



**Planning &  
Infrastructure**

***MAJOR PROJECT ASSESSMENT:***

**Woollooware Bay Town Centre – Retail / Club Precinct**

**Captain Cook Drive, Woollooware**

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

**MP 10\_0230**



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

June 2013

## 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 and Infrastructure
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: View of proposal from Woollooware Bay (Source: Proponent's additional information to PPR / RtS)

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## EXECUTIVE SUMMARY

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Bluestone Capital Ventures No. 1 Pty Ltd (the Proponent) is seeking Project Application approval for the construction of the Retail / Club Precinct of the Woollooware Bay Town Centre at the Cronulla Sharks site, 461 Captain Cook Drive, Woollooware, within the Sutherland Local Government Area.

The proposal (as exhibited) sought approval for the partial demolition of the existing Leagues Club and other structures within the site and construction of a new retail centre, with loading docks and parking for 770 on-site vehicles. Public domain works, including a new foreshore riparian buffer to Woollooware Bay, and infrastructure works providing stormwater management and access to the site off Captain Cook Drive are also provided. In addition, the proposal includes the provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive and development contributions or works in kind being negotiated with Council.

The Environmental Assessment (EA) was exhibited for a period of 37 days between Wednesday 6 March 2013 and Friday 12 April 2013. As a result, the Department received 253 submissions, including 9 submissions from public authorities and 244 submissions from the public (all objecting to the proposal).

On 24 May 2013, the Proponent submitted a response to submissions and a Preferred Project Report (PPR) / Response to Submissions (RtS). The PPR / RtS proposes a revised internal layout of the retail centre; modification to the façade of the building, including provision of 2 retail tenancies on the ground floor; reduction of structures and an increase to landscaping within the riparian setback; increase in the setback between the northern extent of Woollooware Road North and the mean high water mark; inclusion of Stratum subdivision of the Retail / Club Precinct; and amendment to the staging of road works to enable the Retail / Club precinct to obtain an Occupation Certificate prior to construction of the Residential Precinct traffic signals.

Sutherland Shire Council made a submission during the exhibition of the EA and PPR / RtS raising concerns with the proposal.

The key issues in respect of the proposal are the consistency of the proposal with the approved Concept Plan; traffic, transport, parking and servicing of the proposal; natural environment impacts and management; and the building form and design.

The Department considers that the proposed development is generally consistent with the approved Concept Plan and is suitable for the subject site. The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been adequately addressed within the EA, Preferred Project Report / Response to Submissions, Statement of Commitments and the Department's recommended conditions of approval.

The Department is satisfied that the Proponent has adequately considered the proposals interaction with the environmental significance of the adjoining Woollooware Bay and has included measures to ensure that the future uses within the development continue to consider impacts and how these can be ameliorated. The proposal will provide much needed retail floor space to the locality, while recognising the importance of the adjoining Woollooware Bay by greatly improving the existing situation where stormwater can flow off the bitumen car park and into Woollooware Bay without any treatment.

Further, the Department considers the proposed development to be a positive urban design response having regard to the opportunities and constraints of the site.

The proposal is recommended for **approval**, subject to conditions.

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## 1. BACKGROUND

The purpose of this report is to assess a Project Application for the construction of the Retail / Club Precinct within the Woollooware Bay Town Centre at 461 Captain Cook Drive, Woollooware. The proposal relates to Stage 1 (Retail / Club Precinct) of the approved Concept Plan for the mixed use development at the Cronulla Sharks site (MP 10\_0229).

### 1.1 Site Description

The site is located between the southern edge of Woollooware Bay and the northern side of Captain Cook Drive, Woollooware, approximately 20 kilometres south of the Sydney CBD. The site is located within the Sutherland Local Government Area (**Figure 1** and **2**). The site forms part of the land affected by the approved Cronulla Sharks Concept Plan (MP 10\_0229).



**Figure 1: Site Locality – Regional Context (Source: Proponent's EA)**

The site subject to this Project Application 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).

Adjoining the leagues club to the west is a football stadium with a current capacity to hold 21,000 spectators and a car parking area providing approximately 511 car parking spaces. Further west of the stadium are sports facilities used for training by the Cronulla Sharks Rugby League Club and by Carlingbah Junior Rugby Leagues 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 portions of the site.



The overall Concept Plan site has a total area of 10.06 hectares. The site subject of this Project Application occupies approximately 5.93 hectares of the Concept Plan site. The site is legally described as Lot 11 DP 526492 and includes Council owned allotments that bound the site to the north (Lot 21 DP 529644) and a triangular allotment to the south (Lot 1 DP 501920).



**Figure 2: Cronulla Sharks Concept Plan and Stage 1 works (Source: Proponent's EA)**



**Figure 3: View from eastern car park to the Leagues Club (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 industrial complexes, including Toyota and other light industrial businesses.

Electricity transmission lines (132kV) 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 Caringbah 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 Concept Plan Approval

On 27 August 2012, the Planning Assessment Commission (PAC) approved the Concept Plan (MP 10\_0229) for the mixed use development of the Cronulla Sharks site (including retail, residential and open space area) (**Figure 4 and 5**). The approval includes:

- development of proposal in three stages;
- use of the site for a mixed use development with associated public open space;
- indicative building envelopes for the residential and retail/club precinct;
- ground and above ground parking;
- road works to support the development;
- public pedestrian and cycle paths/boardwalks;
- landscaping areas throughout the site;
- sales and marketing facilities including display units, etc; and
- subdivision of Lot 11 DP 526492 into two allotments.

The Concept Plan approval also includes maximum gross floor area, gross building area and car parking requirements for each portion of the development.

Stage 1 of the Concept Plan approval incorporates a neighbourhood retail, medical, and leisure centre on the eastern car park site and redevelopment of the Cronulla Sharks Leagues Club facilities, which is the subject of this application.



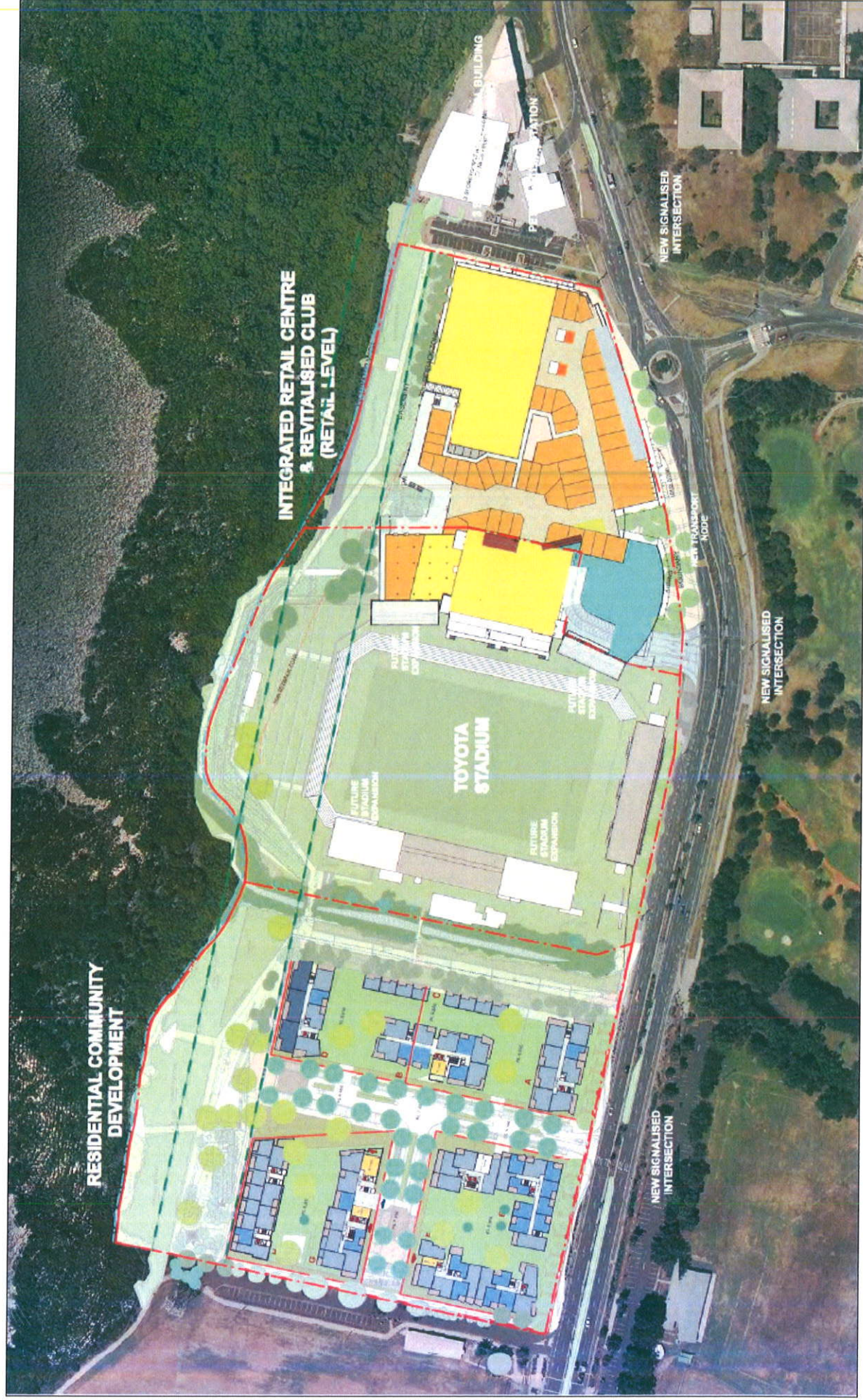


Figure 4: Approved Cronulla Sharks Concept Plan (Source: Proponent's PPR to Concept Plan)



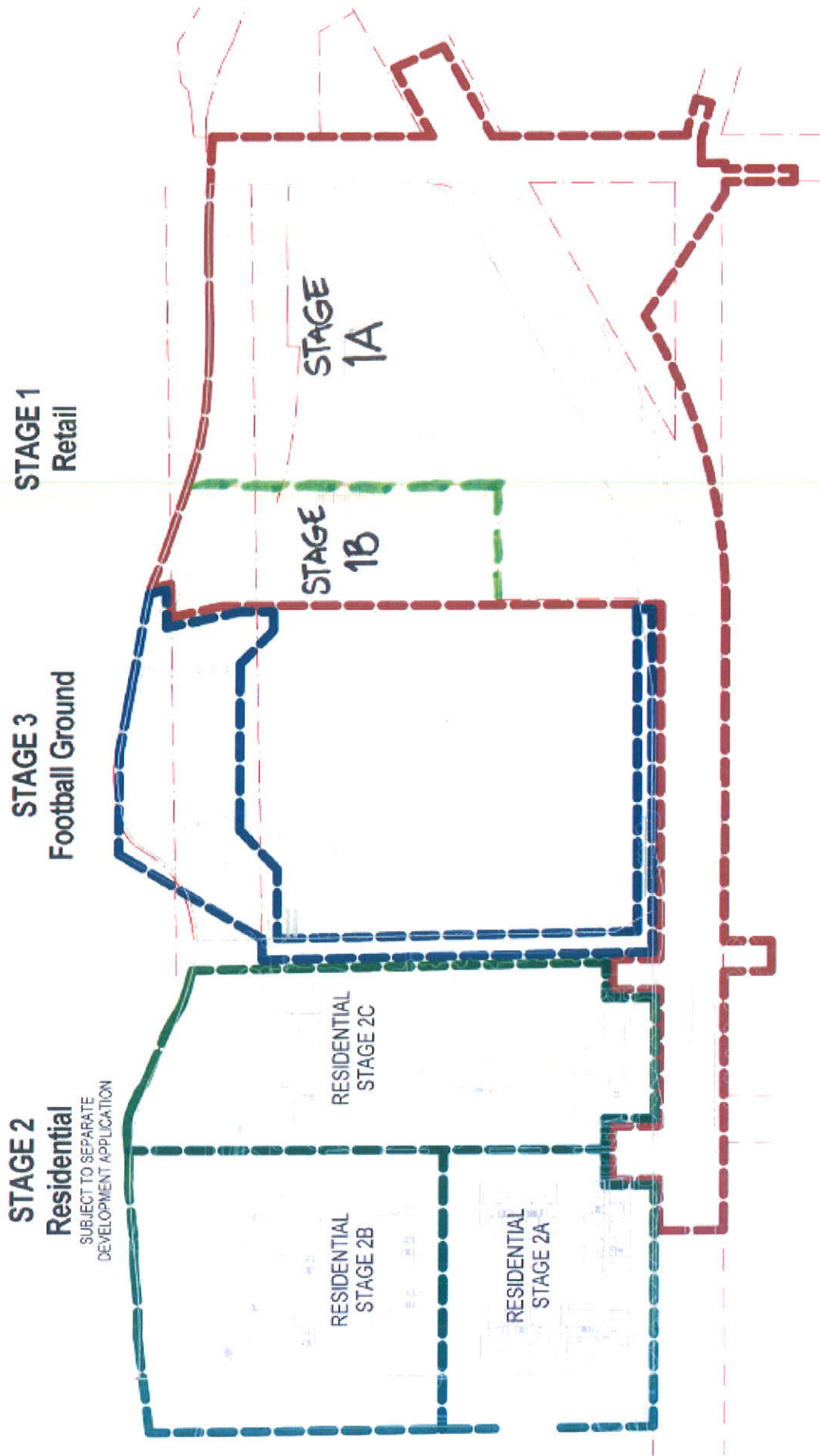


Figure 5: Proposed staging of the Cronulla Sharks Concept Plan (Source: Proponent's PPR / RfS)

## 2. PROPOSED PROJECT

### 2.1. Project Description (as exhibited)

The proposal as exhibited in the Environmental Assessment seeks Project Approval for the Retail / Club Precinct of the Woollooware Bay Town Centre including:

- partial demolition of the existing Leagues Club and other structures within the site;
- construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses with a maximum gross floor area of 26,493m<sup>2</sup>;
- public domain works including new foreshore buffer to Woollooware Bay;
- infrastructure works providing access to the site off Captain Cook Drive (extension and realignment of Woollooware Road, signalisation of Woollooware Road / Captain Cook Drive and two new signalised intersections along Captain Cook Drive);
- provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;
- stormwater management (including flood mitigation works) and site remediation works;
- loading docks and 770 on-site car parking spaces; and
- development contributions or works in kind as discussed with Council.

The Proponent is not seeking approval for the fit out and uses relating to the individual tenancies. These are subject to future Development Applications to Sutherland Shire Council.

### 2.2. Response to Submissions

Following the conclusion of the public exhibition of the Environmental Assessment, the Department placed a copy of all submissions received on the Department's website. The Department also requested that the Proponent address the submissions that were received and a number of issues which it considered required further consideration.

The Proponent responded to the submissions and the Department's issues through the submission of a Preferred Project Report and Response to Submissions that was placed on the Department's website. The proposal as amended within the Preferred Project Report and Response to Submissions is detailed in **Table 1** below.

<b>Aspect</b>	<b>Description</b>
<b>Project Summary</b>	<b>Project Application for the Retail / Club Precinct within the Woollooware Bay Town Centre</b>
<i>Demolition Works</i>	Demolition works outside of the Leagues Club including the removal of the existing car park pavement, lighting structures, landscaping and trees.  Demolition works to the leagues club including the removal of the entrance and external additions to the leagues club and removal / retention of partitions within the building.
<i>Retail / Club Precinct</i>	Construction of the new town centre, retail building and redevelopment of the Leagues Club into a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses.  Fitout of Levels 3 and 4 of the existing building for the continued use by the Leagues Club
<i>Traffic arrangements and vehicular access</i>	Traffic arrangements and vehicular access including: <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> </ul>



Aspect	Description
	<ul style="list-style-type: none"> <li>new signalised intersection for residential access (to be constructed after occupation of the Retail / Club Precinct);</li> <li>construction of northern extent of Woollooware Road;</li> <li>provision of a shuttle bus service between the site and Woollooware Station;</li> <li>provision of new indented bus bays along Captain Cook Drive; and</li> <li>cycling facilities, including an extension to the existing shared off-road cycle path.</li> </ul>
Open space and Landscaping	Design and landscaping of the foreshore riparian areas along the site's frontage to Woollooware Bay and along the Captain Cook Drive and Woollooware Road North frontages.
Infrastructure, Services and Site Remediation	Provision of infrastructure to support the development of the site including upgrading of existing services and flood mitigation / stormwater management works. Remediation works including on-site capping and containment.
Car parking	Car parking for 770 spaces to be located on the ground level and within the rooftop parking levels.
Developer Contributions	Development contributions (or works in kind) being negotiated with Sutherland Shire Council.
Stratum subdivision	Stratum subdivision of the proposed to separate the main Retail Centre from the Leagues Club

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

The Concept Plan requires that a Peak Event Parking Management Plan (PEPM Plan) is to be submitted with the first application subsequent to the Concept Plan. In accordance with the Concept Plan approval, the Proponent submitted a PEPM Plan as part of this application, however the PEMP Plan is not required by the Concept Plan to be approved under this application.

Key changes between the EA and PPR / RtS (includes revised layouts at **Figure 6** and **7** include:

- revised internal layout of the retail centre;
- modification to the façade of the building fronting Captain Cook Drive / Woollooware Road North, including provision of 2 retail tenancies on the ground floor;
- reduction to the gross floor area from 26,493m<sup>2</sup> to 26,473m<sup>2</sup>;
- reduction of structures and an increase to landscaping within the riparian setback;
- increase in the setback between the northern extent of Woollooware Road North and the mean high water mark from 5 metres to 8 metres;
- inclusion of Stratum subdivision of the Retail / Club Precinct; and
- amendment to the staging of road works to enable the Retail / Club precinct to obtain an Occupation Certificate prior to construction of the Residential Precinct traffic signals. The Residential Precinct traffic signals are to be completed prior to occupation of the first residential dwelling.





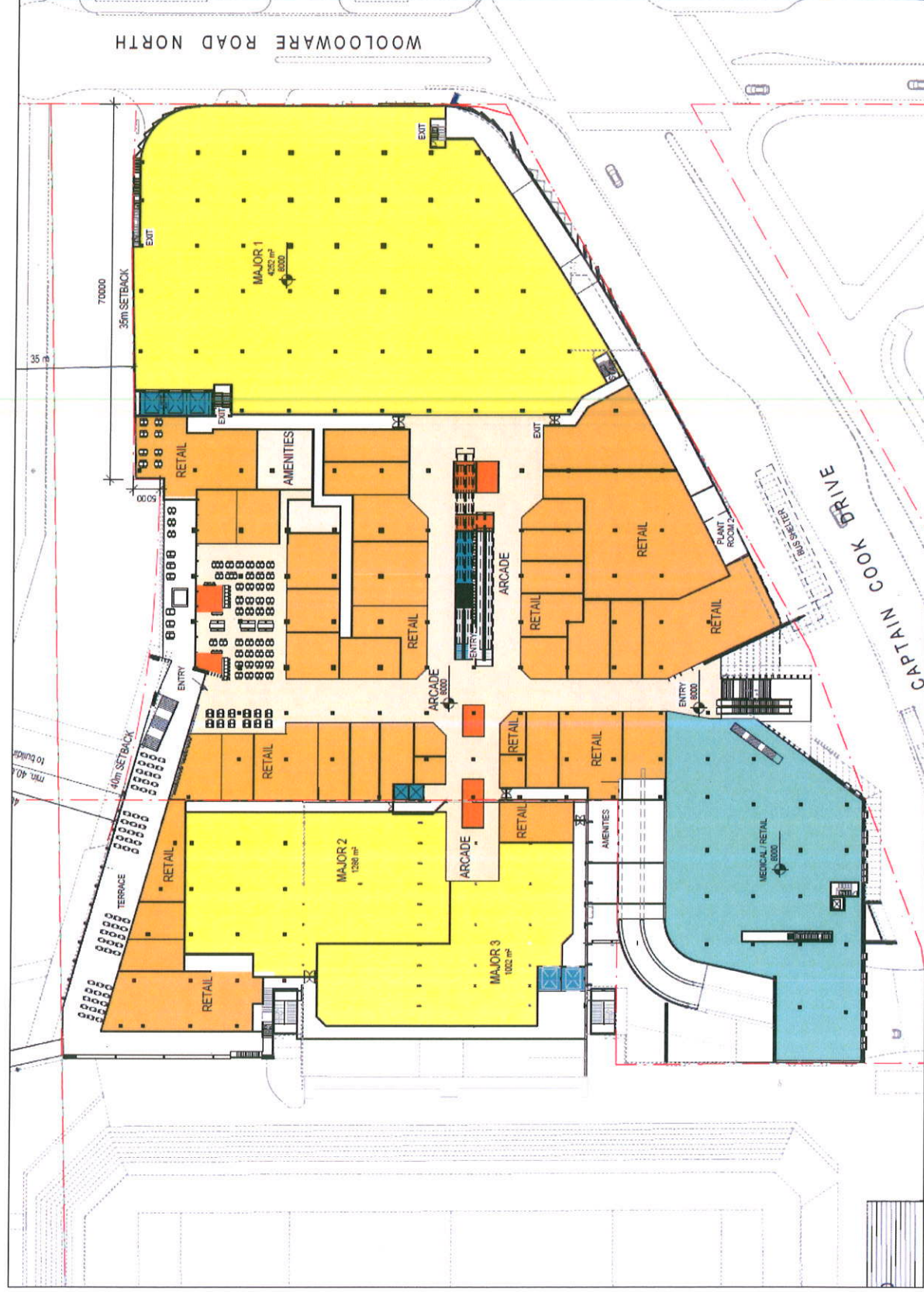


Figure 7: Level 2 of proposed Stage 1 works (Source: Proponent's PPR / Rts)

### **3. STATUTORY CONTEXT**

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#### **3.1. Continuing Operation of Part 3A**

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 in respect of 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 disprove of the carrying out of the project under Section 75J of the EP&A Act.

#### **3.2. Major Project**

On 27 August 2012, the Planning Assessment Commission approved a Concept Plan for the project. The Concept Plan approval required the submission of this project application under Part 3A of the *Environmental Planning and Assessment Act* (EP&A Act). Therefore the Minister is the approval authority.

On 14 September 2011, the Minister 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 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 referred to the PAC, under delegation from the Minister.

#### **3.3. Project Need and Justification**

The project need and justification for the mixed use development at the site was considered during the assessment of the Concept Plan. The Department formed the view that the Concept Plan was consistent with the Metropolitan Plan for Sydney 2036 as it created a new centre to meet significant demonstrated demand for additional retail floor space and new housing on a well located site within the existing urban fabric.

The Concept Plan includes the employment of 566 persons and an additional 510 jobs in the wider community, making a contribution towards the overall jobs target under the draft South Subregional Strategy for Sutherland Shire of 8,000 by 2036.

The Stage 1 works for the construction of the Retail / Club Precinct of the Woollooware Bay Town Centre component of the Concept Plan is expected to accommodate 250 construction jobs and 400 operational jobs, which will contribute to the jobs targets for the region.

#### **3.4. Permissibility**

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

Sutherland Shire Local Environmental Plan 2000 (LEP 2000) applies to the portion 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.

Notwithstanding, Schedule 6A of the EP&A Act states that the provision of any Environmental Planning Instrument or any Development Control Plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the Concept Plan. On this basis, the Stage 1 land uses are permissible subject to compliance with the Cronulla Sharks Concept Plan approval.



### *Sutherland Shire Local Environmental Plan 2006*

Sutherland Shire Local Environmental Plan 2006 (LEP 2006) applies to the portion of the site which includes the triangle shaped lot to the south of the existing eastern car park (included within the Stage 1 works). 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 only component of LEP 2006 that is applicable to the Stage 1 works is the proposed roadworks, which are permissible in the 13 "Public Open Space" zone.

### **3.5. 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 that substantially governs the carrying out of the project, and the provisions of any Environmental Planning Instruments 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 State Environmental Planning Policies Environmental Planning Instruments is provided in **Appendix D**.

### **3.6. Objects of the EP&A Act**

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the 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 the identified objects (a) (i), (ii), (vi) and (vii), 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 Woollooware 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; and
- the proposal includes measures that support ecologically sustainable development.

### **3.7. 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 the construction of a new centre that will be supported initially by a shuttle bus service and incorporation of ESD measures to meet environmental targets under the approved Concept Plan. The Proponent commits to ESD principles and has reinforced this through the environmental assessment which explores key ESD opportunities, including the preparation of a Travel Access Guide prior to the issuing of an Occupation Certificate. 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**.

### **3.8. 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. Public exhibition of the EA occurred from Wednesday 6 March 2013 and Friday 12 April 2013 (an extended period of 37 days) on the Department's website; at the Department of Planning and Infrastructure's Information Centre and at Strathfield Council. The Department advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on Wednesday 6 March 2013 and the St George and Sutherland Shire Leader on Wednesday 6 March 2013; and notified landholders and relevant State and local government authorities in writing.

The Department received 253 submissions during the exhibition of the EA, including 9 submissions from public authorities and 244 submissions from the general public. An additional 4 public authority submissions were received in response to the PPR / RtS. No submissions were received from the general public.

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

### 4.2. Public Authority Submissions

Nine submissions were received from public authorities in response to the EA and a further 4 submissions in response to the PPR and Response to Submissions. Key issues include:

Sutherland Shire Council	
EA	<p>Council does not object to the proposal but advised that:</p> <ul style="list-style-type: none"> <li>the proposal does not satisfy the vegetated riparian corridor Concept Plan requirement;</li> <li>the proposal lacks commitments to Water Sensitive Urban Design;</li> <li>the nature of the revegetation and landscaping within the buffer area lacks consistency with Swamp Oak Forest planting;</li> <li>the proposal fails to incorporate any Ecologically Sustainable Design measures in either the design or operational aspects of the development beyond basic measures;</li> <li>the frontage to Captain Cook Drive should be improved to achieve activation and provide a direct, safe and attractive entrance to the Club and retail area;</li> <li>the proposal should provide landscaping to the Woollooware Road North frontage;</li> <li>evacuation routes during flood events should be further reviewed;</li> <li>Council supports the waiving of the need for on-site detention;</li> <li>additional detail should be provided to address issues regarding the Gas Management Plan and validation criteria used in the Remediation Action Plan and how the Acid Sulfate Soils Management Plan addresses disposal of water;</li> <li>additional measures to improve Crime Prevention Through Environmental Design should be implemented;</li> <li>additional details be provided on the operation of the proposed shuttle bus service, including the linking of the service to rail time tables;</li> <li>the shuttle bus service should operate until such time as a public service is provided;</li> <li>a Green Travel Plan should be prepared and enacted by a condition of approval;</li> <li>further refinement is required of pedestrian connections to and through the proposal to other components of the overall Concept Plan site; and</li> <li>the proposal demonstrate compliance with accessibility provisions disabled access, additional amenities within the food court and additional accessible car spaces adjacent to the medical centre.</li> </ul> <p>Council recommends that in order to provide opportunities for better connections to the public domain and a better level of amenity and energy efficiency, a reduction to the number of car parking spaces should be considered. Council also states that parking on game days be restricted to the Proponent's parking area and that Council does not give permission for parking at Council's reserves.</p>
PPR	Council advised that key issues raised by Council have not been satisfactorily addressed.

<b>Transport for NSW</b>	
EA	<p>TfNSW requested further detail, including:</p> <ul style="list-style-type: none"> <li>• preparation of a draft Travel Access Guide;</li> <li>• hours of operation, frequency and routes for the proposed shuttle bus and demonstration of how bus patronage would be monitored;</li> <li>• demonstration of how the shuttle bus service and major event bus services would simultaneously operate having regard to the Stage 1 works; and</li> <li>• any impacts from the Stage 1 works upon regular / school bus services.</li> </ul> <p>TfNSW sought an increase to the width of the proposed indented bays along Captain Cook Drive and Woollooware Road and provision of adequate bus shelter facilities.</p> <p>TfNSW requested that the Proponent continue to liaise with TfNSW and advise of the developments progression in order for the provision of a public bus service in the future.</p>
<b>Roads and Maritime Services</b>	
EA	<p>RMS advised that approval is granted to three sets of traffic signals previously endorsed under the Concept Plan. RMS recommended a number of conditions should the proposal be approved, including that no Occupation Certificate shall be released until such time that the three proposed signalised intersections are fully constructed and operational.</p> <p>RMS also requested that the Game Day / Satellite Parking Management Plan be finalised in consultation with Sutherland Shire Council prior to the release of any Construction Certificate and that the proposed retail car park entry / exit on Woollooware Road North be restricted to left in / left out.</p>
<b>Office of Environment and Heritage</b>	
EA	<p>OEH raised concerns with the:</p> <ul style="list-style-type: none"> <li>• extent and techniques of the surveys within the Microbat Monitoring Report, however supports the mitigation measures proposed;</li> <li>• passive recreation use of the proposed vegetation buffer area and requested that the recreational uses be reduced and the upgrade of the mangrove boardwalk be considered;</li> <li>• planting within the area identified as 'Swamp Oak Floodplain Forest' and sought a more densely planted area containing suitable trees and shrubs; and</li> <li>• impact that construction and operational noise will have on the fauna habitat in the adjoining estuarine area.</li> </ul> <p>OEH recommends that the treatments proposed in the Noise Impact Assessment be included within the Noise Management Plan and that measures to reduce light spill be incorporated into a Lighting Management Plan.</p>
PPR	<p>OEH advised that comments requesting additional information / justification to the EA remain unresolved. OEH was also unclear if the PPR addressed whether OEH recommendations would be incorporated into any approval conditions or relevant management plans.</p>
<b>Department of Primary Industries – 'Fisheries' and 'NSW Office of Water'</b>	
EA	<p>Fisheries raised no objection in principle to the proposal, however requested that:</p> <ul style="list-style-type: none"> <li>• the Statement of Commitments be amended to formalise and strengthen the commitment to conduct measures to improve the aquatic habitat outcomes from the site; and</li> <li>• the foreshore boardwalk be set back from adjacent mangrove trees so that maintenance trimming of mangroves for safety purposes will not be required over time.</li> </ul> <p>Fisheries also requested the opportunity to comment on the design of the Environmentally Friendly Seawall once it has been prepared.</p> <p>NSW Office of Water advised that:</p> <ul style="list-style-type: none"> <li>• the proposed vegetated riparian buffer does not appear to comply with the requirements of the Concept Plan approval as the riparian area only forms a small part of the total riparian footprint and includes a number of recreational uses;</li> <li>• the maintenance of the bio swales needs further detail with reference to how these will be maintained, while not disturbing the functionality and composition of the vegetation;</li> <li>• further details are to be provided as to the potential adverse / beneficial impacts of relocating the existing overhead transmission lines to underground cables on the vegetated riparian buffer; and</li> <li>• the vegetation management plan is to be updated to include costings for the implementation of all components and stages of work and clarification regarding who will</li> </ul>

	be responsible for the ongoing monitoring and maintenance of the riparian area. DPI also advised that land adjacent to the north-eastern corner of Woollooware Road is Crown Land and that no part of the development is to encroach on this area without approval.
PPR	NSW Office of Water advised that: <ul style="list-style-type: none"> <li>the proposed vegetated riparian buffer still includes a number of recreational uses and is not adequately planted with Swamp Oak Floodplain Forest, including areas outside of the overhead transmission lines;</li> <li>further information should be provided on how the bio swales will be maintained to ensure that no impact occurs on the Swamp Oak Floodplain Forest vegetation; and</li> <li>the vegetation management plan should be amended to state that the future owner of the retail centre shall maintain the vegetated riparian corridor in perpetuity. Costings for the implementation of all components and stages of work are to be included in the VMP.</li> </ul> NSW Office of Water recommended conditions to address outstanding comments.
<b>NSW Police</b>	
EA	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.
<b>Ausgrid</b>	
EA	Ausgrid requested that the Proponent advise Ausgrid of any activity which may encroach on the easements and obtain written approval prior to commencement of works and compliance with statutory requirements of Ausgrid to be included in any approval.
<b>NSW Department of Education and Communities</b>	
EA	DE&C requested that flood waters as a result of the proposed roadworks adjacent to Captain Cook Drive be directed away from Woollooware High School. Other concerns were raised with the potential risk to student safety as a result of increased traffic and that measures be incorporated to protect the amenity of the School during construction. DE&C also requested that dilapidation reports be undertaken prior to commencement of construction.
<b>Sydney Water</b>	
EA	SW advised that as the Stage 1 development is consistent with the Concept Plan, SW comments remain the same to those previously provided regarding the capacity and extensions required to accommodate the development. SW requires the submission of a Section 73 Certificate to enable further assessment of the impact of the proposal.
PPR	SW raised no additional comments to that provided above.

### 4.3. Public Submissions

#### *Submissions to the EA*

A total of 244 public submissions were received (all objecting to the application). Key issues raised in public submissions objecting to the proposal are listed in **Table 2**.

Issue	Proportion of Objections (%)
Traffic impact from 4 sets of traffic signals	97%
Closing Captain Cook Drive on game day is unacceptable to local residents	96%
Woollooware Road traffic exceeds peak hour volumes now	95%
No approval for game day parking arrangements	95%
No replacement playing fields for junior rugby league club and other sports	96%
Contamination problems must be continuously advised to the public	96%
Development approval as a "Town Centre" permitting high rise was incorrect / misleading. Development should be rezoned to a low scale centre	62%

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



Other issues raised in the public submissions include:

- concerns associated with traffic impacts, pedestrian movements and emergency vehicle access during game day and from additional vehicles travelling to the centre;
- insufficient parking provided for game days and club, leisure facilities and staff;
- building is too high and excessive;
- lack of infrastructure;
- noise from construction and impacts upon adjoining wildlife;
- impact of the proposal upon local businesses;
- containment of Acid Sulphate Soils;
- environmental protection to wetlands and impact upon the biodiversity;
- lack of independent traffic study and consultation;
- misleading assessment of radiation caused by transmission lines;
- inadequate details regarding the provision of fire engineering system;
- impact on nearby bird colonies (Towra Point Nature Reserve);
- timed parking should be introduced to reduce private vehicle usage;
- open space on site inaccessible by public; and
- illuminated signage impacts amenity of surrounding residents.

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 all submissions in response to the exhibition of the EA. Key changes to the scheme are summarised in **Section 2.2**.

The Department is satisfied that the issues raised in submissions have been comprehensively addressed, either through this report or by the Proponent.

## 5. ASSESSMENT

The Department considers the key assessment issues are:

- consistency with the approved Concept Plan;
- traffic, transport, parking and servicing;
- natural environment impacts and management; and
- building form and design.

### 5.1. Consistency with the Approved Concept Plan

#### Building Envelope and Floor Space

The approved Concept Plan includes building envelopes and gross building areas / gross floor areas for the redevelopment of the overall Cronulla Sharks development. The proposals (as amended in PPR / RtS) compliance with the GBA and GFA requirements is provided below:

	Concept Plan Approval	Project Application	Complies
<b>Gross Building Area</b>	50,991m <sup>2</sup>	48,254m <sup>2</sup>	Yes
<b>Gross Floor Area</b>	26,495m <sup>2</sup>	26,473m <sup>2</sup>	Yes
<b>Outdoor Club Deck</b>	943m <sup>2</sup>	940m <sup>2</sup>	Yes
<b>Outdoor Retail Deck</b>	853m <sup>2</sup>	854m <sup>2</sup>	No

**Table 3: Comparison of Gross Floor Area and Gross Building Area between the Concept Plan and Project Application (as amended in PPR / RtS)**

The Department notes that the proposal is largely compliant with the Concept Plan, with the exception of a minor variation (of 1m<sup>2</sup>) to the outdoor retail deck, which is considered negligible.

Overall, the proposal is also considered to generally comply with the building envelope approved under the Concept Plan. It is noted however that 27 protrusions are proposed in 4 general areas being the Leagues Club and Retail Centre entrance, Captain Cook Drive frontage and building corner to Woollooware Road / Captain Cook Drive intersection, Leagues Club deck roof and the leisure centre and Level 2 dining areas (**Figure 8**).

The Proponent justifies these minor variations on the basis that the protrusions are a result of architectural treatments to the exterior of the building, such as blade walls along the Captain Cook Drive frontage; formal entrance areas providing additional cover to access the Club and retail facilities; a bus shelter and lift shafts.

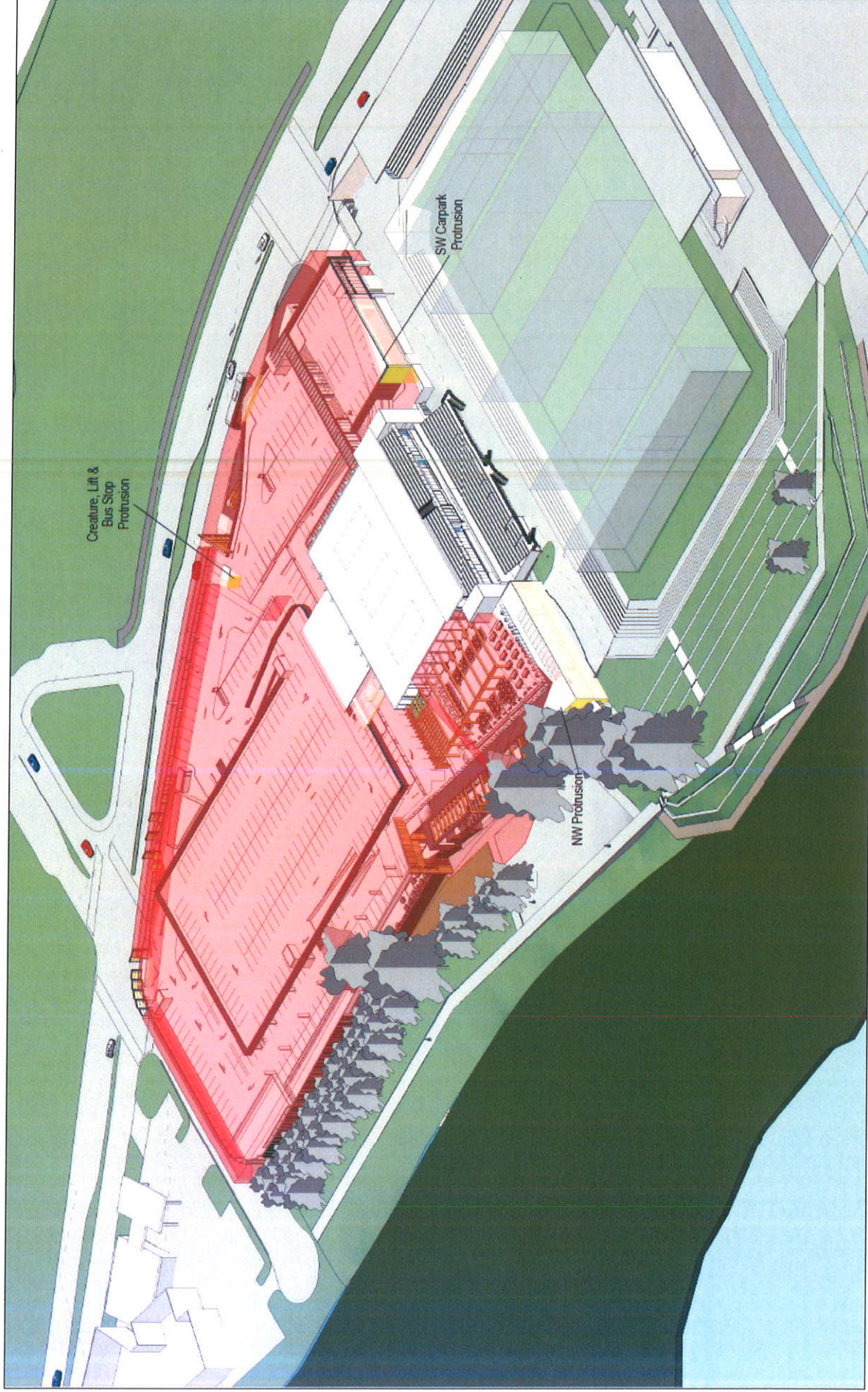
The Department notes that the majority of the variations are minor building articulation protrusions (less than 1 metre), which will have a no material impacts. Two elements of the proposed building that are more substantial are the northwest (leisure centre, restaurant and retail areas) and southwest (car park extension) protrusions. These elements are largely as a result of detailed design modifications. In this regard, the Department provides the following comments on these two elements:

- the northwest protrusion extends between 5 to 10 metres from the edge of the approved building envelope into the adjoining football stadium / grandstand area; and
- the southwest car park protrusion extends approximately 5 metres from the edge of the approved building envelope into the adjoining football stadium / grandstand area.

Despite the above variations to the approved building envelope, the Department notes that the GBA is 5% less than the maximum building area permitted under the Concept Plan. Also, the overall GFA and GBA is less than that approved under the Concept Plan. The variations are considered to be minor and do not impact upon the surrounding locality.

The Department raises no objections to the variations proposed.





**Figure 8:** Areas of protrusion from approved Building Envelope (Source: Proponent's additional information to PPR / RtS)



## Riparian Setback

The approved Concept Plan requires a vegetated riparian buffer corridor to be provided along the foreshore of the site with a minimum width of 40 metres, except for the eastern section of the building that accommodates the retail loading dock, where a minimum riparian buffer width of 35 metres is required.

The exhibited EA included structures such as landscaped terraces and seating areas within the corridor. These structures were included to create a passive recreation area linking with the pedestrian / cycle pathway along the foreshore (**Figure 11**).

Council and public authorities, including the Office of Environment and Heritage and NSW Department of Primary Industries, raised concerns with the use of the area for passive recreation, the number of structures and the extent of the area designated to contain Swamp Oak Floodplain Forest. It was requested that the number of structures be reduced, the Swamp Oak Floodplain Forest area be expanded and additional landscaping be included.

The PPR provides an amendment to the design of the riparian setback area (**Figure 12**) through the deletion of the landscaped seating terraces and timber deck benches, raising of the path to be a suspended structure and provision of additional landscaping (cross sections of the riparian area are provided in **Figures 9 and 10**). Landscaping proposed in this buffer area has been selected to be consistent with a desired riparian functionality and character of the foreshore setback, with the inclusion of native turf planting consistent with recent foreshore upgrades by Council.

A raised spill out deck is provided as an extension off the ground level for picnic tables and bike racks within the 40 metre corridor (identified as No. 4 in **Figures 11 and 12**), however this deck is considered acceptable as the encroachment is only 3 metres into the corridor and the deck provides an additional area of integration between the development and foreshore landscaping.

As part of its assessment, the Department has considered the Department of Primary Industries *'Guidelines for riparian corridors on waterfront land'* that provides information on what activities and works can occur within riparian corridors, which include cycleways and paths, stormwater outlet structures and essential services. In addition, the Department has considered *'Planning Circular 12-003 – Initiatives to improve housing supply'* which provides greater flexibility in urban design to allow a broader range of uses in riparian corridors including detention basins, cycleways, roads and recreational areas.

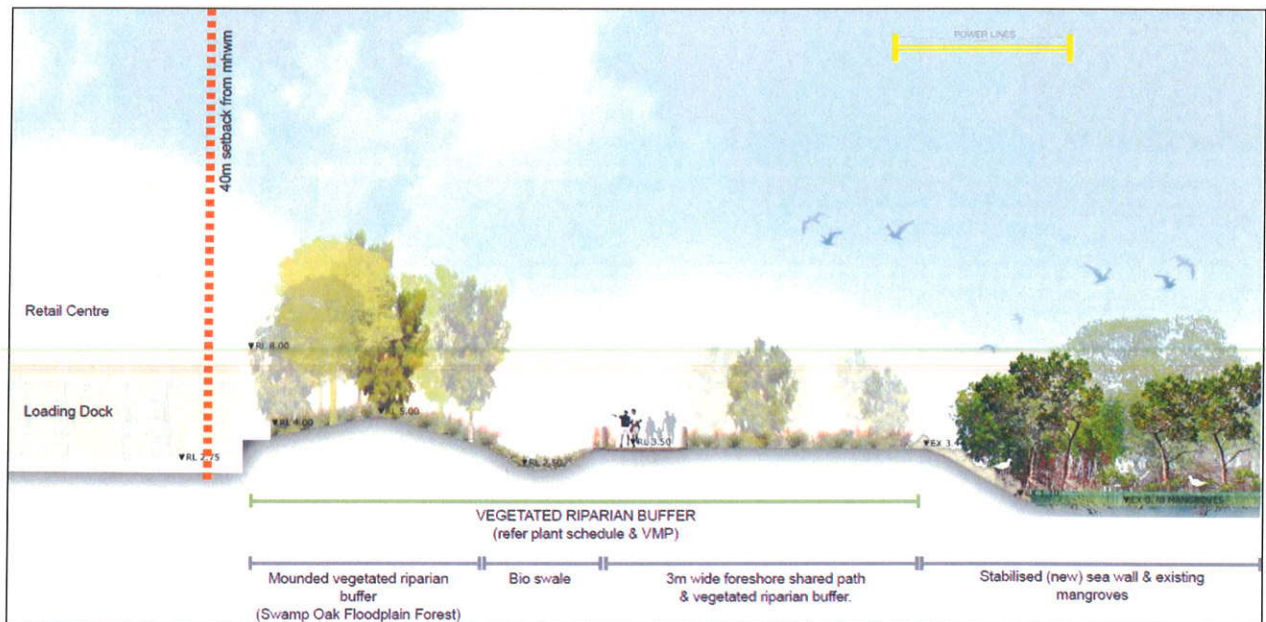
Noting the above guideline and planning circular, the Department is of the view that this area provides an important link between the foreshore and the retail building. The planting of vegetation suitable to the locality, while recognising the expected future pedestrian use of the area to access the stadium or to continue walking / cycling along the foreshore area to the east and west of the site, is a key factor in the functionality of this area. This is considered to meet the DPI guidelines and planning circular.

The Proponent's inclusion of native turf areas (consistent with other recent foreshore works undertaken by Council such as the Taren Point Shorebird Reserve) enables patrons to utilise the area, while recognising the environmental significance of the locality. The addition of a defined raised foreshore pathway ensures that pedestrians / cyclists do not intrude into areas of regeneration, while planting of species endemic of the Swamp Oak Floodplain Forest assists in recognising that this area is an important link between the building site and the foreshore area of Woollooware Bay.

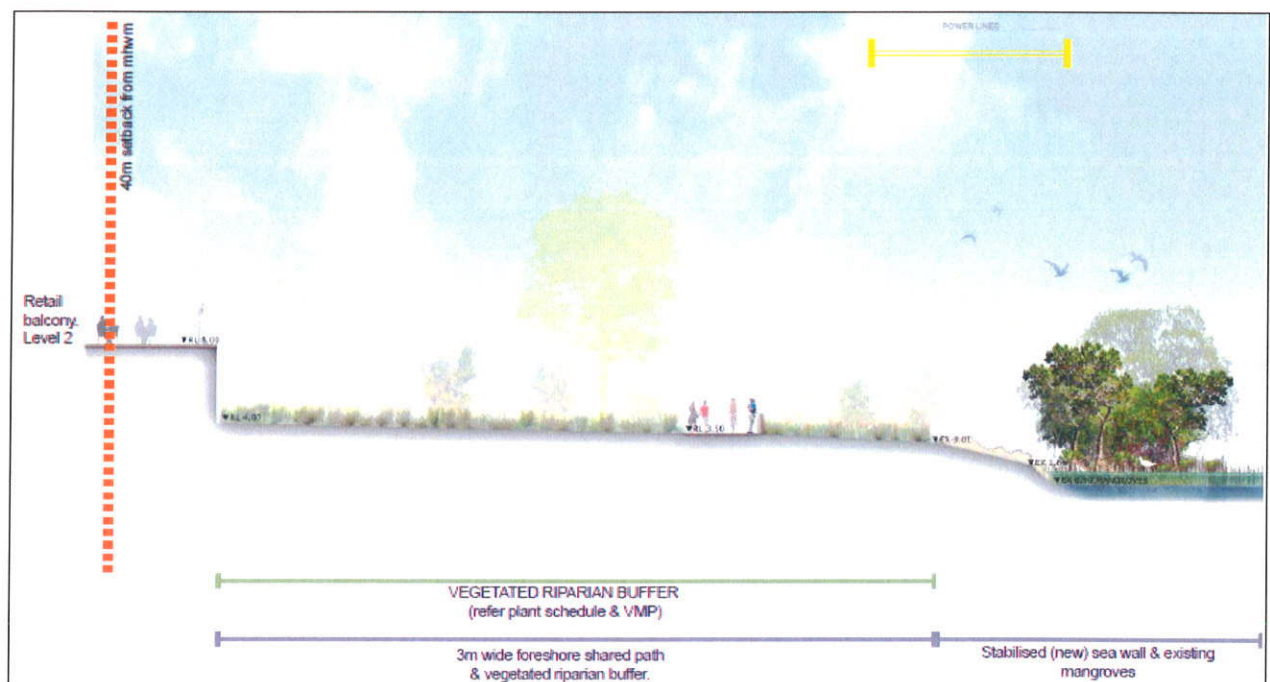
The Department however recommends that additional vegetation be provided to create a more dense vegetated area, consistent with the recommendations of the NSW Office of Water / Office of Environment and Heritage. The Department notes that all landscaping within the riparian buffer is selected to support the regeneration of this area, while maintaining natural surveillance

which will reduce the risk of crime activities. Condition No. C24 is recommended to address this issue.

Overall, the Department is of the view that the proposed riparian buffer meets the requirements of the Concept Plan and is supported, subject to the satisfaction of the recommended conditions. The structures and activation of the area will support the continued use of the boardwalk, leading to greater pedestrian usage which in turn improves the justification for the Concept Plan designs.



**Figure 9: Cross section of proposed riparian buffer corridor adjoining loading area (Source: Proponent's PPR)**



**Figure 10: Cross section of proposed riparian buffer corridor adjoining the Leagues Club area (Source: Proponent's PPR)**



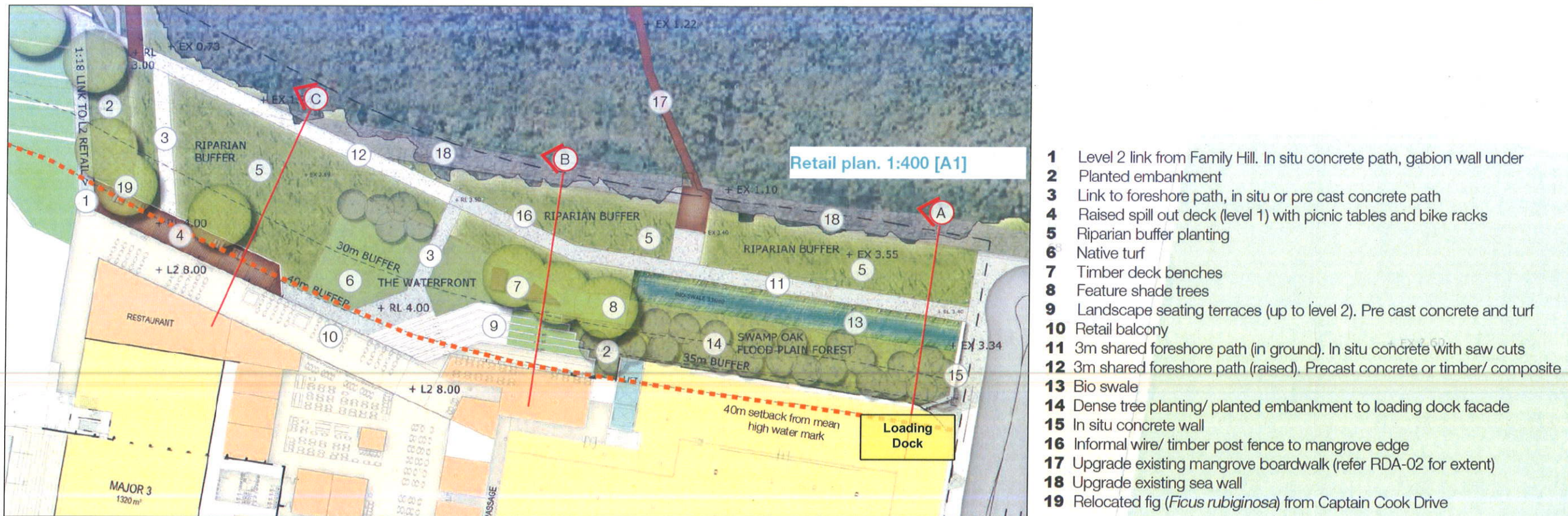


Figure 11: Originally proposed riparian buffer corridor to the north of the retail centre (Source: Proponent's EA)

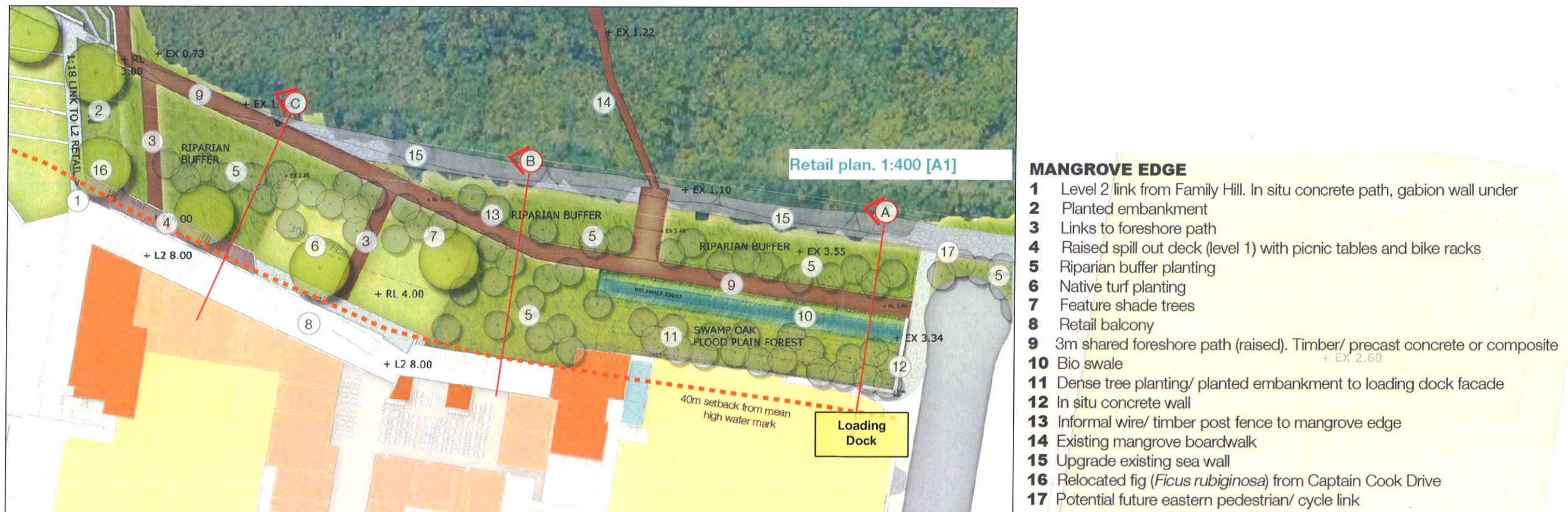


Figure 12: Proposed riparian buffer corridor to the north of the retail centre (Source: Proponent's PPR / RfS)



### Setback to Woollooware Road North

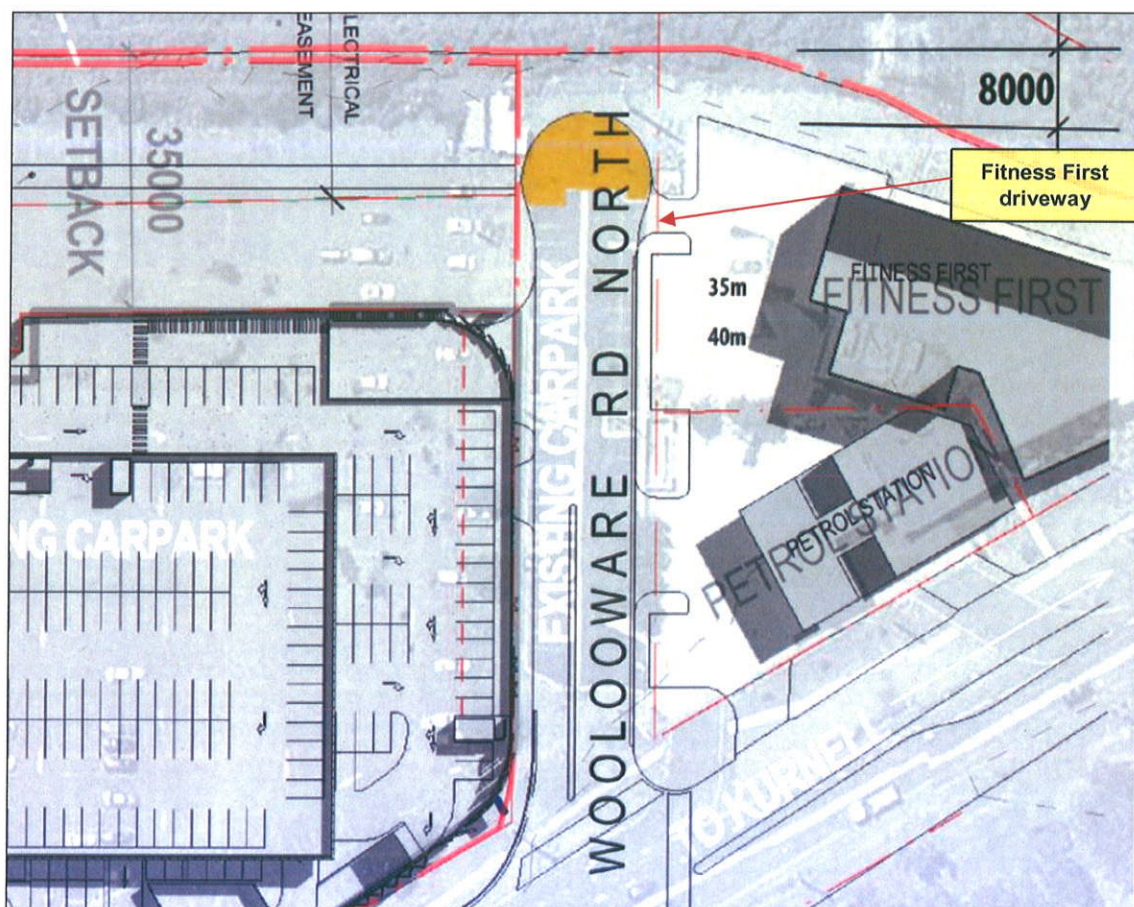
Council raised concerns that the Woollooware Road North extension provides a cul-de-sac only 5 metres from the Mean High Water Mark of Woollooware Bay.

In its consideration of the Concept Plan, the Planning Assessment Commission noted that the turning bay will need to be carefully designed and considered at the development application stage, to minimise, and if possible avoid, any intrusion into the 40 metre foreshore setback zone.

The Department notes that there is no strict requirement in the Concept Plan approval to maintain a 40 metre setback to the proposed roadway, however the Department agrees that the proposed design should consider foreshore setback issues noting the site's environmental sensitivities.

The PPR has increased this setback from 5 metres to 8 metres by reducing the length of Woollooware Road North. While the length of the proposed roadway extends the existing car parking area (shaded orange in **Figure 13**), the Department is of the view that the 8 metre setback will assist in enabling future revegetation of this area or the use by Council as a continuation of a footpath / cyclepath to join onto Captain Cook Drive. The extended roadway will comprise of similar kerb and guttering enabling stormwater to be collected prior to discharge into Woollooware Bay. It is also noted that the cul-de-sac is designed within the Council's road reserve and the proposed 8 metre setback is consistent with the adjoining setback provided between the foreshore and adjoining Fitness First building.

Noting the above, the Department does not raise concerns with the proposed setback of 8 metres to Woollooware Bay.



**Figure 13: Woollooware Road North extension illustrating additional land used compared to existing car parking area (Source: Proponent's PPR / RtS)**

## **5.2. Traffic, Transport, Parking and Servicing**

Issues relating to the impact of the development upon through traffic and on the local road network surrounding the site were a key consideration during the assessment of the Concept Plan. The provision by the Proponent of a shuttle bus service to assist in transferring people to and from the site, rather than driving, was a key matter in the assessment of the application.

Concerns raised by Council, public submissions and public authorities reiterated issues raised during the assessment of the Concept Plan, such as the traffic impacts as a result of the proposed roadworks, adequacy and certainty of the shuttle bus service and parking arrangements. As they relate to the current application, these issues are discussed below.

### **5.2.1. Traffic Impact**

The application seeks approval of the signalised intersections required to service the approved Concept Plan. This was considered in the Department's assessment of the Concept Plan, which the RMS gave in principle support for these works. RMS has confirmed support for the proposed signalised intersections, subject to conditions. The Department is satisfied, subject to compliance with the conditions required by the RMS that the Proponent has adequately addressed the Concept Plan approval.

The Concept Plan approval requires the Proponent to demonstrate that agreement has been reached with the RMS for the following:

- provision of access to the site off Captain Cook Drive;
- details of a pedestrian fence within the median along Captain Cook Drive, between Gannons Road and Woollooware Road; and
- provision of a shared pathway along the northern perimeter to provide a linkage between the existing shared path, by running along the mangroves, and the new access road feeding to the proposed signalised intersection of Captain Cook Drive and Woollooware Road.

To confirm that the Proponent has addressed the above, correspondence was provided in the EA demonstrating that RMS has granted "approval in principle" to the two proposed signalised intersections on Captain Cook Drive and associated works.

Issues raised by the public that traffic impacts would occur as a result of the construction of the centre and works along Captain Cook Drive were considered during the assessment of the Concept Plan. The Department maintains, as discussed in the Concept Plan assessment, that Captain Cook Drive is capable of supporting the proposal, with the proposed signalisation works likely to improve pedestrian access to the Leagues Club and stadium.

Notwithstanding the above, RMS has recommended that the median strip provided along Woollooware Road North be extended to an appropriate distance past the proposed driveway to eliminate right turn movements from the car parking area. The recommendation is based on the need to better manage any queuing toward the intersection at Captain Cook Drive from vehicles leaving the site.

The Proponent has not raised any objection to the RMS recommendation and suggested that a condition could be incorporated stating that the median strip be extended past the proposed driveway entrance, should the application be approved.

The Department however raises concerns with the median strip being extended further north along the roadway past the existing access driveway into the car parking area. With the implementation of the extended median strip, vehicles exiting the ground level car park would be required to turn left and travel past the proposed loading dock before then turning around at the cul-de-sac located to the northern extended of Woollooware Road North. Whilst it may be

quite infrequent, the Department considers that any conflict between cars and trucks manoeuvring into the loading dock should be avoided where possible.

The Department considers that an alternative option should be considered such as egress gates being operated within the ground level car parking area, which would then control the number of vehicles exiting the site into the proposed roadway to ensure queuing is minimised. Condition No. C1 is recommended to address this issue which is considered to be appropriate to control queuing on Woollooware Road North.

RMS has also requested that no Occupation Certificate be released until such time that the three proposed signalised intersections are fully constructed and operational. The Proponent in the PPR / RtS has requested that any approval be structured in a way as to permit the issuing of an Occupation Certificate for the Retail / Club Precinct prior to the construction of the Residential precinct traffic signals, with the residential traffic signals being provided prior to the occupation of the first residential dwelling.

The Department considers that the request to modify the timing of the construction of the signalised intersection is appropriate and will reduce the impact upon the operation of Captain Cook Drive. Condition No. F12 is recommended to address the timing of the construction of the signalised intersections.

### **5.2.2. Parking**

#### *On-site Parking*

The Concept Plan requires a minimum of 770 car parking spaces to be provided for the proposal. The proposal includes the provision of 770 spaces at ground level and on the roof levels.

Concerns have been raised in public submissions that the level of parking for the application will not cater for the Club patrons or the retail customers despite the supporting traffic report provided by the Proponent, while other concerns raised issue that no dedicated parking for staff of the Club or retail area has been provided.

Council's submission recommends however that a reduction to the overall parking be considered (particularly at the ground level) in order to achieve greater connection of the proposal to the public domain and a better level of amenity and energy efficiency. This concern largely relates to the design of the building and the lack of activation along the ground level frontage to Captain Cook Drive and Woollooware Road North (this is discussed in **Section 5.4**).

The Department notes that the concerns raised by the public relate to the car parking assessment undertaken by the Proponent's traffic consultant, McLaren Traffic Engineering. McLaren's assessment notes that based on the peak demands of the Retail / Club precinct, only 545 car parking spaces would need to be provided. This is despite the fact that the Project Application proposes to provide 770 parking spaces.

Noting the comments to the EA, the Proponent advises that a minimum of 50 spaces for Club staff will be provided on the Level 4 car parking area.

The Department notes that it is proposed to provide 770 spaces, which is in accordance with the Concept Plan requirement. With the provision of 50 car spaces as allocated staff parking (as required by recommended Condition No. F14), the Department is of the opinion that the issues raised by the public have been addressed and the proposed patron and staff parking is acceptable.



### *Peak Event / Game Day Parking*

Public submissions raised concerns that no approval has been granted by Council for game day parking at Wanda / North Cronulla car parks and that parking restrictions within adjoining residential streets should be considered during game days to ensure the shuttle bus service is utilised. Council also states that parking on game days should be restricted to the Proponent's parking area and that Council does not give approval for parking at Council's reserves.

The Concept Plan approval requires the submission of a Peak Event Parking Management Plan (PEPM Plan) (a revised version to that provided during the assessment of the Concept Plan) as part of this application. The Concept Plan also requires that the Plan be endorsed prior to an application for the residential redevelopment of the western car park and football fields. This will be considered by Council.

It is noted that a Game Day / Satellite Parking Plan prepared by the Proponent's traffic consultant, McLaren Traffic Engineering, in 1998 is still in force.

Parking on game days, as a result of the approval of the Concept Plan is an important factor in ensuring that the impact upon the local road network and the residential neighbouring is minimised. Potential parking areas during game days were identified under the PEPM Plan which was submitted for information and further discussion between the Proponent and Council.

Issues such as parking restrictions during game days will need to be considered by Council's Local Traffic Committee. During consideration of and endorsement of the PEPM Plan, this matter can be further investigated by the Local Area Traffic Committee and Council.

Notwithstanding the above, the Department notes that the Proponent proposes to retain a minimum of 100 car parking spaces (compared to the existing 532 spaces) for patrons of the Leagues Club during construction of the proposal. The loss of 432 spaces during construction will particularly be felt during peak events such as game days.

It is considered that without a PEPM Plan endorsed by relevant authorities in place which provides for satellite parking and shuttle buses to operate between the site and these parking areas, the amenity of the residential properties within walking distance of the site may be affected.

To assist in limiting the impact of the loss of these car parking spaces, the Department recommends that the PEPM Plan be endorsed prior to the commencement of works. Condition No. C22 is recommended to adopt this timing which will address the provision of off-site parking opportunities during peak events.

### **5.2.3. Shuttle Bus Service**

The approved Concept Plan requires each application to demonstrate that necessary arrangements have been made in order to secure the ongoing bus service between the site and nearby railway stations.

Preliminary details regarding the operation of a shuttle bus service were considered during the Concept Plan, with the shuttle bus to commence from the occupation of the retail centre or the first residential unit. The shuttle bus service was proposed to operate until a public bus service is provided to the site.

The EA includes correspondence from the Cronulla Sharks Leagues Club confirming that as the land owner, the Leagues Club will be responsible for all arrangements for the provision and operation of the service, including funding. The service is to be operated between the hours of 7.00am to 9.00pm, 7 days a week with set down / pick up points at Woolooware Station, Caringbah Station, the Retail / Leagues Club and residential portions of the Concept Plan site.

It is expected that the number of buses provided will be continually reviewed, depending on patronage.

Additional information regarding the operation of the shuttle bus service was requested from public authorities and Council requested that the shuttle bus be permanently provided which should also link to the rail timetable.

In response to these issues, the Proponent has confirmed that:

- the shuttle bus is to operate via Caringbah, in addition to Woollooware Station;
- the shuttle bus is to be operated independently by the Leagues Club with a capacity of 22 people per bus;
- the Proponent will liaise with Transport for NSW and Council to advise of the specific route and pick-up / drop-off points at Woollooware Station and Caringbah Station; and
- the shuttle bus is to operate a minimum of 2 services per hour with the timetables for the service to be displayed and communicated to patrons of the town centre. The timetables are also proposed to be coordinated with train timetables.

The Department considers that the arrangements proposed by the Proponent are acceptable and meet the requirements of the Concept Plan.

Despite Council's request that the service be operated permanently, the arrangements proposed are considered to be consistent with the shuttle bus service considered acceptable as part of the Concept Plan assessment. A Statement of Commitment is provided that states the service will commence upon issue of an Occupation Certificate and conclude upon the commencement of the first timetabled public services via the site. Ongoing discussion with Transport for NSW will need to be undertaken in order to provide the necessary information to support a public service past the site.

The number of shuttle buses and operating times will be further considered prior to operation. In this regard, the Department has included Condition No. F2 which requires the final details to be provided to Council and the Department for information prior to the service commencing. Once Transport for NSW has agreed that a public bus service will be provided via the site, additional notice is to be provided to Council and the Department.

#### **5.2.4. Loading Dock**

Two loading dock areas are provided to service the proposed development. One principally for the Club, which is accessed through a new signalised intersection off Captain Cook Drive toward the western end of the site. The second serves the retail centre and is accessed via Woollooware Road North at the eastern end of the site.

Council raised concerns with the location of the Club loading dock area and sought modifications to improve pedestrian movement across the Captain Cook Drive frontage. The Department has also reviewed the width of the retail loading dock and its operation and provides comments below.

The Department notes that the loading dock servicing the Club is provided via a new signalised intersection that will control pedestrian movement across the intersection. During game operations, further restrictions on the use of the loading dock will be in place, which will further reduce any conflicts between pedestrians and delivery movements. The Department therefore does not raise any concerns with the Club loading dock.

The narrow design of the retail loading dock has resulted in delivery vehicles needing to reverse into the loading dock off Woollooware Road North (**Figure 15**), rather than enter in a forward direction and manoeuvre within the loading dock as originally proposed within the Concept Plan EA. The Department acknowledges that the length of Woollooware Road North has also been

designed to enable delivery vehicles to manoeuvre into and out of the loading dock area, while maintaining access to the Fitness First building on the opposite side of Woollooware Road North (Figure 14).

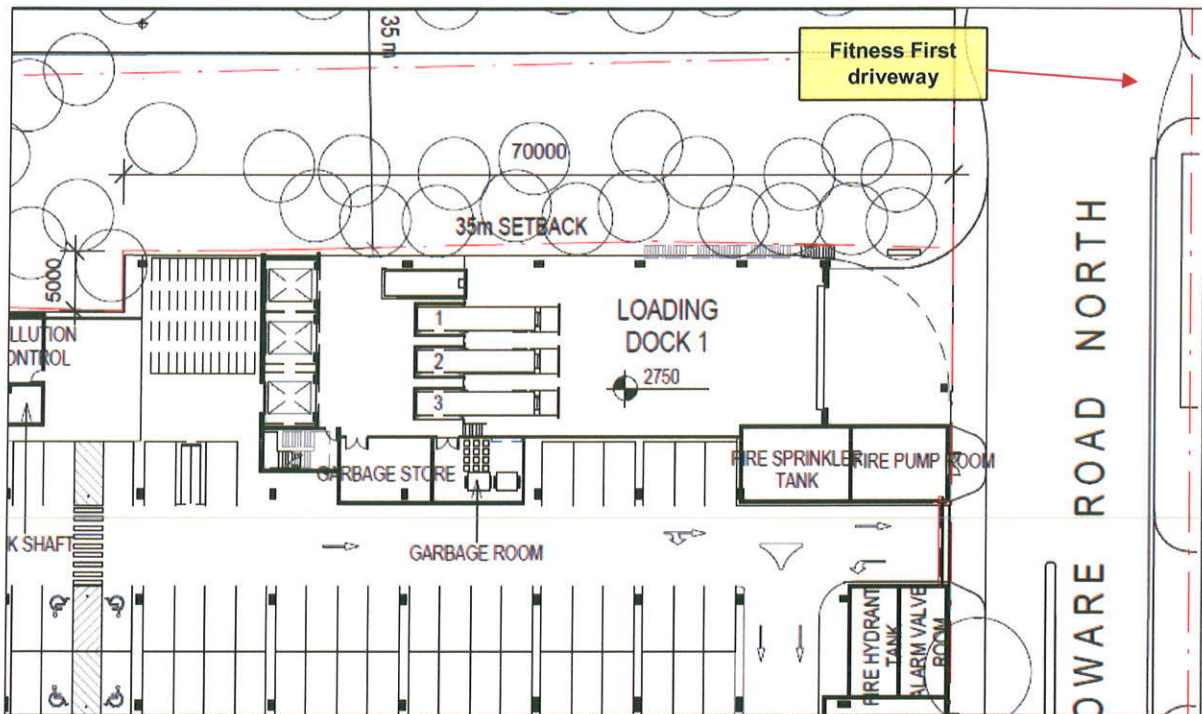


Figure 14: Loading dock servicing the retail centre (Source: Proponent's PPR / RtS)

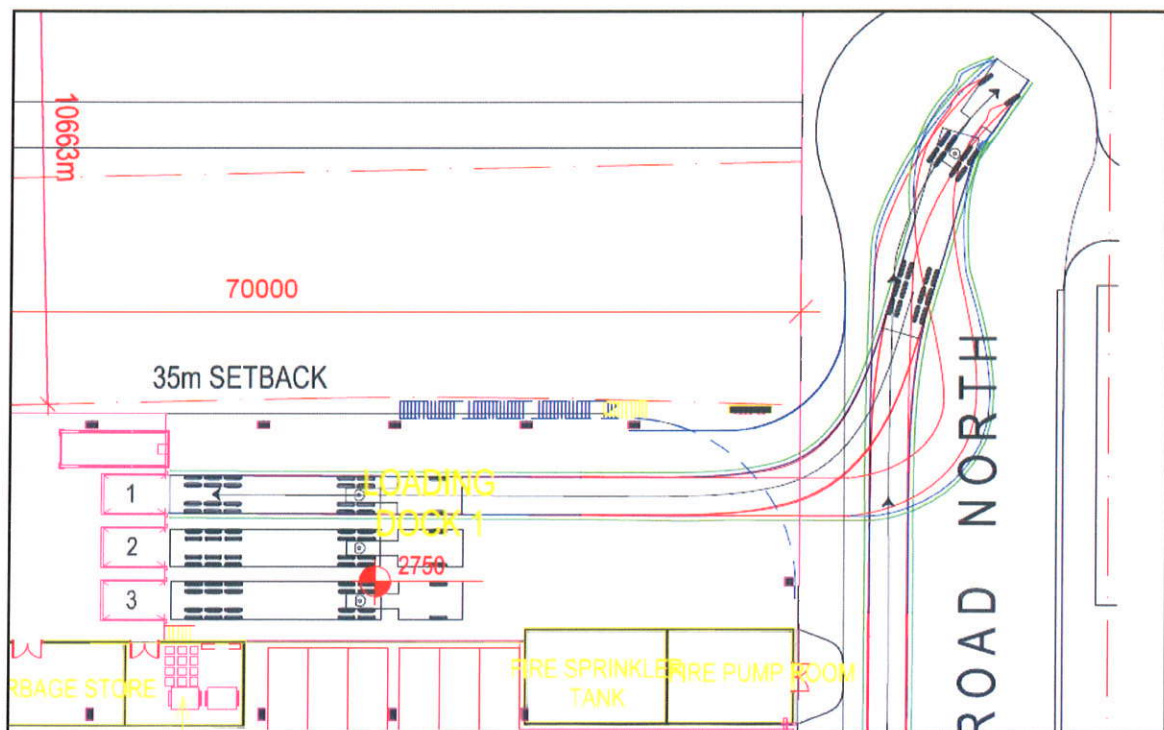


Figure 15: Turning area of a 19 metre semi-articulated vehicle into loading dock (Source: Proponent's PPR / RtS)

To assist in the operation of the loading docks, the proposal provides that a Loading Dock Management Plan be prepared in consultation with centre management and key retail tenants prior to occupation of the centre. This plan is proposed to establish management procedures



for loading dock supervision, signage, delivery times, frequencies, truck sizes, waste collection and vehicle movements.

The Department supports the introduction of this plan as its implementation will manage potential conflict between delivery vehicles and car park uses. Times of operation of the loading dock to ensure that delivery vehicles are predominantly contained outside peak shopping times will be a key factor to be addressed. Condition No. F13 is therefore recommended requesting that the Loading Dock Management Plan be prepared and submitted to the Director-General for approval prior to the first occupation certificate being issued.

### **5.3. Natural Environmental Impacts and Management**

Issues relating to natural environmental impacts and management were considered during the assessment of the Concept Plan. Future assessment requirements were included within the Concept Plan approval requiring additional details to be provided to ensure that the proposed development responds to flooding / stormwater management sensitivities and also that it would not negatively impact upon the flora and fauna of Woollooware Bay.

Comments were received from Council, state authorities and the public raising issues with the proposal which are considered below.

#### **5.3.1. Flora and Fauna**

Concerns were raised by the Office of Environment and Heritage (OEH) that surveys supporting the proposal were inadequate and that construction and operational noise will impact the fauna habitat in the adjoining estuarine area.

During its assessment of the Concept Plan application, the Department noted this same concern raised by OEH, however has accepted that this level of survey information provided by the Proponent was adequate.

As a result of its assessment, the Department recommended Future Assessment Requirements within the Concept Plan approval requiring the submission of management plans (including plans relating to stormwater, noise, lighting and birds) to ensure that the impacts of the proposal upon the adjoining fauna habitat are appropriately managed. The Proponent has submitted management plans in accordance with the Future Assessment Requirements in the EA.

OEH's submission also raises concerns with these management plans and recommends that the suggested mechanical plant acoustic treatments proposed in the Noise Impact Assessment be included within the Noise Management Plan and that measures to reduce light spill be incorporated into a Lighting Management Plan.

The Proponent acknowledges the concerns raised in relation to the plans and has advised that the recommendations and mitigation measures as requested by OEH have been incorporated in the PPR and revised Statement of Commitments.

The Department notes that the Commitments acknowledge that the recommendations and mitigation measures provided in supporting reports are to be included in the final design of the proposal. The management plans are then to be provided to the Private Certifying Authority prior to the issue of a Construction Certificate.

Noting the comments from OEH and the Proponent's Commitments, the Department is of the view that the amended management plans should be provided to the Department prior to the commencement of construction to ensure that the Plans accurately reflect the OEH's submission.

With the inclusion of the proposed Commitments and the Department's recommended Condition No. C23, the Department is of the opinion that the issues raised by OEHL have been satisfactorily addressed and this aspect of the application is acceptable.

### 5.3.2. Flooding / Stormwater Management

#### *Flooding*

Concerns were raised from NSW Education and Communities (NSW E&C) that the proposed road works at the intersection of Woollooware Road and Captain Cook Drive would result in increased flooding onto Woollooware High School. In addition, Council requested that the flood response plan be revised five years after construction has been completed.

The Proponent has addressed the issue raised by NSW E&C by reviewing the proposed road design and drainage infrastructure. **Table 4** below provides a comparison between the pre and post development flood levels which illustrates that levels as a result of 20 and 100 year Average Recurrence Interval events will improve and only the Probable Maximum Flood level is marginally greater under the PPR / RtS design.

	Pre-Development	Exhibited EAR	Preferred Project
<b>20 year ARI event</b>	1.65 AHD	1.68 AHD	1.64 AHD
<b>100 year ARI event</b>	1.74 AHD	1.77 AHD	1.69 AHD
<b>PMF event</b>	2.31 AHD	2.42 AHD	2.40 AHD

**Table 4: Pre and Post Development flood levels at Woollooware High School (Source: Proponent's PPR / RtS)**

As shown, flooding at Woollooware High School is predominantly improved, with the exception of the PMF event, which will have a raised level of 9cm or 0.4%. The Proponent considers that this is acceptable on the basis that the PMF event will not be significant in light of widespread existing flooding across the school grounds.

As a result of the above and that only the PMF event will increase flooding onto the Woollooware High School, the Department does not have any residual concerns with the proposed road layout and the subsequent impact this has on flooding within the immediate locality of the site. During the PMF event, the Department notes that the majority of the surrounding area will be under flood conditions, including the football stadium, the adjoining golf course and Captain Cook Drive. In these events, it is considered that the area will be evacuated prior to reaching the expected PMF event and therefore there will be no students in attendance at Woollooware High School.

A condition is proposed to address Council's request that the flood response plan be updated five years after construction has been completed (Condition No. C9). The Proponent has also advised that the centre management for the retail centre will engage with the State Emergency Service and other emergency services to review the flood management plan on a regular basis.

#### *Stormwater and Sea Level Rise*

Concerns were raised in public submissions that stormwater from the site has the potential to impact upon the adjoining aquatic reserve and queried whether sea level rise impacts have been considered in the design of the proposal.

The Proponent has confirmed that flood modelling and infrastructure design associated with the application have taken into account the relevant *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

The Department acknowledges that stormwater management from the site and the quality of water discharged into Council's stormwater systems prior to entering Woollooware Bay is a

important consideration of this application. Due to the sensitivity of the adjoining Woollooware Bay, any increase in pollutants or untreated run-off could negatively impact the existing wildlife, water quality and operators that utilise Woollooware Bay.

The Proponent's inclusion of stormwater measures such as provision of a bio-swale to the northern side of the loading dock, rain water tanks, gross pollutant traps and trash racks has the potential to greatly improve stormwater management when compared to the existing arrangements.

The Department notes that Council's submission to the EA does not raise concerns with the proposed stormwater strategy for the development and confirms that on-site detention requirements are waived for this proposal given the proximity to the waterway.

Conditions are however recommended (Condition No. C9) to implement the measures proposed (as identified above) within the Proponent's Retail Civil Infrastructure Report to ensure that water quality is acceptable for discharge into Woollooware Bay. With the implementation of these measures, the Department is satisfied that stormwater from the site will be adequately managed to acceptable levels.

### **5.3.3. Contamination**

Comments were received from the public requesting that should any contamination be found on the site that the public be made aware. Council also raised concern with the Gas Management Plan, the validation criteria used in the Remediation Action Plan (RAP) and how the Acid Sulfate Soils Management Plan addresses disposal of water.

The site's previous use as a Council tip site reinforces the need to ensure that measures proposed to develop the site are considered in detail to ensure that the site is suitable for its intended use and that no impact occurs on the adjoining environment. As the proposal does not include basement car parking areas and subsequent excavation, the potential for disturbance of materials is minimal.

The Proponent has responded to the above issues by reiterating the Site Auditor's Interim Advice that states that the proposed remediation of the Site is appropriate and feasible and will render the Site suitable for the proposed landuse at the conclusion of those remediation works. The Site Auditor further states that the Gas Management Plan will be reviewed and agreed upon in order for the Site Audit to be completed.

In addition, the Proponent advises that resolution of gas management measures is reliant on detailed design of the building footings and structure, which are to be resolved prior to issue of a Construction Certificate. The RAP is to be endorsed through the preparation of the Site Audit Report and Site Audit Statement by an EPA Accredited Site Auditor.

The Proponent has also confirmed that the details of site remediation and contamination will be communicated to the public in accordance with the requirements of the *Contaminated Land Management Act 1997*.

The Department notes that as the RAP is to be endorsed by an EPA Accredited Site Auditor, a level of certainty is provided that remediation of the site and if necessary, treatment of material found to contain contaminants (whether treatment occurs on the site or at an approved off-site facility) will be carried in accordance with the relevant requirements to ensure that no negative impacts will occur on the adjoining sensitive environment.

A Gas Management Plan and Acid Sulphate Soil Management Plan are provided within the EA and form part of the RAP, which as noted will be endorsed by an EPA Accredited Site Auditor prior to works commencing on the site.



Conditions are recommended to ensure the implementation of the RAP throughout the construction (Condition No. B1). In addition, a copy of the Site Auditor's endorsement of the RAP is to be provided to the Department, Council and relevant authorities prior to work commencing on the site.

## **5.4. Building Form and Design**

### *Exterior Building Design*

The approved Concept Plan requires future applications to demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes.

Concerns were raised by Council that the design of the proposal does not achieve a degree of connectivity that would successfully activate the frontages of Captain Cook Drive, Woollooware Road North and the riparian zone.

The Department notes that the ground level car parking was approved as part of the Concept Plan. This was largely a result of the environmental constraints presented by the site contamination, limiting any ability to feasibly provide basement parking.

The Proponent acknowledges that activation of the Captain Cook Drive and Woollooware Road is an important issue and has proposed modifications to the ground level of the building. These modifications principally include the provision of 2 retail shops in replace of mechanical plant rooms and further consideration of landscaping and building articulation to encourage an improved public domain.

The additional measures proposed along this frontage also improve activation, including:

- modified entrance locations to the Leagues Club and medical centre / retail centre;
- provision of seating areas against the building façade; and
- improved bus shelter structures with materials integrated with the retail centre.

The Department is of the view that the modifications proposed to the frontage along Captain Cook Drive have improved the activation of this area from that originally exhibited. The introduction of 2 retail shops along this frontage has the potential to increase activity along this area independently of the retail facilities located within the centre.

The footpath along Captain Cook Drive is also considered to enable improved access to the adjoining football stadium during game days, while also providing an area inviting pedestrians / cyclists into the retail centre. The future use of the retail spaces at this entrance point will largely determine the effectiveness of attracting customers into the centre, however given the proximity to the bus stop, it is considered that this locality will be highly utilised.

The Woollooware Road North frontage, a key element for pedestrians and vehicles travelling west along Captain Cook Drive, is improved through the introduction of landscaping, a corner retail shop and round edges at the Captain Cook Drive and Woollooware Road intersection. Building elements along the eastern and northern elevation integrate the building with the foreshore area, with the provision of timber battens providing a visual link between the building and foreshore paths. Signage is also provided to indicate the location of the car park entrance and loading dock areas.



**Figure 16: Proposed street entry to Leagues Club (Source: Proponent's PPR / RtS)**



**Figure 17: Proposed treatment to corner of Woollooware Road / Captain Cook Drive, including a new shop (Source: Proponent's PPR / RtS)**

### *Crime Prevention*

Concerns have been raised by Council that the isolation of the site and the elevation of active uses above ground have implications in terms of crime prevention. Council recommended that the frontages of the site be activated and requested details on a number of different crime prevention measures (such as access control measures, CCTV locations, employment requirements and modifications to toilet facility locations).

Comments were also provided by the NSW Police (Miranda Local Area Command) which suggested treatment options to be included within the proposal, including treatments to improve surveillance, access control and territorial reinforcement of the site. Other comments were also received on the residential development, which does not form part of this application.

A Crime Prevention Through Environmental Design (CPTED) assessment was carried out by the Proponent that reviewed the site, the locality and the design of the proposed retail centre. This assessment concluded that the crime risk assessment rating of the proposal is 'Low'. Recommendations to improve the safety and security of the development are provided, which the Department has adopted in recommended Condition No. C21.

The Proponent has responded to the NSW Police and Council's comments by:

- activating the Captain Cook Drive frontage through the addition of 2 new retail shops;
- ensuring that prior to occupation of the retail centre all security measures will be resolved with details being communicated to the NSW Police Local Area Command;
- demonstrating that both loading docks will be able to be closed off with secure roller shutters / grilles to enable control of the spaces; and
- providing 2 sets of toilet facilities within the retail floor area.

The Department is of the opinion that CPTED measures have been appropriately considered during the design considerations of the proposal. This is further enhanced through the inclusion of 2 new retail shops along the Captain Cook Drive frontage and with the proposed access control measures. Through the implementation of conditions supporting comments from the NSW Police and Council, the Department is satisfied that the potential for crime to occur at the site is minimised.

## **5.5. Other**

### *Transmission Lines*

The northern portion of the site includes electricity transmission lines (132kV) located within an easement approximately 35 metres wide that runs east to west. A concern was raised by the public that the Proponent has not satisfactorily considered the impacts of electromagnetic radiation.

The Proponent has responded to this matter in the PPR / RfS by advising that phase reversal of the high voltage power lines is required for the northern most residential building only (to be provided as part of a future stage) and that the Electromagnetic Radiation report submitted with the Concept Plan application found that no protection measures were required for the retail / centre building.

During its assessment of the Concept Plan application, the Department noted this same concern raised by the public, however has accepted that the information provided by the Proponent was adequate.

Ausgrid also requested that prior to any commencement of works that encroach on the easements, written approval be received from Ausgrid. Ausgrid acknowledged that detailed discussions are currently being held with the Proponent regarding statutory requirements relevant to the development. The Proponent notes that it will need to continue to liaise with Ausgrid before, during and after construction.



A condition is recommended to ensure that statutory requirements of Ausgrid are complied with (Condition No. C8).

### *Signage*

Concerns were raised by the public that the proposed signage is inappropriate and that if illuminated the signs will impact upon residents along Woollooware Road.

The Proponent has proposed numerous signage locations on the buildings and requests approval of a Signage Strategy. The Department considers that it is more appropriate for Council to assess the details of each of the proposed signage locations on their merits. The appropriateness of the details of the signs, including signage type, dimensions and any illumination, will form part of Council's assessment of these applications which will address the concerns raised in submissions.

Condition No. A7 is recommended that confirms no approval is granted for the proposed advertising and business identification signage under this application. Approval for signage is to be obtained through future development applications lodged with Council, except where they are considered to be exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## 6. CONCLUSION

The Department is satisfied that the Project Application is generally consistent with the approved Concept Plan. Also, the Department considers that the proposal's integration of the retail centre with the existing Leagues Club, which is to undergo refurbishment as part of this proposal, is considered to have been adequately addressed through the provision of separate entrances off Captain Cook Drive while designing the development having regard to the sites constraints and environmental sensitivities.

The key issues considered in the assessment of the proposal relate to:

- consistency of the proposal with the approved Concept Plan;
- traffic, transport, parking and servicing of the proposal;
- natural environment impacts and management; and
- and the building form and design

The proposal provides the first stage of the Woollooware Bay Town Centre development as approved under the Concept Plan. The Retail / Club Precinct proposal will provide much needed retail floor space in the locality, while recognising the importance of the adjoining Woollooware Bay. With the inclusion of a riparian buffer area along the northern façade of the building and stormwater management measures to contain water prior to discharge into Woollooware Bay, the proposal greatly improves the existing situation where stormwater can flow off the bitumen car park and into Woollooware Bay without any treatment.

Further, the Department considers the proposed development to be a positive urban design response having regard to the opportunities and constraints of the site.

The future use and fit out of the retail tenancies will be subject to the future Part 4 Development Applications to Sutherland Shire Council. Appropriate management of the proposed tenancies will be determined by Sutherland Shire Council through the assessment of those development applications.

The Department considers that the proposal is in the public interest, and therefore the Department recommends that the Project Application be approved, subject to the recommended conditions of approval and the Proponent's Statement of Commitments.

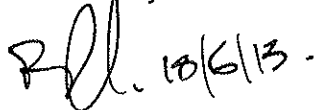
## 7. RECOMMENDATION

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


- note** the information provided in this report and the recommendations of this report;
- approve** the Major Project Application, subject to conditions; and
- sign** the attached Instrument of Approval (**Appendix E**).

Prepared by: Mark Brown  
Senior Planner, Metropolitan & Regional Projects South

Endorsed by:



Ben Lusher  
**A / Director**  
**Metropolitan & Regional Projects South**



19.6.13

Chris Wilson  
**Executive Director**  
**Development Assessment Systems**  
**& Approvals**

## **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=4486](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4486)



## **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=4486](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4486)

## **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=4486](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4486)

## 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 will provide retail facilities for the community and will enable users of the site to make sustainable travel choices (with the provision of a shuttle bus service to nearby train stations) which will protect the environment for future generations.
- **Biodiversity Principle** – there is no threat of serious or irreversible natural environmental damage as a result of the proposal. The proposal adjoins an area of high natural environmental sensitivity, however the proposal includes plans to minimise any impact upon Woollooware Bay, which will be recommended to be applied to ensure works are carried out in accordance with the reports recommendations.
- **Valuation Principle** – the proposal seeks to include retail uses within the development, therefore maximising the sites location and lack of constraints. The proposal will provide an improved environment to that currently available.

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:

Section 75I(2) criteria	Response
Copy of the Proponent's environmental assessment and any preferred project report;	The Proponent's EA and PPR / RtS 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 set out in <b>Section 4</b> of this report.



Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project;	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.
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;	An assessment of the development against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate; and	The environmental assessment of the project application is this report in its entirety.
A <b>statement of compliance</b> with the environmental assessment requirements under this Division with respect to the project.	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 proposal is in the public interest as it will provide much needed retail facilities to the locality consistent with the approved Concept Plan.
The suitability of the site for the project; and	The suitability of the site is discussed in <b>Section 5</b> .
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 appears at <b>Appendices C</b> . 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 55 - Remediation of Land;
- State Environmental Planning Policy No. 62 – Sustainable Aquaculture
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- 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, on 27 August 2012, the Planning Assessment Commission as delegate of the Minister for Planning and Infrastructure approved a Concept Plan for the project. The Concept Plan approval required the submission of this Project Application under Part 3A of the *Environmental Planning and Assessment Act* (EP&A Act). Therefore the Minister is the approval authority.

Part 3A of the 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 in respect of 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 disprove of the carrying out of the project under Section 75J of the EP&A Act.

#### **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** of this report.

#### **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. DLA Environmental undertook a Phase 2 Detailed Environmental Site Assessment which states that any future development of the site will require the issues of methane gas, acid sulphate soils and asbestos to be addressed. A Remediation Action Plan has also been prepared to address these matters, with conditions recommended that require the implementation of the RAP's recommendations prior to and during construction.

#### **State Environmental Planning Policy 62 – Sustainable Aquaculture**

SEPP 62 requires a consent authority to consider whether the development may have an adverse effect on any oyster aquaculture development or a priority aquaculture area. The central portions of Woollooware Bay contain priority oyster aquaculture areas. As a result, the Department forwarded the application to the Department of Primary Industries (DPI) for comment. Comments received from DPI are detailed in **Section 4.2** raising no objections to the proposed works. The Department is also of the view that the proposal includes required measures to ensure that the impact of the proposal upon the adjoining waterway is minimised.

#### **Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

The *Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment* (GMREP 2) includes a number of aims and objectives for the environment and water quality within the catchment. The Department is of the view that the proposal is consistent with the

approved Concept Plan that formed the opinion that the proposal is consistent with the aims and objectives of GMREP as:

- there are minimal likely adverse impacts on existing coastal processes;
- the proposal is unlikely to impact on any threatened or protected aquatic bird, marine mammal or fish species;
- the proposal provides a significant environmental improvement through the provision of riparian corridors adjoining the northern boundary to Woollooware Bay; and
- appropriate stormwater management and water quality measures are proposed.

#### **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 Schedule's 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 height of the proposal was considered to be appropriate under the Concept Plan.
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,	No view corridor is provided, which is consistent with the Concept Plan.
c) to protect and enhance the environmental and visual features of the site,	The application includes the measures adopted during the Concept Plan assessment that will significantly improve environmental outcomes than currently is provided.
(d) to achieve compatibility between the scale, density, bulk and landscape character of buildings and the site,	The proposal is considered to be consistent with the approved Concept Plan, which integrates the retail centre and Leagues Club.
(e) to provide space between buildings, to maximise daylight and sunlight access between buildings, to ensure adequate space for landscaping and to create view corridors,	Not applicable to subject proposal.
(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 of the proposal is considered to be consistent with the Concept Plan approval.
(g) to ensure that there is sufficient space for car parking and that these areas are not visually obtrusive,	Car parking has been at the Concept Plan and was found to be acceptable, subject to being increased to 770 spaces.
h) to achieve an appropriate separation between buildings and site boundaries,	The setback of the proposal was considered to be appropriate under the Concept Plan.
(i) to establish a consistency of building forms across the site,	The building form is considered to be appropriate for the site and provides a design that recognises the environmental significance of the adjoining Woollooware Bay.
(j) to minimise impact of new development on existing distant views across the site from Sans Souci,	The height of the proposal was considered to be appropriate under the Concept Plan.



immediate views from Woollooware Bay and from residential properties to the southeast,	
(k) to enhance opportunities for ecological management of the adjoining Towra Point Aquatic Reserve,	The introduction of a riparian zone improves the interface between the site and Towra Point Aquatic Reserve.
(l) to ensure that the foreshore is adequately revegetated and managed in the long term.	The proposed riparian zone provides a revegetated area compared to the existing car parking and Club outdoor area that is to be managed 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 building is less than 15 metres viewed from the southern elevation, with the upper roof car parking level to approximately 15 metres from the ground level.
(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.	Plant and other equipment needed to operate the centre is located predominantly within the building form or behind rooftop facades.
<b>Floorspace ratio</b>	
The maximum floorspace ratio for development on the site is 1:1.	The proposal seeks a FSR of 0.814:1 (GFA 26,473m <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 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.	The proposal is considered to be generally consistent with the approved Concept Plan, with building articulation protrusions located outside of these envelopes.
(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 objective 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 consistent with the Concept Plan building envelope and therefore the building is considered to be appropriate. It is noted that the building height is less than the existing Leagues Club.

<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 is for a new centre in accordance with the Concept Plan that provides 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,	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.
(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.
<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.	Setbacks for the riparian buffer are provided in accordance with the Concept Plan approval.
(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 proposal includes details of plants to be provided within the riparian zone which is considered to satisfy the Concept Plan requirements. It is noted that the NSW Department of Primary Industries – Fisheries raised no objection to the landscaping provided with the riparian zone.
(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.	The proposal includes a raised boardwalk and native grassed areas that provide defined areas within the environmental buffer. It is considered that the proposal adequately addresses the objective.
(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 consistent with the Concept Plan approval.
<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 was considered during the assessment of the Concept Plan. Access to the site forms part of the application, which has been considered by the RMS to be acceptable.
(2) Car parking must generally be located beneath buildings and away from public view.	Car parking is provided within the building envelope and on the rooftop, meeting the requirement.
(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 as part of the Concept Plan. The proposed 770 spaces is provided in accordance with the Concept Plan.
(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,	Improvements to pedestrian and vehicular access to the site are proposed, with pedestrian crossings to be appropriately marked at all intersections.
(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 defined entrance points to the Leagues Club and retail centre.
(c) bicycle parking and storage.	Bicycle parking and change rooms are provided at ground level.
<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.
(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,	The proposed built form has been designed in accordance with the Concept Plan approval and is considered to be meet this objective.
(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.	The proposal includes measures / materials that are considered to meet this objective.
<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 proposed built form has considered the sites environmental constraints and includes measures to minimise any impacts from the development.
(c) to reduce stormwater run-off by minimising the area of impervious surfaces,	The proposal includes details of stormwater measures and landscaping, which are considered to address this objective.
(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 from the proposal has been considered and is considered to meet this objective.
(e) to ensure that stormwater discharge maintains an appropriate saline/freshwater interface within the wetland/riparian buffer,	Measures to improve the stormwater discharge are considered to be appropriate.
(f) to maximise retention and absorption of surface drainage water on site,	The proposal is considered to satisfy this requirement through the stormwater management measures proposed.
(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.
(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,	The proposal includes measures such as rainwater tanks, water efficient appliances and cooling towers to be replenished with recycled water.
(k) to contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.	The proposed includes a bio-swale adjoining the Leagues Club loading dock which is proposed to collect water prior to discharge into Woollooware Bay.

## **APPENDIX E    RECOMMENDED CONDITIONS OF APPROVAL**

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