



Business Paper

Shire Strategic Planning Committee

Monday, 15 June 2020

6:30pm

Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland

SUTHERLANDSHIRE

ORDER OF BUSINESS**1. OPENING OF MEETING AND WEBCAST STATEMENT****2. ACKNOWLEDGEMENT OF COUNTRY****3. APOLOGIES****4. DISCLOSURES OF INTEREST****5. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS****6. PRESENTATIONS****7. REPORTS FROM OFFICERS**

- PLN015-20 Planning Proposal 138-144 Cronulla Street, Cronulla (pg 3)
- PLN016-20 Review of Maximum Car Parking Rates - Residential Development and Shop Top Housing (pg 22)
- PLN017-20 Review of Public Parking Provision in Town Centres and Near Transport Hubs Across the Shire (pg 32)
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- PLN019-20 Potential Impact of Longwall Mining Under Woronora Dam (pg 91)
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PLN015-20 PLANNING PROPOSAL 138-144 CRONULLA STREET, CRONULLA

PLN015-20

Attachments: Appendix A (under separate cover),⇒ Appendix B (under separate cover),⇒ Appendix C (under separate cover),⇒ Appendix D (under separate cover),⇒ Appendix E (under separate cover),⇒ Appendix F (under separate cover),⇒ Appendix G (under separate cover),⇒ Appendix H (under separate cover),⇒ Appendix I (under separate cover),⇒ Appendix J (under separate cover)⇒ and Appendix K (under separate cover)⇒

EXECUTIVE SUMMARY

- A Planning Proposal has been submitted seeking to increase to the maximum Floor Space Ratio (FSR) in Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) as it applies to 132-144 Cronulla Street, Cronulla.
- The proposed increase in FSR is from 2:1 to 2.9:1 for a wholly commercial building comprising offices and food and drink premises, and contemplates a Planning Agreement to provide community benefit as part of the development. A development concept has been submitted to show how the additional floor space could be accommodated.
- The concept complies with the maximum height limit of 25m. At the winter solstice, the extent of overshadowing is no greater than would result from an FSR compliant building.
- The Sutherland Shire Local Planning Panel considers the proposal to have strategic merit, as it facilitates commercial development in the Cronulla Centre within very close proximity to the train station. The Panel advised that the increased FSR should be linked to the whole development being non-residential uses.
- The proposal will help revitalise Cronulla Centre, bringing employment opportunities and increased spending. Growing employment has been a long-standing objective for Council and is reflected in the Planning Priorities of the South District Plan, the draft Local Strategic Planning Statement and Council's Economic Informing Strategy.
- The Planning Proposal is considered to have strategic merit and should proceed to NSW Planning for Gateway Determination, in order to enable the proposal to be publicly exhibited.

REPORT RECOMMENDATION

THAT:

1. The Planning Proposal for 138-144 Cronulla Street, Cronulla be amended so that the proposed floor space ratio increase is conditional on the entire building being non-residential in use, and be referred to the Minister under Section 3.34 of the Environmental Planning and Assessment Act 1979 for Gateway Determination.
2. The Planning Agreement and consideration of potential for public domain improvements be subject of a separate report to Council.

PURPOSE

This report provides an examination of whether the Planning Proposal for 138-144 Cronulla Street, Cronulla has sufficient merit to proceed to Gateway Determination and public exhibition, to assist Council in making a decision on whether it should be supported.

BACKGROUND

The NSW Planning framework requires councils to consider Planning Proposals seeking to amend the provisions of local environmental plans. Councils are required to determine whether a proposal demonstrates strategic merit on two aspects;

1. the general outcomes are consistent with State and local strategic planning frameworks; and
2. whether the proposal has merit on the specific site.

If a council forms the view that a planning proposal does have strategic merit, it is submitted to the Department of Planning, Industry and Environment for Gateway Determination to decide whether it should be publicly exhibited.

This site was the subject of a previous Planning Proposal seeking to increase the maximum height from 25m to 50m and to increase the maximum floor space ratio from 2:1 to 3.75:1. That proposal sought to facilitate a 14 storey commercial development, comprising a hotel, two floors of hospitality, commercial/co-work floor space, and associated car parking. Council considered the merits of that proposal and on 24 February, 2020 (PLN002-20) and resolved not to support submission of the Planning Proposal for Gateway Determination.

The Planning Proposal the subject of this report, is an entirely new application.

DISCUSSION

The Planning Proposal

This Planning Proposal is landowner initiated, requesting to amend Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) to increase the floor space ratio applying to land at 138-144 Cronulla (Lot 1-4 DP 18461). Specifically, the proposal seeks an increase to the maximum floor space ratio from 2:1 to 2.9:1, which equates to 1,281m² of additional floor space. The full Planning Proposal is attached as Appendix A.

The additional floor space is proposed to be achieved by a 'bonus' provision for the delivery of a 100% commercial building, specifically tied to a site-specific subclause in SSLEP2015, within Part 6 Local Provisions. The proponent's draft clause is as follows:

6.23 138-144 Cronulla Street, Cronulla

- (1) *The objectives of this clause are as follow:*
- (a) *To encourage commercial development adjacent to the Cronulla Railway Station and within walking distance of the Cronulla Local Centre and Cronulla Beach;*
 - (b) *To promote local employment opportunities within Cronulla; and*
 - (c) *To be a catalyst for the revitalisation of the southern end of the Cronulla Local Centre.*
- (2) *This clause applies to the land identified as “Area 13” on the Floor Space Ratio Map.*
- (3) *Despite Clause 4.3 (2), the maximum floor space ratio for a building on land to which this clause applies may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by an additional 0.9:1 if the additional floor space resultant from this clause is for the purpose of commercial premises.*

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)*

Indicative Development Concept

The Planning Proposal is accompanied by a development concept plan. The plan is provided to demonstrate how the proposed floor space could be accommodated on the site, but would not be incorporated into SSLEP2015 if the proposal proceeds. The actual configuration of the building may change upon lodgement of a development application.

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

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

As drafted by the applicant, the Planning Proposal provisions only apply to the additional floor space. The clause stipulates the bonus floor space is solely for commercial premises, so all other uses permissible in the B3 zone (including residential development) remain possible within the compliant portion of the floor space (2:1) of a future development.

The justification for the Planning Proposal is that the positive economic flow-on effects of the planned development are only realised if a wholly commercial development is delivered, rather than a more

typical residential flat building with ground floor retail uses. This ought to be reflected in any amendment to SSLEP2015.

The accompanying economic report prepared by Atlas Urban Economics supporting the Planning Proposal states:

The Site is subject to an FSR control of 2:1 with existing floorspace below the permissible GFA. While there is latent floorspace/ GFA capacity on the Site, realisation of that latent capacity would require demolition and redevelopment of the Site. This is not feasible and as a result the Site is assumed to remain 'as is' if there were no amendments to the planning controls.

Merits of the Planning Proposal

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, provides the following assessment criteria for Planning Proposals:

- a) *Does the proposal have strategic merit? Will it:*
- *give effect to the relevant district plan; or*
 - *give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district or local strategic planning statement; or*
 - *respond to a change in circumstances, such as an investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

There will be a presumption against rezoning review requests that seek to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.

- b) *Does the proposal have site-specific merit, having regard to the following?*
- *the natural environment (including known significant environmental values, resources or hazards);*
 - *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
 - *the services and infrastructure that are or will be available to meet the demand arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Strategic Merit Test

The following table provides an assessment of the strategic merit and site-specific merit of the proposal based on the criteria above:

<p>South District Plan: <i>Does the proposal give effect to the relevant district plan?</i></p>
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Planning Priority	Comment
<p>Planning Priority S3: Providing services and social infrastructure to meet people's changing needs</p> <p>Objective 6: Services and infrastructure meet communities changing needs</p>	<p>Cronulla centre is changing as it becomes denser. It is a good planning outcome for residents to be able to locally access a range of services and employment opportunities. A significant office building with co-working space will allow more residents to work locally taking pressure off the road network.</p> <p>Facilitating commercial office space and food and drink premises in very close proximity to public transport also takes advantage of investment in infrastructure.</p> <p>The proposal will increase the liveliness of the centre, enhance night-time activity, and improve the public domain and wayfinding to the beach. Together these elements are important and will serve the growing popularity of Cronulla as a destination.</p>
<p>Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage</p> <p>Objective 12: Great places that bring people together.</p>	<p>The proposal includes a mix of uses, being co-work space, commercial floor space and food and drink premises. The proposed spaces would help bring the community together – creating business and social connections.</p> <p>Cronulla has a lifestyle and recreation focus. The proposed uses add an extra dimension to the centre while also allowing more people to work locally and develop business connections. It would also strengthen the night-time economy and improve passive surveillance. These outcomes all support bringing people together in a local centre.</p>
<p>Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres</p> <p>Action 28: Provide access to jobs, goods and services in centres by: b. diversifying the range of activities in all centres</p>	<p>While Cronulla is not a Strategic Centre in the South District Plan, the criteria represent good planning outcomes for lower order centres too.</p> <p>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 grow employment and business opportunities.</p>

<p>c. creating vibrant, safe places and a quality public realm</p> <p>d. focusing on a human-scale public realm and locally accessible open space ...</p> <p>f. improving the walkability within and to centres ...</p> <p>k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts</p> <p>Action 31: Use flexible and innovative approaches to revitalise high streets in decline.</p> <p>Action 32: Review the current planning controls and create capacity to achieve the job targets for each of the District's strategic centres.</p>	<p>Commercial development has been difficult to achieve, even during the recent development boom. The proposal facilitates the diversification of activities in the centre.</p> <p>The proposal provides greater opportunity to grow the night-time economy.</p> <p>The proposal will improve the public domain and help revitalise this end of the mall. The public domain to Cronulla Beach will be widened and enhanced, improving walkability.</p> <p>The night-time uses will overlook the public domain, and in particular Monro Park and the railway station, which will improve public safety. This will deliver a more vibrant precinct at night and support greater use of public transport.</p>
<p>Planning Priority S11: Supporting growth of targeted industry sectors - Tourism</p> <p>Objective 24: Economic sectors are targeted for success.</p> <p>Action 46: Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.</p> <p>Action 47: Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.</p>	<p>Cronulla is an important tourist destination and as such, a significant economic driver for the Shire. The South District Plan recognises the role of Cronulla in shaping visitor experiences, with 1 million daytrip visitors to Sutherland Shire in 2015-16.</p> <p>The inclusion of two levels of food and beverage floor space (1,650m²) will make a meaningful contribution to Cronulla's attraction for visitors and bring economic activation. Food and beverage establishments can 'anchor' and renew this southern portion of the centre around the train station.</p> <p>Increasing night-time activity in the southern section of Cronulla centre would help bring more passive surveillance to the precinct making the railway station and Monro Park safer for visitors and residents.</p>

<p>Planning Priority S9:</p> <p>Growing investment, business opportunities and jobs in strategic centres</p> <p>Objective 22:</p> <p>Investment and business activity in centres.</p>	<p>While Cronulla is not a designated strategic centre, the proposal will provide over 130 Full Time Equivalent (FTE) jobs in operational phase and 81 FTE jobs during construction phase - creating significant employment opportunities in Cronulla.</p>
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Local Strategic Planning Statement (As submitted to GSC for Assurance):

Does the proposal give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department?

Planning Priority	Comment
<p>PP17: Grow Tourism:</p> <p>Support opportunities to grow tourism and encourage more overnight visitors, extend visitor stays and invest in tourism assets to enhance visitor experiences.</p>	<p>The amendment will facilitate 2 floors of hospitality floor space, which will augment the tourism experience and support other tourism assets in Cronulla.</p>
<p>PP 11: Attractive and Distinctive Centres and Public Places:</p> <p>Create attractive and distinctive centres and public places that are welcoming, safe, distinctive and enjoyable for our residents and visitors.</p>	<p>The proposal seeks to revitalise Cronulla Centre, facilitating an urban form that is compatible with the local context and also improves the public domain.</p> <p>By activating the economy adjacent to the railway station and Monro Park, passive surveillance will be substantially improved, making Cronulla safer, particularly at night.</p> <p>The Planning Proposal also facilitates the widening and enhancement of Beach Lane which is the primary pedestrian route from the train station to Cronulla Beach. This will improve the pedestrian experience for both residents and visitors.</p>
<p>PP 2: Managing Traffic Congestion and Parking:</p> <p>Plan for and manage traffic congestion through planning for parking, traffic, arterial road and smart transport</p>	<p>The increased floor space (1,281.6m²) proposed has the potential to increase traffic volumes and demand for parking. Please refer to the discussion under key issues below.</p>

Sutherland Shire Community Strategic Plan (a key input into the LSPS - outlines the community aspirations and long-term visions)	
<p>Planning Priorities 5.1.2: Support our growing business community by reducing barriers to growth where possible</p> <p>5.1.3: Promote our community as a place to visit, live, work and invest.</p> <p>5.1.1: Develop vibrant productive local centres.</p> <p>5.2.1: Enhance and promote opportunities to work locally</p>	<p>The site is currently underutilised. The Planning Proposal will support the growth of business opportunities in Cronulla, providing an additional 1,281.6m² of floor space. The Planning Proposal states that this is anticipated to provide approximately 130 jobs in operational stage and 81 during construction, supporting opportunities to work locally.</p> <p>The proposal will bring new vibrancy to Cronulla centre and improve it as a place to visit, live, work and invest.</p>

Council's Economic Informing Strategy (a key input into the LSPS regarding productivity planning priorities)	
<p>Outcome 1: Provide a prosperous community with a fulfilling work/life balance.</p> <p>Objective: Increase the number of local jobs by 10,000 FTE (total 87,937 jobs) by 2030.</p>	<p>The proposal will provide over 130 jobs in the operational phase, and 81 during construction jobs. Providing opportunities for local businesses to have offices closer to home and providing a space where start-up businesses can establish facilitates a better life/work balance for residents.</p>
<p>Outcome 2: A diverse, resilient and self-sustaining business community providing a prosperous and fulfilling lifestyle.</p> <p>Objective: Increase Sutherland Shire's business output (turnover) by 15% by 2030.</p> <p>Strategic Approach 2.9: Increase business accommodation in Sutherland Shire.</p>	<p>The floor space for new food and drink premises plus co-working and commercial space provides opportunities for business to establish and prosper. Facilitating more people being able to work in Cronulla builds on the quality of lifestyle in Cronulla.</p> <p>The flexibility offered by co-working space provides opportunities for start-up businesses to network and collaborate with no lock-in leases or minimum floor space requirement. It is understood that this kind of space is in high demand in Sutherland Shire. Providing an environment conducive to start-up businesses will contribute to the overall business output.</p>

<p>Strategic Approach 2.10: Facilitate a night-time economy that builds on current strengths and creates a diverse and vital offer that will meet the needs of the current and future population</p>	<p>The proposal will also strengthen the night-time economy with two full floors dedicated to food and drink premises. This will offer a range of new quality dining spaces in Cronulla, building on its existing strengths as a dining destination.</p> <p>There is a lack of high quality commercial space in Sutherland Shire but there is strong demand. This proposal improves supply of a quality commercial accommodation.</p>
<p>Outcome 4: Increased size and value of tourism's contribution to the Sutherland Shire economy</p> <p>Objective: Increase the average tourism spend in the Sutherland Shire by 20% (\$46m) by 2030.</p> <p>Strategic Approach 4.1: Support and incentivise investment to increase short stay visitor accommodation opportunities in Cronulla and surrounding areas.</p>	<p>The proximity to beach and railway station makes the proposal attractive to visitors from outside the Sutherland Shire. The proposal provides two full floors dedicated to hospitality/food and drink premises adding to the tourist offer. This supports the intent outlined in the Sutherland Shire Economy Strategy.</p>

Does the proposal respond to a change circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing controls?

Changed circumstances?

No.

Are the LEP controls less than 5 years old?

The Sutherland Shire Local Environmental Plan 2015 was made on 23 June 2015.

While the Sutherland Shire Local Environmental Plan 2015 was made on 23 June 2015, the plan making process was very protracted, being exhibited 3 times in the two and a half years leading to gazettal. Many of the fundamental decisions that underpin the plan were made over 5 years ago.

Key Issues

The proposed increase in the FSR and supporting concept development plans raise several significant planning issues with both positive and potentially negative consequences. The commentary below provides a summary of these key issues:

Traffic Generation and Parking Provision

The southern section of Cronulla is particularly constrained in terms of road access, with poor traffic flows and high demand for parking in summer and at peak times. This site is only practically accessed from Surf Lane, which is a narrow and requires circulation through the sometimes congested area.

The additional floor space sought generates the need for an additional 42 parking spaces (1281m² divided by Council's commercial car parking rate of 1 space per 30m²). Whilst this is generally a matter for consideration at development assessment stage, it does reflect how the proposal increases the intensity of use on this site and is relevant in the assessment of the site's capacity.

A Transport Assessment Report prepared by Anson Group has been submitted with the Planning Proposal. The report assumes the provision of 77 parking spaces on site, as the indicative concept design indicates 60-80 spaces within a basement. On this assumption, the proposal is likely to have a total shortfall of 61 parking spaces when strictly applying Council's Development Control Plan. The report also contends that a 'credit' should be given for the 36 spaces that the existing development requires, given that there is no parking currently available on the site.

In support of the reduced parking provision, the report states that an objective of Council's Integrated Transport Strategy is encouraging a mode shift to other forms of transport. In this regard the proponent submits that the high DCP parking rates are at odds with the ITS and the goal of facilitating mode shift. The report argues that Cronulla residents have a lower 'car' mode share than the rest of the Shire, that the DCP car parking rates are inconsistent with other Councils' rates and the RMS rates, that the peak demand for commercial use does not overlap with the hospitality use, and commuter parking will become available during the weekend peak to support hospitality.

The submitted traffic study compares likely trip generation rates of the Planning Proposal to compliant commercial and commercial/residential scenarios possible under the current FSR control. When compared to the complying commercial scheme, the additional trips generated by the proposal are as follows:

- 22 additional trips during the AM peak
- 32 additional trips during the PM peak
- 40 additional trips on Saturdays.

The traffic study indicates a significant trip generation increase on Saturdays (approx. 50%) and PM peak (approx 30%). The proponent submits that this trip generation represents less than one additional vehicle trip per minute on the local road network.

The proponent's traffic study contends that peak trip generation will impact off-site parking, either on street or in local car parks, as the onsite car parking will be largely occupied by employees. The increase in demand would not be concentrated at the site itself, but dispersed throughout the town centre, and therefore have less of an impact on the immediate area.

It also states that given the active transport and public transport available within close proximity to the site, reduced parking rates are a viable mechanism to help reduce vehicle trips, noting other sub-regional centres require less parking than Sutherland Shire Development Control Plan 2015.

Strengths	Weaknesses
<p>The proposal is within 25 metres of well serviced train and bus stations. This supports a reduction in onsite parking.</p> <p>While there is likely to be a shortfall in onsite parking, providing more on-site parking will generate greater traffic flows on roads that are already highly constrained at times. Surf Lane has limited capacity to accommodate traffic.</p> <p>It is acknowledged that Council's current car parking requirements may not support the objectives of Councils Integrated Transport Strategy, and exceed TfNSW guidelines and rates in other similar centres.</p> <p>Demand for parking in peak periods in Cronulla is almost insatiable and visitation to Cronulla continues to grow. Ultimately demand for parking will have to be managed in alternative ways. Providing a large car park on the subject site will only attract more vehicles into an area that already suffers from congested roads in peak periods.</p>	<p>The road network in Cronulla is constrained. Delays are regularly experienced during peak periods and parking is at a premium with high on and off street occupancy rates. This in turn results in many motorists circulating the centre looking for parking, which adds to congestion.</p> <p>The proposal results in increased traffic generation in a locality that already suffers from constrained traffic flows. The lack of car parking spaces proposed may result in an increase in demand for alternate parking in Cronulla, which is already at a premium.</p> <p>Newly built hospitality establishments in the Shire are geared toward family dining and are less conducive to mode shift. The attractiveness of this location will draw patrons from further afield using car based transport. If sufficient parking is not provided on site, existing on street parking supply will face increased demand, most likely adding to congestion by circulating traffic.</p> <p>There is concern that the proposed mix of commercial uses included in the indicative concept design (in particular approx. 1650m² GFA food and beverage area) will not be able to provide adequate parking. Parking demand surveys of similar hospitality establishments in the Shire would better indicate parking and traffic generation and impacts, and should be submitted in support of a detailed proposal.</p> <p>The provision of parking credits based on existing site usage is not considered appropriate given that multiple sites are being consolidated for a new purpose built development.</p>

Tourism, Employment and Economic Activity

The proponent submits that the additional floor space sought by this proposal will enable redevelopment of the site and will lead to a significant increase in local jobs. Cronulla Centre's primary retail and commercial focus is Cronulla Mall. The Mall is suffering from tough business conditions with high vacancy rates. The southern end of the Mall currently lacks vitality. The concept development would facilitate the revitalisation of the southern end with increased pedestrian traffic and increased passive surveillance. The concept development would improve the tourism offer at Cronulla.

The Planning Proposal estimates that it would result in over 130 jobs in the operational phase, and 81 during construction.

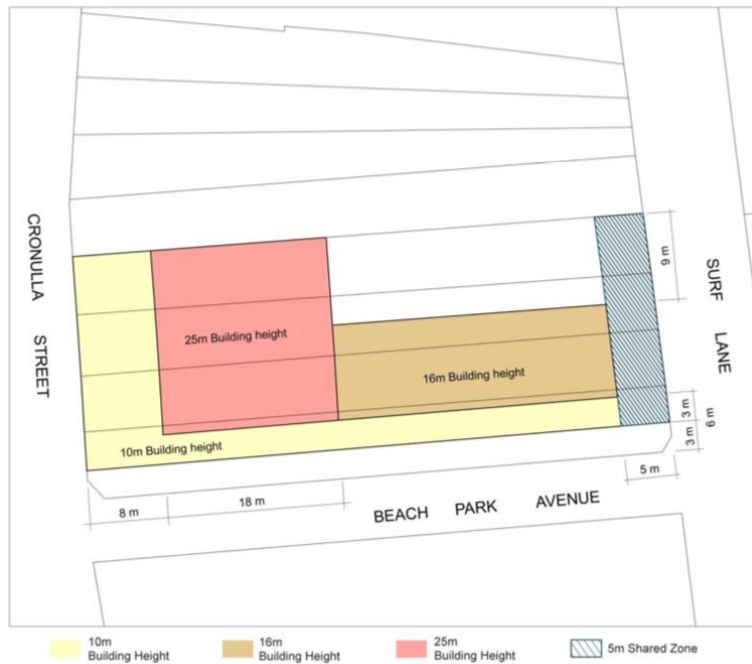
Strengths	Weaknesses
<p>The concept is consistent with the planning priorities of both the South District Plan and the draft Local Strategic Planning Statement.</p> <p>The spending power of a significant workforce will support local businesses, particularly during the day when trading conditions are slower.</p> <p>The location of a large commercial building at the southern end of the Mall would help regenerate Cronulla and support the growth of the night-time economy. It would bring passive surveillance to both Monro Park and the railway station making the locality safer for visitors.</p>	<p>There are no negative consequences to this aspect of the proposal.</p>

Potential for Over Shadowing

A key consideration for the Planning Proposal is the impact on the public domain. Monro Park to the immediate south is listed as a local heritage item. The Cronulla Railway Station to the south west is listed on the State Heritage Register.

Monro Park is a well-used central open space. It is used by the community for passive recreation, by patrons of adjacent cafes, and as a thoroughfare to the station and shops from surrounding residential development. It is also a focus for ANZAC Day commemorations. Being located directly to the north of Monro Park, any development on this land will have an impact on the park's solar access. Solar access must be carefully managed to ensure winter solar access is maintained to an acceptable level.

The built form indicated in SSDCP2015 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. 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.



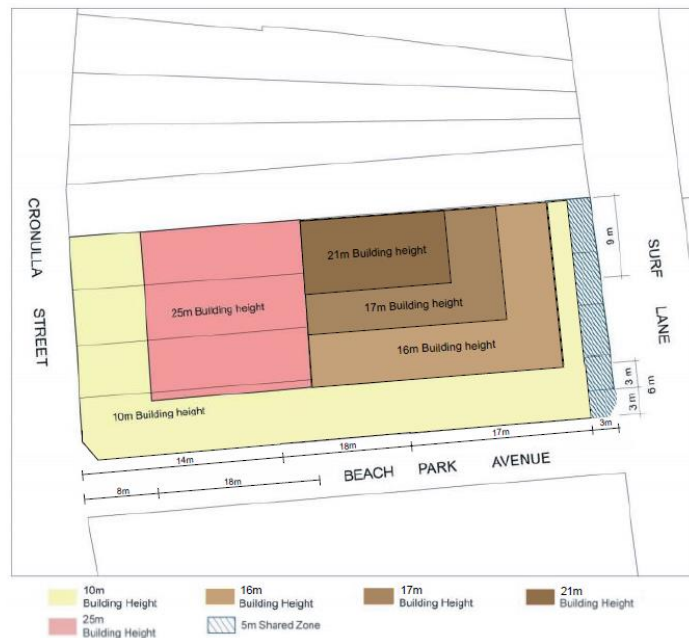
SSDCP2015 – extract built form

To accommodate the additional floor space, the proposed built form departs from the above. The form proposed in the indicative concept design “fills in” the northern portion of the site and steps the height up to the northern boundary. 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 eastern end of the site. The proposal is consistent with the anticipated height for the site (25m).

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

The shadow diagrams in the urban design analysis compare the impact of a compliant building form and the proposal. In the morning, at the 9am at the midwinter solstice, the shadows from both a compliant proposal and the current proposal, fall largely onto the road, station and the areas shaded by mature fig trees. By 11am the shadows both extend equally into the park - large sections of the southern section park remain in sun throughout the afternoon. At 3pm the shadows both extend across the north eastern end of the park, over-shadowing approximately 24% of the park, with the remaining 76% of the Park unaffected by shadow.

It has been demonstrated that the proposal will not overshadow Munro Park more than an FSR compliant proposal. This is consistent with the DCP objective of minimising impacts to Munro Park. Shadow Diagrams are located in Appendix E (page 44) of the Urban Design Report by Kennedy Associates Architects



Indicative Concept Design – extract Planning Proposal

Strengths	Weaknesses
<p>The majority of the park remains in sun at all of times of the day, even on the worst day of the year (winter solstice).</p> <p>The massing of the additional floor space does not create any extra shadowing over the park than an FSR compliant building.</p>	<p>To achieve the proposed FSR and minimise overshadowing of Munro Park, the modelling adopts a zero setback on the northern elevation.</p> <p>Any minor additional overshadowing created by the proposal occurs late in the afternoon (post 3pm), and will result in marginal overshadowing of Surf Lane, and potentially rear apartments fronting Gerrale Street. Regardless, these apartments will still meet and maintain SEPP 65 Apartment Design Guide solar access requirements.</p>

Bulk, Scale and Local Character

The focus of the strategy for Cronulla Centre contained in SSDCP2015 is to enhance the vitality of the centre and improve pedestrian amenity. The strategy also seeks to improve the pedestrian movement between the railway station and the beach. The subject site is identified in SSDCP2015 as a key development site that can help to revitalise the centre.

The development concept widens the pedestrian space of Beach Lane and combines access with outdoor eating spaces. This will greatly enhance the visitor experience and way finding from the train to the beach.

A detailed Urban Design analysis has been submitted with the Planning Proposal. It concludes that the proposed development is compatible with the desired built form in Cronulla and consistent with Council's SSDCP2015 strategy for Cronulla.

Strengths	Weaknesses
A well designed building could complement the locality's character creating a fine grain dining precinct with a high level of pedestrian amenity.	The proposed building is generally well articulated from all angles. The indicative building form has been sited on the northern boundary to minimise overshadowing, however, the wall creates a relatively harsh transition to adjoining properties. These design matters can be addressed at Development Application stage.

Advice of the Sutherland Shire Local Planning Panel

On 27 September 2018 the Minister issued a Direction under Section 9.1 of the Environmental Planning and Assessment Act 1979 (the Act) for Planning Proposals. Under this direction all planning proposals prepared after 01/06/2018 must be referred to the Local Planning Panel for advice.

This Planning Proposal was referred to the Sutherland Shire Local Planning Panel on 19 May 2020. The Panel's advice and reasoning are very detailed and are summarised in this report. The full advice of the Panel is attached as Appendix K.

The Panel (by majority 3-1) is of the opinion the Planning Proposal (PP) for 138-144 Cronulla Street Cronulla has strategic merit as it facilitates a needed commercial development for the Cronulla Centre within very close proximity of the train station.

The Panel noted that the site is part of a wider precinct and part of the B3 zone, which has not been the subject of a full strategic review at this time – which may give rise to a different massing outcome and amalgamation plan.

Maintaining the height limit to address overshadowing of the park is supported. However, the proposed massing is likely to lead to some compromised outcomes in terms of the northern side (and eastern) setback, and potentially minor increased overshadowing.

The Panel has suggested the following:

1. *Consideration be given in any Planning Agreement to urban domain/public art and park improvements, that may be mutually beneficial to the public and land owner;*
2. *The increased FSR be linked to the whole development being a non-residential use(s);*
3. *Mechanisms be considered to address any limitations and interface issues upon the northern adjoining site (such as avoiding adjoining glazing on the any wall on the northern boundary), although this may be a matter for a DA; and*
4. *Mechanisms be considered to ensure the activation and engagement with the public domain to the south and east is not compromised, given this is an important component to the current DCP controls*

In regard to the Panel's four points (above), the applicant has made the following response:

1. *The Proponent has indicated a willingness to enter into a Planning Agreement with Council to accompany the PP and discussions are well advanced in this regard. It is anticipated that further discussions regarding the potential for public domain improvements will occur at Development Application stage, as has occurred with other recent development applications in Cronulla undertaken by the Proponent;*
2. *This is consistent with the intention of the PP and the draft clause included in the PP documentation achieves this outcome;*
3. *This is best considered at the detailed design stage associated with the DA. Specific objectives to address potential interface issues could be included in the site specific DCP amendments. We are happy to work with Council to prepare draft DCP wording/diagrams for consideration;*
4. *Ground floor/streetscape activation is consistent with the intention of the PP. Specific objectives to address streetscape/pedestrian activation and engagement could be included in the site specific DCP amendments. We are happy to work with Council to prepare draft DCP wording/diagrams for consideration.*

The suggestions of the Panel are noted and the following comments are made:

1. The Planning Agreement and the possibility of further public domain improvements will be separately reported to Council.
2. It is agreed that the increased FSR should linked to the whole development being a non-residential. The clause as drafted does not achieve this but could be amended to do so.
3. Mechanisms to address interface issues with the northern adjoining site are best addressed at DA stage.
4. The current DCP provisions require an active frontage to Cronulla St and Beach Park Ave and a Semi active frontage to Surf Lane. Detailed design of the streetscape is best addressed at DA stage.

RESOURCING STRATEGY IMPLICATIONS

Management of Council's Local Environmental Plan (SSLEP2015) is conducted within the budget allocation of strategic planning.

There is potential to negotiate community benefits through a Planning Agreement as part of the proposal, such as public toilets and open space embellishment. This could have a beneficial impact on Council's Resourcing Strategy. This will be addressed separately.

COMMUNITY ENGAGEMENT

Planning Proposals are not subject to community consultation until Gateway Determination has been issued. The Gateway tailors consultation requirements for each proposal. Subject to a positive Gateway Determination, the following consultation activities will be undertaken:

- Public exhibition of the Planning Proposal on Council's Join the Conversation website for a period set by the Gateway Determination;
- Publication of an advertisement in the local newspaper;
- Exhibition at all Sutherland Shire Council libraries (if possible under COVID19 restrictions) and the administration building.

A petition containing 237 signatures in opposition to the proposal has been submitted. It should be noted that a lot of the comments clearly relate to the previous planning proposal for the site and are dated prior to lodgement of the current proposal. Some comments also assume the development is on the park itself, which is not the case.

Community consultation needs to be an open opportunity for all interested parties, supported by documentation making the facts clear and readily available. There will be ample opportunity for community members to make submissions if the Planning Proposal proceeds beyond Gateway. It is best to consider all community views at the designated point in the statutory process so that all views are considered in an equitable and systematic manner.

STRATEGIC ALIGNMENT

Strategic alignment is discussed above with reference to Council's Community Strategic Plan and submitted Local Strategic Planning Statement.

POLICY AND LEGISLATIVE REQUIREMENTS

The *Environmental Planning Assessment Act 1979* and Regulations require Council to submit all Planning Proposals for a Gateway Determination before being placed on public exhibition. The recommendations contained in this report will initiate this process.

CONCLUSION

Planning is a balance of complex and competing objectives. In this case, the employment floor space generated by the proposal has considerable strategic merit. It will bring a day-time workforce to the centre helping to revitalise local shops and support local businesses. Quality local office space and opportunities for co-work will allow local residents to operate their businesses closer to home, where they can enjoy the lifestyle offered by Cronulla and avoid long commutes to the city. Such opportunities support liveability and productivity and are consistent with the strategic focus of the South District Plan, the draft Local Strategic Planning Strategy and the Economic Informing Strategy.

When coupled with significant food and drink premises, the Planning Proposal will help revitalise the southern end of the mall, which is the entry point to Cronulla by train. A successful night-time economy in this precinct would improve passive surveillance of both Monro Park and the railway station. The Planning Proposal will also improve way finding to the beach, which is a key element of the visitor experience to Cronulla. These outcomes indicate that the Planning Proposal has strategic merit.

Assessing the site specific merit of the proposal is essentially a matter of determining whether the Planning Proposal would benefit or have adverse consequences for its immediate locality. The DCP provisions anticipated a building of this scale and set a building envelope to moderate the impact on Monro Park. This is achieved by concentrating floor space in a 25m tower element, with a lower section along Beach Lane. The Planning Proposal has demonstrated that the additional FSR of 0.9:1 can be accommodated without increasing overshadowing above a DCP complaint building. Overshadowing was a key issue for the previous Planning Proposal and this has now been resolved.

The critical element that remains is the intensification of land use and resultant traffic generation. There is potential merit in allowing additional FSR with reduced rates of parking for lower generating office type commercial development, particularly given its proximity to the railway station. However there is concern that the proposed mix of commercial use submitted with the application, in particular approx. 1650m² GFA food and beverage area, will not be able to achieve acceptable parking provision. This would potentially exacerbate traffic congestion. However, hospitality uses are permissible now, and the Planning Proposal simply adds 1,281m² of additional office floor space to the intensity of the site.

The Sutherland Shire Local Planning Panel have determined that the proposal has sufficient strategic merit to proceed to Gateway and public exhibition. It is agreed that the increased FSR should be linked to the whole development being a non-residential use. The proposal can be amended accordingly and the applicant has agreed. It is considered that the other issues raised by the Panel are best addressed at Development Application stage.

The Planning Agreement and whether further urban domain/public art and park improvements are appropriate will be subject to detailed analysis before being reported separately to Council. This

Planning Proposal is not dependent upon the Planning Agreement and it is acceptable for the two matters to be considered separately. There is potential for the two matters to come together and be publicly exhibited at the same time.

Given the Planning Proposal's alignment with the planning priorities of the South District Plan and the draft Local Strategic Planning Statement, it is considered that it is appropriate to refer the Planning Proposal to Gateway. If granted Gateway determination, the Planning Proposal will be exhibited for community input.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon, who can be contacted on 9710 0523.

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