kilometre south of the site, with regular services between the Sydney CBD through to Cronulla. No public bus services currently service the site.

## 1.3 Previous Approval

In August 2009, Council granted deferred commencement consent for a mixed commercial and residential development masterplan on the eastern portion of the site that currently contains the eastern car park and club premises. The approved development comprises of a five storey seniors living development for 138 units, a five storey 150 room hotel, a 2,617m<sup>2</sup> supermarket and retail shops, basement car parking for 628 vehicles, a 750m<sup>2</sup> extension of the existing club premises, ancillary landscaping, cycle way and foreshore buffer area. The proposal included a varying riparian buffer to Woollooware Bay ranging between 25 and 40 metres.

The proponent has decided not to proceed with this development.

## 2. PROPOSED PROJECT

### 2.1. Project Description (as exhibited)

The proposal as exhibited in the EA sought Concept Plan Approval for:

- a retail, entertainment and leisure centre integrated with the existing club, including a supermarket, retail, medical and leisure facilities and up to 651 parking spaces;
- eight residential apartment buildings ranging in height from 8 to 16 storeys, containing approximately 700 units and 883 basement and 43 at grade parking spaces;
- redevelopment of the existing club and a future upgrade of Toyota Stadium and adjoining facilities;
- changes to major event and game day parking, with the provision of off-site parking;
- signalised intersections and other road improvements along Captain Cook Drive;
- sales and marketing facilities;
- future approvals frameworks and developer contributions; and
- superlot subdivision to separate the new retail centre from the Leagues Club.

### 2.2. Preferred Project Report

Following the conclusion of the public exhibition of the EA, the department placed a copy of all submissions received on the department's website, requested that the proponent address the submissions that were received and advised that a number of issues required further consideration.

The proponent responded to the submissions and the department's issues through the submission of a PPR / RtS that was placed on the department's website. The proposal as amended within the PPR is detailed in **Table 1** below.

Aspect	Description
<b>Project Summary</b>	<b>Concept Plan for a mixed use development</b>
<i>Building Envelopes / Heights</i>	<p>Building envelopes for:</p> <ul style="list-style-type: none"> <li>• eight residential development sites with heights up to fourteen storeys (including the podium), with a maximum RL 47.65 metres AHD for three buildings; and</li> <li>• a new Retail Centre and redeveloped Leagues Club with a height up to four storeys in the redeveloped Leagues Club and three storeys in the new Retail Centre with a maximum RL 22.37 metres AHD, including integration of works to the existing Leagues Club.</li> </ul>
<p><i>Gross Building Area / Gross Floor Area #</i></p> <p><i>(Gross Floor Area's of Retail and Club precinct indicative only as breakdown of GFA will be addressed in Project Application)</i></p>	<p>A maximum of 155,410m<sup>2</sup> new GBA / 84,915m<sup>2</sup> new GFA for the mixed use development, which includes:</p> <ul style="list-style-type: none"> <li>• Residential precinct: 104,419m<sup>2</sup> GBA / 58,420m<sup>2</sup> GFA <ul style="list-style-type: none"> <li>• Residential – 73,929m<sup>2</sup> GBA / 57,690m<sup>2</sup> GFA</li> <li>• Retail – 730m<sup>2</sup> GBA / 720m<sup>2</sup> GFA</li> <li>• Parking – 29,770m<sup>2</sup> GBA only</li> </ul> </li> <li>• Retail and Club precinct: 50,991m<sup>2</sup> GBA (indicative GFA of 26,495m<sup>2</sup>) <ul style="list-style-type: none"> <li>• Club uses – 3,900m<sup>2</sup> GFA</li> <li>• Retail and dining uses – 13,900m<sup>2</sup> GFA</li> <li>• Leisure uses – 3,150m<sup>2</sup> GFA</li> <li>• Medical – 2,545m<sup>2</sup> GFA</li> <li>• Grandstand – 3,000m<sup>2</sup> GFA</li> </ul> </li> </ul>
<i>Residential component</i>	<p>Approximately 600 residential apartments, including an indicative dwelling mix as follows:</p> <ul style="list-style-type: none"> <li>• 1 bed – 20 to 35% - minimum size of 50m<sup>2</sup></li> <li>• 2 bed – 55 to 65% - minimum size of 70m<sup>2</sup></li> <li>• 3 bed – 5 to 15% - minimum size of 95m<sup>2</sup></li> </ul>

Aspect	Description
<i>Traffic arrangements and vehicular access</i>	<p>Traffic arrangements and vehicular access including:</p> <ul style="list-style-type: none"> <li>• removal of existing roundabout at the intersection of Captain Cook Drive and Woollooware Road and the provision of a new signalised intersection;</li> <li>• new signalised intersection to the south of the existing Leagues Club to provide access to the retail / Leagues Club car park;</li> <li>• new signalised intersection for residential access;</li> <li>• provision of a shuttle bus between the site and Woollooware Station until a permanent bus service is considered;</li> <li>• network of game day 'shuttle bus services connecting to local pickup points off-site;</li> <li>• use of part of the retail car parking for game day parking;</li> <li>• modification to the Peak Event Traffic Management Plan; and</li> <li>• cycling facilities, including an extension to the existing shared off-road cycle path.</li> </ul>
<i>Car parking</i>	<p>Car parking to be applied for future projects:</p> <ul style="list-style-type: none"> <li>• 883 residential car parking spaces including <ul style="list-style-type: none"> <li>• maximum 1 space per one and two bed;</li> <li>• maximum 2 spaces per three bed; and</li> <li>• visitor car parking rate of 1 space per 6 apartments.</li> </ul> </li> <li>• 693 retail and club car parking spaces.</li> </ul>
<i>Open space</i>	Design of the foreshore park and riparian areas.
<i>Land Uses</i>	Residential accommodation, retail premises, health services facility, exhibition home, recreation area, environmental facility, entertainment facility, recreation facility (major), recreation facility (indoor), registered club and environmental protection works.
<i>Water Cycle Management</i>	Provision of a Stormwater, Flooding and Servicing Management Strategy that includes water management principles such as Water Sensitive Urban Design measures and rainwater re-use schemes.
<i>Infrastructure and Services</i>	Provision of infrastructure to support the development of the site.
<i>Project Staging</i>	<ul style="list-style-type: none"> <li>• Stage 1 – Retail Neighbourhood Centre on the eastern car park site and redevelopment of the Leagues Club facilities;</li> <li>• Stage 2 – Residential Masterplanned Estate on the western car park and field area (to be provided in four stages); and</li> <li>• Stage 3 – Extension and improvement of the Sharks playing field facilities including grandstand extensions.</li> </ul>
<i>Developer Contributions</i>	Voluntary Planning Agreement for local infrastructure contributions to be negotiated with Sutherland Shire Council and provision of a new training field and clubhouse at Cronulla High School.
<i>Subdivision</i>	<p>Two lot subdivision of Lot 11 DP 526492 to separate the retail centre from the Leagues Club and football stadium.</p> <p>The proponent requests that the Minister waive the requirements for further environmental assessment.</p>

**Table 1:** Key Project Components of the Project

# the proponent seeks Gross Building Area approval as this represents a more clear expression of the volume of building envelopes sought by the Concept Plan application. Gross Floor Areas are also sought, but not the breakdown of uses in the retail and club precinct as this will be determined once final detailed design has occurred.



Key changes between the EA and the PPR (revised layout in **Figure 6**) include:

- reduction in residential building heights, with the exception of Building B which has increased in height by 12.40 metres (maximum RL 47.65);
- deletion of one building envelope and the introduction of a terrace form along the eastern boundary to the tidal creek;
- reduction in total residential floorspace by 15% through a reduction of approximately 100 apartments;
- amendment to apartment mix;
- amended layout of residential building footprints;
- reconfiguration of the layout for retail, club, and parking uses within the proposed centre;
- resultant amendments to total developable floor area; and
- revised layout of structures within the Foreshore Park and riparian setback.

Additional information was received from the proponent in support of the PPR, which included:

- further justification for the riparian setback to Woollooware Bay and the tidal creek located on the western side of the football stadium;
- a conceptual Acid Sulphate Soils Management Plan;
- a revised Transport Management and Accessibility Plan; and
- additional comments in support of the development near the existing power lines.





**Figure 6:** Proposed development (Source: Proponent's PPR)



### 2.3. Project Need and Justification

The site is currently utilised by the Cronulla Sutherland Leagues Club for the recreation of members and the general public while also providing parking for visitors and training facilities for the Cronulla Sharks Rugby League Club and the Caringbah Junior Rugby League Club.

The Leagues Club has considered a number of development options for the site, with the proposal to create a new town centre in conjunction with a high density residential development the preferred option.

The department has addressed the strategic basis for the proposal extensively in **Section 5.1**. On balance, the department is of the view that the proposal is consistent with the Metropolitan Plan for Sydney 2036 by creating a new centre to meet a significant demonstrated demand for additional retail floor space and new housing on a well located site, within the existing urban fabric.

The proposal will employ 566 persons and an additional 510 jobs in the wider community when considering multiplier effects, making a contribution towards the overall jobs target for Sutherland Shire of 8,000 by 2036.

### 2.4. Concept Plan

The proponent has applied for approval of a Concept Plan under section 75M of the Environmental Planning and Assessment Act 1979 (EP&A Act). The Concept Plan application seeks approval for the building envelopes and land uses described above in the section detailing the PPR.

The department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the locality, particularly the provision of additional retail floor space and residential dwellings.

#### Concept Plan Authorisation

In consideration of the request to declare the major project and authorise the Concept Plan the department noted that part of the proposal is partly prohibited under the Sutherland LEP 2000 and Sutherland LEP 2006, identified below.

The department reviewed the location of the site having regard to the definitions of '*sensitive coastal location*' and '*environmentally sensitive area of State significance*' and considers that:

- the site is not in a defined '*sensitive coastal location*' as it is located outside of the defined coastal zone; and
- while the site adjoins an '*environmentally sensitive area of State significance*', (i.e. the Towra Point Aquatic Reserve and RAMSAR wetland to the north), it is not within these defined areas.

Therefore, the department considers the authorisation of a Concept Plan to have been made in accordance with the requirements of the EP&A Act.

### **3. STATUTORY CONTEXT**

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#### **3.1. Major Project**

The proposal is a Major Project under Part 3A of the EP&A Act because it is development for the purpose of a residential, commercial or retail project under the former provisions of clause 13 of Schedule 1 of the State Environmental Planning Policy (Major Development) 2005. The proposal has a capital investment value over \$100 million.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued for this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75O of the EP&A Act. The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority and also in cases where the relevant local council objects to the proposal and there are more than 25 public submissions in the nature of objections, as is the case for this application.

Therefore, the application is to be determined by the PAC under delegation from the Minister.

#### **3.2. Related Development**

The Part 3A declaration by the former Minister for Planning did not include the three Council owned allotments (being the allotments located on the northern boundary of the site adjoining Woollooware Bay proposed to be used for landscaping and associated works and an allotment that is to be used for the provision of the new signalised intersection at the corner of Woollooware Road and Captain Cook Drive). Owner's consent was provided to enable exhibition of the proposal.

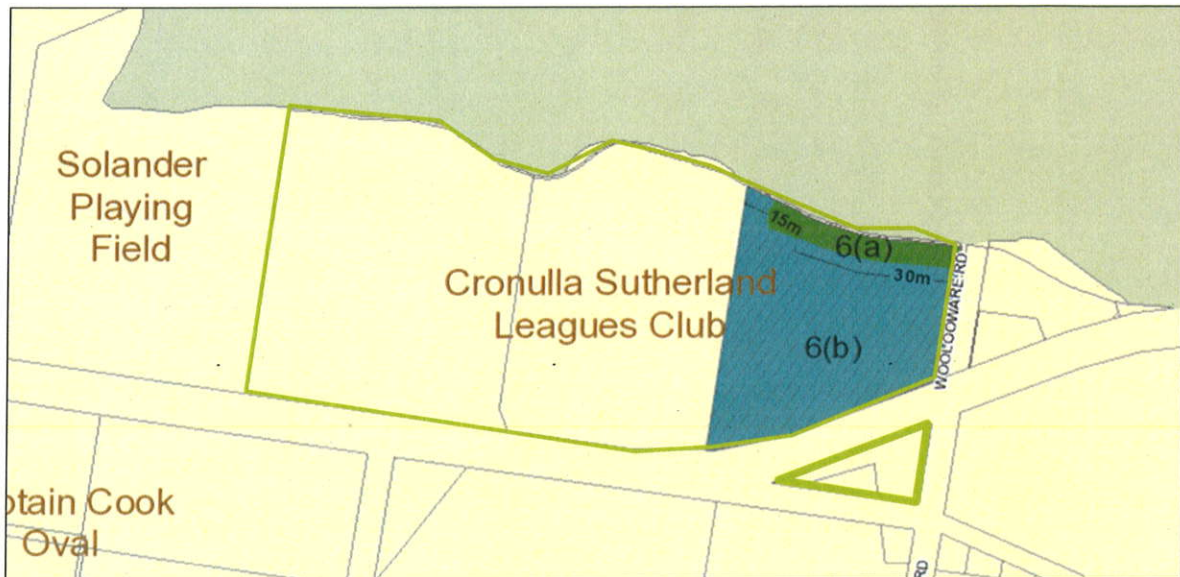
During consideration of the PPR, Council resolved to revoke their owner's consent for the three Council owned allotments. The department has obtained advice that as owner's consent has already been provided to make the application, any later revocation does not impede the determination of the proposal.

Concerns were received during the exhibition of the application that the three allotments should not be considered as part of the proposal. The department considers that as the above works proposed within the Council owned allotments are "related development" under the EP&A Act 1979, they are therefore able to be considered as part of the Concept Plan proposal.

#### **3.3. Permissibility**

##### *Sutherland Shire Local Environmental Plan 2000*

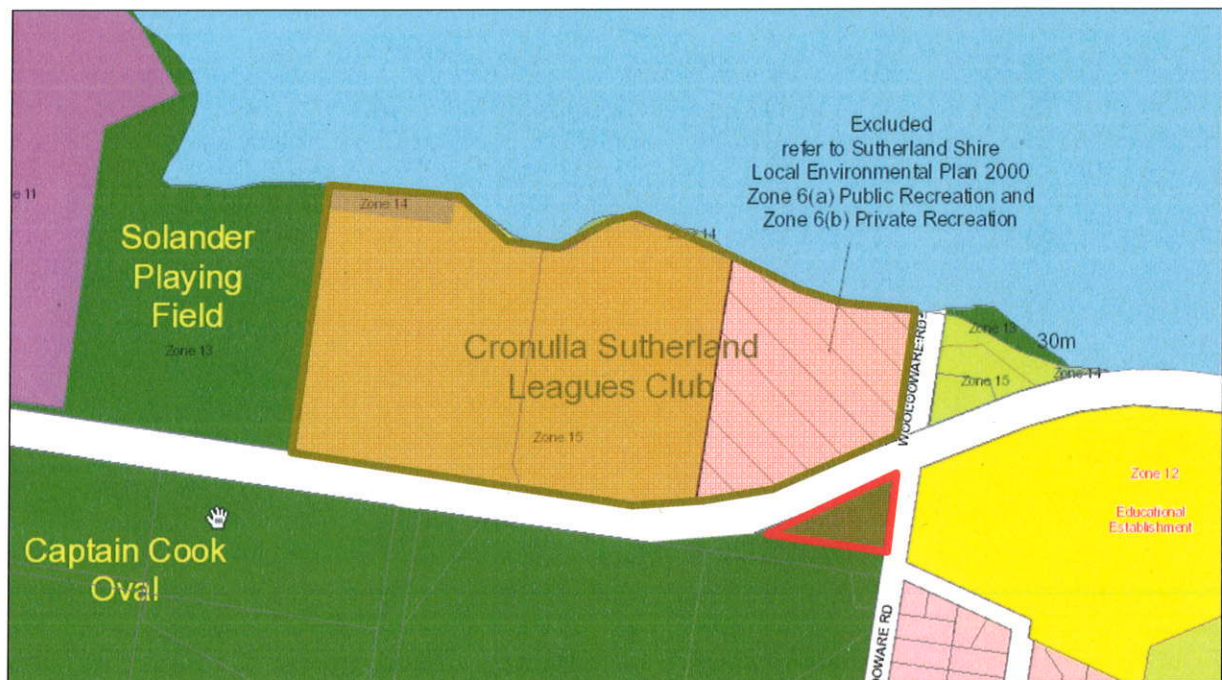
Sutherland Shire Local Environmental Plan 2000 (LEP 2000) applies to the eastern third of the site that includes the eastern car park area and Leagues Club. Under LEP 2000 this portion of the site is zoned 6(b) "Private Recreation" and 6(a) "Public Recreation" (adjacent to the wetlands). The works associated with the existing club are permissible, however the retail land uses are prohibited in the 6(b) zone. The proposed subdivision is also prohibited.



**Figure 7:** Zoning under Sutherland LEP 2000

*Sutherland Shire Local Environmental Plan 2006*

Sutherland Shire Local Environmental Plan 2006 (LEP 2006) applies to the western two - thirds of the site, including the Stadium, the western car park / training fields and the triangle shaped lot to the south of the existing eastern car park. Under LEP 2006, this section of the site is zoned 15 "Private Recreation" with a small strip adjacent to the wetland to the north zoned 14 "Public Open Space (Bushland)" and 13 "Public Open Space". The works associated with the improvements to the existing stadium are permissible with consent. However, the subdivision and residential and commercial components of the project are prohibited in the 15 "Private Recreation" zone. Roads are permissible in the 13 "Public Open Space" zone.



**Figure 8:** Zoning under Sutherland LEP 2006

Notwithstanding, the authorisation of a Concept Plan for the site allows the Minister or delegate to give approval for prohibited land uses where the land is not in a defined sensitive coastal location or a defined environmentally sensitive area of State significance. As outlined in Section 2.4, the site is not located within either of these locations.

### 3.4. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

### 3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in Section 5 of the EP&A Act. The relevant objects are:

- (a) *to encourage:*
  - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal is consistent with objects (a) (i), (ii), (vi), (vii) and (viii), in that:

- the proposal includes the provision of landscaping and riparian buffers to improve the site's integration with the adjoining area and includes measures to improve the management of storm water from the site into Woolloomare Bay;
- the proposal introduces a new centre that will provide additional retail floor space and employment opportunities to the locality;
- the proposal includes public open space areas to the north of the residential component and improved access along the foreshore;
- the proposal includes measures that support ecologically sustainable development; and
- the proposal will contribute to the housing stock in the locality, and the proposed mix of unit sizes and types will provide a range of housing options for future residents of varying income level and household size.

### 3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*



(d) *improved valuation, pricing and incentive mechanisms.*

The department considers that the proposal represents a sustainable use of the site, as it proposes a significant amount of retail floor space in a new centre that will be supported initially by a shuttle bus service. The proponent commits to ESD principles and has reinforced this through the environmental assessment which explores key ESD opportunities. Noting this, the department considers that the proposal is consistent with the key principles of ESD.

A further detailed assessment against ESD principles is included in **Appendix D**.

### **3.7. Statement of Compliance**

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. After accepting the EA, the department publicly exhibited it from Wednesday 5 October 2011 until Monday 5 December 2011 (an extended period of 62 days) on the department's website; at the Department of Planning and Infrastructure Information Centre; at Sutherland Shire Council; and at Cronulla Central Shopping Centre. The department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and the St George and Sutherland Shire Leader on 5 October 2011 and notified landholders and relevant State and local government authorities in writing.

The department received 4,851 submissions during the exhibition of the proposal, of these nine (9) submissions were from public authorities and 4,842 submissions were from the general public. Of the public submissions, 2121 object to the application, 2718 support the application and 3 submissions did not form a position.

An additional 14 submissions were received in response to the PPR, including submissions from Sutherland Shire Council, Transport for NSW, Office of Environment and Heritage, NSW Office of Water, Department of Primary Industries – Fisheries, Roads and Maritime Services, Ausgrid and Sydney Water. Six (6) submissions were received from the general public.

A summary of the issues raised in submissions is provided below.

### 4.2. Public Authority Submissions

Nine (9) submissions were received from public authorities in response to the EA and further eight (8) submissions in response to the PPR. Key issues provided in the submissions are summarised as follows:

<b>Sutherland Shire Council</b>	
<b>EA</b>	<p>Council raised the following key concerns:</p> <ul style="list-style-type: none"> <li>the proposed location lacks public transport, support services and is unable to grow in the future;</li> <li>the proposal has a dense urban form which is inconsistent with the surrounding low density environment;</li> <li>the proposal results in excessive height and adverse visual impacts;</li> <li>the proposal will create an unattractive streetscape, with two storey above ground car parking;</li> <li>an inadequate buffer is provided to the foreshore in this sensitive foreshore location and limited opportunities are available to soften the retail component from Captain Cook Drive;</li> <li>density of the residential component impacts upon future residents;</li> <li>poor pedestrian connections between the retail and residential components of the proposal;</li> <li>adverse impacts on traffic and congestion and residential parking rates will create overflow and game day arrangements will increase the situation;</li> <li>proposal likely to create game day parking issues;</li> <li>lack of skilled employment opportunities to assist in employment self containment within the LGA; and</li> <li>the proposal will not provide affordable housing nor necessarily provide housing for the aged.</li> </ul> <p>Council also requested additional information on the impact on the riparian zone and environmental impacts from contamination and flooding.</p>
<b>PPR</b>	<p>Council advised that:</p> <ul style="list-style-type: none"> <li>the intensity and scale of the development will result in unacceptable visual, environmental and traffic impacts;</li> </ul>

	<ul style="list-style-type: none"> <li>the location is 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;</li> <li>there is no stopping along Captain Cook Drive in front of the proposed building and therefore questioned the measures 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.</li> </ul> <p>Council also resolved to revoke owner's consent for use of the three Council allotments.</p>
<b>Transport for NSW</b>	
EA	<p>TfNSW advised that:</p> <ul style="list-style-type: none"> <li>There are no current plans to provide a new bus service as suggested by the proponent and TfNSW cannot commit funding or resources to a new service. Further consideration will occur as part of a four year review, subject to bus servicing across metropolitan Sydney. The proponent should consider a temporary shuttle bus to link the site and Woollooware Station.</li> <li>Walking and cycling could play a more significant transport role, with further assessment and identification of improvements to existing and planned connections to Woollooware Station.</li> <li>The proponent should prepare comprehensive Workplace Travel Plans and Travel Access Guides prior to the issue of the occupation certificate for future applications.</li> </ul>
PPR	<p>TfNSW advised that:</p> <ul style="list-style-type: none"> <li>the provision of a temporary shuttle bus service to link the site to the Woollooware Station until such time as a State-funded bus service commences was noted, however a future bus service depends on the consideration of the bus servicing needs across metropolitan Sydney, consistent with previous advice;</li> <li>the provision of a bus service would be considered more favourably when the site is developed to a level capable of supporting a public transport service and recommended that the initial staging of the proposal occur adjacent to the potential public transport service route;</li> <li>the proposed road and intersection upgrades should fully integrate pedestrian and cyclist access, which should be further considered through the integration of cycling links from the site to the existing network in conjunction with Sutherland Shire Council; and</li> <li>Workplace Travel Plans and Travel Access Guides should be prepared prior to the issue of the occupation certificate for future applications.</li> </ul> <p>Following further discussions with the proponent, TfNSW has advised that at completion of Stage 1 of the development, the proponent is to further liaise with TfNSW in relation to the provision of a public bus service connecting the site to the surrounding area. TfNSW have requested that they are notified as each individual application is submitted.</p>
<b>Roads and Maritime Services / Sydney Regional Development Advisory Committee</b>	
EA	<p>SRDAC advised that:</p> <ul style="list-style-type: none"> <li>the Committee supports only one set of traffic control signals at the intersection of Woollooware Road / Captain Cook Drive into the retail component to maintain traffic efficiency along Captain Cook Drive;</li> <li>appropriate lane configuration shall be provided and revised intersection modelling be provided to ensure the satisfactory operation of the intersection;</li> <li>the new western entrance to the retail development shall be restricted to left-in and left-out (not a signalised intersection) and include a deceleration lane;</li> <li>all bus stops close to the intersection of Woollooware Road and Captain Cook Drive are to a facilitate safe crossing environments;</li> <li>provision of a pedestrian fence within the median along Captain Cook Drive, between Gannons Road and Woollooware Road;</li> <li>an appropriate pedestrian crossing facility is to be provided on Gannons Road;</li> <li>the intersection at Captain Cook Drive and Taren Point Road should be upgraded;</li> <li>the designs of access arrangements to the residential component and location of bus stops near the proposed intersections; and</li> <li>recommended a number of conditions should the proposal be approved.</li> </ul>
PPR	<p>RMS advised that:</p> <ul style="list-style-type: none"> <li>only one set of traffic control signals on Captain Cook Drive is supported for the</li> </ul>

	<p>proposed retail / club component consistent with the previous comment;</p> <ul style="list-style-type: none"> <li>lane configuration requirements need to be addressed during future development applications;</li> <li>the northern access to the retail component be restricted to left in / left out movements only consistent with the previous comment and include the provision of a deceleration lane, which will require land dedication from the subject site;</li> <li>the proposed zebra crossing on Gannons Road south of Captain Cook Drive is unwarranted and is undesirable on road safety grounds, however a pedestrian refuge facility accompanied by appropriate road widening is appropriate;</li> <li>the scale and associated traffic generation will add to the existing delays and congestion currently at the intersections of Taren Point Road / Captain Cook Drive, Gannons Road / Captain Cook Drive and Kingsway / Gannons Road; and</li> <li>the TfNSW recommendation that consideration be given to the introduction of a temporary shuttle bus to link to Woollooware Station is supported.</li> </ul>
<b>Office of Environment and Heritage</b>	
EA	<p>OEHL requested that the proponent:</p> <ul style="list-style-type: none"> <li>undertake further assessment to accurately determine the potential impacts on adjacent habitats resulting from light spill, increased access, noise, and stormwater runoff;</li> <li>prepare an Acid Sulphate Soil Management Plan (ASSMP) to ensure that potential impact on building materials and infrastructure as well as potential run-off of acid into sensitive environments is managed and avoided;</li> <li>undertake a flood study to consider suitable arrangements for floodwater and overland flow; and</li> <li>undertake an evaluation of the geotechnical testing results, profile old land surface and conduct a cultural assessment of the area by the Aboriginal community to confirm no Aboriginal objects are located on the site.</li> </ul>
PPR	<p>OEHL advised that recommendations from the comments to the EA remain unresolved and provided comments on:</p> <ul style="list-style-type: none"> <li>the adequacy of the ecological assessment and requested that adequate baseline surveys be undertaken;</li> <li>the proposed setback and vegetated riparian buffer has not been justified to ensure that the vegetated riparian buffer can provide an effective environmental buffer;</li> <li>the adequacy of the flood assessment; and</li> <li>preparation of an acid sulphate soils management plan prior to determination.</li> </ul>
<b>NSW Office of Water</b>	
EA	<p>Office of Water raised the following issues:</p> <ul style="list-style-type: none"> <li>the protection and rehabilitation of riparian land at the site has not been addressed;</li> <li>the EA states that the proposal is in accordance with the Office of Water's Controlled Activities Guideline in terms of the width of the core riparian zone (CRZ) and inclusion of a vegetated buffer and any reduction from a 40 metre CRZ has not been justified;</li> <li>pathways and water quality devices should be located outside of riparian areas; and</li> <li>clarification was sought as to whether groundwater was to be extracted for use in the development given contradictory comments in the EA.</li> </ul>
PPR	<p>Office of Water advised that:</p> <ul style="list-style-type: none"> <li>a fully vegetated CRZ of 40 metres should be established to provide a habitat node along the length of the site and enhance riparian functionality adjacent to Woollooware Bay;</li> <li>the riparian area should be vegetated with native plant species and any turf areas be located outside the riparian land;</li> <li>pathways should be located outside of riparian areas;</li> <li>a single pontoon deck is suggested rather than two to the north of the residential area;</li> <li>preference for natural vegetation rather than gabion terrace walls to stabilise the bank to the north of the Family Hill;</li> <li>details of any APZ requirements should be provided;</li> <li>the precedent of other uses within the riparian land along the foreshore should not be used and the proposal should be based on current guidelines and planning provisions;</li> <li>the proposed pathway and planted swale should be located outside of the 21 metre riparian zone adjacent to the tidal creek; and</li> <li>recommended modifications to the Statement of Commitments.</li> </ul>

<b>Department of Primary Industries - Fisheries</b>	
<b>EA</b>	<p>DPI Fisheries raised the following issues:</p> <ul style="list-style-type: none"> <li>the mangrove wetlands north of the site form part of the Towra Point Aquatic Reserve (TPAC) and any impact from the proposal should be further considered;</li> <li>conserving the values of the adjacent wetland and TPAC should be a major consideration of the project;</li> <li>the riparian buffer zone should comply with the NSW Office of Water's standards (i.e. 40 metres) due to the existing unvegetated nature of the riparian zone and adjoining sensitive habitat;</li> <li>the EA includes contradictory comments in relation to the harm of mangroves; and</li> <li>no guarantees can be provided that the stormwater quantities will be reduced until detailed design and no consideration has been provided that this would result in a better treatment of stormwater than which would flow through a riparian buffer zone.</li> </ul> <p>DPI Fisheries recommended amendments to Statement of Commitments and conditions.</p>
<b>PPR</b>	<p>DPI Fisheries:</p> <ul style="list-style-type: none"> <li>commended the inclusion of an assessment of potential impacts to the adjoining Towra Point Aquatic Reserve and the amended design of the riparian zone. This amended design was considered to provide some improved functionality of the riparian zone however further improvements to the ecological buffer could be achieved by further reducing the proposed paving within the riparian zone;</li> <li>supports a 40 metre riparian buffer zone at the site, however DPI Fisheries support the final width recommended by the Office of Water; and</li> <li>recommended conditions of approval and requested an amendment to the submitted Statement of Commitments.</li> </ul>
<b>NSW Police</b>	
<b>EA</b>	<p>NSW Police advised that the development will result in an increase in activity, both in and around the location, which will subsequently increase the risk of crime, along with increasing crime opportunities and potential offenders to the development and its surroundings. NSW Police have recommended treatment options for consideration in terms of improving Crime Prevention Through Environmental Design factors.</p>
<b>Ausgrid</b>	
<b>EA</b>	<p>Ausgrid requested additional information that:</p> <ul style="list-style-type: none"> <li>demonstrates that the proposal satisfies the precautionary measures of the draft ARPANSA's Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0Hz – 3kHz, 7<sup>th</sup> December 2006; and</li> <li>details of construction activities / restrictions to ensure the security of the existing electrical network.</li> </ul>
<b>PPR</b>	<p>Ausgrid advised the following:</p> <ul style="list-style-type: none"> <li>a level of assurance is required from the proponent that the proposal will not compromise the integrity of Ausgrid's assets in any way;</li> <li>approval from Ausgrid is to be obtained prior to commencement of works in relation to construction activities;</li> <li>evidence is to be submitted that consideration has been given to the adoption of low cost measures to reduce people's exposure to electromagnetic fields associated with the existing power lines;</li> <li>long term health effects of electromagnetic fields should be addressed; and</li> <li>submission of a safe work method statement.</li> </ul>
<b>Sydney Water</b>	
<b>EA</b>	<p>SW outlined the requirements for amplification of the existing drinking water main fronting the site and the wastewater system. SW also advised that should the development generate trade wastewater, no guarantee is provided that SW will accept the trade wastewater to its sewerage system. An application would need to be submitted to SW for assessment.</p>
<b>PPR</b>	<p>SW raised no additional comments to that provided above.</p>

### 4.3. Public Submissions

#### *Submissions to the EA*

A total of 4842 submissions were received from the public, including a submission on behalf of Westfield Miranda Shopping Centre. Of these, 2121 object to the application, 2718 support the application and 3 submissions did not form a position.

Of the 4,842 submissions, 3265 submissions were received from residents in the Sutherland LGA. Of these, 1795 (55%) submissions object to the application and 1470 (45%) submissions support the application. The remaining 1,577 submissions were made by persons outside of the local area.

Key issues raised in public submissions objecting to the proposal are listed in **Table 2**.

Issue	Proportion of Objections (%)
Density and over development	72%
Traffic congestion	69%
Visual impact and out of character with locality	65%
Inadequate game day parking	47%
Inadequate parking for the development	46%
Potential environment damage to mangroves	39%
Negative impact on water and air quality	32%
Height of the development	27%

**Table 2:** *Summary of issues raised objecting to proposal*

Key issues raised in submissions in support of the proposal are listed in **Table 3**.

Issue	Proportion of support (%)
Provision of community facilities	75%
Provides additional housing	72%
Provides additional retail and leisure facilities	71%
Creates local jobs and investment	65%
Improves existing environmental situation	51%
Will increase access to public transport	49%
Development will support the future of the Cronulla Sharks and improve Club facilities	43%

**Table 3:** *Summary of issues raised in support of proposal*

#### *Submissions to the PPR*

Six (6) submissions were received from the public in response to the PPR, raising similar concerns to those raised during the exhibition as well as the following:

- number of submissions stated in the PPR in support of the proposal is inaccurate;
- impact of the proximity of the residential building envelopes to the powerlines has not been properly addressed;
- traffic analysis contains inconsistencies and lacks transparency;



- no support has been provided by Transport for NSW for the development and no details have been provided of the proposed shuttle bus service; and
- proposal is still an overdevelopment of the site and does not take into consideration the surrounding low density residential properties.

The department has fully considered the issues raised in submissions in its assessment of the project.

#### **4.4. Proponent's Response to Submissions**

The proponent provided a response to the key issues raised by the public submissions in response to the exhibition of the EA and PPR. The proponent's full response to submissions to the EA and PPR is included at **Appendix A** and **C** respectively. The department is satisfied that the issues raised in submissions have been comprehensively addressed and can be managed by conditions of approval as required.

## 5. ASSESSMENT

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The department considers the key issues for the project to be:

- strategic issues comprising:
  - justification for a new centre; and
  - economic impact.
- project issues comprising:
  - parking and traffic arrangements;
  - natural environment impacts and management;
  - built form; and
  - residential amenity.

### 5.1 Justification for a new centre

The application has generated significant interest from the general public for and against the proposal. The public submissions generally remain silent on the strategic issues, except for the Westfield submission which contends the proposal is a stand-alone shopping centre and at odds with the hierarchy of centre types within the metropolitan context.

Sutherland Shire Council (Council) takes the view the proposal is a poor strategic planning outcome as the site location is isolated from public transport, does not form part of an existing centre, is fragmented in such a manner that it could not be categorised as a new centre and does not meet the strategic planning framework for the establishment of new centres. The proponent advocates the proposal on the basis it will provide a vibrant new Town Centre that will address the retail supermarket shortage in the area and incorporate a diversity of dwelling types with good links to surrounding parks, recreational facilities and residential and employment areas.

The proposed development will introduce a high density residential development and a shopping centre on the site creating a new centre within the metropolitan hierarchy. The strategic implications have been carefully considered by the department in its assessment of the application and are addressed below.

#### 5.1.1 Metropolitan Plan for Sydney 2036

##### *Housing and Employment Needs*

The Metropolitan Plan for Sydney 2036 (Metro Plan) guides the development of the Sydney metropolitan area towards 2036. The estimates of population and employment data have been updated, which has resulted in a revision of dwelling and job numbers for Sydney. Sydney will require 770,000 additional homes by 2036. There is also a growing trend towards smaller households (e.g. the number of one person households is expected to grow by 69% by 2036) and there will be a growing need to provide a greater proportion of smaller new homes. The housing stock in Sutherland LGA has traditionally been characterised by detached houses on large blocks, however in recent years there has been a growth in medium density housing. The proposed development has the potential to assist in satisfying the demand for smaller households and offer housing choice and affordability which are key objectives in the Metro Plan.

Sydney will also require 760,000 additional jobs to support the anticipated population growth by 2036. In order to achieve the dwelling and job requirements by 2036 there is a need for existing centres to expand or for new centres to be created in appropriate locations. The Metro Plan aims to accommodate 80% of the dwellings and jobs within the walking catchment of centres.

## Centres Planning

The Metro Plan acknowledges the potential for new centres in existing urban areas that are distant from existing centres. The appropriateness of the location for a new centre depends on a range of factors including public transport access, proximity to good quality open space, schools, residential amenity of the area and market demand. The department considers the site has some of the locational attributes for a new centre given its proximity to public open space and recreational facilities, schools including a primary school in Woollooware, and the good amenity afforded by the waterfront location. In the Metro Plan planning for a new centre focuses on a commercial core around a public transport hub which can include a high frequency bus route. The site is not currently serviced by a public bus network, however, the department notes the proponent's commitment to provide a shuttle bus service until such time as a public bus service is implemented (refer to the discussion in **Section 5.1.3**). The benchmark for good urban renewal involves building upon existing strengths which may include cultural, sporting, recreation and parkland facilities. The development proposes to build upon the existing sporting facilities and waterfront attributes of the site to create an attractive and inclusive destination. The site is one of the few remaining consolidated sites in Sutherland of sufficient land area with the potential to form a new centre in an existing urban area.

The Metro Plan also requires consideration of the impact of a new centre on facilities and services in existing centres. The proponent's Economic Impact Assessment (EIA), prepared by Pitney Bowes Business Insight (PBBI) found that the introduction of a new centre will result in a minor loss of trade for some nearby competing centres in the short term. An independent peer review undertaken for the department by Hill PDA indicates the economic impact of the proposed retail/commercial components is likely to be absorbed by the other existing centres without adversely impacting on their role or economic viability. Refer to the detailed discussion in **Section 5.2**.

A key issue with the proposal relates to the classification of the development in terms of the retail centre hierarchy in the Metro Plan and the justification for a high density residential development at this location. Council is of the view the development is a stand-alone shopping centre with a separate residential development. The Metro Plan defines a stand-alone shopping centre as an *"...internalised, privately owned centre away from other commercial areas, containing many of the attributes of a Town Centre without housing or open space."* The proposed development incorporates a high density residential component and is surrounded by open space and recreational facilities. The department therefore does not agree with Council's view that the proposal is a stand-alone shopping centre within the context of the Metro Plan.

The proponent considers the development as a Town Centre which is defined in the Metro Plan as *"...a large group of shops and services with a mix of uses and good links with the surrounding neighbourhood. It provides the focus for a large residential population."* An assessment against the Town Centre criteria in the Metro Plan demonstrates the retail premises and services offered best characterise the proposal as a Town Centre as it includes a full range of town centre functions and services including a full line supermarket and a smaller supermarket, a number of mini major retailers, complementary specialist retail, restaurants, medical centre and the recreational and leisure offer of the leagues club. There is however a significant departure from the number of proposed dwellings. A Town Centre typically has 4,500-9,000 dwellings within an 800m walking catchment. There are approximately 600 dwellings proposed on the site and approximately 500 existing dwellings within the 800m catchment equating to 1,100 dwellings which represents a significant shortfall.

The proponent has put forward justification on the basis the shopping centre will draw on a larger population from Kurnell (outside the 800m walking catchment) which is a car dependent community, situated on the Kurnell Peninsula with limited access. The department accepts that the proximity of the site compared to Cronulla or Caringbah is likely to be an attractive option for residents of Kurnell (approximately 800 dwellings). The department also accepts that future

occupants of the residential development (approximately 400 dwellings) under construction at Greenhills Beach (North Cronulla) may patronise the shopping centre for the same reason.

Furthermore, the proponent's EIA identifies 8,100 residents in the Main Trade Area that will rely on the shopping centre due to the existing undersupply of supermarket facilities and constraints on retail growth in Caringbah and Cronulla. An independent review undertaken by Hill PDA, accepts this proposition (refer to **Section 5.2** of the report). The department considers that the shortfall in dwellings for a typical town centre will be offset by other factors which draw on the wider population beyond the 800m catchment.

The department also considers there is potential for the existing Woollooware village, located about 1km south of the site, to grow and accommodate additional dwellings in walking distance of the subject site.

A conventional Town Centre is well serviced by public rail and/or bus transport. The nearest railway station (Woollooware Railway Station) is 1.2km to the south. The proponent has committed to funding and operating a free shuttle bus service between the site and the Caringbah and Woollooware Railway Stations. The proponent has provided details of the shuttle bus service for the site:

- an initial 22 seat bus service implemented from the occupation of the first residential stage (1 bus required) or for the commencement of the retail centre (2 buses required), whichever occurs first;
- the service would operate 7 days a week between the hours of 6am to 9pm;
- an initial trip frequency of every 30 minutes would be provided on weekdays (6am-7pm), with a 60 minute frequency on weeknights and weekends; and
- as stages of the proposed development are completed and occupied, additional buses would be provided up to an anticipated 4 or more (22 seat) shuttle buses (thereby also increasing trip frequencies) however bus patronage may validate usage of a (50 seat) standard bus.

The department notes that this is sought as an interim transport solution until such time that dedicated public transport is provided to the site. This aspect is examined in more detail in **Section 5.1.3**.

The independent peer review prepared by Hill PDA concludes the proposed centre should be considered a Town Centre in the retail hierarchy rather than a stand-alone retail centre. The proposed centre type is not specifically defined in the Metro Plan but its characteristics are comparable to a Town Centre. The department considers that the proposed development exhibits the characteristics of a Town Centre and can be considered for its suitability in this location.

Further to the Metro Plan framework, 'Sydney over the next 20 years' is a discussion paper released in May 2012, and is the first step in the development of a new Metropolitan Strategy for Sydney. The aim of the discussion paper is to gather input to help define key priorities to underpin a new plan for Sydney.

Sydney's expected population (excluding the Central Coast) is expected to reach 5.6 million by 2031, being 700,000 higher than was predicted for this date in the 2005 strategy. The discussion paper acknowledges that in some areas, new centres may need to be planned to provide appropriate shops, jobs and services to new communities, or to service areas where an existing centre has no room to grow.

### **5.1.2 Draft South Subregional Strategy**

The 2005 Metropolitan Strategy relied on subregional planning as an intermediate step in translating the Metropolitan Strategy at a local level, recognising some issues extend beyond

local government boundaries and require a subregional approach. The 2005 Metropolitan Strategy places the site in the South Subregion.

The Subregional Strategy provides an employment target of 29,000 additional jobs for the South Subregion, an increase from 185,000 to 214,500 jobs between 2001 and 2031. The Sutherland LGA is anticipated to make a contribution of 8,000 jobs. However, the more recent Metropolitan Plan provides updated targets for the Draft Subregional Strategy, setting a significantly higher target of 52,000 additional jobs (total 245,000 jobs) for the South Subregion between 2006 and 2036. It is therefore expected that Sutherland may contribute a greater proportion of jobs than the 8,000 identified by the Draft Subregional Strategy.

The Draft Subregional Strategy also provides a housing target of 35,000 additional dwellings for the South Subregion, with the Sutherland LGA expected to make a contribution of 10,100 additional dwellings. However, the revised requirements under the more recent Metropolitan Plan for the South Subregion stand at 58,000 additional dwellings between 2006 and 2036. Whilst these updated targets have not been applied to individual LGAs, it is anticipated that Sutherland will need to contribute a greater number of additional dwellings than the 10,100 identified by the Draft Subregional Strategy.

The proposal will contribute to the dwelling and job targets in the Subregional Strategy which should be considered in a local context under the Draft Centres Policy.

### 5.1.3 Draft Centres Policy

The Draft Centres Policy (Centres Policy) aims to create vibrant centres for the needs of business and provide the community with places to live, work and shop. The Centres Policy focuses on key principles which seek to promote the importance of centres and clustering of business activities, allow new centres to form, provide adequate floorspace to meet demand, promote competition and ensure good urban design and amenity. Importantly, the Centres Policy provides that the supply of retail floorspace must accommodate market demand and that new centres should be able to be formed to meet this demand subject to a careful planning analysis of any proposed new centre's location. Noting this, the department considers the following to be key considerations for the assessment of the proposed new centre:

- the level of demand for a new or expanded centre;
- the ability of existing centres to meet this demand; and
- suitability of the site for the proposed centre.

These are considered in turn below.

#### *Demand for a new or expanded centre*

Existing competitive retail facilities in the Sutherland Shire include a regional shopping centre (Westfield Miranda), a sub-regional shopping centre (Southgate Sylvania) and a range of supermarket-based centres. In addition to these centres, the retail precinct at Caringbah and the retail strip of Cronulla are important contributors to the overall retail facilities within the locality.

The proponent's economic analysis, prepared by Pitney Bowes Business Insight (PBBI) identifies a Main Trading Area (MTA) for the proposed new centre (**Figure 10**). PBBI identifies a significant shortfall in supermarket retail floorspace in the MTA and in particular notes that there is no full line supermarket in this area. PBBI also identifies the current retail supermarket floorspace provision for the area as compared to the rest of Australia and the Sutherland LGA (**Table 4**)

Location	M <sup>2</sup> per 1,000 residents
Australia	320
Sutherland Shire	201
Main Trade Area (present)	47
Main Trade Area (post-development)	171

**Table 4:** Supermarket floor space provision

**Table 4** clearly identifies that currently the provision of supermarket retail floorspace in the MTA of 47m<sup>2</sup> (per 1,000 residents) is only 15% of the current provision of 320m<sup>2</sup> (per 1,000 residents) Australia-wide and 23% of the 201m<sup>2</sup> (per 1,000 residents) within the Sutherland LGA itself. Even with the proposed centre being developed, the retail supermarket floorspace provision for the MTA would still only be 53% of the Australia-wide figure.

The department commissioned Hill PDA to undertake an independent review of economic impacts to inform its assessment. This has also included a review of the proposal against the Draft Centres Policy. The report by Hill PDA is provided at **Appendix E**.

Hill PDA agrees with PBBI that there is a significant level of demand for more retail floorspace in the MTA. Hill PDA also acknowledge that within the MTA the only existing supermarkets are small Franklins and Woolworths supermarkets in Cronulla. Also there appears to be an undersupply of supermarket floorspace within the wider Sutherland LGA. Hill PDA has provided an analysis of demand for supermarket retail floorspace using two methods:

- Based on forecast retail expenditure in the MTA (as at 2014) there is demand for 13,300m<sup>2</sup> of supermarket floorspace in the MTA in addition to the existing supermarkets in Cronulla.
- Based on the MTA population (as at 2006), up to three full line supermarkets and one ALDI store could be supported within the MTA. It contains none of these at present.

Noting the above, the department considers that there is a significant undersupply and subsequent demand for supermarket retail floorspace in the MTA and also the wider Sutherland LGA. The MTA is significantly undersupplied to the extent that an entirely new centre of the scale proposed would still not meet the demand.

#### *Capacity of Existing Centres to Meet Retail Demand*

Having established that there is a significant level of unmet demand in the MTA (and wider Sutherland LGA), the Centres Policy requires a sequential test to be undertaken when considering new centres or out-of-centre proposals. The intent of this test is to determine whether there is capacity within the existing centres to meet the established demand for retail services.

The first step in this approach is to determine whether there are suitably zoned sites within existing centres or in an edge-of-centre location. The existing centres where a full line supermarket could potentially be sustained to serve the MTA are Cronulla and Caringbah.

Sutherland Council's Draft Cronulla Centre Strategy (currently on exhibition) notes the lack of a large supermarket to service the needs of the growing population, whilst also acknowledging the constrained road system (defined by the geography of the peninsula). The Draft Strategy includes a key action to rezone the site occupied by the Cronulla Bowling Club to facilitate the expansion of the centre. This site currently accommodates a club facility (with parking) and three bowling greens. The Strategy recommends that this site be rezoned from private recreation to a zoning that allows a range of uses including residential flat buildings, hotels, business premises, restaurants and shops. This would allow the land owner to determine (should it wish to abandon the current use) whether a supermarket forms the highest and best use as part of any future development project.

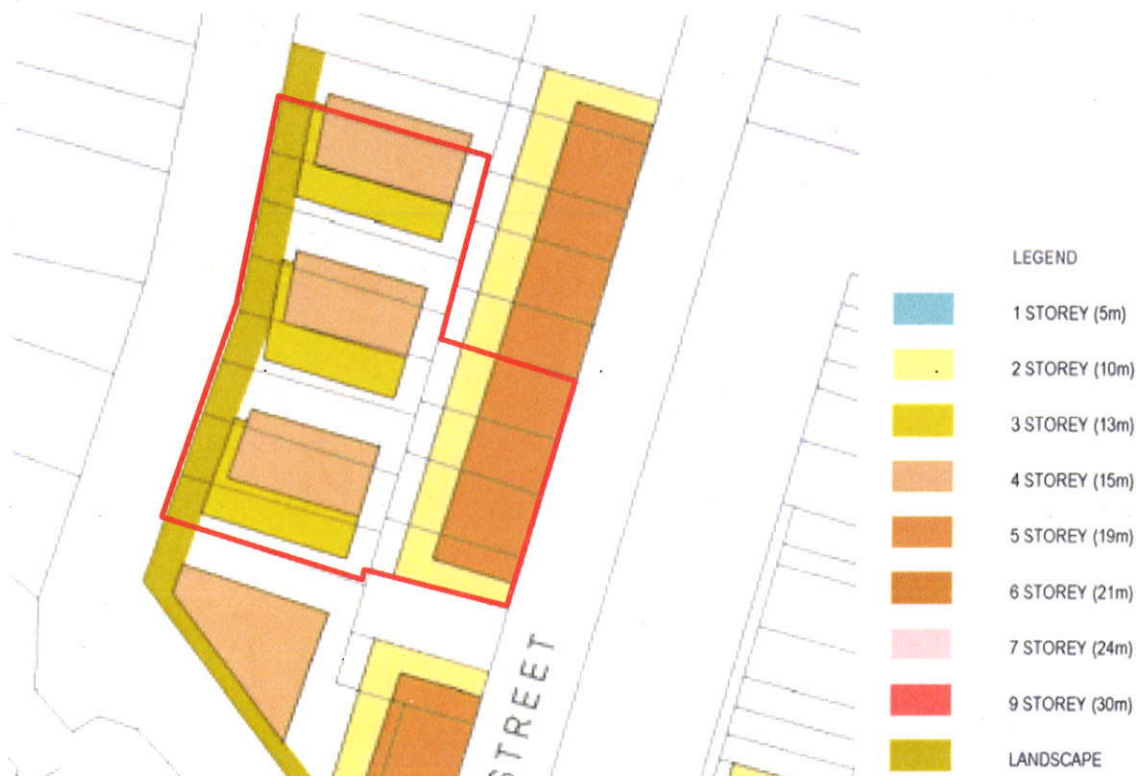


The proponent has undertaken an analysis of the site and locality. It notes that existing traffic congestion both to and through the Cronulla Town Centre is a major constraint on development, particularly on provision of a full line supermarket which is a major traffic generating use. In particular the following traffic and access constraints have been identified:

- Difficulties servicing the site with articulated vehicles due to insufficient space for swept paths at key intersections, the need to remove on-street parking to allow for truck access to the site, traffic congestion impacts due to truck movement in narrow intersections particularly during peak periods;
- The location of the site on the fringe of the town centre will result in a higher proportion of car based trips that would otherwise occur if the supermarket were in the core of the town centre which is better serviced by public transport ; and
- Introduction of a supermarket (which has traffic generation three times greater than specialty retail uses) in this location would adversely affect peak hour and weekend traffic conditions by adding to the existing traffic congestion in and around the town centre due to the existing high residential densities, the wide mix of existing uses and the constrained road network.

The department has reviewed the Draft Cronulla Centre Strategy and notes that there is no traffic and access analysis for the Cronulla Bowling Club site despite the intention to change the land use and increase the allowable development yield of the site. Noting this absence of specific analysis and the department's observations of the constrained roads and intersections that access the site gives weight to the proponent's views in respect of traffic and access issues. The department considers that these issues represent key difficulties and diminish the likelihood of the site being able to accommodate the development of a full line supermarket without adverse impacts to the locality.

The department further notes the height (19-20m) and FSR (split between 1.4:1 for the greater western portion of the site and 2.0:1 for the smaller eastern portion of the site) controls provided for the site in the Draft Cronulla Centre Strategy. The department considers that in combination, these controls are not conducive to providing a large format retail tenancy. This is evidenced by the Potential Built Form Plan in the Draft Cronulla Centre Strategy (**Figure 9**). This plan indicates the potential built form for any redevelopment of the site as envisaged by Council, being a group of 4 or more separate buildings of between 2 to 6 storeys in height. This is a form more consistent with a group of residential flat buildings than the form of a full line supermarket building which typically occupies available floor space in a broader footprint concentrated at ground level. This indicates that the likely use of the site, should it be rezoned, would more likely be for a residential development (possibly with small retail tenancies at street level) that takes advantage of the height allowances in the coastal location similar to other residential building forms in the locality.



**Figure 9:** Potential Built Form Plan for the Cronulla Bowling Club Site (extracted from the Draft Cronulla Centre Strategy) Cronulla Bowling Club Site is outlined in red.

The independent peer review carried out by Hill PDA for the department refers to its detailed retail capacity analysis (previously carried out) for the wider Cronulla Town Centre and notes that additional intensification of the existing centre would be difficult due to the fact that the centre is already largely developed with a fragmented land ownership pattern. Further expansion of the centre is also limited by the existing rail line and surrounding waterways. Also, Hill PDA state that higher density residential development is likely to be viable and would be more feasible than commercial development given higher land values. This comment is consistent with the department's view of the likelihood of the potential built form outcome being for taller residential development as identified in Sutherland Council's Draft Cronulla Centre Strategy.

Noting both the specific difficulties associated with developing the identified Cronulla Bowling Club site and the Cronulla Town Centre generally, the department considers that there is insufficient capacity for suitable sites for a full line supermarket in and on the edge of the Cronulla Town Centre.

Caringbah contains a similar amount of retail floorspace as Cronulla, however is located just outside of the MTA of the subject site (**Figure 11**). Sutherland Council's Draft Caringbah Centre Strategy (also currently on exhibition) identifies Caringbah as a 'district centre' with several large and well established supermarkets that underpin the economic base of the centre. The focus of the Draft Strategy is to encourage urban regeneration and revitalise the centre through increased residential, commercial and retail development. The revitalisation strategy relies on increased residential development within and around the centre, improved retail choice and improved pedestrian amenity. The Draft Strategy seeks to build a niche commercial identity for Caringbah, building on the centre's location in close proximity to the Shire's two hospitals, differentiating Caringbah as a centre of medical excellence.

The department has reviewed the Draft Caringbah Centre Strategy and notes that it includes a key action to explore mixed use redevelopment opportunities for Council owned car park sites to provide additional dwellings, commercial and community facilities while maintaining public car

parking. In particular this includes the Hay Avenue car park site which is triangular shaped at-grade Council car park mentioned specifically as an underutilised site that could provide significant housing, community facilities and medical facilities in close proximity to public transport. Other sites include the Park Lane/Coles/Council car park site, Caringbah Hotel amalgamated site and a number of other smaller amalgamated sites.

With the exception of the Hay Avenue Car Park, each of these sites are in fragmented ownership and are earmarked for a range of possible land uses other than retail. The Department notes that this is due to a range of constraints relating to size, traffic and access and adjoining land use sensitivities that render the sites not suitable to accommodating large supermarkets. Noting these constraints the department agrees with Council's indicated preference for alternative land uses for these sites rather than supermarkets.

The Hay Avenue car park site is also identified in the Sutherland DCP 2006 as a potential development site, with one of two options providing a sufficient floor plate to accommodate a new full line supermarket. This redevelopment option is also required to retain all public parking spaces currently on the site and also provided the required additional spaces to support any proposed supermarket and other uses. The site is completely road bound and there is a need to overcome traffic issues associated with providing safe and efficient access to the Kingsway.

The proponent notes that although the potential for development of the Hay Avenue site has existed since the adoption of the DCP in 2006, no development outcome has been achieved for this site since then, despite there being clear demand for further supermarket retail floorspace within the Sutherland LGA.

The department notes that the Draft Caringbah Centre Strategy provides no specific traffic and access analysis for development of the Hay Avenue car park site despite the fact it is bound by roadways, nor is there any discussion of development feasibility despite the fact that there has been no development solution on the site in 6 years. These potential traffic and feasibility constraints, in combination with the fact that the site remains undeveloped to date, along with a wide range of potential land use options for the site give weight to the view that the site is not likely to provide additional capacity for supermarket retail development.

The proponent has noted that notwithstanding the considerable constraints limiting the development potential in this centre, the provision of any additional retail facilities in this location would provide little additional utility to residents in the Main Trade Area (MTA) of the subject site as it is located beyond the southern boundary of the identified MTA (as shown in **Figure 11**).

The independent peer review carried out by Hilll PDA for the department refers to its detailed retail capacity analysis (previously carried out) for the Caringbah Town Centre and notes that potential for future expansion of the centre is restricted as it is surrounded at a junction of main traffic routes from the west and the south and surrounded by established development. It also notes that due to fragmented site ownership in the centre, opportunities for the development of large sites are limited to the few car park sites described in the Draft Caringbah Centre Study. Reasonable opportunities for the development of these sites are conflicted with the current provision of commuter and retail parking which would need to be addressed or reinstated with any new development.

On balance, the department considers that there is insufficient capacity for suitable sites both within and on the edge of existing local centres to meet the clear unmet demand for additional retail floorspace in the locality.

#### *Suitability of the Site to Accommodate a New Centre*

With the noted retail capacity shortfall in and around existing centres in the area, the department considers that a new centre may be appropriate subject to a careful analysis of the

suitability of the site. The department has considered the subject site against the following key locational attributes:

- (a) *Access considerations:* The site has direct road access onto Captain Cook Drive which forms the arterial east-west road through the locality. This provides a direct route to the Princes Highway (5kms westbound). The site has good access to major centres at Miranda, Hurstville and Kogarah and to specialised centres such as Sydney Airport and Port Botany. There is direct and convenient road access to Caringbah and Cronulla being 2.1km and 2.4km from the site, respectively. This provides ease of access to road transport corridors for employees, customers and suppliers. The site is also able to connect into pedestrian and cycle networks that link the site to the surrounding area.

The department however also considers that a key criterion for a Town Centre is good access to public transport to reduce the dependency on car travel. The site is not currently well serviced by public transport, with the nearest bus stop being 600m from the site and Woollooware Train Station being 1.2km from the site. The department accepts that the site is outside the normally accepted 800m threshold for pedestrian access to the train station. The proponent has argued that the quantum of development will act as a catalyst for the provision of a new public bus service connecting the centre to the surrounding areas and other centres.

Transport for NSW (TfNSW) has suggested that a temporary shuttle bus between the site and Woollooware Railway Station be provided by the proponent until such time as a public bus service is introduced.

TfNSW has indicated in principle support for the introduction of a new bus service connecting future development on Captain Cook Drive with Cronulla, Caringbah and Miranda. There are however no fixed criteria in terms of population which triggers the provision of a bus service to a particular area. TfNSW has advised the department it would more favourably consider a public bus service to the site when it is developed to a level that is capable of supporting a new service and they are willing to liaise with the developer at the completion of stage 1 (25% of the residential development) to discuss the provision of a public bus service. In response the proponent has committed to fund a free shuttle bus service (as described in **Section 5.1.1**) between the residential and retail components of the new centre directly to Woollooware and Caringbah Railway Stations for the period between when the site is occupied to the commencement of a public bus service.

The department accepts this approach to the site's current lack of access to public transport services. It is recommended that the detail of a bus service is included as a further assessment requirement for the first stage of the development application.

- (b) *Infrastructure:* Submissions from key agencies confirm that there is, or can be sufficient infrastructure capacity to support the proposed development.

Sydney Water has recommended upgrades to the existing water supply/sewerage infrastructure for the site which is recommended as a future assessment requirement.

It is proposed to provide three signalised intersections adjacent to the site on Captain Cook Drive to accommodate the additional traffic to and from the site as a result of the proposal. Roads and Maritime Services (RMS) do not object to the additional traffic on the road network however support two signalised intersections only as it considers this to be adequate. This is discussed in detail in **Section 5.3.1**. The department recommends future assessment requirements to ensure that the proposed intersection upgrades are agreed with RMS prior to any future application being submitted.

- (c) *Relationship with surrounding area and urban design:* The site is located within a broader urban area and is surrounded by sporting/recreational facilities (golf course, private gymnasium) and public open space. Refer to the site's context in **Figure 9**.

The Department notes Council's view that the site is in an isolated location however does not agree with this point. Instead, the Department considers that the proposed centre will provide a natural focal point for activities associated with nearby uses which is currently lacking in the locality. These surrounding nearby uses include:

- Woollooware High School, located immediately to the east;
- Cronulla High School, approximately 1.2km to the east;
- Woollooware Primary School, located approximately 1km to the south;
- the Taren Point Employment Lands located 450m to the northwest;
- immediately adjacent recreational facilities and playing fields; and
- residential areas on Woollooware Road, approximately 130m to the southeast and on Gannons Road, approximately 350m to the southwest (in addition to the residential development proposed on the site).

The department acknowledges that ease of pedestrian access from the southern adjoining land uses may be constrained by Captain Cook Drive. Proximity to a main road is however a key aspect of centres planning and as such the Department does not consider that the constraint to pedestrian access associated with the presence of a main road should render the site inappropriate for this purpose. Rather, it is considered that where possible this constraint should be minimised and notes that the proposed signalised intersection works include improvements to pedestrian crossing points on Captain Cook Drive.

The department considers that the existing relationship between the site (leagues club/at grade car park) and Captain Cook Drive will be improved as a result of the proposed centre. The Concept Plan will assist in activating this area and encourage pedestrian movement along Captain Cook Drive as a result of the retail use and medical centre activating the street front and the subsequent improvements to the footpath. This aspect is considered in detail in **Section 5.5**.

Proximity to the waterfront of Woollooware Bay on the northern side of the site is a key attribute of the site affording views and high amenity spaces which provides a desirable setting for a new centre. Furthermore, the proposal, as identified in later sections of this report, has minimal amenity impacts on surrounding residential areas. This site amenity will encourage the interaction between the use of the centre and the surrounding public domain, particularly in the area between the site and Woollooware Bay. The department agrees with Council that the stadium will split the site into two distinct residential and retail areas. However the department does not consider that this will create a substantial impediment between the residential development and retail shopping centre as it remains only a short distance (approximately 200m) between the two uses with high pedestrian amenity afforded by the setting within this short distance.





**Figure 10:** Site Context

- (d) *Competing land uses:* The site is currently zoned for a range of uses consistent with the current use of the site (**Section 3.3**). The proposed Concept Plan seeks to retain and enhance the existing uses of the site by augmenting the current car parking supply for the leagues club (**Section 5.3.2**), retaining and improving the existing leagues club and stadium and also improving the existing site conditions for public recreation along the site's northern edge (**Section 5.4**). Also the proponent has undertaken to relocate the existing training facilities provided by the fields on the western end of the site (**Section 5.7**). As such the Department considers that the proposal does not compete with the ability to provide the land uses currently permitted on the site. In addition to this, the project provides a wide range of proposed land uses being residential, retail, commercial and recreation/entertainment uses which will assist in the delivery of jobs and housing for the Sutherland LGA.
- (e) *Environmental considerations:* The site is subject to a number of natural environmental sensitivities and constraints including its proximity to Woollooware Bay, contamination, flood risk (discussed in **Section 5.4**) and proximity to transmission lines (**Section 5.7**). In its assessment the Department considers that the proposal has responded to each of these issues in such a way that the Concept Plan will allow a positive impact on the natural environment when compared to the existing site. Also environmental hazards

such as flooding, contamination and impacts from transmission lines can be adequately managed and mitigated by the proposed development.

- (f) *Public benefit considerations:* The Department considers that the proposed new Town Centre in this location provides increased competition and choice for local residents who currently have limited access to retail services, with a particular shortage of supermarket floorspace within the region. Other benefits identified by the proponent include a reduction in car trip distances travelled by customers. The department agrees with the proponent on this point noting that on balance, there is likely to be an overall reduction in car distances travelled by shoppers visiting the centre because of the site's location in relation to Kurnell (where residents currently travel further to the west or south beyond the Main Trade Area to go shopping).

In addition to this, the independent review carried out by Hill PDA for the department estimates that the proposed development will directly generate over 500 operational jobs once complete (discussed in **Section 5.2**).

- (g) *Proximity to labour markets:* The site is located within the Sutherland LGA which is a predominantly residential area having a population of approximately 218,000 people. The proponent's Economic Impact Assessment identifies that the Main Trading Area (being the more immediate catchment of the site) has a population of 32,120 people. The proposed centre will provide jobs for this population in an accessible location with transport services being provided to the site.

Having considered this assessment, the department is of the view that the subject site meets the key locational requirements for a new centre. Where there are current deficiencies, such as existing public transport access, the proponent in consultation with TfNSW has provided adequate interim and longer term transport solutions to enable these key issues to be resolved in both the short and long term.

Where there is an undersupply of retail floorspace in the area, the Centres Policy seeks that decision makers adopt a positive approach when considering land use issues. Noting this, the department considers that the range of factors identified by the Metro Plan (Action B3.1) for considering the appropriateness of a new centre, including public transport access, proximity to good quality open space, residential amenity of the area and market demand have been adequately demonstrated above. As such the department considers that the subject site is a reasonable location for a new Town Centre.

#### 5.1.4 Conclusion

The proposal is consistent with the Metro Plan and Subregional Strategy and will contribute to the dwelling and job requirements for Sydney.

The department considers that the proposal is comparable to a new Town Centre and therefore suitable for the co-location of a high density residential development on the site.

The department is satisfied that the formation of a new centre is adequately justified based on the demand for retail floorspace in the Sutherland LGA and the limited sites available and constraints associated with the expansion of the nearby existing centres of Caringbah and Cronulla.

The department has carefully assessed the proposed location of the new centre and considers that the site meets a number of key locational attributes that are desirable for new centres. In addition the proposed Town Centre will provide a focal point for activities associated with nearby uses which is currently lacking in the locality.

Noting these points, the department does not agree with Council's view that the proposal represents a poor strategic planning outcome. An assessment of the proposed new centre



using the approach provided by the department's Centres Policy demonstrates that the proposed new centre is reasonably located and will provide retail floorspace in an area where there is currently a significant shortfall in retail supermarket floorspace and insufficient capacity in existing nearby centres to meet this demand.

The department notes that presently, the site is not well accessed by public transport. However it is considered that the site can be adequately serviced by an interim shuttle bus service, funded and operated by the proponent between the site and nearby railway stations. This is a workable solution until such time as a public bus service is implemented by TfNSW once development on the site has reached a critical threshold.

## 5.2 Economic Impact of the Introduction of a New Centre

Whilst the department considers that the subject site is an acceptable location for a new centre (as discussed in Section 5.1), as the site is located outside of an existing centre the economic impact of the proposed new retail centre on the locality is considered to be a key issue. In addition, submissions were received that relate to the impact of the introduction of a new centre upon other centres within the locality.

Following a review of the functionality of the retail centre and additional studies of the locality carried out to support the PPR, the proponent modified the gross floor area of the retail centre to 26,495m<sup>2</sup>, (a reduction of 155m<sup>2</sup> from the EA proposal of 26,650m<sup>2</sup>).

Note that the proponent seeks Gross Building Area approval (as indicated in **Section 2.2**) as this represents a more clear expression of the volume of building envelopes sought by the Concept Plan application. Indicative GFA areas are however provided for assessment purposes.

The indicative GFA for the retail centre (not including the deck areas for the club and retail) consists of the following:

- 3,900m<sup>2</sup> for club uses;
- 13,900m<sup>2</sup> for retail uses;
- 3,150m<sup>2</sup> for leisure uses;
- 1,545m<sup>2</sup> for medical purposes; and
- 3,000m<sup>2</sup> of additional grandstand space.

The proposed retail use comprises:

- 6,000m<sup>2</sup> of supermarket (likely to include a full line supermarket and a smaller supermarket);
- 5,200m<sup>2</sup> of mini-major tenancies; and
- 2,700m<sup>2</sup> of complementary specialty shops.

### 5.2.1 Proponent's Justification

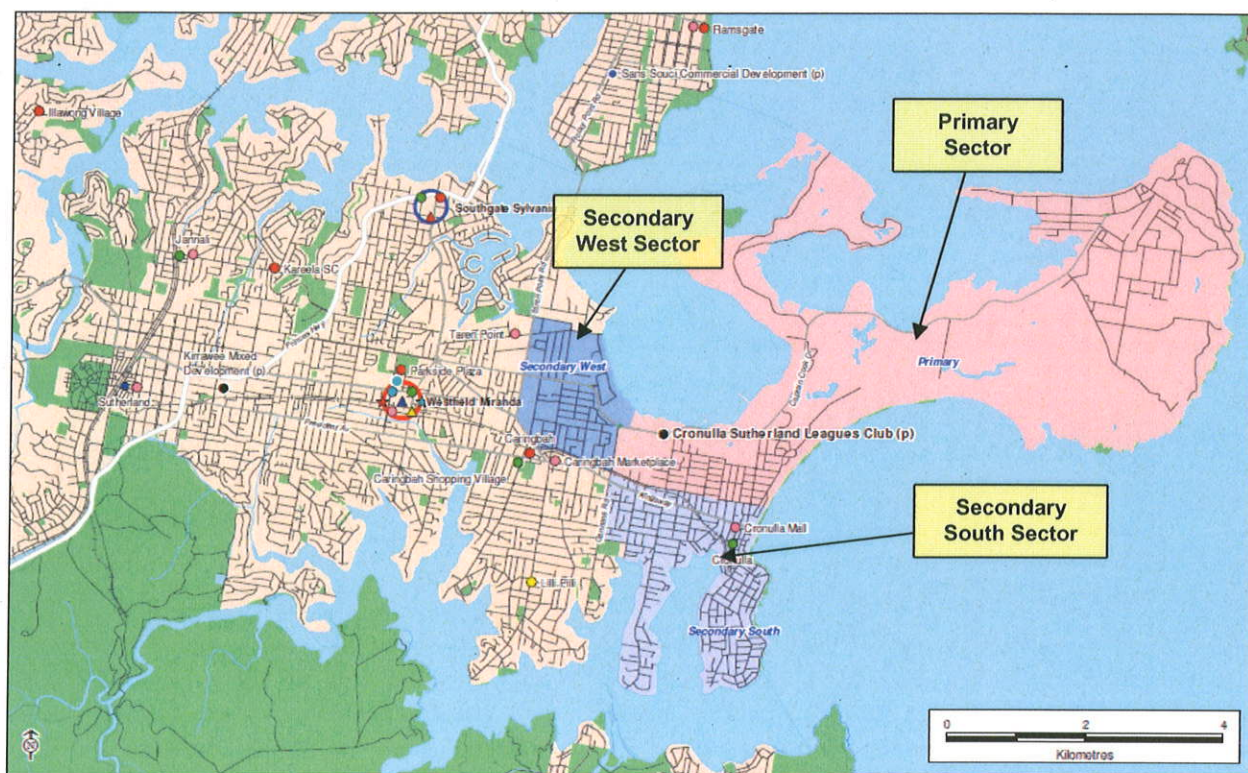
The application was accompanied by an 'Assessment of Retail Development Potential' and 'Economic Impact Assessment', prepared by Pitney Bowes Business Insight (PBBI) on behalf of the proponent. PBBI estimates that the Main Trade Area (MTA) to be served by the proposed new retail centre includes a combination of the primary sector (an area that extends approximately 1 kilometre to the south and west and includes the suburbs of Kurnell, as well as part of Cronulla and Woollooware) and secondary sectors (south sector which is bounded to the west by Gannons Road and incorporates the suburbs of Cronulla, Woollooware and Burraneer) and the west sector that is bounded by the alignment of the railway line and to the west by Taren Point Road). The Cronulla retail centre is located within the MTA. This is identified in **Figure 11**.

The population within the MTA is estimated at 32,120 persons (approximately 218,000 persons with the Sutherland Shire), which is expected to reach 34,420 persons by 2021 (an increase of 0.5% to 0.8% per annum) with 10,200 persons within the primary sector. Total available retail



expenditure within the trade areas is estimated at approximately \$479 million and is projected to increase at a rate of 1.5% per annum to \$556 million by 2021.

Existing competitive retail facilities in the Sutherland Shire include a regional shopping centre (Westfield Miranda), a sub-regional shopping centre (Southgate Sylvania) and a range of supermarket-based centres. In addition to these centres, the retail precinct at Caringbah and the retail strip of Cronulla are important contributors to the overall retail facilities within the locality.



**Figure 11:** Extent of Main Trading Area (Source: Proponent's EA)

The proposed retail centre, once completed, is expected to achieve sales of \$93.4 million (in 2014), which equates to a 16.6% market share of the available MTA retail expenditure.

Importantly, PBBI note there is demand for additional supermarket floorspace in the trade area (as discussed in detail in **Section 5.1.3**). At present there is no full line supermarket within the MTA, which is currently limited to two small supermarkets at Cronulla. The under-provision of retail facilities within the MTA means that residents currently have to travel beyond the trade area for their weekly grocery shopping needs. The proposed redevelopment would provide a convenient retail offer which would diminish the need for residents to travel substantial distances to comparable retail facilities.

In addition the proposed retail facility is estimated to employ 566 persons and an additional 510 jobs in the wider community when considering multiplier effects (once fully operational).

PBBI has examined the potential impacts of the new retail centre in terms of retail turnover against the existing shopping strips and existing centres. PBBI estimates that the projected initial impact (in 2014) from the proposed new retail centre on the nearest local retail centres is:

- 12.2% loss of trade at Caringbah;
- 9.5% loss of trade at Taren Point;
- 7.8% loss of trade at Cronulla;
- 6.0% loss of trade at Southgate Sylvania; and
- 4.5% loss of trade at Miranda Centre.

PBBI has examined the trading performance of each of the above existing centres and considers that these impacts are not likely to detrimentally affect the future operation of these centres or limit their expansion potential.

PBBI finally note that the proposed centre would offer local residents an alternative destination to other centres within Sutherland Shire which can be congested at times.

### 5.2.2 Independent Economic Assessment

The department has reviewed and carefully considered the assessment undertaken by PBBI on behalf of the proponent. The department commissioned Hill PDA to undertake an independent review of economic impacts to inform its assessment. This has also included an independent retail impact assessment and a review of the proposal against the Draft Centres Policy (discussed in detail in Section 5.1). The report by Hill PDA is provided at **Appendix E**.

In its critique and review of the PBBI retail analysis, Hill PDA agrees with the PBBI analysis of the Main Trading Area in terms of population estimates and growth rates, socio-demographic profiles and household expenditure. However it is noted that PBBI has underestimated the existing level of retail floorspace in Cronulla (by 9,500m<sup>2</sup>, or 38% of a total of 24,500m<sup>2</sup>) and Caringbah (by 10,000m<sup>2</sup>, or 37% of a total of 26,800m<sup>2</sup>).

Notwithstanding this underestimate, Hill PDA agrees with PBBI that there is a significant level of demand for more retail floorspace in the MTA (discussed in detail in **Section 5.1.3**).

The unmet demand for supermarket facilities can be seen in the strong level of trade turnover in larger centres surrounding the MTA. This includes Westfield Miranda trading 10% above median turnover levels. Caringbah and Southgate also trade 10 to 20% above benchmark turnover levels, and other supermarkets in the Sutherland Shire are trading up to twice the national turnover level average.

In terms of the likely turnover levels of the proposed retail centre, Hill PDA estimates the likely turnover (in 2014) to be \$108 million. This estimate is 13% higher than the PBBI estimate of \$93.4 million (in 2014). Notwithstanding this discrepancy, Hill PDA generally concurs with PBBI on the likely MTA market share estimate to be in the order of 17%.

Hill PDA has undertaken an independent assessment of the retail impacts on other nearby competing centres. Similarly to PBBI it also considers the greatest impacts (in 2014) to be experienced at Taren Point and Caringbah (albeit slightly greater downturn in trade turnover than PBBI). In particular the impacts to nearby competing centres are estimated at:

- 14% loss of trade in Taren Point;
- 12% loss of trade in Caringbah;
- 10% loss of trade in Woollooware; and
- Other retail centres would experience an insignificant impact of 5% or less (including Cronulla with 4.9% loss of trade).

Hill PDA agrees with PBBI's view that as supermarkets are trading strongly in this area they will have the ability to absorb the identified levels of impact without detrimentally affecting their role or trading position. In addition Hill PDA point out that this is the initial impact estimated for 2014, which is deemed to be the likely first year of trading. Over time these impacts will lessen with growth in the retail spend generated in the area.

More generally, Hill PDA advises that the proposal is in a good location at the entry point of the Kurnell Peninsula, which is largely a car dependant suburb. In addition, the viability of centres located at train stations will not be threatened as they will continue to trade and serve residents and workers that rely more heavily on public transport.

The proposed development is also considered consistent with the draft Competition SEPP because it allows competition between retailers to exist and leaves the market to decide what is viable on this site. Notwithstanding the minimal level of impact to surrounding retail facilities, any competition which may result between traders as a result of the proposed development is not considered to be a planning concern.

In its review of the likely operational employment generation figures, Hill PDA consider that the proposed development would likely support 501 jobs. This is 65 less than the PBBI figure of 566 jobs being created.

Hill PDA concludes, that *"there would be some economic impacts upon centres in the surrounding area to the subject site as a result of the proposed development. Notwithstanding this as a result of the strong trading level of existing facilities and the undersupply of retail floorspace in the MTA, we do not consider that there are any grounds to refuse the proposed development on the basis of economic impact"*.

### 5.2.3 Department's Assessment

The department has carefully considered the PBBI and Hill PDA reports outline above. It has also considered the draft Centres Policy (as referred to in **Section 5.1.3**) and draft State Environmental Planning Policy (Competition) 2010 (the draft Competition SEPP).

The department considers that the proposed development is consistent with the draft Centres Policy for the following reasons (as discussed in Section 5.1):

- the proposal will ensure competition within the retail market;
- no reasonable opportunities are available in existing centres to cater for the proposed floorspace; and
- the proposal provides a net community benefit as any potential social costs will be outweighed by the benefits.

In April 2010, the draft Competition SEPP was placed on exhibition. The SEPP aims to promote economic growth and competition and to remove anti-competitive barriers in environmental planning and assessment. It clarifies the existing view that competition between individual businesses is not in itself a relevant planning consideration. The independent review carried out by Hill PDA also identified this and notes that the draft Competition SEPP specifically proposes:

- the commercial viability of a proposed development may not be taken into consideration by a consent authority when determining development applications;
- the likely impact of a proposed development on the commercial viability of other individual businesses may not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

The department considers that the proposal is unlikely to result in an unacceptable impact on the overall retail facilities available to the community, noting that both the proponent's submission and the department's independent review carried out by Hill PDA agree on this point.

Having regard to the draft Competition SEPP, Hill PDA considers that the proposed development allows competition between retailers to exist and leaves it to the market to decide what is viable on the site and therefore is consistent with the SEPP. Also, the Department notes the specific requirements of the draft Competition SEPP that the likely impact of the proposed development on the commercial viability of other individual businesses may not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities.



In terms of retail impact analysis, the department considers that the report prepared by PBBI and the independent review and analysis provided by Hill PDA provide a detailed review and analysis of the likely retail impact of the proposal on surrounding centres. The department notes that whilst there are some minor discrepancies between the independent Hill PDA report and the proponent's PBBI report, the findings are largely consistent and both agree on the following key issues:

- There is a significant undersupply and subsequent demand for supermarket floorspace in the MTA, which would be addressed by the proposal;
- Retail impacts on nearby competing centres will be the greatest in Taren Point and Caringbah, however as retail facilities in the area are trading strongly the predicted loss of trade is unlikely to detrimentally affect their role or trading position; and
- Over 500 jobs will be directly created as part of the operation of the proposed retail centre.

Noting the above agreed points, the department is satisfied that the proposed retail development is not only acceptable in terms of impacts to nearby retail centres but will provide an overall positive impact in terms of addressing an identified undersupply of supermarket floorspace in this locality.

The department notes that it is currently considering a Concept Plan for the redevelopment of the former Kirrawee Brick Pit site in Kirrawee. This proposal includes 14,370m<sup>2</sup> of retail floorspace including a full line supermarket and other smaller tenancies. Given the distance of the subject site from the Kirrawee Brick Pit site (approximately 8km), the nature of the proposed development and the existing retail hierarchy, the MTA of the subject site is unlikely to overlap the Kirrawee Brick Pit Concept Plan were it to proceed. Notwithstanding, Hill PDA has assessed that the retail impact of the Kirrawee Brick Pit Concept Plan is not significant due to the extent of the current undersupply of retail floorspace and forecast expenditure growth in the Sutherland LGA.

Noting the above, the inclusion of the proposed Kirrawee Brick Pit Concept Plan into the retail impact assessment does not alter Hill PDA's conclusions that the proposed Town Centre is acceptable on economic impact grounds. This is particularly due to the strong trading performance of the existing centres which would have the ability to absorb the impact of both schemes without jeopardising their economic viability.

#### **5.2.4 Conclusion**

The department considers that the similar findings between the report prepared by PBBI and the independent review and analysis provided for the department by Hill PDA provide a clear understanding of the likely economic impacts of the proposed centre. In particular it is noted that whilst there will be a loss of trade impact upon nearby centres, this impact will not adversely impact upon their viability as they are all currently trading strongly. Moreover the proposal provides an opportunity to deliver positive economic impacts to the area by providing additional retail services and employment growth to the Sutherland Shire that is unable to be provided on this scale within any nearby centres. As such the department supports the economic impacts of the proposed new centre.

#### **5.3 Traffic, Access and Parking**

The site is accessed via Captain Cook Drive, a main road that links the north-western and eastern portions of the Sutherland Shire. The impact of the proposal on Captain Cook Drive and the local road network is therefore a key consideration in the department's assessment.

In this regard, the department has considered the proposal in terms of:

- traffic impact and access arrangements;
- proposed car parking provisions for the landuses on-site; and
- game day parking.

### 5.3.1 Traffic Impact and Access Arrangements

Concerns were raised by Council and the community that the proposal would cause additional traffic impacts upon Captain Cook Drive and the immediate surrounding streets.

Captain Cook Drive currently provides three entrance points to the site, with the main entrance being the existing roundabout at the corner of Woollooware Road and Captain Cook Drive located on the south-eastern corner, with access to the main Leagues Club car park. Captain Cook Drive is categorised as a mixture of road types depending on its location, ranging from:

- a regional road east of Gannons Road that operates as a four lane divided carriageway;
- a state road west of Gannons Road that operates as a six lane divided carriageway; and
- two lanes east of the subject site.

Gannons Road is a regional road with a two lane undivided carriageway, while Woollooware Road north is a local road with a two lane undivided carriageway.

The proponent proposes to construct the following (**Figure 12**):

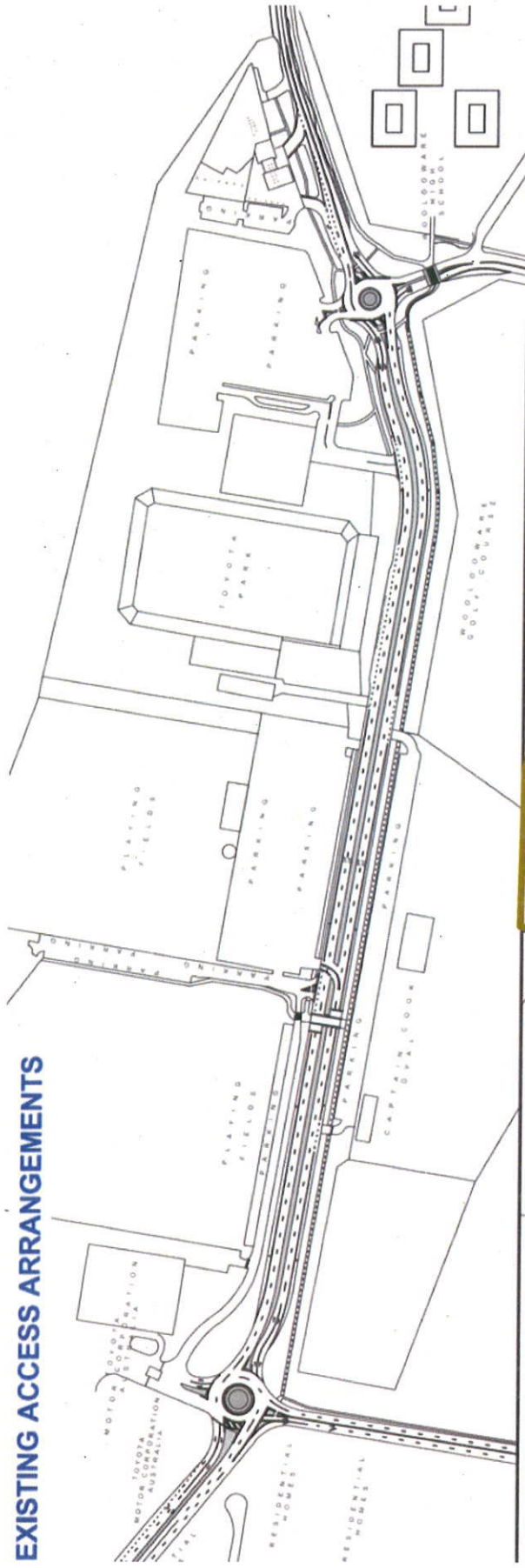
- removal of existing roundabout at the intersection of Captain Cook Drive and Woollooware Road and the provision of a new signalised intersection;
- new signalised intersection to the south of the existing Leagues Club to provide access to the retail / Leagues Club car park;
- new signalised intersection for residential access; and
- additional bus bays along either side of Captain Cook Drive near the existing Leagues Club.

Roads and Maritime Services (RMS) has reviewed the application (EA and PPR) and advises:

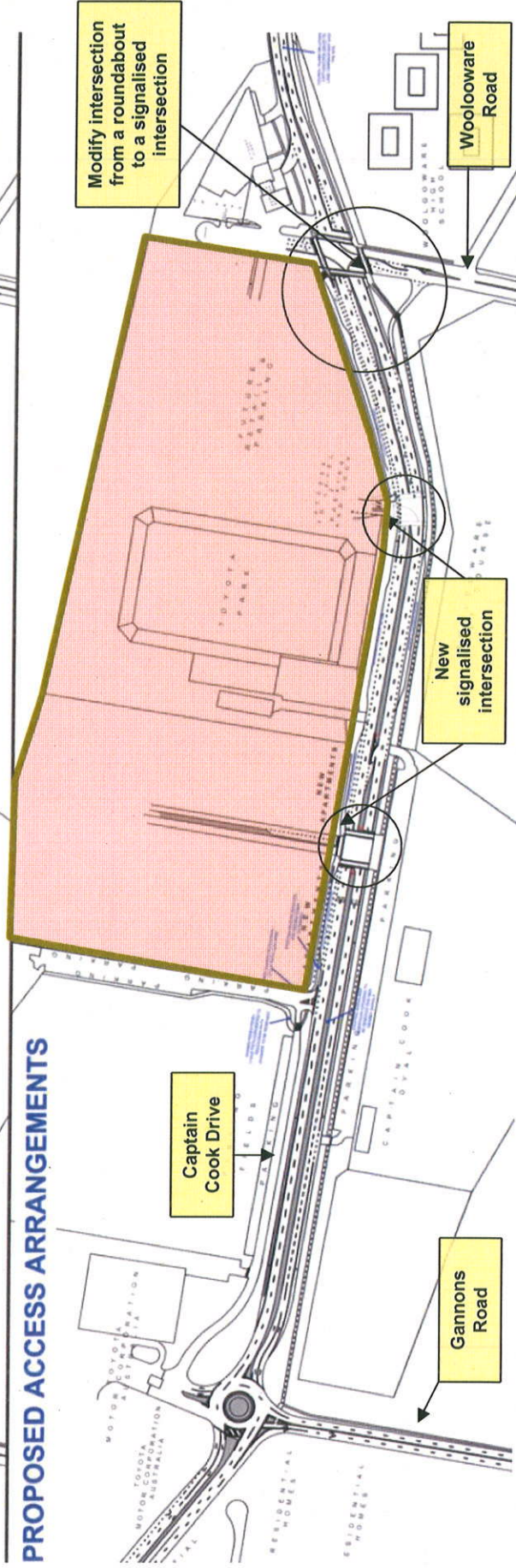
- the design of the traffic signals that serve the retail / club and residential components can be considered during future applications;
- only one set (of two) of traffic signals should be provided for the retail / club component, with the access point to the south of the Club being restricted to left in / left out movements only;
- a pedestrian refuge facility accompanied by road widening works on Gannons Road south of Captain Cook Drive is to be provided, subject to approval from the Local Traffic Committee prior to installation;
- pedestrian fencing is to be provided within the median along Captain Cook Drive, between Gannons Road and Woollooware Road;
- the scale of the proposal and associated traffic generation will add to existing delays and congestion currently being experienced by motorists at the intersections of Taren Point Road / Captain Cook Drive, Gannons Road / Captain Cook Drive and Kingsway / Gannons Road intersections (refer to **Table 5** below for Level of Service comparisons). However, RMS notes that the cost of upgrading these intersections is cost prohibitive to the applicant as land acquisition and utility relocation would be required. The increase in travel times as a direct result of the proposal, particularly in the PM peak period, should be taken into consideration; and
- the recommendation by Transport for NSW that consideration be given to the introduction of a temporary shuttle bus to link the site to Woollooware Station until such time as a public bus service is introduced to service the proposal is supported.

The comments received from RMS are discussed below.

## EXISTING ACCESS ARRANGEMENTS



## PROPOSED ACCESS ARRANGEMENTS



**Figure 12:** Existing and proposed road improvements (Source: Proponent's EA / PPR)

### *Proponent's justification*

The EA was accompanied by a *Traffic Management and Accessibility Plan* (TMAP) and *Game Day Satellite Parking Plan* prepared by McLaren Traffic Engineering. A revised TMAP was also submitted with the PPR, which forms the basis of the department's assessment. McLaren estimates that the likely total two way traffic generated by the proposal is:

- Friday PM peak - 1,432 vehicle trips per hour (an additional 1,105 vehicle trips per hour).
- Saturday noon peak - 1,305 vehicle trips per hour (an additional 943 vehicle trips per hour).

McLaren undertook modelling to demonstrate whether the above traffic volumes could be accommodated within the local road network, subject to the proposed intersection measures. Studies of nearby intersections were conducted during the peak periods of Friday PM and Saturday noon as they represented the periods of peak traffic volumes both during the weekday and the weekend.

McLaren advises that intersections in the proximity of the proposal will achieve the following Levels of Service (assuming proposed intersections are in place and a bus service provided):

Intersection	Friday PM		Saturday Noon	
	Existing Performance	Proposed Performance	Existing Performance	Proposed Performance
Captain Cook Drive / Woollooware Road	A	B	A	B
Captain Cook Drive / Gannons Road	F	F	A	B
Captain Cook Drive / Taren Point Road	F	F	F	F
Captain Cook Drive / Elouera Road	A	A	A	A
Gannons Road / Kingsway	D	E	E	F
Gannons Road / Denman Avenue	B	B	C	D
Captain Cook Drive / New Retail Access	N/A	A	N/A	A
Captain Cook Drive / New Residential Access	N/A	A	N/A	A

**Table 5:** *Intersection performance (Source: Extracted from Proponent's PPR)*

McLaren advises that the introduction of a signalised intersection at the junction of Captain Cook Drive and Woollooware Road will improve pedestrian safety, particularly during game day events. The provision of additional bus bays will also minimise conflict between vehicles and pedestrians.

McLaren reviewed the comments provided by RMS, in particular the view that only one set of signalised intersections should be provided, with the secondary entry / exit being a non-signalised left in / left out operation, and that amendment should be provided to the intersection at Captain Cook Drive and Woollooware Road. Modelling undertaken indicates that this arrangement would cause significant queuing within the retail centre for the exit load, which is deemed to be inappropriate and that the proposed amendments to the design of the intersection would not allow traffic to flow adequately.

For the proposed left in / left out operation, concerns were also raised by McLaren regarding pedestrian safety, particularly during games as vehicles will turn left into the centre, while pedestrians are moving between parking areas either on-site or off-site.

Statements of Commitments are provided that address the RMS recommendations for:

- the provision of pedestrian fencing along Captain Cook Drive between Gannons Road and Woollooware Road; and
- an appropriate pedestrian crossing on Gannons Road to be approved by the Local Traffic Committee.

#### *Independent traffic assessment*

The department has reviewed and carefully considered the traffic assessment undertaken by McLaren Traffic Engineering, on behalf of the proponent. The department commissioned Halcrow to undertake an independent review of traffic impacts of the proposal, while GTA Consultants (Halcrow's successors) undertook a review of the proposal following the submission of the PPR. The report by Halcrow / GTA is provided at **Appendix E**.

Halcrow / GTA advised that:

- the weekday AM peak should be analysed as existing intersection capacity constraints occur during this peak period;
- traffic generation estimates used in the TMAP are considered to be appropriate, subject to clarification of the Club use traffic generation;
- the provision of two sets of traffic signals will provide additional capacity to accommodate future growth, including development on the Kurnell peninsula; and
- the signalisation of the Captain Cook Drive / Gannons Road is recommended, with a proportional contribution from the proponent.

In response to the points raised by the department and in submissions, the proponent provided the following comments in the PPR:

- no studies were carried out during the weekday AM on the basis that the majority of trip movements from the site in the weekday AM would be from the residential component of the development, while movement associated with the retail / club component would be negligible;
- three sets of signalised intersections are proposed to cater for the development, rather than reducing the number of retail centre intersections; and
- signalisation of the intersection at Captain Cook Drive / Gannons Road is not proposed as it is considered inappropriate that the proponent should be required to fund the rectification of an already unsatisfactory intersection that is under the control of Council and RMS.

Halcrow / GTA have reviewed the PPR and advise that:

- the indicative Gross Floor Areas for each use should be included as part of any approval;
- all three intersections are recommended to be provided to adequately accommodate the proposal; and
- signalisation of the Captain Cook Drive / Gannons Road continues to be recommended.

#### *Department's consideration*

The department has considered the cumulative traffic impacts of the proposal upon Captain Cook Drive and the surrounding locality. It is acknowledged that any increased built form on the site will cause impacts upon existing intersections in the locality, however as shown in the modelling undertaken by the proponent (**Table 5**), there is capacity to accommodate the proposal on Captain Cook Drive with little to no change to the Levels of Service. This is also noted by Council.

It is noted that whilst the proponent seeks approval for overall Gross Building Area (GBA) and Gross Floor Area (GFA), it has also provided an indicative GFA for the retail and club precinct as part of the Concept Plan for the purpose of assessment. The department has applied these figures in assessing the likely traffic impacts. It is considered that this provides a clear understanding of the likely traffic scenarios. The department does not consider that it is necessary to provide GFA figures in the recommended approval for this reason. Further, each subsequent application will be need to be supported by traffic assessments demonstrating



consistency with the Concept Plan, which will enable a final assessment of traffic arrangements and impacts.

The department notes that RMS supports signalisation of only two intersections along Captain Cook Drive. Discussions with RMS indicate that this is based on the view that two signalised intersections (with the third being configured as a left in / left out only intersection) are adequate to manage traffic generated by the proposal. Despite this, the department notes that the independent traffic review by Halcrow / GTA recommend signalisation of all three intersections to accommodate the estimated traffic generation of the proposal.

The department considers that Captain Cook Drive is capable of supporting the estimated traffic generated by the proposal, with the third traffic signalisation likely to improve pedestrian access close to the stadium. It remains however that the final access arrangements for this third intersection will need to be resolved through the preparation of additional traffic modelling and discussion between the proponent and RMS. The department notes that this will be subject to the decision making processes of the Sydney Regional Development Advisory Committee. It is recommended that the final access arrangements off Captain Cook Drive be resolved prior to lodgement of the future application to construct the retail and club precinct, with the agreed design submitted with this application.

As sought by the RMS, detailed design of the intersections, including lane configuration and phasing, can be further considered as part of the assessment of the relevant future stage applications.

Whilst the Halcrow / GTA independent assessment recommends the upgrading of the Captain Cook Drive / Gannons Road intersection from a roundabout to a signalised intersection, this does not form part of the Concept Plan proposal. Further to this, both RMS and Council have noted the cost of improving this intersection, and others in the locality. RMS in particular notes that the cost of upgrading intersections would be cost prohibitive to the proponent as land acquisition and utility relocation would be required.

### 5.3.2 Parking

The proposal includes the provision of residential, leagues club and retail / leisure parking totalling 1576 car parking spaces, including:

- 883 spaces for the residential / commercial component; and
- 693 spaces for the club / retail / leisure / medical centre.

**Table 6** below provides a comparison of the proposed residential / commercial parking against Council's DCP requirements and RMS's Guidelines for Traffic Generating Development.

Dwellings (597 indicative)	Sutherland Council DCP requirement	RMS Guide for Traffic Generating Development	Proposed parking rates / spaces
1 bed (144)	1.0 space / unit (144)	0.6 space / unit (86)	1.0 space per unit (144)
2 bed (385)	1.5 spaces / unit (578)	0.9 space / unit (347)	1.0 space per unit (385)
3 bed (68)	2 spaces / unit (136)	1.4 spaces / unit (95)	2.0 spaces per unit (136)
Visitor parking	1 space / 4 units (149)	1 space / 5 units (119)	1 space per 6 units (100)
Car wash bays	1 bay for first 30, then 1 / 20 units (29)	N/A	29 (to be shared with visitor spaces)
Commercial Office (740m <sup>2</sup> )	1 space per 30m <sup>2</sup> (25)	1 space per 40m <sup>2</sup> (19)	1 space per 30m <sup>2</sup> (25)
<b>Total Spaces</b>	<b>1032 spaces + 29 car wash bays</b>	<b>666 spaces</b>	<b>790 spaces (883 spaces proposed)</b>

**Table 6:** Residential / Commercial car parking spaces

The Concept Plan seeks approval for 883 basement car parking spaces in the basement parking area, which is 149 spaces (not including car wash bays) less than Council's DCP requirement but 117 spaces more than the RMS Guideline. Discussion on the required parking is provided below.

As the total number of dwellings is only approximate at the Concept Plan stage, car parking will be conditioned to comply with the proponent's parking rates with the maximum provided in the basement car park area of 883 spaces. It is noted that an additional 45 on-street parking spaces would also be available.

**Table 7** below provides the proposed club / retail / leisure / medical centre parking criteria used by McLaren in consideration of RMS's Guidelines for Traffic Generating Development.

Council's DCP refers to the preparation of a traffic report in instances where the proposal is a Traffic Generating Development under the State Environmental Planning Policy (Infrastructure) 2007. Given the number of dwellings and size of the retail component, the proposal is considered a Traffic Generating Development for the purposes of the SEPP.

The Concept Plan seeks approval for 693 car parking spaces, which is in excess of the required number when using the car parking rates indicated (653 spaces required). As the total Gross Floor Area of the retail centre is unknown, the approximate numbers are considered adequate for the department's assessment.

Land Use	RMS Guide for Traffic Generating Development	Concept Plan proposal
<b>Existing Club reduced</b> (8,500m <sup>2</sup> to 3,035m <sup>2</sup> )	average maximum demand rate of 180 overall	64
<b>Supermarket</b> (6,404m <sup>2</sup> )	1 space per 23.8m <sup>2</sup>	269
<b>Mini / Major Retail</b> (1,096m <sup>2</sup> )	1 space per 25m <sup>2</sup>	44
<b>Speciality Retail</b> (5,572m <sup>2</sup> )	1 space per 22.2m <sup>2</sup>	251
<b>Medical</b> (2,817m <sup>2</sup> )	1 space per 111.1m <sup>2</sup>	25
<b>Leisure</b> (2,968m <sup>2</sup> )	N/A	Nil
		<b>653 spaces (693 spaces proposed)</b>

**Table 7:** Leagues Club / retail centre parking spaces

Concerns were raised by Council and the public that the level of parking proposed for the development is inadequate and that visitors / occupants will park in adjoining streets and parking areas. In particular, concerns related to the reduced number of spaces provided for two bedroom units compared to Council's requirement, reduced visitor parking rates and the number of spaces provided for the medical / leisure uses.

#### *Proponent's justification*

A revised TMAP was submitted in support of the PPR, which states that the residential parking rates applied under Council's DCP for the residential component are quite high and parking at this rate is unlikely to be used in practice. A reduced 2 bedroom parking rate is proposed.

Visitor parking rates are proposed at 1 space per 6 dwellings. This falls between Council's DCP requirement (1 space per 4 dwellings) and the RMS's regional centre rate (1 space per 7 dwellings) on the basis of the introduced public transport services.

Car parking rates for the Leagues Club / retail are based on the average maximum demand for the use of the Club and RMS Guidelines. In addition, leisure centre uses within large shopping centres were not considered to generate parking demand in their own right as they tend to trade off shoppers already parking in the centre, while the retail and medical centre rate take into account potential for multipurpose visits to the medical centre and other areas of the centre.

Details of the proposed shuttle bus service between the site and Woollooware Station and Caringbah Station indicate that buses would operate at 30 min intervals increasing to 20 minute intervals as the residential development is progressed, which is based on a return trip of 6 to 7 minutes to Woollooware Station and 12 to 15 minutes to Caringbah Station. Depending on the timing of construction and release of the residential component, the number of buses servicing the development would range from 1 to 2 buses for the residential only and if combined with the retail, 4 or more buses.

#### *Independent car parking assessment*

The independent Halcrow / GTA assessment commissioned by the department supports the reduced 2 bedroom parking rate (1 space per 2 bedroom unit as indicated in Table 6) as it is in line with the objectives of reducing traffic generation where a bus service is to be provided to and from the site.

Halcrow / GTA however disagreed with the proponent's original visitor car parking rate of 1 space per 8 dwellings and recommended that the rate be increased to a rate of 1 space for every 5 dwellings. The proponent has since modified the proposed visitor parking rate to 1 space per 6 dwellings.

Apart from the disagreement with the proposed visitor parking rate, Halcrow / GTA consider that the overall car parking for the residential component is appropriate for the site's location and access to transport.

Halcrow /GTA acknowledged that there would be opportunities for multiple use of the available Leagues Club / retail centre parking depending on the various peaks of parking. Halcrow / GTA advised that the rate of parking for the retail uses was appropriate for the site, subject to the submission of further details in relation to the rates for the medical uses and clarification of the leisure facilities.

#### *Department's consideration*

The department supports the reduced car parking rates, as access to a shuttle bus service and public transport is to be provided. The PPR includes the provision of a regular shuttle bus service to Woollooware and Caringbah Stations that will support both the retail and residential component until a public bus service is provided to the site. On this basis, the reduced resident car parking rates are considered to be appropriate as it will encourage use of other forms of transport and will reduce private vehicle dependency.

The introduction of a shuttle service from day one of the occupation of the residential development (or for the commencement of the retail centre) is considered to be a key requirement, as future tenants / owners would be aware that a bus service is operating between the site and nearby railway stations, thereby providing an alternative to using their private vehicles. The frequency and number of buses proposed is supported at a Concept Plan level, however this will need to be further addressed during subsequent applications to construct the proposal. The department notes that a Statement of Commitment is provided to support the shuttle bus service, however the department has recommended a future assessment requirement to ensure that confirmation of the details of the shuttle bus service are provided with each future application for the development.

The department acknowledges the increase to visitor parking provided in the PPR. However, this figure is still too low noting that visitors travelling to the site are likely to be highly car dependant. Halcrow / GTA recommended a desirable rate of 1 space per 5 dwellings which is at the high end of the RMS rate for high density residential flat buildings, also noting that visitors travel mostly by private vehicles. The department agrees with Halcrow / GTA and has recommended that the rate of visitor parking be increased from 1 space per 6 dwellings to 1 space per 5 dwellings, which will be included as a recommended modification to the concept plan.

The indicative land use floorspace proposed for the Leagues Club / retail centre, indicates that the proposed number of spaces (693 spaces) comfortably exceeds the RMS Guideline requirement (653 spaces) for the likely floor space composition and can be reviewed in detail as part of future applications. Further consideration of the allocation of car parking numbers will be undertaken during the assessment of the application to construct the centre.

The department considers that the proposed level of car parking for the proposal is appropriate and will adequately cater for the proposed use.

### **5.3.3 Game Day Parking**

Game day parking is to be provided specifically for 13 peak events per year of the NRL rugby league season, which can occur either at night or during the afternoon. Currently, 1110 car parking spaces are available for use on game day consisting of 532 spaces for the eastern car park, 511 spaces on the western car park and 67 spaces on Field 3 (located on the western playing field). The proposal seeks to provide off-site game day parking, in addition to the proposed parking located in the retail and club precinct

Concerns were raised by Council and the public that game day access arrangements have not been resolved and therefore car parking impacts upon the locality will increase as on-site parking currently available will be lost. Council also advised that a regular service and consistent location of parking areas would need to be established to ensure use by spectators.

#### *Proponent's justification*

Off-site game day access arrangements are proposed to provide alternatives for spectators rather than driving all the way to the site and parking at the ground. Options being considered, subject to further discussion and agreements between Council / Department of Education and Training and RMS, include (but not limited to):

- park and ride operation with satellite car parking areas at Woollooware and Cronulla High School grounds, Wanda beach and within a road reservation in Miranda;
- the retention of the existing shuttle bus services from Woollooware Station;
- new shuttle bus services from railway stations in the locality, including Engadine, Sutherland, Cronulla and Caringbah; and
- new shuttle bus services from Menai Marketplace and Sylvania Hotel.

In addition to the off-site parking, the proponent has indicated that additional parking could be provided within the retail development as the majority of the retail stores will not be operating during the night time games, except for the supermarket.

#### *Department's consideration*

The department notes that management of game day parking will be an on-going requirement for the development, especially with the loss of parking on the site. The department supports in principle the proposed arrangements during game days on the basis that they are considered to be realistic and can be achieved. The final location of parking areas will need to be further agreed, principally with Council for use of local car parking areas, with the location also needing to remain consistent as much as practicable so that patrons become familiar with the arrangements.

Parking located on-site in the new retail and club precinct will need to be further addressed prior to the lodgement of the application for the construction of the retail centre.

A future assessment requirement is recommended to ensure that the off-site parking arrangements are finalised and endorsed by the relevant authorities prior to the submission of an application for the redevelopment of the western car park. This will ensure that prior to construction of the residential component, locations will be in place and services will be known by people attending games to facilitate use by patrons.



## 5.4 Natural Environmental Impacts and Management

The site is located adjacent to Woollooware Bay, which includes the Towra Point Aquatic Reserve and oyster leases. The Towra Point Nature Reserve and RAMSAR declared wetland is located to the east / north east of the site. Consideration of the development's impact on these areas and the proposed measures to ensure that any impact is minimised is a key consideration in the department's assessment of the proposal.

Other environmental issues associated with the proposal include the past use of the site as a rubbish dump for the Sutherland Shire during part of the 1960's and the impact this has on the suitability of the site for the proposed development in terms of potential contamination. Other environmental constraints include acid sulphate soil affectation and potential flood related impacts.

In this regard, the department has considered the following:

- the adequacy of the proposed riparian zones;
- contamination / former use of the site;
- flooding / sea level rise impacts; and
- stormwater management.

### 5.4.1 Riparian Zone

Council, government authorities and public submissions raise concerns with the potential environmental impact of the proposal upon Woollooware Bay, in particular the adequacy of the riparian zones proposed adjoining Woollooware Bay and the tidal creek adjacent to the western side of the existing football stadium.

In general, to ensure the impacts of development are acceptable and minimised to the greatest degree practicable where they adjoin a waterway, riparian zones and buffer areas are typically provided between the Mean High Water Mark (MHW) and the development itself. These areas can be of varying widths depending on the importance and riparian functionality of the adjoining watercourse.

NSW Office of Water's current *"Controlled Activities: Guideline for riparian corridors"* recommends widths of core riparian zones (CRZ) depending on a merit assessment based on the riparian functionality of the river, lake or estuary; the site and long-term land use. A vegetated buffer (VB) area is then also provided, in addition to the CRZ, which forms the basis for the riparian corridor (CRZ + VB). The Guideline also recommends that infrastructure such as roads, drainage, stormwater structures, services or the like should not be located within these areas.

For comparative purposes, the proponent has prepared a diagram illustrating the proposed plan and riparian area overlayed onto the site (**Figure 13**). The proposal includes the construction of buildings setback off Woollooware Bay and the tidal creek running into Woollooware Bay along the eastern side of the proposed residential component (**Figure 14**). This setback area is proposed to be rehabilitated and revegetated, as follows:

- at the eastern end of the site a riparian and planted bank / riparian buffer of 30 metres measured from the mean high water mark of Woollooware Bay to the edge of the retail building envelope. Indicative landscape plans illustrate that within the riparian corridor a lower foreshore boardwalk, footpath, vegetated buffer areas and planting to screen the retail building would be established;
- at the western end of the site a riparian corridor and playground ranging from a minimum 43 metres to a maximum of 63 metres from the edge of the residential building to Woollooware Bay. Indicative landscape plans illustrate that within the riparian corridor a lower foreshore path, elevated educational pontoons / decks, turf areas and a children's playground / BBQ facilities area would be established; and

- at the eastern side of the residential component adjacent to the tidal creek a minimum 20.1 metre setback is proposed to the northern corner that increases to 21.5 metres on the southern corner. Indicative landscape plans illustrate that the area will be used as a bio retention swale and includes a path.

#### *Government Authorities and Council comments*

NSW Office of Water (supported by NSW Department of Primary Industries – Fisheries) advises that for the riparian corridors to Woollooware Bay:

- the guideline recommends that a 20-40 metre wide CRZ be established for a third order or greater watercourse plus a 10 metre wide VB, with the CRZ width based on a merit assessment on riparian functionality;
- the NSW Office of Water's merit assessment recommends that a minimum 40 metre CRZ should be established at the site, with the CRZ revegetated with native plant species endemic to the vegetation community of the local area plus a buffer area (overall a 50 metre setback area from Woollooware Bay);
- concerns are raised with the proposed lower foreshore boardwalk and foreshore path being located within the CRZ, which would effectively reduce the riparian corridor, and recommends that the pathways be located outside of the riparian areas; and
- the 21 metre riparian zone between the residential component and the tidal creek should be free of paths and swales.

The Office of Environment and Heritage (OEH) advised that the PPR does not provide sufficient information demonstrating that the proposed vegetated riparian buffer can provide an effective environmental buffer between the site and Woollooware Bay. OEH also raised concern with the extent of the studies carried out on the adjacent estuarine area and recommended that surveys be carried out over a 12 month period.

Council advised that:

- a 40 metre CRZ should be provided (in accordance with the Sutherland LEP 2000) due to the riparian functionality of the wetlands being moderate to high;
- there remains inadequate information provided in support of the reduced setback, however notes that the PPR is an improvement from the exhibited proposal;
- further details of the stormwater management on the site should be submitted to ensure that the water quality goals proposed can be achieved; and
- the riparian buffer be planted exclusively with indigenous vegetation, with the species list expanded to include species from the Swamp Sclerophyll Forest type of ecological community.

#### *Proponent's Justification*

The proponent reviewed the Guidelines in the PPR and has undertaken its own merit assessment below:

- riparian functionality of the estuary
  - the mangroves provide habitat suitable for nesting, foraging and refuge for a number of estuarine and coastal species and serves as linkage for other species;
  - access to the wetlands is largely uncontrolled, with the exception of a boardwalk that requires improvements as it poses a safety risk;
  - lack of surveillance of this area allows for littering to occur freely from the boardwalk; and
  - the mangroves to the north of the site are of moderate to high riparian functionality as potential linkage habitat, however areas of uncontrolled human interface and areas of previous site filling are of low riparian functionality, particularly with regards to water quality and pollution.
- riparian functionality of the site at present
  - to the west of Toyota Stadium, there is no vegetation with the exception of the turf fields, which is of little / no ecological or riparian value;

- to the north of Toyota Stadium is the 'Family Hill' which rises from the wetlands at a steep grade with vegetation on the northern face, characteristic of the Swamp Oak Floodplain Forest endangered ecological community;
  - to north of the existing Clubhouse and car parking area, the bitumen surface extends to approximately 3 metres of the top of the embankment. Rainfall runoff generally flows untreated from this surface to Woollooware Bay or through the Council stormwater system on Captain Cook Drive; and
  - the site currently serves little or no riparian function and in many instances contributes to the further introduction of pollutants into Woollooware Bay.
- riparian functionality of the long-term land use
    - water quality management systems are proposed to improve the water quality introduced into Woollooware Bay;
    - the proposal represents a significant long-term improvement by managing not only the environmental impacts of the site, but also of other land within the Woollooware locality; and
    - the proposal includes provisions to ensure that access to the wetlands is appropriately controlled, with elevated pontoons and boardwalks.

Based on the above merit assessment, the proponent concludes that the long-term functioning of the adjoining wetlands will not be diminished in any way by the provision of a minimum 30 metre riparian corridor in comparison to a 40 metre core riparian zone. The minimum of 30 metres is sufficient to ensure the achievement of CRZ objectives.

The proponent also compared the proposed extent of the riparian corridor and structures to be built with other developments within the locality. Construction of buildings and raised paths, similar to that proposed, were found to be located within 40 metres of the MHWL.

Finally, further information provided by the proponent in relation to the studies undertaken in support of the proposal following concerns raised by OEH and Council concludes that the surveys undertaken, in conjunction with former records, indicate that there is likely to be no further value in extending the survey period over the remaining months of the year.

#### *Department's consideration*

In consideration of this issue, the department notes that the existing development toward the eastern end of the site takes the form of an at grade car park that is setback less than 5 metres from the MHWL. The car park does not provide any stormwater runoff control at its northern edge and the foreshore area between the northern car park edge and the MHWL is degraded by weeds and rubbish. Also, it provides no native vegetative buffer, embellishment or treatment to mitigate any environmental impacts associated with the existing car park area. The existing playing fields at the western end of the site are located on the edge of the MHWL and similarly there is no existing provision to mitigate any impacts to Woollooware Bay.

The department acknowledges that the proposed riparian corridors along the northern edge of the retail precinct and between the tidal creek and the residential precinct do not satisfy the 40 to 50 metres sought by government authorities and Council. It is noted however that Council has previously approved a masterplan for the construction of a mixed commercial residential staged development on the Leagues Club / car park site that provides for setbacks less than 40 metres from the MHWL (up to 15 metre encroachment), on the basis that the buffer and rehabilitation and management controls proposed achieve the underlying intent of the objectives.

As part of the department's assessment, the department reviewed the proponent's justification for the proposed riparian corridor and comments from government authorities against the "Controlled Activities: Guideline for riparian corridors".

The department has also considered 'Planning Circular PS 12-003 – Initiatives to improve housing supply', which will commence from 1 July 2012. The Circular includes proposed amendments to regulating controlled activities within riparian corridors. In particular and having regard to the proposal, the circular notes that greater flexibility will be provided in urban design by allowing a broader range of uses in riparian corridors including detention basins, cycleways, roads and recreational areas and removing the need for vegetated buffers in addition to a riparian zone.

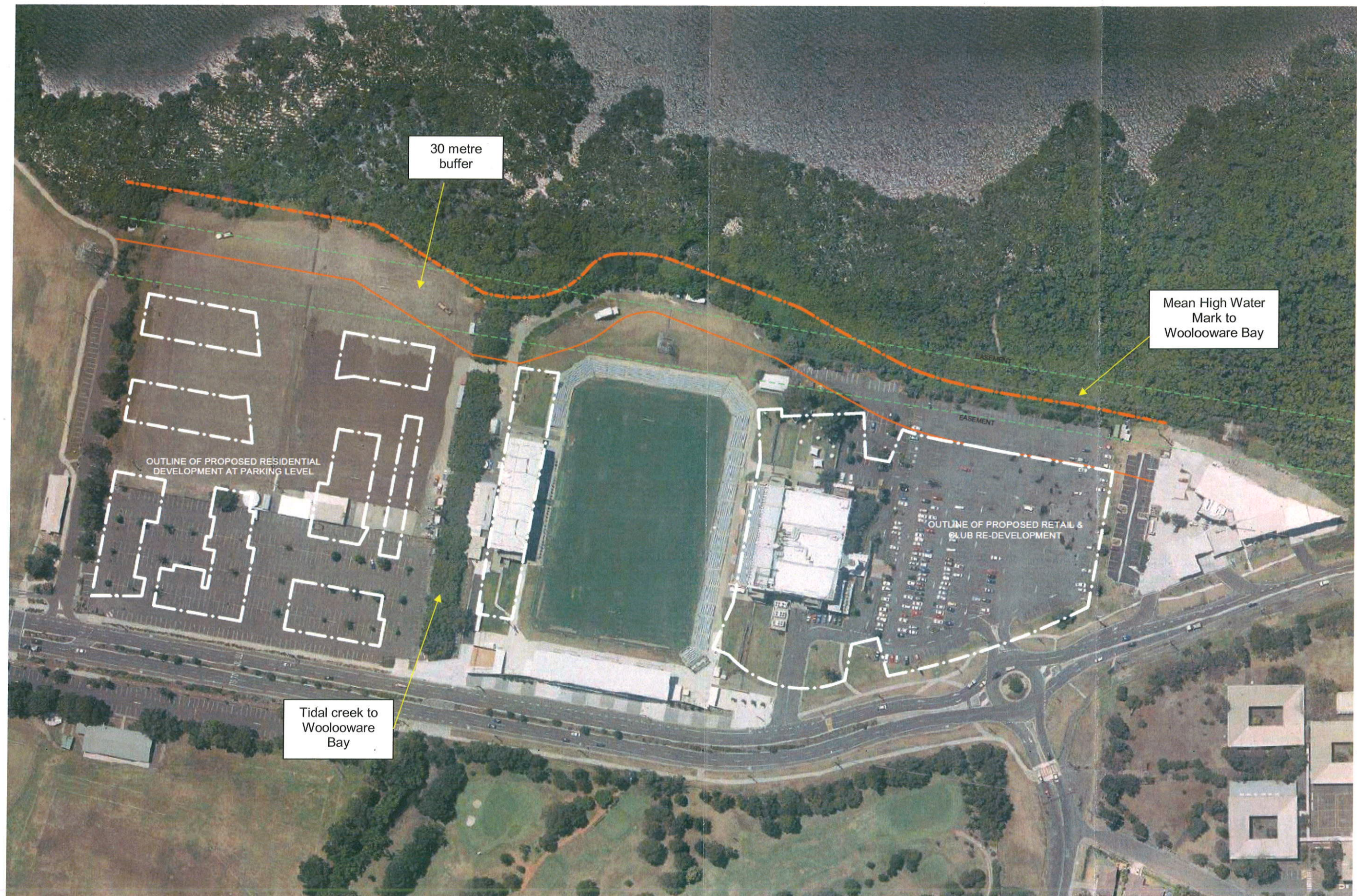
The department is satisfied that the proposed riparian corridors are of a sufficient width to ensure the ongoing water quality of Woollooware Bay and do not require enlargement on the basis that:

- the proposed riparian corridors will significantly improve the environmental performance of the site compared to the existing situation that provides no treatment of water entering Woollooware Bay off the bitumen car parking area;
- the revegetation of the riparian corridor and provision of defined boardwalks will ensure that the area is utilised in an environmentally friendly manner with minimal intrusion into the vegetated area; and
- improvements to habitat along these riparian corridors have the potential to increase the use by existing species utilising the adjoining mangroves and estuary areas.

Noting the above, provision of boardwalks and structures such as bio-swailes within the riparian corridor is supported where they do not negatively impact upon the function of the riparian corridor. Consideration of required planting and location of stormwater measures can be further considered during the assessment of future applications to construct the development.

The future management of the riparian corridor will be addressed during the preparation of a Vegetation Management Plan that is to be provided as part of the future applications to construct the development.





**Figure 13:** Comparison of existing arrangement and proposed building envelope (Source: Proponent further information to the PPR)





**Key** 1 New footpath and retained trees 2 Children's playground 3 BBQ facilities/ shade canopy 4 Open turf area 5 Elevated educational pontoon/ decks 6a Lower Foreshore Boardwalk 6b Lower Foreshore path 7 Residential streetscape 8 Residential private/ communal courtyards 9 Upgraded streetscape 10 21m wide zone containing planted swale / watercourse pathway link 11 Bank stabilisation / gabion wall terraces 12 Family Hill/ turf terraces 13 Upper Foreshore Path 14 Path link into Level 2 retail 15 Retail entries 16 Upgrade existing boardwalk 17 Informal sea wall 18 Vegetated riparian buffer / screening trees to retail loading dock 19 Vegetated riparian buffer to mangroves 20 Existing bridge connections

**Figure 14:** Proposed landscape concept plan (Source: Proponent's PPR)



## 5.4.2 Contamination

Council and public submissions raised concern with the former use of the site as a Council tip and the impact construction works would have on the adjoining environment through the potential release of contaminants or the impact on the future users of the development. Council recommended that a risk assessment be carried out to assess potential pathways of methane gas and any other gases detected.

The former use of the site as a Council rubbish dump raises concerns with the type of materials and fill used. An extract from Council's EA submission states that *"the site was historically a mangrove swamp which has been filled with domestic and industrial waste. It has most likely been filled with other unknown fill materials and may contain a number of contaminants such as asbestos and heavy metals. Previous investigations have indicated that levels of methane gas, above guidelines, have been detected emanating from beneath ground level."*

Environmental Investigation Services (EIS), on behalf of the proponent, has undertaken a number of investigations over various sections of the site since 1994. As part of its review for the current proposal, previous reports were examined and recommendations proposed. Previous reports identified the presence of asbestos, arsenic (considered however to be regional issue rather than a site specific one), methane gas and potential acid sulphate soils.

EIS has recommended that a Stage 2 Detailed Investigation be carried out in accordance with the requirements of SEPP 55 - Remediation of Land, which will include the appointment of an Office of Environment and Heritage licensed independent site auditor and further sampling to meet the necessary legislative requirements. EIS concludes that the site could be made suitable for the proposed development subject to:

- the site being capped and the development constructed on piles, with excavation / disturbance kept to a minimum to avoid potential mobilisation of any contaminants in the landfill;
- suitable measures being taken to protect the buildings from methane gas and that the Office of Environment Heritage licensed site auditor agree with these measures;
- a Remedial Action Plan (RAP) be prepared that addresses all remedial work necessary to make the site suitable for the proposed development including capping requirements;
- additional investigations are undertaken to address potential data gaps and address other requirements;
- no groundwater is extracted for use on the development;
- suitable management plans are prepared to address any contingencies that may arise; and
- an Environmental Management Plan (EMP) is prepared and is noted on the land title.

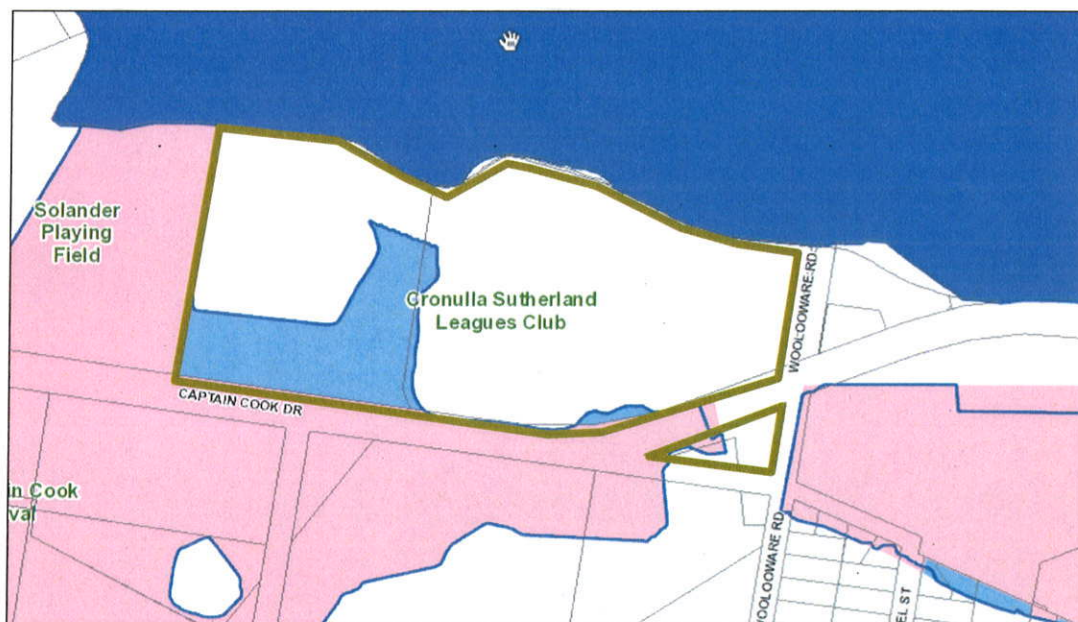
As the proposal involves a Concept Plan and the details for the construction of the buildings have not been finalised (i.e. extent of footings and capping depth), the department is satisfied that the proponent has adequately considered the issues associated with contamination on the site and demonstrated its capability to be redeveloped for the uses proposed. The inclusion of additional surveys and preparation of a RAP will ensure that prior to determination of future applications, the extent and treatment of contamination on the site will be known.

As such, as further investigations will be undertaken prior to the submission of future applications, the department is of the view that the extent of contamination on the site does not preclude the determination of the Concept Plan application.

A Statement of Commitment requires the proponent to provide a Phase 2 detailed Site Investigation report to address site contamination with future applications for development. It is considered that this commitment be adopted as a future assessment requirement to be applied for future applications to develop the site.

### 5.4.3 Flooding / Sea Level Rise / Stormwater Management

Concerns were raised that the proposal has not considered the impact of flooding or sea level rise. The subject site is subject to flooding (**Figure 15**) predominantly on the western playing field / car parking area and the tidal creek, with lesser flooding impacts along Captain Cook Drive. Council also advises that the site will be affected by sea level rise.



**Figure 15:** Flood prone land (Source: Sutherland Shire Council's website)

AT&L and Martens & Associates Pty Ltd, on behalf of the proponent, has considered the impact of the proposal upon the existing flood levels, impact from sea level rise and has proposed stormwater management measures. Detailed flood modelling has not occurred, however flood levels have been reviewed against previous reports prepared for the site's redevelopment and the current NSW Climate Change predictions. Details of existing site flood and sea level conditions, as studied in 2007, indicate that the:

- king tide level is assumed to be 1.8m AHD;
- peak 1% Annual Exceedence Probability (AEP) flood level along Captain Cook Drive was modeled at 2.78m AHD;
- existing 1% AEP flood level downstream of Captain Cook Drive was modeled at 2.7m AHD; and
- extreme flood event (four times 1% AEP) along Captain Cook Drive was modeled at or below 3.18m AHD.

The proponent's consultants consider that detailed flood modelling be undertaken at the application stage to construct the buildings, which will then enable further assessment of levels and mitigation measures.

The Concept Plan includes:

- raised built forms (predominantly the residential precinct), due to the capping of the site, which raises the habitable floor levels of the development. Indicative plans indicate that the ground floor residential apartments will be provided at a minimum RL 4.75, which is higher than the maximum level studied in 2007 combined with predicted sea level rise; and
- levels provided for the retail component indicate that the ground level parking and medical centre are provided with a minimum RL 4.00, while the leisure / retail areas are provided with a minimum RL 3.50 (existing club area).



Based on the above, the department is of the view that flooding levels are acceptable for the residential component. The levels that have been indicated for the retail and club precinct will however require further assessment with the first application to ensure that the levels are provided above the flood / sea level rise requirements. Should any increase in levels be required, the department is of the view that this would be minor and would not negatively impact the suitability of the proposal. Consideration of the impacts from flooding and requirements for evacuation as a result of the retention of the existing levels of the club (i.e. those levels at RL 3.50) will also occur at this stage.

While the department accepts that flooding does not preclude the development from proceeding, given the proposal is for a Concept Plan, the department recommends that further detailed assessment based on definitive built forms and stormwater measures be undertaken at the application stage. This will include the preparation of a detailed flood study as previously recommended by Council and the Office of Environment and Heritage, and the adoption of a 900mm sea level rise benchmark by 2011, consistent with the '*NSW Coastal Planning Guideline: Adapting to Sea Level Rise*'.

Stormwater management is proposed in support of the proposal (to be further refined during application stage) including measures to:

- minimise the impacts on water quantity, including provision of overland flow paths, enlargement of culverts, installation of rainwater re-use tanks and bio-retention swales and maximisation of pervious areas within the development; and
- minimise the impacts on water quality, including introduction of treatment measures such as gross pollutant traps, minimising infiltration into fill areas, inclusion of a trash track to collect pollutants prior to discharging into the tidal creek.

The proposed stormwater measures can be further developed in consultation with Council and government authorities to ensure that negative impacts to Woollooware Bay are avoided.

Statements of Commitments include the submission with future applications for development a Stormwater Management Plan; a Flood Assessment; and a sea level rise assessment against the '*NSW Coastal Planning Guideline: Adapting to Sea Level Rise*'. These commitments are also to be adopted as future assessment requirements.

## 5.5 Built Form

Concerns were raised by Council and public submissions that the proposed built form of the development is out of character with the locality. The department has considered the scale and density of the residential and retail components below.

### Residential Building Envelopes

Council and public submissions raised concern with the built form and density of the residential component, particularly on the basis that the proposed high density residential development at the edge of Woollooware Bay is inconsistent with the low scale residential density of the immediate locality. In addition, concern was raised that the proposed built form will not be adequately screened by landscaping and that adverse visual impacts would occur when viewed from Woollooware Bay and Captain Cook Drive.

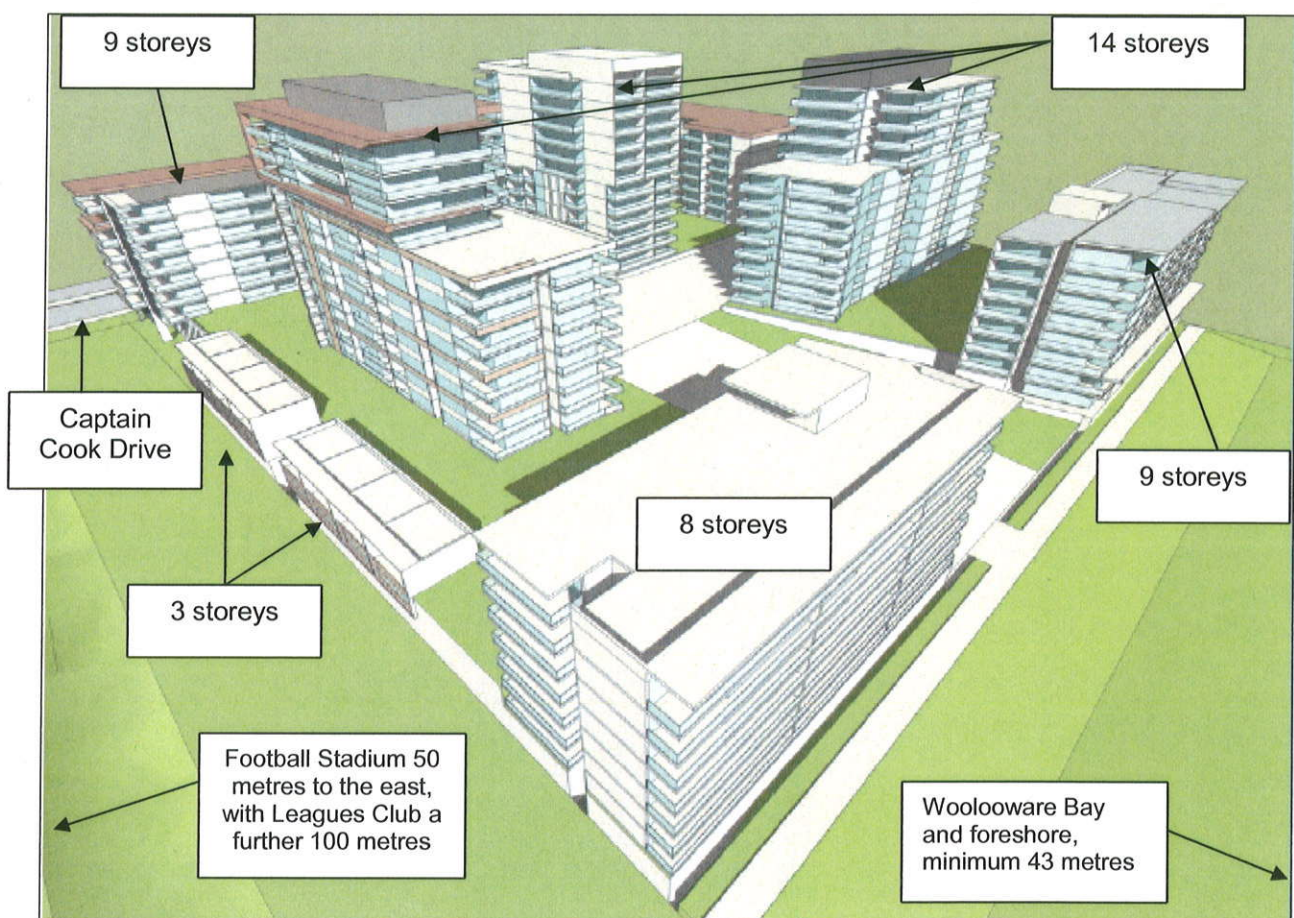
The department also expressed concern with the original proposal that included buildings up to 16 storeys in height and recommended that the height be more compatible with the scale of the proposed centre. The department also suggested that this may be achieved through a redistribution of residential floor area across the site.

The proponent modified the height of the majority of the building envelopes in its PPR, especially along the Captain Cook Drive frontage. The proposal now includes building envelopes of between 3 and 14 storeys in height (**Figure 16**), with buildings fronting Captain

Cook Drive being eight and nine storeys in height (includes a two storey podium). As a result of the modifications, the number of apartments has been reduced from 700 to 600.

The proponent justifies the built form of the residential component on the following basis:

- the envelopes incorporate fundamental design principles required to achieve high levels of internal amenity, with access to services, transport, employment, public open space and leisure facilities;
- existing centres in the locality contain residential buildings up to 14 storeys which are similar in scale to the proposal;
- the greater building heights and density reflect the density and form expected of a high density residential development within a new centre;
- the building heights allow for thinner building envelopes that break up the development;
- overshadowing from the buildings will be predominantly over the proposed development, with the exception of early morning and late afternoon shadows on adjoining parkland; and
- the site is unconstrained by surrounding developments.



**Figure 16:** Indicative view of residential building heights including podium levels, looking southwest towards Captain Cook Drive (Source: Proponent's PPR)





**Figure 17:** Indicative façade of residential component to Captain Cook Drive looking west  
(Source: Proponent's PPR)

The department has considered the proposed building envelopes in the context of surrounding buildings; distant views from Woollooware Bay and residential properties towards the ridgeline south of the site. The department notes that the site is unconstrained by surrounding developments, unlike typical urban areas that are built with regard to the residential amenity of neighbouring properties. The nearest built form comparison to the residential component is the existing football grandstands with residential properties approximately 300 metres to the east and west.

The lack of constraint on the site enables building envelopes to be positioned to maximise amenity of future occupants and provide densities that support the provision of the proposed new centre, on the same site. Further discussion on residential amenity is provided in **Section 5.6** below.

Following the reduction in heights, buildings now provide an acceptable height and scale which transitions across the site. Smaller buildings of 8 to 9 storeys in height are located on the edge of the site, while higher buildings (14 storeys) located in the middle. This transition in heights, combined with the introduction of improvements to the public domain, will soften the impact of the buildings when viewed from the surrounding locality.

When viewed from Woollooware Bay the residential development will appear as a nine to ten storey development behind the existing trees (**Figure 18**). The band of mangroves provided in the foreground will provide a view of buildings within a landscape setting, which will assist in reducing visual impacts. From residential properties to the south (**Figure 19**), the proposed envelopes extend into a small section of the view line.

The department considers that the proposed envelopes are acceptable within the context of a new centre. Similar scales of development are provided around other nearby centres, such as those in Cronulla that extend up to 13 storeys in height. Despite the site being transformed into an urban setting, the overall visual character of the locality will be maintained. The department is therefore of the opinion that the proposed residential envelopes are appropriate for the site.





**Figure 18:** Photomontage of proposal from Woollooware Bay (Source: Proponent's PPR)



**Figure 19:** Photomontage of proposal from Castlewood Avenue (Source: Proponent's PPR)



### Retail Building Envelope

Concerns were raised in submissions with the form of the retail envelope. In particular, Council is concerned with the minimal setbacks along Captain Cook Drive and the potential to impact on pedestrian usage. Concerns were also raised with the eastern façade and the impact this may have on adjoining properties (gymnasium and service station).

The proponent advises that the scale of the retail building is appropriate as:

- the centre will be lower than the Leagues Club building;
- the proposal provides for provision of retail floorspace with workable retail tenancies; and
- the curved façade to Captain Cook Drive provides the effect of a varied boundary line.

The existing four storey Leagues Club provides context for future development on the retail site. The proposed envelope does not project higher than the existing Leagues Club, therefore the visual impact of the proposal is considered to be acceptable. While an extension of the existing Leagues Club to the north and south is proposed, this does not involve additional building height.

Sutherland LEP 2000 requires that a 5 metre setback be provided from a public road, property boundary, public open space, environmental buffer or proposed public open space. A varying setback is proposed to Captain Cook Drive, ranging from zero and increasing to 10.5 metres at the western entrance to the car parking area. No setback is proposed to Woollooware Road (east of the site) and the proposed 30 metre riparian corridor provided to Woollooware Bay (north of the site), which is discussed in **Section 5.4.1**. An indented treatment at the corner of Woollooware Road and Captain Cook Drive is proposed to limit the impact of the corner.

A variation to Council's setback control is considered warranted given that the proposal includes a curved façade treatment with greater setbacks provided near the car park and medical centre entrance. Further consideration of the façade, internal layout and access to and from the site must be considered during future applications.

The department is satisfied that the retail envelope is appropriate and does not recommend modifications to amend the design of the building. The scale is consistent with the introduction of a new centre, which is typical of a large scale development with lower building heights.



**Figure 20:** Indicative retail centre from Captain Cook Drive (Source: Proponent's PPR)

### Above Ground Parking

Council raised concern that the residential component is dominated by a two storey podium car parking element and that the boulevard providing access to the residential buildings is dominated by car parking.

The department notes that commercial land uses are proposed on the ground level frontage to Captain Cook Drive, which will assist in screening the car parking podium of the residential component when viewed from Captain Cook Drive.

Parking located on the boulevard is supported on the basis that this will activate the residential component throughout the day, while also providing additional parking to the site to address concerns raised by Council and the public that the residential component does not provide sufficient parking. The department is satisfied that the above ground parking is appropriate and that the treatment of the boulevard can be addressed during the assessment of future applications for the construction of the residential buildings.

Future assessment requirements are recommended to ensure that this issue is fully considered in future applications.

## **5.6 Residential Amenity**

The residential amenity provided by the proposal has been considered against relevant policies including the *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC).

The Concept Plan provides only indicative building and apartment layouts and compliance with the RFDC criteria will need to be more fully demonstrated by the proponent in future applications. Notwithstanding, the department has assessed the level of residential amenity in terms of building separation, building depth, natural ventilation, solar access, open space, deep soil planting and treatment of ground floor apartments to determine whether or not the criteria can generally be achieved.

The change in built form as depicted in the PPR has improved the amenity of future residents by maximising separation distances between buildings and improving through site views from the surrounding locality. The department supports the proposed layout as it minimises impacts upon the environmental significance of the immediate locality by providing adequate setbacks to Woolloomare Bay and the tidal creek as discussed in **Section 5.4** above.

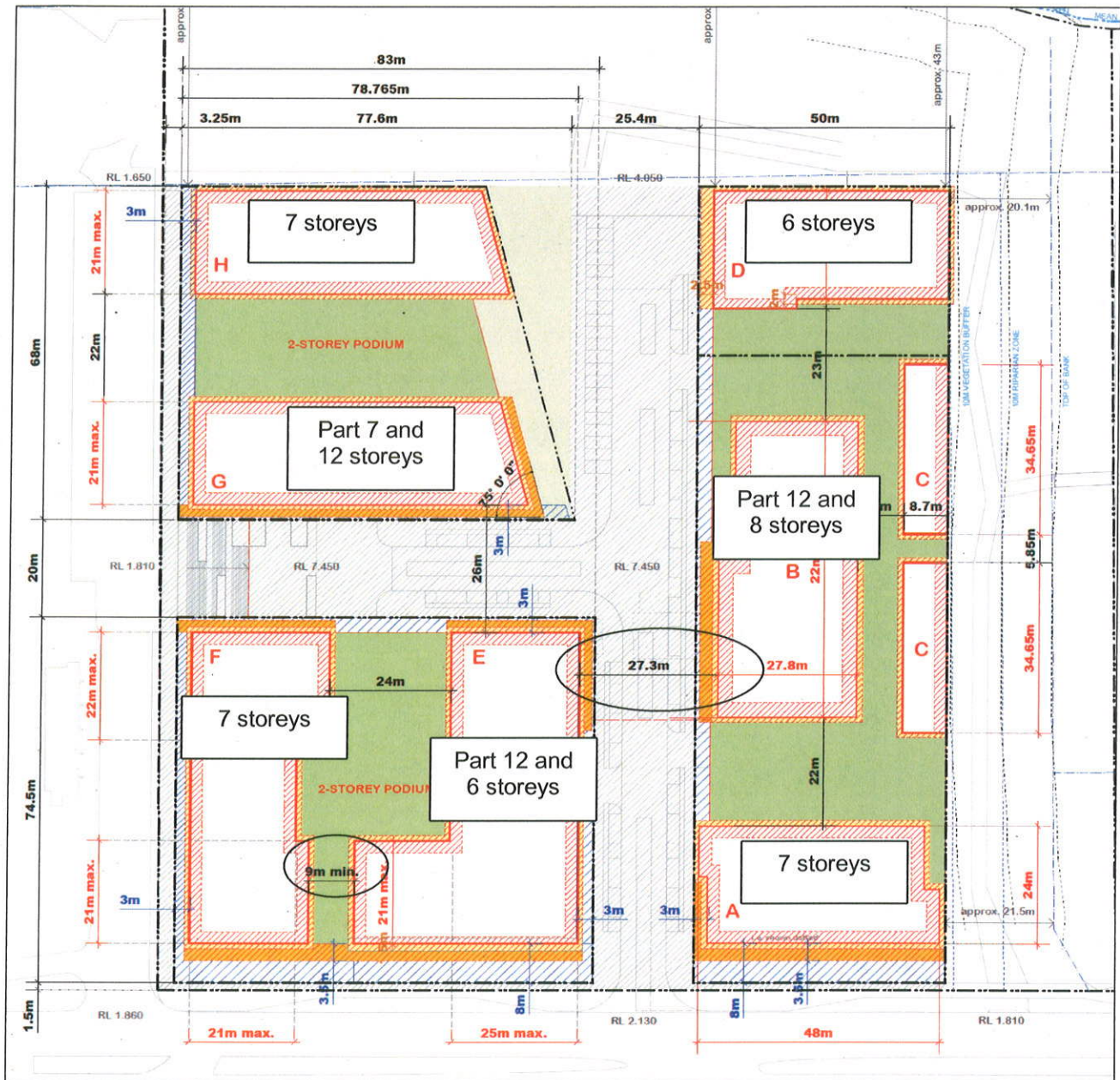
### *Building Separation*

The RFDC recommends minimum building separation distances, dependent on building height, in order to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale of buildings. The RFDC recommendations for minimum separation between buildings are outlined in **Table 8**.

<b>Building height</b>	<b>Minimum separation (metres)</b>		
	<b>Habitable rooms</b>	<b>Habitable rooms and non habitable rooms</b>	<b>Non habitable rooms</b>
Up to 4 storeys (12 metres)	12	9	6
Between 5 and 8 storeys (12 to 25 metres)	18	13	9
Exceeding 8 storeys (25 metres)	24	18	12

**Table 8:** RFDC building separation recommendations





**Figure 21:** Building separation (Source: Proponent's PPR)

As shown in **Figure 21**, building separations between the envelopes range from a minimum of 9 metres between Buildings A and E (circled) to 27.3 metres between Buildings B and E (circled).

The proposed nine (9) metre minimum separation between Buildings E and F achieves the minimum requirements for buildings between five and eight storeys in height containing non-habitable rooms. It is also considered that the proposal could achieve the minimum separation distance between habitable rooms and non habitable rooms (13 metres) due to balcony zones included in the envelopes.

While detailed design of the proposal has yet to be established, the department is satisfied that the proposal can provide for adequate separation, generally consistent with the RFDC for the buildings proposed on the site, and that further detailed assessment of the proposal's compliance with the RFDC will occur following submission of applications to construct the buildings.

### *Building Depth*

The RFDC recommends building depths be no greater than 18 metres (glass line to glass line). Should building depths be more than 18 metres, satisfactory daylight and natural ventilation are to be achieved. The aim of the control is to maintain residential amenity within the apartments and to reduce the bulk and visual appearance of buildings.

The proposed envelopes range between 21 metres up to 27.8 metres for Building B. The widths of the envelopes however include articulation areas and sections that contain balconies that would not be included, thereby reducing the building depth by potentially 5 to 6 metres.

The department considers the envelopes to be acceptable at the Concept Plan stage. The variation to the requirement is acceptable as further design development will occur prior to applications being submitted which will introduce greater building articulation and recesses in the facades to reduce the depth of buildings.

### *Natural Ventilation and Solar Access*

The RFDC recommends that 60% of apartments should be naturally cross ventilated. Based on the proposed envelopes and indicative layouts, the development can generally achieve compliance, with Building E achieving the lowest rate of 63% of apartments.

The RFDC recommends that 70% of living rooms and private open space of apartments receive a minimum of 3 hours of direct sunlight between 9am and 3pm mid winter, reducing to 2 hours in dense urban areas. It is the department's view that the proposed density of the residential component, being approximately 144 dwellings per hectare, enables the residential component to be considered as a dense urban area.

In the PPR the proponent states that Buildings F and G will achieve the minimum 70% requirement, while other buildings achieve a maximum of 100%. The future applications will be required to demonstrate compliance with solar access and natural ventilation requirements in the RFDC.

## **5.7 Other Issues**

### *Sporting Fields*

The two western playing fields forming part of the site (where the residential development is proposed) are currently used as training fields for the Cronulla Sharks, with the Leagues Club providing access to the fields and clubhouse for the Cronulla-Caringbah Sharks Junior Rugby League Football Club. The proponent indicates that access to the fields is restricted to these two groups, with no public access available.

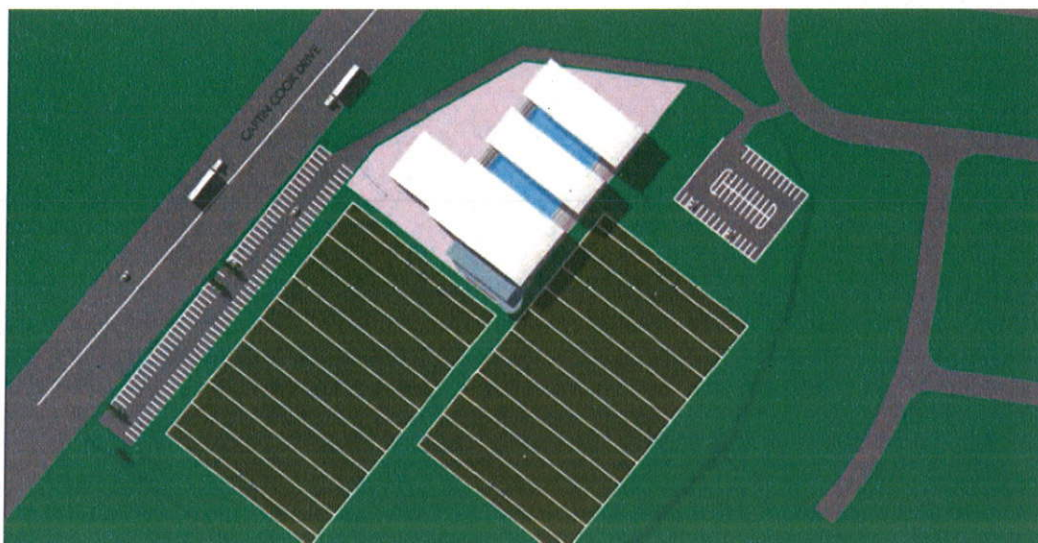
Concerns were raised by the public that the proposal would result in the loss of sporting facilities in the locality as a result of residential buildings being constructed on the two western playing fields.

The proponent has indicated that it is intending to establish an NRL standard rugby league training field and clubhouse at Cronulla High School for use by the Cronulla Caringbah Junior Rugby League Football Club to replace the existing on site facility. Indicative plans were submitted as part of this application (**Figure 22**), with the EA indicating that the facilities will be completed prior to construction commencing on the residential component of the proposal.

The proponent has held discussions with the NSW Department of Education and Communities which will continue until an application is submitted to Council for consideration.

Council raised concern that no net gain of sporting facilities would result, should the proposal be developed.





**Figure 22:** Preliminary plans of fields at Cronulla High School (Source: Proponent's EA)

It should be noted that the construction of these facilities is separate to the Concept Plan under assessment and therefore requires the proponent to lodge separate applications to Council for assessment. A Statement of Commitment is provided that states appropriate facilities will be identified prior to the commencement of works on the western (residential) portion of the site, following further consultation with the Cronulla Caringbah Junior Rugby League Football Club, Cronulla Sutherland Water Polo, Sutherland Shire Council, Cronulla High School and the NSW Department of Education and Training.

The department notes that the western playing fields are not public facilities. As such, the Concept Plan is not contingent upon their replacement. However, the department supports the proposal by the proponent to replace these fields as indicated, which will result in no net loss of sporting facilities within the Council area.

The department has recommended a future assessment requirement requiring the proponent to demonstrate with the application for the residential precinct that a site has been identified and agreements have been reached for the replacement of the two western playing fields. Construction of the facility is to be completed prior to construction commencing on the residential component, consistent with the EA documentation.

#### *Impact from Power Transmission Lines*

The northern portion of the site includes a 132kV Ausgrid overhead power line that runs east west in a 35 metre easement. Concerns were raised by Ausgrid, Council and public submissions regarding the potential health impacts on residents located within close proximity of the power lines and subsequent exposure to Electro Magnetic Fields (EMFs).

The proposal includes playgrounds and riparian zones / boardwalks within the easement, with the northern most residential building envelope located 1.5 to 3.6 metres from the edge of the easement. In support of the proposal, Magshield Products (Aust.) International Pty Ltd on behalf of the proponent, identified that the proposal complies with the acceptable levels of EMF exposure as per the International Radiation Protection Association (IRPA), NHMRC and ICNIRP Guidelines and also the Ausgrid Network Standard No: NS143 – "Easements".

The proponent has also held discussions with Ausgrid to resolve issues associated with the proximity of the proposed building envelopes to the power line easement and access arrangements for the maintenance of the power lines where necessary. These discussions revealed the potential for a more precautionary approach to EMF exposure for future occupants of the development despite the current configuration meeting industry standards.

This involves investigation of a number of alternative scenarios including:

- adjustments to building design and construction to more effectively mitigate EMF exposure within the buildings; and
- reversal of the phasing of transmission lines, which is likely to result in a substantial reduction of EMF emitted by the transmission lines.

In relation to the idea of reversing the phase sequence in the power line, Magshield state that should this be provided EMF levels will be substantially reduced to well under half of the currently measured levels in all locations within the proposed development area. Ausgrid reviewed the additional information provided by the proponent and has noted that there would be potential for further exposure reduction by re-phasing the adjacent transmission line. The feasibility and scope however of these works will require further investigation, which would need to be funded by the proponent.

As a result of these discussions, the department is of the view that whilst the proposal will result in acceptable levels of EMF exposure when considered against the relevant standards, further reduction should be investigated, in particular the re-phasing of the powerlines as recommended by Magshield. This will require further agreement on the process with Ausgrid, which can occur prior to submission of the relevant development application for the construction of the buildings within proximity of the easement. Overall, the department is satisfied that the risks associated with EMF exposure to future residents are acceptable, as the EMF exposure has been identified as being within industry standards. Notwithstanding, a future assessment requirement is recommended that requires the proponent to demonstrate the implementation of the EMF mitigation measures comprising re-phasing of the powerlines as discussed above.

In addition, a future assessment requirement is recommended that requires the proponent to further consider the precautionary principle approach in the final design and construction of the northern most residential building envelopes in order to minimise any risks associated with EMF exposure. These design and construction measures include the orientation and internal layout of units, setbacks to the easement and type of building materials used.

Another concern raised by Ausgrid related to activities / safety measures be adopted during the construction of the buildings and future maintenance activities where necessary. It is noted that the proposed building envelopes are clear of the power line easement and that these concerns are capable of being addressed prior to determination of any future application for the residential development. A future assessment requirement is recommended that requires the proponent to demonstrate with each application that the proposal meets the relevant standards applicable to construction near power lines.

### *Subdivision*

The proposal seeks approval to subdivide Lot 11 DP 526492 into two allotments. The lot currently contains the eastern car park, Leagues Club and football stadium. The lot is proposed to be divided into two lots to separate the proposed retail and Leagues Club components.

Sutherland LEP 2006 and LEP 2000 prohibit subdivision of this lot.

The proponent has requested that the Minister waive the requirement for further environmental assessment for this part of the project, enabling the subdivision to be carried out without the need for a separate Development Application. Without the subdivision occurring first, funding for the development will not occur.

The department considers that in this instance, the Minister's delegate (Planning Assessment Commission) should use the discretion available under Section 75P(1)(c) of the EP&A Act 1979 to approve this aspect of the project without any further environmental assessment as this will enable the future construction of the retail and club precinct.



## 6. CONCLUSION

The department has assessed the merits of the proposal taking into consideration the issues raised in public and agency submissions. The key issues raised in submissions and addressed by the department relate to:

- strategic justification for the introduction of a new retail centre;
- economic impacts upon other retail centres from the introduction of retail floor space;
- height, bulk and scale of building envelopes;
- traffic management arrangements including the provision of signalisation of intersection and car parking provision; and
- environmental management including the protection of Woollooware Bay and the habitat adjoining the site.

The department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. The opportunity to provide retail floor space combined with high density residential development supported by a shuttle bus services to nearby railway stations, is supported.


The proposal is consistent with the Metropolitan Plan for Sydney 2036 by creating a new centre to meet a significant demonstrated demand for additional retail floor space and new housing on a well located site, within the existing urban fabric.

The Department recommends that the Concept Plan be approved, subject to the modifications and future assessment requirements to be provided at the future application stage to inform the detailed design of the development.


## 7. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure:

- consider the recommendations of this Report;
- Approve** the Concept Plan application under the repealed Section 75O of part 3A of the *Environmental Planning and Assessment Act, 1979*;
- Approve** the subdivision; and
- Sign** the attached Instrument of Approval (**Appendix F**).

 12/6  
per  
**A / Director**  
**Metropolitan & Regional Projects South**

 14.6.12  
**Executive Director**  
**Major Projects Assessment**

 15/6/12  
**Deputy Director-General**  
**Development Assessment & Systems Performance**

## **APPENDIX A    ENVIRONMENTAL ASSESSMENT**

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See the Department's website at  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4485](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4485)



## **APPENDIX B   SUBMISSIONS**

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See the Department's website at  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4485](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4485)

## **APPENDIX C    PROPONENT'S RESPONSE TO SUBMISSIONS**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4485](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4485)

## APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

### Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (b) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (c) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (d) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – the application is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. No significant climate change risks are identified as a result of this proposal.
- **Inter-Generational Principle** – the proposal represents a sustainable use of the site as the development includes the provision of shuttle bus for the use of customers and future residents which will enable users of the site to make sustainable travel choices which will protect the environment for future generations.
- **Biodiversity Principle** – there is no threat of serious or irreversible environmental damage as a result of the proposal. The proposal adjoins an area of high sensitivity, however the proposal includes conceptual plans to minimise any impact upon Woollooware Bay, which will be further considered during the detailed assessment of future applications.
- **Valuation Principle** – the proposal seeks to include commercial, retail and residential uses within the development, therefore maximising the sites location and lack of constraints. The proposal will provide an improved environment to that currently available.

It is recommended that a future assessment requirement be imposed to require future development applications to incorporate best practice ESD measures. On this basis, the department is satisfied that the proposal is consistent with the principles of ESD.

### Section 75I(2) of the Act / Clause 8B of Regulations

Section 75I(2) of the Environmental Planning and Assessment Act 1979 and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's Report is to address a number of requirements. These matters and the department's response are set out below:

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA and PPR are located at <b>Appendices A and C</b> to this report respectively.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is

Copy of any report of a panel constituted under Section 75G in respect of the project;	set out in <b>Section 4</b> of this report.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project;	No statutory panel was required or convened in respect of this project.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	Each relevant SEPP that substantially governs the carrying out of the project is identified below, including an assessment of proposal against the relevant provisions of the SEPP.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate	An assessment of the development against relevant Environmental Planning Instruments is provided below.
A <b>statement of compliance</b> with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety.
	In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

The DG's report to the Planning Assessment Commission (delegate of the Minister for Planning and Infrastructure) for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in <b>Section 5</b> of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in <b>Section 5</b> of this report.
The suitability of the site for the project	The site contains an existing Leagues Club, car parking areas and training fields. The proposal includes the introduction of a new retail centre supported by a residential development. The site will be served by an interim bus service, until the introduction of a permanent service. Overall the proposal is considered to be well suited to cater for the proposal.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in <b>Section 4</b> of this report. The Proponent's response to the submissions to the EA and PPR appear at <b>Appendices C</b> respectively. A copy of the submissions are provided at <b>Appendix B</b> .

### **Environmental Planning Instruments (EPIs)**

To satisfy the requirements of Section 75I(2)(d) and (e) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:



- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy 55 - Remediation of Land;
- Draft State Environmental Planning Policy (Competition) 2010;
- Draft State Environmental Planning Policy 66 – Integrating Land Use and Transport;
- Sutherland Shire Local Environmental Plan 2006; and
- Sutherland Shire Local Environmental Plan 2000.

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

#### **State Environmental Planning Policy (Major Development) 2005**

As discussed in Section 3.1, the proposal remains a Part 3A project under the former provisions of Schedule 1, Clause 13, Group 5 of the Major Development SEPP, "*residential, commercial or retail projects*" as DGRs were issued prior to 8 April 2011. The project has a capital investment value (CIV) of more than \$100 million. Therefore, the Minister for Planning and Infrastructure is the approval authority.

#### **State Environmental Planning Policy (Infrastructure)**

Schedule 3 of the Infrastructure SEPP requires traffic generating developments to be referred to the Roads and Maritime Service (RMS). The RMS / Sydney Regional Development Advisory Committee have provided comment on the proposal. The RMS comments are discussed in **Section 4.2** and **5.3** of this report.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of a 30% reduction in energy use and 40% reduction in potable water.

Further assessment of the requirements of BASIX will be undertaken during the assessment of future applications.

#### **State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65)**

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is provided below. The EA / PPR confirms the development has been designed having respect to the design principles of SEPP 65.

<b>Key Principles of SEPP 65</b>	<b>Department Response</b>
<b>Principle 1: Context</b>	The site is considered to be appropriate to cater for the introduction of a new retail centre supported by high density residential development. The development will be supported by the introduction of an interim

	bus service to support the development provide access between the site and Woollooware Station.
<b>Principle 2: Scale</b>	The proposal involves building heights up to 14 storeys. The scale of the buildings is considered to be appropriate when considered in the context of the provision of a new centre and other buildings within other centres in the locality. This is discussed further in <b>Section 5.5</b> .
<b>Principle 3: Built Form</b>	This matter is discussed above in <b>Section 5.5</b> and is considered appropriate. Future assessment requirements have been recommended to ensure a high quality architectural design of future buildings.
<b>Principle 4: Density</b>	The provision of up to 600 apartments on the site will support the provision of a new retail centre and will also support regional planning strategies that seek to provide additional housing and employment in centres.
<b>Principle 5: Resource, Energy and Water Efficiency</b>	The proposal provides building envelopes that maximise solar access and natural ventilation opportunities to reduce reliance on artificial heating and cooling. A future assessment requirement has also been recommended to require ESD measures into the future design, construction and operation of the development.
<b>Principle 6: Landscape</b>	The proposal provides landscaping between buildings and within areas of open space throughout the site. Future applications will be required to provide landscape design to enhance the appearance and amenity of the development.
<b>Principle 7: Amenity</b>	The proposal seeks to optimise amenity in terms of solar access, cross ventilation, views and access to open space. More detailed consideration of amenity will be undertaken in the assessment of future applications.
<b>Principle 8: Safety and Security</b>	The proposal allows for good passive surveillance of the road networks and public and private open space areas. Detailed assessment of through site links, coordination of residential and commercial uses, landscaping and access arrangements will be undertaken during the assessment future applications.
<b>Principle 9: Social Dimensions and Housing Affordability</b>	The proposal provides for a mix of apartment types to encourage a diverse social mix and provide a vibrant community. The unit mix will assist in achieving affordable housing within the area.
<b>Principle 10: Aesthetics</b>	Future assessment requirements have been recommended to ensure that the elevations of the proposed building envelopes provide a high level of articulation as well as varied and high quality textures, materials and colours to make a positive contribution to the streetscape and amenity of open spaces.

### **State Environmental Planning Policy 55 – Remediation of Land**

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. Environmental Investigation Services (EIS) have previously prepared environmental assessment / investigation reports for various sections of the site and are satisfied that the site could be made suitable for the proposal subject to recommendations. The department's consideration of SEPP 55 is detailed in **Section 5.4.2**.

### **Draft State Environmental Planning Policy (Competition) 2010**

In July 2010, draft Competition SEPP was publicly exhibited. The draft SEPP aims to promote economic growth and competition and remove anti-competitive barriers in environmental planning and assessment. The draft Competition SEPP proposes:

- the commercial viability of a proposed development may not be taken into consideration by a consent authority when determining development applications;
- the likely impact of a proposed development on the commercial viability of other individual businesses is not a matter for consideration, except if the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities; and
- any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

The department's assessment of the draft Competition SEPP is detail in **Section 5.2.3**.

#### **Draft State Environmental Planning Policy 66 – Integrating Land Use and Transport (DSEPP 66)**

DSEPP 66 requires that the consent authority consider whether the future development of the site helps integrate land use and transport and minimise the need to travel by car. This draft policy however has not been progressed by the department and is no longer considered as part of the development assessment process.

#### **Sutherland Local Environmental Plan (LEP) 2000 and LEP 2006**

As stated in **Section 3.3**, Sutherland Shire Local Environmental Plan 2000 and Sutherland Shire Local Environmental Plan 2006 apply to the site with a portion of the proposal prohibited in the respective zones. LEPs are not required to be strictly applied in the assessment and determination of major projects under Section 75R of the EP&A Act. Notwithstanding, the department has considered the relevant LEPs in the assessment of the proposal.

Schedule 8 of LEP 2000 applies to the eastern car park site that is to contain the proposed club and retail precinct. The department has considered the Schedules objectives in its assessment as discussed below:

<b>Primary development controls</b>	<b>Department's Comment</b>
<b>Objectives</b> The objectives of this Division relating to local context in relation to the land to which this Part applies (referred to in this Part as <b>the site</b> ) are as follows:	
(a) to ensure appropriate height relationship between the existing clubhouse/sportsground, surrounding land uses, Botany Bay and new development,	The proposed height of the retail and club precinct has regard to the height of the existing clubhouse and is considered appropriate.
b) to improve the amenity of the public domain by creating a view corridor through the site to Woollooware Bay with building heights that enhance the view corridor,	The form of the proposal does not enable a view corridor through the site to be provided.
c) to protect and enhance the environmental and visual features of the site,	The proposal provides significant environmental improvements to that which currently exists and the built form is sympathetic to the features of the site.
(d) to achieve compatibility between the scale, density, bulk and landscape character of buildings and the site,	The proposal integrates with the existing clubhouse and is of an appropriate scale compared to other building within the locality.
(e) to provide space between buildings, to maximise daylight and sunlight access between buildings, to ensure adequate space for landscaping and to create	Not applicable to subject proposal.



view corridors,	
(f) to regulate the density of the development on the site and the scale and bulk of development consistently with the capacity and area of the site,	The bulk and scale is appropriate and supports the introduction of a new centre to the locality.
(g) to ensure that there is sufficient space for car parking and that these areas are not visually obtrusive,	Car parking has been discussed at Section 5.3.2. Further assessment of car parking will be undertaken during the application to construct the building.
h) to achieve an appropriate separation between buildings and site boundaries,	The setback to boundaries is discussed in Section 5.5.
(i) to establish a consistency of building forms across the site,	One building is proposed across the site with the final design and materials and finishes to be addressed during the application to construct the building.
(j) to minimise impact of new development on existing distant views across the site from Sans Souci, immediate views from Woollooware Bay and from residential properties to the southeast,	The proposal provides a reduce height when compared to the existing clubhouse and is of an appropriate scale when viewed from the southeast.
(k) to enhance opportunities for ecological management of the adjoining Towra Point Aquatic Reserve,	The introduction of a riparian zone to the northern portion of the site improves the treatment of water moving from the site into Woollooware Bay and the Towra Point Aquatic Reserve.
(l) to ensure that the foreshore is adequately re-vegetated and managed in the long term.	The introduction of a riparian zone that includes a foreshore boardwalk will provide opportunities to manage the foreshore area for use of the community in the long-term.
<b>Building height</b>	
(1) The provisions of clause 62 of this plan that specify the maximum height of a building in an open space zone do not apply to development carried out on the site.	
(2) The maximum height of any building above ground level is 15 metres to the highest point of the roof.	The height of the envelope is 13.15 metres viewed from the southern elevation.
(3) Plant equipment, lift overruns, communication devices, solar collectors, exhaust stacks, ventilation shafts and other typically roof mounted items are to be concealed or integrated into the design of the building. Despite the requirements of subclause (2), roof mounted items may have a height greater than 15 metres above ground level.	To be addressed by the proponent during future applications.
<b>Floorspace ratio</b> The maximum floorspace ratio for development on the site is 1:1.	0.815:1 (GFA 26,495m <sup>2</sup> / 32,529m <sup>2</sup> site area), which is below the maximum.
<b>Minimum landscaped area</b> The minimum landscaped area for the site is 65% of the site area.	Not considered to be applicable to the proposal, as objective relates to a residential development.
<b>Building design</b> (1) Buildings must be of a size and bulk that is consistent with the medium density nature of the development site.	Not considered to be applicable to proposal.
(2) The provisions of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> apply to the site.	Not applicable to proposal as no residential component proposed on this section of the site.
(3) All development must be set back from a public road, property boundary, public open space, environmental buffer or proposed public open space by a distance of not less than 5 metres.	This is further discussed in Section 5.3.2. Proposed setbacks are considered to be appropriate.

(4) Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that all building designs demonstrate how optimum natural daylight, cross ventilation, building separation, solar access, landscaping, aural and visual privacy and protection from mosquitoes are to be achieved.	Not applicable to proposal as objectives is for a residential development.
(5) To reduce the apparent scale of a building in relationship to adjacent development, the uppermost floor of the development is to be set back from the lower floors of a building.	Proposal is a concept plan building envelope and therefore the final layout of the building will be considered during the detailed application stage.
<b>Site design</b>	
<b>Objectives</b> The objectives of this Division relating to site design (landscaping, fences, safety, access and car parking, building entries, public domain and public lighting) are as follows:	
(a) to connect the existing public road network to the site and ensure internal access ways permit a visual connection between the surrounding areas to the south and Woollooware Bay,	A new intersection at Captain Cook Drive and Woollooware Road is proposed that improves access to the site. No internal access ways are proposed.
(b) to protect and conserve environmentally sensitive land, particularly the foreshore lands to Woollooware Bay,	The proposal includes a riparian corridor to improve the foreshore area between the northern boundary and Woollooware Bay consistent with the objective.
(c) to accommodate the future needs of the Cronulla Sutherland Leagues Club in relation to club activities and other development,	The proposal will enable the continued operation of the club.
(d) to concentrate non-residential uses at street level,	Proposal includes the provision of a new centre providing additional retail and supermarket floor space to the locality.
(e) to promote characteristic landscaping and streetscapes with substantial plantings, including trees that will grow to a minimum height of 15 metres,	The conceptual landscape plans indicate that landscaping is proposed along the frontage to Captain Cook Drive.
(f) to maximise opportunities for the development to utilise public transport services and pedestrian and bicycle links,	The proposal includes the provision of a shuttle bus service between the site and nearby stations, until such time as a permanent fulltime service is provided. Pedestrian and bicycle links will also be improved with the current proposal.
(g) to create a high quality residential living environment that contributes to a sense of place and community,	Not applicable to proposal.
(h) to provide useable private open space for the enjoyment of residents,	Not applicable to proposal.
(i) to facilitate re-contouring of the foreshore lands, replicating as closely as possible, the original landform and vegetative state,	Re-contouring of the foreshore is not proposed due to potential contamination of the fill located on the site. The introduction of a riparian corridor on the northern boundary improves the interface with Woollooware Bay.
(j) to allow for re-vegetation with appropriate plant species, including saltmarsh, taking into consideration the implications of future sea level rise,	The riparian corridor includes plant species common to the locality, with further details to be provided during the first application.
(k) to create a visual screen to the development from the waterway.	Existing mangroves will screen the majority of the proposal from the waterway, however additional landscaping is proposed to further reduce the visual impact of the proposal. Treatments of the interface between the proposal and the riparian corridor will be further considered during the detailed application stage.

<b>Environmental buffer</b> (1) A 40 metre wide environmental buffer is required from the mean high water mark. No development is permitted within the environmental buffer.	A minimum 30 metre riparian corridor is provided which is considered to be a significant improvement over the current situation.
(2) The 40 metre wide environmental buffer must incorporate a 5 metre wide riparian buffer zone, to the eastern side of the drainage channel that divides the development site from the western playing fields.	Not applicable to proposal.
(3) A visual barrier from Woollooware Bay must be provided incorporating plantings of trees that form a continuous canopy dense enough to screen views from the Bay and which will grow to a minimum height of 15 metres.	Landscaping is provided within the riparian zone to soften the impact of the proposal from Woollooware Bay. The height of the proposed building is less than the existing clubhouse. The existing mangroves provide additional screening when viewed from the bay.
(4) The environmental buffer must be rehabilitated in accordance with a rehabilitation plan that has been endorsed by the Council and the NSW Department of Primary Industries, Fisheries Division. The rehabilitation plan is to be submitted by the applicant with any development application lodged for the site.	The Concept Plan includes indicative details of plants to be provided within the riparian zone. This will be further addressed once detailed designs have been prepared with the first application to construct the proposal.
(5) At the boundary of the environmental buffer a physical barrier is required that will impede uncontrolled access to Woollooware Bay by people and domesticated animals.	Measures to restrict access within the riparian zones off the proposed boardwalks will be provided during the relevant application to construct the proposal.
(6) Any provision for a publicly accessible pedestrian pathway and cycleway must be outside the 40 metre wide environmental buffer.	A publicly accessible boardwalk is provided within the riparian corridor, which is considered appropriate at this site as it will provide a continuation of pedestrian facilities along the foreshore.
<b>Access and parking</b> (1) Access, parking and servicing is to be provided in accordance with the requirements set out in the <i>Guide to Traffic Generating Development</i> , Version 2.2, published by the Roads and Traffic Authority in 2002.	This Guide has been considered on a conceptual basis with future assessment to be undertaken during the application to construct the building.
(2) Car parking must generally be located beneath buildings and away from public view.	Car parking is provided within the building envelope, with future assessment of the treatment of screening to be considered during future applications to construct the proposal.
(3) Car parking spaces for the existing registered club are to be provided in addition to the car parking requirements for the residential and non-residential uses of the development. These are to be calculated in accordance with the requirements set out in the <i>Guide to Traffic Generating Development</i> .	Car parking for the club and retail precinct has been considered at Section 5.3.2 and is considered appropriate.
(4) A publicly accessible pedestrian pathway and cycleway must be provided on the northern side of the building.	A foreshore boardwalk is provided on the northern side of the club and retail precinct.
(5) The consent authority must not grant consent to the carrying out of development on the site unless the consent authority is satisfied that the development adequately addresses the following:	
(a) pedestrian and vehicular entries should be separated and clearly demarcated,	New signalised intersections are proposed off Captain Cook Drive that will provided improvements to pedestrian and vehicular access to the site.
(b) pedestrian entries to buildings should be prominently located on primary streets, as close to property boundaries as acceptable,	Pedestrian entry to the proposal is off Captain Cook Drive through a defined entrance point.



(c) bicycle parking and storage.	Location of bicycle parking and storage to be defined during the application to construct the building.
<b>Building design</b>	
<b>Objectives</b> The objectives of this Division relating to building design (apartment layout, balcony design, ceiling heights, flexibility, ground level activity, acoustic privacy, visual privacy, natural light, natural ventilation and building expression and articulation) are as follows:	
(a) to ensure that all development has been designed to be compatible with and protect the topography and setting of the site,	The proposed retail centre has been designed in accordance with this objective.
(b) to reinforce and enhance the character of the development site,	The proposed retail centre in conjunction with the clubhouse redevelopment has appropriate regard to the site and locality.
(c) to ensure that buildings are designed with adequate provision for the intended occupants, in terms of amenity and access to private open space,	Objective relates to residential uses, therefore not applicable to proposal. However, it is considered that the retail centre will be designed appropriately for its intended users.
(d) to ensure that development provides adequate landscaping and open space to enhance the quality and appearance of the building while accommodating the needs of its users and maintaining residential amenity,	Not applicable to proposal as no residential component on this site.
(e) to create a built form that defines and enhances the view corridor through the site, from Woollooware Road to Woollooware Bay,	Proposal enables the continuation of the view corridor along Woollooware Road to Woollooware Bay.
(f) to ensure development has adequate utility services and drainage facilities,	Proposal is capable of achieving this objective.
(g) to use materials that improve the energy efficiency of a building when used in external walls that are properly protected from direct summer sun by using sun shading devices.	Details of measures / materials are to be provided with the application to construct the building.
<b>Environmental considerations</b>	
<b>Objectives</b> The objectives of this Division relating to environmental considerations (biodiversity, ecologically sustainable development, water conservation and solar energy use, waste management and air quality) are as follows:	
(a) to minimise the impact of development on the flora, fauna and water qualities of Woollooware Bay and adjacent mangroves and wetlands by recognising the international importance of these areas,	The design of the proposal has regard to the adjoining area and proposes measures to improve the interface between the site and Woollooware Bay.
(b) to ensure that development is carried out in a manner that reflects constraints associated with acid sulfate soils, flooding, drainage and the like,	The future applications to construct the proposal will include details of how the development has considered the sites constraints.
(c) to reduce stormwater run-off by minimising the area of impervious surfaces,	The proposal includes indicative details of stormwater measures and landscaping, which will be further considered during future applications to construct the proposal.
(d) to ensure that stormwater discharge has a dispersed pattern of flow, avoiding newly created centralised or concreted discharge points into the wetland/riparian buffer,	Stormwater discharge will be further considered during the detailed application stage.
(e) to ensure that stormwater discharge maintains an appropriate saline/freshwater interface within the wetland/riparian buffer,	Stormwater discharge into the tidal creek will be further considered during the detailed application stage.

(f) to maximise retention and absorption of surface drainage water on site,	As the proposal for a Concept Plan only, further details on compliance with this objective will be provided with the application to construct the proposal.
(g) to minimise obstruction to the underground flow of water,	The proposed works are not considered to impact the underground flow of water.
(h) to achieve effective environmental performance of development generally,	The proposal is considered to achieve the objective, with future detail to be provided with the application to construct the proposal.
(i) to reduce the consumption of energy used in the habitation of multi-unit housing by ensuring that solar design principles are followed in the development,	Not applicable to proposal.
(j) to minimise the use of reticulated water on site through water conservation practices including the collection and reuse of rainwater in gardens, toilets, laundries and car washing areas,	Submitted conceptual strategies illustrate the proponent's use of water conservation measures, with further details to be provided during the first application to construct the building.
(k) to contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.	Submitted conceptual plans are appropriate at this stage, however future applications will demonstrate the integration of landscaping with water and stormwater measures.

## **APPENDIX E    OTHER RELEVANT REPORTS OR DOCUMENTS**

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## **APPENDIX F    RECOMMENDED CONDITIONS OF APPROVAL**

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