

Place, Design and Public Spaces

EF20/24443

Gateway determination report

LGA	Sutherland
PPA	Sutherland Shire Council
NAME	138 – 144 Cronulla Street, Cronulla (130 jobs, 81 construction jobs)
NUMBER	PP_2020_SUTHE_001_00
LEP TO BE AMENDED	Sutherland Shire Local Environmental Plan 2015
ADDRESS	138 – 144 Cronulla Street, Cronulla
DESCRIPTION	Lot 1-4 DP 18461
RECEIVED	8 July 2020 (Adequacy 14 July)
FILE NO.	EF20/24443
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Sutherland Shire Local Environmental Plan (LEP) 2015 to increase the maximum floor space ratio from 2:1 to 2.9:1, if the development is wholly for commercial premises.

1.2 Site description

The subject site (**Figure 1**) is located in the Cronulla town centre and is bound by Cronulla Street to the west, Beach Park Avenue to the south, Surf Lane to the east, and brick commercial buildings to the north. The 1,424 square metre (sqm) site is rectangular in shape and is comprised of four (4) lots, legally described as Lots 1-4 in DP 18461.

The site is directly opposite the Cronulla Rail station (to the west), and opposite Monro Park (to the south) (**Figures 2 & 3**).

The site is on flat to gently sloping terrain. It is not constrained by natural features, and is presently developed at a low scale, occupied by older-style retail/ commercial buildings which are tenanted to a range of retailers and food and drink operators (**Figures 4 & 5**).

The site is identified as a 'gateway' location in the Sutherland DCP 2015 (SSDCP) meaning it is the entry point to Cronulla from the railway. The site marks the southern end of the mall and it is on the main pedestrian thoroughfare between the station and Cronulla Beach, and the mall.



Figure 1: Aerial photograph of the subject site shaded yellow (source: Proponent's planning proposal)



Figure 2: View towards site from Monro Park.



Figure 3: View of Monro Park from subject site.



Figure 4: Subject site, south east corner.



Figure 5: Subject site, south west corner.

1.3 Existing planning controls

Under the existing Sutherland Shire Local Environmental Plan 2015, the site:

- is zoned B3 Commercial Core (**Figure 6**);
- has a maximum building height of 25m (**Figure 7**); and
- has a maximum floor space ratio (FSR) of 2:1 (**Figure 8**).

A range of land uses are permissible with consent in the B3 zone including commercial premises. Residential uses such as shop top housing and residential flat buildings are not specifically prohibited, and as innominate uses they are permissible with consent.

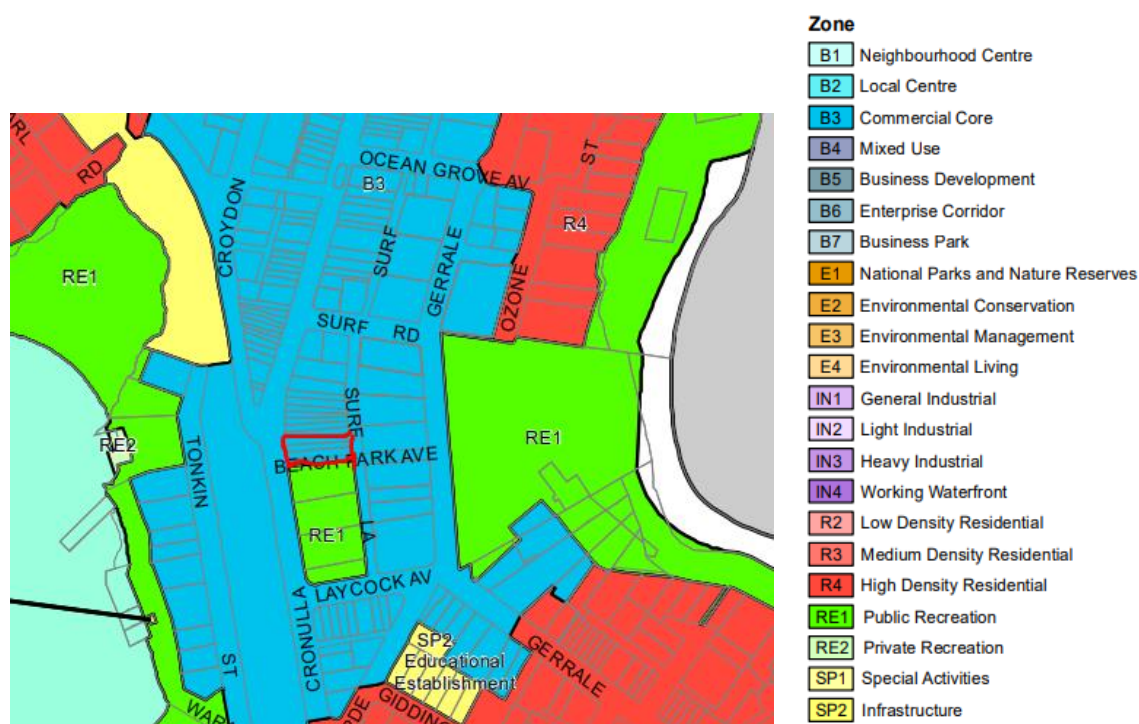


Figure 6: Existing land zoning map, Sutherland Shire LEP 2015



Figure 7: Existing height of buildings map, Sutherland Shire LEP 2015 (height 25m)



Figure 8: Existing floor space ratio map, Sutherland Shire LEP 2015 (FSR 2:1)

The site is opposite two local heritage items: 1007 – Cronulla Railway Station; and 1013 – Monro Park, bus shelter, gate posts and monument (**Figure 9**).

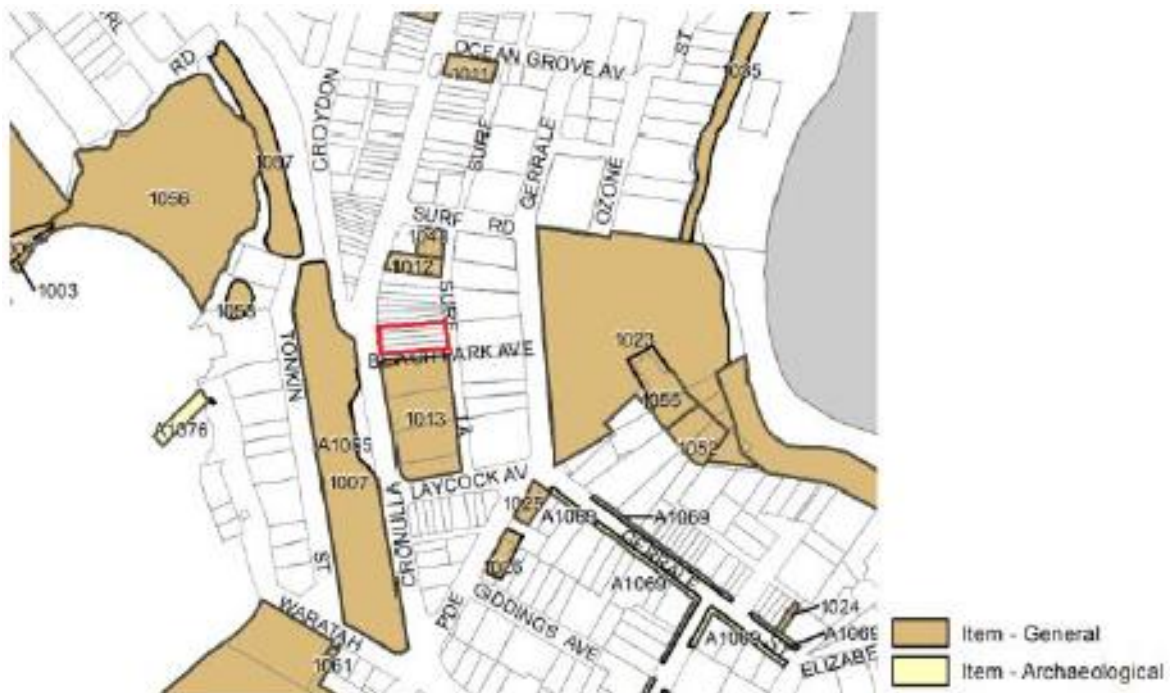


Figure 9: Existing Heritage Map, Sutherland Shire LEP 2015

1.4 Surrounding area

The site is located opposite the Cronulla rail station with Cronulla wharf, marina and Gunnamatta Bay nearby to the south west (**Figure 10**). The site is under 300m to Cronulla Beach and Cronulla Park to the north east.



Figure 10: Aerial view showing context of site within Cronulla town centre (Source: Proponent's planning proposal).

The site is near public transport, retail, leisure, educational, cultural and recreation services and amenities. There are several specialty eateries, cultural facilities such as the Cronulla Arts Theatre, live music venues, and educational establishments in

the area including the St Aloysius Catholic Primary School within 200 metres to the south east of the site.

Adjoining the site to the north are retail tenancies within one and two storey buildings at the intersection of Cronulla Street and Croydon Street. To the east, at the intersection of Beach Park Avenue and Surf Lane are residential flat buildings ranging from two (2) to eight (8) storeys. Further south beyond Monro Park are a mixture of single detached dwellings and two (2) storey commercial buildings.

1.5 Background

Proponent's original proposal:

This site was the subject of a previous planning proposal that sought the following:

- increase the maximum height from 25m to 50m; and
- increase the maximum FSR from 2:1 to 3.75:1.

This proposal sought to facilitate a 14 storey commercial development, comprising a hotel with two floors of hospitality floor space, commercial/co-work floor space, and associated car parking.

Sutherland Shire Local Planning Panel:

On 21 January 2020, the planning proposal was referred to the Sutherland Shire Local Planning Panel for advice.

The panel found that the proposal had strategic merit because it had the potential to grow the tourist potential of Cronulla and facilitate employment. However, the panel raised concerns in relation to:

- the significant increase in height and FSR in the absence of a Council approved strategic plan and master planning for the southern precinct (of the mall), and the potential implications that the planning proposal might have on the redevelopment of the remaining sites in this precinct.
- potential overshadowing of Monro Park particularly maintaining winter solar access at an acceptable level.

On 24 February 2020, Council resolved to not refer the proposal to the Department for Gateway determination.

Current planning proposal

Council advises that the revised planning proposal was considered as an entirely new application. In response to the panel comments, the current planning proposal seeks to retain the existing maximum building control and only allow use of an increased permissible FSR from 2:1 to 2.9:1 if used for commercial premises. Further details are discussed under Section 2 of this report.

1.6 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions because:

- the proposal is consistent with the objectives and directions of the Greater Sydney Region Plan, the South District Plan and the relevant section 9.1 Ministerial Directions;
- it will provide significant additional employment opportunities with the potential for 130 ongoing jobs and 81 construction jobs:

- commercial floor space options in Cronulla are limited, the proposal will be able to provide for a broader range of employment options in the Cronulla centre, particularly for knowledge-intensive businesses;
- the height and FSR have been reduced from the original proposal to address concerns raised by the Sutherland Shire Planning Panel regarding excessive height and FSR;
- redevelopment associated with the proposal will provide for food and drink businesses, reinforcing Cronulla's role as a recreational and tourism centre;
- the site is highly accessible, close to public transport, including Cronulla rail station and local buses with good pedestrian and cycle infrastructure;
- the proposal is well located within Cronulla centre with access to a range of services and facilities; and
- the concept proposal has been designed to minimise overshadowing and impact on the adjoining heritage listed Cronulla Rail Station and Monro Park.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate the delivery of greater employment in the Cronulla town centre.

The additional floor space provided through the planning proposal provides for 1,281 sqm of additional floor space. The additional floor space is proposed to be achieved by a 'bonus' provision for the delivery of a 100% commercial building.

Under the Standard Instrument, Commercial Premises means any of the following —

(a) business premises (includes banks, post offices, hairdressers, etc)

(b) office premises

(c) retail premises (includes shops and food and drink premises - including pubs, restaurants, and take away food).

The concept plans indicate a 25m (7 storey) commercial development consisting of:

- 1 level of basement parking – estimated to accommodate 60-80 car spaces;
- 2 levels of food and drink floor space - comprising of approximately 1,650m² floor space; and
- 5 levels of commercial floor space –comprising approximately 2,490 sqm floor space (2 levels of co-work space and 3 levels commercial office space).

The additional commercial floor space is intended to bring a day-time workforce to the centre helping to revitalise local shops and support local businesses. It seeks to enable local residents to operate their businesses closer to home, reducing commuting time. These opportunities support liveability and productivity objectives.

The planning proposal states that when combined with the food and drink premises, the proposal will help to revitalise the southern end of the mall, and improve passive surveillance of both Monro Park and the railway station.

2.2 Explanation of provisions

The planning proposal seeks to amend Sutherland Shire LEP 2015, clause 4.4 Floor space ratio, by inserting a new subclause enabling an additional 0.9:1 of floor space to be achieved, but only if the development is wholly for commercial premises. This would bring the total permissible floor space on the site to 2.9:1.

The proposed provision reads as follows:

(2A)(f) a building on land identified as “Area 13” on the Floor Space Ratio Map may exceed the floor space ratio by up to 0.9:1 if the development is wholly for the purposes of commercial premises.

The proposed provision is similar to existing provisions under clause 4.4(2A) that enable additional floor space for other sites under certain circumstances.

While residential development is still permissible on the site, it would still need to comply with the current FSR control of 2:1. The additional floor space has been tied to commercial premises to ensure it provides employment opportunities for the community and helps revitalise the centre.

2.3 Mapping

Draft mapping has been prepared to identify 138-144 Cronulla Street, Cronulla (Lot 1,2,3,4 DP 18461) as “Area 13” on the Floor Space Ratio Map - Sheet FSR_008A. The bonus FSR provision in clause 4.4(2A) will be tied to the land mapped as “Area 13”.

The draft map (**Figure 11**) provided in Part 4 of the planning proposal shows two images with the site, and then the site with a green border labelled Area 13. To improve the public understanding of the proposal, this map should be amended to show the context of FSR controls that apply in the surrounding area. There is no legend to the map to show that the existing or base FSR is 2:1, and this should also be included.

To better understand the context of other planning controls applying to the site, the proposal should include land zoning, height of buildings and heritage maps.



Figure 11: Comparison of existing and proposed floor space ratio maps.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study. It is in response to a land-owner initiated planning proposal. However, several technical studies have been prepared to inform and support the planning proposal, including:

- Conceptual Plans;
- Traffic Impact Assessment;
- Economic Impact Assessment;
- Urban Design Report;
- Heritage Impact Assessment;
- Geotechnical Report;
- Preliminary Site Investigation;
- Survey Plan; and
- Acoustic Review.

Both the Sutherland Shire Local Planning Panel and Council have considered the proposal and found it has strategic merit. The proposal intends to maximise the potential for commercial development and job growth in the Cronulla centre by excluding the potential for residential development.

The Economic Impact Assessment indicates that commercial office supply in Cronulla is generally limited and there is a lack of contemporary commercial floorspace options for knowledge-intensive businesses. These businesses and their workers generally require floor space in a location within transport and amenity-rich business environments. The proposal will provide for this market.

The planning proposal is the appropriate and best means to include additional commercial floor space on the site, and to facilitate the intended outcomes.

Given the size of the FSR increase at almost 50% it would be inappropriate to consider it as a clause 4.6 variation to a development application.

4. STRATEGIC ASSESSMENT

4.1 District

South District Plan

The South District Plan gives effect to the Greater Sydney Region Plan. The South District Plan encompasses the Sutherland LGA. The plan identifies Cronulla as a local centre in the structure plan. The following planning priorities are relevant to the proposal:

Planning Priority S1: Planning for a city supported by infrastructure.

- The planning proposal is consistent with the above priority as it will maximise the utility of the existing infrastructure assets in the Cronulla centre. In particular the adjacent rail station for additional journey to work trips for people coming to work in the new development.

Planning Priority S3: Providing services and social infrastructure to meet people's changing needs.

- The planning proposal is consistent with the above priority as it will enable residents to access a range of services and employment locally. Development of food and drink premises and commercial office space close to public transport takes advantage of investment in infrastructure.

- The proposal has the potential to increase the liveliness of the centre, enhance night-time activity, and improve the public domain and wayfinding to the beach.

Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage.

- The proposal includes a mix of commercial and food and drink premises, bringing people together in the local centre by creating business and social connections. Cronulla has a tourism and recreation focus and as such further employment opportunities will contribute to the vitality of the centre. The proposal has the potential to strengthen the night-time economy and improve passive surveillance. The site does not contain a heritage item nor is it in a heritage conservation area. Heritage is further discussed in 4.3 below.

Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres.

- The proposed investment in the centre will help revitalise the local area through improved public domain and the delivery of new land uses. It will increase employment and business opportunities. The proposal facilitates the diversification of economic activities in the centre, and the growth of the night-time economy.
- The proposal has the potential to provide over 130 Full Time Equivalent (FTE) jobs in the operational phase and 81 FTE jobs during construction phase, creating significant employment opportunities in Cronulla.
- The proposal will improve the public domain and help revitalise the southern end of the mall. Night-time uses can improve public safety, deliver a more vibrant precinct at night and support greater use of public transport.

Planning Priority S11: Supporting growth of targeted industry sectors - Tourism

- Cronulla is an important tourist destination and economic driver for the Shire. The inclusion of two levels of food and drink floor space (1,650 sqm) will make a meaningful contribution to Cronulla's attraction for visitors and bring economic activation.
- Increasing night-time activity would help bring more passive surveillance to the precinct making the railway station and Monro Park safer for visitors and residents.

4.2 Local

Sutherland Shire Community Strategic Plan

The Community Strategic Plan outlines the community's aspirations and long term vision for Sutherland.

The planning proposal is considered to respond appropriately to this plan by facilitating growth of business opportunities in Cronulla to support the local community. It will provide the potential to improve the vibrancy of the centre and enhance local employment opportunities.

Draft Local Strategic Planning Statement

The planning proposal is consistent with relevant priorities and actions of the draft Sutherland Shire Local Strategic Planning Statement (LSPS) as described below. The draft LSPS been submitted to the Greater Sydney Commission for endorsement.

Planning Priority 2: Managing Traffic Congestion and Parking:

- The increased floor space (1,282 sqm) proposed has the potential to increase traffic volumes and demand for parking. Traffic and parking management is discussed further in this report. However, the proposal is located adjacent to the railway station which will increase modal shift to public transport.

Planning Priority 11: Attractive and Distinctive Centres and Public Places:

- The proposal seeks to revitalise Cronulla Centre. By activating the economy adjacent to the railway station and Monro Park, it has the potential to increase passive surveillance opportunities.
- The Proposal also facilitates the widening and enhancement of Beach Park Avenue which is the primary pedestrian route from the train station to Cronulla Beach.

Planning Priority 17: Grow tourism.

- The amendment will facilitate two floors of hospitality floor space, which will augment the tourism experience and support other tourism assets in Cronulla.

4.3 Section 9.1 Ministerial Directions

The proposal is consistent with the relevant section 9.1 Ministerial Directions as follows:

1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land in business zones, and support the viability of identified centres. The proposal is consistent with this direction. In providing an additional 1,2812 sqm of employment floor space, with over 130 jobs, the proposal will contribute to the revitalisation of the southern end of Cronulla mall.

2.3 Heritage Conservation

This Direction requires that a planning proposal contains provisions that facilitate the conservation of heritage items in relation to their historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Currently, Council's planning proposal does not address this Direction.

The site does not contain a heritage item, but is opposite the locally listed Cronulla Railway Station (item 1007) and Monro Park (item 1013). Cronulla Station is also listed on the NSW State Heritage Register – item 01123.

The proponent's Heritage Impact Statement concludes that the planning proposal will have no or minimal impact and will retain the established heritage significance of the above items. Council's planning proposal does not currently address this Direction.

To satisfy the requirements of this Direction a condition of Gateway determination will require Council's planning proposal to be updated to address the direction. In

addition, consultation with NSW Heritage is a requirement of the Gateway determination.

2.6 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This direction was issued on 17 April 2020 and is not addressed in Council's planning proposal.

A Preliminary Site Investigation (PSI) has been undertaken by AssetGeoEnviro for the site. The site has been used for commercial and retail purposes for some time. Following an assessment of historical summaries of previous reports and business listings, historical aerial photographs, titles and other historical information; the PSI concludes that there were no previous uses on the site that would have the potential for contamination as identified in Table 1 to the contaminated land planning guidelines. A land title search shows that no other uses other than a public school existed on the site.

The PSI considers that the site can be made suitable for the proposed development provided that the standard recommendations are adopted as part of the DA process. As the PSI concludes that contaminating uses have not occurred on the site, and a change of land use is not proposed then the direction does not apply.

Even though it is considered that the direction does not apply, Council's planning proposal does not contain any evidence that it has considered contamination. To demonstrate to the community that contamination is not an issue, the planning proposal will need to be revised prior to exhibition to address the Preliminary Site Investigation (PSI) and show that the potential for contamination has been adequately considered.

3.4 Integrating Land Use and Transport

Under this Direction, a planning proposal must consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars. The proposal is located 25 metres from Cronulla Train Station and multiple bus services, and is close to the ferry.

The planning proposal is consistent with this direction as the PP will enable retail and commercial development near public transport services encouraging walking, cycling and use of public transport.

4.1 Acid Sulfate Soils

The objective of this direction is to avoid adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The planning proposal impacts on land identified in Sutherland LEP 2015 as within Acid Sulfate Soil Risk Class 5. The direction requires consideration of an acid sulfate soils study where a planning proposal proposes an intensification of land uses, to assess the appropriateness of a change of land use.

The Preliminary Site Investigation (PSI) interrogated the *Atlas of Australian Acid Sulfate Soils* and found acid sulfate soils to be of extremely low probability of occurrence (1-5% chance of occurrence with occurrences in small localised areas).

Sutherland LEP 2015 contains provisions (cl. 6.1) to ensure the consideration of acid sulfate soils at development assessment. Given that the PSI found acid sulfate soils

to be an extremely low probability, and the LEP already contains provisions to address acid sulfate soils, it is considered that the proposal is consistent with this direction.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The proposal does include site specific provisions for the development of 138-144 Cronulla Street. The provisions will provide additional floor space for commercial development. As the proposal encourages rather than restricts development it is considered to be consistent with this direction.

4.4 State Environmental Planning Policies (SEPPs)

SEPP (Coastal Management) 2018:

The subject land is not within a coastal management area mapped through the SEPP.

There are no other State Environmental Planning Policies that specifically apply to the proposal.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal seeks to facilitate additional opportunities for food and drink retail activities which will provide additional social meeting places for residents and tourists. These activities would provide greater surveillance and usage of Monro Park, the rail station, and the Beach Park Avenue pedestrian route.

The commercial floor space will provide opportunities for residents to work close to home, reducing commuting times and improving life quality. Work opportunities may also bring people from outside the Shire to Cronulla.

5.2 Environmental

Biodiversity

The site is fully built upon with retail/commercial buildings and hard surface car park. There are no significant biodiversity values on the site, it is not home to critical habitat, threatened species or ecological communities.

Heritage

The site is opposite the locally listed Cronulla Railway Station and Monro Park. Cronulla Rail Station is also listed on the NSW State Heritage Register. The heritage impact statement prepared for the proponent evaluated the impact of the proposal using criteria set out by the NSW Heritage Division.

The impact statement found the buildings on the site are not architecturally related to the style of Cronulla Station and the redevelopment of the site will not affect the legibility of the Station. The impact statement considers that the scale of the proposed development is acceptable as it will not detract from the legibility of Monro Park as a district landscaped element. In addition, the statement found that the amenity and key views in relation to the items would not be significantly impacted upon.

Despite the submission of the proponent's heritage impact statement, there is no evidence Council's planning proposal has considered heritage impacts. The planning

proposal will need to be amended to include consideration of heritage impacts. Given the proximity to the State listed Cronulla Rail Station consultation is also required with NSW Heritage.

Noise

The Acoustic Review prepared for the proponent provides a qualitative assessment of the likely noise generation resultant from both permissible uses under the B3 Commercial Core zone, and the uses proposed as part of the indicative design concept. The findings indicate that the increased FSR sought under the proposal will not necessarily translate to any increase in potential noise impact from the site. There are no additional land uses proposed that are not already permissible on the site.

The primary noise emission from the indicative concept would be related to the food and drink uses at the ground and first floor. A detailed evaluation of potential noise impacts can only be reasonably carried out for specific developments at the development application stage. Typically, assessment of licensed premises is carried out against Liquor and Gaming NSW noise criteria.

Built form and overshadowing

An indicative design concept has been prepared by Innovate Architects. **Figure 12** shows the proposed concept design when viewed from Monro Park.



Figure 12: Photomontage of indicative concept as seen from Monro Park (Source; Innovate Architects)

The planning proposal will enable a building form that is in keeping with the massing identified in Sutherland Shire development control plan (DCP) and having regard to the future urban structure of the Cronulla centre. The current DCP provisions anticipate a building of similar scale to that envisaged with this planning proposal, that seeks to moderate the impacts to Monro Park. The proposal responds to this

intent by seeking to concentrate floor space within the existing permissible 25 metre tower element and locating the additional floor space to the northern portion of the site.

The proposed 25m (7 storey) height is consistent with several buildings in the Cronulla centre which has buildings up to 14 storeys. Nearby buildings on the east of Surf Lane are 10 and 7 storeys. The proposal height will not result in any increase in height to what is currently permissible.

Being located directly to the north of Monro Park, any development on this land will have an impact on the park's solar access. The built form indicated in the proposal aims to balance redevelopment while maintaining solar access to the park. An extract from the DCP showing the building envelope control for this site is shown below (**Figure 13**). The DCP largely confines the available floor space to a tower element towards Cronulla Street where shadows would largely fall over areas currently shaded by a mature fig tree.

Beach Park Avenue (Opposite Monro Park)



Figure 13: Existing DCP building envelope controls Beach Park Avenue (Opposite Monro Park) Map

To accommodate the additional floor space, the indicative development concept departs from the existing DCP built form as it “fills in” the northern portion of the site and steps the height up to the northern boundary (**Figure 13**). The additional floor space has a zero setback on the northern elevation to minimise the over-shadowing to Monro Park, and is massed towards the western end of the site, opposite the fig tree.

Beach Park Avenue (Opposite Monro Park)

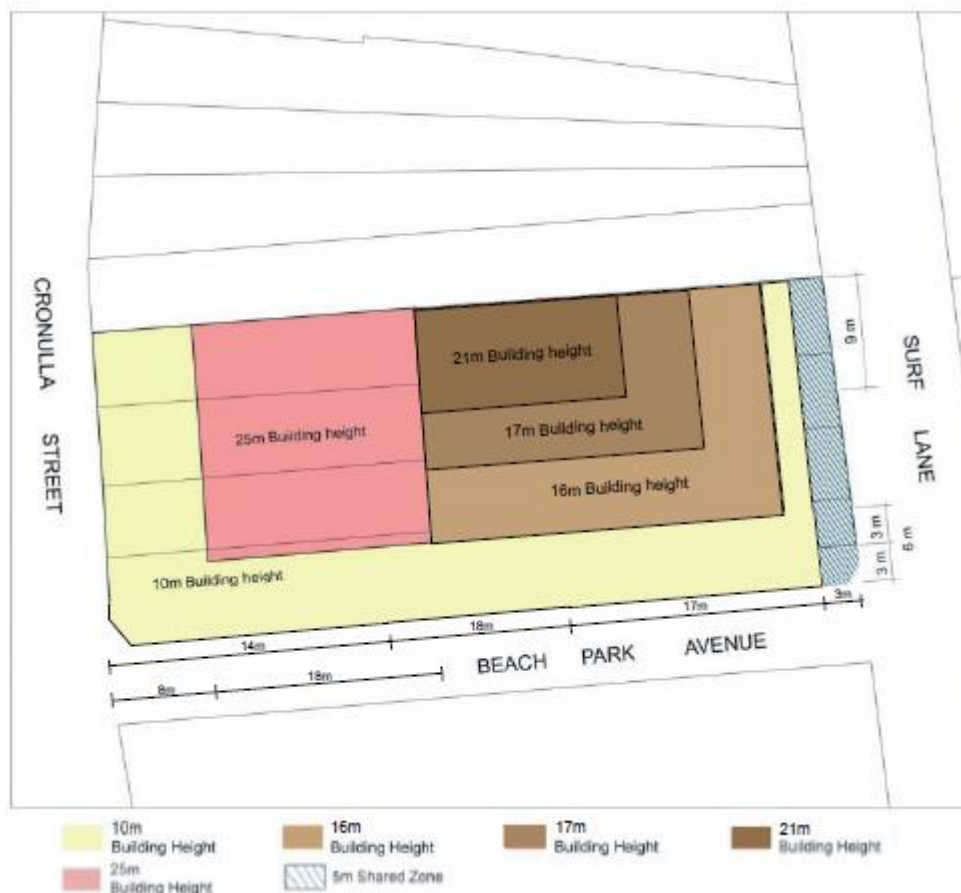


Figure 14: Proposed DCP building envelope controls Beach Park Avenue (Opposite Monro Park) Map

The maximum extent of overshadowing generated in mid-winter by the indicative design concept is shown in **Figure 16**.

The shadow diagrams (**Figure 16**) demonstrate that the redevelopment of the site is almost entirely consistent with the anticipated shadows expected from a compliant development. A compliant development being one that applies the current 2:1 FSR.

It is noted that a compliant scheme would also overshadow the northern section of Monro Park, including the semi-circular steps that are used by cafe patrons. The maximum solar impact of the additional floor space will occur in the very late afternoon, when shadows are very marginally increased to Surf Lane.

In the morning, at 9am, the shadows from both a compliant proposal and the current proposal fall largely onto the road, rail station and the areas shaded by mature fig trees. By 12pm the shadows extend into the park, however large sections of the southern park remain in sun throughout the afternoon.

At 3pm the shadows extend across the north eastern end of the park, overshadowing approximately 24% of the park, with the remaining 76% of the Park unaffected by shadow.

The shadow diagrams demonstrate that Monro Park and the rail station will be impacted, however this impact is considered reasonable as it will not be more than would have been anticipated by an FSR compliant proposal.



Figure 15: Comparison of Compliant (red line) and Proposed overshadowing in mid-winter (source: Conceptual Plans Innovate)

An amendment to the Sutherland Shire DCP that shows proposed changes to the building envelope control is currently being prepared. The relevant extracts to support the proposed building envelope should be included the planning proposal prior to exhibition.

Traffic and transport

The site is located directly adjacent to Cronulla Station, which operates on the T4 Eastern Suburbs & Illawarra Line. Services operate every 10 minutes during the AM and PM weekday peak period, and every 15 minutes during off peak periods.

The site is accessible by several bus services operating along Cronulla Street, with bus stops provided outside Cronulla Station. Six routes service nearby centres (Sutherland, Miranda, Hurstville, Caringbah, Kurnell) and Sydney Town Hall.

Given the immediate proximity of Cronulla Station and bus stops to the site, there is potential for future site employees and visitors to use public transport for the journey to and from the site. In addition, the site also provides a high level of pedestrian and bicycle connectivity.

The proposal is supported by a Transport Impact Assessment (TIA) report prepared by Ason Group. The TIA estimates that the proposal will generate:

- 68 vehicle trips per hour in the AM peak period;
- 111 vehicle trips per hour in the PM peak period; and
- 144 vehicle trips per hour in the Saturday peak period.

Compared to a development under the existing controls, this equates to an increase of:

- 22 vehicle trips per hour in AM peak period;
- 32 vehicle trips per hour in PM peak period; and
- 42 vehicle trips per hour in Saturday peak period.

These increases to key peak periods are not significant within the context of the site and local traffic environment for the following reasons.

- The trip generation resulting from the proposed additional development potential represents less than 1 additional vehicle trip per minute to the local road network.
- The majority of site trips in weekday PM and Saturday peak periods will be generated to off-site parking, either on street or in local car parks. Therefore, these trips would not be concentrated at the site itself, but dispersed within the centre.
- There is significant potential to reduce vehicle trips given the public and active transport options by which to reduce vehicle trips.
- The TIA also noted that parking requirements could be reduced which would be consistent with some other town centres across Sydney.
- The TIA considers that the traffic generation resultant from the proposal under the amended FSR control will be marginally greater when compared to current controls and would have minimal impacts on the Cronulla Town Centre.

Under the Sutherland Shire DCP, the LGA wide centres parking rate required for the proposal would be 138 spaces. The proposal concept contains approximately 60-80 car parking spaces. The TIA considers that the shortfall of around 60 spaces is acceptable as the site will require significantly fewer spaces given the following:

- The draft Sutherland Integrated Transport Strategy requires parking in moderation to encourage the use of public transport.

- Public transport usage is at 20% in Cronulla for the journey to work. A reduced parking rate would encourage a higher uptake of public and active transport.
- The DCP parking rates are significantly higher than other sub-regional centres with similar levels of public transport access and land uses.
- The proposal consists of two land uses (commercial, food & drink) which have different peak parking demands which generate demand at different times of weekdays and weekends.
- The existing site operations generate a demand for approximately 30 parking spaces (as per SDCP requirement). These spaces could be considered as 'credits' to which would be available to a new development.

It is considered that a significant portion of trips generated the proposal will be via public or active transport, and the strategy to deliver a reduced number of on-site carparks is supported in line with an integrated transport approach.

The proposal will be referred to Transport for NSW for comment and the finer details of transport and parking will be considered at the DA stage.

5.3 Economic

The proposal is expected to provide positive economic impacts, providing for additional jobs, commercial and retail activity.

During the construction phase, resources will be drawn from, and thereby generate economic activity, in the Cronulla town centre and broader Sutherland LGA. The planning proposal states that construction is anticipated to generate economic impacts for the Sutherland LGA including:

- \$28.5 million in output (\$17.1 million directly);
- \$11.9 million contribution to Gross Regional Product (GRP) (\$6.2 million direct contribution);
- \$7 million in wages and salaries (\$4.1 million directly); and
- 81 Full Time Equivalent (FTE) jobs (45 direct FTE).

The planning proposal also states that it would enable redevelopment of the site into a commercial building comprising 4,139 sqm GFA comprised of:

- Retail uses (food and drink) of 1,650 sqm GFA; and
- Commercial uses (including co-working facilities) of 2,490 sqm GFA.

Overall, the planning proposal estimates it will facilitate a net increase in economic activity through direct and indirect flow-on impacts comprised of:

- \$39.3 million additional in output (including \$23.1 million in direct activity);
- \$20 million additional in contribution to GRP (including \$11.4 million in direct activity);
- \$10.8 million additional in incomes and salaries paid to households (including \$6.6 million directly); and
- 130 additional FTE jobs (including 79 additional FTE jobs directly related to activity on the site).

The Economic Impact Assessment considers that commercial office supply in Cronulla is generally limited and the centre lacks contemporary commercial floorspace options for knowledge-intensive businesses. These businesses and their workers generally require floor space in a location within transport and amenity-rich business environments. The proposal will provide for this market and accommodate a broader range of employment.

The proposal incorporates multiple levels of commercial office space that could accommodate businesses seeking fixed term lease arrangements as well as businesses seeking flex space solutions including co-working space.

The proposal's two levels of food and drink floorspace presents an opportunity to bolster and reinvigorate the tourism and recreational market in Cronulla, particularly around the rail station.

5.4 Infrastructure

The site is well serviced by public transport being adjacent to the Cronulla train station and bus stops. The proposal is unlikely to require significant increase in public transport service and infrastructure. Additional upgrades to water and power infrastructure may be required.

To ensure infrastructure needs are adequately addressed, a Gateway condition is recommended to require consultation with Transport for NSW, Sydney Water and Ausgrid.

6. CONSULTATION

6.1 Community

According to the planning proposal, public exhibition is likely to include a local newspaper advertisement, a letter to affected and adjoining landowners, a hard copy display in the Council's Libraries and Administration building, and a display on the Council's website. There will also be a telephone hotline and dedicated email address for enquiries.

An exhibition period of 28 days is considered appropriate for this proposal.

The *Environmental Planning and Assessment Act 1979* (s.10.18) has been amended and no longer requires exhibition documents to be made available at a physical location during the COVID 19 pandemic. Council is now able to exhibit the planning proposal and associated documents on Council's website or the Planning Portal, in lieu of displaying them in Council's Library and Administration building. A Gateway condition is recommended to require the planning proposal to be updated to reflect the above.

6.2 Agencies

The planning proposal states that the views of relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway determination. It is recommended that the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW;
- Sydney Water;
- NSW Heritage – Department of Premier and Cabinet; and
- Ausgrid.

7. TIME FRAME

The planning proposal provides an estimated project timeline of around seven to eight months from Gateway determination to complete the LEP. Due to the COVID 19 pandemic and likely delays as a result of this condition, it is recommended that a 9-month timeframe be applied.

8. LOCAL PLAN-MAKING AUTHORITY

Sutherland Shire Council has requested authority to use its delegated plan making functions for this amendment. Given that the planning proposal demonstrates site specific and strategic merit, is supported by Council and largely deals with local matters then Council should be authorised to be the plan making authority.

9. CONCLUSION

The planning proposal to amend the Sutherland Shire LEP 2015 for the site is supported and should proceed subject to conditions as:

- the proposal is consistent with the objectives and directions of the Greater Sydney Region Plan, the South District Plan, Council's draft LSPS and the relevant section 9.1 Ministerial Directions;
- it will provide significant additional employment opportunities with the potential for 130 ongoing jobs and 81 construction jobs;
- commercial floor space options in Cronulla are limited and the proposal will be able to provide for a broader range of employment options in the centre, particularly for knowledge-intensive businesses;
- the height and FSR have been reduced from the original proposal to address concerns raised by the Sutherland Shire Planning Panel regarding excessive height and FSR;
- redevelopment associated with the proposal will provide for food and drink businesses, reinforcing Cronulla's role as a recreational and tourism centre;
- the site is highly accessible, close to public transport, including Cronulla rail station and local buses with good pedestrian and cycle infrastructure;
- the proposal is well located within Cronulla centre with access to a range of services and facilities; and
- the concept supporting the proposal has been designed to minimise overshadowing and impact on the adjoining heritage listed Cronulla Rail Station and Monro Park.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that there are no inconsistencies with section 9.1 Directions, and that the proposal will need to be updated to address section 9.1 Direction 2.3 *Heritage Conservation* and the new section 9.1 Direction 2.6 *Remediation of Contaminated Land*.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
 - (a) improve the clarity of the Figure 1 site map aerial photo to clearly show the detail of the site in a smaller scale;
 - (b) amend the proposed FSR map (Part 4) to show the context of FSR controls that apply in the surrounding area, and to include a legend.
 - (c) include land zoning, height of buildings and heritage maps that apply to the site to provide a better contextual understanding for the community;
 - (d) address the Preliminary Site Investigation (PSI) and consistency with s.9.1 Direction 2.6 *Remediation of Contaminated Land*, to show that the potential contamination has been adequately considered;
 - (e) address consistency with s. 9.1 Direction 2.3 *Heritage Conservation* in light of the site's proximity to heritage items at Monro Park and Cronulla Railway Station.
 - (f) use Standard Instrument land use terminology throughout the planning proposal,
 - (g) include relevant extracts from the draft DCP currently being prepared for the site that support the proposed building envelope;
 - (h) revise Part 5 *Community Consultation* to reflect the current notification and exhibition arrangements during the COVID-19 pandemic; and
 - (i) include a revised project timeline.
2. Prior to community consultation, the amended planning proposal responding to condition 1 is to be forwarded to the Department for review and endorsement.
3. The planning proposal should be made available for community consultation for a minimum of **28 days**.
4. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Sydney Water;
 - NSW Heritage – Department of Premier and Cabinet; and
 - Ausgrid.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
6. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
7. Given Council's request and the nature of the planning proposal, Council should be the local plan-making authority.



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