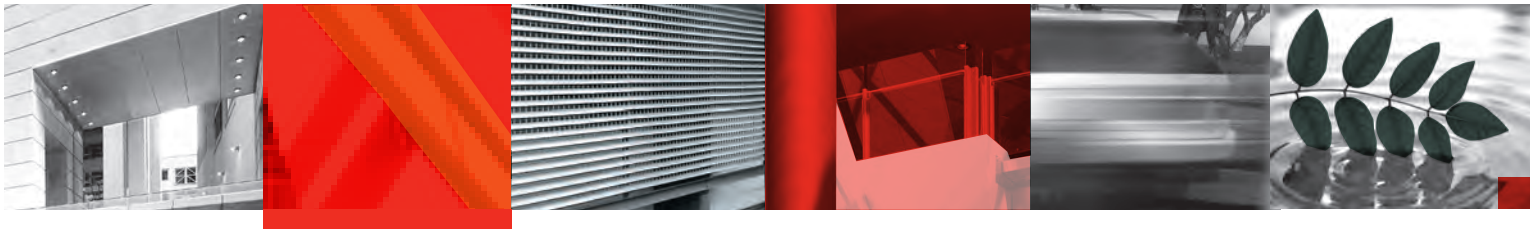


Environmental Assessment Report Concept Plan Application



461 Captain Cook Drive, Woollooware
Cronulla Sharks Redevelopment

Submitted to NSW Department of Planning & Infrastructure
On Behalf of Bluestone Capital Ventures No. 1

September 2011 ■ 10688

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This report has been prepared by: Michael Oliver



Signature

Date: September 2011

This report has been reviewed by: Gordon Kirkby



Signature

Date: September 2011

Statement of Validity

Prepared under *Part 3A of the Environmental Planning and Assessment Act, 1979*
(as amended)

Environmental Assessment

Name	Gordon Kirkby
Qualifications	BEC Dip URP
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Address	Level 7, 77 Berry Street North Sydney NSW 2060
In respect of:	A Concept Plan application

Project Application

Applicant Name:	Bluestone Capital Ventures No.1
Applicant Address	Suite 1, Level 6, 71 Macquarie Street Sydney NSW 2000
Land to be developed	<ul style="list-style-type: none">▪ Lot 11 DP 526492;▪ Lot 20 DP 529644;▪ Lot 21 DP 529644;▪ Lot 1 DP 711486; and▪ Lot 1 DP 501920.
Proposed development	Concept Plan application for uses and development controls for a mixed-use residential, neighbourhood retail, leisure and medical development including upgrades to Toyota Stadium and the Cronulla Sutherland Leagues Club building.
Environmental Assessment	An Environmental Assessment (EA) is attached
Certificate	<p>I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:</p> <ul style="list-style-type: none">▪ It is in accordance with the Environmental Planning and Assessment Act and Regulation.▪ It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature



Name

Gordon Kirkby

Date

September 2011

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Executive Summary

Purpose of this Report

This submission to the Department of Planning and Infrastructure (the Department) comprises an Environmental Assessment for a Concept Plan application under Part 3A of the Environmental Planning and Assessment Act (EP&A Act). It relates to the development of the Cronulla Sutherland Leagues Club site at 461 Captain Cook Drive, Woollooware, for an upgrade to existing sports and club facilities and the development of a new neighbourhood centre including retail and residential development.

A request for consideration of the proposal under Part 3A was made to the Department on 8 December 2010 and an opinion was formed by the Minister, and Concept Plan application authorised, on 21 February 2011. The Director General's Requirements were provided to the proponent, Bluestone Capital Ventures No.1, on 25 March 2011.

This submission is in accordance with the Department's guidelines for Concept Plan applications lodged under Part 3A, and addresses the issues raised in the Director General's Requirements and during ongoing consultation with State Government Agencies, Sutherland Shire Council and the community.

Overview of Project

Cronulla Sutherland Leagues Club has partnered with Bluestone Capital Ventures No. 1 as part of a joint venture to prepare and lodge this Concept Plan application in order to achieve a masterplanned and integrated development outcome which achieves the optimum outcomes for the joint venture partners and for the broader community.

The proposed mixed use redevelopment of the Cronulla Sutherland Leagues Club site, which includes a new neighbourhood centre with retail, medical and leisure and residential development and incorporates upgrades to the sports facilities, including the Toyota Stadium and the Cronulla Sutherland Leagues Club building, will create a vibrant new centre that meets the needs of the Leagues Club and the surrounding community. The Concept Plan prepared for the site is seeking approval of uses, development yields and building envelopes to develop the site in three stages, being:

- Stage 1 – New neighbourhood centre with retail, medical and leisure uses on the eastern car park site and redevelopment of the Leagues Club facilities;
- Stage 2 – Residential Masterplanned Estate on the western car park and training fields; and
- Stage 3 – Extension and improvements to Toyota Stadium including grandstand extensions.

While the project will be developed as three stages, planning for the whole site will maximise integration of all proposed uses to create a functional neighbourhood centre, including Toyota Stadium and Leagues Club building which will be retained and remain in use during the redevelopment. As such, this Concept Plan application seeks approval for the following elements:

- Distribution of land uses within the site;
- Maximum allowable Gross Floor Area for each land use;
- Building envelopes for residential and retail development, including heights and setbacks;
- Indicative apartment mix and minimum apartment sizes;
- Indicative layout of Neighbourhood Retail, Medical and Leisure Centre;

- Indicative open space and public domain works;
- Transport, site access and car parking concepts;
- Water cycle management concepts;
- Infrastructure and services concepts;
- Project staging;
- Sales and marketing facilities including a marketing suite, use of dwellings as display suites and temporary signage;
- Superlot subdivision to separate the new neighbourhood centre Leagues Club;
- Future approvals framework including subdivision; and
- Developer contributions.

The Site

The Cronulla Sutherland Leagues Club site is legally described as Lot 11 DP 526492 and Lot 20 DP 529644 and is known as 461 Captain Cook Drive, Woollooware. Three lots owned by Sutherland Shire Council (being Lot 21 DP 529644, Lot 1 DP 711486 and Lot 1 DP 501920) are also included within the proposed scheme.

The site is located on the northern side of Captain Cook Drive approximately 1 kilometre from Woollooware (to the south) and 2 kilometres from Cronulla (to the south east). The site is bounded by the Solander Playing Fields to the west, Woollooware Bay to the north, and a service station and gymnasium to the east. The Woollooware Golf Club and the Captain Cook Oval are located to the south of the site across Captain Cook Drive.

The overall site is irregular in shape with an area of approximately 10 hectares, of which approximately 6ha is currently occupied by Toyota Stadium, Leagues Club building and the eastern carpark and 4ha is occupied by the western training fields and car park. Topographically the site is generally flat and low-lying, with the Cronulla Sutherland Leagues Club Building and Toyota Stadium occupying the highest portions. The lowest site levels occur at the tidal drainage canal that bisects the site to the west of Toyota Stadium. Portions of the site adjacent to Captain Cook Drive and the drainage channel are currently mapped as flood prone.

Toyota Stadium (also known as Endeavour Field and Shark Park) and the Cronulla Sutherland Leagues Club building occupy the central portion of the site, and represent a significant and well-established community and entertainment hub within the region. The western playing fields within the site are private open space used as training fields for the Cronulla Sharks and for local games by the Cronulla Caringbah Junior Rugby League Football Club, whilst the remainder of the site is occupied by car parking.

The Taren Point Employment Area is located approximately 200 metres to the north-west of the site and occupies land located generally between the waterfront, Taren Point Road and the Captain Cook Bridge. Woollooware Railway Station is located 1 kilometre to the south west of the site, and Caringbah Town Centre is approximately 1.5 kilometres to the south west. The site is approximately 20 kilometres south of the Sydney CBD, and has good access to major centres at Miranda, Hurstville and Kogarah and to specialised centres such as Sydney Airport and Port Botany.

Planning Context

Section 6.0 of this EAR considers all applicable legislation in detail.

The western and central sections of the site including the Toyota Stadium and the adjacent playing fields are zoned Private Recreation (Zone 15) under *Sutherland Local Environmental Plan 2006* (SLEP 2006). Within this zone, the existing uses associated with the recreation areas and facilities and the uses associated with the Leagues Club operations are permissible with consent. Residential development and subdivision on this portion of the site is currently prohibited under the LEP.

The eastern section of the site, including the Cronulla Sutherland Leagues Club building and car parking area is excluded from *Sutherland Local Environmental Plan 2006* and is zoned 6(b) Private Recreation under the *Sutherland Local Environmental Plan 2000* (SLEP 2000). However, Clause 65(5) of the LEP provides that consent may be granted to development on the site for the purposes of a conference / convention centre, seniors living, hotel, motel, residential flats and retail uses.

Through authorising the submission of a Part 3A Concept Plan, The Minister, under Sections 75O and 75R of the EP&A Act is able to undertake a merit assessment of land uses on the site that are not permissible and should he approve the Concept Plan, amend the local environmental planning instruments. Under Clause 8N of the *Environmental Planning and Assessment Regulation 2008*, the Minister is not able to exercise these powers where the site is located within an “environmentally sensitive area of State significance” or is a “sensitive coastal location”. The site is not considered to be either.

Environmental Impacts

This EAR provides an assessment of the environmental impacts of the project in accordance with the Director-General’s Environmental Assessment Requirements and includes a draft Statement of Commitments (see Section 8.0) which sets out the undertakings made by Bluestone Capital Ventures No.1 to manage and minimise potential impacts arising from the development. Key issues considered in the Environmental Assessment at Section 7.0 include:

- Urban form;
- Traffic;
- Flora and fauna;
- Contamination;
- Economic impact; and
- Social impact.

Conclusion

The Draft Statement of Commitments has been prepared to inform the detailed design of the development and manage construction and on-going environmental impacts. The environmental assessment addresses the Director General’s Requirements and demonstrates the impacts of the proposal can be satisfactorily managed and therefore the project should be approved.

1.0 Introduction

This Concept Plan and Environmental Assessment Report (EAR) is submitted to the Minister for Planning pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act). This is to fulfil the Environmental Assessment Requirements issued by the Director General for the preparation of an Environmental Assessment of a Concept Plan the upgrade of existing sports and club facilities and the development of residential and retail uses on approximately 10ha of land at Captain Cook Drive, Woollooware.

The Concept Plan is seeking to address strategic project issues and establish the key parameters of the development prior to more detailed design work being undertaken in subsequent applications for development.

The report has been prepared by JBA Planning, for the proponent, Bluestone Capital Ventures No.1, and is based on Concept Plan and Retail Neighbourhood design information provided by Scott Carver and Associates, residential masterplanning and design information provided by Turner and Associates, and supporting technical documents provided by the expert consultant team (see Section 1.5).

This EAR describes the site, its environs and the proposed development, and includes an assessment of the proposal in accordance with the Director-General's Requirements (DGRs) under Part 3A of the EP&A Act. It should be read in conjunction with the information contained within and appended to this report.

These studies address the DGRs for the environmental assessment. They provide a technical assessment of the environmental impact of the proposed development, and recommend proposed mitigation measures to manage potential environmental impacts associated with the proposal.

1.1 Overview of Approval Sought

The Concept Plan seeks approval to develop the Cronulla Sharks site in three stages:

- Stage 1 – New Neighbourhood Retail, Medical and Leisure Centre on the eastern car park site and redevelopment of the Cronulla Sutherland Leagues Club facilities;
- Stage 2 – Residential Masterplanned Estate on the western car park and field area; and
- Stage 3 – Extension and improvement of the Sharks playing field facilities including grandstand extensions.

Specifically, the Concept Plan application seeks approval for the following elements:

- Distribution of land uses within the site;
- Maximum allowable Gross Floor Area for each land use;
- Building envelopes for residential and retail development, including heights and setbacks;
- Indicative apartment mix and minimum apartment sizes;
- Indicative layout of Neighbourhood Retail, Medical and Leisure Centre;
- Indicative open space and public domain works;
- Transport, site access and car parking concepts;
- Water cycle management concepts;

- Infrastructure and services concepts;
- Project staging;
- Sales and marketing facilities including a marketing suite, use of dwellings as display suites and temporary signage;
- Superlot subdivision to separate the new Neighbourhood Retail, Medical and Leisure Centre from the Sharks Leagues Club;
- Future approvals framework including subdivision; and
- Developer contributions.

While the project will be developed as three stages, the planning for the site as a whole will maximise integration of all proposed uses on the site including the existing stadium and leagues club building, which will be retained and remain in use during the redevelopment.

The proposed Floor Space Ratio (FSR) over the whole site is approximately 0.93:1 comprising the following uses (GFA):

- Residential – 67,260m²;
- Commercial and amenities – 740m²;
- Club uses– 3,900m²;
- Retail uses – 13,900m²;
- Leisure uses– 3,350m²;
- Medical – 1,500m²; and
- Grandstand – 3,000m².

Should the Concept Plan be approved, future project or development applications will be lodged for the assessment of the detailed design of the various components of the Concept Plan and will be released progressively over a number of stages (as described in detail at Section 3.8).

1.2 Background

The Cronulla-Caringbah Leagues Club was formed in 1956, originally using premises at Caringbah and then Sutherland before moving to the current site on Captain Cook Drive, Woollooware in 1965. The Woollooware site itself was formed through progressive filling of the Woollooware Bay shoreline by private contractors and Sutherland Shire Council during the early 1960's. The Club purchased the western playing fields area (Lot 20 DP 529644) in 1968. In 1967, construction began of the sports oval on Lot 11 which was at the time owned by the Council. Endeavour Field (now Toyota Stadium) was officially opened on Sunday 1st April 1969 as the home ground of the (now named) Cronulla Sutherland Leagues Club which had been added to the NSW Rugby League Football competition in 1967.

Lot 11, including Endeavour Field was purchased by the Club in 1971. In 1973, development approval was granted for the construction of the current four storey leagues club building, two tiered grandstand and eastern car park. These facilities were officially opened in April 1977.

The site has been subject to numerous redevelopments over the years including major works in 1998 and the construction of a new Southern Grandstand which was completed in 2008. The stadium is the home ground of the Cronulla Sharks National Rugby League (NRL) team with capacity for approximately 21,000 spectators and hosts, and hosts roughly 13 NRL games a year as well as a number of smaller events and club training sessions.

1.3 Project Need and Alternatives

The Cronulla Sutherland Leagues Club has for some time been experiencing financial difficulties arising from a decline in general revenue from Club activities and the substantial cost of debt repayments, to the point that the Club's current financial position is not tenable in the medium to long term. A financially viable Sharks provides a positive social benefit to the community through the Club's on-going support of local sporting and charitable activities. Improvements to the Club's existing land holdings have the potential to create a long term sustainable and viable financial solution for the Club as well as to provide additional facilities which meet the modern needs of the Sutherland Shire community. Considerable potential exists for a new development outcome over the entire property that reflects the highest and best use of the land holding, in line with the Club's objectives. In this regard there is potential for the site to accommodate residential, retail, entertainment, sporting, community and other uses.

1.3.1 Project Objectives

The Concept Plan seeks to address the environmental setting and technical challenges of the site to deliver a mixed use residential, retail and recreation development. To this end, the Board of the Cronulla Sutherland Leagues Club has formulated a series of key project objectives that underpin the Concept Plan:

- develop of a new, relevant and modern club facility;
- create alternative on-going income streams for the club and reduce its reliance on gaming machines;
- enhance the overall Toyota Stadium experience while maintaining the stadium as the home ground for the Sharks;
- provide parking solutions to ensure that the Club and Toyota Stadium continue to operate effectively;
- enable the existing club to continue trading through the construction process, including the provision of temporary car parking for patrons;
- a structure which ideally ensures that Sharks maintain the underlying ownership of the majority of the land
- repay non-performing debt through both short term and sustainable long term investment returns.
- The Club's objectives have guided the development of the Concept Plan scheme to establish the framework for a new centre which ensures the viable and sustainable development of the site and the Cronulla Sutherland Leagues Club.

1.3.2 Alternative Development Options

The Cronulla Sutherland Leagues Club has been actively investigating options for the subject site over the past decade. A number of potential schemes involving various parts of the site and a range of proposed land uses have been proposed. None of these schemes has achieved the Club's objectives.

The most recent consent for development on the site was granted by Sutherland Shire Council (DA 09/0243) on 21 August 2009 for the following:

- 5 storey, 138 unit seniors living development including 169 parking spaces (GFA 14,355m²)
- 5 storey 150- room hotel including 83 parking spaces (GFA 6,140m²);
- 2,617m² supermarket and retail shops including 376 parking spaces; and
- 750m² extension to the existing club premises.

The development this consent allows was not considered to be commercially viable nor bankable in terms of securing value for the site, and the Club did not pursue the development. The outcome does not reflect the highest and best use of the Cronulla Sharks landholdings nor does it meet the Club's objectives and has therefore not been implemented.

1.3.3 'Do Nothing' Approach

Without redevelopment, the Cronulla Sutherland Leagues Club's key role in the Sutherland Shire community would be lost. The Club actively engages with the community through a range of programs that support local community organisations and charities including junior rugby league. A 'do nothing' approach would not achieve the financial outcomes required by the Club to reduce debt levels and shift to a more sustainable business model, and would ultimately result in the demise of the Club. This in turn would see the Shark's currently level of contribution to the local community cease, placing considerable pressure on a range of community, sporting and charitable organisations and limiting their ability to support the community. The Shire would also lose its NRL Premiership team which acts as a unifying force for the local community and provides an important recreational outlet through home games at the Toyota Stadium and professional sporting opportunities for local youth. The 'do nothing' option would also forgo the opportunity to implement the significant public domain and foreshore rehabilitation measures proposed as part of the Concept Plan scheme.

The 'do nothing' option also forgoes a significant opportunity to achieve a masterplanned and community-oriented development on one of the last major consolidated private landholdings within the Sutherland Shire. The Cronulla Sutherland Leagues Club is a major community organisation within the Shire which has a clear and ongoing interest in ensuring a good development outcome for this site which reflects the community's (and hence the Club's) best interests. The current development proposal has been developed with significant input from the Sharks and the local community which has provided an element of community ownership of the process. Should the Club fold, this opportunity will be lost and the future of the site would become uncertain and be placed outside of the control of the Sharks and the local community.

1.4 Approval Process

State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP) identifies development to which Part 3A of the EP&A Act applies, and for which the Minister is the consent authority.

Clause 6 of the SEPP states that development, which in the opinion of the Minister is development of a kind referred to in Schedule 1 of the SEPP, is declared to be a project to which Part 3A of the Act applies. The project falls into the class of development described in Clause 13 of Schedule 1 namely "Residential, Commercial or Retail Projects" in excess of \$100 million.

The project's estimated Capital Investment Value is \$212,497,961, as detailed in Quantity Surveyors Statement (prepared in accordance with *Planning Circular PS 10-008 - New definition of capital investment value*) prepared by Parkview Constructions (**Appendix A**), and is well in excess of the \$100 million threshold.

Therefore, in accordance with Section 75B of the EP&A Act, and Clause 6 of the Major Development SEPP, JBA Urban Planning Consultants on behalf of Bluestone Capital Ventures No.1 requested that the Minister:

- declare the Cronulla Sharks Site project to be a Major Project subject to Part 3A of the EP&A Act; and
- authorise the preparation and lodgement of a Concept Plan for the site.
- The proponent also requested that the Director General issue environmental assessment requirements for the Concept Plan and Stage 1 Project Application.

On 21 February 2011, the Minister declared the project to be a Major Project and authorised the preparation and lodgement of a Concept Plan. On 25 March 2011, in accordance with Section 75F of the EP&A Act, the Director-General of the Department of Planning issued the requirements for the preparation of an Environmental Assessment to accompany a Concept Plan for the project (**Appendix B**).

This report constitutes the Environmental Assessment Report (EAR) for a Concept Plan application for the site.

On 13 May 2011 the NSW Government announced transitional provisions relating to the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979*. The transitional provisions included the repeal of Group 5 of Schedule 1 of the Major Development SEPP however the transitional provisions provide that Part 3A of the Act continues to apply to residential, commercial or retail projects for which environmental assessment requirements were notified to the proponent on or before 8 April 2011. As the Director General's Requirements (DGRs) for the environmental assessment of both this Concept Plan (MP 10_0229) and the Stage 1 Project Application for the Retail Development (MP 10_0230) were issued on 25 March 2011, the Major Development SEPP continues to apply to these applications.

The *Environmental Planning and Assessment Amendment (Repeal of Part 3A) Bill 2011* (the Bill) was introduced into Parliament by the NSW Government on 16 June 2011. The Bill, which has now been passed by Parliament, replaces Part 3A with an alternative system for the assessment of projects of state significance whilst providing for appropriate transitional provisions for projects already being assessed under the provisions of Part 3A.

The Bill inserts into the Act Schedule 6A- Transitional Arrangements – Repeal of Part 3A, under which Part 3A of the Act continues to apply to applications for approval of a Concept Plan where the environmental assessment requirements for the project had been notified to the proponent prior to the repeal of Part 3A. (i.e. this application).

The Bill contains provisions for the assessment of further applications for development to which Part 3A does not continue to apply. Under these provisions, and subject to the new Regulations, development which is covered by a Concept Plan approved under Part 3A but is subject to assessment under Part 4:

- is taken to be development which may be carried out under Part 4, despite anything to the contrary in an environmental planning instrument;
- must be consistent with any development standard within the terms of the Concept Plan approval;
- must be generally consistent with the terms of approval for the Concept Plan;
- the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Plan.

1.5 Project Team

An expert project team has been formed to deliver the project and includes:

Land Owner	Cronulla Sutherland Leagues and Football Club
Proponent	Bluestone Capital Ventures No.1
Quantity Surveyors	Parkview Constructions
Urban Planning	JBA Planning
Architecture – Overall Masterplan and Retail	Scott Carver
Architecture - Residential	Turner and Associates
Landscape Architect	Aspect Studios
Economic Impact	Pitney Bowes
Civil Engineering and Infrastructure	AT&L
Stormwater and Flooding	AT&L
Traffic and Transport	McLaren Traffic Engineering
Community Consultation	Straight Talk
Social and Community	JBA Planning
Contamination and Geotechnical	EIS / Jeffrey & Katauskas
Flora and Fauna	Eco Logical Australia
Archaeology	Godden Mackay Logan
Sustainable Strategy Design	Cundall
Noise	Acoustic Logic
Electromagnetic Radiation	Magshield Products (Aust) International
Visual Impact	Virtual Ideas

2.0 Site Analysis

2.1 Site Location and Context

The Cronulla Sharks site is located at 461 Captain Cook Drive, Woollooware, within the Sutherland Local Government Area (LGA).

The overall site owned by the Cronulla Sutherland Leagues Club is 100,610m² in area, of which 41,270m² is occupied by the western training fields and car park and 59,340m² by Toyota Stadium, the Leagues Club and eastern car park.

The site's locational context is shown at **Figure 1**.



Figure 1 – Locality Plan

2.2 Site Description

An aerial photo of the site is shown at **Figure 2**. Site Analysis Plan has been provided at **Appendix E**.



Figure 2 – Site Plan

Existing Development

The site is generally comprised of three linked components- the western playing fields and car park, the Toyota Stadium and Leagues Club, and the eastern car park.

The western section is comprised of a private open space area with two full-sized rugby league fields, a small single-storey clubhouse area and a bitumen sealed car park with 511 spaces. This area is used for club training and for Cronulla Caringbah Junior Rugby League Club games on Saturdays. An embankment runs along the western boundary of the playing fields area. A tidal drainage channel divides the western section from the central section, with one small bridged crossing to the north. A thin Council-owned lot (Lot 21 DP 429644) approximately 2m wide bounds the Sharks site to the north and generally includes the transition between the site and Woollooware Bay.

The central section of the site is occupied by Toyota Stadium (also known as Endeavour Field and Shark Park), a National Rugby League (NRL) standard football stadium with a capacity of 21,000 spectators. The football field oriented north-south with three grandstands located on the western, eastern and southern edges and a mounded grass area which comprises the 'Family Hill' located to the north. The northern embankment of this hill is within Lot 1 DP 711486, which is owned by Council. The stadium is the home field of the Cronulla Sharks Rugby League Club, and hosts roughly ten to thirteen NRL matches per year.

The western grandstand is linked to the Cronulla Sutherland Leagues Club, which is a four storey building operating as a registered club. The club includes several bar areas, a bistro, gaming areas and a number of function rooms.

The eastern portion of the site is comprised of a bitumen sealed car parking area which adjoins the leagues club and contains 532 parking spaces. A boardwalk extends from the club car park through the mangroves to Woollooware Bay. The development site also includes two small Council owned lots (Lot 21 DP 529644 and Lot 1 DP 711486) that fringe the site along the northern shore of Woollooware Bay. A small triangular lot, owned by Council to the south of Captain Cook Drive (Lot 1 DP 501920) has been included in the site area to accommodate roadworks that are not located with crown road reserves.

132kV electricity transmission lines traverse the northern portion of the site in an east-west direction within an easement approximately 30 metres wide. Support structures for these lines are located outside of the subject site to the north-east and the north-west. Within the site, the height of the transmission lines ranges between RL16.48 AHD and RL22.12 AHD.

Images of the site and existing development are shown in **Figures 3 to 12**.



Figure 3 – Club building viewed from eastern carpark



Figure 4 – Club building viewed from Captain Cook Drive looking north



Figure 5 – Eastern Car Park viewed from Club building



Figure 6 – Stadium frontage to Captain Cook Drive looking east



Figure 7 – Cub and Eastern Grandstand viewed from Family Hill



Figure 8 – Stadium viewed from the Family Hill looking south



Figure 9 – Western Grandstand viewed from the north



Figure 10 – Western Grandstand from Captain Cook Drive looking north



Figure 11 – Stormwater canal looking north from western car park



Figure 12 – Western training field and high voltage power lines looking west

2.3 Land Ownership and Legal Description

The main component of the site is owned by the Cronulla Sutherland Leagues and Football Club and is comprised of two allotments legally described as Lot 11 DP 526492 and Lot 20 DP 529644 (refer **Figure 13**). The site is currently occupied by the Leagues Club, Toyota Stadium, playing fields and associated car parking.

Three lots owned by Sutherland Shire Council are also included within the proposed Concept Plan scheme. Lot 21 DP 529644 and Lot 1 DP 711486 adjoin the Cronulla Sutherland Leagues Club site to the north and sit between the site and Woollooware Bay. Lot 1 DP 501920 comprises a triangular portion of land which is bound by Captain Cook Drive and the unformed alignments of Woollooware Road and Carabella Road. Land owners consent has been obtained from Sutherland Shire Council for the inclusion of these lots within this Concept Plan application and is included at **Appendix D**.

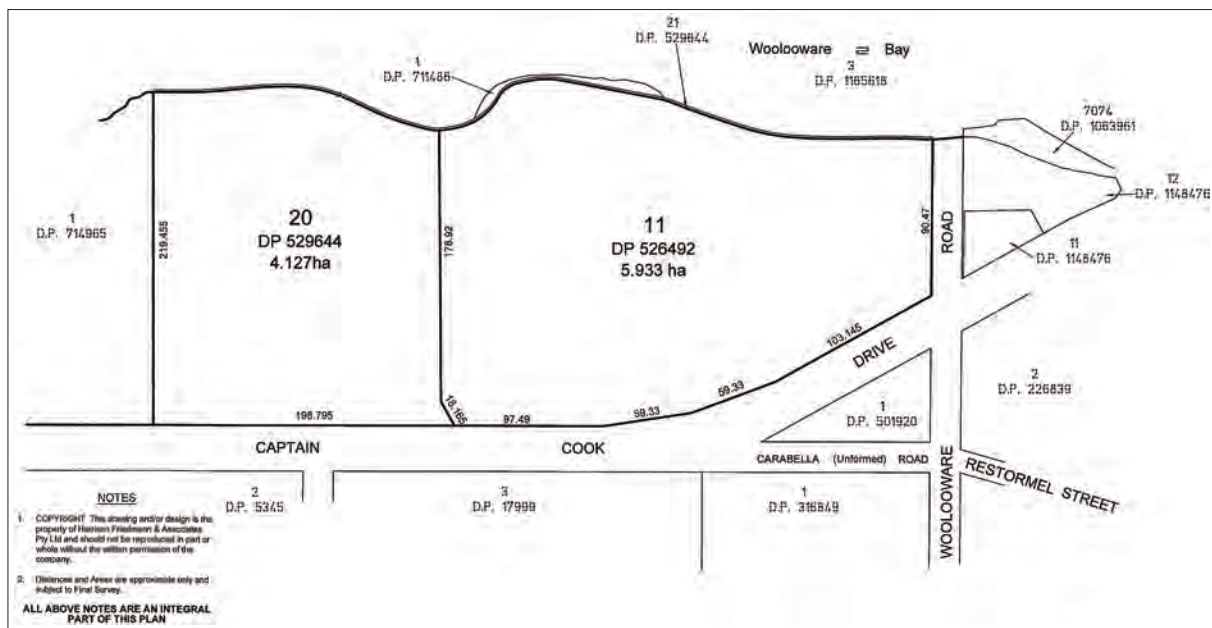


Figure 13 – Site Cadastral Plan

2.4 Heritage and Archaeology

There are no heritage items within or in the vicinity of the site listed under the State Heritage Register (SHR), Sutherland LEP 2000 or Sutherland LEP 2006.

A search of the Aboriginal Heritage Information Management System (AHIMS) found no known Indigenous sites to be located within a 1 kilometre radius of the subject site.

2.5 Landform / Vegetation

The site is generally flat with a slight downward slope towards Captain Cook Drive. High points within the site topography occur on the constructed berm which forms the northern spectator area for the stadium (RL7.48 AHD). Ground levels across the site are generally between RL2.20 and RL4.10 AHD. The majority of the site not occupied by Toyota Stadium or the Leagues Club building sits approximately 1.5 metres to 2.5 metres above the level of the surrounding mangroves, a result of site filling during the 1960s and 1970s.

The site is predominately cleared of vegetation, with the eastern portion occupied by a bitumen carpark and the western portion comprised of grass training fields and a bitumen carpark. A stand of grey mangroves runs through the site to the west of Toyota Stadium along a man-made tidal stormwater channel which was formed in the 1960s.

2.6 Utilities and Infrastructure

132kV high voltage electricity transmission lines which service the Kurnell Peninsula currently run east-west through the northern portion of the site, and are located within a service easement approximately 30 metres wide.

A telecommunications tower is located immediately to the west of the tidal drainage channel within the site at the north-east corner of the training field car park, with an upper height of RL35.54 AHD.

An electricity substation is located within an easement approximately 15m south of the telecommunications facility, with a right of carriageway 4m wide providing access from Captain Cook Drive.

The site is currently serviced for water through 100mm and 150mm diameter mains in Captain Cook Drive. In terms of sewer, there is an existing 1800mm diameter trunk sewer carrier that services the site.

2.7 Soils / Contamination

Environmental Investigation Services and Jeffrey and Katauskas (**Appendices H and BB**) have reviewed the Concept Plan scheme based on a number of previous site investigations and relating to site soils and contamination (dated between 1994 and 2006). This report has found that the site sits on approximately 1m to 4.5m of fill and is underlain by natural estuarine soil including silty sand, clayey sand and sandy clay. Groundwater is generally encountered at depths of 1m to 2m below existing site levels, with bedrock located at depths of approximately 12m to 26m.

It is known that Sutherland Shire Council purchased the subject site in the 1950s with the intention of filling the low-lying areas with non-putrescible waste. From 1962 to 1967 the site was used as a Council Rubbish Dump, during which extensive filling of the site occurred. As part of the transfer of the site to the Cronulla Sutherland Leagues Club in 1968, Council agreed to fill the remainder of the site. In 1981 a fill mound 6m high was constructed at the northern edge of the stadium to form a spectator hill.

Existing information from sampling and analysis of site soils confirms that:

- During the 2006 investigation 30% of samples were found to contain traces of asbestos;
- The site is generating methane gas as a result of organic material buried during the landfilling process;
- Previous investigations have not encountered any significant widespread chemical soil contamination or groundwater contamination, although isolated elevations of lead and arsenic were detected; and
- Both natural and fill soils are considered to be potential acid sulphate soils.
- Contamination issues and proposed development strategies are addressed in Section 7.13.

2.8 Stormwater and Drainage

The major hydrological feature of the subject site is the tidal channel which drains to Woollooware Bay. This channel was constructed during the period of site filling and the construction of Toyota Stadium during the 1960s. This channel is subject to tidal influence within the site and is vegetated by a stand of mangroves. The channel and associated embankments is approximately 15 metres wide and is classified as a second order stream under the *WMA Guidelines for Controlled Activities (Riparian Corridors) 2008*. The catchment area upstream of the channel is estimated to be approximately 253 ha, and the channel connects under Captain Cook Drive to the south to a channel within the Woollooware Golf Course. Portions of the site located adjacent to Captain Cook Drive and the tidal channel are currently mapped as flood prone on Sutherland Shire Council's flood maps.

Stormwater discharge from the site is currently untreated and largely uncontrolled. The site is generally divided into four main hydrological areas which are described below:

- Toyota Stadium – drains directly to the tidal channel;
- Leagues Club – drains to Captain Cook Drive then tidal channel;
- Leagues Club car park - the northern third of the car park drains directly to Woollooware Bay across the grassed buffer, the central third drains to Woollooware Bay directly as concentrated flow via a 150mm diameter pipe, and the southern third drains to Captain Cook Drive; and
- Western Training Fields – car park generally drains to western laneway (not within site), whilst the training fields drain directly to the tidal channel.

2.9 Transport and Access

Vehicular Access

Vehicular access to the site is currently via three access points (one to the western training fields and two to the eastern carpark and club). The eastern access to the club carpark is provided via a roundabout at the intersection of Captain Cook Drive and Woollooware Road, whilst the western club carpark access and the training field carpark access is via left-in, left-out entrances to Captain Cook Drive.

In addition to the three regular site access points, two additional vehicular access points are provided from the western training fields to Captain Cook Drive during major events only. Game day traffic and parking arrangements operate within the framework of the *Peak Event Traffic Management Plan* dated 1998 and prepared by McLaren Traffic Engineering in consultation with Sutherland Shire Council.

Parking

Parking for the Leagues Club is provided within the car parking area to the east of the club, which provides peak capacity for up to 532 vehicles. Additional parking for 511 vehicles is provided to the west of Toyota Stadium within the training field car park. As such a combined total of 1,043 parking spaces is provided on site, with additional parking also available within the Solander Fields car park and on-street in surrounding areas.

Public Transport

The subject site is located approximately 1 kilometre north of Woollooware Station, which is located on the Illawarra and Eastern Suburbs Line and provides 4-5 services per hour on weekdays to the Sydney CBD and local and regional centres such as Cronulla, Caringbah, Miranda, Sutherland and Hurstville.

No public bus service currently operates in the immediate vicinity of the site, however two discontinued services operated by Veolia Transport previously provided access to the site, including one service (Route 987) which operated between Cronulla Station, the Kurnell Peninsula and Miranda Station with a stop located immediately in front of the subject site. However, Transport NSW has advised that the lack of any significant public transport origins or destinations sufficient to support a regular service means that there is limited justification for the re-establishment of a service within the current site context.

Pedestrian and Cycling Facilities

Well established pedestrian footpaths are provided along the site's entire street frontage to Captain Cook Drive. A signalised pedestrian crossing of Captain Cook Drive is located adjacent to the south western corner of the site, whilst uncontrolled pedestrian crossings are located adjacent to the Woollooware Road/Captain Cook Drive roundabout.

An off-road cycleway is located along the southern side of Captain Cook Drive which forms part of a regional bicycle network. The Woollooware Bay foreshore cycleway runs along the foreshore from Taren Point and connects to the Captain Cook Drive cycleway immediately to the west of the site via a dedicated path located within the Solander Fields. Sutherland Shire DCP 2006 proposes that this cycleway be extended through the Sharks site to Woollooware Road North.

2.10 Surrounding Development

The site is surrounded by mangrove wetlands within Woollooware Bay to the north, a service station and private gymnasium (Fitness First) to the east and Captain Cook Drive to the south, beyond which are the Woollooware Golf Club, Captain Cook Oval and Woollooware High School. To the immediate west is the Solander Fields public open space, and beyond these is a large Toyota complex. The nearest residential areas are located on Woollooware Road approximately 130m to the south east and on Gannons Road approximately 335m to the south west.

Towra Point Nature Reserve, which is an internationally recognised RAMSAR estuarine wetland managed by the NSW National Parks and Wildlife Service, is located approximately 1.8 kilometres to the north east of the subject site.

Figures 14 to 17 show the site's surrounds.



Figure 14 – Woollooware Bay and Towra Point (background)



Figure 15 – Fitness First building to the east of the site



Figure 16 – Captain Cook Drive to the south of Toyota Stadium



Figure 17 – Woollooware Road looking south

3.0 Concept Plan

The Concept Plan establishes the vision and planning and development framework which will be used by the consent authority to assess future development proposals within the site. It articulates what the Joint Venture partnership of Bluestone Capital Ventures No.1 and the Cronulla Sutherland Leagues Club is seeking to achieve and establishes the parameters for the future development of the site.

This section provides a description of the Concept Plan development proposal, whilst an environmental assessment of the proposal is located at Section 7.0 of the report.

3.1 Project Objectives

The Concept Plan seeks to address the environmental setting and technical challenges of the site to deliver a mixed use residential, retail and recreation development. To this end, the Board of the Cronulla Sutherland Leagues Club has formulated a series of key project objectives that underpin the Concept Plan:

- develop of a new, relevant and modern club facility;
- create alternative on-going income streams for the club and reduce its reliance on gaming machines;
- enhance the overall Toyota Stadium experience while maintaining the stadium as the home ground for the Sharks;
- provide parking solutions to ensure the Club and Toyota Stadium continue to operate effectively;
- enable the existing club to continue trading through the construction process, including the provision of temporary car parking for patrons;
- a structure which ideally ensures that Sharks maintain the underlying ownership of the majority of the land
- repay non-performing debt through both short term and sustainable long term investment returns.
- The Club's objectives have guided the development of the Concept Plan scheme to develop a proposal which ensures the viable and sustainable development of the site and the Cronulla Sutherland Leagues Club.

3.2 Consideration of Alternatives

As outlined in Section 1.3, the Cronulla Sutherland Leagues Club has investigated numerous development schemes over the past decade in an attempt to realise the Club's objectives. Development consent was granted by Sutherland Shire Council in 2009 for a senior's living development, however the approved scheme does not achieve the objectives of the Club and was not developed (refer Section 1.3.2).

The current development proposal has been the subject of a rigorous and consultative design process which has ultimately resulted in the proposed Concept Plan scheme. Feedback received from the extensive the community consultation processes described in Section 4.0 has informed the ultimate design of the Concept Plan scheme. During this design process a number alternative schemes for the site were developed and evaluated against the overall project objectives, the needs of the community and the requirements of the relevant planning and environmental controls, policies and guidelines.

The evolution of the residential development component is shown in **Appendix FF** while the options investigated for the retail and Sharks Club components are addressed in **Appendix E**.

3.3 Rationale for the Proposed Concept Plan Scheme

The proposed scheme was chosen over alternative development and design options for a number of reasons. Specifically, the Concept Plan scheme provides:

- the best urban planning and public domain outcome, specifically with the innovative integration of the club and retail uses to create a new destination for leisure and recreation with strong linkages to the new residential neighbourhood;
- a new neighbourhood centre incorporating supermarket and specialty retail, medical and leisure facilities to address (in part) a significant undersupply of such services within the Sutherland Shire region;
- residential building envelopes which incorporate the fundamental design principles required to achieve high levels of internal amenity, with good access to services, transport, employment, public open space and leisure facilities;
- residential and non-residential building envelopes which are located and oriented to take advantage of key views, solar access and proximity to private and public open space;
- a quantum of residential and retail development which is sufficient to support the creation of a new frequent and well-patronised public bus route to both the Sharks site and surrounding areas;
- substantial foreshore setback area with public access, through-site linkages and a high quality public domain which provides opportunities for both active and passive recreation;
- opportunity to develop sustainability initiatives at the Concept and Project/development Application stages;
- significant improvements to game-day transport arrangements which promote the use of public transport and minimise existing major event parking and congestion issues;
- significant public benefits to the community, including the opportunity for a major upgrade to sporting facilities at Cronulla High School;
- pedestrian and cycling linkages throughout the site which integrate with existing regional networks;
- a sustainable, non-gaming, source of income for the Leagues Club through the retail neighbourhood whilst ensuring sufficient capital returns from the residential component to repay existing debts to safeguard the Club's financial position; and
- the platform for the site to evolve as a centre over time with longer term improvements to the Toyota Stadium and sporting facilities.

3.4 Concept Approval

The proposed development for which Concept Plan approval is sought seeks to redevelop the Cronulla Sharks site in the three stages outlined below to create an integrated and masterplanned neighbourhood centre.

- Stage 1 – New neighbourhood centre with retail, medical and leisure uses on the eastern car park site and redevelopment of the Leagues Club facilities;
- Stage 2 – Residential Masterplanned Estate on the western car park and field area; and
- Stage 3 – Extension and improvement of the Sharks playing field facilities including grandstand extensions.

While the project will be developed as three stages, planning for the whole site will maximise integration of all proposed uses on the site including the existing stadium and Leagues Club building which will be retained and remain in use during the redevelopment. As a result, this Concept Plan application has been prepared which seeks to establish the most appropriate planning controls for the site. These controls shall provide a framework for the assessment of future detailed planning applications for the site. As such, this Concept Plan application seeks approval for the following elements:

- Distribution of land uses within the site;
- Maximum allowable Gross Floor Area for each land use;
- Building envelopes for residential and retail development, including heights and setbacks;
- Indicative apartment mix and minimum apartment sizes;
- Indicative layout of Neighbourhood Retail, Medical and Leisure Centre;
- Indicative open space and public domain works;
- Transport, site access and car parking concepts;
- Water cycle management concepts;
- Infrastructure and services concepts;
- Project staging;
- Sales and marketing facilities including a marketing suite, use of dwellings as display suites and temporary signage;
- Superlot subdivision to separate the new Neighbourhood Retail, Medical and Leisure Centre from the Sharks Leagues Club;
- Future approvals framework including subdivision; and
- Developer contributions.

Table 1 identifies the key parameters for development and where they are addressed in detail in this report and accompanying documentation. The overall concept plan scheme is shown in **Figures 18 to 20**.

Table 1 – Key Development Parameters

Element	Key Parameters	Section	Appendix
Permissible Land Use	Residential accommodation, retail premises, health services facility, exhibition home, recreation area, environmental facility, entertainment facility, recreation facility (major), recreation facility (indoor), registered club, environmental protection works:	3.5, 3.6 and 3.7	EE
Maximum GFA	- 94,650m ²	3.5.1	EE
Building Envelopes	- Height s ranging from 2 to 16 storeys - Minimum 30m setback to Woollooware Bay	3.6 and 3.7	EE
Indicative Apartment Mix and Sizes	- 1 bed – 25% to 35%, min. 50m ² - 2 bed – 55% to 65%, min. 75m ² - 3 bed – 5% to 15%, min. 95m ²	3.7	FF
Indicative Layout of Stage 1 site	- Indicative layout of club, retail, medical and stadium facilities	3.6	GG
Indicative Open Space	- Large new foreshore park adjoining Woollooware Bay, public domain work	3.8	HH
Transport	- Site access points and traffic signals - Parking rates - Indicative game day parking - New cycle path extension along Woollooware Bay - Pedestrian facilities	3.9	I and J
Water Cycle	- Stormwater and flooding concepts - WSUD measures	3.10	K
Infrastructure & Services	- Water - Sewerage - Gas - Electricity	3.11	K and II
Project Staging	- Indicative staging of works	3.12	FF
Sales and Marketing	- Approval of land use, with details of location / size to be provided at detailed application stage	3.4	N/A
Approvals Framework	- Concept Plan –Part 3A - Stage 1 – Project Application - Stage 2 – Development Application - Stage 3 – Development Application	3.13	N/A
Developer Contributions	- VPA to be negotiated with Sutherland Shire Council	3.14	N/A
Subdivision	- Superlot subdivision approval under s.74P of the EP&AA Act	3.15	JJ



Figure 18 – Overall site Concept Plan scheme



Figure 19 – Residential Concept (preliminary floorplan)

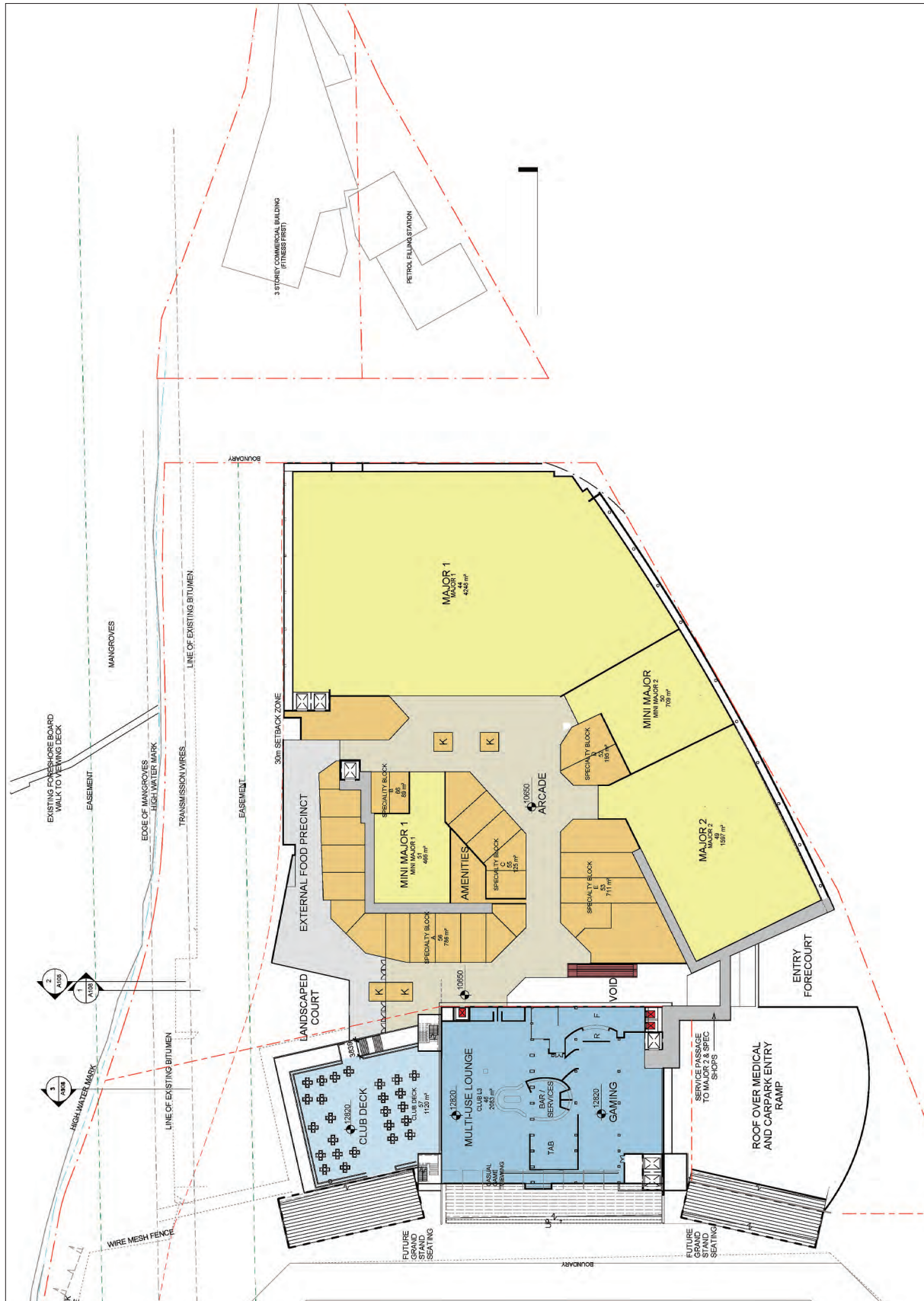


Figure 20 – New Retail Neighbourhood Centre (preliminary floorplan)

3.5 Land Use Distribution and Built Form

Land use distribution and built form controls for the Sharks redevelopment have been prepared by Scott Carver (new retail neighbourhood centre and Sharks Club) and Turner and Associates (residential masterplan). Relevant plans at A3 scale are included in **Appendices EE** to this environmental assessment.

Appendix EE of **Volume 3** includes Urban Form Controls for the development that address:

- building footprints;
- building envelopes;
- building heights expressed as RLs and storeys;
- building setbacks; and,
- building articulation zones.
- **Appendices FF** and **GG** include illustrative plans that show preliminary floorplans and layouts for both the residential unit buildings and the retail and club components. These plans are preliminary and are not proposed to form part of the Concept Plan approval but are included to demonstrate how the proposed mix of uses can be accommodated within the building envelopes and how the uses would interact with the public domain, pedestrian networks, parking and access, safety and surveillance and in the case of the residential development, the principles of SEPP 65.

3.5.1 Gross Floor Area

This Concept Plan application seeks approval for an overall quantum of Gross Building Area¹ (GBA) and Gross Floor Area² (GFA) for a range of uses, as detailed below. On the whole approval is sought for a total of 164,546m² new GBA across the site. A comprehensive and indicative breakdown of these areas is provided in **Appendices FF** and **GG**.

-
- 1 Gross Building Area (GBA) is defined as follows:

“the total enclosed and un-enclosed area of the building at all building floor levels...”

- 2 Gross Floor Area (GFA) is calculated using the definition contained within the *Standard Instrument—Principal Local Environmental Plan*, which is as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

Residential Neighbourhood

Approval is sought for the following developable areas within the residential neighbourhood site:

- Overall Gross Building Area (GBA) – 113,555m² comprised of:
 - Residential/retail – 83,676m²
 - Car park – 29,879m²
- Overall Gross Floor Area (GFA) – 68,000m², comprised of:
 - Residential – 67,260m² ; and
 - Commercial and amenities – 740m².

Retail and Club Neighbourhood Centre

Approval is sought for the following developable areas within Leagues club and new Neighbourhood Retail, Medical and Leisure Centre site:

- Overall GBA – 50,991m²
- Overall GFA – 26,650m², comprised of:
 - Club uses– 3,900m² GFA;
 - Retail uses – 13,900m² GFA;
 - Leisure uses– 3,350m² GFA;
 - Medical – 1,500m² GFA; and
 - Grandstand – 3,000m² GFA.

3.6 Neighbourhood Retail, Medical, Leisure Centre and Club Premises

A key component of the Concept Plan is the new community precinct which, in conjunction with the redevelopment of the Sharks Club premises, will create a vibrant and active new centre bringing together in the one location retail opportunities and complementary services such as a medical centre, leisure activities and leagues club activities. The centre will form a new community focus accessible by public transport through provision of a new bus service, and will be designed to interact with public domain improvements along the Woollooware Bay foreshore to create a new destination for pedestrians and cyclists. The diverse range of uses and facilities will create a vibrant and diverse centre that caters to the needs of the entire community and local businesses and sustains activity throughout the day and evening. The centre will also provide a venue for pre and post-match activities for football supporters on game days.

The following sections outline the proposed building layout and uses consistent with the illustrative plans in **Appendix GG**. The detailed layout and design of the new retail centre and Club premises will be the subject of a future Part 3A Project Application that will be consistent with the urban form controls in **Appendix EE**. An Architectural Statement is included at **Appendix E** and is summarised below.

Building Layout and Uses

The new neighbourhood centre incorporates two key components, being the redevelopment of the Leagues Club and the provision of new retail and leisure uses within the existing Club building, and the construction of a new retail development adjacent to it on the eastern car park site. The new neighbourhood centre will include four floors; three within the new retail component and four levels in the redeveloped club building.

The Sharks Leagues Club will occupy smaller and reconfigured premises within the existing building, reducing the number of floors within the club to two and orientating club activities to the upper levels to the north of the complex to take advantage of the Foreshore Park public domain improvements, and the excellent views over Woollooware Bay back to the City. An extension to the club building to the north will accommodate retail and leisure activity floorspace with an outdoor deck area for the Sharks Club on the third floor. The Club entrance is proposed to be located off Circulation Gallery on Level 1.

Vacated areas within the current club building on the lower floors are proposed to be occupied by a range of retail and leisure uses that will provide for greater integration of uses within the centre overall as well as take advantage of the high floor to ceiling heights within the existing club building.

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

- Level 1 (ground level) will accommodate the Entry Forecourt to the centre off Captain Cook Drive, the lower level of a proposed two storey medical centre, the Sharks Club loading dock area and floorspace for leisure activities and family entertainment. This level will also include car parking and the retail loading dock area, both accessed off the extension to Woollooware Road. The club entry will be at this level via elevators to level 3 and providing separation between the club activities such as gaming and licensed bars and the retail / leisure activities
- Level 2 will accommodate the upper floor of the proposed medical centre as well as retail floor space within the current club building envelope and the proposed northern extension of the building (under the club outdoor deck area). This level will also accommodate a second floor of car parking accessed via a ramp off the Captain Cook Drive entrance.
- Level 3 of the development will accommodate the Sharks Club premises including the outdoor deck area. This level will also be the principal retail area with a proposed floorspace configuration to accommodate major and mini-major retailers as well as smaller speciality shops around a main retail arcade. A "Landscape Court" area (see below) opens out to the north and is proposed to be fringed by an external food precinct which will complement the club deck area and provide for outdoor dining experiences that take advantage of the public domain, northern aspect and view to the City.
- Level 4 will accommodate a restaurant and office administration area within the Sharks Club building.

The interface of the two components of the development (the redeveloped Sharks Club building and the new retail development) will be by way of a series of open and enclosed public spaces including:

- an "Entry Forecourt" on Captain Cook Drive which will be open to the sky and focus pedestrians into the neighbourhood centre from the bus stop or game day drop off point. The forecourt will articulate the building mass between the club building and the retail building. The Entry Court will be at ground level.
- The "Landscape Court" on the northern side of the development that will also be open to the sky and form an opening that will break up the building mass along the Foreshore Park to the north.
- a "Circulation Gallery" within the building envelope which will be enclosed and will link the Entry Court with the Landscape Court. It will also link to the Retail Arcade area and receive natural light and ventilation through roof lights. The public space and circulation areas will be linked by way of travelators.

Car Parking, Access and Servicing

Car parking will be provided within the first two levels of the retail building. The car parking area can provide for up to 651 spaces for shared club / retail / leisure / medical centre patrons. Access to Level 1 car parking areas will be off the extension to Woollooware Road via its signalised intersection with Captain Cook Drive. Level 2 car parking will be accessed via a ramp leading up from the new signalised intersection on Captain Cook Drive.

The retail centre loading dock area will be located on the northern side of the new retail centre off the Woollooware Road extension adjacent to the car park entrance. A second loading dock area which will service the Sharks Club and retail and leisure activities within the club building will be located is proposed to be located on the south side of the existing club building, accessed off the new intersection on Captain Cook Drive.

Future applications for development will be accompanied by a Loading Dock Management Plan to address safety, servicing, hours of operation and any other matters deemed relevant.

3.7 Residential Masterplanned Estate

This Concept Plan seeks approval for residential building envelopes, including heights, setbacks and building articulation zones, in accordance with the Concept Plan Architectural Drawings prepared by Turner and Associates provided at **Appendix EE**. An Architectural Statement has been included as **Appendix F**. The statement includes an assessment of the residential component of the Concept Plan against the principles in *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development*.

A preliminary residential scheme showing proposed building layouts and articulation consistent with the controls for which Concept Plan approval is sought has been included in **Appendix FF**. This preliminary scheme accommodates a total yield of 700 dwellings, with indicative apartment mix and sizes, and indicative locations of parking areas and landscaping. A summary of the key points of the design statement is below:

The proposed residential development will consist of eight buildings on top of a two storey podium of parking. As with the retail site, contamination associated with previous landfill activities has mandated that construction should be by way of piling through the material with development at grade, rather than excavation for basement parking.

The layout of the residential estate will see the building forms being organised around a central boulevard running north-south and connecting Captain Cook Drive with the Foreshore Park to the north of the site. The boulevard will in itself be an important pedestrian link and key element of the site's overall public domain. A secondary east-west street branches off the boulevard and traverses west, terminating prior to the site boundary. The road network breaks the site up into three main residential components. The street network provides for 43 car parking spaces for visitors or users of the public domain.

The built form of the site is comprised of buildings that are generally six to eight storeys in height above the two storey parking podium with heights graduating from south to north. Higher building envelopes are proposed in key locations which rise up to 13 storeys above the podium for Buildings A and G, and 14 storeys for Building E. The heights are located to be set in from the most visible edges of the site to the north and south west. Building envelopes and heights are shown in **Figure 21**.

At ground level, from the entry point into the site off Captain Cook Drive, the central boulevard rises up above the car parking podium, cresting in the centre of the site to create good view of the Foreshore Park area and Woollooware Bay to the north.

The parking podium's impact is mitigated by its perimeter treatment with the main boulevard bisecting it and giving the impression of a natural incline through the site and the remaining areas of the podium being screened by commercial development along Captain Cook Drive and by residential units along the western edge with Solander Fields.

Indicative Apartment Mix

Approval for an indicative mix of apartment types across the entire development site and minimum apartment sizes is sought as part of the Concept Plan, as described in **Table 2**. Indicative internal building designs and apartment layouts have been prepared by Turner and Associates and are provided at **Appendix FF** to demonstrate the feasibility and amenity of the proposed dwelling mix and sizes.

Table 2 – Indicative Apartment Mix and Sizes

Apartment Type	Indicative Mix	Indicative Minimum Internal Sizes
1 bedroom	25% to 35%	50
2 bedroom	55% to 65%	75
3 bedroom	5% to 15%	95

Building Envelopes

The Concept Plan seeks approval for the residential building envelopes shown in the Architectural Drawings for Concept Plan approval prepared by Turner and Associates (**Appendix EE**). The dimensions, setbacks and building heights are shown in **Figure 21**. The proposed envelopes generally comprise:

- 2 storey podium across the residential masterplanned site for parking, access, services, landscaping and ancillary retail/office;
- 8 residential flat buildings to be located above the podium; and
- Heights ranging from 6 storeys to 14 storeys (plus podium).

Building Heights

Table 3 sets out the maximum building heights for each new building as shown in the Architectural Drawings at **Appendix EE** and depicted at **Figure 21**. Building heights are measured by the maximum RL. The overall maximum height within the development ranges from RL 29.05 (Building D) to RL 56.35m (Building E).

To assist in the assessment of the Concept Plan building envelopes, the number of storeys contained within the indicative design scheme (not for approval) including the 2 storey podium is provided in Column 3 of **Table 3** below.

Table 3 – Proposed maximum building heights

Building (Column 1)	Maximum RL to top of parapet (excludes plant) (Column 2)	Indicative No. of Storeys including podium (Column 3)
A	RL 50.75	15 storeys
B	RL 35.25	10 storeys
C	RL 32.15	9 storeys
D	RL 29.05	8 storeys
E	RL 56.35	16 storeys
F	RL 38.35	11 storeys
G	RL 50.75	15 storeys
H	RL 32.15	9 storeys

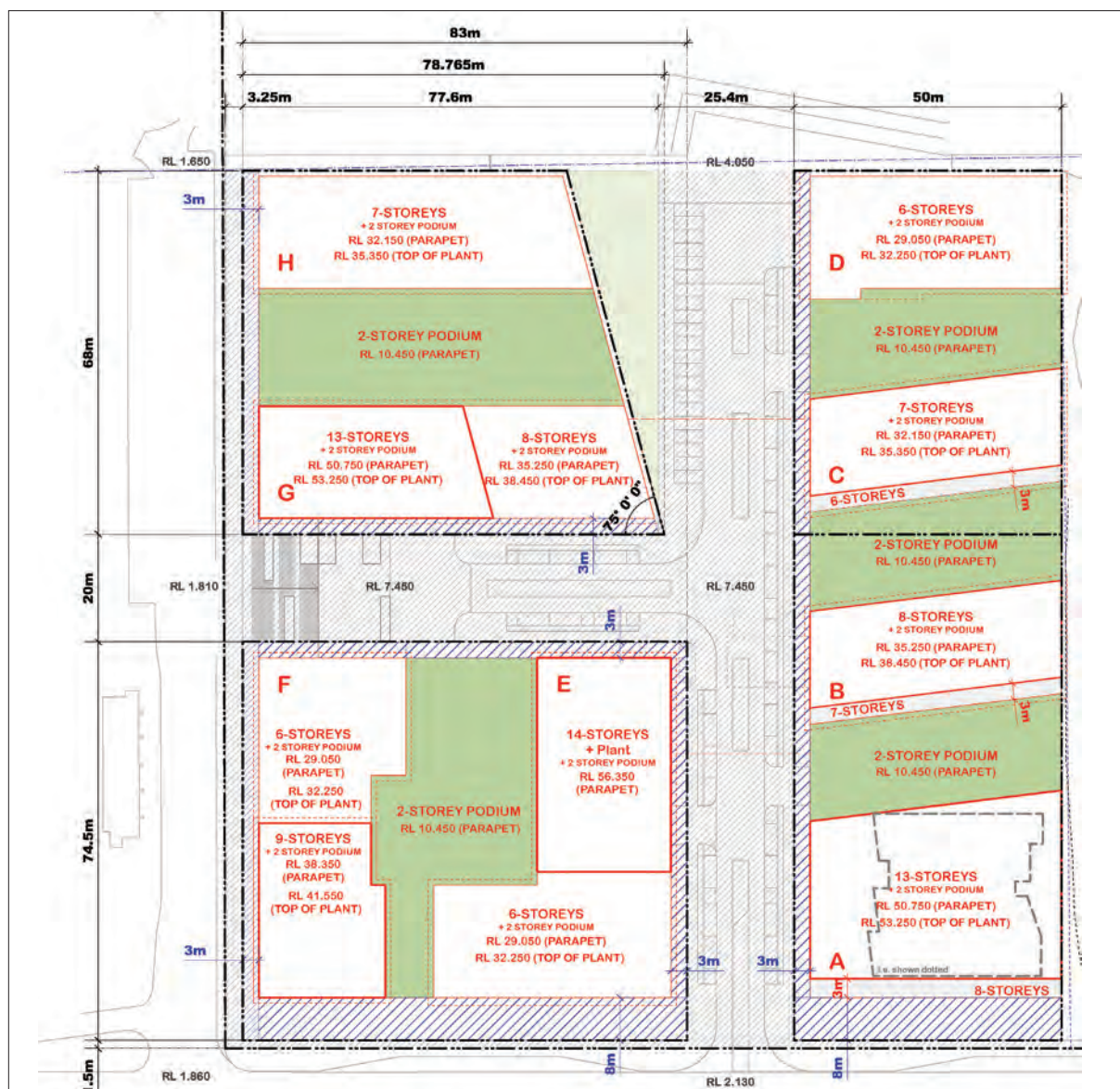


Figure 21 – Proposed building envelopes and heights

Above Ground Parking

As outlined in Section 2.7 and Section 7.14 the potential for sub-surface soil contamination due to previous site filling precludes excavation for basement car parking on this site. As a result a two-storey podium for car parking is proposed on both the residential and retail sites, which will be embellished at ground level with active uses, landscaping (including deep soil planting areas) and site works to ensure the internal streetscape and public domain are appropriately treated from a design perspective. Access to these parking areas will be from the internal street network.

Parking Rates

Concept Plan approval is sought for residential parking rates to be adopted in future detailed applications:

- Maximum 1 space per one bedroom and two bedroom unit;
- Maximum 2 spaces per three bedroom unit; and
- Minimum 1 visitor space per 8 units (spaces may double as car wash bays).

Overall 858 parking spaces are provided for the residential estate. The proposed rates reflect the overall objective of reduced car dependency and the high level of recreational and retail facilities provided within close walking distance of dwellings as part of the Concept Plan scheme. Justification for these rates is provided in the Environmental Assessment at Section 7.6 and in the Traffic Management and Accessibility Plan prepared by McLaren Traffic Engineering at **Appendix I**.

3.8 Open Space and Public Domain

The Landscape Statement (**Appendix G**) and Concept Landscape Plans (**Appendix HH**) prepared by Aspect Studios outlines the overall landscape design scheme and principles for the proposed development within the site. The proposed redevelopment will create a valuable community asset in the form of a high quality public domain that extends and builds on existing public domain linkages around the Woollooware Bay foreshore. The landscape concept plan is shown in **Figure 22**.

Public domain improvements are detailed below.

Foreshore Park

The key open space feature of the Concept Plan scheme will be the Foreshore Park located to the north of the residential and retail sites. The design of the Foreshore Park will allow for both active and passive recreation catering to a wide range of user groups, including the proposed cycling and pedestrian path, BBQs and picnic tables and seating, boardwalk/pontoon and a large inclusive children's play area.

The proposed pedestrian / cycleway will extend the pedestrian and cycle path that currently runs from Mangrove Lane at Taren Point along the Woollooware Bay foreshore to Solander Field to the west of the site. The proposed Sharks redevelopment will extend this important community link approximately 530m further east to Woollooware Road.

The park will include a children's play area in the north east corner of the site that will provide a destination for families that can be accessed either from the extended Woollooware Bay pedestrian / cycle path or from the adjacent Solander Fields or through the proposed residential estate.

The proposed play area will be designed as a 'Livvi's Place Inclusive Playground' in accordance with the standards set out by the *Touched by Olivia Foundation* (refer to **Appendix P**). These facilities provide for inclusive playgrounds for children with a range of abilities that promote social inclusion and promote increased participation by all children to reduce childhood obesity.

The existing foreshore vegetation and ecological communities will be rehabilitated as part of future landscape and site works, with the potential for the recreation of intertidal saltmarsh ecological communities which are present elsewhere in Woollooware Bay within the proposed riparian buffer, subject to detailed environmental investigation and design. Details of proposed native landscape plantings within the riparian and recreated saltmarsh areas to the north of the proposed residential and retail development are provided at **Appendix G** and **Appendix HH**.

The proposed Foreshore Park will integrate with the new Neighbourhood Retail, Medical and Leisure Centre and club premises which have been designed to open out to the north and provide not only good views and aspect, but also to promote good access to the public domain. This not only improves the experience of users of the retail and club premises, but also makes them a destination for families that will use the Woollooware Bay pedestrian/cycle path, be it through cafes and restaurants, leisure activities or the club facilities. Destinations such as these will encourage greater activation and use of the Woollooware Bay foreshore for passive surveillance and crime prevention and will support previous Council investment.



Figure 22 – Overall Landscape Concept Plan

Family Hill

Toyota Stadium's 'Family Hill' will be upgraded to create a terraced and more usable space than the current sloping surface whilst still retaining the family character and function of the hill within the football stadium context. This will include a public pedestrian link outside of the stadium area over the top of the hill to the north which allows for a more interactive interface between the stadium and the public domain.

Residential Estate

Existing and proposed internal streetscapes will be embellished with deep soil planting with mature street trees supported by under storey planting, upgrades to footpaths and cycle facilities and the creation of new entrances and interfaces with the street at pedestrian entrances to the retail, football stadium and residential components of the site from Captain Cook Drive. Internal street networks will incorporate suitable landscape plantings in order to support the Water Sensitive Urban Design measures, improve the quality of the public domain and provide additional residential amenity.

Private communal courtyards for residential apartments will be provided on top of the basement podium, with mounding and raised soil volumes which are adequate to support trees and landscaping. Access to these courtyards will be primarily from building lobbies, although opportunities may exist for direct pedestrian access from internal streets. It is anticipated that these courtyards will provide opportunities for passive recreation through seating and landscaping and active recreation through facilities such as pools. Future applications for development will investigate the feasibility and practicality of providing 'green roofs' to some of the lower residential flat buildings as another area of communal open space.

3.9 Transport, Access and Parking

Vehicular Access

The proposed Concept Plan scheme seeks in-principle approval for three new vehicular access points servicing the site shown on the Roadworks and Stormwater Concept Plans (**Appendix K**) and described in the Traffic Management and Access Plan (**Appendix I**) and depicted in **Figure 23** below, being:

- Removal of existing roundabout at the intersection of Captain Cook Drive and Woollooware Road and the creation of a new signalised intersection with Woollooware Road North, providing vehicular access to the retail/club car park, retail loading dock and the adjacent Fitness First premises;
- New signalised intersection located to the south of the existing Leagues Club building providing access to the retail/club car park from Captain Cook Drive, with left-in, left-out, right-in and right-out access; and
- New signalised intersection for residential access to Captain Cook Drive from the residential site with left-in, left-out and right-out access.
- Detailed design approval for the above intersections will be sought as part of subsequent applications for the respective club/retail and residential components of the proposed scheme.

Retail Vehicle Access and Servicing

Vehicular access to the retail neighbourhood car park will be provided from two signalised access points described above. The indicative locations and separation of these access points in relation to the proposed development and Captain Cook Drive provide a suitable level of service for both patrons of the retail neighbourhood, pedestrians and general traffic along Captain Cook Drive.

The primary vehicular access point for patrons of the retail neighbourhood will be via the central access point to the south of the existing Leagues Club. From this intersection inbound vehicles will enter and leave the site via a vehicular ramp directly between Ground Level and the Level 1 car park. Secondary vehicle access to the car park will be provided from the newly extended Woollooware Road North, with vehicles entering directly to the Ground Level carpark.

Loading dock access will be provided from the newly extended Woollooware Road North and will be subject to detailed design at the Project Application stage, including preparation of a loading dock management plan with a view to minimising any potential conflict between general traffic and service vehicles and to ensure a suitable level of servicing for future retail tenants.

Residential Vehicle Access and Internal Street Layout

Vehicular access to the residential development will be via the newly created T-intersection with Captain Cook Drive and the internal access road. From this point the internal road will raise two levels to the level of the internal street network. This access will provide a suitable level of safety, efficiency and amenity for both existing through-traffic along Captain Cook Drive and residents of the new development.

Figure 23 – Indicative vehicular access for the retail centre

3.9.2 Major Events / Game Day

The Concept Plan scheme will involve substantial changes to game day transport arrangements to address existing transport and parking issues and respond to the future loss of on-site parking. In order to develop more sustainable game day transport arrangements, this Concept Plan scheme proposes a number of new initiatives as detailed in the Game Day Satellite Parking Plan prepared by McLaren Traffic Engineering (**Appendix J**) to ensure that the ongoing and future operations of Toyota Stadium are not adversely affected by the proposal.

The Concept Plan proposes significant improvements to current public transport and access arrangements for major events held at Toyota Stadium in order to reduce car-dependence and resolve existing parking issues. In order to do this it is proposed to establish an extensive network of game day shuttle bus services connecting local pick-up-points, regional transport nodes and park-and-ride hubs within the region to the stadium. **Appendix J** details potential shuttle bus routes linking the stadium to Cronulla, Woollooware Station, Engadine, Gymea, Menai, Caringbah and Miranda. The proponent is involved in ongoing consultations with landholders including Sutherland Shire Council and the NSW Department of Education to identify suitable sites for potential park and ride on game days.

- In addition to the above, potential for spaces within the Retail Neighbourhood carpark area to be designated as spectator parking during major events through the use of appropriate parking controls will be investigated as part of the detailed design of this parking space.
- These game day transport arrangements will form part of an overall major event transport management plan which is to supersede the *1998 Peak Event Traffic Management Plan* prepared by McLaren Traffic Engineering.

Future applications for development shall also be required to address the way in which game day traffic management will be managed during construction phases. A Statement of Commitment included at Section 8.0 of this report commits the proponent to the preparation of major event traffic management plans for the construction and post-development stages of the Concept Plan scheme.

3.9.3 Public Transport

During the preparation of the Concept Plan, the proponent has consulted with the Transport NSW to investigate the feasibility of providing public bus services to the site. As a result of these discussions, it has been found that the proposed development will provide the required critical mass to support a new regular public bus service to the site and its surrounds as a public transport destination (retail neighbourhood and club) and origin (residential dwellings). Correspondence from Transport NSW confirming this is at **Appendix M**. An indicative route diagram for the proposed public bus route is shown in **Figure 24** below.

The design and implementation of the proposed bus service including timing, routes, frequency and operating hours will be the subject of ongoing discussions with the Transport NSW, the local private bus operator and Council. A Statement of Commitment is included at Section 8.0 which reaffirms the commitment by Sharks to cooperate with the relevant public authorities and service providers to establish public transport to the proposed new centre.

The Concept Plan also seeks approval for new indented bus bays on the northern side of Captain Cook Drive in front of both the residential and retail neighbourhoods and on the southern side of Captain Cook Drive opposite Toyota Stadium in order to facilitate the provision of this new service and to provide additional capacity for game day bus services.



Figure 24 – Indicative public bus service route (dark blue)

3.9.4 Cyclist Facilities

The Concept Plan scheme provides for a 500 metre extension of the existing shared off-road cycle path from the Solander Fields to Woollooware Road via the proposed foreshore park. This path provides a new destination to anchor the Taren Point/Woollooware Bay off-road cycle path, and will connect with existing cycle paths implemented under the *Sutherland Shire Bicycle Plan* to provide a continuous connection via established on and off-road cycle paths to Sutherland town centre. This cycle path will provide an important link for the ultimate creation of a continuous bicycle route between Sutherland and Cronulla.

3.10 Water Cycle Management

A Stormwater, Flooding and Servicing Management Strategy has been prepared for the proposed development by AT&L Project Managers and Civil Engineers (**Appendix K**). This report includes a review of a number of existing stormwater, flood and climate change studies for the site and surrounds, and establishes key water management principles to guide future development in line with the Concept Plan scheme. In brief, these principles are as follows:

- Minimise potable water demand of the development by implementing water saving measures and water re-use measures;
- Ensure there is no impact on water quality (nutrients, sediment and gross pollutants) during and following construction activities, and where possible improve existing conditions; and
- Minimise the volume of stormwater runoff from the developed site through minimising impervious areas and implementation of stormwater retention measures.
- In order to achieve these principles the AT&L report identifies a number of measures which should be included as part of future detailed applications for development.

- Key reductions in water consumption will be achieved through the implementation of a rainwater re-use scheme with reticulation to residential buildings for toilet flushing, washing machines, car washing and landscape irrigation, which could potentially achieve potable water consumption savings of up to 70% compared to typical households.
- Water sensitive urban design (WSUD) measures have been included within the proposed Concept Plan scheme such as the provision of rainwater tanks, gross pollutant traps as appropriate and the inclusion of a bio-retention swale located within the interface between the tidal channel and the residential development. Use of impervious surfaces will be minimised throughout the development in order to provide additional filtering of stormwater prior to its discharge from the site in order to ensure that the impact on water quality as a result of the proposed development is either neutral or improved.
- The proposed bio-retention swale running parallel to the tidal channel will (subject to detailed design) act as an overland flow path for excess water flows from the tidal channel during periods of peak discharge. The culvert underneath Captain Cook Drive will also be enlarged as part of the proposed development in order to ensure that current flooding conditions are not adversely affected by the proposed development.

3.11 Infrastructure and Services

The Stormwater Management and Servicing Strategy prepared for the proposed Concept Plan scheme by AT&L (**Appendix K**) addresses the ability of existing and future infrastructure to adequately service the proposed development.

Potable Water

Initial site investigations and discussions with the relevant service providers indicates that the proposed Stage 1 Retail Neighbourhood is able to be adequately serviced by existing 100dia and 150dia mains located along Captain Cook Drive.

In order to adequately service the Stage 2 Residential development, an existing 300dia water main will be required to be extended up to 2 kilometres to the site.

Sewerage

Sewerage infrastructure currently services the site and initial advice from the service provider indicates that there is sufficient capacity within its system to support the proposed development at this location.

Gas

Existing gas mains located at Captain Cook Drive and Woollooware Road are expected to be suitable for connection to the proposed development, subject to future detailed design and discussion with the relevant service provider (Jemena).

Electricity

Existing electrical infrastructure has been confirmed to have sufficient capacity to support the proposed development, subject to detailed design and discussion with the relevant service provider (Ausgrid).

Communications

Future applications for development will investigate the potential to relocate the existing telecommunications tower within the subject site to enable the best development outcome, which will be subject to the requirements of the relevant service provider.

Initial discussions with NBN Co confirm that the development will be serviced by the National Broadband Network.

3.12 Indicative Project Staging

The Concept Plan proposes to develop the Cronulla Sharks site in three stages:

- Stage 1 - Retail Neighbourhood Centre on the eastern car park site and redevelopment of the Leagues Club facilities ;
- Stage 2 - Residential Masterplanned Estate on the western car park and field area; and
- Stage 3 - Extension and improvement of the Sharks playing field facilities including grandstand extensions.

Construction of the western residential site is proposed to be staged as shown in the indicative staging plan at **Figure 25** below.

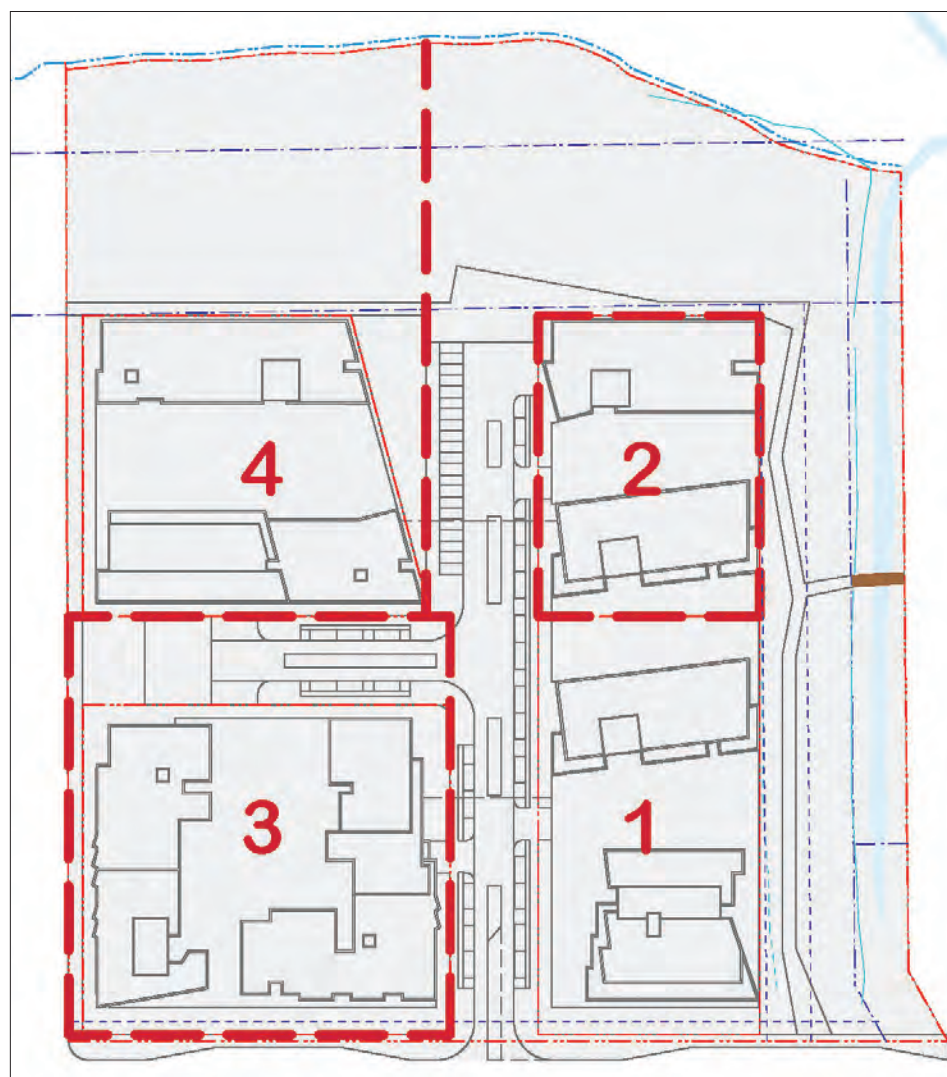


Figure 25 – Residential Staging Plan

3.13 Future Approvals Framework

On 13 May 2011 the NSW Government announced transitional provisions relating to the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979*. Under these transitional provisions which were effected through State Environmental Planning Policy (Major Development) Amendment 2011, State Environmental Planning Policy (Major Development) 2005 (and hence Part 3A of the Act) continues to apply to the Project Application for Stage 1 - Retail Development (MP 10_0230) as the Director General's Requirements (DGRs) for the environmental assessment of this project were notified to the proponent on or before 8 April 2011.

As Group 5 of Schedule 1 of the Major Development SEPP has now been repealed, Part 3A of the Act no longer applies to new residential projects and as such a Development Application will be required to be lodged with the relevant planning authority, being Sutherland Shire Council.

The *Environmental Planning and Assessment Amendment (Repeal of Part 3A) Bill 2011* (the Bill) was introduced into Parliament by the NSW Government on 16 June 2011. The Bill, which has now been passed by Parliament, replaces Part 3A with an alternative system for the assessment of projects of state significance whilst providing for appropriate transitional provisions for projects already being assessed under the provisions of Part 3A.

The bill inserts into the Act Schedule 6A - Transitional Arrangements – Repeal of Part 3A, under which Part 3A of the Act continues to apply to applications for approval of a Concept Plan where the environmental assessment requirements for the project had been notified to the proponent prior to the repeal of Part 3A. (i.e. this application).

The Bill contains provisions for the assessment of further applications for development to which Part 3A does not continue to apply. Under these provisions, and subject to the new Regulations, development which is covered by a Concept Plan approved under Part 3A but is subject to assessment under Part 4:

- is taken to be development which may be carried out under Part 4, despite anything to the contrary in an environmental planning instrument;
- must be consistent with any development standard within the terms of the Concept Plan approval;
- must be generally consistent with the terms of approval for the Concept Plan;
- the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Plan.

3.14 Developer Contributions

A Voluntary Planning Agreements (VPA) under Section 93(F) of the EP&A Act will be prepared to provide for local infrastructure contributions. The VPA will relate to development and associated infrastructure and community services for the project and address direct monetary contributions for local infrastructure, works-in-kind and dedication and on-going management and maintenance of public domain areas.

It is proposed that a Voluntary Planning Agreement (VPA) will be negotiated with Sutherland Shire Council and would as far as practicable reflect the contributions in Council's Section 94 Contributions Plan however will also address site specific issues.

Cronulla High School Sports Facilities

One component of the proponent's development contributions will be apportioned to the establishment of NRL standard rugby league training fields and a clubhouse at Cronulla High School for the Cronulla Caringbah Junior Rugby League Football Club which will complement the new waterpolo facility which is planned to be provided at this location. The provision of the rugby league training fields and clubhouse will be subject to future negotiations with the NSW Department of Education and Training and receipt of the relevant development approvals from Sutherland Shire Council independent of this Concept Plan scheme. However, indicative plans of the proposed facility are provided for information purposes at **Appendix N**.

3.15 Superlot Subdivision

The Concept Plan seeks approval for the subdivision of Lot 11 DP 526492 into two separate lots to accommodate the proposed retail and club components of the redevelopment. The residential component is already on a separate title (Lot 20 DP 529644). The Draft Plan of Subdivision prepared by Harrison Friedman and Associates Pty Ltd is provided at **Appendix KJ** and shown in **Figure 26** below. The proposed subdivision will enable the Toyota Stadium and Sharks Club facilities to be on a separate legal title to the proposed retail neighbourhood centre. The subdivision is required to enable future club licensing, lease and management arrangements to be facilitated. The subdivision is also required to accommodate ongoing financial arrangements between the Joint Venture Partners and facilitate the redevelopment.

Under Section 75P of the *Environmental Planning and Assessment Act 1979* the Minister may, when giving approval for the Concept Plan for a project, determine that no further environmental assessment is required for the project (or part thereof) and hence approve the carrying out of that project under Section 75J Act without requiring any further application or environmental assessment. Should the Minister choose to approve this Concept Plan, it is requested that he exercise the above powers with respect to the superlot subdivision of the site.

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4.0 Consultation

In accordance with Part 3A of the EP&A Act, consultation is required to occur at the following stages:

- the Director-General of the Department of Planning and Infrastructure is required to consult with relevant public authorities in preparing the environmental assessment requirements (DGRs) for the Concept Plan; and
- the Director-General is required to advertise and exhibit the Environmental Assessment and appended reports and documentation.

Comments and issues raised by these authorities and groups are included in the DGRs at **Appendix B** and have been considered by the Department in preparing the DGRs. When the Director-General advertises and exhibits the Environmental Assessment and appended reports and documentation, agencies will have a further opportunity to comment and submissions will be invited from the broader community.

Following Concept Plan approval, further consultation with relevant agencies and the community will take place at the future Project Application stages.

The Project Applications and supporting documentation will also be exhibited in order that any agencies and community members may make submissions at that time.

The requirement of the DGRs to undertake an appropriate and justified level of consultation has been met given the extent of:

- prior consultation regarding the Concept Plan;
- future consultation in relation to this Concept Plan;
- future consultation in relation to Project Applications;
- the targeted consultation provided in Section 4.1 below.

Given the extent of prior consultation regarding the Concept Plan, future consultations in relation to this application and future project applications, and the targeted consultation described below, it is considered that the requirements of the DGRs are satisfied in this respect.

The proponent and the Cronulla Sutherland Leagues Club have consulted extensively with the public in the lead-up to the submission of this Concept Plan application, as detailed in the Community Consultation Report prepared by Straight Talk (**Appendix L**).

4.1 Council and Agency Consultation

- The proponent has consulted extensively with Sutherland Shire Council and government agencies including:
- Commonwealth Department of Environment, Water, Sustainability, Population and Communities;
- NSW Department of Planning and Infrastructure;
- Transport NSW;
- NSW Office of Environment and Heritage;
- NSW Department of Primary Industries;
- NSW Department of Education and Training;
- NSW Roads and Traffic Authority; and
- Sydney Water.

Discussions have been held with Transport NSW Department of regarding the potential provision of public transport to the subject site to support the proposed development. A letter has been provided by the Department (**Appendix M**) which indicates that the establishment of a new bus service is feasible on the development of the proposed scheme.

Cronulla High School and the NSW Department of Education and Training have been closely involved in planning for potential upgrades to the existing school playing fields. A letter of support for the arrangements described at Section 3.14 is provided at **Appendix O**.

4.2 Community Consultation

Cronulla Sutherland Leagues Club is a community organisation with strong ties to the Sutherland community, and has approximately 18,500 financial members (2009 financial year) of which the majority are also residents of the region. At a recent meeting of Club members to secure a required vote for the Club to proceed in the BCV Joint Venture, 98% of the 600 members that attended the meeting supported the Joint Venture.

A community consultation evening was held at the Cronulla Sutherland Leagues Club on 14 June 2011, and was attended by over 200 members of the public. The night was well publicised beforehand, with over 20,000 flyers distributed via letterbox drop to surrounding suburbs and a further 10,000 flyers distributed to the crowd at the Sharks vs Broncos NRL game on 3 June 2011. Information about the proposed development was presented via a series of information boards, and the proponent, project team and representatives from the Leagues Club were available to provide additional information and answer questions on the proposal. Feedback forms were completed by over 100 participants, and a summary of comments and issues raised directly with members of the project team were also recorded.

A dedicated website for the development has been established and contains information about the proposal, key issues and the planning process and includes a community feedback mechanism (www.infoonsharks.com.au).

The La Perouse Local Aboriginal Land Council (LALC) was consulted in the preparation of the Archaeological Assessment of the site, with members of the LALC participating in the site inspection. It is expected that the LALC shall provide their final feedback on the findings of the assessment prior to the determination of this application.

The proponent and the Cronulla Sutherland Leagues Club have worked closely with the Cronulla Caringbah Sharks Junior Rugby League Club to facilitate its potential relocation to new grounds at Cronulla High School. A letter of support for this arrangement from the Juniors Club is provided at **Appendix O**.

Discussions have also been held with the Touched By Olivia Foundation to ensure that the proposed foreshore park playground is designed to achieve the Foundation's Inclusive Playground standards (**Appendix P**).

Key Issues Raised

Throughout the consultation process the project team has actively sought to engage with the community on key issues regarding the project. Key issues raised by the community can be summarised as follows:

- residential height and density;
- visual impact;
- traffic;
- public transport
- parking, and especially game-day parking;
- environmental impacts; and
- project timing.
- The above issues are addressed in detail at Section 7.0 of this environmental assessment report.

5.0 Director General's Environmental Assessment Requirements

On 25 March 2011, in accordance with Section 75F of the EP&A Act, the Director-General of the Department of Planning issued the requirements for the preparation of an Environmental Assessment to accompany a Concept Plan for the project. A copy of the DGRs is included in **Appendix B**.

Table 4 provides a detailed summary of the individual matters listed in the DGRs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 4 – Director General's Requirements

Requirement	Location in Environmental Assessment	
General		
Statement of Validity	Page i	
Executive Summary	Page ii	
Quantity Surveyor's Certificate	Appendix A	
Site Analysis	Section 2.0	
Description of the Proposed Development	Section 3.0	
Description of Community Consultation	Section 4.0	
Assessment of Key Legislation and Policies	Section 6.0	
Assessment of the Key Planning Issues	Section 7.0	
Draft Statement of Commitments	Section 8.0	
Conclusion and Justification	Section 9.0	
Key Issues	Report	Technical Study
Planning provisions applying to the site, including permissibility and the provisions of all plans and policies are contained in Appendix A.	Section 6.0, Section 7.0	N/A
Built Form/ Urban Design		
The EA shall address the height, bulk and scale of the proposed development within the context of the locality. In particular, detailed envelope/height and contextual studies should be undertaken to ensure the proposal integrates with the local environment, including significant coastal wetlands, and the public domain.	Section 7.0	Appendices E, F and G
The EA shall provide justification for the height, scale and density of the proposed development in relation to the accessibility to public transport. In particular, the height of the residential component requires justification and careful consideration as noted in the letter to the proponent dated 21 February 2011.	Section 7.2	Appendix F
The EA shall provide the following: - Comparative height study to demonstrate how the proposed building heights relate to the height of the existing, proposed and approved developments surrounding the subject site and in the locality, including solar impacts to adjacent development;	Section 7.2	Appendices E, F, X and GG

Requirement	Location in Environmental Assessment	
Built Form/ Urban Design		
<ul style="list-style-type: none">- Visual and view analysis to and from the site from key vantage points; including Woollooware Bay, Towra Point Nature Reserve, Captain Cook Drive, the corner of Bate Bay Drive and Sanderson Street Cronulla and from Woollooware Road;- Options for siting and orientation of building envelopes, massing and articulation.	Section 7.2	Appendices E, F, X and GG
The EA shall address the design quality with specific consideration of the massing, setbacks, building articulation, landscape concepts, above ground level parking design, safety by design and public domain, and pedestrian/bicycle connectivity.	Sections 3.2, 3.3, 3.4 and 7.2	Appendices E, F, G, EE, FF, GG, and HH
Land Use		
The EA shall address the relevant metropolitan, regional and local strategies in relation to the desired future mix of land uses, including justification for the proposed type, function and quantity of retail floorspace.	Section 6.3	Appendices Y, Z and AA
The EA shall provide justification for the creation of a new centre within the Metropolitan hierarchy, including consideration of the hierarchy established by the Draft Southern Sub Regional Strategy and the Metropolitan Plan 2036.	Sections 6.3.2, 6.3.3	Appendices Y, Z and AA
The EA shall address the loss of active open space, detailing how existing and future demands for sports fields will be met within the context of growing participation rates across all sports.	Section 7.8	Appendix W
The EA shall address the social impacts of the proposal and include an appropriate investigation of the potential impacts upon the ongoing provision of community services and functions of the Cronulla Sharks Club. Sufficient justification shall be provided to demonstrate that the proposal will not unreasonably diminish the social benefits provided by the club to the community.	Section 7.8	Appendix W
Economic Impact Assessment		
The EA shall address the economic impact of the proposal and include a detailed investigation into the impact of the proposed retail floorspace upon surrounding centres. It should also examine whether there is sufficient strategic justification for the proposal and address how the proposal would support the objectives /aims of relevant State and regional strategies for the locality.	Section 7.4	Appendices Y, Z and AA
The impact of a new centre upon facilities and services in existing centres should also be considered.	Section 7.4	Appendices Y, Z and AA
Public Domain / Open Space		
The EA must explain the type, function and landscape character of the various private, communal and public areas on site. Pedestrian circulation and linkages between each space and the foreshore of Woollooware Bay should be demonstrated in a schematic form.	Sections 3.8 and 7.3	Appendices G and HH
The EA must address public domain improvements, pedestrian linkages and street activation.	Sections 3.8 and 7.3	Appendices G and HH

Requirement	Location in Environmental Assessment	
Public Domain / Open Space		
The EA must demonstrate that publicly accessible pedestrian and cycle access can be provided between any development and Woollooware Bay as identified in the Sutherland Shire Bicycle Plan.	Sections 3.8 and 7.3	Appendices G and HH
<p>The EA is to demonstrate how the design of proposed structures and the treatment of public domain and open spaces will:</p> <ul style="list-style-type: none">- Maximise safety and security within the site and the public domain;- Maximise surveillance and activity within the site and the public domain;- Comply with Crime Prevention Through Environmental Design (CPTED) principles;- Ensure access for people with disabilities;- Minimise potential for vehicle and pedestrian conflicts.	Sections 3.6-3.9, 7.2	Appendices E, F and G
Environmental and Amenity Impacts		
The EA must address solar access, acoustic privacy, visual privacy, view loss, wind impacts, light spillage and achieve a high level of environmental and residential amenity. Any analysis must address amenity impacts associated with game days.	Sections 3.6 -3.9, 7.7 and 7.8	Appendices E, F, G, Q, EE and GG
The EA must demonstrate that the proposal can achieve compliance with the requirements of SEPP 65 and the associated Residential Flat Design Code (RFDC).	Section 3.7 and Section 7.5	Appendix F
The EA must address the impacts associated with the electricity transmission easement, and the transmission towers and wires upon future dwellings.	Section 7.17	Appendix DD
Transport and Accessibility (Construction and Operational)		
<p>The EA shall address the following matters:</p> <ul style="list-style-type: none">- Provide details on transport and accessibility, traffic generation, access, loading areas, car parking arrangements, pedestrian and bicycle linkages associated with the proposed works, including safe links to nearby residential neighbourhoods, schools and recreational facilities;- Provide a Traffic Management and Accessibility Plan (TMAP) prepared in accordance with the RTA's Guide for preparation of TMAPs, considering the traffic generation capacity of the various land uses on site, any required road/ intersection upgrades and analysis of intersection capacities to ensure adequate levels of services are maintained, access, loading dock(s) including vehicle type and delivery times and manoeuvring paths for the full range of intended user vehicle types, car parking arrangements, and measures to promote public transport usage and pedestrian and bicycle linkages. The TMAP shall be undertaken in the context of the current and anticipated future traffic volumes from significant traffic generators on the Kurnell Peninsula;- Demonstrate the appropriate provision of on-site car parking for the proposal having regard to Council and RTA guidelines and including "game day" parking arrangements.	Section 3.9 and Section 7.6	Appendix I and J

Requirement	Location in Environmental Assessment	
Transport and Accessibility (Construction and Operational)		
<ul style="list-style-type: none">- Provide an assessment of the implications of the proposed development for non-car travel modes (including public transport, walking and cycling), including an assessment of existing and proposed pedestrian and cycle movements within the vicinity of the subject site;- Provide measures to improve public transport accessibility and demonstrate how users of the development will be able to make sustainable travel choices;- The EA shall address the potential for implementing a location specific sustainable travel plan such as a Workplace Travel Plan for workers and/or a Travel Access Guide for employees.	Section 3.9 and Section 7.6	Appendix I and J
Noise and Vibration Assessment		
The EA should address the issue of noise and vibration impacts and provide details of how these will be managed and ameliorated through the design of the building, in compliance with relevant Australian Standards and the Department's <i>Interim Guidelines for Development near Rail Corridors and Busy Roads</i> .	Section 7.10	Appendix Q
Ecologically Sustainable Development (ESD)		
The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.	Section 7.11	Appendix R
Archaeological		
The EA shall provide an Archaeological Assessment of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact on the archaeological resources.	Section 2.4 and Section 7.12	Appendix U
Flooding, Drainage and Stormwater		
The EA shall address drainage, groundwater and flooding issues associated with the proposed development including piped stormwater, overland flows, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.	Sections 2.8, 3.6 and 7.13	Appendix K
The EA shall address measures proposed to be taken to ensure that the disposal of stormwater to Woollooware Bay maintains/ enhances the existing hydrology and water quality at the land/ wetland interface.	Sections 2.8, 3.10 and 7.13	Appendix K
Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of climate change, sea level rise and expected increases in rainfall intensity and address measures to be taken to render the site suitable for high density residential development- free from flooding. Identify any water management structures proposed to service the Stage 1 Project Application and any subsequent stage of the Concept Plan, including any dams, swales or detention basins. Information regarding the size, location, capacity and purpose of any water management structures.	Sections 2.8, 3.10 and 7.13	Appendix K

Requirement	Location in Environmental Assessment	
Flooding, Drainage and Stormwater		
The EA shall address the protection and enhancement of riparian land along the southern shore of Woollooware Bay and the watercourse on the site.	Sections 2.8, 3.6, 6.5 and 7.13	Appendices G, J and T
Sea Level Rise		
Provide an assessment of sea level rise (separate from flood impacts) on site in consideration of any relevant provisions of the State Governments Sea Level Rise policy and planning guidelines and address measures to reduce impacts of sea level rise on the development.	Sections 7.13	Appendix K
Contamination / Acid Sulphate Soils		
The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55 - Remediation of Land.	Section 2.7 and Section 7.14	Appendix H
The EA shall provide an Acid Sulphate Soils Management Plan prepared in accordance with the manual produced by the Acid Sulphate Soil Management Advisory Committee.	Section 7.14 and 8.0	Appendix H
The EA shall demonstrate consistency with NSW State Groundwater Policies.	Section 7.14 and 8.0	Appendix H
Flora & Fauna		
The EA shall address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment, both marine and land in accordance with DECC <i>“Threatened Species Assessment Guidelines 2007”</i> . In this regard, the EA shall include a detailed survey (using a variety of survey methods by a suitably qualified person) of the migratory bird habitat, and determine whether and how they are using the site and adjoining areas, and assess any potential impact or threat to the population.	Section 2.5, 6.1, 6.2, and 7.16	Appendix S and Appendix T
The Towra Point Nature reserve is protected under RAMSAR. The Commonwealth Department of Sustainability, Environment, Water, Population and Communities should be consulted to ascertain whether the proposed development triggers the need for an assessment and approval under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> .	Section 6.1	Appendix T
The EA shall provide a description of mitigation and management options that will be used to prevent, control, abate or minimise identified impacts on Towra Point Aquatic Reserve associated with the project. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.	Sections 3.10, 6.1, 6.5, 7.3 and 7.16	Appendices S and T
The EA shall include a detailed biodiversity assessment, including assessment of impacts on threatened biodiversity, native vegetation and habitat.	Section 7.16	Appendix T

Requirement	Location in Environmental Assessment	
Flora & Fauna		
The EA shall address the protection and enhancement of riparian land along the southern shore of Woollooware Bay and watercourse on the site and assess and provide details on all watercourses and riparian land on the site, potential impacts of the proposal on any watercourses and riparian areas and wetlands including areas of disturbance and, safeguard measures to mitigate impacts, contingency plans for remediation and rehabilitation of riparian areas in the event of potential adverse impacts and the long term management of riparian lands.	Sections 2.8, 3.6, 6.5 and 7.3	Appendices G, J and T
The EA must demonstrate compliance with the NSW Office of Water’s Guidelines for Controlled Activities (2008) and outline the provision of a 40 metre wide Core Riparian Zone.	Section 7.3	
Contributions		
The EA shall address the provision of public benefit, services and infrastructure having regard to Council’s Section 94 Contribution Plan, and provide details of any Planning Agreement or other legally binding instrument proposed to facilitate this development.	Sections 3.14, 7.18 and 8.0	N/A
Consultation		
Undertake an appropriate and justified level of consultation in accordance with the Department’s <i>Major Project Community Consultation Guidelines October 2007</i> , including discussion with relevant agencies.	Section 4.0	Appendix L
Utilities		
In consultation with relevant agencies, the EA shall address the existing capacity and requirements of the development for the provision of utilities, including staging of infrastructure works.	Section 2.6 and Section 3.11	Appendix K
Staging		
The EA must include details regarding the staging of the proposed development including details of subsequent Project Applications and Construction Staging.	Section 3.12	Appendix FF
Statement of Commitments		
The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and ongoing monitoring for the project.	Section 8.0	N/A
Relevant EPI’s, Policies and Guidelines		
Objects of the EP&A Act 1979	Section 6.2.1	N/A
NSW State Plan	Section 6.3.1	N/A
Sydney Metropolitan Plan 2036	Section 6.3.2	N/A
Draft South Subregional Strategy	Section 6.3.3	N/A
SEPP 65 – Design Quality of Residential Flat Buildings and the Residential Flat Design Code	Section 6.4.5 and Section 7.5	Appendix F and FF
SEPP (Infrastructure) 2007	Section 6.4.2	N/A

Requirement	Location in Environmental Assessment	
Relevant EPI's, Policies and Guidelines		
SEPP 55 – Remediation of Land	Section 6.4.3 and Section 7.14	Appendix H
Sutherland Shire LEPs, DCPs, S94 Plans and Environmental Specifications – Stormwater management	Section 3.14, Section 6.5, Section 7.13, Section 7.18 and Section 8.0	Appendix I, J, K and V
Development Near Rail Corridors and Busy Roads – Interim Guideline	Section 6.4.2 and Section 7.10	Appendix Q
Threatened Species Conservation Act 1995 and Threatened Species Assessment Guideline 2007	Section 6.2.2	Appendix T
Floodplain Development Manual 2005	Section 7.13	Appendix K
State Sea Level Rise Policy	Section 7.13	Appendix K
Draft Sea Level Rise Risk Assessment (Sutherland Shire Council)	Section 7.13	Appendix K
NSW Ground Water Policy Framework Policy, NSW Groundwater Quality Management and Protection Policy, NSW Groundwater Dependent Ecosystem Policy	Section 7.13	Appendix K
NSW State Rivers and Estuaries Policy	Section 7.3, Section 7.13 and Section 7.16	Appendix K and T
NSW Wetlands Management Policy	Section 7.3, Section 7.13 and Section 7.16	Appendix T
Environmental Protection and Biodiversity Act 1999 (Cwth)	Section 6.1.1 and Section 7.16	Appendix S and T
EPBC Regulation 2000: Schedule 2	Section 6.1.1 and Section 7.16	Appendix S and T
Biodiversity Conservation Act 1999: <i>Guide to implementation in NSW</i>	Section 6.1.1 and Section 7.16.	Appendix T
Visual Values & Guidelines for Botany Bay 2004	Section 7.9	N/A
Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation	Section 7.12	Appendix U
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010	Section 7.12	Appendix U
Fisheries Management Act 1994	Section 6.2.4	N/A
Water Management Act 2000	Section 6.2.3	Appendix G, K and R
Water Act 1912	Section 6.2.3	N/A
Acid Sulphate Soils Manual 1998 & Acid Sulphate Soils Laboratory Methods Guidelines 2004	Section 8.0	N/A
Interim Construction Noise Guidelines 2009	Section 7.10	Appendix Q
Guidelines for Controlled Activities	Section 7.3 and Section 7.16	Appendix G and T

6.0 Consistency with Relevant Legislation, Strategic and Statutory Plans and Policies

The Concept Plan's consistency with the key relevant strategic and statutory plans and policies is discussed in detail in the following sections of this environmental assessment.

6.1 Commonwealth Legislation

6.1.1 Environment Protection & Biodiversity Act 1999

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, that are defined in the Act as matters of national environmental significance. The Act requires approval from the federal Minister for Environment for actions that may have national environmental significance.

Matters of national environmental significant identified in the EPBC Act are:

- World Heritage Properties;
- National heritage properties;
- Ramsar Wetlands;
- Nationally threatened species and communities;
- Migratory species protected under international agreements;
- The Commonwealth marine environment; and
- Nuclear actions.

The proposed development is located approximately two (2) kilometres south west of the Towra Point Wetlands Ramsar Site. Surveys undertaken at the site over a number of years (most recently in 2007) have identified a number of species listed under the *EPBC Act 1999* as being present in the vicinity of the proposed development site.

In terms of fauna, the following EPBC listed species has been recorded within, above or in vicinity of the site:

- Grey-headed Flying-fox

In terms of flora, the following EPBC listed species have been recorded on the site:

- *Eucalyptus scoparia* (Wallangarra White Gum); and
- *Syzygium paniculatum* (Magenta Lillypilly).

In addition to the above threatened species, these surveys have also identified two migratory bird species on the mudflats in Woollooware Bay to the north of the site, these being:

- *Limosa lapponica* (Bar-tailed Godwit); and
- *Numenius madagascariensis* (Eastern Curlew).

Several other migratory species listed under the Act have previously been located near the site or are known to forage and nest at Towra Point and Taren Point, and it is possible that these species may forage through the mangroves and mudflats of Woollooware. These species are not likely to occur on the development site as it does not contain suitable habitats for these species.

The project has been referred to the Commonwealth Department of Sustainability, Environment, Water Population and Communities, who on 17 May 2011 confirmed that the proposal is not a controlled action, and does not require further assessment or approval under the EPBC Act before it can proceed (refer to letter at **Appendix S**).

6.2 State Legislation

Environmental Planning and Assessment Act 1979

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) outlines the process for considering applications under the Major Development SEPP. In particular it outlines:

- what development constitutes a Major Development;
- the matters which the Minister must take into account when assessing a major application;
- information which must be submitted with an major Project Application;
- the environmental assessment requirements for approval;
- public exhibition of Major Project Applications;
- assessment report procedures; and
- appeals under Part 3A.

This report responds to these requirements.

Consideration has also been given to the Objects of the EP&A Act.

The Concept Plan is consistent with the relevant objects of the EP&A Act for the following reasons:

- the proposed neighbourhood centre promotes economic competition between existing retail centres and addresses a critical undersupply of supermarket floorspace within the sub-region;
- the proposed dwelling yield within the Concept Plan will contribute to the increased supply of residential development within the Sydney South Sub-region and will provide for a mix of one, two and three+ bedroom apartments, which will contribute to the provision for a variety of housing options within Sutherland Shire;
- the proposed development provides for the ongoing viability of the Cronulla Sutherland Leagues Club and ensures that the club is able to continue as a major contributor to the social welfare of the local community;
- the proposal provides land for public benefit including the landscaped foreshore area and new training facilities at Cronulla High School;
- suitable development controls and environmental protection measures shall be employed to ensure that the proposed development results in no adverse environmental impacts;
- the assessment process of the Concept Plan by the NSW Government will include the public exhibition of the proposal, and therefore provide further opportunity for the involvement and participation by local residents, public agencies and Sutherland Shire Council;
- the Concept Plan establishes an integrated and suitable planning framework for the development of the entire site as a new centre.

6.2.2 Threatened Species Conservation Act 1995

The *Threatened Species Act 1995* (TSC Act) lists endangered species, populations and ecological communities and provides for their protection. The Ecological Assessment prepared by Eco Logical Australia (**Appendix T**) addresses the provisions of the TSC Act and is discussed in further detail at Section 7.11.

This report identified 3 Endangered Ecological Communities (EECs) and 14 fauna species located within or in proximity to the subject with the potential to be impacted by the proposed development. The Ecological Assessment found that, subject to detailed environmental design as part of future applications for development, the proposed Concept Plan scheme is unlikely to result in any significant effect on any threatened species, populations, ecological communities or their habitats, and as such a Species Impact Statement is not required.

6.2.3 Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of the water resources of the State.

Approval is required under section 90 (water management works) for stormwater and flood management works for the site. Similarly an activity approval under section 91 of the WM Act approval is required to carry out a controlled activity in, on or under waterfront land. Waterfront land is the bed of a river, lake or estuary and includes land 40 metres from the highest bank of a river, the shore of a lake or high water mark of an estuary. This therefore includes land on the site within 40 metres of Woollooware Bay.

Under Section 75U of the EP&A Act, a permit under the WM Act for a project approved under Part 3A of the EP&A Act is not required as the assessment and approval of these issues is conducted within the Part 3A process.

Nevertheless, planning for the site, in particular stormwater management measures detailed within the Stormwater, Flooding and Servicing Strategy (**Appendix K**) and ESD Report (**Appendix R**) and landscaping treatments along the foreshore park as detailed in the Landscape Concept Plan (**Appendix G**) have addressed the requirements of the WM Act and the NSW Office of Water's *Controlled Activities – Guidelines for riparian corridors*. Consultation with the NSW Office of Water undertaken by the Department of Planning as part of the preparation of the DGRs and by the proponent during the project planning stage has informed the water management measures detailed in this EAR.

6.2.4 Fisheries Management Act 1994

The objects of the *Fisheries Management Act 1994* (Fisheries Act) include conserving, developing and sharing fishery resources, conserving fish stocks and key habitats and conserving threatened species, populations and ecological communities of fish and marine vegetation. Pursuant to the Fisheries Act, licenses are required to harm mangroves or seagrasses and for dredging. The requirements for such permits under section 201, 205 and 219 do not apply to Part 3A applications as these issues are addressed as part of this assessment.

Future detailed applications for development relating to the foreshore works and drainage canal will be required to address the provisions for the Fisheries Act in with regard to any potential impact on the mangroves.

6.2.5 Heritage Act 1977

Pursuant to the *Heritage Act 1977* (Heritage Act), a permit from the NSW Heritage Council is required if archaeological relics are to be exposed, moved, damaged or destroyed and a permit is required for matters affecting items listed on the State Heritage Register. The requirement for these permits does not apply to Major Projects under Section 75U of the EP&A Act.

Nonetheless, consideration of European and Indigenous archaeological potential has been considered in the Archaeological Assessment prepared by Godden Mackay Logan (**Appendix U**). This assessment is addressed in detail at Section 7.12, and finds that the site has little or no potential to contain archaeological evidence and holds little or no archaeological significance.

6.2.6 Roads Act 1993

The *Roads Act 1993* (Roads Act) provides for public access to roads and access to roads from private land. It also establishes procedures for opening and closing public roads and regulates various activities on public roads. Section 138 of the Roads Act requires consent to be issued for work on or that affects a public road, or to connect to a public road. Such consent cannot be refused for a Part 3A project if the consent is necessary for carrying out the project and if it is consistent with an approval granted under Part 3A. Connection of internal roads associated with the Concept Plan into the external road network, will be subject to detailed consideration in the subsequent applications for development on the site and is addressed at Section 3.9 and 7.6.

6.2.7 Water Act 1912

The provisions of the *Water Act 1912* (Water Act) have generally been repealed by the rollout of the *Water Management Act 1912*. The proposal is not likely to be a controlled work for the purpose of the Water Act, however this will be confirmed as part of detailed flood modelling to be carried out at the project and development application stages.

6.3 Strategic Implications

6.3.1 NSW State Plan

The New South Wales State Plan was released in March 2010. The plan sets a strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The plan nominates one of the key challenges for the state as being the planning challenges that arise from continuing population growth. In addition to this, the plan nominates environmental challenges from climate change and drought.

The proposed development will assist in implementing solutions to these challenges. The Concept Plan will provide a substantial amount of housing in an infill area already well-served by infrastructure, social services and transport, taking pressure off metropolitan fringe areas to provide new residential development. It will also demonstrate a high level of sustainability with the provision of those measures indicated within the ESD Assessment at Section 6.18.

The Part 3A Concept Plan satisfies key priorities of the State Plan, namely:

- Improve the public transport system– the retail neighbourhood and residential development proposed under the Concept Plan will provide the critical mass required to justify a new public bus route servicing the site and its surrounds;

- Increase walking and cycling– the Concept Plan will provide for an extension to the Woollooware Bay cycleway a distance of 500m along the foreshore and provide a new accessible destination for cyclists and pedestrians;
- Increase the number of jobs closer to home– the Concept Plan will increase opportunities for people to live within close proximity to major centres such as Kogarah and Hurstville and will provide for additional employment opportunities within the Sutherland Shire;
- Improve housing affordability– the dwelling yield proposed within the Concept Plan will increase housing supply within the Sutherland Shire LGA and will provide a diversity in housing mix and sizes to meet the demand for housing in this locality and provide a variety of housing options;
- Grow cities and centres as functional and attractive places to live, work and visit– the Concept Plan will provide quality housing in an attractive setting within a new centre. The integration of residential development with a new retail neighbourhood centre promotes an integrated response to planning for transport and urban development which has the potential to enhance the quality of life of residents by making it easier to access retail services and employment;
- Protect native vegetation, biodiversity, land, rivers and coastal waterways– the Concept Plan incorporates suitable environmental protection measures which will ensure that future development does not result in any adverse environmental impacts, whilst providing for improved public access to the Woollooware Bay foreshore; and
- Increase participation in recreational and sporting activities – the Concept Plan will provide for an ongoing viability of the Cronulla Sutherland Leagues Club and will safeguard its role as a major supporter of local sporting and recreational activities. In addition, the proposal involves a significant upgrade of sporting facilities at Cronulla High School, and will provide for greater association between students and local sporting clubs.

6.3.2 Sydney Metropolitan Plan 2036

“City of Cities: A Plan for Sydney’s Future” (the Metropolitan Strategy for Sydney) was initially launched by the NSW Government in December 2005. It provides commentary and direction for a 25-30 year period at a regional level on issues such as land use, economic development, jobs, transport, innovation, centres and corridors, and residential areas within Sydney. The 2005 Strategy aimed to accommodate 1.1 million additional residents and 550,000 new jobs over the period to 2031.

In March 2010, the Department of Planning announced the first five year review of the Metropolitan Strategy. The resulting Metropolitan Plan for Sydney 2036 seeks to respond to recent challenges facing growth in Sydney including the global financial crisis, housing affordability and climate change.

The review integrates the Metropolitan Strategy with the Metropolitan Transport Plan, while accommodating increased population projections across Sydney, such as:

- a population forecast to reach nearly 6 million by 2036 (an increase of 1.7 million from the 2006 projections);
- a need for 770,000 additional homes by 2036; and
- a need to provide 760,000 more jobs by 2036.

Strategic Direction D – Housing Sydney’s Population of the Metropolitan Plan outlines the approach for the location of new housing under the Plan’s hierarchy of centres and provides clear scope for the establishment of new centres to cater for population and employment growth in certain circumstances, specifically:

If new high density residential development is proposed outside the walking catchment of an existing centre, a new centre may be created with a matching level of services, amenities and public transport servicing. (p. 107)

The Concept Plan proposes the establishment of a new centre which will support residential, retail, recreation and medical facilities. As outlined in Section 3 and Section 6 of this report, the proposed development provides a high standard of services, amenities and new public transport which is commensurate to the hierarchy of the new centre which is proposed to be established. The Concept Plans scheme provides for a development which will act as a catalyst for new public transport servicing both the proposed developments and the surrounding community, will provide for substantial new areas of public open space, and will address a critical shortage of retail services within the Woollooware and Kurnell regions. As described in this report, higher densities are able to be achieved on the subject site without any significant adverse environmental, social or economic impacts.

The Concept Plan will capitalise on the site’s accessible location to public transport, retail facilities and employment opportunities, to ensure the proposal supports key actions within the Metropolitan Plan for Sydney 2036, namely:

- A3 contain Sydney’s urban footprint;
- B1.3 locate new housing within the walking catchments of centres of all sizes with good public transport;
- B3.1 plan for new centres in existing urban areas and greenfield release areas;
- D1.1 locate at least 70% of new housing within existing urban areas;
- D1.2 reflect new subregional housing targets in *Subregional Strategies* and LEPs, and monitor their achievements;
- D2 produce housing that meets expected future needs;
- E2.2 ensure an adequate supply of retail, office space and business parks; and
- H1.2 prepare criteria to identify major developments that require formal social impact assessment.

6.3.3 Draft South Subregional Strategy

The Draft South Subregional Strategy was exhibited in July 2007. It is a key part of the implementation of the Metropolitan Strategy and, when adopted, is intended to guide land use planning in the Sutherland Shire LGA to 2031.

This Strategy identifies the following targets for the Sutherland Shire LGA:

- 10,100 additional dwellings by 2031; and
- additional employment capacity of 8,000 jobs by 2031.

As a result of the increased population forecast for Sydney in the Sydney Metropolitan Plan 2036, the overall dwelling targets for the South Subregion have changed from those contained in the 2005 Sydney Metropolitan Strategy as follows:

- dwelling growth target increased from 35,000 by 2031 to 58,000 by 2036 (a 65% increase); and
- employment growth target increased from 29,000 by 2031 to 52,000 by 2036 (a 79% increase).

These revisions represent a substantial increase in the amount of new dwellings and jobs which will need to be accommodated within the subregion, and it is expected that this increase will be reflected in the targets for the Sutherland Shire LGA. An analysis of the Concept Plan's contribution to the aims of the Sub-regional Strategy is provided below.

Housing

The Draft South Subregional Strategy sets a dwelling target of 10,100 additional dwellings for the Sutherland Shire LGA by 2031. The location of the site in a location with good access to services, transport, open space and leisure facilities makes this a good location for high density residential and retail development. Approximately 700 residential apartments are envisaged for the site under the proposed Concept Plan. The proposed development will therefore make an important contribution to future housing growth in the Sutherland Shire LGA.

The proposal is consistent with the aim of the Metropolitan Strategy to focus residential development in areas with good access to public transport, open space and local services.

Transport

The NSW Department of Transport has indicated that the Concept Plan scheme shall create sufficient demand as both a trip origin (residential) and trip destination (retail neighbourhood) to warrant the creation of a new public bus service linking the site to nearby centres and public transport nodes.

Development and improvements to the Woollooware Cycleway is a project identified for the South Subregion in the State Infrastructure Strategy. The proposed redevelopment of the Cronulla Sutherland Leagues Club site shall extend the existing off-road cycleway by approximately 500m along the Woollooware Bay foreshore.

The Concept Plan proposes well connected pedestrian and cycling facilities, linking the proposed buildings to public transport, private and public open space and existing pedestrian connections immediately adjacent to the site.

Centres and Corridors

The Concept Plan proposes a new retail neighbourhood to meet a substantial shortfall of retail, and particularly supermarket retail floorspace, within the locality and Sutherland Shire. This is consistent the *Metropolitan Plan 2036* which makes clear that new centres will need to emerge over time in order to respond to economic and population growth.

The new centre will be highly accessible by public transport, road, cycling and walking, and will provide a range of neighbourhood retail, residential, medical and entertainment uses within an integrated and masterplanned site.

Environment, Heritage and Resources

The proposed dwelling yield on the site increases housing opportunities within Sydney's existing urban footprint and will contribute to a reduction in the demand for additional land to be used for urban purposes on the urban fringe. The Concept Plan will balance the demand for land uses within this locality by increasing residential development whilst also increasing the number of jobs provided in the area.

A search through the Aboriginal Heritage Information Management System has revealed that there are no Aboriginal objects that have been reported to the Director General of the Department of Environment, Climate Change and Water within a 1km radius of the subject site.

Parks, Public Places and Culture

- The Concept Plan will provide areas of open space to encourage increased usage of parks and recreational facilities by future residents.
- A range of recreational facilities will be provided for use by residents of the site and the general community, including publicly accessible communal open space along the Woollooware Bay foreshore and a substantial upgrade to sporting facilities at Cronulla High School.

6.3.4 Our Shire, Our Future

The strategic direction of *Our Shire, Our Future: Our Guide for Shaping the Shire to 2030* was produced by Sutherland Shire Council in 2007 after 3000 contributions were made by the local community. This direction is influential in the future of the Sutherland Shire, containing a vision for the area with a focus on the three dimensions of people, place and nature. No clear numerical targets are provided in the strategy, yet there are several key directions contained in each of the dimensions.

The strategy identifies that the Sutherland Shire's demographics are changing, with an ageing population and smaller household and family structures. The proposed redevelopment of the Cronulla Sutherland Leagues Club site takes these changes into consideration, offering a wider range of housing choices to suit the changing demographics.

There are three dimensions explored in the strategy, which have been created to achieve the vision of encouraging a safe and active community, with the achievement of sustainable development and opportunities for economic development. The way in which the proposed development achieves this vision is outlined below.

People

Key directions which have been established in this dimension include creating a healthy and active community, encouraging community harmony and also giving opportunities for a prosperous community. The potential responses provided in this strategy have been considered in the redevelopment, with a result of all of these directions being achieved. The redevelopment will ensure that a strong and harmonious community is created through the strengthening of Toyota Stadium, with the stadium being crucial to the identity of the community. The extension of cycleways in the area and integrated pedestrian paths will encourage a more active lifestyle. The retail, leisure and medical uses provided by the redevelopment can be seen as an instance of creating a prosperous community, as the potential for economic development in the area is increased.

Place

In the dimension of place, the emphasis has been on greater housing choice, improved transport options and also the provision of leisure and recreation opportunities. The proposed redevelopment fulfils each of these key directions, with a diverse range of housing types which will be catered to the environment of the area. The extension of the off-road cycleway and pedestrian connections to the railway station and public open space ensures that the redevelopment achieves the need of improved transport options. The redevelopment will also inject a new vitality and sense of community into the area, with a strong emphasis on the local economy through the retail space provided.

Nature

The strategy outlines several key directions of improving waterways in the area, and also reducing greenhouse gas emissions, improving the overall air quality. The proposed redevelopment achieves these directions, through the provision of green open space and improved pedestrian and cycle connections to lower the use of cars. A strong waste and stormwater management plan is also outlined in this report which highlights how the development will have a minimal impact on the surrounding environment.

6.3.5 Sutherland Shire Draft Housing Strategy

The Draft Housing Strategy is divided into two parts, with Part 1 outlining the importance of adopting a housing policy, and Part 2 focusing on where the new dwellings should be located. The strategy has not yet been adopted by Council, but has been discussed at Council meetings, and is projected to be submitted to the Department of Planning and Infrastructure in conjunction with the Comprehensive LEP.

Part 1: The Importance of Housing Policy

Part 1 of the Draft Housing Strategy clarifies the need for housing in the Sutherland Shire, noting that even though there is no significant population growth, the number of households is growing therefore a steady demand for dwellings is present. Through the implementation of a housing strategy, population growth can occur, and the economy of the Sutherland Shire can be improved. The Draft South Subregional Strategy target of 10 100 dwellings is established as not providing a sufficient growth rate for the Sutherland Shire, at a rate of under 1%. The strategy proposes a growth rate of 5% to improve the demographic balance and support the local economy and service sector. This would result in an additional 3980 dwellings being provided for in the new LEP.

Ways in which this preferred growth rate can be reached is through the amendment of FSR and height controls in centres, as well as moving zone boundaries. The proposed redevelopment of the Cronulla Sharks site will create a new neighbourhood centre, with an FSR and height limits which reflect the need for more dwellings to be provided in the Sutherland Shire.

The strategy notes several issues in regards to population and housing, and what must be done to ensure that the Sutherland Shire achieves a balanced demographic as well as a productive economy. The first is that there will be an ageing population, with a need for greater provision of appropriate housing. A net loss of 6085 residents between 2001 and 2006 is also acknowledged, with this reflecting the lack of housing choice and affordability in the area.

A greater proportionate increase in low and high income households than the Sydney Statistical Division also shows that more households have difficulties finding affordable housing in the Sutherland Shire.

The result of these issues is that a greater supply of housing and particularly an appropriate mixture of dwelling types must be achieved in the Sutherland Shire. There is an identified need for smaller dwelling types, to service the demographics of the area, but also to ensure that there is affordability to stop the loss of residents.

Part 2: Where Should New Dwellings be Located?

The need for new dwellings is identified in Part 1, and Part 2 of the Draft Housing Strategy undertakes an assessment of where these new dwellings can be located. The Draft South Subregional Strategy mandates that 80% of these dwellings must be placed in centres. Currently only 56% of these dwellings are potentially able to be located in centres. A suitability study has been performed and it is evident that many of the existing centres in the Sutherland Shire have low to medium suitability for accommodating new dwellings.

It is identified in Part 2 that the existing centres will not be able to accommodate the required dwellings to promote economic growth and ensure a demographic balance. The suggested solutions include up zoning of land in centres, and amending controls such as height, FSR and minimum lot sizes for Residential Flat Buildings. The strategy acknowledges that many of the centres are already established with Residential Flat Buildings, and amending the development standards will make development more economically viable for developers.

The proposed redevelopment of Cronulla Sharks will not only provide a new neighbourhood centre to relieve pressure of placing housing in existing centres, it will contribute to solving affordability, providing smaller types of dwelling houses. The new neighbourhood centre is close to Woollooware and Cronulla which have been identified as having medium suitability for new housing, and Caringbah which is recognized as having a high level of suitability for accommodating new housing.

6.4 Relevant State Environmental Planning Policies

- The following State Environmental Planning Policies are relevant to the proposal and are discussed further below:
- SEPP (Major Development) 2005;
- SEPP (Infrastructure) 2007;
- SEPP 55 – Remediation of Land;
- SEPP 63 – Sustainable Aquaculture;
- SEPP 65 – Design Quality of Residential Flat Development and the accompanying Residential Flat Design Code (RFDC); and
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.

6.4.1 State Environmental Planning Policy (Major Development) 2005

Group 5 of Clause 13 of Schedule 1 of the State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) provides for development with a Capital Investment Value (CIV) greater than \$100 million to be considered as a Major Project under Part 3A of the Act. The proposed Concept Plan has an estimated CIV of \$212,497,961. A copy of the quantity surveyors calculation summary (prepared in accordance with *Planning Circular PS 10-008 - New definition of capital investment value*) is provided at **Appendix A**.

On 13 May 2011 the NSW Government announced transitional provisions relating to the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979*. Under these transitional provisions which were effected through *State Environmental Planning Policy (Major Development) Amendment 2011*, *State Environmental Planning Policy (Major Development) 2005* continues to apply to residential, commercial or retail projects for which environmental assessment requirements were notified to the proponent on or before 8 April 2011, as if Group 5 of Schedule 1 and clause 1 of Schedule 2 had not been repealed by *State Environmental Planning Policy (Major Development) Amendment 2011*.

6.4.2 State Environmental Planning Policy (Infrastructure) 2007

- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) came into force in December 2007 and repealed State Environmental Planning Policy No. 63 – Major Transport Projects. The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the state and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development.
- Division 17 Subdivision 2 requires certain matters to be considered for developments in or adjacent to road corridors and road reservations. Clause 101 requires consideration of developments with a frontage to a classified road (Captain Cook Drive is a gazetted Regional Road along the subject site's street frontage). The safety and efficiency of the development with respect to Captain Cook Drive is addressed in the Traffic Management and Accessibility Plan at **Appendix I** and is discussed at Sections 3.9 and 7.6, and will be subject to further detailed assessment as part of future applications for development.

Clause 102 of the Infrastructure SEPP requires the consent authority to take into account guidelines published in the Gazette (the Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline 2008*) for residential development on land adjacent to a road with an annual daily traffic volume of more than 40,000 vehicles (based on maps published for the purpose of this SEPP on the RTA's website). The relevant RTA map for the Concept Plan site does not identify Captain Cook Drive at the site's frontage as a road to which Clause 102 applies.

In accordance with Clause 104 of the Infrastructure SEPP, the proposal is classified as a traffic generating development on the basis that the development provides for residential floorspace equating to more than 300 dwellings. As such the Concept Plan application will be required to be referred to the Roads and Traffic Authority (RTA).

6.4.3 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The DGRs require the EAR to consider whether the land is contaminated, and that if the land is contaminated whether or not the land can be made suitable for the proposed use.

The Site Contamination Review prepared by Environmental Investigation Services (refer to **Appendix H**) identifies the site as being able to be made suitable for high density residential, subject to the implementation of the recommendations of this review and the recommendations of a further detailed Phase II Site Investigation as part of future applications for development. Refer to Section 7.14 for further assessment of site contamination.

6.4.4 State Environmental Planning Policy No 62 – Sustainable Aquaculture

State Environmental Planning Policy No 62 – Sustainable Aquaculture requires that prior to determining a development application a consent authority must consider whether the development may have an adverse effect on any oyster aquaculture development or a priority oyster aquaculture area. The consent authority must give notice of the application to the Director-General of the Department of Primary Industries only if the consent authority suspects that the proposed development may result in an adverse impact. As shown in **Figure 27**, the central portions of Woollooware Bay to the north of the subject site are listed as priority oyster aquaculture areas by the NSW Department of Primary Industries.

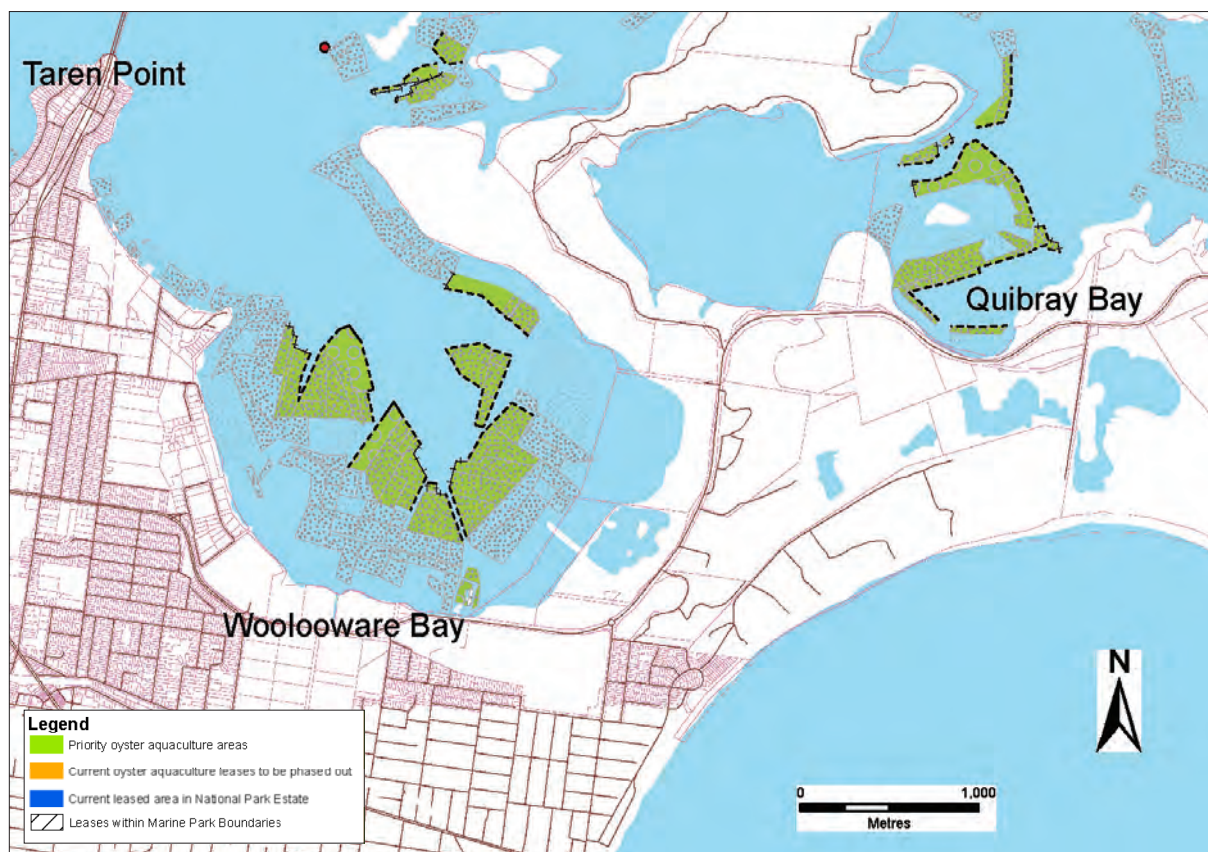


Figure 27 – Georges River Oyster Aquaculture Strategy

In determining the application, the consent authority must take into account the *NSW Oyster Industry Sustainable Aquaculture Strategy* and any comments received from the Department of Primary Industries. Chapter 4 of the strategy provides guidelines for the consideration of the oyster industry in land use planning, with a focus on maintaining and improving water quality.

Any potential stormwater and ecological impacts of the proposed development on the Woollooware Bay oyster lease areas will be required to be addressed as part of any future applications for development with regards to the provisions of the SEPP and the *NSW Oyster Industry Sustainable Aquaculture Strategy*. This Concept Plan application establishes key principles for stormwater management within the subject site which will ensure that the proposed development, subject to detailed design as part of future applications, will not result in any adverse impacts on these areas.

6.4.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. It sets out 10 design quality principles relating to built form and amenity. As the Concept Plan identifies building envelopes and floor space areas for residential flat development, the SEPP's design principles of context, scale, built form and density apply.

The 10 design quality principles are addressed in detail with the Architectural Design Statement prepared by Turner and Associates (**Appendix F**). This report includes an assessment of the Concept Plan's consistency with the design quality principles of SEPP 65 which demonstrates that the design quality of the proposal is consistent with the principles of the SEPP. A SEPP 65 Design Verification Statement is included with this statement.

6.4.6 State Environmental Planning Policy (Building Sustainability Index) 2004

BASIX, the Building Sustainability Index, was introduced by the NSW Government, to ensure homes and apartments are designed to use less potable water and emit fewer greenhouse gas emissions. BASIX sets minimum energy and water reduction targets for houses and apartments to achieve this goal.

The ESD Report prepared by Cundalls and provided at **Appendix R** establishes the overarching sustainability principles which shall guide future development of the site. Future applications for development of the residential flat buildings will be required to demonstrate compliance with the BASIX categories of thermal comfort, energy and water.

6.4.7 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (the REP) was introduced by the NSW Government in 1999, and specifically deals with environmental and water quality within this catchment area. The proposed Concept Plan scheme is consistent with the aims of the REP in that it:

- includes appropriate stormwater treatment and detention measures and appropriately manages existing site contamination to maintain and improve water quality and stormwater flows from the site in order to protect, enhance and preserve estuarine ecosystems;
- provides for the rehabilitation and restoration of regionally significant sensitive natural environments, including the establishment of new areas of saltmarsh and Swamp Oak Floodplain Forest ecological communities; and
- identifies environmentally sensitive areas and provides for appropriate development controls (setbacks) which are in accordance with the NSW Office of Water's *Controlled activities – guidelines for riparian corridors*.

Of specific relevance to this proposal, the REP includes provisions for housing development and for development in vegetated buffers. An assessment of the matters relevant to the matters specified for consideration is provided at Section 7 of this report.

6.5 Sutherland Shire Council Planning Instruments and Controls

The Minister for Planning is not bound by the provisions of an Environmental Planning Instrument, other than a State Environmental Planning Policy in determining an application for a major project (section 75R(3)). In the giving of approval for a Concept Plan the Minister may take into account (but is not required to) the provisions of any Environmental Planning Instrument that would apply but for the application of section 75R.

Despite this, the DGRs require the proposal to justify any proposed departures from the development standards in *Sutherland Shire Local Environmental Plan 2000* (LEP 2000) and *Sutherland Shire Local Environmental Plan 2006* (LEP 2006) as they relate to the site.

6.5.1 Summary of Compliance with Sutherland Shire LEP 2006 and Sutherland Shire LEP 2000

The key controls relating to the site are governed by LEP 2000 and LEP 2006. The majority of the site including the western playing fields area and Toyota Stadium is subject to the provisions of LEP 2006. The eastern car park area and Shark Leagues Club building were deferred from LEP2006 when introduced and are subject to the provisions of Schedule 8 of SLEP 2000. The provisions of Schedule 8 set in place detailed planning controls for the site that relate to a previous development proposal for the site. The controls are specific to that development and are not considered to be particularly applicable to this development proposal which, while incorporating some of the uses proposed in the previous development, is of a very different nature and scale. Notwithstanding this, the LEP 2000 objectives and controls have, where applicable been applied to this development proposal. The key development controls currently applying to the site are outlined in **Table 5** below.

Table 5 – Current LEP Controls applying to the site

Provision / Standard / Control	Requirements
Zoning	<ul style="list-style-type: none"> - LEP 2000 – Zone 6(b) Private recreation - LEP 2006 – Zone 14 Public Open Space (Bushland) – Zone 15 Private Recreation
FSR	<ul style="list-style-type: none"> - LEP 2000 – 1:1 - LEP 2006 – no FSR control
Height	<ul style="list-style-type: none"> - LEP 2000 – 15m (to highest point of roof) - LEP 2006 – no height control
Landscaped area	<ul style="list-style-type: none"> - LEP 2000 – 65%
Environmental Buffer	<ul style="list-style-type: none"> - LEP 2000 – 40 metres from MHWM - LEP 2006 – no specific control

6.5.2 Discussion on Compliance with Key Local Planning Controls

Land Use Zones

The western sections of the site covering the Toyota Stadium and the adjacent training areas are zoned Private Recreation (Zone 15) under *Sutherland Local Environmental Plan 2006* (SLEP 2006). Two small sections of the site are zoned Public Open Space (Bushland). These are located on the Woollooware Bay Foreshore, one being a small parcel of land in the north west corner of the site adjacent to Solander Fields and a second area being a small portion of land owned by Sutherland Shire Council to the immediate north of the Toyota Stadium.

The eastern section of the site, including the Leagues Club and car parking area is zoned 6(b) Private Recreation and 6(a) Public Recreation under the *Sutherland Local Environmental Plan 2000* (SLEP 2000). The site is excluded from *Sutherland Local Environmental Plan 2006*. The current zones on the site are shown in **Figure 28** below.



Figure 28 – Current zoning (Source: Sutherland Shire Council)

Under Zone 15 in SLEP 2006, which applies to the central and western sections of the site, the existing uses associated with the recreation areas and facilities as well as uses associated with the Leagues Club operations are permissible with consent. The proposed residential development for this part of the site is currently prohibited. The proposed uses within the two small areas in Zone 14 are for open space and foreshore habitat rehabilitation and are therefore permissible.

Under LEP 2000, which covers the eastern section of the site, the land uses permissible in the zones relate primarily to private recreation and associated uses including registered clubs, restaurants etc. Retail uses are prohibited within this zone. In addition to the underlying zoning however, Clause 65(5) of the LEP provides that consent may be granted to development on the site for the purposes of a conference / convention centre, seniors living, hotel, motel, residential flats or retail uses. These uses are acceptable if they are consistent with and do not adversely affect the on-going use of the Cronulla Sutherland Leagues Club and satisfy a range of matters and development standards outlined in Schedule 8 of the LEP, principally relating to built form, urban design and the environmental protection of Woollooware Bay. Sutherland Shire Council supported such uses in its 2009 approval (refer Section 1.3).

Through authorising the submission of a Part 3A Concept Plan, The Minister, under Sections 75O and 75R of the EP&A Act is able to undertake a merit assessment of land uses on the site that are not permissible and should he approved the concept plan, amend the local environmental planning instruments. Under Clause 8N of the *Environmental Planning and Assessment Regulation 2008*, the Minister is not able to exercise these powers where the site is located within an “environmentally sensitive area of State significance” or is a “sensitive coastal location”. The site is not considered to be either.

Foreshore Setback

The eastern section of the site is subject to foreshore setback controls under LEP 2000. Initially under the provisions of the plan when implemented, the site was subject to a foreshore building setback of 30m. As outlined earlier, the plan was subsequently amended to include site-specific development controls in Schedule 8 which require an environmental buffer of 40m from the mean high water mark. This buffer must include a 5m wide riparian zone along the eastern side of the drainage channel that separates the Toyota Stadium site from the western playing fields area. Any provision for a pedestrian pathway and cycleway must be outside the 40m environmental buffer.

There are no specific foreshore setback requirements for the western section of the site under LEP 2006. The proposed development will include a minimum 30m building setback from the mean high water mark across the site. This area will be incorporated into the public domain and include riparian buffer areas along the edge of the mangroves. Foreshore setbacks and rehabilitation is addressed in detail at Section 7.3.

Design and Environmental Controls

Schedule 8 of LEP 2000 contains numerous objectives and matters for consideration relating to site design, access and parking, building design and environmental considerations. As outlined earlier, Schedule 8 was tailored to facilitating a particular development outcome on the site which does not meet the Sharks objectives for the development on the site and is no longer being pursued by the Club. Notwithstanding this, many of the design and environmental objectives have been considered in this development proposal. A summary of the relevant objectives and controls and the development's compliance with them is at **Appendix V**.

For consistency however, development the new neighbourhood retail, medical and leisure centre has been considered against the objectives of *Sutherland Shire Development Control Plan 2006*.

6.5.3 Sutherland Shire Development Control Plan 2006 Provisions

The *Sutherland Shire Development Control Plan 2006* (DCP 2006) is the relevant DCP for all development on land to which LEP 2006 applies. As a result DCP 2006 does not technically apply to the western portion of the site which remains under LEP 2000. Given that the Concept Plan scheme stands alone as a new proposal, it is considered most appropriate to address DCP 2006 as the relevant DCP in order to ensure consistency in the consideration of development standards across the site.

A high level assessment of the Concept Plan scheme's consistency with the relevant objectives of the DCP is provided below.

Urban Design

The proposed Concept Plan establishes building envelopes, heights and layouts and indicative landscaping which are conducive to the achievement of a high quality urban environment. Whilst detailed design of buildings, streetscapes and landscaping will be assessed as part of future applications for development, the proposed Concept Plan scheme is considered to be consistent with the objectives of the DCP in-principle in that it:

- Establishes building envelopes which support the attainment of high levels of internal amenity and provide good access to public open space, facilities, transport, entertainment and employment.
- Includes appropriate design principles to ensure that development is of a high design quality that improves the amenity of the area.

- Provides for high quality public domain, recreation areas, cycling and pedestrian facilities and naturally landscaped areas which will substantially improve the quality of the public domain and the Woollooware Bay foreshore.
- Provides for narrow residential building envelopes which permit good solar access, view sharing and break up the bulk of the development.
- Incorporates appropriate design principles to ensure future development achieves a high level of ecologically sustainable design.
- Will not result in any significant adverse impact on the views of neighbouring properties.
- Provides new and diverse housing stock which caters to the needs of the whole community, including housing which caters for smaller household sizes, and will provide some adaptable housing.

Environmental Risk

The Concept Plan scheme and future applications for development will address all aspects of environmental risk, including contamination, telecommunications infrastructure and electromagnetic radiation. In particular:

- A review of existing site contamination confirms that, subject to appropriate design principles such as the preclusion of basement carparking, the site is able to be made suitable for residential and retail development. Future applications for development will include a detailed assessment of existing site contamination and will fully comply with the relevant provisions of SEPP 55.
- Future applications for development will establish the most appropriate response to the existing mobile phone tower within the site, subject to consultation with the relevant service provider.

As detailed in Section 7.17, no adverse environmental or health impacts are expected with regard to the electricity transmission lines which transect the northern portion of the site.

Natural Resource Management

The proposed development is consistent with the objectives of this part in that it establishes appropriate principles for stormwater management and protection of adjoining wetlands. In particular:

- The Concept Plan scheme incorporates a 30m transitional buffer to the mangrove wetlands to the north of the site, which is consistent with the merit assessment provisions under the Fisheries Management Act 1994. This buffer will ensure that a suitable amount of space is preserved between the proposed development and the wetlands in order to protect and restore this ecosystem and incorporate suitable transitional landscape plantings.
- Incorporates a high level of landscaping to restore the currently degraded wetlands and riparian channel, including the establishment of coastal saltmarsh which is an endangered species under the Threatened Species Conservation Act 1995 and will represent a substantial improvement to quality and biodiversity of the Woollooware Bay ecosystem.
- Stormwater management principles established under this Concept Plan application will ensure that future development on the site incorporates suitable stormwater treatment measures to minimise sedimentation and/or pollution of the wetland.

Vehicular Access, Traffic, Parking and Bicycles

The Concept Plan scheme incorporates substantial improvements to game day transport for Toyota Stadium, provides new cycling connections and a new public transport connection to the site and its surrounds, as detailed in the Traffic Management and Accessibility Plan (**Appendix I**) and discussed further at Sections 3.9 and 7.6. The Concept Plan application is consistent with the objectives of the DCP in that:

- Provides sufficient on-site parking to support the proposed residential and retail centre, including for game-day events in conjunction with alternate transport initiatives.
- Promotes public transport use by acting as the catalyst for a new public bus route servicing the site and its surrounds, whilst establishing a framework to significantly increase public transport usage for major events at Toyota Stadium.
- Will substantially reduce existing amenity impacts on neighbouring areas from high private-vehicle usage during major events at Toyota Stadium.
- Promotes cycling and walking as an attractive non-car option, with new paths and facilities and the integration of open space, residential and retail areas within close proximity of each other. The proposed Concept Plan will integrate to Council's existing cycle network, providing strong cyclist access to and from the site to the entire Sutherland region.
- Future applications for development will detail the inclusion of appropriate bicycle parking facilities within the new centre.
- Vehicular access to the site will be via three new signalised intersections which will provide significant improvements to public safety whilst maintaining the efficiency of traffic flows along Captain Cook Drive and Woollooware Road.

Further to the above, the proposed development is generally consistent with the parking rates established under the DCP (with appropriate consideration of the site's context and circumstances) in that:

- Clause 1.b.2 of the DCP establishes that the RTA's *Guide to Traffic Generating Development* shall apply to development identified as such under the Infrastructure SEPP. This guide has been used as the basis for the parking provisions identified at Section 3.6 and Section 3.7 of this report.
- Residential parking rates for 1 bedroom and 3 bedroom units are consistent with the DCP rates for residential flat buildings.
- Residential parking rates for 2 bedroom units are reduced from the standard DCP rate to 1 space per 2 bedroom unit to reflect the proximity to retail, open space and public transport.
- Visitor parking is reduced to 1 space per 8 units to reflect the high potential for dual-use by visitors between the residential and retail neighbourhoods and the status of the development as a new centre.

Social Impact

Social impact of the proposed Concept Plan development has been considered as part of the environmental assessment including design considerations, the impact of the new neighbourhood centre on existing centres, the loss of the western playing fields and the impact of the development on the Club's contribution to the local community. A Social Impact Report for the proposed Concept Plan development has been prepared by JBA Planning and is included at **Appendix W**.

7.0 Environmental Assessment Of Key Planning Issues

This section of the report assesses and responds to the environmental impacts of the Concept Plan proposal. It addresses the matters for consideration set out in the DGRs (see Section 5.0).

The draft Statement of Commitments (see Section 8.0) complements the findings of this section.

7.1 Land Use

As discussed in Section 1 of this report, the current land uses do not represent a financially viable use of the subject site for the Cronulla Sutherland Leagues Club into the future. Similarly, the western training fields provide limited benefit to the community due to restrictions on access outside of a short weekend period, and the substantial provision of car parking within the site for major events only entrenches dependence on private vehicles rather than promoting more sustainable transport modes. In light of the above, there is a clear rationale for the facilitation of a more appropriate use of the subject site which benefits both the Club and the community. As one of the few significant private consolidated landholdings within the Sutherland Shire, this site provides a unique opportunity to plan for the redevelopment of a site in an integrated manner and incorporating a harmonious mix of land uses.

The Concept Plan proposal establishes a new neighbourhood centre which takes advantage of the site's highly accessible location, absence of nearby sensitive land uses or competing centres to provide new residential and retail development. As outlined in Section 6.3.2, the *Sydney Metropolitan Plan 2036* makes provision for new centres to emerge over time in response to economic and population growth. The substantial dwelling targets for the South Sub-region and the identified shortage of retail and supermarket floorspace within the locality (refer Section 7.4) establishes a clear rationale for the establishment of a new centre within the region. In doing so, the proposed Concept Plan scheme will address the needs of the community whilst relieving development pressures on existing centres within the region. Indeed, the nearest centre, Cronulla, lacks the available sites to accommodate the retail growth of the locality. In addition to the above, the scheme provides a number of public benefits including the provision of high quality public open space, upgrades of key road intersections, the provision of new public transport to the locality and improvements to major event transport arrangements.

Given the absence of any significant adverse environmental, social and economic impacts as discussed in Section 7, and the community benefits of the proposed land uses, it is considered that the proposed Concept Plan scheme represents the most suitable use of the Cronulla Sutherland Leagues Club site for both the Club and the community.

7.2 Built Form and Urban Design

As detailed in the Masterplan and Retail Design Report prepared by Scott Carver and Associates (**Appendix E**) and the Architectural Design Statement prepared by Turner and Associates (**Appendix F**), the key built form and urban design considerations in terms of the design of the overall building footprints and envelopes are outlined below.

Height, Bulk and Scale

The Concept Plan proposes a built form which considers the context of the site as a new centre within the locality, the scale of surrounding centres within the region and the amenity of future residents and surrounding properties. The proposed building heights, bulk and scale of the Concept Plan scheme are considered acceptable for the following reasons:

- The proposed building heights and density reflect the building densities and form expected of high density residential development within a new neighbourhood centre, and reflects the highest and best use of land which can be achieved on this site without resulting in any adverse environmental impacts on surrounding land uses;
- The proposed residential and retail densities will ensure that a viable mix and quantum of development is provided that will sustain the establishment of a new neighbourhood centre within the region;
- The proposed building heights allow for thinner building envelopes that break up the bulk of the development, allow for greater building articulation and provide for better solar access and through-site view corridors, whilst also achieving smaller building footprints which allow for greater street-level landscaping and open space areas;
- The proposed site layout locates higher buildings towards the centre of the site, creating a transition in heights within the site that articulates the form of the overall site and establishes a context for higher buildings;
- The proposed building envelopes and heights provide for residential densities which are sustainable within the context of existing and proposed site infrastructure and servicing, including access to public transport, retail, services and open space;
- The built form of residential buildings provides suitable dwelling separation and maximises winter solar access and views for residential dwellings, whilst breaking up the overall bulk of the development by allowing for views through the site;
- The proposed transition in building heights from Woollooware Bay will create an urban form that sits comfortably within the context of the landscape and surrounding development
- The proposed retail building envelope allows for an appropriate provision of retail floorspace with workable retail tenancies, adequate provision of parking and a strong interface with the club area;
- Provides a practical response to concealed car parking which responds to site constraints whilst achieving a good urban design outcome at street level; and
- The proposed scale of the new neighbourhood centre, including the residential estate will support the provision of, and be serviced by public transport routes that will also improve the amenity of commuters in surrounding residential areas.

As outlined in Section 2.2, the site's existing context is largely characterised by open sporting fields (including the Western Playing Fields, Solander Playing Fields, Captain Cook Oval and the Woollooware Golf Course) and sealed car parking areas associated with the Sharks Club. This relatively undeveloped context is punctuated by a number of large structures associated with the Sharks Club and stadium including the Eastern Grandstand and Sharks Club Building (RL 20.56) the Western "ET" Grandstand (RL 16.65) and the Southern Grandstand (RL 13.31). To the west of the Solander Playing fields is the Toyota complex which is dominated by a major warehouse building approximately 12m high.

Existing residential areas are located approximately 130m to the south east on Woollooware Road and approximately 335m to the south west on Gannons Road. These residential areas are characterised by low rise dwellings, however these areas have no direct interface with the proposed development and are not affected by way of shadow impacts.

Existing centres at Cronulla, Caringbah and Miranda are located at elevated positions within the topography of Sutherland Shire and are readily visible from the subject site and its surrounds. Both centres, Cronulla in particular, are characterised by residential buildings up to 14 storeys high which are similar in scale to the Sharks residential development proposal (16 storeys including podium). As a new retail and residential centre, the Concept Plan scheme draws on these centres as an appropriate reference for new centre development, whilst embracing the unique characteristics of the subject site that allow for higher densities than could be normally achieved in centres which are more constrained by surrounding land uses.

Visual analysis prepared by Virtual Ideas and provided at **Appendix X** and discussed in further detail at Section 7.9 shows the built form of the proposed development in the context of existing views to Cronulla from Captain Cook Bridge and Woollooware Bay, which demonstrates that the proposed building height, scale and bulk is consistent with that of surrounding centres and illustrates the precedent for development of this height within the regional context.

Overshadowing

Shadow diagrams have been prepared for the proposed development by Scott Carver and Associates (**Appendix GG**). These diagrams illustrate the overshadowing generated by the proposed development for a range of times between 9am and 3pm for three dates, including the worst case scenario of 21 June (winter solstice).

Shadows cast by the proposed development are generally contained within the subject site and adjoining road reserves in all instances apart from during the worst case instance of 21 June 2011 (**Figure 29**). From 9am on the winter solstice the residential building envelopes will cast shadows on the south-western corner of Solander Playing Fields and the northern portion of Captain Cook Oval for a short period of time. Similarly a small area within the northern portion of Woollooware Golf Course is anticipated to be overshadowed after noon on this date. The effect of this overshadowing is considered to be minor and acceptable, in that the proposed shadow affects areas are a worst case scenario for only one short period of the year, and that these open space areas will remain substantially unshadowed during key periods of use. The full set of shadow diagrams is in **Appendix GG**.

Safety and Security

The design of the proposed development optimises safety and security, both internal to the development and for the public domain. The Concept Plan scheme adopts appropriate design principles to minimise the incidence of crime by addressing the principles outlined in the Department of Planning's guidelines titled *'Crime prevention and the assessment of development applications'* (2001), being surveillance, access control, territorial reinforcement and space management.

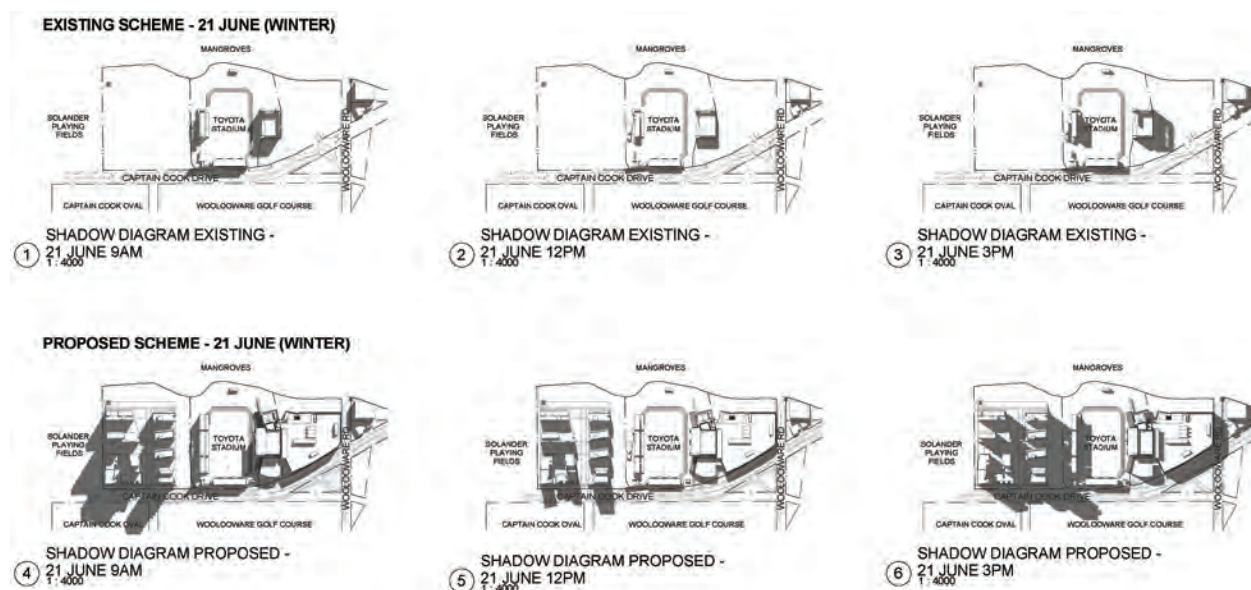


Figure 29 – Indicative shadowing on 21 June (worst case scenario)

Safety and security has also been considered in accordance with CPTED principles of surveillance, access, territorial reinforcement and space management. The proposed development makes the following positive contribution in terms of safety and security, in accordance with the recommended design principles of CPTED and SEPP 65, by:

- The design and structure of the buildings on the site will provide a clear distinction between private and public spaces, employing architectural features such as entry awnings, fences and walls to encourage this distinction;
- Living areas will generally be orientated over public and communal open spaces to encourage casual surveillance;
- Opportunities for concealment will be minimised. Blind or dark alcoves will be avoided in proximity to lifts, stairwells, entries, within basement car parks or along corridors and walkways;
- Clear sightlines between spaces including public and private interfaces will be established through building design, orientation and landscape treatments;
- Public open space areas will be designed to promote broad use by the wider community and as a result achieve high levels of active surveillance; and
- Optimise visibility, functionality and safety of buildings by orientating entrances towards the internal roads and providing clear lines of sight between entrances, foyers and the street.

Landscape, Public Domain and Open Space

The Landscape Statement (**Appendix G**) and Concept Landscape Plans (**Appendix HH**) prepared by Aspect Studios outline the overall landscape design scheme and principles for the proposed development. The proposed landscape and public domain improvements represent a substantial improvement to the quantity and quality of public space within the site. At present, there is no useable public open space located within the subject site. The western training fields are fenced off from public use, and the mangrove boardwalk is severely dilapidated and is not safe for general use by the public.

The Concept Plan scheme proposes the creation of a large new publicly accessible foreshore park, a new foreshore pedestrian and cycle path, a new boardwalk/pontoon with educational signage and significant improvements to the public domain along Captain Cook Drive.

These upgrades represent a significant upgrade to the existing provision of useable public open space within the locality. Whilst the site and its surrounds currently have good access to playing fields and golf courses, there are few public parks in the Woollooware locality which include playground equipment or embellishments for passive recreation such as seating and BBQs. The proposed Concept Plan scheme makes a significant contribution to the remedy of this shortfall in a location which is readily accessible and will be co-located with supporting land uses to ensure passive surveillance and usage.

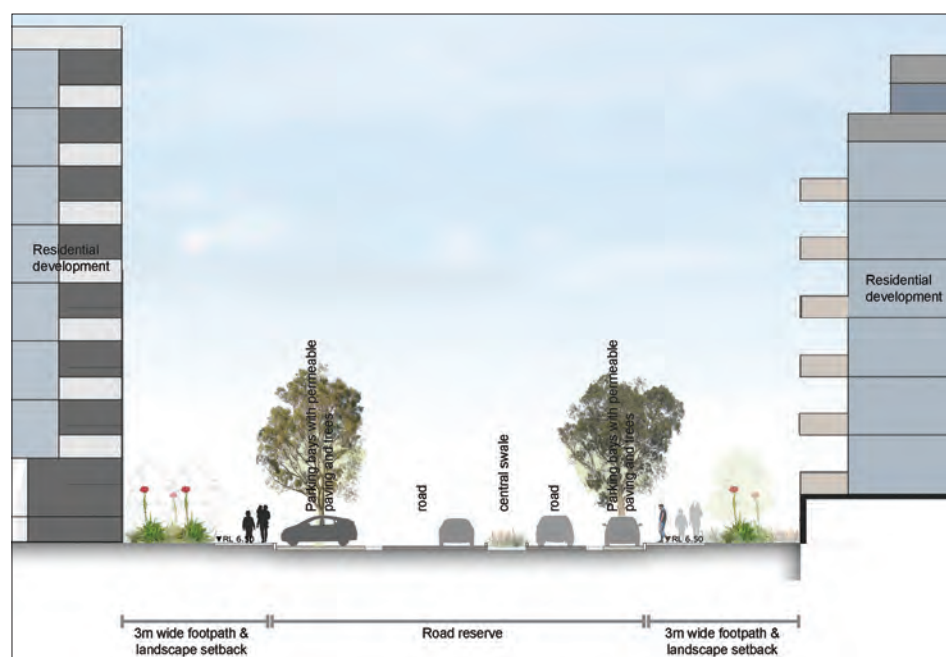


Figure 30 – Cross section of landscaping for residential street network

Internal street networks will be embellished with substantial landscape treatments to create a high quality public domain which provides amenity to surrounding residential dwellings and encourages pedestrian activity (refer **Figure 30**). Embellishments will include deep soil zones with mature plantings, bioretention swales and landscaped setbacks to buildings.

In addition, the proponent commits to the upgrade of two new premium football training fields at Cronulla High School for shared use between the high school, Cronulla Caringbah Juniors and the Cronulla Sharks football team.

7.3 Foreshore Setback & Environmental Buffers

The northern boundary of the Sharks redevelopment site is defined by the Woollooware Bay shoreline and mangrove habitat which forms part of a wider corridor of mangrove areas that fringe the bay and extend around to the Towra Point Nature Reserve approximately 1.8 kilometres to the north west of the subject site. Woollooware Bay also contains priority oyster aquaculture areas identified in SEPP 62 – Sustainable Aquaculture. Therefore the interface of the development site with the Woollooware Bay foreshore is an important design and environmental management issue for development on the site.

7.3.1 Policy Context

Development along the Woollooware Bay foreshore is controlled by provisions specifying building and environmental setbacks in LEP 2000 and *Controlled Activities - Guidelines for Riparian Corridors* produced by the NSW Office of Water.

Schedule 8 of LEP 2000 contains specific controls for development on the eastern car park and Sharks Club sites. The controls include the requirement for a 40m environmental buffer from the mean high water mark (MHW) to be provided as part of future development.

This buffer is required to also include a 5m wide riparian buffer to the eastern side of the drainage channel running through the site that separates the western playing fields from the Toyota Stadium. As discussed in Section 6.5, the controls in Schedule 8 were tailored to a specific development proposal which was not ultimately developed by the Club. It should be noted that the previous LEP 2000 control (as shown on the zoning map) required only a 30m buffer to be provided.

Under the *Water Management Act 2000*, specified development within 40m of a shoreline would require approval as a Controlled Activity under Section 90 of that Act. Section 75U of the EP&A Act states however that a Section 90 permit is not required for a Part 3A development. Notwithstanding this, the NSW Office of Water guidelines were considered in terms of establishing an appropriate environmental buffer and management regime for the Woollooware Bay foreshore.

Under these Guidelines, Woollooware Bay, as an estuary, would be classified as a third order or greater watercourse. The width of a core riparian zone (CRZ) for this location is specified in the Guidelines as 20-40m, with a merit assessment based on riparian functionality of the estuary, the site, and long term land use. Pedestrian and cycle paths would be required to be located outside of the CRZ.

During the preparation of the environmental assessment, both the NSW Office of Water and NSW Fisheries were consulted with regard to formulating an appropriate CRZ for the development. Both agencies advised that a full 40m CRZ would be appropriate for the site given the environmental significance of Woollooware Bay and its importance to migrating birds and aquaculture. However, both agencies acknowledged that the guidelines provide for a merit based assessment of the matter.

7.3.2 Proposed Foreshore Setback

The Concept Plan proposes a foreshore setback of varying width across the site to take into account constraints posed by existing topographical features and development. Other factors considered in the design of the setback and buffer areas include contaminated fill areas, transmission line easements and connectivity with existing pedestrian and cycle networks and facilities.

Adjacent to the new development areas (neighbourhood centre and residential estate), the foreshore setback to the building line will vary from 30m in width north of the retail centre and Club premises to 60m in width to the north of the residential development. Within the central part of the site adjacent to Toyota Stadium, the setback from the MHW to the Family Hill turfed terraces will be 30m, however a small part of this setback will be within the stadium perimeter.

The environments created within the setback areas will vary across the site depending on topography, existing development and geotechnical conditions. Proposed uses, habitat restoration treatments and plantings are described in detail in the Landscape Concept Plan prepared by Aspect Studios (**Appendix HH**) and summarised below.

The 30m setback area in front of the new retail neighbourhood centre will accommodate a sea wall at the edge of the mangroves that will cap and stabilise the edge of the existing fill on the site. In this location the level difference between the MHWL and the top of the fill (current car park) is approximately 2.3m making rehabilitation of intertidal habitat unfeasible without the risks associated with excavating fill material. Within the 30m zone, will be located a 3m wide foreshore path and 12m wide mangrove buffer planting.

A 12m wide mounded area with planting of appropriate species will screen the façade of the retail centre. The combination of species to be planted within the setback area in this location could form part of a recreated Swamp Oak floodplain forest. A cross section of the proposed foreshore setback in front of the new Neighbourhood Retail, Medical and Leisure Centre is shown in **Figure 31**.

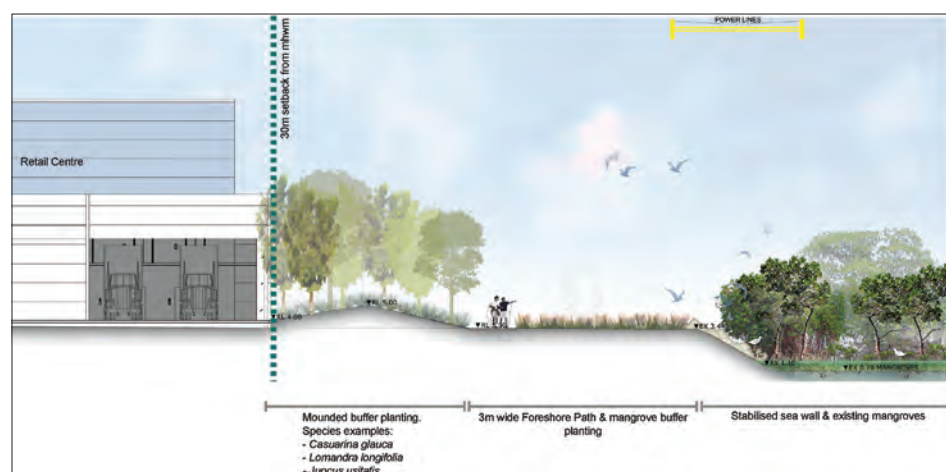


Figure 31 – Foreshore setback cross-section north of Retail Centre

The 30m setback area in front of the Family Hill is required to accommodate considerable level differences associated with the existing stadium design. The crest of Family Hill is approximately 5.5m higher than the MHWL. In this location the buffer area is proposed to include a 3m wide foreshore boardwalk on the edge of the mangroves, bank stabilisation works including gambion walls and planted terraces and a 3m wide path at the crest of the Hill. A 12m wide section of Family Hill (within the stadium and fenced off) will also be within the buffer area.

Along the front of the residential estate, the setback to the building line is approximately 60m. Within this area, the level differences between the MHWL and top of the fill (as per EA-03 and EA-05 of **Appendix HH**) can be managed such that a 20m wide salt marsh area will be developed and accommodate areas of educational pontoons/viewing platforms. The salt marsh plantings will be bordered by the pedestrian and cycle pathway. Between this and the residential buildings will be open space and playground areas. A cross section of this area is shown in **Figure 32**.

The setback along the tidal stormwater channel that separates the Toyota Stadium from the proposed residential area will be a minimum of 20m, which is proposed to incorporate a planted bio-retention / swale zone for stormwater management from the residential area, and will also include a pedestrian path. This buffer/swale will be constructed at or above existing levels with minor stormwater cross connections to the existing open channel. The mangrove area within and adjacent to the channel will be retained and protected. Existing stadium infrastructure including the Western 'ET' Grandstand prohibits the provision of a setback on the eastern side of the channel, however a Statement of Commitment is included at Section 8 which requires that any future application for the reconstruction of the western grandstand of Toyota Stadium will incorporate a suitable setback on the eastern side of the tidal stormwater channel where practical.

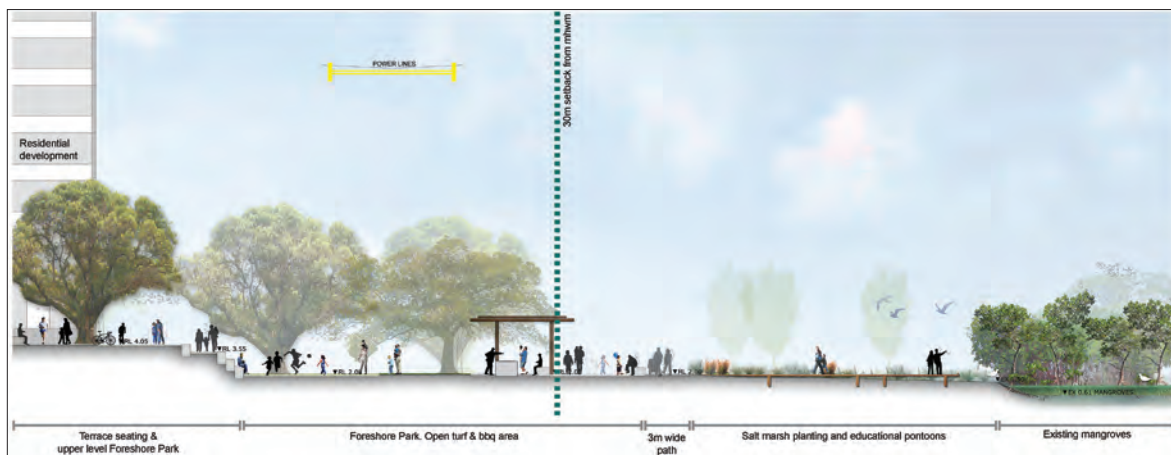


Figure 32 – Foreshore setback cross-section north of residential

7.3.3 Justification for Proposed Setback Areas

The proposed minimum 30m foreshore setbacks, the uses within them and proposed riparian habitat restoration are appropriate for the following reasons:

Contaminated Land Management

As described in Sections 2.7 and 7.14, the Sharks development site is subject to between 1m and 6.5m of fill as a result of previous landfill operations conducted by Sutherland Shire Council and others in the 1950s and 1960s. A review of previous investigations on the site undertaken by Environmental Investigation Services (EIS) found that while widespread chemical soil contamination was not encountered, the site does contain areas of elevated chemicals and organic matter that is generating methane. EIS recommended that excavation/disturbance of the site be kept to a minimum in order to avoid potential mobilisation of contaminants in the landfill and subsequent adverse impacts on the mangrove zone to the north.

A key factor behind both the NSW Office of Water and NSW Fisheries' support for a full 40m setback was the potential opportunity to re-establish and expand the inter-tidal zone to create new habitat. Such a measure would require excavation of the fill material at the interface between the site and mangrove zone where the level difference is currently over 2m in front of the proposed retail development. Excavation is not supported by the contamination studies and has the potential to leach pollutants into the sensitive Woollooware Bay environment.

Improved Site Stormwater Management

CRZs can play an important role in stormwater management, particularly in terms of managing water quality prior to it entering the receiving river/estuary environment. Currently, large sections of the site drain uncontrolled into Woollooware Bay. In particular, the northern section of the Sharks Club carpark drains northward directly into the mangrove habitat without any form of treatment posing a significant threat to water quality.

The proposed Sharks development will significantly improve site stormwater management when compared to the existing situation through the implementation of Water Saving Urban Design features that will manage stormwater quality within the site in the following ways:

- Surface water runoff from large impervious areas will be directed to bioretention swales for biological filtering and treatment;
- Excess flows from the swale system would flow to a piped drainage system which in turn would pass through a gross pollutant trap (GPT) to remove remaining coarse sediment, litter debris, oils and greases; and
- Stormwater would drain from the GPT to be discharged either via the existing stormwater channel or into the bay. Appropriate scour protection measures will be put in place at all outlets.

Also of particular note, the eastern carpark area of the site will be replaced by covered parking as part of the new retail development, therefore the significant volumes of contaminated water currently draining for this area will be replaced by clean runoff from the roof areas.

Inconsistent planning approach to setbacks around Woollooware Bay

A full 40m setback in front of the development would be inconsistent with riparian setbacks required for other recent developments around Woollooware Bay. Recent developments in the locality that adjoin the Woollooware Bay foreshore have been subject to a range of different setback requirements, none of which are close to 40m in width. Development along the Woollooware Bay pedestrian and cycle path to the west of the site has setbacks varying in width from 20-25m for new industrial units along Northumberland Drive, to a 30m setback at the Toyota complex. In all cases, the setback to the building line includes a range of uses and activities including the Woollooware Bay pedestrian/cycle path, exotic landscaping, hardstand parking and outdoor storage areas. For most properties, there is no evidence of riparian habitat being established. **Figures 33** and **34** show setbacks for recent developments along Northumberland Drive and the uses within these setbacks.



Figure 33 – Recently approved foreshore setback at Northumberland Drive



Figure 34 – Recently approved foreshore setback at Northumberland Drive

To the east of the site, the recent commercial development (containing a Fitness First gymnasium – see **Figure 3**) which was approved by Council in 2006 has a setback of only 7.5m from the mangroves. The setback area, which is largely Council owned, has not been rehabilitated and is vegetated by exotic grass which is regularly slashed. In the planning report to Council, justification for this setback was on the basis that the site drains away from Woollooware Bay towards Captain Cook Drive and therefore water quality impacts on the Bay can be managed. The proposed Shark redevelopment will also have its stormwater managed such that water will be treated and drain into the stormwater channel to the west of the stadium.



Figure 35 – 7.5m setback for building to the east of the site

The proposed environmental buffers and foreshore building setbacks proposed for the Concept Plan development are not only considered to be adequate, they are also significantly superior to the setbacks and foreshore treatment for other recently approved development around Woollooware Bay. The proposed environmental buffers for the Sharks development will significantly improve the existing situation at the site which currently sees untreated and uncontrolled stormwater flow into Woollooware Bay from the open bitumen car park site. Proposed habitat rehabilitation measures on the site will significantly restore the foreshore through the removal of rubbish and invasive weed species. These rehabilitation areas will be subject to on-going maintenance by the Sharks.

7.4 Economic Impact

In response to the Director General's requirements, an Assessment of Retail Development Potential has been prepared for the proposed neighbourhood retail centre by Pitney Bowes Business Insight, which accompanies this report at **Appendix Z**.

The Pitney Bowes report addresses the Cronulla Sharks Leagues Club retail neighbourhood proposal and establishes the demand for retail and entertainment facilities on the site based on the characteristics of the anticipated trade area.

The report also identifies existing retail centres and hierarchy within the region and examines the potential impact of competition from the proposed development on the viability of retail floorspace within these centres.

Figure 36 illustrates the main trade area for the proposed development and identifies the location of major competitive retail facilities. The main trade area for the proposed development has an estimated current population of 32,120 persons, including 8,100 within the primary sector.

Demographic information indicates that the community within the main trade area earn higher than Sydney average incomes, are slightly older, and that the prevalent household structure comprises couples with dependent children. At present, the local community is serviced by competitive retail facilities within the Sutherland Shire which generally form a typical retail hierarchy as follows:

- Regional shopping centre- Westfield Miranda
- Sub-regional shopping centres- Southgate Sylvania and Menai Marketplace
- Supermarket based retail centres- Caringbah, Cronulla, Sutherland

The extent of the main trade area for the proposed retail neighbourhood at the Cronulla Sutherland leagues Club site is assessed as:

- to the west by Gannons Road;
- to the east by the Pacific Ocean;
- to the south by Denman Avenue and Burke Road; and
- to the north by Woollooware Bay and Botany Bay.

The secondary trade area extends north west to Taren Point Road north of the rail line, and south east to Cronulla and Woollooware. The extent of the primary and secondary trade areas is shown in **Figure 36**.

The trade area population is estimated at 32,100 people in 2011 and will increase to 34,420 people by 2021. In 2010/11, residents within the identified trade area projected to have spent approximately \$480 million on retailing, of which approximately \$196 million is on food, groceries and liquor. Pitney Bowes has predicted that total spending by the population within the trade area will increase to \$720 million in 2021.

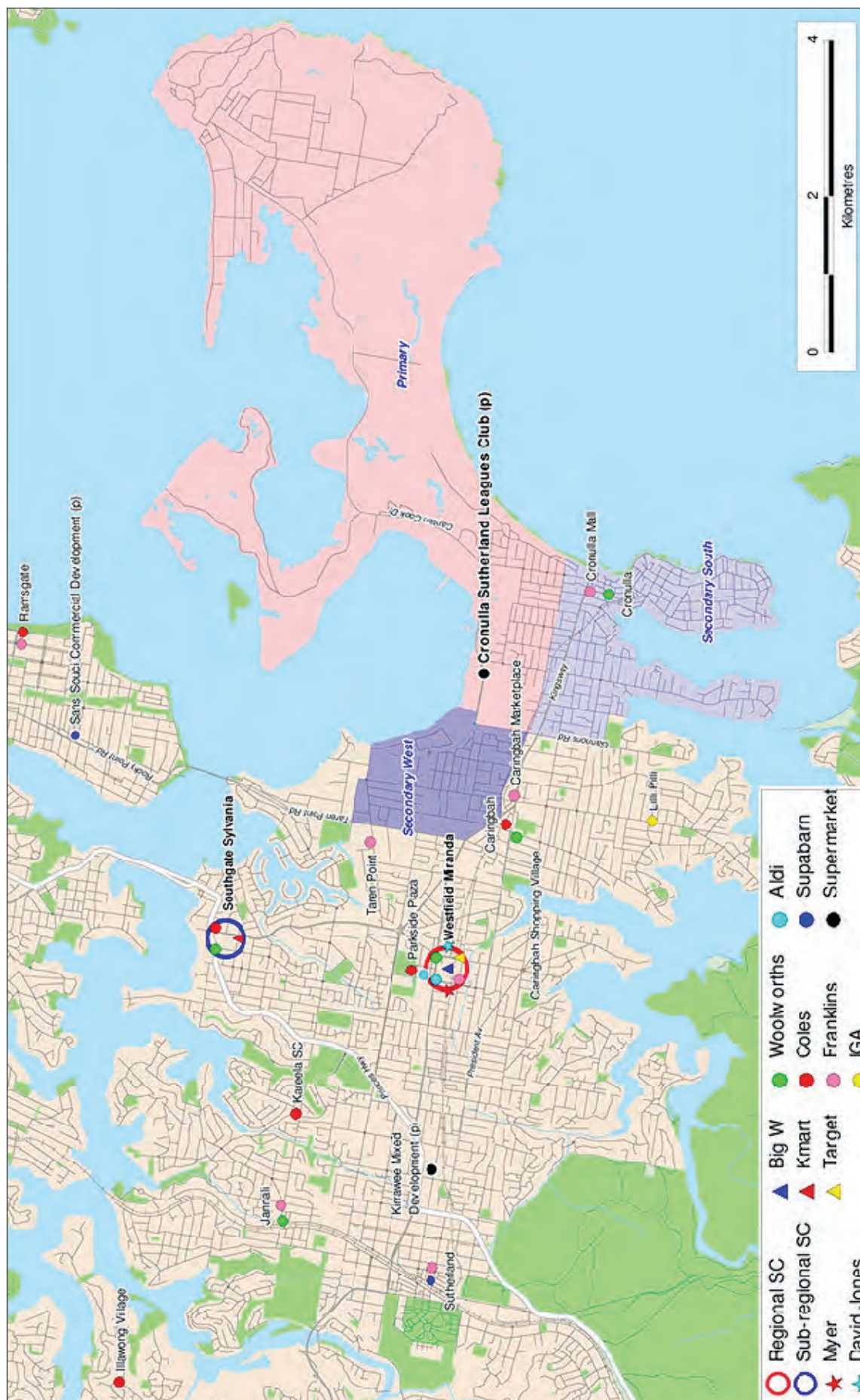
The Pitney Bowes report presents an independent assessment of market scope for the development of a new retail centre within the sub-region. The report finds that there is a significant shortage of retail supermarket floorspace within the main trade area in comparison to both Sutherland Shire and Australian averages, stating that:

The current provision of supermarket floorspace within the defined main trade area is estimated at 47m² per 1,000 persons, which is well below the Australian (320m²) averages. The average provision of supermarket floorspace within the eastern part of the Shire is currently estimated at 201m² per 1,000 residents.

The absence of full-line supermarkets and a very low supermarket floorspace provision within the main trade area suggest that trade area residents currently have to travel beyond the main trade area for their grocery shopping needs.

Assuming that the proposed full-line supermarket of 4,188m² at the Cronulla Sutherland Leagues Club proceeds, the supermarket provision within the main trade area would increase to around 175m² per 1,000 persons in 2013, still well below the Australian benchmark.

The report goes on to state that based on an economic analysis of the potential trade area and the surrounds there is be capacity for a second, smaller supermarket such as an Aldi, and additional mini-major and specialty retail tenants with a focus on fresh food and convenience retail.



With estimated sales of \$93.4 million in its first year of operation (based on 2014 projections), the proposed retail neighbourhood will attract 16.6% of the available spending in the main trade area, including 23.7% and 6.5% of available take-home food and non-food retail expenditure, respectively.

Retail facilities at Cronulla are currently the only competitive facilities provided within the main trade area, including a Woolworth's supermarket of 650m² and a Franklin's supermarket of 850m². The two supermarkets at Cronulla are small generally 'top-up' facilities and are inadequate to fulfil the weekly shopping needs of local residents. The Pitney Bowes report finds that other retail at Cronulla is generally characterised by surf shops, boutiques, food catering stores, bars and some every day shopping needs which cater to visitors to Cronulla Beach, and are not expected to compete with the proposed supermarket-anchored centre. On this basis, the impact on the Cronulla retail precinct is estimated by Pitney Bowes to be approximately 7.8%.

The most notable trading impact of the proposed development would result in a reduction of sales at the three existing supermarkets at Caringbah of 12.2% of sales. Whilst the Land and Environment Court of NSW has in the past recognised impacts of 10% to 15% as being significant enough to cause a decline in the viability and ranges of services offered in an existing centre, this comparison is not to be considered appropriate in this case due to the strong trading performance of the Caringbah centre. The Pitney Bowes report estimates that the projected impact on trade at Caringbah would likely to be absorbed within the 2-3 years following the proposed development, and as such would not threaten the ongoing viability of the centre.

The projected impact on trade at existing centres and stand-alone retail facilities including Miranda (-4.5%), Southgate Sylvania (-6.0%) and Taren Point (-9.5%) is considered to be minimal or moderate, and will not impact on the viability or range of services offered at these locations nor affect the established retail hierarchy. These reductions are considered to be a natural product of the increased competition within the region as a result of the proposed development.

Draft State Environmental Planning Policy (Competition) 2010

In July 2010 the NSW Department of Planning publicly exhibited *Draft State Environmental Planning Policy (Competition) 2010* (the Draft Competition SEPP), which was informed by the *Final Review Report – Promoting Economic Growth and Competition through the Planning System* (the Final Review Report) prepared by the NSW Department of Planning and the Better Regulation Office in April 2010. The Draft Competition SEPP states that:

8 Commercial viability of proposed commercial development

The commercial viability of proposed commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.

9 Loss of trade etc for other commercial development

- (1) The likely impact of proposed commercial development on the commercial viability of other commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.*
- (2) However, any such likely impact may be taken into consideration if the proposed development is likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community (having regard to the likely impact on existing facilities and services and the facilities or services to be provided by the proposed development).*
- (3) Likely impacts referred to in this clause include likely loss of trade.*

This policy reflects the well-established common law principle set out by the High Court of Australia in *Kentucky Fried Chicken v Gantidis* (1979) 140 CLR 675. Whilst it is noted that the Draft Competition SEPP would apply only to development under Part 4 of the EP&A Act, it is made evident by the Pitney Bowes report that the proposed retail neighbourhood development is entirely viable and will not impact upon the future viability of nearby commercial development, existing facilities or services available to the community.

The Final Review Report makes clear that in order to promote economic growth and competition in NSW, the planning system must allow for new centres to form.

It is evident that centres need to be able to accommodate growth, and as appropriate, opportunities must be made for new centres to emerge. The planning system must be flexible enough to accommodate a mix of uses, and provide opportunities for economic growth so that effective markets can develop and prosper.

Land use planning policies contained in strategic documents need to provide for the growth of centres and the change in zones types and not merely maintain the 'status quo'. Centres need to be responsive as the population density in the area changes and consumer needs shifts over time with changes in demographics.

The draft Activity Centres Policy addresses these issues by acknowledging that centres need to grow, new centres need to form and that the market is best placed to determine demand.

The significant shortage of retail floorspace within the locality and the limited capacity for growth in nearby neighbourhood centres provides a compelling case for the establishment of a new centre to satisfy market demand. Even with the provision of the quantum of retail development envisaged under this Concept Plan application, the supermarket floorspace provision for residents within the main trade area will still be approximately 45% lower than the Australian average. The Pitney Bowes report establishes a clear market demand for additional supermarket retail facilities to be provided within the immediate vicinity of the subject site and the Woollooware locality. It is clear that there are currently significant constraints within existing centres (such as land fragmentation, land use conflict and infrastructure capacity) which would preclude their expansion to satisfy the entirety of this identified shortfall. In light of this it is considered that the establishment of a new centre, in an appropriate and less constrained location is the most economic response to this shortfall.

Net Community Benefit Test

The Draft Centres Policy released by the (then) NSW Department of Planning for public comment in April 2009 established that a Net Community Benefit Test should be used to assess the merits of rezoning in the following circumstances:

- proposals to develop within an existing centre where the current zoning does not permit the use;
- proposals to develop outside an existing centre where the current zoning does not permit the use; and
- proposals to create a new centre.

This proposal seeks to create a new centre for retail and residential, and whilst the proposal does not involve a rezoning in itself, approval is sought for a land use that (but for the provisions of Part 3A) would not be otherwise permissible on the land under the current terms of Sutherland LEP 2006. Accordingly, the questions identified in the Net Community Benefit Test in the Draft Centres Policy have been identified and answered in the context of the proposed residential and retail neighbourhood at **Appendix AA**.

7.5 Internal Residential Amenity

An Architectural Statement has been prepared by Turner and Associates for the proposed development and is provided at **Appendix F**. This report provides an assessment of the Concept Plan scheme against the Design Quality Principles outlined under Part 2 of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* and the Residential Flat Design Code (RFDC) rules-of-thumb. Indicative floor plans for the development reveal that future detailed applications for development of the masterplanned residential flat buildings are generally able to achieve the “rules of thumb” set out in the Code, indicating that the proposed apartments are able to attain a high level of amenity for future residents.

Based on the proposed building envelopes and indicative apartment layouts shown at **Appendix FF**, the proposal is able to achieve rules-of-thumb for building separation distances, deep soil planting areas, communal open space areas, solar access and cross-ventilation. In particular, these layouts show that the all individual residential flat buildings within the neighbourhood centre will achieve at least 70% of all apartments with at least 2 hours of direct solar access on June 21. The proposed building envelopes achieve the minimum separation distances required under the RFDC. A more detailed assessment of the internal amenity of the proposed residential flat buildings will be conducted as part of future applications for development once detailed building designs and apartment layouts are available.

7.6 Transport and Accessibility

McLaren Traffic Engineering has prepared a Traffic Management and Accessibility Plan (TMAP) (**Appendix I**) which considers the traffic, transport and accessibility implications for the proposed Concept Plan.

Car Parking

As previously stated, Concept Approval is sought for residential parking rates to be adopted in future detailed applications. It is apparent that the total car parking spaces to be provided in the eventual overall residential development of the site will be dependent on the final apartment mix and detailed design of the residential precinct.

- Maximum 1 space per one bedroom and two bedroom unit;
- Maximum 2 spaces per three bedroom unit; and
- Minimum 1 visitor space per 8 units (can also be used for car wash bays).

In addition to the above, Concept Plan approval is sought for an indicative overall number of non-residential car parking spaces to be provided within the Retail Neighbourhood, being 651 car spaces. Motorcycle parking shall be provided in line with the rates set out in Council’s DCP (1 motorcycle space per 25 car spaces). The proposed car parking provision is considered to provide a balanced and flexible outcome in that:

- The proposed maximum rates for dwellings is consistent with the NSW State Government’s approach to reducing car dependency and promoting alternative non-car travel modes;
- Reduced visitor parking rates reflect the opportunities for dual-use with the neighbourhood centre and the high level of accessibility by non-car modes of travel including public transport and bicycle; and
- The proposed non-residential parking rates ensure a sufficient amount of spaces are provided which achieve the rates set out under the RTA’s Guidelines for Traffic Generating Development, reflect car usage patterns for nearby retail centres within Sutherland Shire and respond to the unique parking demands for this neighbourhood/entertainment centre.

Game day and major event parking is addressed at Section 7.7.

Potential Traffic Impact

The performance of nearby key intersections have been assessed using the SIDRA intersection analysis tool based on current conditions and predicted conditions resulting from the Concept Plan scheme. Based on the proposed mix of uses and estimated transport modal split, calculations contained within the TMAP estimate that the proposed Concept Plan scheme will result in a traffic generation rate of 1,249 two way vehicle movements per hour during the Friday PM peak period and 1,060 vehicle movements during the Saturday noon peak period.

SIDRA analysis results indicate that the provision of signals will result in a minor increase in delays at the Captain Cook Drive/ Woollooware Road intersection (by approximately 8 seconds during the Saturday noon peak) resulting in the Level of Service decreasing from A to B. This impact arises largely from the nature of the signalised intersections and the provision of new controlled pedestrian crossings. This Level of Service is considered to be entirely acceptable in light of the minor nature of the delays and the significantly improved safety benefits delivered through the provision of traffic signals, and in particular the significant enhancement to pedestrian and cyclist safety.

New signalised intersections to Captain Cook Drive from the residential precinct and the western retail neighbourhood access are predicted to achieve a Level of Service A during peak periods and will result in minimal vehicle delays. The provision of controlled pedestrian and cycle crossings at these intersections will deliver significant pedestrian safety benefits and encourage greater use of walking and cycling facilities by future residents and patrons of the centre.

A number of key intersections to the west of the subject site are currently at or above capacity, most notably the Captain Cook Drive/ Gannons Road roundabout and the Captain Cook Drive/ Taren Point Road signalised intersection to the west of the site, at both of which vehicles experience an average delay of more than 2 minutes during the Friday PM peak period. It is anticipated that recently approved residential developments on the Kurnell Peninsula are likely to further worsen this situation. Under the proposed Concept Plan scheme the Level of Service at these intersections during the Friday PM peak the Level of Service will remain at F, however it is likely that there will be some impact on average delays at these intersections. The poor existing level of service and oversaturation of these intersections is symptomatic of existing issues and broader peak traffic issues within the regional road network, particularly at the Kingsway. These issues are required to be addressed in the short-to-medium term irrespective of the proposed development, and as such is not a matter for consideration in the assessment of this proposal.

Increased traffic generation resulting from the proposed scheme shall also result in minor increases in delays to the south-west, being the intersections of Gannons Road/ Denman Avenue and Gannons Road/ Kingsway which will each drop by one Level of Service during the Saturday noon peak only to D and F respectively. As is the case above, these intersections are currently oversaturated during this period, and irrespective of the proposed development are likely to experience additional congestion as a result of other developments and natural population increase in the area, and will require upgrades within the medium-term irrespective of the proposed development at the Cronulla Sutherland Leagues Club site.

As detailed above, intersections in the locality which are likely to experience adverse traffic impacts as a result of the proposed development already experience significant delays and oversaturation during peak periods, and other approved developments in the locality along with natural population and traffic increase are will require the upgrading of these intersections in the short to medium term irrespective of the proposed Concept Plan residential and retail scheme.

Public Transport

As outlined in Section 4 and, the NSW Department of Transport has confirmed that development of the proposed Concept Plan scheme will provide the critical mass required to support a new public bus route servicing the site and its surrounds. The provision of this service will ensure access to public transport is provided to both new residential dwellings and patrons of the retail neighbourhood. This service shall provide strong linkages to nearby transit nodes with opportunities for passengers to transfer to Eastern Suburbs and Illawarra Line rail services and connecting local bus services. These measures shall ensure that the proposed development achieves a high level of accessibility by public transport.

Correspondence from Transport NSW confirming “in-principle” agreement to the proposed bus service is at **Appendix M**.

Pedestrian and Cycle Environment

The proposed Concept Plan scheme incorporates substantial improvements to existing facilities for pedestrians and cyclists within the locality.

The pedestrian connection along the foreshore setback will provide an attractive, usable and safe space for local pedestrians, and will provide connections between the retail neighbourhood, the Leagues Club, Toyota Stadium, the residential development and the site’s surrounds. Elements such as the proposed boardwalk shall provide for a greater level of interaction between pedestrians and their environment, whilst ensuring that an adequate level of protection for the natural environment is maintained. Upgrades to existing pedestrian footpaths along Captain Cook Drive and the provision of new signalised pedestrian crossings as part of the proposed new intersections will significantly improve the safety of pedestrians along these roads, especially during peak periods of pedestrian and vehicle traffic such as on game days.

The proposed Concept Plan scheme including with connection to the existing Woollooware Bay cycleway within the northern setback will provide not only a new cycleway but also a new destination for local cyclists. By providing a local destination with facilities such as cafes that is well connected to regional cycling routes, the proposed development is expected to generate new recreational cycling journeys by residents of Sutherland Shire, promoting increased physical activity and the associated positive community benefits such as improved health.

7.7 Major Event Management

Suitable provisions will be made to enable the ongoing use of Toyota Stadium throughout the construction phases of the proposed development and upon completion of the new residential and retail neighbourhood centre envisaged by the Concept Plan as detailed in the Game Day Satellite Parking Plan prepared by McLaren Traffic Engineering and described at Section 3.9.2. Future applications for development will update the current *Peak Event Traffic Management Plan* prepared by McLaren Traffic Engineering to incorporate alternate parking and transport arrangements which will allow the continued use of the stadium. A Statement of Commitment is provided at Section 8.0 under which the proponent commits to develop major event traffic management plans at the appropriate stages of development.

This Concept Plan application seeks to transform the transport experience for patrons of Toyota Stadium and promote the use of public transport to reduce congestion and parking overflows. A major initiative which will be implemented as current on-site parking is removed will be the implementation of new public transport and park-and-ride options for travel to the stadium on game days.

This will encourage patrons to either leave their cars at home and join a game day bus from a local pick-up point, or drive only a short distance to a local parking facility, hence reducing traffic and parking demand at the stadium. This service will be heavily promoted and subsidised through ticket sales to ensure maximum uptake. This scheme promotes greater sustainability by reducing car dependency, and addresses the current perception that existing parking demand and congestion issues are driven by the substantial availability of on-site parking and the absence of sufficient alternate travel options.

In addition to the proposed game-day public transport scheme, a proportion of parking spaces within the retail neighbourhood may be able to be designated for game day parking for those patrons where private transport is necessary. Details of these arrangements will be provided as part of the peak event traffic management plan at the relevant development stage. The majority of major events will occur during periods of low parking demand for the retail facilities within the proposed centre (Friday nights, Saturday afternoons/nights), and as such the use of additional parking capacity during these periods will not adversely impact on the retail neighbourhood. Extensive promotion of major events within the locality will ensure that patrons of the retail neighbourhood are aware of the timing of major events and are able to schedule their use of the retail neighbourhood outside of this period.

7.8 Social Impact

A Social Impact Assessment of the proposed development has been undertaken by JBA Planning to identify the key social impacts and benefits of the proposed development (**Appendix W**).

The Sharks, both as a Leagues Club and a Football Club plays an important role in defining the Sutherland Shire's identity. Sharks is a unifying element for the community providing it with a social and recreational outlet through the NRL Premiership team and associated game day activities and support for lower grade and junior rugby league within the Shire. The Sharks NRL team provides the Sutherland Shire with national exposure in the sporting media through general Rugby League commentary, but more specifically through televised matches from Toyota Stadium to a national audience.

The Club premises provide the necessary support for the football club in terms of the Toyota Stadium and indoor and outdoor training facilities. The Club also provides a social outlet for members and their guests with a range of facilities and venues to cater for functions, conferences, live entertainment, bingo and housie. The Club includes a range of bars and restaurants. The Club currently has 18,596 financial members.

The culmination of the Club's role and activities enables it to contribute back to the community through support for local sporting and community organisations. The Club actively supports local community programs, which aim to benefit the community of the Shire, and guide them to make healthy and safe lifestyle choices. This support includes partnering with local charity organisations which help those in need of assistance and support in the local community.

The social impacts associated with the proposed Sharks redevelopment need to be considered in the context of its historic and on-going role as a community asset in the Sutherland Shire, the services it provides to its members and the wider community, and its support for local and charitable organisations. Without redevelopment of the site as proposed in the Concept Plan, the Club will not be financially viable and close, causing direct and indirect social consequences for the Sutherland Shire Community.

Should the redevelopment of the site (as proposed in the Concept Plan) be approved, not only will the Club continue to play a key role in the local community, it will be financially stronger and able to expand this engagement with the community through improved premises and facilities, and the ability to increase financial support to a more diverse range of community charitable and sporting organisations.

Notwithstanding this, the redevelopment will also present social impact challenges for the Club to address. These are mainly associated with the displacement of current activities on the western playing fields area and temporary impacts on members associated with the rationalisation and relocation of the club premises.

The social impacts associated with the proposed Sharks redevelopment need to be considered in the context of its historic and on-going role as a community asset in the Sutherland Shire, the services it provides to its members and the wider community, and its support for local and charitable organisations. Without redevelopment of the site as proposed in the Concept Plan, the Club will not be financially viable and close, causing direct and indirect social consequences for the Sutherland Shire Community.

7.8.1 Key Social Impacts

The key social impacts associated with the proposed Sharks redevelopment are:

- The role of the Club as a community asset and its on-going contributions to the local community through local charitable and sporting groups and economic contribution to the local economy through employment and purchasing;
- Perceived loss of open space associated with the development of the western playing fields area and car park and impacts on the users of that space;
- Temporary impacts on the Club's members associated with the construction phase of the redevelopment.

Shark's as a community asset and support for local sporting and charitable organisations

The Cronulla Sharks currently supports a range of community organisations and activities. The Club actively supports local community programs, which aim to benefit the people of the Shire, and guide them to make healthy and safe lifestyle choices. This support includes partnering with local charity organisations which help those in need of assistance and support in the local community. Charities that the Sharks have strong links with are:

- Sutherland Police Citizens Youth Club;
- Sutherland Early Support Service;
- Sylvanvale Foundation; and
- Bates Drive School.

Other community and charity groups which have benefitted from Sharks support in recent years include:

- Caringbah Scouts
- Sutherland Hospital
- Sutherland Police and community
- Shirelive Church
- Melanoma Foundation
- Enough is Enough - Anti violence campaign
- Minerva School
- Kids Breakfree
- Miranda Public School

- Rainbow Club
- Sutherland Wheelchair Basketball
- Civic Centre
- Menai Community

The Club also makes available NRL players for community groups and charities to support fund raising events. During the Club's financial year ending October 2010, the club contributed \$66,543 in community support for local organisations and charities. This however was a decline from 2009 when \$82,970 was contributed. In particular, the club has in recent years been positioning its local support towards youth issues through mentoring programs that promote sporting participation and excellence, in particular healthy lifestyles and nutrition.

In addition to contributions paid by the Club towards community and charitable organisations, payments totalling \$85,877 were made towards Junior Rugby League and affiliated associations under the "Sharks" brand in the same year. The current financial position of the club however places limits on its ability to contribute to these organisations, which are largely community based and rely on the patronage of organisations like the Sharks.

In addition to the contributions outlined above, the Club is a key employer in the local economy. The club currently employs 159 staff of which 139 (85.5%) reside in the Sutherland Shire. The annual wages bill for the club is approximately \$3 million dollars, the majority of which is spent back in the local area. In addition to wages, the Club has 243 local suppliers and contractors providing a range of goods and services including food and alcohol, maintenance and cleaning and office supplies and services. These local businesses represent over 70% of the clubs creditors.

Redevelopment of the club will secure its financial position, reduce its debt level and provide on-going income streams from retail tenancies and improved club premises. This in turn will enable the club to increase its support of local sporting and charitable organisations. The Club's significant contribution to the local economy through wages and support for local suppliers of goods and services will continue and potentially increase.

Perceived loss of open space and associated parking

Currently the western playing fields (4.1ha) are not publicly accessible. The Sharks makes the fields and associated clubhouse available for use by the Cronulla-Caringbah Sharks Junior Rugby League Football Club during the winter football season under a long standing agreement. The fields are otherwise used as training fields by the NRL Club. Access to the fields is currently restricted to these groups, whose activities generally are concentrated during the winter months. When not in use, the fields are locked and are not accessible to the public.

Immediately adjacent to the south of these fields is the western car parking area. This area accommodates approximately 511 car parking spaces which is used by the Cronulla-Caringbah Juniors as well as forming a key part of the overall game day parking strategy. Small sections of the parking area are also used during weekdays by players and club officials.

A key part of the overall Sharks redevelopment proposal is to develop the western playing fields and the adjoining car parking area for a residential master planned estate, including publicly accessible roads and open space. While the development will have overall positive benefits for the future resident and also the wider local community through providing high quality public open space an opening up and extending key pedestrian and cycle networks, there will be a social impact associated with the loss of these fields and parking for current users.

In terms of social impact, the loss of these fields will be limited to the Cronulla-Caringbah Sharks Junior Rugby League members and supporters who utilise the fields and car parking area during winter. Cronulla-Caringbah Sharks Junior Rugby League Football Club currently fields over 20 teams from Under 6's through to A Grade. Each weekend approximately half of these teams play home games at the home ground, utilising the fields, clubhouse and car parking areas.

The proposed redevelopment of the site will see these facilities no longer being available to the Juniors. To ameliorate these impacts, The Sharks Consortium has committed to providing alternative facilities in the locality of equal or superior standard to replace the current facilities and ensure Sharks support for the Juniors and junior sport generally in the Sutherland Shire can continue and improve.

The principal use of the western car parking area is for the Juniors and game day parking for the Sharks home games. Its removal will have potential impact in terms of loss of parking space available to the club, potentially increasing parking demand and associated impacts on surrounding streets. Game day parking is currently managed by the Club by way of the Peak Event Traffic Management Plan 1998.

To address the social impact associated with the loss of the private fields, The Sharks consortium commit to undertake works at Cronulla High School to construct two new playing fields, associated lighting and a clubhouse. Agreement has been reached with Cronulla High School (**Appendix O**) for the upgrade of the fields subject to the final design being agreed with the NSW Department of Education and the Cronulla Sutherland Water Polo Club, which also proposes (separately) to develop a facility on the site, adjacent to the proposed relocated fields. The Consortium has also secured the support and agreement of the Cronulla- Caringbah Sharks Junior Rugby League Football Club for their relocation to the new facilities (**Appendix O**).

The proposed development at Cronulla High school includes:

- The construction of two new playing fields
- Lighting for the playing fields
- Construction of a clubhouse
- Associated parking provision
- On-going maintenance of the facilities

The value of the works will be in the order of \$2 million and will be subject to a separate development application to Sutherland Shire Council. The proposed upgrade to the facilities will be completed prior to construction commencing on the residential component of the Sharks development. This has been included in the Statement of Commitments (Section 8.0). Preliminary plans of the proposed Cronulla High development are shown in **Figures 37 and 38** and at **Appendix N**.

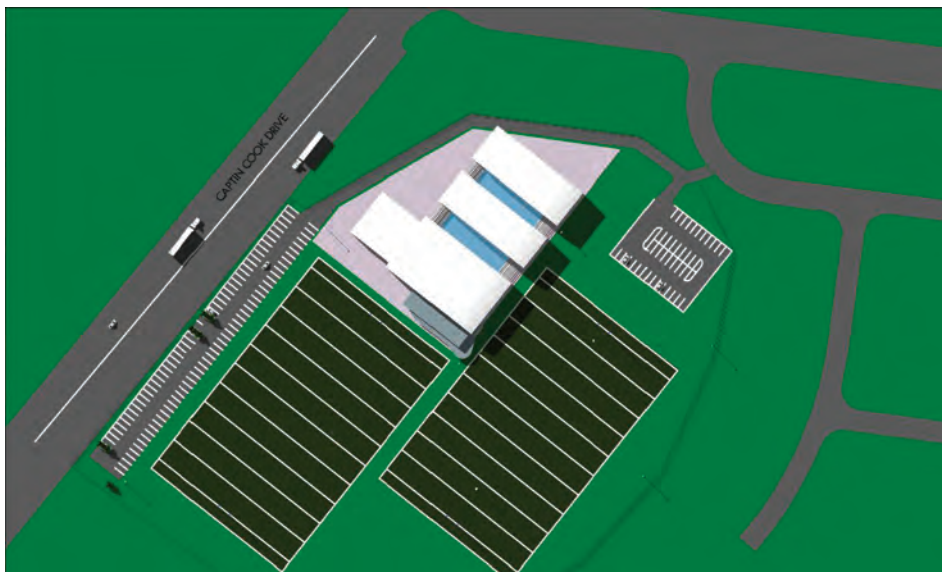


Figure 37 – Indicative view of Cronulla High School sports facilities upgrade

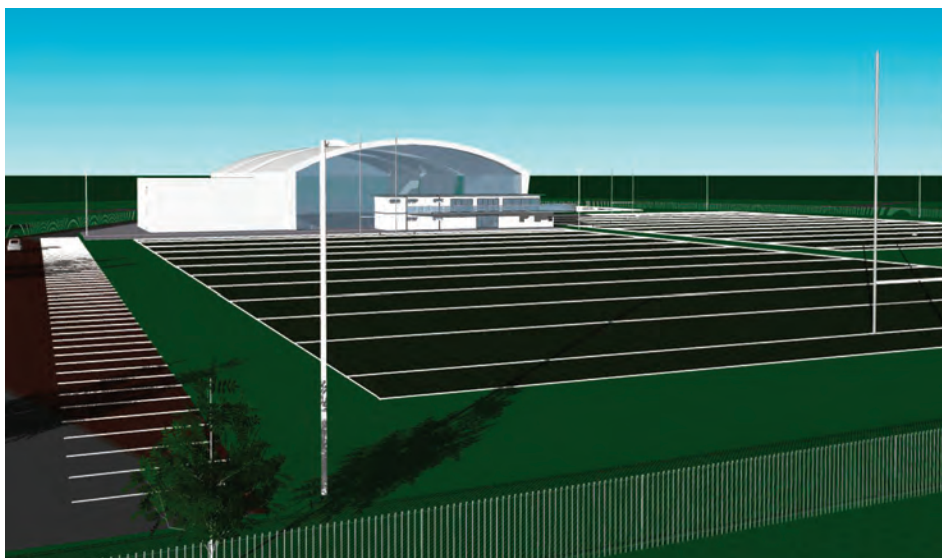


Figure 38 – Indicative perspective of Cronulla High School sports facilities upgrade

The provision of new facilities at Cronulla High School will more than offset the loss of the western playing fields to the Cronulla-Caringbah Juniors. The new facilities at Cronulla High School will also benefit the school community, as well as provide opportunities for other junior sports organisations to utilise the facilities. Overall the facilities will assist in promoting junior sport participation in the Sutherland Shire.

Temporary impacts on the Club's members associated with the construction phase of the redevelopment

A potential impact of the development proposal will be temporary inconvenience to Club patrons during the construction and relocation of the premises within the building envelope and the northern deck expansion. A key objective of the redevelopment is that the Club remain operational throughout the redevelopment process. For a period, the Club will operate in smaller premises within levels 2 and 4 of the building while construction of the new premises and northern deck area are undertaken, principally on level 3. The construction sequence however will enable the new main club level to be constructed and fit out on level 3 while the existing main club operates underneath.

In terms of parking, patrons will be provided with sufficient parking and convenient access to the Club whilst construction activities are occurring on the eastern car park area for the new retail centre. Overflow parking, if required, will be provided on the western side of Toyota Stadium in a dedicated Club patron's carpark. This area will ultimately be developed as part of the residential estate, however the proposed staging will see the new club and retail component being constructed prior to development on the western car park area.

Game day parking

The Concept Plan scheme will involve substantial changes to game day transport arrangements due to the loss of some on-site parking. In order to mitigate this loss and develop more sustainable game day transport arrangements, the Concept Plan scheme proposes a number of new initiatives to ensure the ongoing operations of Toyota Stadium are not adversely affected by the proposal.

The Concept Plan proposes significant improvements to current public transport and access arrangements for major events held at Toyota Stadium in order to reduce car-dependence and resolve existing parking issues. In order to do this it is proposed to establish an extensive network of park-and-ride centres within the region to connect to game day bus services. The proponent is involved in ongoing consultations with landholders including Sutherland Shire Council and the NSW Department of Education to identify suitable sites for park and ride on game days including local schools. Such arrangements have the potential generate significant funds for the partner schools through parking fees.

In addition to the above, potential for spaces within the Retail Neighbourhood carpark area to be designated as spectator parking during major events through the use of appropriate parking controls will be investigated as part of the detailed design of this parking space.

These game day transport arrangements will form part of an overall major event transport management plan which is to supersede the *1998 Peak Event Traffic Management Plan* prepared by McLaren Traffic Engineering. Future applications for development shall also be required to address the way in which game day traffic management will be managed during construction phases.

7.8.2 Social Benefits of the Development

The proposed redevelopment of the Sharks Club will generate significant social benefits to the local community in a range of direct and indirect ways. These benefits are described in detail in **Appendix W** and summarised below:

- The development will create significant public domain improvements along the Woollooware Bay foreshore opening up this area to the public for the first time. Key features include:
 - Foreshore Park;
 - Environmental / riparian buffer areas providing benefits to the local environmental and educational opportunities;
 - Accessible children's playground area, to be designed in accordance with the *Touched by Olivia* Foundation guidelines
 - The extension of the Woollooware Bay pedestrian and cycle path by over 500m.

These public domain improvements will create new destinations for recreation within the local community.

- The redevelopment of the Sharks Club premises will allow the Club's focus to move away from traditional areas such as gaming to more recreational and leisure activities. The opening up of the club through provision of the north-facing outdoor deck area will attract new and younger potential members to the club which will further strengthen the Club's financial security. The introduction of leisure-based activities will provide an entertainment outlet for families.
- The redevelopment will facilitate the re-introduction of a viable and regular public transport service linking the site to other centres and modes of transport (particularly the rail line). This will not only benefit users of the Club and the new retail and residential development, it will also improve transport choice for the surrounding local community and ease parking pressure on game days.
- Housing diversity and affordability will be enhanced in the locality through the provision of a range of unit sizes, including accessible housing, to cater for the full life cycle of tenants and enabling people to age in place without the need for specialised aged accommodation. One and two bedroom units will cater for young professional single persons or couples as well as older "empty nesters".
- The provision of a new Neighbourhood Retail, Medical and Leisure Centre on the site will address a chronic undersupply of food and grocery retail floorspace in the Cronulla / Woollooware locality and provide a new destination for other key services such as a medical centre and leisure activities.
- There will be significant environmental benefits associated with rehabilitation of the foreshore areas of the site, including habitat restoration, as well as significant improvements in stormwater management on the site which will benefit water quality in Woollooware Bay
- The development will facilitate youth education and training through apprenticeships and cadet programs during the construction phase as well as on-going opportunities with retailers, restaurants and Club operations, particularly in the growing sectors of health and nutrition, hospitality and management.
- Overall, the parlous financial position of the Sharks Club means that the social benefits associated with the current Club operations on its site will cease, should the redevelopment not proceed. Closure of the Club as a result of its financial situation would mean that the current contributions to the community would be lost. However the redevelopment, if approved, will address the Club's current financial predicament, remove its debts and provide on-going income streams for the club that are independent of its football operations and gaming. This will not only enable the club to continue to continue in its current contributions to the local community, but also broaden the scope and contribution the Club makes to the broader spectrum of the Sutherland Shire community.

7.9 Visual Impact

A Visual Impact Assessment Report has been prepared for the Concept Plan scheme by Virtual Ideas (**Appendix X**) which utilises photomontages and indicative building designs to model the final appearance of the development neighbourhood centre. A physical model of the proposed Concept Plan prepared by Virtual Ideas which shows building envelopes and landform also accompanies this EAR for public exhibition purposes.

The Visual Impact Assessment Report includes images of existing views and 'as developed' views to the site from eleven locations within the vicinity of the site in order to establish the likely visual impacts of the proposed scheme. These views show the development from within its immediate surrounds and from more distant locations which have a direct view to the subject site.

Significant Views

The views from prominent locations such as Captain Cook Bridge, Woollooware Bay and Castlewood Avenue show that the proposed development will have minimal visual impact on the existing landscape. **Figures 39** and **40** show the proposed development in the context of northerly water views from Captain Cook Bridge and Woollooware Bay near Towra Point.



Figure 39 – View to the subject site from Captain Cook Bridge



Figure 40 – View to the subject site from the water near Towra Point

The above figures demonstrate the proposed development will have an insignificant visual presence within the landscape as viewed from these perspectives.

The bulk of the proposed neighbourhood centre sits generally below the ridgeline, with only minor protrusions above this level which are equivalent to those at Cronulla (shown) and at Caringbah and Miranda. These centres provide a context which demonstrates the minor visual impact of the proposed development from these locations.

Figure 41 shows an image taken from a second level balcony of a residence in Castlewood Avenue with a view to the north, showing the proposed scheme with a wider angle lens to show the development within context of the actual (normal human field of vision) landscape views from this point.

This location provides the ability for an indicative assessment of the impact on residential water views towards Woollooware Bay. This figure clearly demonstrates that whilst the proposed development will obscure a small portion of the distant water views enjoyed from this point, the overall scale and proportion (and hence visual impact) of the proposed development is minimal within the context of the landscape. Extensive water and landscape views are still retained. This viewpoint also demonstrates the insignificant visual impact of the Concept Plan scheme development in comparison to the more immediate visual intrusions posed by existing development within the foreground.



Figure 41 – View to subject site from Castlewood Avenue

Response to Local Context

The interface between the subject site and Captain Cook Drive is currently dominated by car parking areas and security fences, with distant views to the fenced-off training fields and mangroves as shown in **Figures 42** and **44**. There is currently little streetscape activation and surrounding open space areas are most used on weekends. As shown in **Figures 43** and **45**, the proposed residential development will provide an articulated interface with surrounding spaces which minimises the bulk of the proposed development and creates an active street frontage to Captain Cook Drive.



Figure 42 – Current view from Captain Cook Drive to the west of the subject site



Figure 43 – Indicative view from Captain Cook Drive to the residential development



Figure 44 – Current view from Captain Cook Drive to the east of the subject site



Figure 45 – Indicative view from Captain Cook Drive to the east of the residential development



Figure 46 – Existing view to Leagues Club building and car park from the south west



Figure 47 – Indicative view to retail neighbourhood centre

Figures 46 and 47 show the existing club and car park and indicative views to the proposed neighbourhood centre on the eastern portion of the subject site. This site will be generally low in scale and will include landscaping and facade treatments to create a high quality street frontage. The retail neighbourhood has been designed to within the existing urban scale provided by the Leagues Club. On the whole, it is considered that the proposed development will improve the visual quality of this portion of the site by obscuring views to the existing car parking area and club building. In order to unify and harmonise the frontage a subtle, shallow but deliberate curve is used to generate the elevation. It is also proposed that there be reasonable setbacks at either end of the curve to allow for its exaggeration. The effect of the curve on the facade is a foreshortening of the perspective effect through a heightened vanishing point, which will reduce the visual presence of the retail facade within the streetscape.

Visual Values and Guidelines for Botany Bay

The *Visual Values and Guidelines for Botany Bay 2003* document was prepared on behalf of the (then) Department of Infrastructure, Planning and Natural Resources for input into the preparation of the *Botany Bay Strategy*. It is noted that this strategy was never finalised and is not referenced in the current Draft South Subregional Strategy. Nonetheless an overview of the proposal's consistency with the management objectives for the site's locality is provided at **Table 6**.

Table 6 – Consistency with visual management objectives for Landscape Unit 13

Issue	Visual Value	Management Objective	Concept Plan	Complies?
Built form and car park areas (view from Captain Cook Drive and bay)	Negative	Reduce visible extent of car park from Captain Cook Drive.	Concept Plan provides for a high quality built form with activated streetscapes and public domain enhancements. Car parking to be contained and will not be visible.	Yes
Mangroves around edge of bay	High	Retain, protect and enhance.	Incorporates appropriate wetland protection measures whilst significantly enhancing the environmental quality of the foreshore area, with new plantings of saltmarsh and swamp oak floodplain forest.	Yes
Captain Cook Drive	Moderate	Enhance road corridor with additional tree planting.	Proposal includes public domain and landscape enhancements to the site's Captain Cook Drive frontage.	Yes
Golf Courses	Moderate to High	Maintain tree cover along golf course boundary to Captain Cook Drive.	Not applicable.	N/A
Overhead power lines	Negative	Remove overhead power lines.	Removal of the overhead power lines which run from Revesby Heights to the Kurnell Peninsula is beyond the scope of the current application.	N/A
Signage	Negative	Remove and/or rationalise advertising signage. Coordinate road signage.	Future detailed applications for development will incorporate details of proposed signage to be provided in rational and coordinated manner.	Yes

7.10 Noise

A Noise Impact Assessment has been prepared for the proposed development by Acoustic Logic (**Appendix Q**). This report assesses noise levels at the site and its surrounds and considers the potential impact of the proposed Concept Plan scheme. Monitoring of existing noise levels was conducted at four locations within the site, including during existing periods of high traffic and game day noise, to determine base pre-development levels for the assessment of impacts.

Unattended and attended noise monitoring was conducted on site to determine existing background noise levels, which found that ambient noise during the day time is dominated by general vehicular traffic movements on Captain Cook Drive. Appropriate acoustic criteria have been established based on these levels, the *Industrial Noise Policy* (INP) and the *Environmental Noise Control Manual* (former Department of Environment and Climate Change).

Noise Generation

Based on worst case scenario projections for potential traffic generation arising from the Concept Plan scheme, the noise assessment found that traffic noise associated with the development will either not result in any increase to existing road noise or will not result in any non-compliance with the INP criteria. The assessment concludes that the proposed development will not result in any adverse impacts on the acoustic amenity of surrounding residential receivers as a result of traffic noise.

Whilst the design and selection of mechanical plant and associated acoustic treatments will be addressed as part of future detailed applications for development, the report finds that appropriate acoustic treatment to suitably limit noise emissions from these facilities is both possible and practical.

Internal Amenity

As the site is located adjacent to Captain Cook Drive, internal noise levels will be assessed in conjunction with the recommended maximum noise levels within Australian Standard AS2107:2000 'Acoustics- Recommended design sound levels and reverberation times for building interiors' for development near major roads. In addition, the report adopts the criteria outlined under the standard for development near minor roads as an appropriate guideline for assessing noise generated from Toyota Stadium during major events. As discussed at Section 6.4.2 of this report, the Department of Planning's *Development near Rail Corridors and Busy Roads – Interim Guideline 2008* does not apply to this site.

The acoustic report builds on the levels established under this standard to develop internal noise assessment criteria for bedrooms and living rooms to ensure an appropriate level of acoustic amenity is achieved for future residents during major events at Toyota Stadium and during periods of high traffic. The assessment finds that the achievement of good internal acoustic amenity is able to be achieved through standard acoustic treatments where necessary, and that compliance with the internal noise level criteria is both possible and practical at the detailed design stage.

Construction Noise

Future detailed applications for development will include appropriate measures to mitigate the impact of construction noise on sensitive receivers surrounding the site, including residential dwellings to the south-east of the site and sensitive wetland ecosystems to the north of the subject site.

A preliminary assessment of existing noise levels at Towra Point, including noise generated by aircraft, road and boat traffic, indicates that construction noise generated at the Concept Plan site is not expected to be greater than existing noise levels at this location.

Future applications for development will be required to establish appropriate noise and vibration management procedures and principles for the site and address the relevant guidelines for construction noise, including Australian Standard AS2436:1981 'Guide to noise control on construction, maintenance and demolition sites' and the (former) Department of Environment and Climate Change's *Construction Noise Guideline*.

Recommendations

Based on the existing noise levels at the subject site and surrounds, the Noise Impact Assessment finds that the proposed development is able to comply with all relevant noise and vibration standards, subject to detailed design and acoustic assessment. The report recommends noise criteria levels developed with reference to the relevant standards for noise generation from future development on site and for internal amenity of the proposed residential dwellings.

7.11 Ecologically Sustainable Development

An assessment of the Ecologically Sustainable Development (ESD) initiatives and best practice methods in design, construction and operation which can be implemented for the Cronulla Sharks redevelopment has been prepared by Cundall (**Appendix R**). Key ESD categories have been identified and indicative targets established (**Table 7**) within the context of the following evaluative principles:

- Future proofing and adaptability;
- Operational certainty;
- Design quality;
- Visible/communicable strategies;
- Cost-benefit assessment, and
- Community contribution.

To achieve the targets established in the ESD report (**Appendix R**), there are several objectives which will be of high importance. These objectives will be central to the evaluation and decision making process, creating the benchmark of sustainability in the development. They are as follows:

- Reducing greenhouse gas emissions through energy efficiency of infrastructure, building services and building façades;
- Providing a high quality internal and external environments in terms of internal air quality, light and comfort;
- Reducing potable water use and flows to sewer;
- Improving quality of stormwater, minimising peak runoff quantities and preserving natural waterways;
- Minimising embodied energy and embodied water in construction;
- Minimise natural resource consumption, waste, pollution and toxicity during construction and operation;
- Preserving the high ecological value of the site and surrounds;
- Engaging and respecting the community and contributing where possible;
- Implementing ESD solutions that reduce operating costs for residents and patrons.

In achieving these targets, the Cronulla Sharks redevelopment will meet the minimum regulatory requirements of the Building Code of Australia and also the Building and Sustainability Index. Not only will the development meet these requirements it will exceed these to ensure that the principles later discussed in this section are fulfilled to their highest potential, with no irreversible environmental degradation. **Table 7** below outlines the minimum requirements and the project targets for each of the categories.

Table 7 – Environmentally Sustainable Design targets

Category	Minimum Requirement	Project Target
Passive Design - Residential - Retail/Leisure	- Meet BASIX average and individual targets. - Meet requirements for building fabric under Section J of the BCA.	- Improve on BASIX minimum targets by 25%. - Achieve Section J requirements for building fabric
Water - Residential - Retail/Leisure	- 40% reduction in overall consumption from NSW average - N/A	- 40% - N/A
Greenhouse Gas Emissions - Residential - Retail/Leisure	- 20% reduction in emissions from NSW average. - To achieve requirements for services efficiency under Section J of the BCA.	- 30% reduction in emissions from SNW average. - Reduce predicted operational energy consumption by 30%.
Indoor Environmental Quality	SEPP65 requirements for amenity including solar access and cross-ventilation.	Improve indoor environmental quality including daylight, acoustics, thermal comfort, views, glare control and air quality.
Materials	N/A	Reduce embodied energy by 30%
Waste	N/A	Achieve at least 80% diversion rate
Ecology	Preserve the site's valuable ecological characteristics.	Please refer to report by Ecological Australia.
Transport	Minimum bicycle parking requirements.	Target minimum 5% of trips by bicycle, walking or public transport.
Emissions	N/A	Improve quality of stormwater runoff, avoid ODP materials, eliminate light pollution, reduce flows to sewer.

The sustainability strategy for the Cronulla Sharks redevelopment will be on-going throughout the staged development process. The Statement of Commitments (refer Section 8.0) outlines how the principles and targets established in the ESD Report (**Appendix R**) will be implemented.

Principles of Ecologically Sustainable Development

An assessment of the concept plan has occurred in regards to the main principles of ESD which are matters for consideration under the objects of the *Environmental Planning and Assessment Act 1979*.

Precautionary Principle

This principle ensures that a lack of scientific certainty in regards to a threat of serious or irreversible environmental damage not occurring should not limit the measures taken to prevent environmental degradation. The application of this principle can be seen in the concept plan through:

- Careful evaluation has occurred in the preparation of technical reports on the proposed impacts on the environment, with the analysis of historical documentation, field surveys and technical modelling. Serious or irreversible damage to the environment has been prevented through the adoption of best practice principles and in accordance with the relevant policies and guidelines.
- An Ecological Assessment occurred and only found one of three endangered ecological communities potentially present on the site. Although two of these communities were not found, the concept plan will accommodate their potential presence with initiatives designed for future improvements. This will be in the form of a vegetation management plan, which will include suitable design, species selection and propagation, replanting techniques, removal and disposal of weeds, ongoing monitoring and adaptive management.
- The potential for sea level rise has also been considered and measures will be accommodated throughout the redevelopment to prevent serious or irreversible damage to occur on the environment.
- By restoring degraded habitat which can reduce the impacts of invasive species (which are likely to increase as a result of climate change).

Inter-Generational Equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. This has been satisfied through:

- Creation of a safe, healthy and high quality living environment with housing diversity and choice;
- Employment generation and opportunities;
- Delivery of biodiversity outcomes to improve and maintain the environment on the site;
- The mangroves next to the site will be benefited through an improved interface and revegetation, allowing the health of the ecosystem to be improved and better maintained;
- Enhance social benefits in the community through the provision of sporting facilities, public transport, improved provision of community and leisure facilities and an emphasis on food and nutrition in the retail neighbourhood centre.

Conservation of biological and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration. This element is satisfied through;

- Protection and enhancement of significant habitat that is considered to be of high or strategic conservation value;
- Landscape plans which mitigate the effects of development on the identified endangered ecological communities, with the preservation and creation of habitats;
- Using clean fill for levelling works to reduce the risk of weed spread;
- Improvements to stormwater management regimes to improve the ecological integrity of habitat areas.

Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services. This has occurred in the concept plan through:

- The Statement of Commitments (refer Section 8.0) and the sustainability outcomes of this section, incorporate key environmental objectives that are required to be considered in decisions relating to the future design, construction and on-going management of the development. These objectives address the principles of polluter pays, full life cycle pricing and establishing goals and incentive structures to enable those best placed to maximise environmental benefits to minimise environmental costs to develop solutions and responses to environmental problems.

7.12 Archaeology

An Archaeological Assessment Report has been prepared by Godden Mackay Logan which considers the archaeological potential and significance of the subject site and any potential impact resulting from the proposed development (**Appendix U**).

Non-Indigenous Archaeology

Whilst the first European land grants at the site were granted in 1838 and 1857, analysis of historical information has revealed that the site remained undeveloped until 1953. Aerial imagery indicates that the site may have been used for grazing prior to this time, however there is no evidence to suggest the presence of any historical structures associated with this use, apart from the possible presence of a fence line in 1943. From 1962 to 1967 the site was used as a Sutherland Shire Council Rubbish Dump. The assessment finds that, on the basis of the lack of historical European development at the site prior to 1962, the site has little or no potential to contain historical archaeological remains. An assessment of the site using the NSW Office of Environment and Heritage's *NSW Heritage Criteria for Assessing Significance related to Archaeological Sites and Relics* and the Bickford and Sullivan framework has informed the following summary statement of significance:

The study area remained undeveloped prior to 1962 and has little or no potential to contain archaeological evidence of Local or State significance that would contribute knowledge about the site or NSW's history.

Indigenous Archaeology

In general, Aboriginal people in the area would have utilised the mangrove resources of sustenance, with the area further inland used for occasional hunting or travelling routes. The study area is not considered attractive for long-term camping.

Any archaeological evidence would be expected to comprise shell midden material or isolated artefacts. Existing development and use of the site has reduced archaeological visibility to zero, and coupled with the high level of disturbance across the site as a result of filling and levelling has resulted in the conclusion that there is no archaeological potential within the site and that it is unlikely that any archaeological material is present. A search of the Aboriginal Heritage Information Management System (AHIMS) found no known Indigenous sites to be located within 1 kilometre of the development site.

A copy of the Archaeological Assessment Report has been provided to the La Perouse Local Aboriginal Land Council for comment.

Archaeological Impact

In the absence of any archaeological evidence or archaeological potential within the development site, it is considered that the proposal is unlikely to result in any archaeological impact.

7.13 Stormwater, Flooding and Sea Level Rise

The Stormwater, Flooding and Servicing Management Strategy prepared for the proposed development by AT&L Project Managers and Civil Engineers (**Appendix K** and discussed at Section 3.10 includes appropriate measures to address water quality, flooding and sea level rise based on previous detailed studies of the site and its surrounds.

Flooding and Sea Level Rise

Existing site flood and sea level conditions, as detailed in the 2007 Flood Study by Kovarovski & Partners, are generally as follows:

- King tide level assumed to be 1.8m AHD;
- Peak 1% AEP flood level along Captain Cook Drive modelled at 2.78m AHD;
- Existing 1% AEP flood level downstream of Captain Cook Drive modelled at 2.7m AHD;
- Extreme flood event (four times 1% AEP) along Captain Cook Drive modelled at or below 3.18m AHD.

A later Climate Change Impact Review by Kovarovski & Partners (2009) specified a design tide level of 2.21m AHD based on the advice of Sutherland Shire Council, representing an increase of only 0.41m on existing levels. The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (NSW Department of Planning 2010) which was released after this study establishes sea level rise planning benchmarks of an increase above 1990 mean sea levels of 0.4m by 2050 and 0.9 by 2100. As such, future applications for development shall adopt a downstream boundary condition for future modelling and detailed design of 2.7m AHD.

The above levels will be subject to further investigation and modelling as part of the detailed design for future applications for development, however they provide a suitable guide for high-level design at the Concept Plan scale. As detailed in Section 3.10, the Concept Plan scheme provides for a bio-retention swale located parallel to the existing tidal channel and the enlargement of the culvert below Captain Cook Drive which, subject to the detailed design and implementation of other stormwater control measures, will appropriately mitigate any potential impacts on existing peak flows resulting from the proposed development.

Stormwater Quality

As detailed in Section 2.8 of this report, existing stormwater discharges from the subject site are generally untreated and uncontrolled, and flow either directly or indirectly (via Captain Cook Drive) to Woollooware Bay. The Concept Plan scheme and future detailed applications for development will incorporate appropriate water sensitive urban design features including rainwater storage and re-use, permeable pavers, a large bio-retention swale alongside the tidal channel and the use gross pollutant traps as necessary. It is expected that the implementation of these measures through future development of the site shall ensure that the overall impact of the proposed Concept Plan scheme on water quality is either neutral or beneficial.

- Future applications for development will be required to be accompanied by plans detailing erosion and sediment controls in accordance with the NSW Department of Housing's *'Managing Urban Stormwater – Soils and Construction'* (the Blue Book).
- The indicative Concept Stormwater Plans are shown at **Figures 48 and 49**.

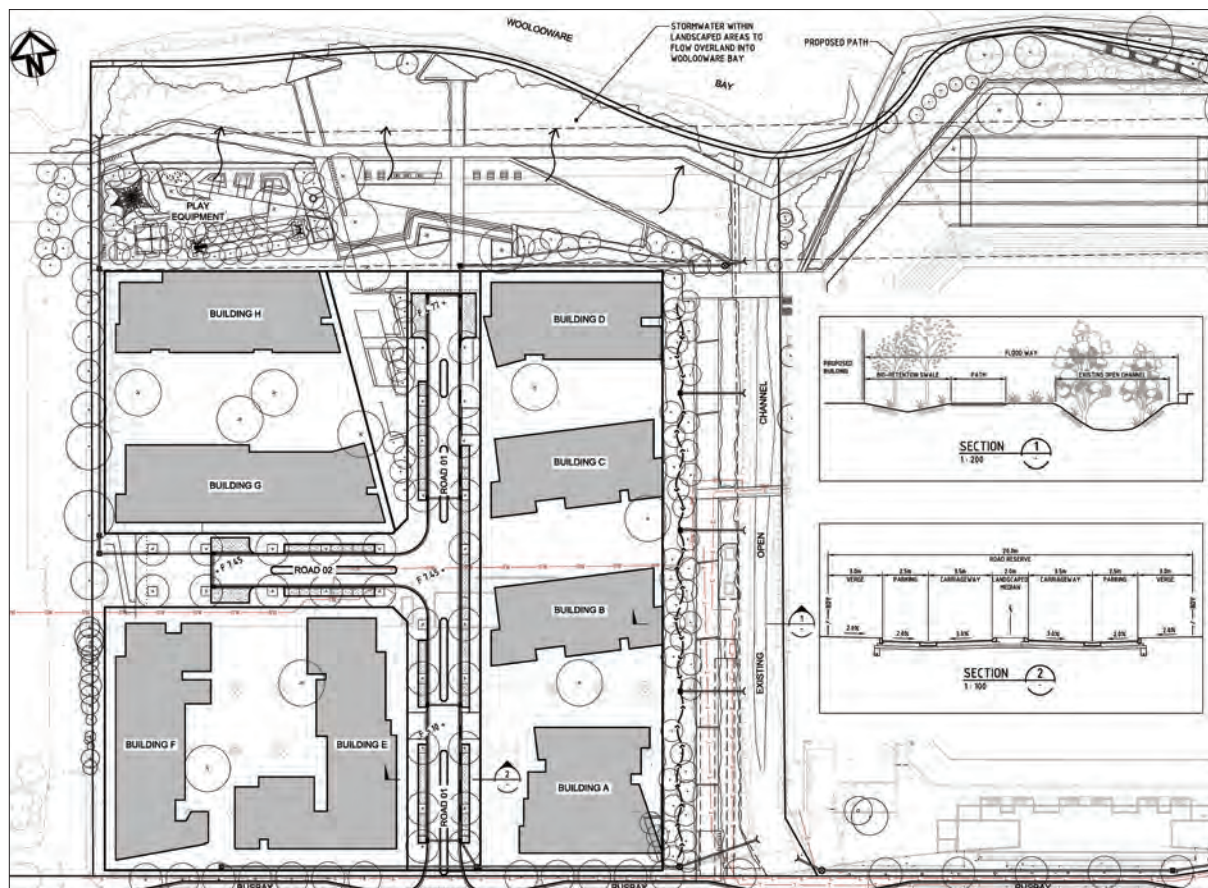


Figure 48 – Preliminary Stormwater Concept Plan (West)

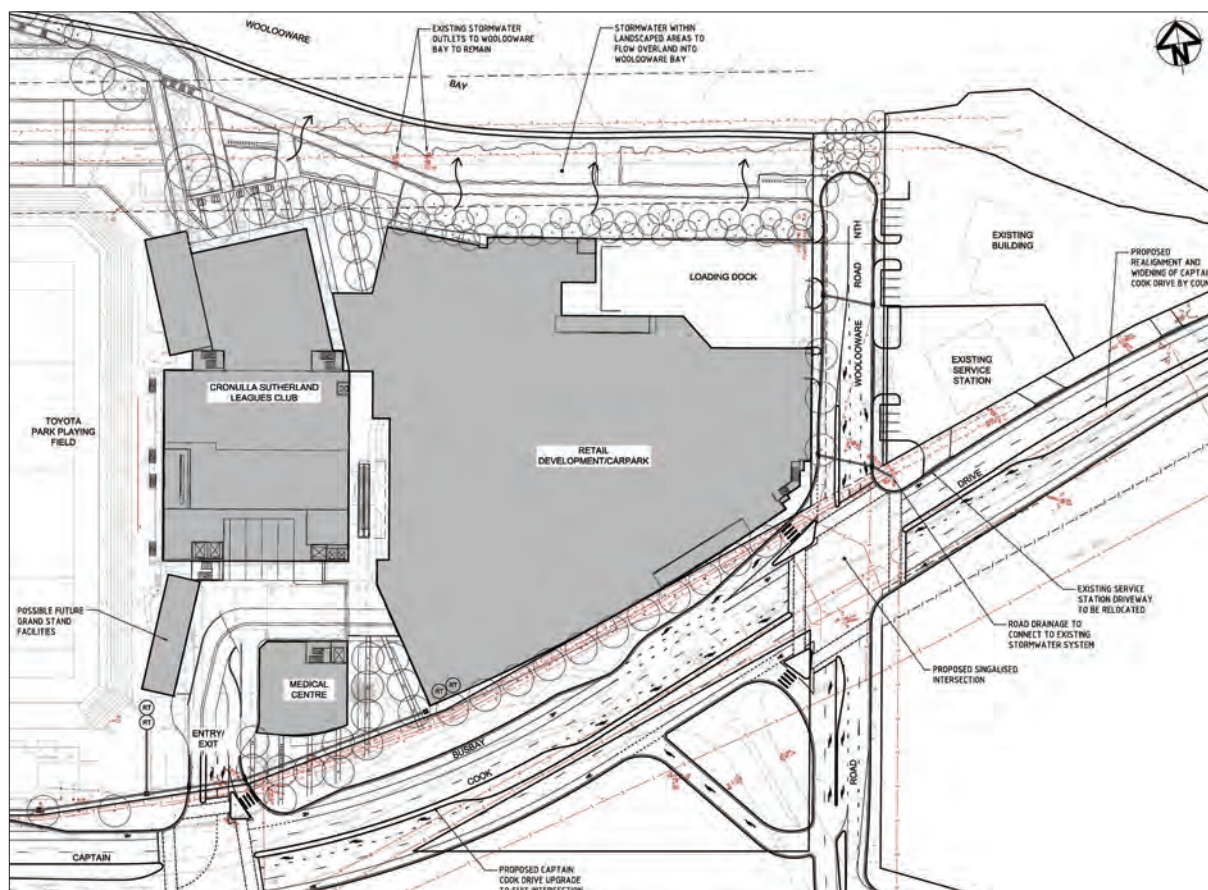


Figure 49 – Preliminary Stormwater Concept Plan (East)

7.14 Contamination and Acid Sulphate Soils

Environmental Investigation Services have prepared a Project Review of site contamination (**Appendix H**) for this Concept Plan scheme based on existing data for the site. The report concludes that the site is able to be made suitable for the proposed residential and retail neighbourhood centre subject to the following recommendations:

- The site is capped and the development is constructed on piles (i.e. there is no significant excavation and no access to the underlying soil). EIS are of the opinion excavation/disturbance of the site should be kept to a minimum in order avoid potential mobilisation of any contaminants present in the landfill and subsequent adverse impacts on the mangrove zone located to the north.
- Suitable measures are taken to protect the buildings from the ingress of methane gas and that the OEH/site auditor agree with these measures:
- A Remedial Action Plan (RAP) is prepared that addresses all remedial work necessary to make the site suitable for the proposed development including capping requirements;
- An additional investigation is undertaken to address potential data gaps in the old reports and increase the sampling density to the minimum recommendation of the Sampling Design Guidelines 1995)
- The additional investigation addresses the current requirements for QA/QC analysis;
- No groundwater is extracted for use on the development;
- There are suitable management plans prepared to address any contingencies that may arise during development (e.g. an acid sulfate soil management plan and asbestos management plan);
- An Environmental Management Plan (EMP) is prepared for the development and that this plan is notated to the land title via the Section 149 certificate or a covenant on the land title under Section 88B of the Conveyancing Act 1919 (it should be noted that this may have an impact on the future property value).

These recommendations will be informed by the preparation of a Phase II Site Investigation prior to the commencement of any physical works, which is included as a Statement of Commitment at Section 8.0.

Acid Sulfate Soil Management Plans for the site will be prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines (ASSMAC 1998)*. will be prepared and submitted with future applications for development. This is included as a Statement of Commitment.

With regard to groundwater, previous investigations encountered it generally at depths of between 1m and 2m below current site levels. The investigations did not find any significant evidence of groundwater contamination. Elevated concentrations of arsenic encountered during one of the investigations was considered to be a regional issue rather than a site specific one. The EIS review recommended that groundwater be extracted for use on the site. The proposed development will not involve excavation for basement car parking, rather will pile through the existing fill. Therefore there is not considered to be any significant impact on groundwater quality or movement in the locality and the proposal is not considered to be inconsistent with NSW State Groundwater Policies.

7.15 Geotechnical

A Geotechnical Summary Report has been prepared by Jeffery and Katauskas (**Appendix BB**) which draws on several previous site investigations. Subsurface conditions across the site are generally characterised by a layer of poorly compacted fill over soft and very soft bay deposits of organic silty clays and stiff clayey and dense sandy soils. Sandstone bedrock is encountered at depths ranging from 7.7m to 20.6m. Deep piled footings to the sandstone bedrock will be required to overcome the poorly compacted fill and clay layers. The report finds that, on the basis of the proposed Concept Plan scheme, construction appears feasible subject to further geotechnical investigation and assessment at the detailed design stage.

7.16 Flora and Fauna

An Ecological Assessment has been prepared by Eco Logical Australia (ELA) to assess the impact of the proposed development on the existing vegetation and habitat present within and in the vicinity of the subject site, including on the Woollooware Bay, the Taren Point Shorebird Reserve and the Towra Point Nature Reserve to the north of the site (**Appendix T**). The preparation of this report involved a desktop review of existing studies and literature, including three previous flora and fauna assessments of the subject site, a field survey and an assessment of the potential impacts of the development.

As described in Section 4 of Appendix T, the assessment of potential impacts on migratory bird species relied primarily on data collected during previous surveys (as ELA's field survey was conducted during winter).

As a result, the Ecological Assessment adopted a conservative approach and conducted seven-part tests for all species and communities where suitable habitat was present in or in the vicinity of the study area and if the species is known to inhabit the broader area (regardless of whether that species had actually been recorded).

The site assessment considered the relevant objectives and provisions of the *Threatened Species Act 1995* (TSC Act), *Fisheries Management Act 1994*, *Water Management Act 2000*, *Noxious Weeds Act 1993* and the *Environmental Planning and Assessment Act 1979*.

7.16.1 Ecological Communities

The Ecological Assessment identified three Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* as being present or in proximity to the subject site, being:

- Swamp oak floodplain forest;
- Coastal saltmarsh; and
- Taren Point shorebird community.

Of the above communities, only 'swamp oak floodplain forest' has been identified as being present within the site and is comprised of an isolated and highly modified patch of only ten individual swamp oak trees (*Casuarina glauca*) located on the Woollooware Bay side of the 'Family Hill' which forms the northern edge of Toyota Stadium (refer **Figure 50**). There are a few isolated trees of this species located elsewhere in the site (e.g. along the tidal channel). Stabilisation works and landscaping works to the northern hill area are proposed under the Concept Plan scheme to create a new foreshore path linking the retail and residential components of the site, which will most likely require extensive modification and/or removal of this ecological community (subject to detailed design and assessment under the relevant future application for development).

In order to mitigate the impact of the proposed works on this ecological community, this Concept Plan application includes a Statement of Commitment to incorporate landscape plantings to the north of the proposed retail development which are consistent with this EEC (refer to Section 8.0). The proposed new plantings of this community to the north of the retail development (as shown in the Concept Landscape Drawings at **Appendix HH**) are based on a worst-case assumption of complete removal of the existing stand. In light of this, the use of the seven-part test in the Ecological Assessment finds that there will be an overall improvement in the extent, condition and connectivity of the swamp oak floodplain forest EEC as a result of the proposed development. In light of this, it is not considered that there will be a significant impact on this ecological community and consequently a Species Impact Statement is not required.

The 'coastal saltmarsh' ecological community has not been located within the subject site but is known to exist within the locality, including sites to the east and west of the subject site, patches along Captain Cook Drive and large communities within nearby conservation areas. Using the seven-part test the Ecological Assessment finds that it is unlikely that nearby occurrences of this EEC will be impacted either directly or indirectly by the proposal, and as a result a Species Impact Statement is not required. The Landscape Concept Plan includes scope for the inclusion of saltmarsh within the foreshore landscaped area, which if implemented result in a positive impact on this EEC as a result of the proposed development.



Figure 50 – Vegetation communities within the site

The Taren Point shorebird ecological community (formally known as the Shorebird community occurring on the relict tidal delta sands at Taren Point) is located approximately 3 kilometres north-west of the subject site, and is listed as an EEC due to its unique assemblage of shorebirds, restricted habitat and the pressures placed on the shorebird species which make up the community. Whilst there are no envisaged direct impacts on this EEC as a result of the proposed development, species from this community are known to forage in the mangrove wetlands which bound the subject site to the north and may be subject to indirect impacts relating to light spill and construction noise. This Concept Plan application includes a Statement of Commitment (refer Section 8.0) to ensure that detailed applications for development incorporate appropriate measures to minimise light spill and construction noise impacts, which will be subject to future studies.

In addition to the three ecological communities listed as endangered under the TSC Act, the Ecological Assessment addresses the impact of the proposed development on the 'estuarine mangrove forest' ecological community which is characterised by a monoculture of grey mangrove (*Avicennia marina*) and is located within the tidal channel and immediately to the north of the subject site. Further investigations to determine the likely impact of stormwater volumes and quality on this ecological community will be required as part of any future detailed applications for development.

7.16.2 Flora

The flora investigations of the site reveal the presence of 158 plant species on or immediately adjacent to the subject site, comprising 105 introduced species, 41 native (planted) species and 12 naturally occurring native species. Of these, two species identified are listed under the *Threatened Species Conservation Act 1995*, being:

- Magenta lillypilly (*Syzygium paniculatum*); and
- Wallangarra white gum (*Eucalyptus scoparia*).
- These species are not however native to the region and have been introduced to the site as part of landscape plantings adjacent to the Leagues Club building. The loss of vegetation currently present within the site will be offset by the creation of new landscaped areas utilising local species as proposed under the Concept Plan scheme. On the balance, the proposed landscaping represents a significant improvement in the vegetation and fauna habitat of the subject site.

7.16.3 Fauna

Fourteen threatened fauna species listed under the TSC Act have been recorded within the broader study area that are considered to be likely or potential users of the site or the mangroves adjacent to it for foraging. Of these, only the grey-headed flying-fox (*Pteropus poliocephalus*) has been recorded on the site. The Ecological Assessment includes an assessment of significance for each of these species using the seven-part test. Subject to future detailed applications which address design issues such as lighting and construction noise management, the report found that there will be no significant impact to fauna species from the proposed development.

A total of 41 fauna species have been identified within the study area, including five mammal species, 34 bird species, one reptile species, and the mosquito.

The mangrove community on and adjacent to the subject site are known to provide habitat for the little forest bat (*Vespadelus vulturnus*) and are likely to be utilised by other microbat species for foraging and shelter. Future detailed applications for development will be required to address impacts of light spill and noise on this ecological community.

A Mosquito Risk Assessment was previously prepared for residential accommodation development on the subject site by the Institute of Clinical Pathology and Medical Research, Westmead Hospital (**Appendix CC**). This report concluded that the proposed development:

*Is likely to be exposed to occasional high pest mosquito activity during the summer months, especially by *Oc vigilax*. This species is primarily associated with the saltmarsh habitats of Towra Point and as it disperses widely from breeding habitats, the pest impacts on the proposed development are not considered significantly greater than those of other residential areas surrounding Woollooware Bay.*

Future applications for development will be required to address the detailed design of recreated saltmarsh landscaping to ensure the newly created habitat does not contribute to an increase in the overall mosquito population.

7.17 Electromagnetic Radiation

An Electromagnetic Radiation Report has been prepared by Magshield Products (Aust) International (**Appendix DD**) to consider any potential health impacts arising from the proximity of the development to the Ausgrid 132kV overhead power lines which transect the northern portion of the site. These powerlines are located centrally within a 35 metre wide easement, with the proposed commercial building envelopes located no closer than 9 metres from the edge of this easement and the proposed residential building envelopes located no closer than 15 metres. Assessments of the electrical and magnetic fields have been based on both the current loadings of the overhead powerlines and the maximum possible loading of these lines.

The electrical field emitted by the lines has been calculated at a height of 1m above ground level to reflect outdoors conditions only, as building materials such as brick, concrete slabs and panels, plaster boards, wood and glass act as very efficient shielding mediums for the power frequency electric field. As a result, regardless of the floor height in respect to the position of wires of the power line, the electric field inside the proposed building envelopes will be almost immeasurable due to shielding effectiveness of building material. The report finds that for exposed areas at ground level the electrical field will be well within the relevant recommended safe exposure limits.

Magnetic field profiles have been calculated between 1 metre and 14 metres above ground level (which represents the closest residential building floor level to the level of the existing wires). At the current loading, the magnetic field profile taken at the front wall of the commercial building envelopes ranges from 3mG to 3.6mG, whilst at the maximum loading this range rises to between 6.5mG and 8mG. These levels are reduced by approximately 50% when measured at the nearest residential building wall. These levels are well within the time-weighted exposure levels which are considered to be safe to human health. Based on surveys conducted in Australia and overseas, the background level of magnetic field in a typical office or home environments is generally within the range of 0.5 – 3mG. The EMF levels measured along the streets in residential areas can typically range from 0.5mG to 18mG.

The report concludes that both the electric and magnetic field calculated for different heights above the ground are well within the recommended safe exposure limits for short term occupancy in the proposed commercial and residential tenancies. Further, the report concludes that derived magnetic field exposure levels in these commercial and residential are below the time-weighted average level of 4mG and, hence pose no confirmed health risk for continuous future occupancy of the premises by children.

7.18 Developer Contributions

A Voluntary Planning Agreements (VPA) under Section 93(F) of the EP&A Act will be prepared to provide for local infrastructure contributions. The VPA will relate to development and associated infrastructure and community services for the project and address direct monetary contributions for local infrastructure, works-in-kind and dedication and on-going management and maintenance of public domain areas.

It is proposed that a Voluntary Planning Agreement (VPA) will be negotiated with Sutherland Shire Council and would as far as practicable reflect the contributions in Council's Section 94 Contributions Plan however will also address site specific issues. A Statement of Commitment to this effect is provided at Section 8.0.

8.0 Draft Statement of Commitments

In accordance with the Director-General's Environmental Assessment Requirements, the proponent is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures on the site. The following are the commitments made by Bluestone Capital Ventures No 1 to manage and minimise potential impacts arising from the project.

Subject	Comments	Approved By	Timing
Approved Development	Future applications for development will be consistent will be generally in accordance with the scheme described at Section 3.0 of this report, the Masterplan and Retail Concept Plans prepared by Scott Carver and Associates, the Residential Built Form Controls Drawings prepared by Turner and Associates, the Landscape Concept Plans prepared by ASPECT Studios, and the Roadworks and Stormwater Plans prepared by AT+L.	Relevant consent or approval authority	Ongoing.
Contamination and Acid Sulphate Soils	An OEH licensed independent contaminated site auditor shall be appointed to review future site investigations		
	Any condition included on the Site Audit Statement shall become a condition of this consent		
	Future applications for development will be accompanied by a Phase 2 detailed Site Investigation report to address site contamination.	Relevant Consent Authority.	Relevant application for development.
	Future applications for development will be accompanied by an Acid Sulphate Soils Management Plan prepared in accordance with the <i>Acid Sulfate Soils Assessment Guidelines (ASSMAC 1998)</i>	Relevant Consent Authority.	Relevant application for development.
	Additional groundwater monitoring wells shall be installed on the site to obtain a more accurate understanding of groundwater conditions and inform the Phase 2 investigations.	Site Auditor	Ongoing
	Groundwater shall not be extracted for use in the development.		Ongoing
	Future applications for development will include a Methane Gas Management Plan. The plan shall include details of proposed methane gas monitoring and management on the site to protect buildings from the ingress of Methane gas. The Plan shall be approved by the Site Auditor.	Relevant Consent Authority.	Relevant application for development.
Traffic Management	The proponent shall work with NSW Transport and Sutherland Shire Council to investigate the most effective route for a public bus route servicing the site.	Relevant Consent Authority.	Ongoing.
	Future applications for development shall include provision for on-site bicycle parking and the provision of shower/amenities for employees in accordance with relevant standards.	Relevant Consent Authority.	Relevant application for development.
	A draft Travel Access Guide (TAG) will be submitted with future Project / Development Applications for the neighbourhood retail centre and Shark Club development. The draft TAG will address: <ul style="list-style-type: none"> - Provision of public transport information for employees - Encourage walking / cycling - Display of travel information - Transport information at the retail centre 's Information Desk - Notice board advertising transport options and connections 	Relevant Consent Authority.	Relevant application for Retail centre / Club development.
	Future applications for development shall include a revised <i>Peak Event Traffic Management Plan</i> to incorporate parking and transport related arrangements. The revised plan shall be prepared in consultation with Sutherland Shire Council.	Relevant Consent Authority	Relevant application for development.

Subject	Comments	Approved By	Timing
Traffic Management	<p>The future Project Application for development of the neighbourhood retail centre shall include detailed plans of the following proposed road and intersection upgrades:</p> <ul style="list-style-type: none"> - Signalised intersection including pedestrian activated traffic signal on Captain Cook Drive at the western entry point; - Relocated and signalised intersection of the junction of Captain Cook Drive and Woollooware Road and northern extension of Woollooware Road; - Modifications to Captain Cook Drive to accommodate bus bays. <p>The First Development Application for residential development shall include detailed plans of the proposed signalised intersection at the entry point with Captain Cook Drive</p>	Relevant Consent Authority.	Relevant application for development.
Stormwater and Flooding	<p>Future applications for development shall include a detailed Stormwater Management Plan addressing:</p> <ul style="list-style-type: none"> - water quality management measures to be implemented including Water Sensitive Urban Design - provide details with regards to improvements in water quality and the hydraulic regimes to protect the mangrove areas in the drainage channel and Woollooware Bay. 	Relevant Consent Authority.	Relevant application for development.
	<p>Future applications for development shall include a detailed flood assessment incorporating:</p> <ul style="list-style-type: none"> - Prepare hydrologic model of the catchment draining to the site using the RAFTS modelling software. Assessment of the 1 in 20, 1 in 100 year and PMF events climate change impact considered by increasing design rainfall intensities of each storm in accordance with state government policy. - Prepare detailed hydrologic model for the site using the TUFLOW 2D flood modelling system. This will require a detailed contour survey of the site and surrounding areas. - Review pre- and post-development flooding inundation levels / extents. - Produce hydraulic hazard map for the developed site. - Assess development and community safety on flood prone land up to the PMF in accordance with the NSW FDM (2005), relevant sections of Council's DCP and other relevant guidelines. 	Relevant Consent Authority.	Relevant application for development.
	Future applications for development will address the <i>NSW Coastal Planning Guideline: Adapting to Sea Level Rise</i> .	Relevant Consent Authority.	Relevant application for development.
	Future applications for development will be accompanied by a draft Erosion and Sediment Control Plan	Relevant Consent Authority.	Relevant application for development.
Noise	Future applications for development will be accompanied by a Noise Report which demonstrates compliance with the relevant standards for internal amenity.	Relevant Consent Authority.	Relevant application for development.
	Future applications for development will address any potential noise impacts on flora and fauna in proximity to the development site.	Relevant Consent Authority.	Relevant application for development.
Community	Proponent shall consult with the Cronulla Caringbah Junior Rugby League Football Club, Sutherland Shire Council, Cronulla High School and the NSW Department of Education and Training in order to facilitate the provision of new facilities for the Club. Appropriate facilities shall be identified prior to the commencement of works on the western (residential) portion of the development site.	Relevant Consent Authority.	Relevant application for development.
Environmentally Sustainable Development	Future applications for development shall address the environmental performance targets outlined in the Executive Summary to <i>Cronulla Sharks Redevelopment ESD DA Report</i> prepared by Cundall (Appendix R).	Relevant Consent Authority.	Relevant application for development.

Subject	Comments	Approved By	Timing
Ecology	Proponent shall prepare and implement a vegetation management plan VMP for the foreshore riparian buffer areas. The VMP shall be submitted with the future applications for development and address: <ul style="list-style-type: none"> - suitable design; - retention, where appropriate of existing native vegetation; - species selection and propagation; - replanting techniques; - removal and disposal of weeds; - ongoing monitoring and adaptive management. 	Relevant Consent Authority.	Relevant application for development.
	Revegetation shall be undertaken using local provenance species that are consistent with estuarine vegetation communities (i.e. mangrove – coastal saltmarsh – swamp oak floodplain forest).	Relevant Consent Authority.	On-going as part of VMP
	Future applications for development to the north of the retail site shall incorporate species characteristic of the Swamp Oak Floodplain Forest endangered ecological community in quantities commensurate to that removed elsewhere within the site, if relevant.	Relevant Consent Authority.	Relevant application for development.
	Any future application for the reconstruction of the western grandstand of Toyota Stadium will incorporate an appropriate environmental buffer to the tidal stormwater channel where practical.	Relevant Consent Authority.	Ongoing
	Future applications for development will address any potential light spill impacts on flora and fauna in proximity to the development site.	Relevant Consent Authority.	Relevant application for development.
Access	Future applications for development will demonstrate compliance with the relevant provisions of the DDA Premises Act, Building Code of Australia 2011 and the applicable Australian Standards for access.	Relevant Consent Authority.	Relevant application for development.
Archaeology	If Aboriginal objects are identified during the development, works must stop immediately and the Office of Environment and Heritage and an archaeologist be contacted	Relevant Consent Authority.	Ongoing.
Developer Contributions	The proponent shall enter into a Voluntary Planning Agreement (VPA) with Sutherland Shire Council which addresses the provision of public benefit, services and infrastructure through direct monetary contributions and works-in-kind.	Relevant Consent Authority.	Relevant application for development.

9.0 Conclusion

New Neighbourhood Centre

The proposed new centre provides for an integrated mix of residential, retail, leisure, medical, recreational and entertainment uses which will contribute to the achievement of dwelling and employment targets established under the *Sydney Metropolitan Plan 2036* and the *Draft South Subregional Strategy*. Under the Metropolitan Plan, dwelling and employment targets for Sutherland Shire established under the Draft Subregional Strategy have been increased by 65% and 79% respectively. The proposed Concept Plan scheme includes scope for development which will significantly contribute to both targets.

The Metropolitan Plan, *Draft Activity Centres Policy* and the *Final Review Report –Promoting Economic Growth and Competition through the Planning System* all make clear that the planning system must provide opportunities for new centres to emerge in order to better meet the needs of the community and promote economic competition. This report identifies a significant shortage of supermarket floorspace within the immediate locality of the subject site, with an average provision which is less than 15% of the Australian average. Given existing capacity constraints within existing centres in the locality, it is considered that the establishment of a new centre to address this substantial shortfall is justified and consistent with the relevant strategic plans and policies. The new centre fills an identified gap within the existing retail hierarchy within the region, and provides for appropriate integration of residential, retail, leisure, medical and entertainment uses for a new centre of this nature.

Social Impact

The Cronulla Sutherland Leagues Club is one of the largest and most recognisable community organisations within the Shire, and plays a major role in sporting, recreational and social activities throughout the region. With approximately 18,500 members, most of whom are also residents within the local community, the Club is more than simply an NRL team and acts a significant unifying element within the community. The Club is a major contributor to local charities, community organisations and local business, and employs 159 staff of whom 85.5% reside within the Shire.

The Leagues Club has for some time however been experiencing financial difficulties arising from a decline in general revenue and the substantial cost of debt repayments. Improvements to the Club's landholdings and existing facilities provide an opportunity to create a centre which meets the needs of the local community and reflects the Club's strong ties with the local community, whilst simultaneously securing the Club's long-term financial position. The redevelopment will broaden the Club's revenue base away from the traditional revenue streams of gaming to more recreational and retail activities which cater to the broader community. Redevelopment of the site will be appropriately staged and managed so as to ensure that Toyota Stadium and the Leagues Club are able to operate throughout the course of the development.

The perceived loss of open space arising from the redevelopment of the private rugby league training fields will be offset by the establishment of a new publicly accessible foreshore open space area. In addition, the Club has committed to make appropriate arrangements to transition the Cronulla Caringbah Junior Rugby League Club to new facilities at Cronulla High School, subject to separate approvals.

Site Suitability

The proposed Concept Plan scheme includes substantial improvements to the existing foreshore ecosystems, including through the provision of a landscaped foreshore buffer zone with recreated saltmarsh and swamp oak floodplain forest, substantial improvements to on-site drainage and treatment of stormwater and capping of existing contaminated site fill. Future applications for development will be required to address any potential impacts on flora and fauna communities during both the construction and post-development stages. Referral to the Commonwealth has confirmed that further assessment of the project is not required under *Environment Protection and Biodiversity Conservation Act 1999*.

The Cronulla Sharks Redevelopment site has been subject to undocumented landfill over several decades, and is not suitable for excavation. The site is able to be made suitable for the proposed uses subject to the implementation of design measures and further investigation as part of future applications for development. This approach will ensure any existing soil contaminants are contained within the subject site and will not impact on surrounding ecosystems.

New signalised intersections to Captain Cook Drive and Woollooware Road will significantly improve public safety and will ensure that a good level of service is maintained for traffic flows within the existing road network. The Concept Plan scheme will substantially improve public transport, cycling and pedestrian facilities within the locality, and will provide positive solutions for existing traffic issues experienced during major events at Toyota Stadium.

Urban Form

The Concept Plan scheme proposes building envelopes and heights which reflect the building densities and urban form expected of a compact new neighbourhood centre. Higher residential building heights allow for thinner building footprints which allow for a higher quality streetscape with improved solar access and through-site views, without resulting in any adverse visual impacts or overshadowing. The proposed building envelopes take advantage of the site's unique strengths, which include opportunities to maximise integration with the Toyota Stadium and Leagues Club precinct, water and city views, and linkages to public open space along the Woollooware Bay foreshore.

Streetscape activation along Captain Cook Drive and the establishment of a new embellished public open space area along the foreshore will create an active and useable public domain which links the new neighbourhood centre to Woollooware Bay with opportunities for active and passive recreation. The provision of a range of uses and a strong integration between the eastern and western development precincts will create a vibrant neighbourhood centre that caters to a broad spectrum of the community and sustains activity throughout the day and evening.

Recommendation

The proposed Concept Plan raises no adverse environmental impacts that cannot be effectively managed via the Statement of Commitments.

Given the justification for the proposal, its fulfilment of strategic objectives and the clear community benefit, we have no hesitation in recommending the Concept Plan for approval.