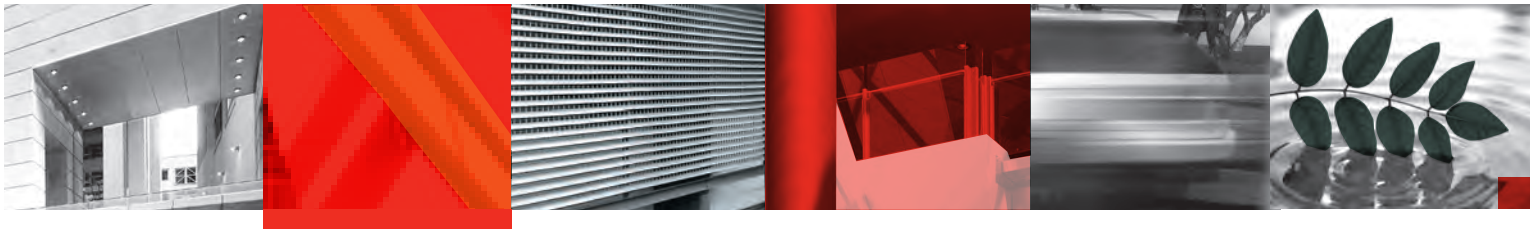


Preferred Project Report and Response to Submissions Concept Plan Application (MP 10_0229)



461 Captain Cook Drive, Woollooware Cronulla Sharks Redevelopment

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

March 2012 ■ 10688

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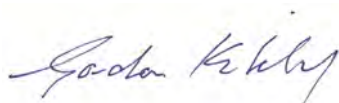
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Date 21/03/12

This report has been reviewed by: Gordon Kirkby

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Date 21/03/12

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Executive Summary

Purpose of this report

This submission to the Department of Planning and Infrastructure (the Department) comprises a Response to Submissions and Preferred Project Report made in response to comments received from the Department, local and state government agencies and the general public during the public exhibition of the Concept Plan Application for the Cronulla Sharks Redevelopment at 461 Captain Cook Drive, Woollooware.

Consultation and Public Submissions

The Concept Plan application was publicly exhibited by the NSW Department of Planning and Infrastructure online and at three physical locations for an extended period of two months between 5 October 2011 and 5 December 2011. During this period, a total of 4,813 submissions were made regarding the project by the general public and 9 submissions by public agencies. Of the 4,813 submissions made by members of the general public the following levels of support and objection were stated:

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

The following key issues (both for or against the proposal) were identified as requiring a response or clarification:

- Height and Visual Impact;
- Housing Diversity and Affordability;
- Ongoing Traffic and Parking Impacts;
- Game Day and Major Event Management;
- Strategic Context and Justification;
- Economic Impacts;
- Ecological Impacts and Foreshore Buffer;
- Open Space and Sporting Facilities; and
- Flooding and Stormwater.

Revisions to the exhibited Concept Plan

In refining the exhibited Concept Plan application, the proponent has considered all submissions received from the general public, community organisations, NSW Government agencies, Sutherland Shire Council and advice from the NSW Department of Planning and Infrastructure. In brief, the key amendments to the proposed scheme are as follows:

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

Environmental Impacts

The revisions to the exhibited Concept Plan detailed in this Preferred Project Report ensure that the proposal shall continue to deliver significant benefits to the community whilst suitably mitigating any environmental impacts.

The proposed new Town Centre provides for an integrated mix of in-demand residential, retail, leisure, medical, recreational and entertainment uses within a Town Centre setting that will contribute to the achievement of dwelling and employment targets established under the *Sydney Metropolitan Plan 2036* and the *Draft South Subregional Strategy*. The *Metropolitan Plan* establishes a clear rationale for the establishment of new centres on appropriate sites in order to accommodate growth and provide essential community services such as supermarket retail, medical services and community uses. The Sharks site is unique as a large amalgamated private land holding within the region which can achieve sustainable residential densities without adversely impacting on surrounding land uses and can be suitably serviced by public transport. The Concept Plan as amended is best defined as a 'Town Centre' under the centres hierarchy established in the *Metropolitan Plan* and will be a vibrant centre that sustains activity throughout the day and evening and promotes active living and through the clustering of services and housing within a walkable catchment connected to the region by good public transport and regional cycling linkages.

The Cronulla Sharks land is unique in that it represents one of the last privately-held sites within the South Subregion that is consolidated, sufficiently sized (10 hectares) and able to be connected to the existing urban framework and serviced by public transport, roads, utilities and open space. In this context, the proposal to create a new Town Centre with supermarket, retail, medical, community, dining, leisure, open space and residential dwellings on the subject site represents a unique opportunity to establish a functional and sustainable new centre to accommodate regional growth, rather than a smaller, out-of-centre retail facility to only partially service the needs of existing residents or a dormitory residential development.

The proponent has reviewed the built form of the residential buildings within the Town Centre and has made design changes in response to community feedback so as to ensure that the Concept Plan provides for a high quality urban environment which sits comfortably within the context of Sutherland Shire's existing centres hierarchy. Building heights have been lowered adjoining Captain Cook Drive to provide a greater sense of scale to the street and provide context for taller buildings within the centre of the site. The proposed changes will result in a reduction in the number of overall dwellings, whilst ensuring that the number of dwellings within the new Town Centre will continue to support a vibrant centre with activity throughout the day and into the evening with a viable public transport service connecting the site to nearby centres and public transport nodes.

Targeted field surveys for birds, frogs and micro-chiropteran bats have been carried out by Eco Logical Australia since the public exhibition of the Environmental Assessment report which confirm that the site and the adjoining mangrove wetlands is not likely to be an important roosting or foraging location for migratory birds or bird or frog species listed under the *Threatened Species Conservation Act 1995*. A further targeted survey for one threatened species of micro-chiropteran bat will be conducted prior to the lodgement of any future application for development.

The proponent has revised the layout and uses of infrastructure and recreational uses within the Foreshore Park to provide for improved environmental protection of the adjoining wetland ecosystem whilst ensuring that the public foreshore area remains an active and valuable public space.

These amendments will result in an expanded vegetated riparian buffer between the foreshore park and the mangroves, provision of the foreshore shared path as an elevated boardwalk to the north of the retail/club precinct and the establishment of Swamp Oak Floodplain Forest and salt marsh communities in foreshore planting.

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. The Club is a major contributor to local charities (donating over \$150,000 to local charity and sporting groups in the 2009/10 financial year), community organisations and local business, and employs 159 staff of whom 85.5% reside within the Shire. The redevelopment will allow the Club to continue operating and 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, whilst allowing the Club to continue its important role within the community.

Conclusion

The Concept Plan scheme provides for up to 600 dwellings, a supermarket and specialty retail premises, medical facilities and public open space, all of which are in short supply within Sutherland Shire on a suitable site. The project will deliver substantial environmental, social and economic benefits to the Sutherland Shire community and will not result in any significant adverse environmental impacts.

The Final Statement of Commitments will inform the detailed design and environmental assessment of future detailed applications for development and ensure that all potential environmental impacts are appropriately managed.

1.0 Introduction

An Environmental Assessment Report (EAR) for a Concept Plan for the Cronulla Sutherland Leagues Club site at 461 Captain Cook Drive, Woollooware, was publicly exhibited for a period of two months between 5 October 2011 and 5 December 2011.

In total 4,813 public submissions and 9 local and state government agency submissions were received in response to the public exhibition of the Concept Plan. Of the public submissions, 56% stated support for the project and 44% objected to the proposed development. The following key issues (both for and against) were identified as requiring a response or clarification:

- Height and Visual Impact;
- Housing Diversity and Affordability;
- Ongoing Traffic and Parking Impacts;
- Game Day and Major Event Management;
- Strategic Context and Justification;
- Economic Impacts;
- Ecological Impacts and Foreshore Buffer;
- Open Space and Sporting Facilities; and
- Flooding and Stormwater.

The proponent; Bluestone Capital Ventures No. 1 Pty Ltd, and its specialist consultant team have reviewed and considered the Department of Planning and Infrastructure's and public agency's comments and the public submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), has responded to the issues raised. This Preferred Project Report (PPR) sets out the proponent's response to the issues raised, details the final project including a number of revisions to the Concept Plan and a revised Statement of Commitments for which approval is now sought.

This report should be read in conjunction with the Environmental Assessment Report (EAR) dated September 2011 and forms part of the Concept Plan.

2.0 Summary of Submissions

The following section provides a detailed summary of the key issues raised by members of the general public.

2.1 Approach to General Public Submissions

Each submission from a member of the general public, including local residents, local or special interest groups, and other interested persons has been summarised. Because a large number of submissions raise similar issues, rather than addressing each submission individually, the issues raised in submissions have been summarised and, where possible, bundled into Issue Categories. A description of these Issue Categories is described in Section 2.2 below.

To ensure that interested parties can cross check the issues raised in their own submissions with the proponent's response **Attachment A** provides the detailed summary of each submission (generally by submission number as allocated by the Department of Planning), including:

- A description of each issue raised in each submission
- Allocation of each issue into the appropriate Issue Category (where possible).

2.2 Analysis of Submissions

This section provides an understanding of who has made submissions as well as a brief analysis of the numerical significance of issues raised in submissions from the general public. This analysis has not been carried out to discount issues that are raised within fewer submissions, but is intended to help the decision makers understand which issues are of more concern to more people. A full breakdown of public submissions is provided at

2.2.1 Analysis of Submissions

An analysis of submissions has been carried out to determine:

- Number of submissions which support the proposal, object, or neither.
- Number of submissions received from Sutherland Shire residents compared with residents from elsewhere.

Of the 4,813 submissions made by members of the general public the following levels of support and objection were stated:

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

This information is graphically represented in **Figure 1** below.

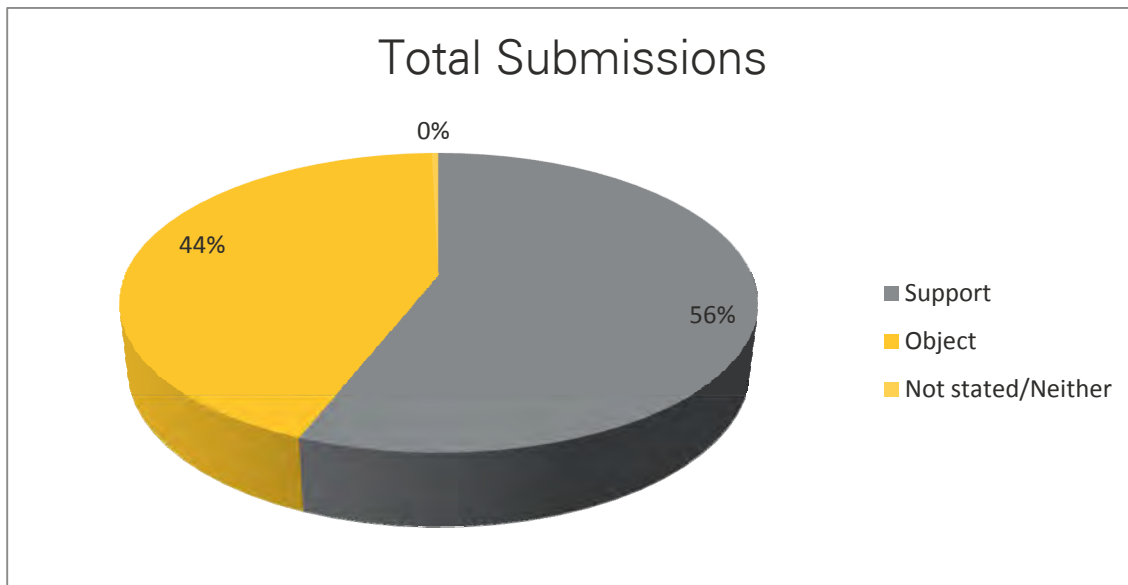


Figure 1 – Breakdown of all public submissions

Of the 4,813 submissions made by members of the general public, the location of the submitter was determined where possible to help understand the breadth of the interest in the project.

- 2,179 submitters disclosed their residential address and are from within the Sutherland Shire (**Figure 2**), of whom:
 - 1,382 (63%) support the proposal; and
 - 797 (37%) object to the proposal.
- 1,121 submitters disclosed their residential address and are from outside of the Sutherland Shire, of whom:
 - 1,089 (97%) support the proposal; and
 - 33 (3%) object to the proposal.
- 1,500 submitters did not state or disclose their residential address, of whom:
 - 233 (15%) support the proposal; and
 - 1,267 (85%) object to the proposal.

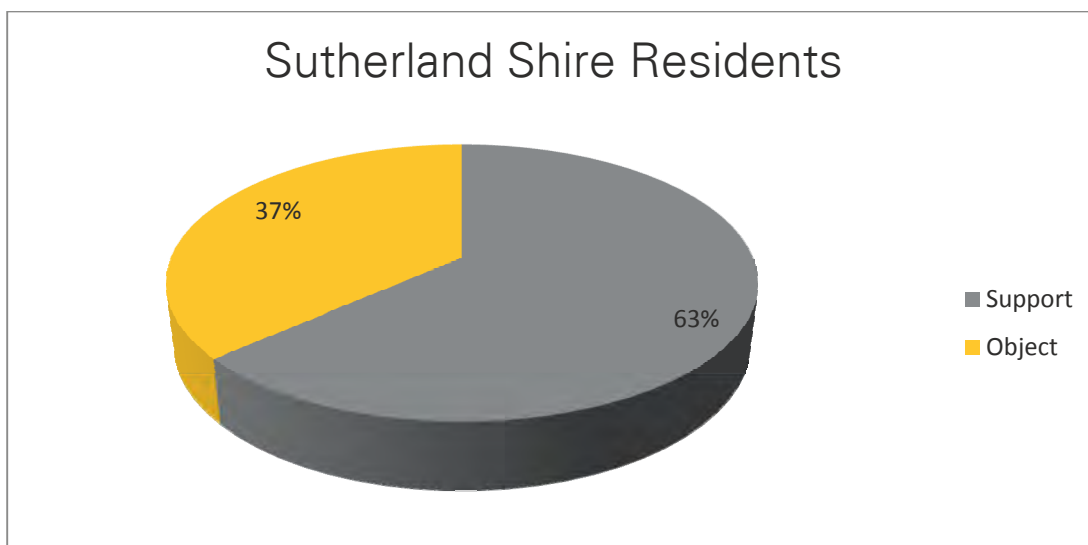


Figure 2 – Breakdown of submissions received from Sutherland Shire residents

2.3 Summary of Submission Issues

2.3.1 Description of Issue Categories

For each Issue Category that has been identified this section provides a summary of the range of issues that have been raised in the submissions from the general public.

The Issue Categories have been selected to reflect the nature of issues raised in submissions, and are described below in **Tables 1 to 3**.

Table 1 – Description of Issue Categories Used to Summarise Submissions from the General Public which are positive, negative or neutral

Issue Category	Description of the Issue Category
Game Day Parking and Traffic	Includes any reference to the impacts of the proposal during peak event periods (i.e. game days) on the local traffic network, parking facilities, parking in surrounding streets and the capacity of Wanda car parks (particularly during beach season).
Ecological Impacts	Includes any reference to the impact of the proposal on local ecosystems, flora or fauna, including any reference to the mangroves adjoining the site.
Public Transport	Includes any reference to the impact of the proposal on public transport, the current availability of public transport and the capacity of public transport to adequately service the proposed development and its surrounds.
Impact on Traffic Flow and Parking	Includes any reference to impacts of the proposal on the operation of the local (or regional) traffic network and parking facilities, including during the construction and operational phases.
Housing Supply and Affordability	Includes any reference to the number, range and affordability of dwellings provided within the residential component of the Concept Plan.
Retail Services	Includes any reference to the provision of new retail facilities, including supermarket, restaurant and specialty retail uses.
Other	Includes any submission which supports or objects to the Concept Plan for a main reason not captured by the above descriptions.

Table 2 – Description of Issue Categories Used to Summarise Submissions from the General Public in Support of the Concept Plan

Issue Category	Description of the Issue Category
Family Entertainment Facility	Includes any positive reference to the proposed family entertainment use.
Medical Centre	Includes any positive reference to the proposed medical centre use.
Local Employment and Economy	Includes any positive reference to construction employment, ongoing retail employment and economic benefits of proposal.
Foreshore Park	Includes any positive reference to the proposed Foreshore Park, cycle path or boardwalk.
Community Benefits	Includes any positive reference to the financial or material contributions made to community organisations and charities by the Club, including contributions to the upgrade of sporting fields, playground facilities and facilities at Cronulla High School.
Cronulla Sharks Identity	Includes any positive reference to the iconic role of the Cronulla Sharks 'brand' in promoting the region and fostering a sense of community spirit.
Support (reason not stated)	Includes any submission which states support for the proposed Concept Plan but does not provide a clear reason.

Table 3 – Description of Issue Categories Used to Summarise Submissions from the General Public in Objection of the Concept Plan

Issue Category	Description of the Issue Category
Loss of Playing Fields	Includes any negative reference to the redevelopment of the Western Training Fields and the lack of agreement on the relocation of these private fields.
Visual Impact	Includes any negative reference to the visual impact of the proposed development, including any reference to the proposed height, density and scale.
Cumulative Impacts	Includes any negative reference to the cumulative impacts of the development resulting from other developments in the area, such as the Greenhills Beach development.
Club's Financial Position	Includes any submission which states that the Club's financial position is not grounds for consideration.
Objects (reason not stated)	Includes any submission which states an objection for the proposed Concept Plan but does not provide a clear reason.

2.3.2 Analysis of Issues

A statistical profile of the issues raised in submissions has been compiled in order to provide an understanding of the high-level issues which are more important to more people. The results of this analysis are presented in **Figure 3** and **Table 4**.

As shown in **Figure 3** and **Table 4**, the most important aspects (both positive and negative) of the proposal to the general public (in descending order) were:

- Impact on traffic flow and parking;
- Ecological impacts;
- Game day traffic and parking;
- Local economy and employment; and
- Housing Supply and Affordability.

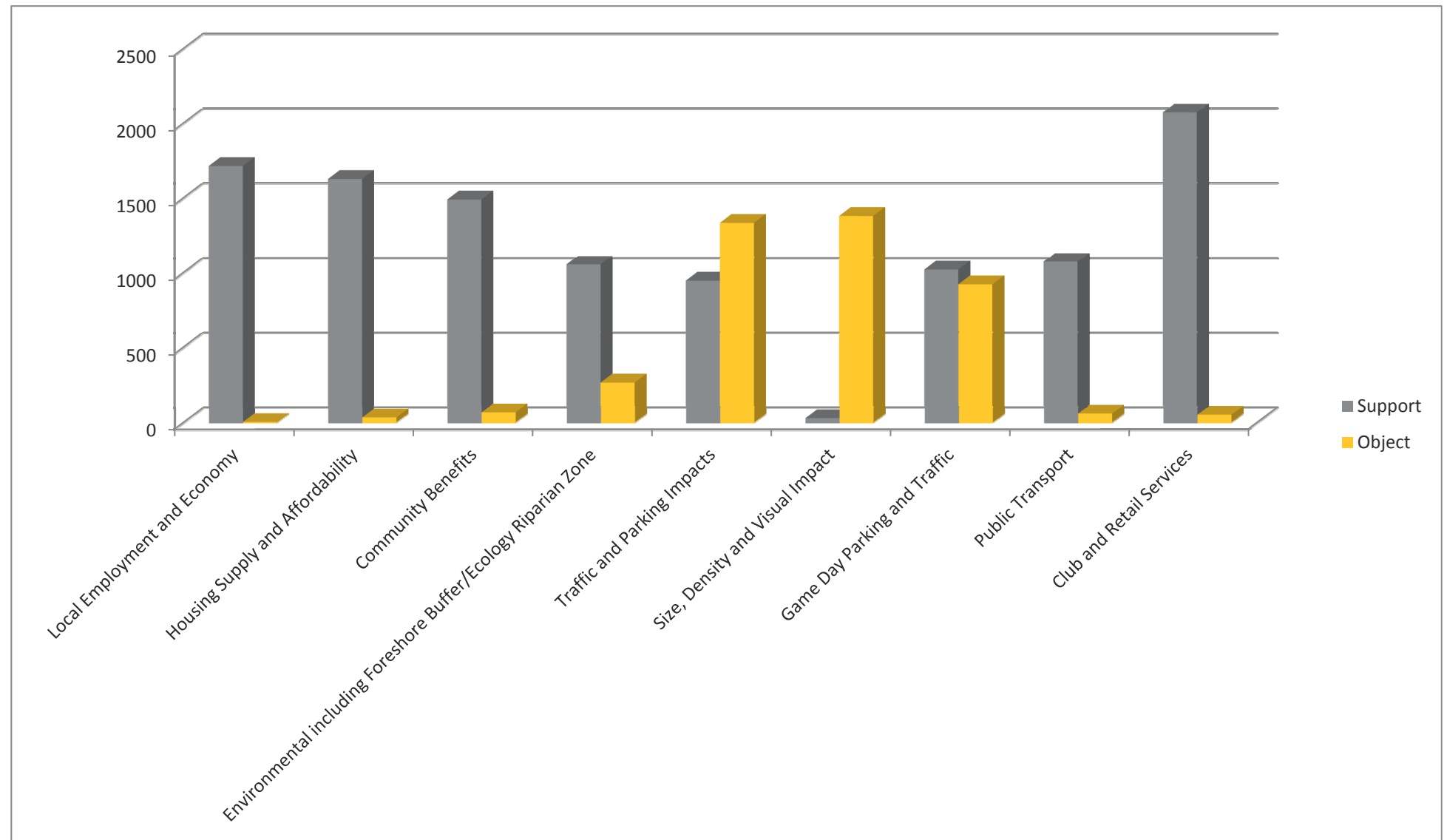


Figure 3 –Breakdown of Submissions either Supporting or Objecting by Issue Category

Table 4 – Summary of Analysis of Issues Raised in Submissions from the General Public

Issue Category	Number of Submissions Issue Raised In	Percentage of Submissions on Issue Supporting the Proposal	Percentage of Submissions on Issue Objecting to the Proposal
Impact on Traffic Flow and Parking	2,298	42%	58%
Ecological Impacts	2,096	59%	41%
Game Day Parking and Traffic	1,943	53%	47%
Local Employment and Economy	1,717	100%	< 1%
Housing Supply and Affordability	1,662	98%	2%
Retail Services	1,456	96%	4%
Community Benefits	1,393	100%	< 1%
Visual Impact	1,409	1%	99%
Loss of Playing Fields	1,284	83%	17%
Family Entertainment Facility	1,225	100%	< 1%
Public Transport	1,135	95%	5%
Medical Centre	1,092	100%	< 1%
Foreshore Park	1,066	100%	0%
Other	288	42%	58%
Club's Financial Position	115	43%	57%
Cronulla Sharks Identity	109	95%	5%
Support (reason not stated)	70	100%	-
Cumulative Impacts	67	16%	84%
Objects (reason not stated)	3	-	100%

2.4 Submissions by Public Agencies

The proponent has been involved in ongoing discussions with Sutherland Shire Council, the NSW Department of Planning and other government agencies throughout the course of the current Concept Plan application. 9 submissions were received from government agencies during the public exhibition period, including:

- Ausgrid;
- Department of Primary Industries (Fisheries);
- NSW Office of Water;
- NSW Police;
- Office of Environment and Heritage;
- Roads and Maritime Service – Sydney Regional Development Advisory Committee;
- Sydney Water;
- Transport for NSW

A preliminary submission was received from Sutherland Shire Council, however Council has since resolved not to make a final submission on this application. The issues raised in submissions made by public agencies are addressed in detail in Section 3.0 of this report.

3.0 Proponent's Response to Key Issues

The following section provides a detailed response to the key issues raised by the public and local and state government agencies.

3.1 Residential Density and Housing

3.1.1 Key Issues Raised

A common theme in the 1,662 submissions in support of the residential development within the Town Centre was the critical need to provide housing options that are suitable and affordable to the needs of residents throughout their lifetimes. Housing affordability was identified as a major issue within Sutherland Shire, with many individuals articulating their own concerns regarding their ability to continue to live within the Shire due to the lack of affordable or suitable housing options. A number of submissions from outside of the local area were written by former residents of Sutherland Shire who had been forced to move elsewhere due to the limited housing diversity and the affordability of available stock.

3.1.2 Proponent's Response

Council's submission states that the subject site is not needed to meet the 2007 *Draft South Subregional Strategy* housing target of 10,100 new dwellings by 2031, however since the draft Subregional Strategy was prepared revised per-annual housing targets for the entire subregion have increased by more than 65% under the *Sydney Metropolitan Plan 2036* (2011) from 35,000 dwellings to 58,000 new dwellings.

Dwelling Diversity and Affordability

The 2006 Census reveals that although 54% of dwellings within the Shire were occupied by two or less people, only 17% of dwellings had either one or two bedrooms. This data reveals a significant disconnect between the existing housing supply and existing population's housing needs within the Shire, and has direct negative impacts on housing affordability and energy usage at a time when these are two of Sydney's most pressing issues. The proponent notes that public submissions have supported the provision of new housing proposed under the Concept Plan scheme (over 1,662 submissions support the Concept Plan scheme on this basis, representing 35% of total submissions).

The Concept Plan provides for up to 57,690m² of residential Gross Floor Area (15% less than exhibited) for approximately 600 new dwellings comprised of one, two and three-bedroom apartments that will provide a diversity of housing types to ensure equitable access to housing within the centre. The provision of these dwellings will ensure the presence of a strong local community within the centre which will sustain a vibrant and active centre with activity throughout the day and evening.

Sutherland Shire Draft Housing Strategy 2008

The *Draft Housing Strategy Part 1: The Importance of Housing Policy* prepared by Sutherland Shire Council in late-2008 finds that whilst population growth within the Shire has significantly slowed over the past decade (to a point of near-zero growth), changing demographics including an ageing population and smaller household sizes has seen a continued demand for new dwellings. In the five year period to the 2006 Census (data from the 2011 Census has not yet been made available to the public), whilst the overall population of the Shire declined by approximately 1,000 persons nearly 2,500 dwellings were still required to be constructed due to the trend towards smaller household sizes.

Taken in the context of a projected population increase across Sydney of 40% over the next 25 years to 2036, these findings have significant implications for the provision of housing within the Shire in the near future. The Concept Plan scheme provides an opportunity to establish a socially, economically and environmentally sustainable new centre which provides approximately 600 new dwellings suited to smaller households along with in-demand retail and medical services, recreation facilities and public transport with minimal impacts on existing centres or surrounds.

Part 2: Where Should New Dwellings be Located of the Draft Sutherland Shire Housing Strategy notes that the *Draft South Subregional Strategy* requires 80% of new dwellings be provided within centres, however Council's strategy states that existing planning controls (under SLEP 2006) would permit only 56% of the new dwellings required in the Shire to be provided within existing centres without increasing densities, heights or rezonings of these centres. The strategy notes environmental constraints associated with uplifts to development controls within and surrounding existing centres will pose a challenge to the provision of existing centres. The *Draft South Subregional Strategy* requires that 80% of new dwellings be located within centres in order to ensure a suitable level of amenity, servicing and urban consolidation – the *Metropolitan Plan 2036* does not preclude these dwellings from being located within new centres, but rather identifies the establishment of new centres with the requisite characteristics as one way of overcoming capacity constraints in existing centres. The proposed Concept Plan scheme provides a significant opportunity to deliver retail, medical, leisure and community services, recreation and entertainment options and open space supported by approximately 600 much-needed dwellings and will result in significant positive environmental, social and economic benefits to the local region.

Draft Sutherland Centres Standard Instrument Local Environmental Plan

It is noted that Sutherland Shire Council has recently considered the Draft Centres Standard Instrument Local Environmental Plan (DSCILEP) for submission to the NSW Department of Planning and Infrastructure for gateway determination. This planning proposal is to apply to three of Sutherland Shire's four centres which are classified as 'Town Centres' under the *Draft South Subregional Strategy 2007*, being Cronulla, Caringbah and Sutherland (Miranda being excluded). The DSCILEP as considered by Council makes provision for up to 900 of the 2,700 dwellings which are required to be provided within centres under the *Draft South Subregional Strategy 2007*. However, this planning proposal fails to take into account the fact that under the *Metropolitan Plan for Sydney 2036* (released December 2010), the dwelling growth target for the South Subregion has increased from 1,400 dwellings per annum to 2031 to 2,320 dwellings per annum to 2036. This represents a 65% increase on the dwelling growth targets contained in the Subregional Strategy that has not been taken into account in Council's planning proposal.

Assuming that the increases to subregional dwelling growth targets under the Metropolitan Plan are applied equally across all local government areas, an additional 6,600 dwellings, which have not yet been planned for, will be required to be provided within Sutherland Shire in addition to the 10,100 dwelling required under the *Draft South Subregional Strategy*. This Concept Plan application seeks to create a new Town Centre with approximately 600 dwellings which is able to account for some of this additional population growth whilst relieving capacity constraints and existing pressures on retail, medical, leisure and community facilities in existing Sutherland Shire centres.

Council has deferred further consideration of the DSCILEP to allow Council officers to engage in at least two months of community consultation.

3.2 New Retail Centre and Club Upgrade

3.2.1 Key Issues Raised

Public Submissions

A total of 2,036 public submissions (44% of total submissions) identified the proposed retail and club component as a positive feature of the Concept Plan scheme, and only 52 (1% of total submissions) objected to this component.

Sutherland Shire Council

Council's preliminary submission raised a number of issues regarding the role, suitability, size, economic impacts and benefits of the retail and club components of the Concept Plan scheme. Council's submission objects to the Concept Plan scheme on the basis that the proposal should be classified as a 'stand-alone shopping centre' and is not contained within the existing centre hierarchy as encapsulated in the Sutherland Shire LEP 2000 and LEP 2006. In addition the submission objects to the development on the basis of inconsistency with the Draft Centres Policy and whether there is a need for the proposed development. Council's submission also raises concerns that the proposed centre will make it difficult to attract investment to Caringbah. Council's issues are detailed further and addressed in the response below.

3.2.2 Proponent's Response

The proponent notes the overwhelming community support for the provision of new retail services within the Concept Plan scheme, which supports the findings of the Economic Impact Assessment Report prepared by Pitney Bowes (**Attachment B**) report that there is a substantial shortage of retail, and in particular supermarket retail, services within the Shire.

Classification and Justification of Centre

The *Metropolitan Plan for Sydney 2036* defines a hierarchy of centre types and features within the metropolitan context. Council's preliminary submission states that *"the proposed centre is more like a stand-alone shopping centre like Roselands, as identified in the South Subregion Draft Subregional Strategy, than a local centre that is integrated with a surrounding area"*. Westfield's submission also contends that the Concept Plan proposal should be considered a 'stand-alone shopping centre'.

The Centro Roselands Shopping Centre (the only 'stand-alone shopping centre' identified in the *Draft South Subregional Strategy*) site is nearly double the size of the proposed Sharks retail site and the shopping centre provides approximately 5-6 times more car parking spaces and 7-8 times more specialty retail tenancies than proposed under the Concept Plan scheme for Sharks. Centro Roselands is surrounded by at-grade car parking servicing the site, beyond which is low-density housing, a registered club and an aquatic centre. Narwee Railway Station (the nearest station) is located 1.7 kilometres walk from Centro Roselands – the retail/club component of the Sharks Concept Plan is only 1.1 kilometres from Woollooware Station and will be serviced by a frequent new bus service. Moreover, the Subregional Strategy describes stand-alone shopping centres as:

*Internalised, privately owned centres located away from other commercial areas, containing many of the attributes of a Town Centre **but without housing or public open space (our emphasis)** – may have potential to become a traditional town centre in the long-term.*

This definition makes clear that there is absolutely no similarity between the proposed Concept Plan scheme and either Centro Roselands or the 'stand-alone shopping centre' definition under the Subregional Strategy. The Concept Plan scheme places a strong focus on building an integrated and lively centre which connects housing, retail services, community uses and public open space to create a liveable new centre.

The Concept Plan scheme is not a stand-alone shopping centre, and is most appropriately classified as a Town Centre under the Metropolitan Plan typology, which defines a Town Centre as follows:

A Town Centre is a large group of shops and services, with a mix of uses and good links with the surrounding neighbourhood. It provides the focus for a large residential population.

A series of criteria for Town Centres is established in Appendix 4 of the Metropolitan Plan, which is addressed in **Table 5** below.

Table 5 – Criteria for Town Centres under the *Metropolitan Plan for Sydney 2036*

Metro Plan Criteria	Proposed Concept Plan	Achieved?
Comprise more than 50 retail premises and services generally with:	The Concept Plan scheme includes over 50 retail tenancies with a range of uses and sizes.	Yes
▪ Supermarkets	The Concept Plan proposes a full-line supermarket supported by mini-major and specialty retail to address in-part a significant identified shortage within the main trade area.	Yes
▪ Shopping mall	The centre incorporates traditional shopping mall elements in a connected and vibrant centre which includes dining, leisure, social and entertainment uses.	Yes
▪ Variety of specialist shops	The Concept Plan scheme includes 50 specialty retail shops.	Yes
▪ Restaurants	The retail centre includes a number of restaurant tenancies within the centre which take advantage of the site's natural water views and city views.	Yes
▪ Schools	Woollooware High School is located immediately to the east of the Concept Plan site, and Cronulla High School is approximately 1.2 kilometres to the east. Woollooware Public School is approx 1.2 kilometres walking distance from the site and Caringbah North Public School is approximately 1.5 kilometres.	Yes
▪ Community facilities	The Foreshore Park includes an play area designed as a 'Livi's Place Inclusive Playground' in accordance with the standards set out by the Touched By Olivia Foundation for children with a range of abilities to promote social inclusion and increased participation. In addition, the Leagues Club will continue to serve as a valuable community asset for socialising and recreation, and will remain operational throughout the course of the development.	Yes

Metro Plan Criteria	Proposed Concept Plan	Achieved?
<ul style="list-style-type: none"> Medical Centre 	Provision is made for a Medical Centre within the eastern site which will significantly improve the availability of community health services for new residents and the existing community.	Yes
Tend to be a residential origin location, rather than an employment destination.	Whilst it is projected that the retail centre will provide approximately 540 new ongoing retail jobs, it is expected that residents of the new centre and its surrounds will be likely to be employed in surrounding employment areas.	Yes
Contain medium and high density housing, typically containing 4,500 – 9,000 dwellings within the 800 metre walking catchment of the centre.	The Concept Plan proposes approximately 600 apartment dwellings within the new centre. Approximately 400– 500 existing low density dwellings are presently located within the walking catchment of the site. Whilst historical land uses limit the walking catchment of the centre, the inability to provide adequate local supermarket and local retail facilities within Cronulla means that the proposed new centre will serve a larger number of residents (including 8,100 existing residents and the future residents of up to 400 dwellings at the Australand/Breen site at Greenhills Beach) within the identified primary sector of the centre's main trade area who have no existing suitable facilities.	Partial
Are serviced by heavy rail and/or strategic bus and local bus networks, and some have ferry services.	The quantum of development proposed under the Concept Plan will act as the catalyst for the provision of a new public bus service connecting the centre, surrounding residential areas and existing local centres. This service will be fully integrated with the existing metropolitan transport network including heavy rail and cross-regional bus corridors and will be supported by a strong combination of trip origins and destinations. The proponent has committed to fund an interim shuttle service between the site and Woollooware Station to ensure there is no service gap between the occupation of the new centre and the commencement of the public bus service.	Yes
Ideal elements are a town square, main street sporting facilities and reasonable access to parkland.	Toyota Stadium, the Leagues Club and new retail facilities will provide a strong, vibrant and diverse focal point for the new Town Centre and the local community. The centre will have excellent access to parkland, with the proposed Foreshore Park creating a new public open space with linkages to the Woollooware Bay foreshore cycle path, Solander Fields and Toyota Stadium.	Yes

The appropriate measure for a Town Centre under the Metropolitan Plan is the number of dwellings within a walking catchment of 800 metres, which in the case of the Sharks site is approximately 400 to 500 existing low density dwellings plus up to 600 new dwellings. The proposed upgrade to the intersection of Woollooware Road and Captain Cook Drive (with signalised pedestrian crossings directly connecting to pedestrian paths on Woollooware Road and Captain Cook Drive) will substantially improve pedestrian safety and connectivity to the site for residents within the Woollooware locality and students at Woollooware High School.

In the context of the existing hierarchy and performance of centres within Sutherland Shire, it is relevant to note that the Town Centre will serve a population outside of the direct walking catchment of the centre. The significant constraints on supermarket retail growth in Cronulla and Caringbah and the absence of any appropriate facilities in Kurnell, Woollooware and North Cronulla, means that the Main Trade Area for the proposed new centre identified in the Economic Impact Assessment Report (**Attachment B**) will include some 8,100 existing residents and also the future residents of up to 400 dwellings at the Australand/Breen site at Greenhills Beach, which is approximately 1.5 kilometres to the east of the New Town Centre. These residents will benefit from new supermarket, mini-major and specialty retail, co-located with community, entertainment, and open space uses in a convenient location that is readily accessible by public transport, road and bicycle.

It is noted that the *Draft South Subregional Strategy* identifies significant potential for growth within the local catchment of the Concept Plan site. Woollooware is classified as a 'Small Village', with the capacity to accommodate between 800 and 2,700 dwellings within a 400 metre radius of the intersection of Willis Road North and Flinders Road. At present this catchment contains only approximately 600 dwellings, and as such there is clear capacity for future dwelling growth within this centre which will also fall within the New Town Centre's 800 metre walking catchment.

The *Draft South Subregional Strategy* makes clear that Sutherland is a potential Major Centre which could support additional employment and services. The Metropolitan Plan also states that "Miranda has the potential to increase to a Combined Major Centre along with Caringbah". Both of these centres, and the Sutherland Hospital health precinct located between the two, currently make a significant contribution to employment within the Shire. Major Centres are major employment and retail areas serving large subregional populations, and one Key Performance Indicator of the Metropolitan Plan is to increase the population living within 30 minutes by public transport of a city or major centre in Metropolitan Sydney. It is anticipated that residents of the Concept Plan Town Centre would be able to directly access the potential Caringbah-Miranda Major Centre within only 10-15 minutes by public transport, and the potential Sutherland Major Centre within 25-30 minutes.

The *Draft South Subregional Strategy* envisages significant potential employment and residential growth in nearby centres such as Woollooware, Caringbah, Miranda and Sutherland, creating a clear opportunity for the establishment of a new Town Centre to sit within the local centres hierarchy. Increased population within the Woollooware village catchment (and hence also within the Concept Plan Town Centre catchment) will generate additional demand for Town Centre type services within a local catchment which already suffers from a significant shortage of supermarket retail services. Strengthening the Miranda – Sutherland Hospital – Caringbah locality with additional employment to establish a future major centre will provide new employment opportunities in close proximity for future residents of the Concept Plan development.

3.2.3 Establishing a New Centre within the Draft Centres Policy Framework

Westfield's submission objects to the Concept Plan scheme on the basis that it is outside of the existing centres hierarchy established under the Subregional Strategy and Sutherland Shire planning instruments. 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 the Minister approve the concept plan, amend the local environmental planning instruments as appropriate in order to create a new centre. The NSW Draft Centres Policy (NSW Department of Planning, 2009) clearly states that:

The centre typology [described in the Metropolitan Strategy and subregional strategies] has been designed as a descriptive tool to categorise the likely future function of centres, not a prescriptive tool to limit the growth of those or other centres in the future. The categorisation of a centre as a particular typology is not intended to limit the future growth or diversity of that centre.

Whilst the 2007 *Draft South Subregional Strategy* does not identify any new centres for growth within the region, the *Metropolitan Plan for Sydney 2036* (NSW Department of Planning, 2011) clearly identifies the potential for the establishment of new centres with high density residential development outside of the walking catchment of existing identified centres, provided that suitable levels of services, amenities and public transport servicing are also achieved. It is noted that the Cronulla Sutherland Leagues Club previously made a submission to the (then)Department of Planning in March 2008 during the public exhibition of the Draft Subregional Strategy which made the case for the inclusion of the Sharks site as a future centre under the finalised strategy. The consultation process for the *Draft South Subregional Strategy* was not progressed further and no contact was made with the Club to further discuss this submission. The *Draft South Subregional Strategy* has not been finalised to date.

The Draft Centres Policy, which was released in April 2009 by the (then) Department of Planning, identifies a data gap within Sydney and throughout NSW on existing and zoned commercial and retail floor space and recommends the carrying out of Floorspace Demand and Supply Assessment (FSDA) by the Department to facilitate strategic planning and ensure that the supply of zoned floor space accommodates demand. The Draft Centres Policy makes clear that the supply of retail floorspace must accommodate market demand, and that new centres should be able to be formed to meet this demand subject to appropriate planning assessment of the centre's location and scale.

Whilst a FSDA for the Sutherland Shire or South Subregion has not been undertaken, economic analysis in support of retail development on the Sharks site and similarly for the Kirrawee Brick Pit site confirms a substantial shortage of supermarket retail floor space within the Sutherland Shire. The Pitney Bowes report establishes that there is a significant shortfall in supermarket retail floorspace particularly within the Cronulla/Woollooware/Kurnell/Greenhills locality which is currently without a full-line supermarket and which is identified as being the Main Trade Area of the proposed new centre. This area has an estimated population of 32,100 people who are currently serviced by 47m² of supermarket retail floor space per 1,000 residents, which is less than a quarter of the Sutherland Shire average (which itself is less than two-thirds of the Australian average). The current and expected supermarket retail provision is summarised in Table 6.

Table 6 – Supermarket retail floorspace provision

Supermarket Floor Space Provision (m ² per 1,000 residents)	
Australia	320
Sutherland Shire	201
Main Trade Area (present)	47
Main Trade Area (post-development)	171

The Draft Centres policy recognises that:

Whilst the FSDA should help to ensure that, in general, the supply of floorspace for development always accommodates demand, strategic plans are unlikely to anticipate the quantum or location of all future demand and, therefore, development may be proposed on sites where zoning does not permit the use.

Changing demographics and housing patterns have clearly outpaced the ability of Council's strategic plans and planning instruments to accommodate sufficient retail floor space to meet demand in the Sutherland Shire generally and the Main Trade Area in particular. This is likely to be exacerbated further by the recent residential development approvals on the Greenhills site and within Cronulla. In light of the high local demand for additional retail services and the high supermarket retail returns within the Shire, the failure by the market to take up existing suitably zoned sites demonstrates that alternative sites must be considered.

Sequential Test for New Centres

In order to determine whether it is appropriate to change the use of a site to enable retail or commercial development, the Draft Centres Policy establishes a 'sequential test' for the consideration of edge-of-centre or out-of-centre development. The first step in this approach is to determine that there are no suitably zoned sites within existing centres where the proposed uses could be feasibly and practically accommodated. The second step, where it is determined that there are no suitably zoned sites in the centre, is to determine whether there are no suitable sites in an edge-of-centre location. Existing town centres within the local context (refer **Figure 4**) where a full line supermarket could potentially be sustained (on either an edge-of-centre or within-centre site) and meet the needs of local residents within the Main Trade Area are Cronulla and Caringbah.



Figure 4 – Subregional Centres and Retail Context

Cronulla currently contains retail facilities with a total floor space of approximately 15,000m², including a Woolworths supermarket of approximately 650m² and a Franklins supermarket of approximately 850m². The retail precinct is generally characterised by food catering tenants, convenience based retail (newsagents and chemist etc.) and a number of surf shops. Development surrounding the centre is generally comprised of medium and high density housing which attracts high price premiums as a result of close beach access and ocean views. This places a significant site amalgamation and feasibility constraint on developing edge-of-centre sites to grow the centre and provide additional retail floor space.

The Cronulla Centre Review was adopted by Council in July 2011 for inclusion within the Draft Sutherland Standard Instrument LEP (SI LEP) which is expected to be publicly exhibited this year. The review notes that the lack of a full-line supermarket is a major constraint on the Shire's eastern-most suburbs and identifies the Cronulla Bowling Club site as a potential supermarket site within the centre as part of a mixed use redevelopment. The review recommends that this site be rezoned from Zone 15 Private Recreation to Urban Centre under the Draft Sutherland Standard Instrument LEP, allowing the Bowling Club to determine whether a redevelopment of the existing bowling greens should proceed on the site and in what form. A range of uses including residential flat buildings, hotels, business premises, restaurants and shops are permissible under the current SLEP 2006 Urban Centre zone, and the Bowling Club or any future landowner would need to determine that a supermarket use was the highest and best use for the ground level of a redevelopment of the site for this option to proceed.

Traffic congestion within the Cronulla Town Centre is a major constraint on development within the centre, and particularly on the provision of a full-line supermarket which is a major traffic generating use. At present traffic flows both to and through the centre cause significant congestion and delays, especially during summer periods when the high volumes of cars and pedestrians can cause gridlock in the area.

McLaren Traffic Engineering has reviewed the potential traffic effects of redeveloping the Bowling Club site for a full-line supermarket, and has identified the following potential issues:

- Servicing of the site with articulated vehicles would prove difficult due to:
 - insufficient space to accommodate 19-metre articulated truck swept paths at the intersection of Wilbar Avenue and The Kingsway;
 - Need to remove on-street parking on Wilbar Avenue to safely accommodate site egress for 19-metre articulate trucks; and
 - Potential accident risk and traffic congestion impacts due to the large gap acceptance requirements, particularly during peak hours at The Kingsway and at Wilbar Avenue.
- The site is located approximately 400 metres away from the nearest public transport stop, which is likely to result in a higher proportion of car-based trips than a town centre location directly serviced by public transport.
- Introduction of a supermarket, which has an hourly traffic generations three times greater than generic specialty retail uses, in this location would adversely affect peak hour and weekend traffic conditions by increasing the amount of traffic congestion in the town centre and surrounding area, which already suffers existing traffic congestion problems due to high residential densities.

In light of these comments, which are outlined in greater detail at **Attachment C**, it is clear that a new full-line supermarket cannot be provided within or at the edge of the Cronulla Town Centre in the medium-term to satisfy consumer demand without significant adverse impacts on the locality.

Caringbah contains a similar amount of overall retail floorspace to Cronulla, with a greater provision of supermarket retail including a full-line Woolworths (4,400m²) and smaller Coles (3,000m²) and Franklins (1,200m²). The high proportion of supermarket retail within Caringbah is due in part to the need for this centre to service the demand for bi-weekly and weekly supermarket services which are unable to be provided in Cronulla due to growth constraints. Caringbah as a centre is constrained by physical barriers associated with its location at the junction of The Kingsway and the Cronulla Rail Line which prevent the establishment of a well-connected main street or centre, and the need to provide sufficient parking to support retail uses. The centre is predominately surrounded by medium density housing, prohibiting short-term expansion of the centre through the acquisition of sufficiently sized edge-of-centre sites for full-line supermarket retail.

A Council-owned car park within the centre has been identified in Chapter 2 of the Sutherland Shire Development Control Plan 2006 as a potential redevelopment site, with one option for the site providing for a sufficient floor plate to accommodate a new full-line supermarket. This redevelopment option is predicated on the ability to retain all public parking spaces currently occupying the site and provide of additional car parking to support the supermarket and any other new uses proposed. In order to progress this option the proponent would also need to overcome traffic issues associated with providing safe and efficient access to The Kingsway. This development option would need to prevail over the alternate residential, commercial and shops scheme outlined in the DCP and other permissible uses within the centre.

Notwithstanding the constraints associated with retail growth within or at the edge of the Caringbah Town Centre in the short and medium-term, the provision of additional retail facilities within this centre would provide little additional utility to residents within the Main Trade Area of the Concept Plan, who would still be required to commute long distances for bi-weekly and weekly shopping needs and would not address the significant growth constraints affecting the centre.

In light of the above information it is evident that there are no suitable sites, whether zoned or unzoned, for retail development (and particularly for a much-needed full line supermarket) either within or at the edge of existing local centres which could adequately meet the needs of local residents for retail services.

For proposals to create a new centre, the Draft Centres Policy requires an additional third step as part of the Sequential Test called the Net Community Benefit Test. The Concept Plan seeks approval for the creation of a new Town Centre within the framework identified in the *2036 Sydney Metropolitan Plan*. The Net Community Benefit Test carried out for the Concept Plan proposal (**Attachment D**) concluded that there will be a net community benefit as a result of the proposal. The NSW Draft Centres Policy makes clear that in order to ensure that the demand for essential retail and employment uses is met:

Councils should adopt a positive approach to rezoning proposals, particularly where there is an undersupply of floorspace within their local area.

The development will address in part a significant shortage of supermarket retail floorspace within the locality, increasing the average provision of supermarket retail floor space from 47m² per 1,000 residents to around 171m² per 1,000 residents within the main trade area, which whilst still below the Sutherland and Australian averages represents a significant improvement for local residents in terms of provision and access to supermarket retail. The Concept Plan proposes an amount of supermarket retail floor space (4,000m²) which is half of that provided in Caringbah (8,600m²) and will provide a new local alternative for eastern residents who are unable to fulfil their bi-weekly and weekly shopping needs in Cronulla, without impacting upon the viability of these centres. The proposed supermarket will anchor other food-oriented retail and specialty stores as just one component of a vibrant and sustainable new centre with a diverse a range of uses including dining, leisure, recreation and family entertainment supported by a strong local residential population and good access to public transport.

Employment

Council's preliminary submission specifically identifies as a key shortcoming of the Concept Plan the fact that:

"While employment will be created by the new centre, after construction, most employment will provide low skilled jobs whereas the Shire needs skilled employment to assist in employment self-sufficiency"

This reference to 'low skilled jobs' presumably refers to the 540 ongoing retail and hospitality jobs which will be created within the proposed centre.

2006 Australian Bureau of Statistics Census data shows that the 'retail trade' and 'accommodation and food services' industries employ a total of 17,223 people who live within the Shire, representing 16.2% of the Shire's total resident labour force. 2006 Census data also reveals that the 'retail trade' and 'accommodation and food services' industries employed a total of 13,850 persons who work within the Shire, or 25.4% of all jobs provided within the Shire.

To dismiss the benefits of the creation of new jobs on the basis stated by Council fails to recognise the important contribution made by this significant group of Shire residents and workers. People employed within these industries include managers, professionals, and sales workers, and to dismiss these jobs as 'low skilled' fails to recognise the diverse and specialised range of skills required to work in these industries.

Council's preliminary draft submission also fails to take into account the numerous ongoing high-skilled positions which will be created directly as a result of the proposed development, including in the new Medical Centre, management positions within the club and retail centre and indirectly throughout the Sutherland community in various supporting industries.

Council's position on the provision of retail and hospitality jobs also fails to take into account the employment needs of the Sutherland Shire's youth population. The Cronulla Sutherland Leagues Club plays a significant role in youth development within the Shire through its involvement in local sporting clubs, the Sutherland PCYC, Caringbah Scouts and other youth-oriented organisations, and is acutely aware of the needs of this age group. A total of 18,206 young people (aged 15-24) who live within the Shire are in active employment, of whom 7,068 (38.8%) are employed in the 'retail trade' and 'accommodation and food services' industries. Within the Shire's population these industries account for a significantly higher proportion of young female employment (43.8% of females aged 15-24) compared to young male (33.8%).

The proposed redevelopment will provide opportunities for youth employment and training for the local community. These opportunities will be available both during the construction phase of the development as well as on-going opportunities with retailers, restaurants and the Club operations, particularly in the growing sectors of health and nutrition, hospitality and management.

During construction, apprenticeship and cadetship programs will be implemented to develop skills for young people. Areas such programs will focus on include:

- Indigenous youth;
- Building and construction management;
- Carpentry and joinery;
- Electrical trades;
- Plumbing and hydraulic;
- Fire services;
- Shop fitting;
- Design and Architecture;
- Surveying; and
- Civil Engineering.

The proponent will ensure that the builder implements an Aboriginal Participation in Construction Policy with the objective of engaging and providing the opportunity for the improvement of skills in the construction industry for Aboriginal and Torres Strait Islander job seekers. This policy will also engage sub-contractors to participate in the development and mentoring of trade based skills for Aboriginal and Torres Strait Islanders.

The proposed creation of 540 ongoing full time equivalent (FTE) jobs within the retail and club components of the Concept Plan scheme is a significant benefit associated with this proposal, and will provide substantial economic benefits to the local community including an additional \$17.2 million in salary and wages for the local region and the flow-on creation of a further 510 jobs in the broader community (Pitney Bowes 2011).

Economic Impact

Council's preliminary submission incorrectly notes the economic impact on Caringbah as 12.8% (both the Pitney Bowes report and EAR prepared by JBA Planning state an impact of 12.2%), and notes that *"this loss of trade will make further investment in existing centres harder to attract. This is particularly important for Caringbah Centre which is in need of revitalisation"*. The ability of centres to attract additional investment is not a relevant consideration for a consent authority when assessing a development proposal (see High Court of Australia judgement *Kentucky Fried Chicken v Gantidis* (1979) 140 CLR 675 and the NSW Draft Competition SEPP 2010). Council's submission also fails to note that the Pitney Bowes report makes clear that the loss of trade at Caringbah would certainly be absorbed within 2-3 years of the development of the proposed Concept Plan scheme, and will not threaten the ongoing viability of the Caringbah town centre.

3.3 Visual Impact and Height

3.3.1 Key Issues Raised

Public Submissions

29% of public submissions raised concerns regarding the visual impact of the proposal, including references to excessive height, architectural merit and loss of views, or stating that the development was 'out of character' with its surrounds.

2% of submissions supported the height of the residential component of the development, pointing out that there are no residential areas within a 300m radius of this component and there will be no consequent overshadowing or privacy issues.

Sutherland Shire Council

Council's preliminary submission raises concerns broadly regarding the design and activation of certain elevations and potential for screening of the development with landscaping, and specifically with regards to the Concept Plan's consistency with the 2004 *Visual Values and Guidelines for Botany Bay Report* prepared by URS. The submission states *"that the proposal results in excessive height and adverse visual impacts particularly when viewed from Woollooware Bay and from Captain Cook Drive"* and that *"the scale of the proposed residential element cannot be said to respond to the immediate context of the site or the wider context of Sutherland Shire"*.

3.3.2 Proponent's Response

Height

As demonstrated in the Visual Impact Assessment Report provided at **Appendix X** of the EAR, the Concept Plan scheme sits within a landscape context of other tall buildings situated above the ridgeline between Miranda and Cronulla when viewed from the north. There are no close-range views of the building which will impact upon the amenity of nearby residences.

The Concept Plan seeks to establish a new Town Centre as defined in the *Metropolitan Plan for Sydney 2036*, within which medium and high density housing are considered appropriate. The Metropolitan Plan defines medium and high density housing as being 25-60 and 60+ dwellings per hectare respectively. The amended building heights are required in order to sustain the densities required for a Town Centre whilst maintaining a high level of amenity and a strong integration of public and private open space at ground level across the site.

The amendments to the building height as part of the Preferred Project Report include a reduction in the envelope height of Building A from 15 storeys to 9 storeys (inc. podium) and Building F from 11 storeys to 9 storeys (inc. podium), which shall reduce the development's visual presence from viewpoints along Captain Cook Drive and provide greater context for taller buildings within the centre of the site. Photomontages have been prepared for viewpoints from the site's Captain Cook Drive frontage in order to demonstrate the significant effect of these amendments on the development's street presentation. Before and after images are included at **Figures 6 to 9**.

As shown in **Figure 5**, the development of tall buildings within centres in the Shire is not unprecedented, particularly in nearby Cronulla (which is classified as a Town Centre under the South Subregional Strategy) where residential buildings as tall as 15 storeys (plus plant) have been approved in the past. The Concept Plan scheme (as amended) proposes seven residential flat buildings which are eight storeys or greater in height (including podium), of which three buildings are ten storeys or above. These buildings are concentrated within the heart of the centre and will not result in any impacts on the privacy or solar amenity of nearby residential properties. In Cronulla, there are eleven buildings which are eight stories or greater and a further five buildings which are twelve stories or greater. Many of these buildings sit in prominent or elevated positions within the landscape, and are in much closer proximity to other residential dwellings.



Figure 5 – Urban Context Diagram showing exhibited Concept Plan scheme



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



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



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



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

‘Out of Character’

The Concept Plan scheme *does not* seek to replicate the character of development within the immediate surrounds of the subject site, but instead establishes a planning framework for the establishment of a *new centre* which is environmentally, socially and economically sustainable and incorporates a vibrant mix of residential, retail, recreational and open space facilities. The establishment of new centres within Sydney to accommodate growth and fulfil the NSW Government’s urban consolidation objectives is specifically envisaged in the *Sydney Metropolitan Plan 2036*. Despite this, it has been demonstrated that the proposed Concept Plan scheme, as amended, will have minimal adverse impacts on the local community in terms of visual impact, overshadowing, traffic or open space provision whilst providing significant local and regional benefits.

Detailed Design and Streetscape Treatment

Council’s submission raises concern regarding the setback and facade treatment of the retail and club components of the Concept Plan scheme to Captain Cook Drive. Council’s preliminary submission states that *“if the different components of the new centre are to be connected successfully it is suggested that the base of the retail is set back further from the site boundary and the ground floor activated”*. The suggestion that the development be set back from Captain Cook Drive with a 20 metre wide landscaped buffer (drawn from the URS study) would appear to preclude greater activation of this facade at street level.

As detailed in Section 5.2 of this report, the layout of the retail/club component has been refined in response to Council’s concerns in order to achieve a greater level of streetscape activation through the inclusion of ground level retail at the pedestrian entrance. The proposed amendments create a more active street frontage and pedestrian forecourt with active uses including specialty retail tenancies, whilst the amendments to the location of the first floor retail will create a closer connection between the main activity precinct and the street and medical centre. Revisions to the layout of uses within the centre have contributed to further refinement of the concept facade treatments to Captain Cook Drive, resulting in an improved aesthetic outcome which creates visual interest and creates an attractive streetscape. Photomontages of the exhibited and revised retail facade to Captain Cook Drive are included at **Figures 10 and 11** below.



Figure 10 – Exhibited photomontage of retail building's Captain Cook Drive frontage



Figure 11 – Revised photomontage of retail building's Captain Cook Drive frontage

Relocation of the restaurant dining precinct from Level 3 to Level 2 within the retail building will fragment the long northern facade of the Club and retail building and create a visually interesting frontage that steps down from the Club Deck to the dining precinct and provides for improved casual surveillance of the foreshore shared path.

Notwithstanding the fact that the detailed design and facade treatments for the retail and club components of the overall scheme will be dealt with at the Project Application stage, the revised conceptual photomontages provided at **Attachment E** depict just one example of how the use of landscaping and facade treatments can achieve an appropriate and high quality design response to this street frontage.

Council's preliminary submission raises concerns regarding the design and uses located adjacent to the eastern elevation of the retail component, noting "*the development turns its back on the adjacent gym and service station*". The western elevation of the gymnasium is not activated and pedestrian access is provided from the undercroft parking area and the fuelling area forms the western portion of the service station site.

URS Visual Values and Guidelines for Botany Bay

Council's submission objects to the size of the development on the basis of non-consistency with the *Visual Values and Guidelines for Botany Bay Report* prepared in 2004 by URS. These guidelines were prepared on behalf of the (then) Department of Infrastructure, Planning and Natural Resources for input into the preparation of the *Botany Bay Strategy*, which was never finalised and hence the guidelines have not been implemented nor endorsed by the NSW Government. The URS report recommended the development of guidelines for the remainder of Botany Bay, consultation with government agencies and a series of workshops or seminars. It was recommended that the guidelines be comprehensively reviewed at least every five years.

It is understood that none of the above recommendations were adopted, and that the recommended review (scheduled for 2009 at the latest) was not carried out. Whilst the proposal is required to consider these guidelines in accordance with the DGRs, it is essential that these controls be given their appropriate weighting. The visual management objectives were established on the basis of the existing uses present on the site – namely car parking, Toyota Stadium, training fields and the Club – and do not envisage any potential or overarching criteria to consider a change of use for a site. Nonetheless Section 7.9 of the EAR demonstrates the Concept Plan scheme's general consistency with the visual management objectives identified by the URS study for 'Landscape Unit 13 – Sports grounds and golf courses'.

3.4 Foreshore Setback and Riparian Zone

3.4.1 Key Issues Raised

Public Submissions

Over 1,238 submissions (26% of all submissions) supported the protection and environmental education measures proposed under the Concept Plan relating to the surrounding mangroves, and 1,061 submissions (22% of all submissions) supported the provision of the foreshore park. In contrast, 799 public submissions (17% of all submissions) raised concerns regarding the proposed foreshore setback zone and potential ecological impacts on adjoining wetlands.

Department of Primary Industries – Fisheries

The Department of Primary Industries – Fisheries (DPI) advises that the *“Department’s Policy and Guidelines Aquatic Habitat Management and Fish Conservation 1999 recommends a minimum buffer zone width of 50m with their natural features and vegetation preserved which should be increased to 100m or more where adjacent to ecologically sensitive areas.”* Further, the DPI states its support for a minimum 40 metre riparian buffer in this instance is an appropriate compromise from the Department’s guidelines considering the existing unvegetated state of the site, and states that the 40 metre buffer *“will provide greater benefits to the adjoining Aquatic Reserve from treatment of stormwater flows, increased riparian biodiversity and increased resilience to climate change and other stressors.”*

DPI notes that greater riparian functionality could be achieved within the proposed 30m buffer zone, including through the removal of BBQ facilities, the retail courtyard and pathways, and suggests that the cycleway on the western site be shifted further landward to allow wider riparian buffer planting.

NSW Office of Water

The NSW Office of Water (NOW) has provided comments regarding the adequacy of the foreshore riparian buffer and the buffer provided to the stormwater drainage channel. In particular, NOW raised concerns regarding the width of the foreshore setback (NOW preferred the provision of a 40 metre wide Core Riparian Zone), the setback to the tidal stormwater channel, the location of stormwater management and recreational uses within the foreshore setback and the nature and structure of new landscape plantings.

Sutherland Shire Council

Council’s preliminary submission raised concerns regarding the width of the riparian foreshore setback and the location of recreational and stormwater management devices within this area. In particular, Council believes that the reduction of the riparian buffer from 40m to 30-60m and the inclusion of some structures within this area will compromise the ability of the buffer to adequately deal with the impacts of the proposal. Council also provided comments regarding the approval of previous developments along the Woollooware Bay foreshore.

NSW Department of Planning and Infrastructure

The Department requested that details be provided of how the application has considered the *Greater Metropolitan Sydney Regional Environmental Plan – Georges River Catchment* and in particular clause 11(21) relating to the provision of a buffer to environmentally sensitive areas.

3.4.2 Proponent’s Response

Policy framework for riparian corridors

Under Section 75U of the EP&A Act, a permit under the *Water Management Act 2000* is not required for a Project to which Part 3A applies, and the relevant issues are instead dealt with through a merit assessment by the NSW Department of Planning and Infrastructure. The Director General’s Requirements (DGRs) for environmental assessment of this Concept Plan include six requirements relating to flora and fauna, including one which requires the proponent and the determining authority to consider the EA’s compliance with the NSW Office of Water’s (NOW) Guidelines for Controlled Activities (2008) and the provision of a 40 wide Core Riparian Zone (CRZ).

It is noted that NOW's *Controlled activities – guidelines for riparian corridors*, which specifically provide for a merit assessment of CRZ widths in estuarine areas such as the Sharks site, have been updated by NOW as recently as March 2011, and that the CRZ widths and merit assessment provisions relating to estuaries and wetlands remain unchanged. On this basis, the contention put by the NSW Department of Primary Industries (DPI) that the proposal "relies on historical precedents around Woollooware Bay that are based on old planning precedents" is not accurate. The Concept Plan scheme is consistent with guidelines prepared by NOW which are less than a year old. It is further noted that the DPI's submission states its preference for a larger 50 metres setback is drawn from the 1999 NSW Fisheries *Policy and Guidelines Aquatic Habitat Management and Fish Conservation*, which does not apply to this project due to the provisions of Part 3A, and is itself based largely on a number of earlier policies dating between 1985 and 1993.

The 1999 policy states as a general policy that a precautionary 50 metre foreshore buffer be established that retains existing vegetation in order to minimise land-use impacts on aquatic habitats. With regards to 'waterfront development', the 1999 policy precludes approval of structures within 50m of "subtidal or intertidal marine vegetation such as mangroves and seagrasses because of impacts from shading and associated damage caused by vessels using the structures". The building envelopes proposed will not result in any overshadowing of wetlands to the north within the Towra Point Aquatic Reserve, and only minor afternoon/evening shadowing of mangroves within the tidal stormwater drainage channel to the west of Toyota Stadium. There are no marine uses associated with the proposal and as such no damage will arise from vessels as a result of the development. The Concept Plan scheme has clearly demonstrated that mitigation of other potential land-use impacts (water quality, stormwater detention and flooding, human interference, light, noise etc.) on adjoining aquatic habitat can readily be achieved within the proposed 30 metre setback, which is consistent with both the objectives of the 1999 DPI guidelines and the more recent NOW guidelines.

Merit assessment of vegetated core riparian zone

The NSW Office of Water's (NOW) *Controlled activities – guidelines for riparian corridors* (the guidelines) states that the width of the Core Riparian Zone (CRZ) from a third order or greater watercourse (such as wetlands) is to be between 20 and 40 metres subject to a "merit assessment based on riparian functionality of the river lake or estuary, the site and long-term land use". The relevant extract from this document is provided at **Figure 12** below.

Table 1. Recommended CRZ widths.

Type of watercourse	Width of CRZ
Any first order watercourse and where there is a defined channel where water flows intermittently or any 'river' not identified on a topographic map	10 metres
<ul style="list-style-type: none"> ■ any permanently flowing first order watercourse, or ■ any second order watercourse and where there is a defined channel where water flows intermittently or permanently.	20 metres
Any third order or greater watercourse, where there is a defined channel and where water flows intermittently or permanently. Includes estuaries, wetlands and any parts of rivers influenced by tidal waters.	20 - 40 metres ¹

¹ merit assessment based on riparian functionality of the river, lake or estuary, the site and long-term land use.

Figure 12 – Extract from NOW *Controlled activities – Guidelines for Riparian Corridors*

The guidelines clearly identifies the three factors which are to inform this merit assessment – riparian functionality of the estuary, riparian functionality of the subject site (at present), and riparian functionality of the long-term land use – which are considered below. In addition the NOW guidelines identify six functions of riparian corridors relating to the ecological performance of adjoining waterways which can be used to consider the adequacy of the proposed foreshore setback.

In addition to the CRZ, the guidelines also require the provision of a ‘vegetated buffer’, the purpose of which is to “*protect the CRZ from weed invasion, micro-climate changes, litter, trampling and pollution*”. The recommended width for this vegetated buffer is subject to merit assessment and recommended as 10 metres.

Riparian Functionality of the Wetlands

The wetlands adjacent to the site to the north form part of the Towra Point Aquatic Reserve (declared under the *Fisheries Management Act 1994* to protect the biodiversity of fish and marine vegetation and facilitate educational and scientific research) but do not form part of the Towra Point Nature Reserve (declared under the *National Parks and Wildlife Act 1974*). The Towra Point RAMSAR site is located 2 kilometres away from the site to the north.

The mangroves to the north of the site form part of a narrow strip of vegetation which runs along the Woollooware Bay foreshore between Towra Point and Shell Point. As stated in the Ecological Assessment at Appendix T of the EA, the mangroves provide habitat suitable for nesting, foraging and refuge for a number of estuarine and coastal species and serves as a linkage for other species along the foreshore. The southern fringe of the mangroves adjacent to the site is characterised by a highly disturbed transition zone with rubbish, eroded fill materials, weed invasion and steep level changes at some points. Access to the wetlands from the site is uncontrolled with the exception of the boardwalk, which is in a very poor state of disrepair and poses a public safety risk. A lack of surveillance of this area allows for littering to occur freely from the boardwalk. In light of the above, the mangroves to the north of the site are of moderate to high riparian functionality as potential habitat and a linkage, however areas of uncontrolled human interface at and above the MHWL which extend along the entire foreshore and areas of previous site filling are of low riparian functionality, particularly with regards to water quality and pollution.

Riparian Functionality of Site at Present

The subject site to the west of Toyota Stadium is currently occupied by a grassed football training field which ends at the top of the northern embankment to Woollooware Bay. There is no vegetation within this portion of the site, with the exception of the turf field, and this area is of little/no ecological or riparian value. Past management of the training field is likely to have contributed to contamination of the wetlands through the use of chemical fertilisers and pesticides.

The ‘Family Hill’ rises directly from the wetlands at a steep grade to an upper height of approximately RL 7.50 AHD, with some vegetation on the northern face of this embankment. This vegetation includes ten individual swamp oak trees (*Casuarina glauca*) which are characteristic of the ‘Swamp Oak Floodplain Forest’ (SOFF) endangered ecological community, however no understorey or supporting species of this community are present. The embankment was constructed in 1981 and is comprised of fill of unknown origin. The top of the embankment is located approximately 15m from the MHWL and is marked by a fence and line of planted trees. The southern side of the embankment is comprised largely of turf used for informal seating within Toyota Stadium, with a small food service area located near the top of the hill. This area has no riparian functionality beyond the fact that rainfall runoff on the southern side of the embankment is directed back towards the playing field rather than directly to the wetlands.

The eastern portion of the site comprises the club car park and is covered by a low-quality bitumen surface which extends to within approximately 3 metres of the top of the embankment. Rainfall runoff generally flows untreated from this surface to Woollooware Bay, either uncontrolled via the direct interface to the north or via the Council stormwater system on Captain Cook Drive which discharges to the stormwater drainage channel flowing through the site to the west of Toyota Stadium. A narrow strip of vegetation comprised of weeds and introduced and native vegetation is located on land owned by Sutherland Shire Council between the car park and the top of the embankment, which then falls more than 2 metres to the natural wetland level. The edge of the embankment is largely weed infested and traces of eroded fill materials are evident (see **Figure 13**).

The site currently serves little or no riparian function, and in many instances contributes to the further introduction of pollutants into Woollooware Bay. In light of this, any measures to manage impacts on the adjoining wetlands would be a significant improvement on current conditions.



Figure 13 – Sutherland Shire Council-owned land between Sharks site and Woollooware Bay

Riparian Functionality of Long-Term Use

Immediately to the east of the site, the building setback (which was approved by Sutherland Shire Council in March 2006) to the MHWL narrows to only 7.5 metres in front of the gymnasium building, beyond which the Captain Cook Drive road reserve immediately abuts the wetlands and intertidal area for some distance. To the west, the turf groundcover of the Solander Fields transitions directly to the top of a small embankment dropping directly to the MHWL or to recreated saltmarsh where this has been established. A shared pedestrian/ bicycle path runs within the immediate interface area to the wetlands along the length of these fields, beyond which development is generally built to within 20m to 30m of the MHWL (see below).

As such there is limited long-term potential to create a foreshore riparian setback that provides riparian functionality in terms of foreshore connectivity or a sufficiently sized space to provide meaningful habitat for fauna.

Stormwater is able to be effectively managed and treated outside of the 30 metre buffer to the MHWL. In addition, the Concept Plan scheme includes water quality management systems which will significantly improve the water quality introduced to Woollooware Bay from upstream areas of the catchment, including the Woollooware Golf Club. In light of this, the Concept Plan scheme represents a significant long-term improvement by managing not only the environmental impacts of the Concept Plan land, but also of other land within the Woollooware locality.

Access to the wetlands is largely uncontrolled along the developed length of Woollooware Bay at present, and this situation is not improved by the shared path/cycleway which runs directly adjacent to the mangroves for much of the western edge to the Bay. The Concept Plan scheme includes appropriate provisions to ensure that access to the wetlands is appropriately controlled, with elevated pontoons and the reconstruction of the existing dilapidated boardwalk allowing access to occur in a manner which minimises environmental impacts whilst allowing the community to appreciate the function and ecological benefits of these wetlands. These features provide a significant community asset for education and wetland protection.

A rational merit assessment of the proposed Concept Plan scheme shows that the long-term functioning of the adjoining wetlands will not be diminished in any way by the provision of a 30 metre buffer in comparison to a 40 metre buffer. The reason merit assessment provisions for the CRZ and vegetated buffer are included in NOW's guidelines is to allow for a reasonable evidence-based assessment of whether, within a minimum setback of between 20 metres and 40 metres, the purposes of this setback zone is able to be achieved. These purposes are clearly able to be achieved within the 30 to 60 metre foreshore zone detailed in the Concept Plan scheme. The Concept Plan proposal represents a significant improvement on the existing site conditions, and on the long-term riparian functionality of the site should this scheme not proceed.

Consistency with Environmental Functions

Table 7 provides a summary of the consistency of the Concept Plan with the range of environmental functions of riparian corridors that are identified in the NOW guidelines.

Table 7 – Consistency with environmental functions of riparian corridors

Environmental Function	Concept Plan Proposal	Achieved?
Providing bed and bank stability and reducing bank and channel erosion	Embankment between the site and Woollooware Bay (erosion of which allows the release of unclean site fill) will be stabilised as part of the proposed Concept Plan.	Yes
Protecting water quality by trapping sediment, nutrients and other contaminants	Water from the site will be captured, treated and discharged from the site within the site area outside of the proposed foreshore setback.	Yes
Providing diversity of habitat for terrestrial, riparian and aquatic plants (flora) and animals (fauna)	Existing wetlands habitat will be preserved, rehabilitated and protected. The proposed foreshore setback will include native plantings where possible. Appropriate management plans established as part of detailed applications for development will ensure ongoing management and protection of these areas.	Yes

Environmental Function	Concept Plan Proposal	Achieved?
Providing connectivity between wildlife habitats	Habitat connectivity along the Woollooware Bay foreshore and to the tidal stormwater drainage channel will be protected. There is no natural habitat above the MHWL either within or in proximity to the Concept Plan site that could be connected to the foreshore setback in order to provide connectivity for wildlife.	Yes
Conveying flood flows and controlling the direction of flood flows	Flood flows from upstream in the catchment and including stormwater discharges from the Woollooware Golf Course will be controlled and treated where appropriate and discharged into Woollooware Bay. The Concept Plan proposes a significantly superior outcome in environmental terms to the present situation both on the Sharks sit and surrounding sites.	Yes
Providing an interface or buffer between developments and waterways.	The proposed foreshore setback provides an interface which appropriately manages and restricts human access to the wetlands in order to preserve the ecological functions of the waterway whilst also providing environmental education to the public on the importance of such ecosystems.	Yes

Structures and Uses within Foreshore Setback

Submissions by Council, NOW and the DPI raised concerns regarding the proposed location of stormwater infrastructure, recreational facilities and landscaping treatments within the proposed foreshore setback.

Within the proposed 30 to 60 metre foreshore setback, the Concept Plan scheme proposes to include a designated riparian zone immediately adjoining the existing wetlands (with potential to establish new salt marsh communities along the western foreshore), educational boardwalks, planted banks, a new children's playground, BBQ and picnic facilities, turf lawns and pathways (including shared path connecting Council's existing foreshore path). These uses have been amended in the Preferred Project Report (refer **Attachment J** and **O**) to provide for an improved structuring of uses within this space to provide for improved environmental protection whilst ensuring that the public foreshore remains an active and valuable public space. Key changes made in the PPR are:

- The foreshore path and associated landscape elements adjoining the residential precinct (seating, BBQ, shade canopy, playground etc) have been moved south (with the exception of two elevated timber boardwalks which connect the elevated educational pontoons) to be out of the 30m zone (from mean high water mark).
- A larger vegetated riparian buffer now exists between the foreshore park/residential precinct and mangroves. The vegetated buffer proposed will be a possible salt marsh (pending further investigation), however if this is not possible species will be chosen from the Swamp Oak Floodplain Forest ecological community.
- The foreshore path and associated landscape elements (retail courtyard, leisure breakout space, seating etc) have been moved south to be out of the 30m zone (from mean high water mark).
- A larger vegetated riparian buffer now exists between the retail entry and mangroves. The vegetated buffer proposed will be of the Swamp Oak Floodplain Forest ecological community.

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

Consistency in planning approach to Woollooware Bay

The Woollooware Bay foreshore area has seen substantial change over the past 5 to 10 years with a number of new developments approved by Sutherland Shire Council along Resolution Drive, Caringbah, Northumberland Drive, Caringbah and Mangrove Lane, Taren Point. New development along these roads (generally light industrial and warehouse uses) has been approved with a building line setback from the Mean High Water Mark (MHWM) generally between 20 metres and 30 metres, and in some instances less than 20 metres. In no instance has a 40 metre building line setback been imposed by Council on a new development along this foreshore, despite the fact that a number of these buildings have been assessed during the application of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. An overview of the existing approved conditions around the Woollooware Bay foreshore is depicted at **Figure 14**.

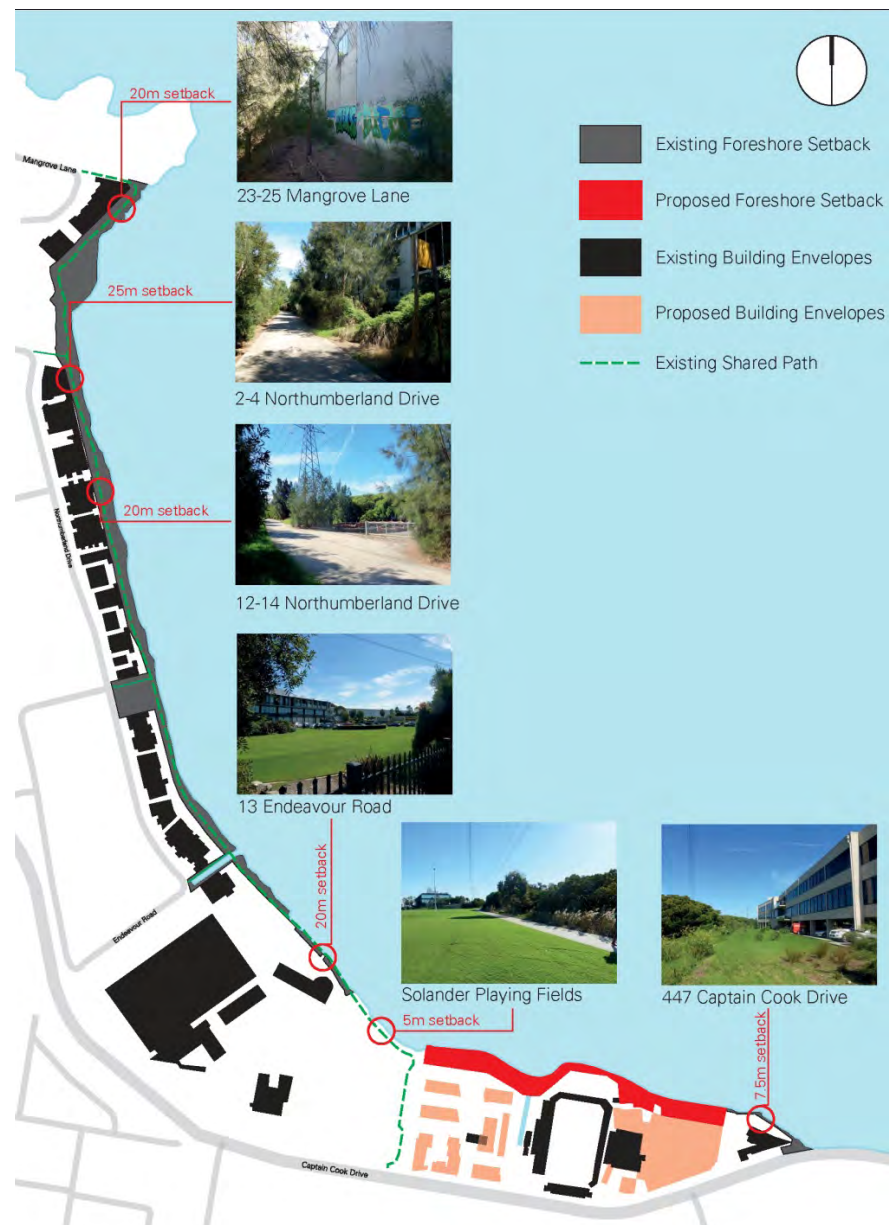
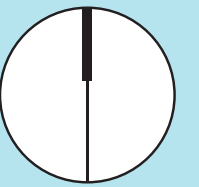


Figure 14 – Existing approved conditions around Woollooware Bay (see inset page for detail)



23-25 Mangrove Lane



2-4 Northumberland Drive



12-14 Northumberland Drive



13 Endeavour Road



Solander Playing Fields



447 Captain Cook Drive

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Cronulla Sharks 2009 – Deferred Development Consent (DA09/0243)

In August 2009, Council granted deferred commencement for a mixed use development on the eastern car park of the Sharks site comprising 138 residential apartments, a 150-room hotel, supermarket and retail shops and extension of the club with basement car parking across the site. The deferred commencement conditions related to traffic, landscaping and building design. As stated in the EAR, this consent is not considered to be commercially viable nor meet the Club's objectives.

The 2009 Development Application was Integrated Development and was referred to the NSW Department of Primary Industries (formerly NSW Fisheries), NSW Department of Water and Energy and NSW Maritime for concurrence. This development approval included approval of a SEPP1 Objection to reduce the setback from the 40m buffer specified under SLEP 2000. The approval permitted one residential building and the club terrace to encroach on the buffer by up to 9 metres. Further to the above, basement car parking was permitted under the approved plans to encroach on the 40m buffer by approximately 9 metres (B1 residential and retail) and approximately 7 metres (B2 retail). A number of other structures, including a shared pedestrian and cycle path and landscaped garden beds, were also approved within the landscaped buffer zones.

This development was approved by Council with consideration to the same planning controls which continue to apply to the site today. The current Concept Plan scheme proposes a far more comprehensive strategy to treat stormwater and discharge stormwater from the site, prevent uncontrolled access to and pollution of the wetlands and rehabilitation of the interface site interface.

Fitness First 2006 – Development Consent (DA/0293)

In 2006 Council approved the construction of the gymnasium adjacent to the Sharks site (Fitness First) located at 447 Captain Cook Drive. In the report (PLN120-06) to the Council meeting held on 20 March 2006 which approved the Fitness First development application, a building line setback of only 7.5 metres from the MHWM (see **Figure 15**) was supported by Council for the following reason:

"Discussions with NSW Primary Industries (Fisheries) revealed that the topographical constraints of the subject site afforded a lesser setback from MHWM than was the case with Sharkies. The subject site falls towards Captain Cook Drive and the amount and quality of stormwater runoff into Woollooware Bay can be controlled as opposed to the Sharkies Site where a vegetated buffer zone is required that filters runoff before it enters Woollooware Bay."

Notwithstanding the fact that the gymnasium site drains towards intertidal saltmarsh (an endangered ecological community listed under the *Threatened Species Conservation Act 1995*) which lies between Captain Cook Drive and the gymnasium building, it is noted that water quality was the primary factor considered by both DPI Fisheries and Council with regards to the foreshore setback in this instance. Council's report did not refer to any other factor which should be considered with regards to the riparian functionality of this foreshore setback, nor did it consider the provisions of the *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*.

It is noted that a Condition of Consent requiring the planting of 30 *Casuarina glauca* (Swamp Shea Oak) trees within the foreshore setback to the gymnasium has not been fulfilled nor enforced by Council. Council's report notes the presence of a 3 metre wide Right of Carriageway benefitting Council to allow for the future provision of a cycleway and shared path to be located within this 7.5 metre setback.



Figure 15 – 7.5 metre wide riparian zone to the north of the gymnasium building

Under the proposed Concept Plan scheme stormwater **will not** directly enter Woollooware Bay, and will instead be captured, treated on-site and discharged to the Bay indirectly via Captain Cook Drive and the tidal drainage channel. Stormwater will not be directed to flow overland into the Bay across the landscaped foreshore zone and as such this area is not required to provide any water treatment functionality, which was the previous rationale for the provision of a 40 metre setback under the site-specific LEP planning controls for the 2005 Sharks planning proposal and a reduced 7.5 metre setback for the adjacent gymnasium development. The Concept Plan scheme proposes a foreshore setback zone which achieves vastly improved riparian and ecological functionality along the length of the site's 500m foreshore frontage in comparison to the existing situation on the Sharks site and all other sites adjoining Woollooware Bay.

Whilst Council's assessment report for the gymnasium Development Application notes that "*the proposed health club development does not require the same level of Government Authority input [as the 2005 Sharks planning proposal] as it is a permissible land use within the zone*", the health club was subject to the same environmental planning instruments and policies as the 2005 Sharks proposal, and was referred to the NSW Department of Primary Industries (Fisheries) for comment as Integrated Development. DPI (Fisheries) supported the application in the approved form, and noted that:

Aquatic Reserves are declared in order to provide enhanced protection for marine fauna and habitats. Any development permitted to occur within or adjacent to an Aquatic Reserve must take into account the objectives of the Aquatic Reserve and ensure that the development or activity is managed in a way that results in no net medium or long-term environmental impact. Potential short term environmental impacts must be identified, mitigated and monitored during all phases of the development.

The Concept Plan scheme provides for a net improvement in the environmental quality and functionality of ecosystems within the adjoining Towra Point Aquatic Reserve in the medium and long-term in that the proposal will improve water quality, rehabilitate the waterway transition area, control and limit direct access to the wetlands and establish new natural ecological communities including intertidal saltmarsh. Short-term impacts will be carefully monitored and managed through further detailed ecological research to inform construction methodologies to be developed at the application for development stages. The proposal is consistent with the objectives for the declaration of Aquatic Reserves outlined in clause 194(2) of the *Fisheries Management Act 1994*, in that it will protect fish habitat and marine vegetation in the reserve through the improvement of water quality and controlled access and will facilitate new educational opportunities and activities through educational signage and sensitively designed pontoons and boardwalks.

In light of the above, it is clear that the Concept Plan scheme proposes a foreshore interface which is consistent with the relevant policies, guidelines and environmental outcomes and is vastly superior to nearby foreshore development recently approved by Sutherland Shire Council with the concurrence of the NSW Department of Primary Industries (Fisheries).

Woollooware Bay Shared Path and Cycleway Stages 2 and 3 – Development Consent (DA02/2146)

On 19 May 2006, Sutherland Shire Council granted development consent for a Council project involving the construction of Stage 3 of the Woollooware Bay foreshore cycleway/shared path. This development included Development Consent for the Foreshore Pedestrian and Cycleway Pathway and Boardwalk (Stage 3) was granted on 19 May 2006.

The Department of Primary Industries had no objections to the application even though the development fell within forty metres of the shoreline. The development of the cycleway and pathway was also seen to enhance the natural environment as it would involve revegetation of land which had been through environmental degradation.

On 19 May 2003, Sutherland Shire Council granted development consent for the construction of Stage 2 of the Woollooware Bay foreshore cycleway/shared path between Solander Fields and Northumberland Drive. This section of path included a concrete path with approximately 150 metres of boardwalk above a section of rehabilitated saltmarsh.

At several points along the foreshore the concrete shared path and cycleway is located within 5 metres of the MHWL. Council's assessment reports for both Stages 2 and 3 note that the structures were within the relevant foreshore building line, however this was considered acceptable as:

environmental impact of the development once it has been constructed is unlikely to be great as it is simply a pathway with surrounding native landscaping and is highly unlikely to contribute additional contaminants to Woollooware Bay (Stage 2)

The proposal is unlikely to have any detrimental environmental impact upon Towra Point Aquatic Reserve and Woollooware Bay as there is hardly any removal of vegetation planned. Rather, rehabilitation, restoration and revegetation with native species will decrease the amount of sediment and nutrients entering the bay. Restoration of the shoreline and banks will improve the ecological health of the bay and prevent destabilisation. (Stage 2)

Both applications were referred to the NSW Department of Primary Industries (Fisheries) as Integrated Development. DPI (Fisheries) raised no objections to either application.

Sutherland Shire Council's submission on the Concept Plan objects to the inclusion of a proposed cycle path (that links directly with Council's own foreshore path) within the proposed foreshore setback as it fails to comply with the site-specific planning controls established under LEP 2000. However, this objection fails to take into account the precedent which Council itself has established through the construction of a largely concrete path along the entire length of the Woollooware Bay foreshore to the west of the Sharks site to within 10m of the MHW. Council has not sought to increase the setback of this path in areas where a greater setback could have been readily achieved (e.g. by constructing the cycle path along the southern edge of the Solander Fields). Sutherland Shire Council's submission also fails to acknowledge that Council previously approved a variation to the site-specific LEP 2000 standard relating to the siting of cycle paths within the riparian buffer in granting the 2009 Sharks Deferred Development Consent, in which a cycle/shared path and landscaped areas were included within the 40 metre buffer. In light of this there is little justification provided by Council as to why the public cycle path proposed to be located within the Sharks site should be the only portion of the 1.7 kilometre cycle path around Woollooware Bay where a full 40 metre setback is required.

A photograph of the 'riparian setback' incorporating the Woollooware Bay Shared Path is shown at **Figure 16**.



Figure 16 – Shared path to north of Toyota facility between site boundary and Woollooware Bay

Endeavour Road, Caringbah – Modification Application (MA 06/0217)

On 5 May 2006, Sutherland Shire Council granted consent to a modification to the Toyota Motor Corporation facility which permitted the intrusion of an enclosed semi-outdoor pavilion extension to an office building to within approximately 20 metres of the MHW.

It is noted that the 'setback' from Woollooware Bay on this site includes hard landscaped areas, turfed lawns, a jogging and fitness track which extends to the northern property boundary and a 3-hole golf course. The portion of this setback closest to the Sharks site is shown in **Figure 17**. It is considered unlikely that this setback provides any significant riparian functionality. A narrow strip of trees along the northern property boundary provides visual screening of this area. Council's foreshore shared path and cycleway occupies the space between the property boundary and the MHWL, approximately half of which is provided as an elevated boardwalk and half of which is concrete.



Figure 17 – Setback from Toyota facility to Woollooware Bay foreshore

Northumberland Drive, Taren Point

Council's preliminary submissions states that the specific development referred to in the EAR on Northumberland Drive is the result of a 1997 industrial subdivision approval which established lots within 20 metres of the MHWL, and hence predating planning instruments such as the Georges River REP. The EAR included two photographs showing the northern property boundaries of recent development on Northumberland Avenue – Figure 33 of the EAR showing No. 12-14 Northumberland Ave, Figure 34 of the EAR showing No. 2-4 Northumberland Ave, with both photographs taken from Council's shared path.

On 2 April 2004 Sutherland Shire Council granted development consent (DA 03/1225) for an industrial development consisting of twelve industrial units at 12-14 Northumberland Drive, Caringbah (Figure 33 in the EAR). This site is located approximately 1,100 metres along the Woollooware Bay foreshore to the northwest of the Sharks site. Council records indicate this lot was created in 2003, and that the land was vacant at the time of the granting of development consent.

Council's assessment report reveals that a 2.5 metre landscaped setback was to be provided to the western property boundary (although parking hardstand extends to part of the property boundary). No reference is made to the distance to the MHWL in Council's report, save that as works are proposed within 40 metres of the MHWL an Integrated Development referral was required to the NSW Waterways Authority, who raised no objections and provided standard conditions of consent. It would appear that the distance between the approved buildings and the MHWL ranges between 20 and 30 metres, within which space Council has since constructed a concrete cycle/shared path that travels within 5 metres of the MHWL opposite the site and a gross pollutant trap. The assessment report for the industrial unit development did not consider the provisions of *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*.

On 25 September 2002, Sutherland Shire Council granted consent (IDA 013353) for an industrial complex of two separate buildings containing 14 factory units, a cafe and 3 warehouses at 2-4 Northumberland Ave, Caringbah (Figure 34 in the EAR). This site is located approximately 1,300 metres along the Woollooware Bay foreshore to the north-west of the Sharks site. The development consent provides for a 3.4 metre setback to the eastern property boundary, as a result of which both buildings are located approximately 20 to 30 metres from the MHWL.

The application was referred as Integrated Development to the NSW Waterways Authority who raised no objections. The assessment report for the industrial unit development did not consider the provisions of *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*. As with 12-14 Northumberland Avenue above, Council has constructed a concrete cycle/shared path within the space between the buildings and Woollooware Bay, with the path as close as 12 metres from the MHWL.

It is not entirely clear what development Council's submission is referring to with regards to a 1997 subdivision, however it is clear from the above that development consent for the erection of the buildings on the lots in question was not granted until 2002 and 2004. In both instances the approved setback to the MHWL was between 20 and 30 metres. The provision of a greater riparian buffer was not discussed within either planning assessment report, despite the provisions of the *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment* giving Council the power to require a 40 metre buffer to the MHWL for both developments. As outlined above, since the granting of these consents Council has also approved and constructed a cycleway/shared path within the foreshore setback area between these sites and the wetlands.

23-25 Mangrove Lane, Taren Point (DA02/2000)

On 20 March 2003 Sutherland Shire Council granted consent for the construction of an industrial building at 23-25 Mangrove Lane, Taren Point, which is located approximately 1,700 metres to the north-west of the Sharks site along the Woollooware Bay foreshore. This DA was referred to the NSW Waterways Authority, who raised no objections. Council's assessment report did not consider the provisions of the *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*, and the approved building sits approximately 20 metres from the MHWL. As with development along Northumberland Drive, Council has approved and constructed a cycleway/shared path within the setback between the approved building and Woollooware Bay, with the path located generally within 10 metres of the MHWL.

Shell Point Marina, Taren Point

DGRs were issued in August 2010 for a Concept Plan and Project Application for a proposal to expand and redevelop the Shell Point Marina at 15-21 Mangrove Lane, Taren Point involving an 80 berth pontoon style mooring, 140 space dry boat store and 30 industrial units. This site directly adjoins the Taren Point Shorebird Community and the Towra Point Aquatic Reserve. It is noted that in Council's report on the Department's request for DGRs, it was stated that the proposal *"is generally consistent with Council's long standing policy of encouraging development of a marine cluster at Taren point, being centred on Mangrove Lane"*. Council's position regarding this development (which extends into Woollooware Bay and physically affects an area that is far more environmentally sensitive in nature) on land directly adjacent to the Taren Point Shorebird Community is at odds with the requirements it wishes to enforce on the Sharks Concept Plan site.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

NOW's submission questioned whether the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (the REP) applies to the Concept Plan application. As noted by NOW, clause 21(21) of the REP identifies riparian buffers as a matter for specific consideration with regards to development on land within 100 metres of a wetland or river foreshore within the Georges River Catchment:

Whether the following specifications have been satisfied for the proposed vegetated buffer area:

- b) 40 metre minimum buffer width from the edge of the gorge or the top of the banks of the Georges River and its tributaries on freehold land that has not been previously developed or cleared,*
- c) 40 metre minimum buffer widths from wetlands identified by the National Parks and Wildlife Service and local council State of the Environment Reports required under the Local Government Act 1993,*

Whilst the REP is now a deemed SEPP, it is noted that clause 15 of the *Environmental Planning and Assessment Regulation 2000* (replicated below) states that a provision of a regional environmental plan does not have the same effect as the provisions of a SEPP for the purposes of Part 3A.

"15 REPs deemed to be SEPPs—interpretation

- (1) A provision of a regional environmental plan that becomes a SEPP on 1 July 2009 does not prevail over any other environmental planning instrument because the plan becomes a SEPP on that date if it would not have prevailed over that instrument before that date.*
- (2) A provision of a regional environmental plan that becomes a SEPP on 1 July 2009 does not have the same effect as a provision of a SEPP for the purposes of Part 3A of the Act if it would not have had that effect before 1 July 2009."*

As a result of the above clause, the Minister is not bound by the provisions of the REP and may undertake a merit assessment of the functionality and adequacy of the proposed foreshore buffer.

Clause 21(21) of the REP has been in effect since the commencement of the REP on 5 February 1999. Under the REP, the provisions outlined in clause 21 are matters for consideration by a consent authority when determining a Development Application prior to the carrying out of development.

As detailed above, JBA Planning has reviewed eight consents for development along the Woollooware Bay foreshore to the north-west of the subject site granted by Sutherland Shire Council between 2002 and 2009, during which period the REP was in force. All development consents which were reviewed varied the 40 metre minimum vegetated buffer width specified under the REP, with buffer distances accepted by Council being as little as 7.5 metres from the MWHM. None of the planning assessment reports prepared by Council for these applications (nor any correspondence from integrated referral agencies) referred to the provisions of the REP.

3.5 Ecological Impact

3.5.1 Key Issues Raised

General Public

Potential impact on or benefits to flora and fauna as a result of the exhibited Concept Plan application was raised in 1,238 submissions (26% of total) in support of the proposal and 799 submissions (17% of total) objecting to it. Submissions in support of the Concept Plan generally approved of the proposal on the basis of the significant foreshore upgrades including foreshore rehabilitation, new riparian areas and embankment stabilisation. These submissions considered the proposal to represent a substantial improvement on the existing situation and a superior environmental outcome compared to other developments in the area.

Submissions objection to the exhibited Concept Plan generally objected to the siting of the development in proximity to the adjacent mangrove wetlands, the Towra Point Aquatic Reserve, the Towra Point Nature Reserve, the Towra Point Ramsar site and the Taren Point shorebird community. Concerns were raised regarding the potential for both adverse impacts on nearby natural ecosystems during both the construction and operational phases.

Office of Environment and Heritage

OEH's submission raised concern regarding the preliminary nature of ecological information provided with the EAR, particularly with regards to bird surveys. OEH recommended the inclusion of a number of additional environmental requirements and new Statement of Commitments regarding further ecological surveys, management and mitigation plans to deal with construction and operational impacts.

Sutherland Shire Council

Council's submission raises a number of concerns similar to those articulated by OEH, and states that there has been inadequate investigation of biodiversity on the site's surrounds, and that detailed information and impact mitigation measures be included within the Concept Plan application.

Department of Planning and Infrastructure

The Department requested clarification as to whether any mangroves would be removed as part of the proposal.

3.5.2 Proponent's Response

The Landscape Concept Plan prepared by Aspect Studios (both exhibited and as amended at **Attachment N**) does not require the removal of any mangroves on the site or adjoining lands. The boardwalk has been located based on the site survey submitted with the Environmental Assessment Report (**Appendix C**), however should any discrepancies arise during detailed design then the boardwalk will be relocated further south so as to avoid the need to remove any mangroves.

Detailed ecological surveys of the site and its surrounds have been carried out following the lodgement of the Environmental Assessment Report in September 2011. Further targeted field surveys for birds, frogs and micro-chiropteran bats have been carried out by Eco Logical Australia in the period between November 2011 and February 2012, the results of which are included at **Attachment F**. These surveys were conducted during the spring and summer months, which is typically the period of greatest fauna activity within wetland ecosystems.

During the field surveys no migratory birds or threatened bird species were observed using either the site or the mangroves adjacent to the site to the north. Only the tidal mudflats in Woollooware Bay offer suitable foraging habitat for the migratory birds recorded in the region, and it is suggested that bird species roost away from the Concept Plan site at locations such as the Taren Point Shorebird community and the Towra Point wetlands. Based on the results of the current and earlier field surveys, Eco Logical has concluded that the Concept Plan site and the surrounding mangroves does not act as an important roosting location for migratory birds and the development is unlikely to have a direct impact upon the habitat used by migratory birds.

No frogs of any species, including the targeted Green and Golden Bell Frog, were recorded during the field surveys.

A further targeted survey for one threatened species of micro-chiropteran bat (the Large-footed Myotis) has been recommended by Eco Logical due to uncertainty in the results of the conducted surveys. This survey shall be carried out prior to the lodgement of any detailed application for development. Should this survey confirm the presence of this species roosting within the mangroves adjoining the site then specific management plans will be developed and implemented to prevent adverse impacts as a result of the proposed development. An appropriate Statement of Commitment has been included at Section 6.0 of this report.

3.6 Flooding and Stormwater Management

3.6.1 Key Issues Raised

General Public

Very few public submissions have raised flooding or stormwater as an issue, with less than 20 submissions objecting to the Concept Plan scheme on the basis that the development is located on land identified as being flood prone.

Department of Primary Industries – Fisheries

DPI-Fisheries notes that the detailed design of the Stormwater Concept Plan is implemented with the overall aim of reducing and treating stormwater flows from the site. The submission notes that further investigation of impacts regarding water quality and volumes on Towra Point Aquatic Reserve will be required at the detailed design planning application stage.

Office of Environment and Heritage

The NSW Office of Environment and Heritage (OEH) notes that detailed flood assessment should be undertaken at the conceptual stage in order to allow suitable arrangements for floodwater and overland flow to be adequately considered. To this extent, OEH has requested that detailed flood modelling be prepared prior to the development stage, including details of flood behaviours and hazards, impacts on the development and management strategies.

Sutherland Shire Council

Sutherland Shire Council recommends that a 900mm sea level rise benchmark by 2100 should be allowed in accordance with the NSW Government policy rather than the 410mm stated. Council also requires that a detailed hydrological model of the catchment showing pre and post development conditions be provided to justify the omission of On Site Detention (OSD).

Council's submission fully supports the inclusion of Water Sensitive Urban Design (WSUD) however states that insufficient detail is provided to demonstrate that design objectives and performance criteria can actually be met. Council further states that the Concept Plan should detail the amount of fill required to provide sufficient grades for the stormwater system. The submission indicates that the removal of mangroves from the tidal drainage channel could be supported by Council if required to improve floodwater movements.

3.6.2 Proponent's Response

The detailed design of stormwater management and treatment systems will be formulated within the overall framework of the Stormwater Concept Plan, and assessment of the systems at the detailed design stage will ensure that potential environmental impacts are appropriately addressed and mitigated.

The Concept Flooding and Stormwater Quality Assessment included in the EAR (Appendix K) included an assessment of the Concept Plan scheme based on existing flood modelling for the site. This assessment concluded that the impacts of the proposed Concept Plan scheme on flooding could be effectively managed through the expansion of the culvert beneath Captain Cook Drive and the provision of an overland flow path adjacent to the existing tidal channel, subject to detailed design. The detailed design of these management works will be prepared on the basis of detailed current flood modelling provided for assessment as part of the relevant future detailed applications for development.

The reference to the 410mm sea rise level in the Concept Flooding and Stormwater Quality Assessment included in the EAR was an error. The Concept Plan adopts a 900mm sea level rise benchmark by 2100, as was previously outlined in Section 7.13 of the EAR.

A number of Council's issues are not relevant at the Concept Plan stage, specifically the requirements for detailed design of site stormwater and WSUD measures, filling and grades of stormwater infrastructure, catchment and OSD models and detailed design and device selection of a stormwater trash rack. The current application is for a Concept Plan which seeks to establish development parameters and principles by which future detailed applications (including details of stormwater infrastructure design and construction methodology) for the development of the site will be assessed. The issues raised in these submissions are most suitably dealt with at the Project Application/Development Application stage.

3.7 Game Day Traffic and Parking

3.7.1 Key Issues Raised

Public Submissions

A number of submissions, both supporting and objecting to the Concept Plan scheme, recognise that there are existing local issues associated with parking overflow and traffic congestion during major events held at Toyota Stadium. Of the submissions received, 1021 submissions (21% of total) support the improvements to existing transport arrangements for Toyota Stadium, and note that the proposed park-and-ride scheme is similar to schemes provided at other suburban stadiums around Australia.

923 submissions (19% of total) object to loss of existing on-site game day parking or object to the establishment of satellite parking locations, particularly those at Wanda Beach and local schools.

Sutherland Shire Council

Council's submission raises concerns regarding the ability of the park-and-ride locations proposed in the *Game Day Satellite Parking Plan* to provide a regular and effective service, and states that the route and parking venues should be designed to avoid conflicting activities which may require alterations to the shuttle service.

NSW Department of Planning and Infrastructure

The Department requested clarification of the following issues:

- Response to Sutherland Shire Council's resolution not to support the proposed *Game Day Satellite Parking Plan*.

3.7.2 Proponent's Response

The Concept Plan scheme proposes to adopt a game day transport scheme which encourages spectators to either leave their cars at home or park locally and join local shuttle bus services included in the price of event tickets. The amount of parking currently provided on-site surrounding the stadium is unusual compared to other suburban grounds in Sydney, encouraging patrons to drive to the ground and reducing the attractiveness of other transport modes.

The *Game Day Satellite Parking Plan* identified a number of locations with formed parking areas as being suitable for satellite parking on game days, including Wanda Beach car park, Woollooware High School and Cronulla High School, and connections with public transport at Sutherland, Miranda and Caringbah. A number of submissions raised concerns with the suitability of these venues and the potential for conflict with other users of these parking areas.

A number of submissions (808, 92% of total submissions objecting on basis of this issue) objecting to the proposed game day parking arrangements were based on pro-forma letters which states that "*the extended travel times with buses, the hassle, and no doubt extra cost for families will turn the average Sharks supporter away. This would be almost impossible for families with young children*". Game-day shuttle buses, public transport and satellite parking arrangements successfully provide transport for thousands of spectators at a number of stadiums around Sydney. Satellite-parking shuttle bus services will be additional to existing services operating from Cronulla and Woollooware Rail Stations on game days, and will service other transport hubs including Sutherland, Caringbah and Engadine. As outlined in the *Game Day Satellite Parking Plan*, the cost of these services will be included in the price of admission to all major events held at Toyota Stadium. Sutherland Shire Council's submission on the exhibited Concept Plan states that:

The shuttle route and satellite parking needs to be of a reliable and constant nature. Patrons are then familiar with the service and more likely to use it. Where the route and/or parking location constantly varies depending on date/day/time of game or other conflicting activities then patrons are likely to become confused and less likely to use the service. Whilst there would be sufficient parking outside of conflicting times, the lack of constancy would seem counterproductive to the establishment and sustainability of the service.

The exhibited *Game Day Satellite Parking Plan* identifies over 1,100 potential satellite parking spaces that would all be serviced via the proposed game day shuttle services, that is well in excess of the number of spaces which will be lost as a result of the Concept Plan.

This surplus in satellite parking supply will ensure that even during periods of reduced capacity at the satellite parking venues there will still be sufficient game day parking available that is served by a reliable and constant shuttle route. The Club will play an active role in promoting the satellite parking venues, and there are numerous avenues of communication available by which to communicate any match-specific conditions which may restrict capacity at particular satellite parking venues, including point-of-sale information for ticketing; electronic communication to club membership; match advertising; and electronic billboards. In light of the above information it is evident that on-site parking lost as a result of the proposed development can be readily accommodated at the proposed satellite parking venues, even before accounting for the reduced parking demand as a result of the new shuttle service connections to local centres and public transport hubs.

The pro-forma submissions objecting to the Concept Plan also challenged the use of local school playing fields for private purposes, stating that “*we rely on our local school sporting facilities to be kept in good condition for sport, not parking*”. The exhibited *Game Day Satellite Parking Plan* makes clear that parking is not proposed on any playing fields at Woollooware High School, and that all satellite parking at schools and other locations would be provided in existing formed parking facilities or on formed asphalted surfaces at these locations. Any formal agreement to provide satellite parking at local schools will ensure that the school is appropriately remunerated for this access.

The *Game Day Satellite Parking Plan* makes clear that both the existing game day parking and traffic issues and the loss of on-site parking as a result of the Concept Plan scheme are capable of being appropriately managed in order to achieve a superior outcome for local residents and patrons of Toyota Stadium. This Concept Plan does not permit the carrying out of any works, and there will be no changes to existing on-site parking arrangements until the relevant development consent and construction certificate are issued. In light of this, the proponent will continue to refine and formalise game day arrangements within the framework of the *Game Day Satellite Parking Plan* in consultation with the Department, Council and the local community, with a final plan and the appropriate agreements to be in place prior to the issuing of any future construction certificate.

It should be noted that the overall redevelopment of the site is expected to occur in a number of stages over a period of several years as detailed in the Environmental Assessment Report, and that there will be opportunities to provide interim on-site arrangements which allow for an orderly transition from the present situation to the measures proposed under the *Game Day Satellite Parking Plan*. The staging of the project’s construction will provide a substantial transitional period in which defined areas of the site will be gradually closed for game day parking over several years. This transitional period will ensure that visitors to Toyota Stadium have sufficient time to change their transport behaviours and adapt to the new transport arrangements for the site.

Use of Council Sites for Satellite Parking

On 8 August 2011 Sutherland Shire Council considered a preliminary draft of the *Game Day Satellite Parking Plan* prepared by McLaren Traffic Engineering (dated July 2011) and resolved to not support the use of land owned or controlled by Council at Wanda Beach, Woollooware High School and Seymour Shaw Playing Fields for game-day satellite parking. The parking plan considered by Council at this meeting was preliminary in format and differs from the version of this report which was publicly exhibited from October 2011 as part of the Environmental Assessment Report (**Appendix J**).

In response to the issues raised in the Council resolution on the preliminary plan, the proponent reviewed the game day transport arrangements and made the following amendments:

- Strengthened public transport connections to reduce the need for local parking and instead emphasise a subregional transport approach for major events with connections to Engadine, Gymea, Menai, Sutherland, Caringbah and Miranda.
- Limited the proposed Woollooware High School satellite parking venue to formal parking and asphalt areas, rather than the earlier proposal to use playing fields for parking.
- Proposed use of vacant road reserve near Seymour Shaw Fields for 200 parked cars subject to further investigation and approval by the RTA and Sutherland Shire Council

Council's resolution on the preliminary version of this report did not have the opportunity to take these amendments into consideration. The *Game Day Satellite Parking Plan* is subject to ongoing discussions with all relevant stakeholders, and is a working document which will be required to be finalised as part of future detailed applications for development. The exhibited plan demonstrates that the loss of on-site game day parking as a result of the Concept Plan proposal is capable of being accommodated through a combination of improved public transport and satellite parking venues, and a Statement of Commitments included in the EAR commits the proponent to continue working in consultation with Sutherland Shire Council to achieve a final plan for game day parking and transport.

3.8 Ongoing Traffic and Parking

3.8.1 Key Issues Raised

Public Submissions

947 submissions supporting the application supported the traffic and transport arrangements proposed under the Concept Plan, whilst 1,335 submissions objected to the impact of additional traffic on local roads and intersections.

Sydney Regional Development Advisory Committee

The Sydney Regional Development Advisory Committee (SRDAC) considered the Concept Plan application at its meeting on 19 October 2011. The key points raised by the committee in their correspondence dated 22 November 2011 are:

- Committee supports the provision of only one set of traffic lights, and recommends the western retail site access be left-in, left-out only.
- Signals at the intersection of Captain Cook Drive and Woollooware Road should provide at least two right-turn lanes and one shared left/through lane for vehicles exiting the retail site. Revised SIDRA modelling shall be provided to the Roads and Maritime Service (RMS).
- The applicant is to provide an appropriate pedestrian crossing facility on Gannons Road south of Captain Cook Drive, and pedestrian fencing along the media of Captain Cook Drive between Woollooware Road and Gannons Road.
- The intersection of Taren Point Road and Captain Cook Drive is currently at capacity during the weekday PM period, and the Committee advises that this intersection should be upgraded to mitigate the impact of the development.

Further revised information and modelling has since been provided to RMS since the SRDAC meeting. Since this time, the Roads and Maritime's Network Operations department has confirmed that they have no issue regarding the provision of two sets of signalised intersections serving the retail/club component of the site.

Sutherland Shire Council

Council's preliminary submission raises concerns that the proposed residential parking rates for two bedroom units and visitor parking are below Council's DCP rate, and queries the parking rates used for the club, medical centre and leisure rates for the Club/ retail component of the site.

The submission objects to the potential for the Solander Fields public car park to be used informally for overflow parking by residents and visitors to the residential component of the Concept Plan site and displace recreational users of this facility. At the same time however, Council's submission observes that patrons of the Solander and Captain Cook playing fields currently use the private car park owned by Sharks because Council-owned car parks are unable to cope with demand during peak periods.

Council's submission supports the proposed site access/egress arrangements, including the provision of two signalised site access points and the upgrade and signalisation of the intersection of Woollooware Road and Captain Cook Drive.

NSW Department of Planning and Infrastructure

The Department requested clarification of the following issues:

- Inclusion of traffic generation estimates and assessment for the weekday AM peak;
- Clarification of the use of the proposed leisure facility to determine whether additional parking should be provided for this use; and
- Further justification for the parking in accordance with RTA guidelines for high density residential development and the rates for the medical centre, club and leisure centre.

3.8.2 Proponent's Response

Traffic Generation, Management and Safety

Following the SRDAC meeting on 19 October 2011, the RMS requested that additional modelling data be provided regarding the potential provisions of a single set of retail traffic signals. This modelling was provided to the RMS on 17 November, however this information was not reviewed prior to the release of SRDAC's letter. The data provided to the RMS demonstrates that the retail component requires the provision of two sets of traffic signals, and this has since been accepted by RMS. Council's preliminary submission supports the provision of two sets of retail signals and notes that the linking and coordination of the signal cycles will provide satisfactory traffic flow along Captain Cook Drive.

The final design of the eastern signalised intersection of Captain Cook Drive and Woollooware Road will be resolved at the Project Application stage, however it is evident that the intersection arrangements suggested by the SRDAC are capable of being achieved within the development framework established by the exhibited Concept Plan.

A new Statement of Commitment has been included at Section 6.0 which requires the applicant to install the required fencing and pedestrian crossing on Captain Cook Drive between Gannons Road and Woollooware Road.

Revisions to the exhibited Concept Plan scheme, and particularly the reductions to overall Gross Floor Area within the residential precinct, have resulted in substantial reductions in trip generation rates for the overall Concept Plan site of 12% during the Friday PM peak and 13% during the Saturday noon peak.

During the weekday AM peak period the residential uses are expected to be the primary trip generator with trip generation for the retail/club precinct being negligible. As such the overall trip generation for the Concept Plan site is expected to be substantially less than during the Friday PM and Saturday noon peak periods, and as such modelling of this period would provide little additional insight with regards to the impact of the proposed development on local traffic volumes.

A pro-forma letter formed the basis of 282 public submissions objecting to the Concept Plan scheme on the basis that:

“There is no room for the expansion of these roads, and the removal of the roundabout would worsen the traffic flow for this amount of cars. Imagine the impact when crowds arrive for both Saturday sport and Rugby League Games. This increased traffic will stop children being able to walk and ride bikes to Woollooware Public School, Woollooware High School and Cronulla High, as roads will be too dangerous for pedestrians. Surely our children deserve the opportunity to be able to walk to school?”

As outlined in the EAR and accompanying SIDRA analysis results indicate that the provision of signals will result in only 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 intersection 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.

The Concept Plan scheme will significantly improve safety for pedestrians in the vicinity of the site by providing new signalised crossings of Woollooware Road and Captain Cook Drive and an informal crossing on Gannons Road, representing a significant improvement on existing pedestrian facilities. The extension of the Woollooware Bay shared path will allow pedestrians and cyclists to avoid Captain Cook Drive for an additional length of approximately 500 metres. In light of this, it is clear that pedestrian and cyclist safety will be substantially improved by the Concept Plan scheme rather than reduced.

Impact on Local Intersections

SRDAC’s submission notes that the intersection of Taren Point Road and Captain Cook Drive is currently at capacity during weekdays PM period, and that this intersection should be upgraded. The contribution to delays at the junction of Captain Cook Drive / Taren Point Road associated with the proposed development are minor in comparison to the existing regional commuter traffic demand through this intersection. It is not equitable for the proponent of the proposed development to fund regional road improvements for a junction that is noted as being presently ‘at capacity’ and located two kilometres to the west the site (and hence not forming a direct frontage to the site which would potentially permit land be dedicated to improve capacity). This is particularly true in light of recent residential approvals to the east of the Sharks site which will also place additional traffic loads on this intersection. It is noted that the SRDAC submission does not require that this upgrade be undertaken by the proponent.

Council's submission and a submission by Toyota Motor Corporation (whose site directly accesses the Gannons Road/ Captain Cook Drive intersection) note that the existing roundabout of Gannons Road and Captain Cook Drive is *"already failing with respect to service levels in the PM peak period"* whilst recognising that there will be an increase in the overall delay period at this intersection. Council states that the solution to this issue is to signalise the intersection, and notes that *"it would seem unreasonable for the applicant to be lumbered with the full cost of constructing traffic signals at the intersection"*. Given that existing traffic conditions require the upgrade of this intersection irrespective of whether the Concept Plan scheme proceeds, it is not considered reasonable for the proponent to bear any of the costs associated with this upgrade (particularly given that further unassessed cumulative impacts are expected to further increase existing delays at this intersection in the near future as a result of new residential development to the east of the site).

The revisions to the exhibited Concept Plan, and particularly the reductions to the overall Gross Floor Area within the residential precinct have significantly reduced overall trip generation rates for the Concept Plan site as described above, and this reduction will result in corresponding reductions in the impacts on local intersections.

Parking Rates and Impact on Surrounding Sites

The proposed residential parking rates for two bedroom units are consistent with the rates contained in the *RTA Guide to Traffic Generating Developments*. Council correctly notes that these are based on good access to public transport, which will be provided to the site through the provision of a new public bus service (and interim measures funded by the proponent if required as detailed at Section 3.8). As such the provision of 1 space per 2-bedroom unit is considered suitable. The proponent has increased the proportion of visitor parking available to 1 space per 6 apartments (from 1 space per 8 apartments) in order to provide additional spaces for visitors to the residential precinct.

State government policy on the need to manage car parking supply is both well established and very specific on the issue of managing car parking supply and public transport to reduce car dependency. *Improving Transport Choice – Guidelines for planning and development* (NSW Department of Urban Affairs and Planning; Transport NSW; RTA, 2001) states that:

Prominent, plentiful, cheap and unrestricted parking encourages people to drive; public transport becomes a less attractive alternative... Control of parking is an effective tool in managing the demand for travel. Consideration needs to be given to:

- *reducing parking requirements for development in areas with good public transport*

Similarly, the *Development & Active Living: Designing Projects for Active Living – A Development Assessment Resource and Navigation Tool* (NSW Premier's Council for Active Living, 2010) guidelines state that there should be a reduction in off-street parking supply in areas with good accessibility to public transport for residential flat buildings. One of the key principles identified to promote walkable centres under the *Draft Centres Design Guidelines* (Department of Planning, 2011) is to:

Manage the location, supply and availability of parking to support walking, cycling and public transport access to major urban centres. Limit car parking in locations that are highly accessible by public transport.

The Concept Plan scheme is proposing an integrated new Town Centre which seeks to promote public transport and reduce car dependency. Future residents of the town centre will be located within close walking distance of retail services, leisure, sporting and entertainment facilities, a medical centre and high-quality public open space embellished with connected pedestrian and cycle paths. A public bus service (eventuating from a transitional private service) will provide residents of both the Sharks site and surrounds with direct and frequent access to nearby centres and major transport nodes, making the site highly accessible by public transport. In this context there is a clear rationale to reduce the car parking rates from those contained in Council's generic DCP rates for residential flat buildings in order to promote public transport use and reduce car dependency within the new centre.

703 submissions received (55% of total submissions objecting on this issue) were based on pro-forma letters which object to the reduced parking rates, stating that:

The proposition includes just over 1.2 parking spots per unit, however as this complex is not in walking distance of a train station the average car ownership will be one car per person, per dwelling. This would be result in 2 - 4 cars per unit.

The parking demand identified in this submission is unprecedented for any medium-high density residential development in Sydney. Average car ownership of one car per person is not consistent with residential rates for any dwelling type within the Shire. The Concept Plan scheme proposes residential parking rates which comply with the relevant rates specified by the *RTA Guide to Traffic Generating Development* on the basis that the proposed development will be serviced by a new public bus service. In addition, it is noted that Transport for New South Wales' submission considers that the Concept Plan site *is* within walking distance of Woollooware Station.

Parking rates for the retail component and the medical centre have been developed in accordance with the rates specified by the *RTA Guide to Traffic Generating Development*. These rates take into account the parking demand generated by the different uses located within this component of the Concept Plan site, and in the absence of local DCP rates for the specific uses in question factor in local factors such as the potential for multi-purpose visits to the centre and Council's policy of reduced car parking rates in centres serviced by public transport.

It is considered that suitable parking management arrangements can be established as part of future detailed applications to ensure that capacity in Council car parks is not impacted by resident or visitor parking. Whilst it is noted that members of the public may use the Sharks site for overflow parking from Solander Fields and Captain Cook Oval during the weekend sport seasons, this is private land and this arrangement has not been sanctioned by the Club nor formalised through any agreement with Council.

Leisure centre uses within large shopping centres are not considered to generate parking demand in their own right as they tend to trade off shoppers already within the centre for other purposes. They typically exhibit low staffing levels and their customers are the children of adult shoppers.

3.9 Public Transport and Access

3.9.1 Key Issues Raised

Public Submissions

1,075 public submissions (95% of submissions on this issue) support the provision of new public transport to the area, with 937 submissions based on a pro-forma letter stating:

The plan will bring additional buses to the northern beaches of Cronulla which are harder to get to by public transport and reduce reliance on personal vehicle use both on game days and throughout the year.

56 submissions object to the concept plan scheme on the basis that the site is not sufficiently serviced by public transport, or that the proposed public bus service will not be sufficient. A number of these submissions state that the perceived shortfall in public transport will result in parking problems at local train stations.

Sutherland Shire Council

Council's preliminary submission object to the development as "*the out of centre location lacks public transport and support services*". The submission notes that walking has the highest mode share for trips less than two kilometres within the Shire, however states that due to the site being located further than 800m from Woollooware Station residents are more likely to drive to Woollooware or nearby stations and park. Council also suggests that based on existing data the high mode share of walking and the low mode share of bus services for trips less than 2 kilometres is likely to result in low patronage of any proposed bus service to Woollooware Station. Council's submission states that "*factors such as bus frequency, cost, travel time and mode transfer are likely to limit the use of bus services*".

Transport for NSW

Transport for NSW's (TfNSW) submission states that funding cannot be committed for the potential bus service at present, however may be considered under the TfNSW rolling four-year review of growth bus funding. Previous discussions with Transport NSW and their correspondence with the proponent (**Appendix M of the EAR**) confirm that the introduction of a new service has in-principle supported from TfNSW. The introduction of a temporary shuttle bus should be considered until such a time when a public bus service is introduced.

TfNSW also recommends that, given that the site is located within walking and cycling distance of Woollooware Station, these modes of travel could play a more significant transport role for the development beyond recreational cycling.

NSW Department of Planning and Infrastructure

The Department requested clarification of the following issues:

- Clarify if the TMAP is based on the provision of a new bus service and what level of service is provided; and
- Discussion of the implications should no public bus services be provided to the site.

3.9.2 Proponent's Response

Access to and Patronage of Public Transport

A number of public submissions, including Sutherland Shire Council's preliminary submission, objected to the Concept Plan scheme on the basis that there is currently inadequate public transport servicing the area. As detailed in the *Traffic Management and Accessibility Plan* (TMAP) and the EAR, the Concept Plan scheme includes a sufficient mass of trip-generators to act as the catalyst for the provision of new public transport to the site and its surrounds. In light of this, it is not appropriate to assess the development on the basis of what transport is currently available to the site, but instead what public transport will be available on operation/ occupation of the site. TfNSW's submission notes that the site *is* within walking distance of the station. Whilst Council has based their assessment of the patronage of a new bus service on current transport mode shares across the Shire, this data is based on existing conditions across the entire Shire and fails to take into account the factors specific to this development such as the proposed dwelling mix, parking rates and new public transport, cycling and pedestrian infrastructure, all of which have been considered in detail in the TMAP.

It should be noted that whilst the Concept Plan scheme will generate the demand required to catalyse a new bus route servicing the site, the route will also benefit residents of Woollooware, North Cronulla and Caringbah and will represent a net increase in public transport services available to the community.

Council's submission raises concerns that the potential for containment of trips for shopping and recreation within the subject site may reduce the viability of the proposed bus route, however demand modelling incorporates this potential, and indicates that irrespective of this issue the retail component of the Concept Plan scheme will generate sufficient demand for public transport to sustain a bus service in its own right.

Provision of Public Bus Service

The proponent notes that TfNSW is unable to commit to the provision of a public bus service at this time, as the Concept Plan scheme is not approved and occupation of the retail and residential components of the site are outside of the agency's four year funding cycle. It is anticipated that the funding of a public bus service to the site will be considered more fully by TfNSW following the determination of this Concept Plan application and closer to the commencement of works. The proponent has met with Veolia Transdev Australasia (the local service provider for public bus routes) regarding the potential extension of existing bus routes in the locality, who have provide favourable feedback regarding the feasibility of such a service.

The staged construction of the Concept Plan scheme means that demand for public transport will grow as construction ramps up and various components of the New Town Centre are occupied. During this period the proponent will implement and fund a shuttle bus service between the site and Woollooware Station until there is a sufficient mass of activity on the site to warrant the implementation of the full public bus service.

The proponent will continue to engage with TfNSW to ensure the timely and appropriate provision of a public bus service. In order to ensure that no service gap occurs between the commencement of a public bus service and occupation of the retail, club, medical and leisure component of the site, a new Statement of Commitment is provided at Section 6.0 of this report under which the proponent shall fund a shuttle service to Woollooware Station until such a time as a public bus service can commence. In light of this it is entirely reasonable for the TMAP to be based on the provision of this service, and it is not necessary to consider the implications of a bus service not being provided.

3.10 Open Space and Western Training Fields

3.10.1 Key Issues Raised

Public Submissions

1,066 public submissions support the proposal to provide a new public foreshore park and shared path/ cycleway connection as part of the proposed Concept Plan scheme. In particular, many submissions supported the proponent's inclusion of an accessible children's playground and the educational boardwalk/pontoons to increase community awareness of the role of the wetlands.

429 submissions objected to the proposed development on the basis of the 'loss' of the western training fields. These submissions opposed the loss of the football training fields for community use, whilst a number of submissions opposed the proposal to relocate the Cronulla Caringbah Juniors to upgraded facilities at Cronulla High School.

Sutherland Shire Council

Council's preliminary submission notes that *"the residential development is located upon the Cronulla Caringbah Junior Rugby League grounds."* The submission states that Council was also interested in pursuing a community use agreement for Cronulla High School, and that the result of the proponent pursuing this agreement with the Department of Education will be that a local issue will be solved but that there will be no net increase in the number of available playing fields within the Shire.

3.10.2 Proponent's Response

The western training fields are private open space owned by the Cronulla Sutherland Leagues Club and used primarily as a warm-up and training field for the Club's NRL and other senior teams. As part of the Club's commitment to local junior sports, the western training fields are made available free of charge to the Cronulla Caringbah Junior Rugby League Club on Saturday mornings during the winter football season for competition games. At all other times, the playing fields are fenced off and public access is not permitted.

The western training fields are private property, not public open space, and have been so for more than 40 years. At present there is no public open space provided within the subject site. A pro-forma letter objecting to the development used in 3% of all public submissions states that *"these fields were purchased from the Council on the proviso that they would always be used for this purpose"*. This statement is incorrect. No such restrictions on title were imposed on this land by Council when they were sold to the Leagues Club in the late 1960s.

In light of the above, the only persons directly affected by the development of the training fields will be the members of the Cronulla Caringbah Juniors. The proponent has addressed this through a Statement of Commitment which ensures that new facilities will be provided for the Cronulla Caringbah Junior Rugby League Club at the upgraded Cronulla High School facility prior to the commencement of works for the residential component. As such, the redevelopment of the training fields will not result in any adverse impacts on the community in terms of open space, and will in fact result in a net benefit to the Cronulla Caringbah Juniors through the provision of an improved club facility.

It is noted that whilst Council's preliminary submission declares Council's own plans to enter into a community use agreement with Cronulla High School, Council's resolved at its meeting on 23 August 2010 to transfer the remainder of funds allocated for potential community use of Cronulla High School to the infrastructure accounts of other local school sites following failure to negotiate access to the site in a timely manner. Whilst no formal agreement has been reached between Cronulla High School and the proponent, a Statement of Commitment has been included which requires the Club to consult with the relevant parties to facilitate the transfer of the Cronulla Caringbah Junior Rugby League Football Club to appropriate new facilities prior to the commencement of works on the existing training fields. As such the existing facilities will be available to the Cronulla Caringbah Juniors until appropriate arrangements are in place. The details of the proposed arrangements are outlined in Section 7.8 of the Environmental Assessment Report.

As detailed in the EA, the Concept Plan scheme proposes the establishment of a new high quality public open space along the length of the site's northern foreshore to Woollooware Bay, and it is noted that there has been widespread community support for this element of the development proposal. This area will incorporate hard and soft landscaped open space, an inclusive children's playground designed in consultation with the Touched By Olivia Foundation, BBQ and family recreation areas, shared pedestrian and cyclist paths, educational signage safeguards to ensure the protection of the adjoining wetlands, and stormwater infrastructure to substantially improve the quality of water entering the Bay. In particular, the shared cycle path will complete the existing Woollooware Bay foreshore path and provide unrestricted public access to this open space. This space will be a significant community asset for all members of the Shire to enjoy, and will be well utilised as a result of strong integration with the other proposed used within the overall Concept Plan scheme.

Council's submission raises concerns that proximity of the residential component of the site to Solander Fields may cause adverse amenity impacts as a result of noise, lighting and traffic associated with organised night-time sports training and weekend competitions. Council raises its concerns that these amenity impacts may create pressure to scale back the usage of these fields. Prospective purchasers and tenants of the proposed apartments will be fully aware of the site's proximity to open space areas such as the Solander Fields, and will be able to make an informed decision with recognition of any potential impacts. It is considered however that the clear benefits associated with location housing close to recreation and open space facilities significantly outweigh any potential negative impacts.

3.11 Community Benefits and Club Identity

3.11.1 Key Issues Raised

1,490 submissions supported the community benefit provided by the Concept Plan scheme through the appeal of entertainment, dining and recreational opportunities provided by the upgraded Club and retail centre, and supporting the continued significant contribution the Club makes to local sporting and community organisations.

66 submissions objected to the Concept Plan on the grounds that the financial situation of the Club is not a relevant matter for consideration and that the costs associated with saving the club outweigh the benefits provided.

3.11.2 Proponent's Response

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. The Club is a major contributor to local charities, community organisations and local business, and employs 159 staff of whom 134 reside within the Shire. 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 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 better reflects the Club's strong existing community ties whilst meeting the needs of the local community, whilst simultaneously securing the Club's long-term financial position.

A number of public submissions object to the Concept Plan scheme on the basis that the financial situation of the Club should not be a matter for consideration in the assessment of any future development of the subject site. The assessment of this application is however bound to consider the social implications of the proposed development, which includes the substantial community benefit provided to the club in the form of its active involvement and support of local sporting and community groups, financial support of local charities and community organisations and the broader community association with the 'Sharks' identity. These benefits are outlined in detail in the *Social Impact Assessment* provided at **Appendix W of the EAR**, and have not been addressed in Council's preliminary submission.

The design and development parameters established under this Concept Plan application have not been based simply on a financial yield required to resolve the Club's budget issues, but instead reflect the Club's broader role as a significant community and sporting institution. The holistic vision for the site has stemmed from the key project objectives established by the Club's Board:

- develop 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.

These objectives have guided the project design of a vibrant and sustainable new town centre within the Shire which meets the needs of the local community and of future residents.

3.12 Other Issues

There were a range of other issues raised in a small number of submissions. In all about 6% of public submissions raised issues which were not able to be categorised into one of the issue categories above. The most relevant of these issues are addressed below.

3.12.1 Aboriginal Cultural Heritage

OEH's submission notes that the geotechnical studies have confirmed that natural ground levels have been maintained beneath the extensive cover of fill extending across the site. OEH advises that if natural ground below the level of fill is sand dunes, then there is a high probability of Aboriginal objects being present which would be affected by the proposal. Historical information confirms that the natural ground below the levels of fill are marsh/swamp lands and would not have been suitable for occupation in the past, and as a result the potential for associated Aboriginal objects is negligible. A new Statement of Commitment is provided at Section 6.0 of this report which commits the proponent to undertake further archaeological evaluation of subsurface conditions as part of further geotechnical investigations required at the Project Application/ Development Application stages.

3.12.2 Acid Sulfate Soils

OEH's submission recommends that the Acid Sulfate Soils Management Plan (ASSMP) be prepared at the Concept Plan stage as there is a significant environmental risk associated with the "high probability" classification if ASS materials are disturbed by activities such as shallow drainage, excavation or clearing. OEH's submission states that the purpose of the ASSMP *"is to ensure that potential impact on building materials and infrastructure as well as potential run-off of acid into sensitive environments is managed and avoided at the planning stage"*.

This approach is not consistent with the *1998 NSW Acid Sulfate Soils Planning Guidelines* (produced by the then Department of Planning and Urban Affairs with input from NSW Fisheries, Environment Protection Authority and the Department of Land and Water Conservation to complement the *1998 NSW Acid Sulfate Soils Assessment Guidelines*), which identifies a clear two-step assessment process for land identified as having a probability of acid sulfate soils. Assessment of LEPs and spot rezonings (which is the most comparable level of assessment to a Concept Plan application) should consider any existing management plan or environmental studies, the extent of acid sulfate soils and the capacity of the land to sustain the proposed land uses. Under the guidelines the requirement for an Acid Sulfate Soils Management Plan is not triggered until the detailed development application stage.

The Concept Plan application satisfies the assessment guidelines for spot rezonings and does not permit the carrying out of any works. As such it is considered that the appropriate stage to carry out the preparation of this plan is during the development of detailed construction methodologies and management plans at the Project Application/ Development Application stage. An appropriate Statement of Commitment is included in the EAR.

3.12.3 Contamination

Sutherland Shire Council's preliminary submission notes that further detailed investigation of site contamination is required to identify the nature and extent of site contamination. Subject to detailed design, the proposed development will be constructed on piles and as a result there will be no significant excavation and no access to the underlying soil. Detailed site investigations will be prepared as part of the relevant applications for development and will guide detailed management and mitigation measures to be implemented during future works and ongoing site operations, including the management of any gas emissions from subsurface organic matter.

3.12.4 Electromagnetic Radiation

Magshield Products (Australia) International has provided a letter of response to the issues raised by Ausgrid and Sutherland Shire Council regarding electromagnetic radiation, which is included at **Attachment G**.

Ausgrid's comments on the Concept Plan application state that the Electromagnetic Radiation Report did not address ARPANSA's *Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0Hz- 3kHz* (7th December 2006). Magshield advises that the standard referenced has been in draft format for over five years now and according to official industry news will not be adopted as an Australian Standard.

Council's submission notes that the proposal complies with the relevant guidelines but states that *"while the science of the relationship between EMF and health impacts is uncertain it is prudent to apply the precautionary approach and minimise exposure where possible. The most viable solution is to remove the residential tower blocks D and H and use the land as additional landscaped recreation area"*. Given that the relevant international guidelines have already been formulated on the basis of applying the precautionary principle, it is considered that the application of a further and arbitrary requirement as suggested by Council is not appropriate.

Council's submission states that *"it is considered that the electric field calculations contained in the consultant report do not accurately reflect likely exposure"* and requests additional modelling be conducted. The Electromagnetic Radiation Report submitted with the Environmental Assessment Report has been prepared by leading Australian experts in this field, whilst Council's report provides no scientific basis for their comments.

The preliminary submission by Council raises concerns regarding potential stress related to the visual and audible presence of the transmission lines in proximity to buildings D and H. Potential purchasers of dwellings within these buildings will be fully aware of the presence of the transmission lines.

Ausgrid's submission recommended a number of conditions relating to the construction phase of the development, which can be appropriately conditioned as part of the assessment and determination of the relevant Project Application/ Development Application.

3.12.5 Part 3A Declaration

One submission raised concern that the land owned by Sutherland Shire Council does not form part of the land which the Minister declared Part 3A to apply to, and as a result may not form part of the Concept Plan application. This is a technical matter as the Minister's declaration relates to a primary street address (461 Captain Cook Drive, Woollooware) and does not identify specific Lot and DP references for parcels of land comprising the site which do not have a formal street address.

The proposed works within the Council-owned lots constitute "related development" within the meaning of section 75B(3) of the *Environmental Planning and Assessment Act 1979* (being foreshore access and rehabilitation within the interface between Woollooware Bay and the Sharks land and intersection upgrades to facilitate vehicular access to the proposed retail/club precinct) and the Minister's declaration is not "limited" under section 75B(4) of the Act. As such the Minister will be able to determine the Concept Plan application including the related works on the Council-owned lots. Land owner's consent has been provided for the inclusion of these lots within the Concept Plan by Sutherland Shire Council.

4.0 Project Update

4.1 Consultation

Public Consultation

The Concept Plan application was publicly exhibited by the NSW Department of Planning and Infrastructure for a period of two months between 5 October 2011 and 5 December 2011, with copies of the Environmental Assessment and accompanying documents available at three locations, being:

- NSW Department of Planning and Infrastructure, 23-33 Bridge Street, Sydney;
- Sutherland Shire Council, 4-20 Eton Street, Sutherland; and
- Cronulla Central, 38-60 Croydon Street, Cronulla (3D model also displayed).

All relevant exhibition documents were made available on the NSW Department of Planning's website for the duration of this period.

As described at Section 2.0 of this report, a total of 4,813 submissions were received from the general public, of which 2,695 were in support of the development, 2,099 were opposed and 19 were neutral.

Further Consultation

During and subsequent to the public exhibition the proponent has undertaken further consultation with key agencies and interested parties to clarify the issues raised in submissions and further articulate the details of the Concept Plan proposal. This consultation has included further meetings or discussions with:

- Department of Planning and Infrastructure;
- NSW Department of Education;
- Adjoining landowners;
- Cronulla and Woollooware High Schools;
- Cronulla High School P&C; and
- Veolia Transdev Australasia.

In addition, the proponent has held a number of public information sessions and community stalls at the club premises, Cronulla Mall, Gymea Spring Fair and Burraneer Bay School Fair.

The proponent and key members of the project team presented to Sutherland Shire Councillors on 28 November 2011 regarding the project and the key issues raised by Council staff in their preliminary submission.

4.2 Project Timing

Subject to the timely assessment and determination of this Concept Plan application, the proponent envisages the lodgement of the Project Application for the new retail, club, leisure and medical centre in the third quarter of 2012.

5.0 Preferred Project

In accordance with its commitment to address the concerns of the Department of Planning, Sutherland Shire Council, other government agencies and the general public, Bluestone Capital Ventures No.1 has modified its proposal.

The masterplan and architectural drawings of the revised development have been prepared by Scott Carver and Associates (**Attachment L**) and Turner and Associates (**Attachment M**). In addition, amended Landscape Concept Drawings have been prepared by ASPECT Studios (**Attachment N**).

5.1 Description of Final Development Proposal

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;
- Concept apartment mix and minimum apartment sizes;
- Concept layout of Neighbourhood Retail, Medical and Leisure Centre;
- Concept 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.

Whilst the project will be developed as three general 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.

Stages 1 and 2 have been dealt with in considerable detail in this Concept Plan application as they relate to the short to medium-term development of the site, allowing for development controls to be established which will remain relevant to detailed applications for development which shall be submitted in the foreseeable future. Stage 3, which relates to the ongoing improvements to Toyota Stadium and the associated facilities, refers to longer term works by the Club which are conceptual at this stage, and will be developed in greater detail as the needs of the new town centre and the Cronulla Sutherland Leagues Club and NRL team evolve. Whilst the specific development controls and built form for Stage 3 are not fully detailed at this time, this Stage is included within the Concept Plan application to provide for an overarching framework for the development of the entire site into an integrated and sustainable new town centre.

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 submitted progressively over a number of stages.

The Concept Plan proposal is described in full at Section 3.0 of the Environmental Assessment Report. **Table 8** identifies the key parameters for the Concept Plan application as revised, and where they are addressed in detail in the Environmental Assessment Report dated September 2011 and the Preferred Project Report dated March 2012 report and accompanying documentation. **Figures 18, 19 and 20** show the overall site masterplan, the indicative residential precinct floorplan and the concept retail/club precinct Level 2 floorplan respectively.

Table 8 – Key development parameters

Key Parameters		Section of EAR	Amended in Section of PPR	PPR Attachment
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	N/A	K
Maximum GFA	▪ 83,145m ²	3.5.1	5.2.3	L and M
Building Envelopes	▪ Height s ranging from 2 to 14 storeys (including podium) ▪ Minimum 30m setback to Woollooware Bay	3.6 and 3.7	5.2.1 and 5.2.2	K
Indicative Apartment Mix and Sizes	▪ 1 bed – 25% to 35%, min. 50m ² ▪ 2 bed – 50% to 65%, min. 70m ² ▪ 3 bed – 5% to 15%, min. 95m ²	3.7	5.2.1	M
Indicative Layout of Stage 1 site	▪ Indicative layout of club, retail, medical and stadium facilities.	3.6	5.2.2	L
Indicative Open Space	▪ Large new foreshore park adjoining Woollooware Bay, public domain work	3.8	5.2.4	N

Key Parameters		Section of EAR	Amended in Section of PPR	PPR Attachment
Transport	<ul style="list-style-type: none"> Site access points and traffic signals Parking rates Indicative game day parking New cycle path extension along Woollooware Bay Pedestrian facilities 	3.9	5.2.6	C
Water Cycle	<ul style="list-style-type: none"> Stormwater and flooding concepts WSUD measures 	3.10	N/A	N/A
Infrastructure & Services	<ul style="list-style-type: none"> Water Sewerage Gas Electricity 	3.11	N/A	N/A
Project Staging	<ul style="list-style-type: none"> Indicative staging of works. 	3.12	N/A	N/A
Sales and Marketing	<ul style="list-style-type: none"> Approval of land use, with details of location/size to be provided at detailed application stage. 	3.4	N/A	N/A
Approvals Framework	<ul style="list-style-type: none"> Concept Plan –Part 3A Stage 1 –Project Application Stage 2 – Development Application Stage 3 – Development Application 	3.13	N/A	N/A
Developer Contributions	<ul style="list-style-type: none"> VPA to be negotiated with Sutherland Shire Council 	3.14	N/A	N/A
Subdivision	<ul style="list-style-type: none"> Superlot subdivision approval under s.74P of the EP&A Act 	3.15	N/A	N/A

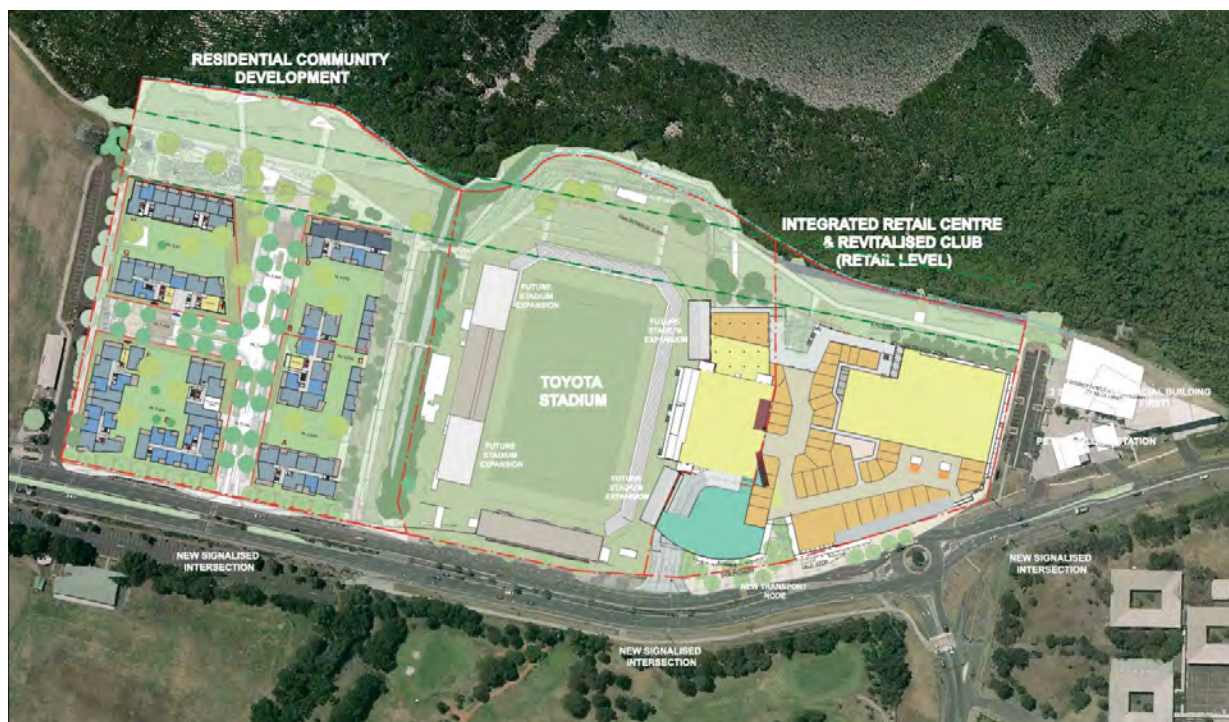


Figure 18 – Overall site Concept Plan scheme



Figure 19 – Amended Residential Concept (preliminary floorplan)

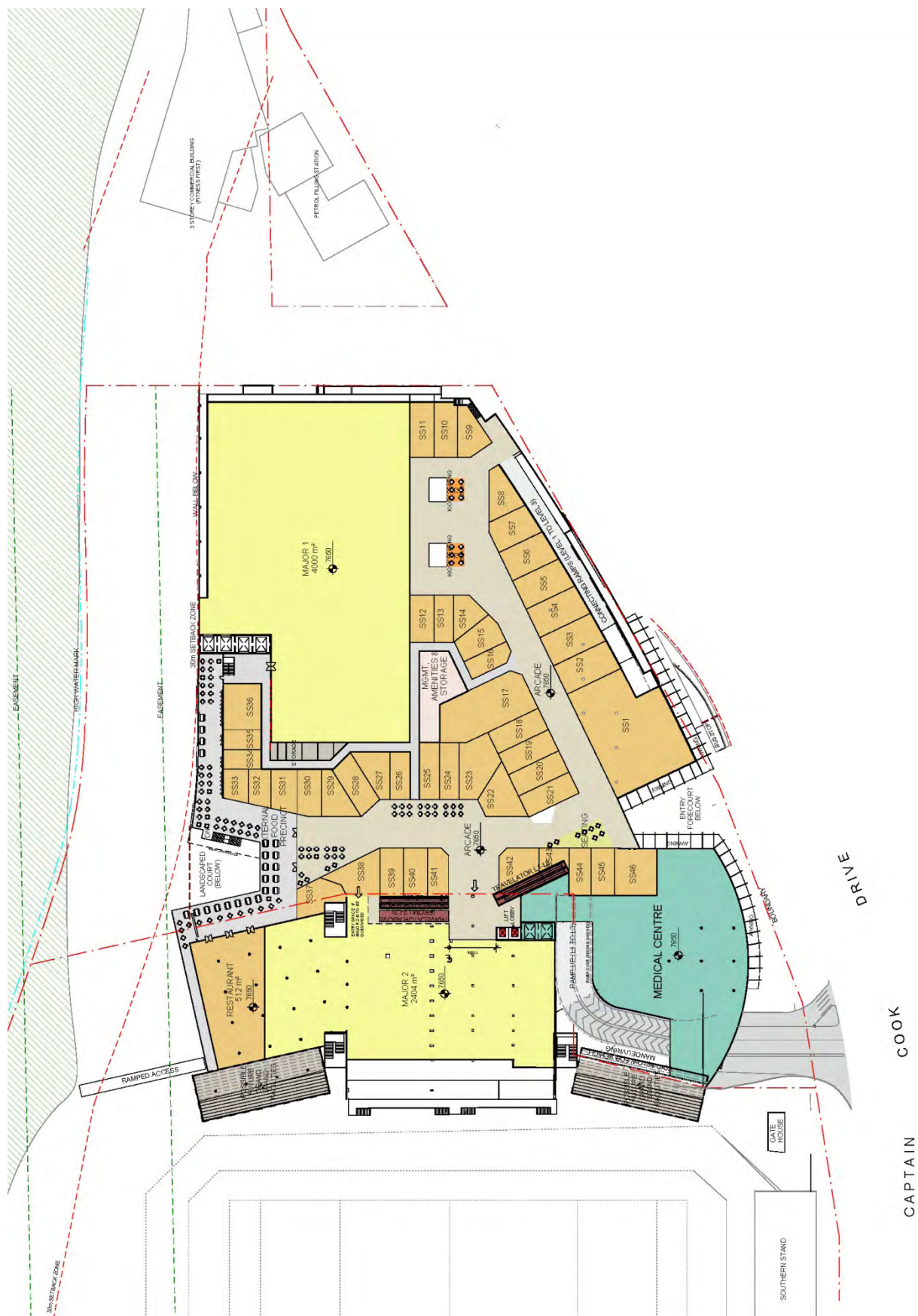


Figure 20 – Amended Retail Centre (indicative Level 2 floorplan)

5.2 Key Changes to Exhibited Concept Plan

In refining the exhibited Concept Plan application, the proponent has considered all submissions received from the general public, community organisations, NSW Government agencies, Sutherland Shire Council and advice from the NSW Department of Planning and Infrastructure. In brief, the key amendments to the proposed scheme are as follows:

- Reduction in residential building heights and amended building footprints;
- Reduction in the amount of residential floorspace;
- Reconfiguration of layout for retail, club, and parking uses within town centre;
- Resultant amendments to total developable floor area; and
- Layout of uses within Foreshore Park and riparian setback.

Revised plans, elevations and montages of the revised project are included in the attachments to this report.

5.2.1 Reduction in Residential Building Heights and Number of Dwellings

In light of the comments received during the public submissions period, the proponent has revised the design of the residential component including significant reductions in some building heights and amendments to buildings footprints. As shown in **Figure 21** and detailed in **Attachments K and M**, the amended scheme generally concentrates taller residential buildings within the middle of the site to create a transition of heights from the centre of the site to both Captain Cook Drive and Woollooware Bay. One residential flat building (Building B) has been removed and a new terrace-form product included along the eastern boundary to provide greater activation and casual surveillance to this area. Photomontages of the revised scheme are shown at **Figures 7, 9, 11 and 12** and in detail at **Attachment E**.

As a result of the proposed amendments, the indicative dwelling yield of the Concept Plan has been reduced from approximately 700 to approximately 600 dwellings. An overview of the changes to building heights is provided at **Table 9** below.

Table 9 – Approved and proposed maximum building heights

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

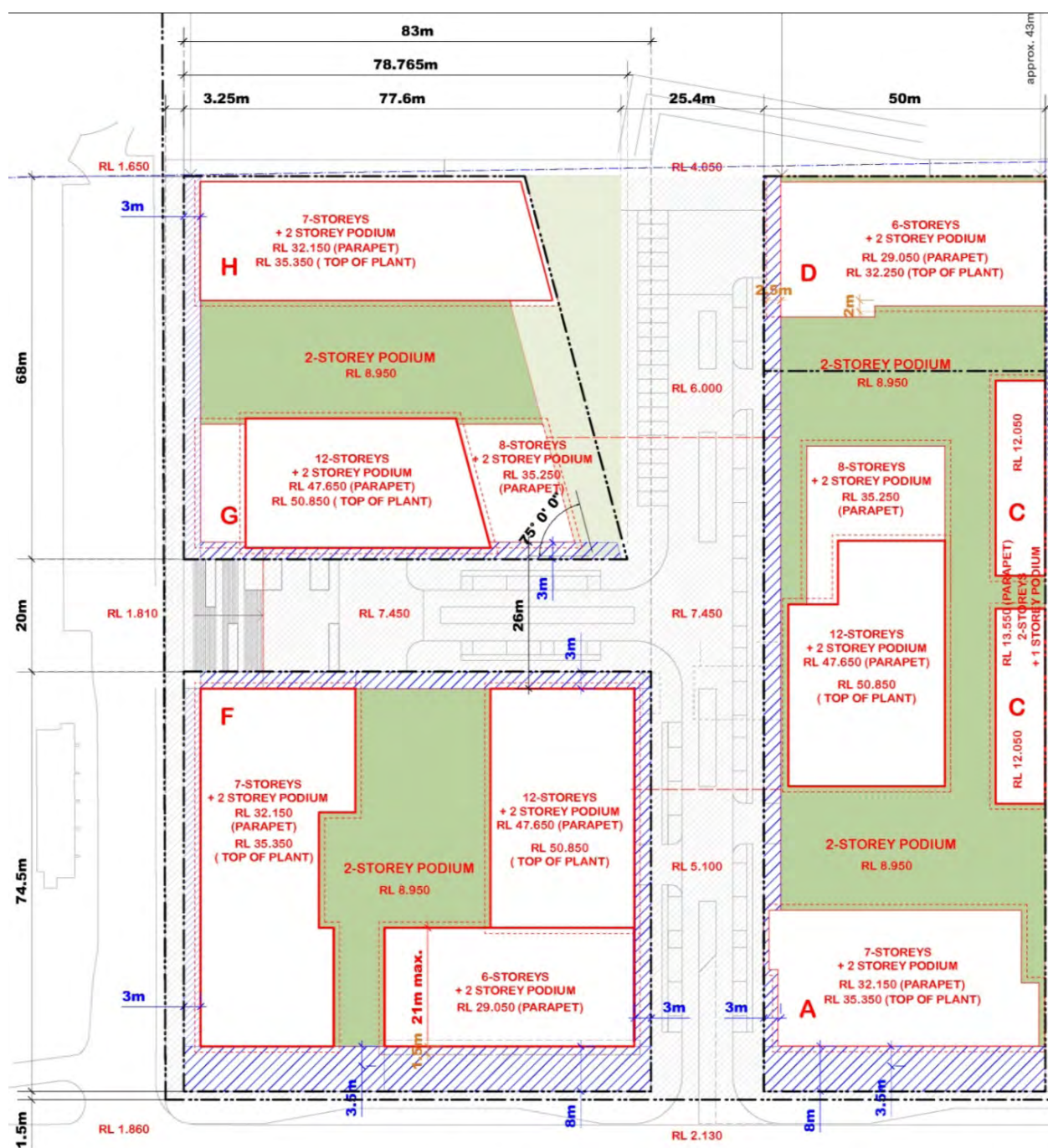


Figure 21 – Amended Residential Concept (preliminary floor plan and building heights)

Amendments to the building envelopes and heights have necessitated amendment to the indicative mix of apartment types across the site, as described in Table 10.

Table 10 – Indicative Apartment Mix and Sizes

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

5.2.2 Configuration of Retail, Leisure, Club and Parking

The proponent has refined the configuration of uses within the western portion of the site to achieve greater functionality within the town centre and a superior design outcome for both the northern and southern building facades. Key amendments involve:

- Shift Level 2 parking to Level 3;
- Consolidate all retail uses from Level 3 and Level 2 on Level 2;
- Introduce ground-level retail tenancy within the Entry Forecourt

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

- Level 1 (ground level) will accommodate the Entry Forecourt to the centre off Captain Cook Drive including retail tenancies, the lower level of a proposed two storey medical centre, the Sharks Club loading dock area and floorspace for leisure activities and family entertainment. This level will also include car parking and the retail loading dock area with access from the extension to Woollooware Road. The main Club entry will be accessed at this level via elevators to Level 3 and providing separation between the club activities such as licensed bars and gaming and the retail/leisure activities.
- Level 2 will be the principal retail area with a proposed floorspace configuration to accommodate major and mini-major retailers as well as smaller specialty shops around a main retail arcade. A “Landscape Court” area opens out to the north and is proposed to be fringed by an external food court precinct which will provide for an outdoor dining experience that takes advantage of the public domain northern aspect and views to Woollooware Bay and the City. This level will also accommodate the upper level of the proposed medical centre.
- Level 3 will accommodate the upper level of parking and the primary Sharks Club premises, including the outdoor ‘Club Deck’ area and a secondary entrance to the Club from the upper car park.
- Level 4 will accommodate a restaurant and office administration area within the existing Sharks Club building envelope.

An east-west cross section of the uses within this precinct is shown at **Figure 22**.

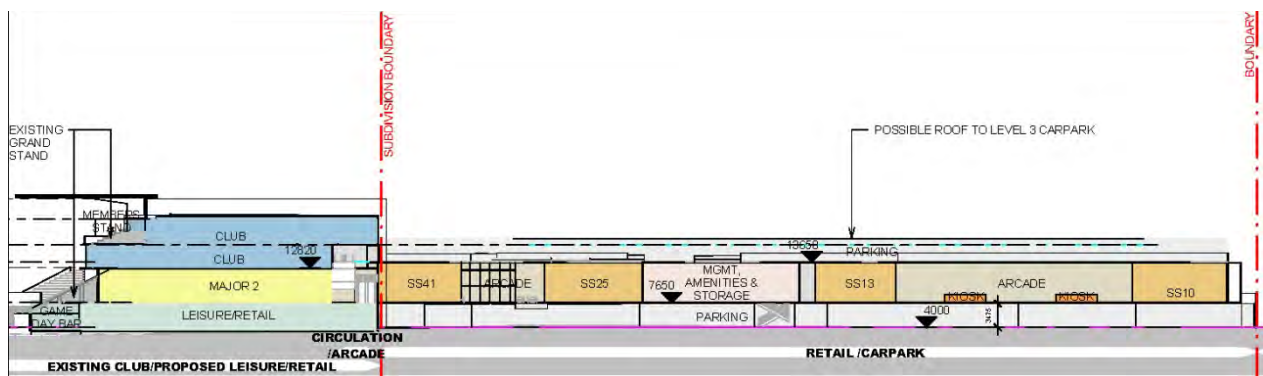


Figure 22 – East-west section showing amended layout of club, retail, leisure, medical and parking

5.2.3 Changes to Developable Floor Area

The amendments to the exhibited Concept Plan application described in **Sections 5.2.1** and **5.2.2** above have necessitated the following amendments to the overall quantum of Gross Building Area¹ (GBA) and Gross Floor Area² (GFA) for the proposed range of uses, as detailed below. On the whole, the amended Concept Plan now seeks approval for a total of 155,410m² new GBA and 84,915m² of new GFA across the site. This represents a reduction of 12% from the overall GFA for which the exhibited Concept Plan application sought approval. A comprehensive and indicative breakdown of the amended areas is provided in **Attachments L and M**.

Residential Precinct

The amended scheme reduces the overall floor area and building area in line with the reduced building heights and dwelling numbers. Approval is now sought for the developable areas within the residential neighbourhood site outlined in **Table 11**.

Table 11 – Developable areas for western component

	Exhibited Concept Plan	Preferred Project Report
<ul style="list-style-type: none"> ■ <u>Overall Gross Building Area</u> <ul style="list-style-type: none"> - Residential - retail - Parking 	<ul style="list-style-type: none"> ■ <u>113,555m²</u> <ul style="list-style-type: none"> - 82,936m² - 740m² - 29,879m² 	<ul style="list-style-type: none"> ■ <u>104,419m²</u> <ul style="list-style-type: none"> - 73,929m² - 730m² - 29,770m²
<ul style="list-style-type: none"> ■ <u>Overall Gross Floor Area (GFA)</u> <ul style="list-style-type: none"> - Residential - Retail 	<ul style="list-style-type: none"> ■ <u>68,000m²</u> <ul style="list-style-type: none"> - 67,260m² - 740m² 	<ul style="list-style-type: none"> ■ <u>58,420m²</u> <ul style="list-style-type: none"> - 57,690m² - 720m²

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.

Retail and Club Precinct

The proposed GBA and GFA for the retail and club precinct remain unchanged. There have been a number of changes to the proposed configuration of uses within the club and retail buildings to address issues raised in submissions, however these changes are still within the overall development envelope outlined in the exhibited Concept Plan EAR. The developable areas within Leagues Club and new Neighbourhood Retail, Medical and Leisure Centre site for which approval is sought are outlined in **Table 12**.

Table 12 – Developable areas for eastern component

■ <u>Overall Gross Building Area</u>	■ <u>50,991m²</u>
■ <u>Overall Gross Floor Area (GFA)</u>	■ <u>26,495m²</u>
Indicative Breakdown:	
- Club uses	- 3,900m ²
- Retail and dining uses	- 13,900m ²
- Leisure uses	- 3,150m ²
- Medical	- 2,545m ²
- Grandstand	- 3,000m ²
■ <u>Deck Areas (external)</u>	■ <u>1,796m²</u>
- Club	- 943m ²
- Retail	- 853m ²

For the retail and club precinct, an indicative breakdown of GFA has been included based on the preliminary floorplan layouts in **Attachment L**. At this stage, Concept Plan approval is sought for the overall GBA and GFA only. The detailed breakdown of GFA will be addressed in the subsequent Project Application which will be generally consistent.

5.2.4 Residential Parking Rates

Concept Plan approval is now sought for an overall total of 883 residential parking spaces to be provided within the residential component of the development. These spaces will be distributed generally in accordance with the parking rates set out in Section 3.7 of the Environmental Assessment Report.

The visitor parking rate for the residential precinct has been increased from the rate of 1 space per 8 apartments to 1 space per 6 apartments.

5.2.5 Retail and Club Precinct Parking Rates

The revised Concept Plan scheme seeks approval for an overall quantum of 693 car parking spaces to be provided within the eastern precinct for shared club/retail/leisure/medical centre patrons. This figure is increased from the exhibited provision for 651 spaces.

5.2.6 Layout of Foreshore Park and Setback

As shown in **Figure 23** and detailed in **Attachments J** and **N**, the proponent has refined the layout of uses within the foreshore park to ensure that there are no hard surfaces located within the 30 metres of the MHWL in front of the western residential precinct of the site, with the exception of two timber walkways connecting to the educational platforms. Shared pathways to the north of Toyota Stadium and the retail/club precinct will be elevated timber boardwalks, allowing for riparian vegetation to grow underneath. These amendments are consistent with the comments received from Sutherland Shire Council, the NSW Office of Water and the Department of Primary Industries – Fisheries.

The only hard surfaces located within the 30 metre foreshore buffer will under the amended scheme will be the educational pontoons and elevated timber walkway connections.

The proposed amendments continue to ensure that a high quality, functional and well-utilised public domain is achieved whilst appropriately addressing the unique environmental opportunities and constraints of the site. As such the key amendments to the Foreshore Park and riparian buffer are as follows:

- The foreshore path and associated landscape elements adjoining the residential precinct (seating, BBQ, shade canopy, playground etc) have been moved south (with the exception of two elevated timber boardwalks which connect the elevated educational pontoons) to be out of the 30m zone (from mean high water mark).
- A larger vegetated riparian buffer now exists between the foreshore park/residential precinct and mangroves. The vegetated buffer proposed will be a possible salt marsh (pending further investigation), however if this is not possible species will be chosen from the Swamp Oak Floodplain Forest ecological community.
- The foreshore path and associated landscape elements (retail courtyard, leisure breakout space, seating etc) have been moved south to be out of the 30m zone (from mean high water mark).
- A larger vegetated riparian buffer now exists between the retail entry and mangroves. The vegetated buffer proposed will be of the Swamp Oak Floodplain Forest ecological community.
- The 3m wide shared path in front of the retail and club precinct is now proposed to be elevated to allow the vegetated riparian buffer to grow underneath with little disturbance.

Long-term planning and design for Stage 3 works will develop in greater detail improvements and activation of the eastern setback to the tidal stormwater drainage channel located between the residential precinct and Toyota Stadium.



Figure 23 – Foreshore Park and riparian setback as amended

5.3 Merits of Key Changes

The proponent has assessed the potential impacts of the preferred scheme. This assessment demonstrates that the revised proposal will reduce the impact of the proposed Concept Plan scheme when compared with the development described in the EAR.

5.3.1 Built Form and Visual Impact

The detailed architectural design of facades and building articulation will be addressed as part of future Project and Development Applications. Nonetheless, a number of the amendments incorporated within this report will improve the capacity for future development to achieve a high standard of architectural merit.

Streetscape

The proposed amendments to the Club and retail component of the masterplan, including increased streetscape activation and reconfiguration of the building layout, will substantially improve the streetscape character of this building and create more attractive public spaces in its vicinity. The introduction of ground level retail within the pedestrian entry forecourt will create a more active and interesting interface between the public realm along Captain Cook Drive and the proposed centre.

Locating the retail centre on Level 2 rather than Level 3 will allow for greater interaction with the pedestrian forecourt area and will stimulate additional ground-level activity. Changes to the configuration of uses will slightly reduce the height of the retail building and the relocation of the main retail tenancy area from Level 3 to Level 2 of this building will further break up the building facade to Captain Cook Drive.

Relocation of the restaurant dining precinct from Level 3 to Level 2 will break up the northern facade of the Club and retail building and create a visually interesting frontage that steps down from the Club Deck to the dining precinct and provides for improved casual surveillance of the foreshore shared path.

As detailed in the EAR, above-ground car parking on the residential site will be sleeved with retail/commercial tenancies fronting Captain Cook Drive to activate this frontage. In light of these proposed elements and the amended retail pedestrian forecourt, the proposed development will create an active and safe streetscape which runs from the western tenancies along past the glazed multi-purpose area within the Southern Grandstand's street frontage to pedestrian forecourt of the Club, medical centre and retail component of the town centre. A revised design statement outlining the key changes to the club and retail component of the centre are included in **Attachment I**. Indicative layout plans are at **Attachment L**.

Building Height and Local and Significant Views

Reduced residential building heights and amended building footprints will step development up from the site's street frontage and concentrate taller buildings within the centre of the site, reducing the visual presence of the development at ground level. Streetscape improvements including active uses, public domain upgrades, bus shelters and landscape plantings will create an attractive and pedestrian-oriented environment which encourages walking and public transport use. Indicative photomontages of the amended development included at **Figures 7, 9 and 11** and **Attachment E** demonstrate a high quality streetscape to Captain Cook Drive can be achieved during detailed design.

The Visual Impact Assessment Report prepared by Virtual Ideas (provided at Appendix X of the EAR) demonstrated that the proposal as exhibited would not impact upon significant regional views to the site. The Preferred Project report reduces the height of some buildings and amends some building footprints, reducing the visual scale of the development and improving through-site views. In particular, the PPR seeks to reduce the envelope height of Building A from 15 storeys to 9 storeys (inc. podium) and Building F from 11 storeys to 9 storeys (inc. podium) which shall reduce the development's visual presence from viewpoints from surrounding residential areas and provide greater context for taller buildings within the centre of the site. Revised shadow diagrams are at Attachment O.

Retail Northern Facade

The amended layout of uses within the retail component of the town centre provides for an improved relationship between the building and the public domain to the north of the centre adjoining Woollooware Bay. The amendments to the exhibited Concept Plan establish a closer relationship between the public domain and the new Town Centre's dining precinct, and serve to break up the long facade of this building.

5.3.2 Residential Amenity

As described in the architectural design statement at **Attachment H**, based on the proposed building envelopes and indicative apartment layouts shown at **Attachment M**, the proposal is able to achieve rules-of-thumb for building separation distances (refer plans), deep soil planting areas, communal open space areas, solar access and cross-ventilation. In particular, these layouts show that the at least 70% of all apartments within each individual residential flat building will continue to achieve with at least 2 hours of direct solar access on June 21.

The use of the two hour standard prescribed for 'dense urban areas' in the Residential Flat Design Code is appropriate in this instance and is consistent with a previous interpretation of this Rule-of-Thumb by Sutherland Shire Council for development in a nearby town centre (refer Council report EAP015-12 regarding planning proposal for 19-21 Gerrale Street, Cronulla).

The proposed building envelopes achieve the minimum separation distances required under the RFDC, as shown on the Residential Envelope Diagrams (**Attachment K**). 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.

Shadow diagrams for the revised project are included in **Attachment O** the reduction in building height and bulk along Captain Cook Drive will reduce overshadowing of Captain Cook Oval and Woollooware Golf Course.

5.3.3 Transport and Access

Traffic Generation

As detailed in the revised Transport Management and Accessibility Plan prepared by McLaren Traffic Engineering (**Attachment C**), the proposed amendments to the exhibited Concept Plan scheme will result in 196 less vehicle movements per hour during the Friday PM peak, which represents a 12% decrease in traffic generation. During the Saturday noon peak, the proposed amendments will result in total traffic generation being reduced by 195 vehicle movements per hour, representing a 13% decrease.

As such the amendments to the exhibited Concept Plan will result in a net decrease in total traffic movements to and from the site, hence further reducing the impact of the site's traffic generation on local intersections.

Parking

Residential visitor parking rates have been increased from 1 space per 8 apartments to 1 space per 6 apartments, resulting in a total of 100 visitor parking spaces being provided. This parking provision is adequate and exceeds the rates specified in the RTA's *Guide to Traffic Generating Development*.

25 parking spaces have been allocated to the small commercial tenancy within the residential precinct to ensure that there is no conflict between this use and the residential visitor parking.

As justified in Section 3.8.2 of this report, no change is proposed to the residential parking rates which continue to comply with the relevant RTA rates and are suitable for the site and proposed development.

The provision of shared parking within the eastern precinct for retail/club/leisure centre/medical centre patrons has been increased by 42 spaces from the exhibited plans. Under the amended scheme, the provision for medical centre parking is approximately doubled in response to an increase in floor space for this use, as is the provision for specialty retail. The provision for supermarket and mini-major retail parking is reduced in line with the reductions in floorspace for these uses.

The revised *Traffic Management and Accessibility Plan (Attachment C)* identifies the revised peak parking demand for the revised club/retail precinct as being 622 spaces, which is fully catered for by the proposed provision of 693 spaces within this precinct. As such it is considered that the western precinct provides sufficient capacity for the anticipated parking demand.

Public Transport

Correspondence received from Transport for NSW confirms that the proposed development will be able to support a new bus service within the locality. As the project has not yet been approved and is outside the Government's four-year funding cycle, it is reasonable that Transport for NSW is not able to guarantee the provision of this service at this point in time. The determination of this Concept Plan application will provide sufficient certainty for the inclusion of the proposed centre within future service planning and funding considerations. Within the context of current project timeframes, it is not expected that any component of the proposal will be occupied until after 2016 (i.e. outside of the current bus funding cycle) which would generate demand for public transport.

The inclusion of a new Statement of Commitment at **Section 6.0** of this report commits the proponent to the funding of an interim shuttle bus service between the site and Woollooware Station for the period between the first occupation of the retail or residential components of the development and the commencement of a public bus service. This condition will guarantee that there is no service gap between the occupation of the site and servicing by public transport.

5.3.4 Flora and Fauna

The Ecological Assessment report prepared by Eco Logical Australia (Appendix T of EAR) and further targeted field surveys for birds, frogs and micro-chiropteran bats carried out by Eco Logical Australia in the period between November 2011 and February 2012 (**Attachment F**) confirm that the site and the adjoining mangrove wetlands is not likely to be an important roosting or foraging location for migratory birds or bird or frog species listed under the *Threatened Species Conservation Act 1995*.

A further targeted survey for one threatened species of micro-chiropteran bat (the Large-footed Myotis) has been recommended by Eco Logical due to uncertainty in the results of the conducted surveys. This survey shall be carried out prior to the lodgement of any detailed application for development. Should this survey confirm the presence of this species roosting within the mangroves adjoining the site then specific management plans will be developed and implemented to prevent adverse impacts as a result of the proposed development. An appropriate Statement of Commitment has been included at Section 6.0 of this report.

6.0 Final Statement of Commitments

In accordance with Part 3A of the EP&A Act, the following are the commitments made by Bluestone Capital Ventures No.1 to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments within the EAR.

Key changes from the initial draft Statement of Commitments are provided in **bold underline** below. The Statement of Commitments has been simplified to refer to compliance with relevant specialist reports submitted with the Concept Plan.

Table 13 – Final Statement of Commitments

Subject	Comments	Approved By	Timing
Approved Development	Future applications for development will be generally in accordance with the scheme described at Section 3.0 of the Environmental Assessment Report, <u>as amended in Section 5.0 of this Preferred Project Report</u> , 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 Sulfate 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 Sulfate 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.
	<u>The proponent shall provide a shuttle bus service operating between the site and Woollooware Station for a period of time beginning with the commencement of works on the subject site and ending when the site is first serviced by a public bus route. Details of the capacity and frequency of the shuttle bus service shall be submitted with each Project Application/Development Application.</u>	<u>Department of Planning and Infrastructure</u>	<u>Ongoing</u>
	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.

Subject	Comments	Approved By	Timing
	<p>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:</p> <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.
	<p>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.</p>	Relevant Consent Authority	Relevant application for development.
	<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> <p>In addition the proponent shall also provide:</p> <ul style="list-style-type: none"> ▪ Pedestrian fencing along Captain Cook Drive between Gannons Road and Woollooware Road ▪ Appropriate pedestrian crossing on Gannons Road to be approved by the Local Traffic Committee. 	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. 	Relevant Consent Authority.	Relevant application for development.

Subject	Comments	Approved By	Timing
	<ul style="list-style-type: none"> 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</i> Report prepared by Cundall (Appendix R of Environmental Assessment Report).	Relevant Consent Authority.	Relevant application for development.
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.

Subject	Comments	Approved By	Timing
Ecology	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.
	<u>Should detailed surveys for the Large-footed Myotis confirm the presence of this species roosting within the mangroves adjoining the site, specific management plans will be developed and implemented to prevent adverse impacts as a result of the proposed development.</u>	<u>Relevant Consent Authority.</u>	<u>Ongoing</u>
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.

7.0 Conclusion

Preferred Project

Following on from feedback received from key stakeholders and the community during the public exhibition of the Environmental Assessment Report as detailed at Section 2.0 and 3.0, the proponent has made a number of changes to the proposed Concept Plan. These revisions to the Concept Plan seek to improve the environmental, social and economic benefits of the proposal and manage potential environmental impacts, and include a reduction in building heights across the site, a reduction to the number of residential dwellings planned for, and reconfiguration of the retail/club precinct and the Foreshore Park and riparian setback area. In addition to the formal exhibition of the project, the proponent has sought to engage further with several key project stakeholders to clarify and further articulate the proposal as detailed at Section 4.0 in order to progress further design refinement and resolve all relevant outstanding issues.

New Town Centre

This Concept Plan application proposes to establish a new Town Centre that seeks to address a significant shortage of supermarket retail, leisure and medical services within Sutherland Shire which are unable to be accommodated within the existing centres hierarchy defined in Council's statutory planning instruments and the *Draft South Subregional Strategy*. The *Metropolitan Plan for Sydney 2036* and the *Draft Centre Policy* articulate a clear rationale for the establishment of new centres in this situation, and the application of the Sequential Test outlined in the *Draft Centres Policy* confirms that there is a shortfall particularly in floorspace supply and that this cannot be readily provided either within or at the edge of Cronulla or Caringbah centres. The Net Community Benefit Test demonstrates that there will be no adverse impacts resulting from a new centre at the Cronulla Sutherland Leagues Club site, and indeed the proposal will establish a vibrant and sustainable new centre which provides significant benefits to the community. The new centre is consistent with the criteria for Town Centres under the *Metropolitan Plan for Sydney 2036*, and in particular provides for additional dwellings to assist in meeting revised dwelling and employment targets for the South Subregion that have not yet been accounted for in local planning controls or subregional planning.

Environmental, Economic and Social Benefits

As detailed in Section 3.0 and 5.0 of the Preferred Project Report, amendments to the proposed Concept Plan scheme have resulted in improved outcomes in terms of visual impact, ecological performance, traffic generation, car parking demand and public transport services.

The Concept Plan as amended will directly result in the creation of 540 ongoing full time equivalent jobs, resulting in \$17.2 million in salary and wages and the flow-on creation of 510 further jobs within the broader community. The redevelopment of underutilised private land will allow the Cronulla Sutherland Leagues Club to continue as a valuable contributor to community identity and local community sporting, youth and charity organisations within Sutherland Shire.

The proposed Concept Plan raises no adverse impacts that cannot be effectively managed via the Statement of Commitments or be more appropriately dealt with during the assessment of future detailed applications for development.

Recommendation

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.