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| JRPP No: | 2011SYE085 |
| DA No: | DA11/0665 |
| Proposed Development: | Staged Development - Concept Masterplan for 10 Sporting Fields, Skate Park and Associated Parking, Lighting and Amenities Building, Green and Golden Bell Frog Habitat and Stormwater Treatment Facilities. First Stage: Sporting Field No. 1, Associated Development and Torrens Title Subdivision of Three (3) Lots into Eight (8) |
| Site/Street Address | 288, 310-328, 330 and 434 Captain Cook Drive, Kurnell (Lot 111 DP 777967, Lot 1123 DP 794114, Lot 2 DP 1101922, Lot 1 DP 1101922, Lot 1059 DP 1140838) |
| Applicant: | Peninsula Fields Pty Limited |
| Submissions: | 3 |
| Recommendation: | Approval |
| Report by: | Brad Harris- Environmental Assessment Officer (Planner) Sutherland Shire Council |

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reasons for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as:

- a. The total development has a capital investment value of more than \$10M - the total project has a value of \$25M. The value of the detailed Stage 1A component of the application is \$1.77M.
- b. The subject site is located within the coastal zone and involves buildings (lighting towers) that are greater than 13m in height, which fails to comply with the applicable development standard relating to height.

1.2 Proposal

The application is for a staged development incorporating:

- a master plan for the development of ten (10) sporting fields and associated car parking, lighting and amenities buildings
- additional habitat for the Green and Golden Bell Frog
- stormwater treatment facilities
- the first of the various stages, being the development Stage 1A
- subdivision of the overall site to facilitate the various stages of the development and the incremental transfer of land to Council.

1.3 The Site

The subject site is located off the southern side of Captain Cook Drive and to the south-west of Lindum Road. Much of the site was formerly subject to intensive sand mining and is now mostly vacant, however some of the site continues to be used for landfill purposes. The site is predominantly within Zone 7(b) (Special Development) pursuant to State Environmental Planning Policy (Kurnell Peninsula) 1989. A small portion of Lot 1123 is within Zone 6 (b) Public Recreation.

1.4 The Issues

The main issues identified are as follows:

- Environmental issues
- Endangered species
- Traffic /parking
- Aboriginal heritage
- Stormwater management
- Tower lighting.

1.5 Conclusion

Following detailed assessment of the proposed development the current application is considered worthy of support, subject to minor amendments or conditions.

DESCRIPTION OF PROPOSAL

The application is for a staged development incorporating a masterplan for the development of ten (10) sporting fields and associated car parking, lighting and amenities buildings. Also included in the proposal is additional habitat for the Green and Golden Bell Frog and stormwater treatment facilities.

The first stage of the development is termed Stage 1A and includes construction of Sporting Field No. 1 (the eastern most field) and its associated works, and facilities and the subdivision of the overall site to facilitate various stages of the development. Stage 1A also includes the site for a skate park.

Subsequent stages will be as follows:

Stage 1B - Hockey Fields (Fields 2 and 3), car parking, stormwater facilities, site access, amenities, landscaping, and access paths. Stage 1B will now be 'sub-staged' so that the bulk earthworks for the affected area can be commenced separately.

Stage 2 - Baseball Field (Field 10), sporting fields 4, 5 and 9, car parking, stormwater facilities, site access, amenities, landscaping, access paths.

Stage 3 - Sporting fields 6, 7 and 8, car parking, stormwater facilities, site access, amenities, landscaping, access paths.

A further development application is anticipated for the final design and approval of a skate park which is proposed within the boundaries of Stage 1A. The skate park will effectively be Stage 1C.

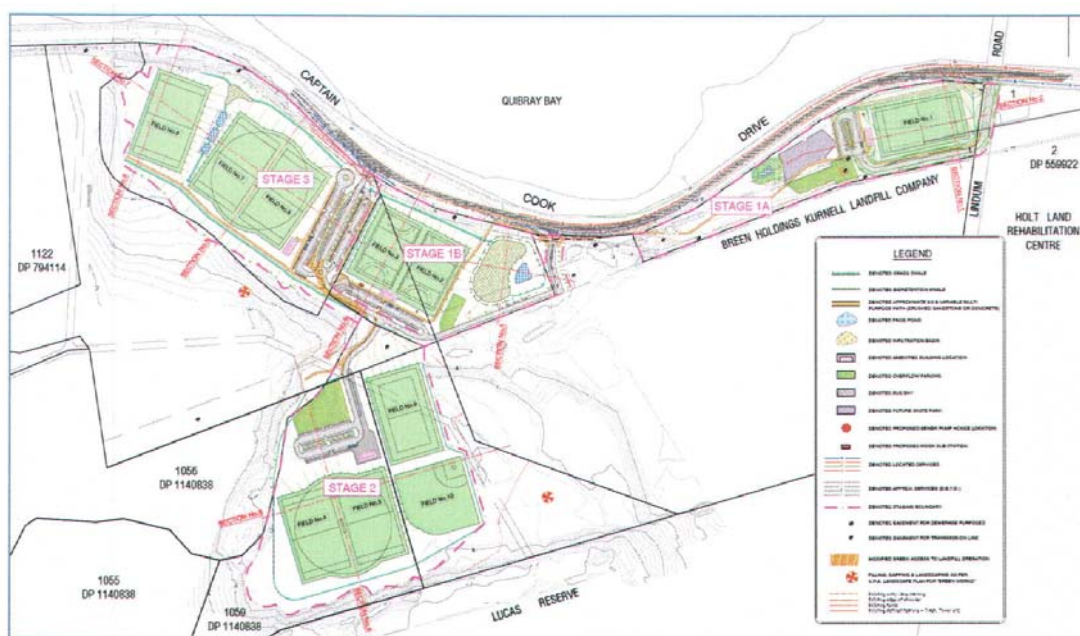


Figure 1: Masterplan showing the general site layout

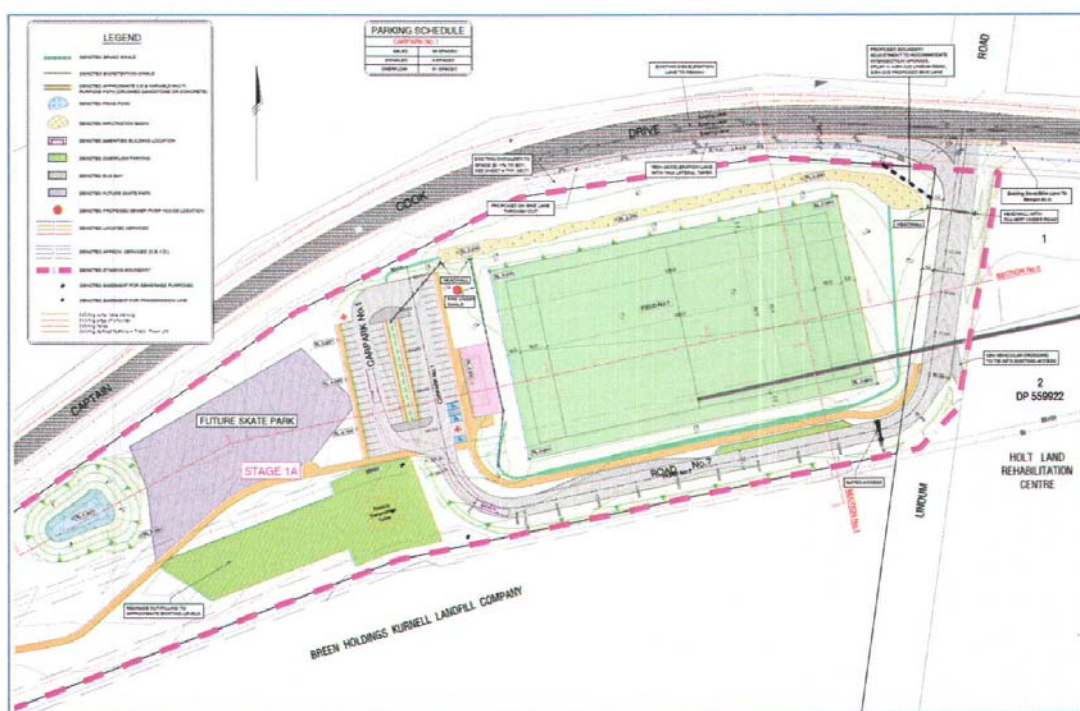


Figure 2: Stage 1A – Detail of Playing Field 1 and associated car parking (Stage 1A)

There is a separate Voluntary Planning Agreement (VPA) for the proposal between the land owners (Australand Kurnell P/L and Breen Property P/L) and Council. The subject application has been assessed having regard to the VPA, but does not confirm compliance with the VPA.

2.0 SITE DESCRIPTION AND LOCALITY

The site is located approximately 5km from the Cronulla urban centre. It is an irregularly shaped site which is composed of two distinct parcels.

The subject site is located off the southern side of Captain Cook Drive and to the south-west of Lindum Road on the Kurnell Peninsula. Much of the site was formerly subject to intensive sand mining, but is now mostly vacant. Landfill operations continue upon part of the site. These operations include various buildings, including small offices and a weighbridge building.

The northern most parcel, comprising Stage 1A (Playing Field 1 and the future skate park), has a frontage of approximately 540 metres to Captain Cook Drive and a site of 5.35ha. A 36.6m wide transmission line easement runs parallel and adjacent to the southern boundary of the site.

The southern part of the site comprises Stages 1B, 2 and 3 and has a frontage of approximately 610 metres to Captain Cook Drive and an area of 36.639ha. This part of the site is traversed by the above transmission line easement and a number of other service easements.

The total site area is approximately 41.98ha.

Adjoining to the south are further land holdings of Breen Property P/L (Lot 5 DP1158627), as well as Crown Land leading to the Cronulla beachfront. On the eastern side of Lindum Road is a large parcel of land which is currently being used for further landfill operations.

The site for the Staged DA, identified in the VPA as the “developer’s works area” has been subject to intensive sand mining. Some patches of remnant vegetation remain. Most native vegetation was largely removed prior to sand mining being commenced and was done as part of the overall clearing of land on the Kurnell Peninsula for the creation of grazing land.



Figure 3: Locality Plan (subject site shown in red outline)

3.0 BACKGROUND

A brief history of the development proposal is as follows:

- The development of the site has been the subject of lengthy negotiations between Council and the landowners, leading to a Voluntary Planning Agreement (VPA) being entered into between the parties. The VPA was signed on 3 June 2010.
- A pre-application meeting was held on 9 June 2011. In particular, discussion was held in respect to the intention of the applicant in regard to the staging of the works and the level of detail required in relation to the Stage 1 works and the Masterplan, which itself sets out the future stages (that will be subject to further development applications).
- The current application was submitted to Council on 15 July 2011.
- The application was placed on public exhibition, with the last date for public submissions being 22 August 2011. Three (3) submissions were received.
- An Information Session was to be held on 11 August 2011. No members of the public or other interested parties attended.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

5.0 PUBLIC PARTICIPATION

Fifteen (15) adjoining or affected owners were notified of the proposal and three (3) submissions were received as follows:

| Addresses | Date of Letter/s | Issues |
|------------------------------------|------------------|--------------------|
| 278 Captain Cook Drive Kurnell | 17 August 2011 | traffic |
| 280-282 Captain Cook Drive Kurnell | 22 August 2011 | traffic |
| 441 Captain Cook Drive Kurnell | 9 August 2011 | waterway pollution |

These issues are discussed in detail within the Assessment section of this report.

6.0 STATUTORY CONSIDERATIONS

The subject land is located mostly within Zone 7(b) Special Development pursuant to the provisions of State Environmental Planning Policy (Kurnell Peninsula) 1989. A small portion to the south west corner of Lot 1123 is within Zone 6(b) Public Recreation.

The proposed development is defined as a 'Recreation Area' and is a permissible land use, subject to development consent, within both of the above zones.

The following Environmental Planning Instruments (EPI's), Codes or Policies are relevant to this application:

- State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Kurnell Peninsula) 1989

7.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

7.1 Office of Environment and Heritage

The Office of Environment and Heritage (OEH) has made a submission which lists a number of concerns with the proposal in relation to potential environmental impacts. The OEH submission forms **Appendix B** of this report.

7.2 Engineering

Council's development engineer has undertaken an assessment of the application and has raised a number of concerns primarily regarding design and operational aspects of the proposal. These relate to the design of the parking areas and pedestrian access. Draft conditions of consent have been included to address these issues, and accordingly no objection is raised to the granting of consent.

7.3 Environmental Science

Council's Manager Environmental Science & Policy/Principal Environmental Scientist has undertaken an assessment of the application and provided comments in relation to various environmental implications of the proposal. Initial comments are provided in **Appendix C**. Following receipt of comments from the Office of Environment and Heritage (OEH), who raised some concerns regarding a deficiency in information addressing certain matters, further comment was requested specifically in relation to the OEH submission. Additional comments are provided in **Appendix D**.

Council's Natural Area Manager has also commented on the proposal from the perspective of the protection of the natural environment. His comments form **Annexure H** of this report.

A full assessment of the environmental issues is included under the Assessment heading of this report.

7.4 Community Services

Council's Community Services Manager has reviewed the proposal and provided comments (**see Appendix I**) in relation to crime prevention, landscaping, access and security. The following comments are made in relation to the issues raised.

It is acknowledged that the site is reasonably remote from established residential areas. This limits the degree of surveillance from members of the public and has the potential to make the site a target for anti-social activities. However, appropriate measures can be undertaken to minimise incidents of anti-social behaviour, such as graffiti or vandalism, and to ensure that adequate lighting is provided and security measures are in place.

These relate to provision of adequate surveillance of the site by ensuring that landscaping does not provide such an effective screen from public places (such as Captain Cook Drive and car parking areas within the site) that undesirable activities can be carried out without some degree of public scrutiny.

Appropriate draft conditions of consent, to ensure that people using the site feel safe and that it remains well lit, well maintained and free from graffiti and litter, have been included in line with other sporting facilities within the Sutherland Shire. Compliance with ongoing operational type conditions will ultimately be the responsibility of the future land owner (Council) and how the facility is managed.

7.5 Traffic

Council's Traffic and Transport Manager has reviewed the application and provided comments which form **Appendix F** of this report. The issues raised in relation to traffic impact are potentially the most significant in terms of the operational aspects of the playing fields.

The issues relating to traffic and parking associated with the playing fields are addressed in the Assessment section of this report.

8.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

8.1 State Environmental Planning Policy 71 Coastal Protection

The application is subject to the assessment provisions of SEPP 71 and the consent authority must take into consideration certain matters outlined in the SEPP.

The relevant aims of the policy in relation to the subject development proposal are as follows:

- “a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) to ensure that the visual amenity of the coast is protected, and*
- (f) to protect and preserve beach environments and beach amenity, and*
- (g) to protect and preserve native coastal vegetation, and*
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and*
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) to encourage a strategic approach to coastal management.”*

In addition, the following matters for consideration contained within Clause 8 of the SEPP are particularly relevant to the assessment and determination of this application:

- “(a) the aims of this Policy set out in clause 2,*
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,*
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- (i) existing wildlife corridors and the impact of development on these corridors,*
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- (m) likely impacts of development on the water quality of coastal waterbodies,*
- (n) the conservation and preservation of items of heritage, archaeological or historic significance,*
- (p) only in cases in which a development application in relation to proposed development is determined:*
 - (i) the cumulative impacts of the proposed development on the environment, and*
 - (ii) measures to ensure that water and energy usage by the proposed development is efficient.”*

Comment:

The applicant provided a detailed assessment of the requirements of Clause 8 (Appendix 5 of the Statement of Environmental Effects). A review of this has been undertaken as part of the assessment of the application and the proposal is considered to adequately address each of the relevant heads of consideration. Accordingly it is considered that the proposal is not inconsistent with the policy.

SEPP 71, Clause 14 - Public Access

“A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.”

Comment:

The proposed development enhances opportunities for public access to the foreshore by providing a substantial network of pedestrian/cycle paths within an area of approximately 92ha of private land transferred to public ownership.

SEPP 71, Clause 16 - Stormwater

“The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent

authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.”

Comment:

The proposed development will not result in any untreated stormwater entering any waterway. An extensive stormwater treatment system is proposed by way of infiltration ponds.

8.2 State Environmental Planning Policy (Kurnell Peninsula) 1989

The prevailing planning instrument is State Environmental Planning Policy (Kurnell Peninsula) 1989 (the Kurnell SEPP). The site is predominantly within Zone 7(b) (Special Development) with a small portion of Lot 1123 being within Zone 6 (b) Public Recreation.

The matters under the Kurnell SEPP that are considered relevant to the subject proposal are as follows:

Clause 21- Consideration of environmental effect—protection of wetlands

“(1) The Council shall not consent to the carrying out of development on any land to which this Policy applies if the development, in the opinion of the Council, is likely to have a significant adverse impact on the long term viability of the wetland areas or any ecosystem or species within the wetland areas.”

Comment:

Council’s Manager Environmental Science & Policy/Principal Environmental Scientist has assessed the proposal and is of the view that the proposal does not present any adverse impact on the wetlands. The environmental issues associated with stormwater treatment were analysed during the preparation of the VPA. The proposal to establish a system of ponds to store and treat stormwater runoff so to prevent any disposal of pollutants into the natural ecosystem is consistent with that which has been undertaken on the nearby residential development.

Clause 20F - Groundwater vulnerability

“(3) In assessing a development application for land to which this clause applies, the Council must consider any potential adverse impact the proposed development is likely to have on the following:

- (a) the characteristics of groundwater present in the locality,*
- (b) the risk of groundwater contamination,*
- (c) groundwater dependent ecosystems.*

(4) Development consent must not be granted to development on land to which this clause applies unless the Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
- (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”*

Comment:

Council's Manager Environmental Science & Policy/Principal Environmental Scientist, in conjunction with relevant staff within Council's Engineering Division, assessed the proposal and consider that the proposal does not represent any potential impact on groundwater.

8.3 Traffic

8.3.1 Access from Captain Cook Drive

The masterplan for the overall development includes three (3) vehicular access points from Captain Cook Drive. The northernmost access is at the Lindum Road intersection and provides access to Stage 1A (playing field 1 and the future skate park). Lindum Road is an unformed public road used by trucks associated with landfill operations being undertaken on the site immediately north of the Stage 1A land.

The development application seeks to construct the first 80m (approximately) of Lindum Road and to provide vehicular access to Field 1 and the future skate park. Also proposed is an upgrade of the existing intersection to provide an acceleration lane for left turn exiting vehicles onto Captain Cook Drive. A separate right turn entry lane is currently provided on Captain Cook Drive. The road will continue to be used by trucks accessing the landfill site.

The proposal to utilise and upgrade the existing Lindum Road access is generally in accordance with what was envisaged in the VPA.

Submissions have been received from the company (Rocla) who conduct the landfill operations on the adjoining land, and from the owner of that land (Holt Group/Besmaw P/L). Both submissions express concerns regarding the safe operation of the Lindum Road/Captain Cook Drive intersection and claim that the proposal will create a conflict between cars accessing the playing fields and trucks entering/exiting the landfill site. It has been stated that up to 200 trucks per day use the intersection during the peak of landfill operations.

The traffic study undertaken on behalf of the applicant (by Colston Budd Hunt and Kafes P/L) indicates that *"the intersection of Lindum Road and Captain Cook Drive would operate with average delays per vehicle of less than 35 seconds in the Saturday peak period for the movement with the highest delays (right turn onto Captain Cook Drive). This represents level of service C, a satisfactory level of service."* (p.13)

Notwithstanding the recommendations of the traffic report, the safety of the intersection has been raised as a concern by Council's Traffic and Transport Manager and Council's Consultative Traffic Forum. These parties have indicated a strong preference for roundabout controlled intersections to provide safer access and egress to and from the playing fields.

It is considered essential that the safety of the public is addressed as a high priority in assessing the proposed development and that the potential conflict

between passenger vehicles and large trucks is addressed in the treatment of this intersection. The development proposal generates the need for the intersections and therefore needs to deal with the issues that arise from them.

In the investigation appropriate means of addressing the safety at each of the proposed entry points to the development, Council had designs and cost estimates prepared for the provision of roundabouts in lieu of the various configurations of intersection treatments shown on the masterplan. A report on the matter is to be considered by Council in late October, so at the time of writing no final decision has been made by Council in relation to intersection treatments for proposed Roads 1 and 2.

Despite the lack of certainty at this point in time, Council's Director of Engineering confirmed that although roundabouts are optimal, the channelised intersections proposed are considered to be safe and effective from a traffic engineering point of view. On the basis of this advice, the intersection designs proposed by the applicant are reflected in the recommendation of this report. If a decision is made in the future to substitute them for roundabouts, the outcome will be superior.

8.3.2 Parking

The applicant provided the number of car parking spaces required by Council in formulating the VPA (441 spaces in 3 separate car parking areas). The submitted traffic study confirms that the parking provision will be adequate to cater for the demand that the playing fields will generate.

It is expected, as with any sporting complex, that there will be periods of peak parking demand (eg. grand finals, regional competitions/gala days) that will exceed the level of formalised parking provided. A total of 203 additional informal 'overflow' spaces are provided on grassed areas within the overall development in order to cater for such events.

In the absence of any Council adopted numerical standard for parking in relation to such a development, or RTA Guidelines relating to parking requirements for playing fields, the traffic study estimates parking requirements using the number of players per team, the likely number of supporters/parents and car occupancy rates. A figure of 30 cars per field (a total of 300 cars for the overall complex) was concluded. An additional number of spaces are proposed to cater for the 'overlap' of games where players and supporters arrive at the site before the previous game concludes and cars associated with that game have left the site.

Notwithstanding that Council's Traffic and Transport Manager has raised some concerns regarding the adequacy of the number of parking spaces provided, it is considered that the amount of parking provided is adequate based on the assumptions of the study. Further, parking numbers have been provided in accordance with the requirements of the VPA and adequate space in the way of 'overflow' parking area is available within the site for Council to provide an increased level of formalised car parking at a later date, should a requirement for this be demonstrated.

8.4 Environmental Issues

The Office of Environment and Heritage (OEH) has raised a number of potential concerns regarding environmental issues. The submission from OEH forms **Appendix B** to this report.

Issues raised by OEH include:

- Aboriginal Cultural Heritage
- Kurnell Dune Forest Endangered Ecological Community
- Green and Golden Bell Frog
- Endangered population of White-fronted Chat
- Pied Oystercatchers and migratory waders using Quibray Bay.

These issues have been considered by Council's Manager Environmental Science & Policy/Principal Environmental Scientist who provided comments in response to the concerns raised by OEH. In summary, these issues are addressed below:

Aboriginal Heritage

The OEH has advised that Australand has made application for an Aboriginal Heritage Impact Permit under s.90 for approval under the National Parks and Wildlife Act 1974 (NP&WS Act) to carry out test excavations to determine the extent of likely aboriginal artefacts on the site. OEH has indicated that General Terms of Approval (GTAs) cannot be given until test excavations have been carried out.

The need to obtain a separate approval under the NP&WS Act effectively prevents the normal operation of the Integrated Development provisions of the Environmental Planning and Assessment Act, 1979, whereby an Integrated Approval body is required to issue GTAs to Council within 40 days of being referred a development application. In this instance a draft condition of consent is proposed (Condition 3) that will require the applicant to obtain an Aboriginal Heritage Impact Permit from OEH prior to obtaining a Construction Certificate for the Stage 1A works.

This condition will also be applicable to all subsequent development applications, unless OEH has granted a permit covering those stages of the overall development.

Kurnell Dune Forest

Council's Manager Environmental Science & Policy/Principal Environmental Scientist agrees that the restoration works require further detail. However, most of the restoration works are to be carried out in areas included in Stages 2 and 3, and therefore the request for more detail can be deferred until subsequent development applications are lodged for those stages. It would be prudent for the applicant to commence preparing such level of detail in the very near future.

To ensure that the site is properly rehabilitated the applicant will be required to provide a Landscape and Rehabilitation Management Plan (similar to that developed by Australand for their residential development) which will outline goals, monitoring, etc, for the site.

Green & Golden Bell Frog

The OEH submission raised concerns about the lack of information concerning the success of current Green & Golden Bell Frog (GGBF) initiatives. Council's Manager Environmental Science & Policy/Principal Environmental Scientist has advised that Australand has produced a report outlining the success of habitat works on its residential site, which indicates that it is functioning as planned.

It appears that this report has not been made available to OEH. OEH also raised concerns about existing groundwater quality and impacts from existing and past uses. The adjoining landowner (Breen Property P/L) has been monitoring groundwater quality in the immediate locality for the past 17 years. Results indicate that there has been no significant impact on groundwater or ecosystems during this period.

Notwithstanding the above, the request from OEH regarding the requirement for the applicant to prepare an overall Green & Golden Bell Frog Management Plan for the overall site, is supported. This should cover the entire area of the masterplan and be provided prior to issuing of a Construction Certificate for the Stage 1A works (Condition 19).

White-fronted Chat

Whilst the detailed Stage 1A works may provide some habitat for the White-fronted Chat, the majority of the habitat is likely to be within Stages 2 and 3. The recommendations of OEH are that Council prepare a management regime for the area in consultation with Dr Richard Major, a researcher from the Australian Museum, who has considerable knowledge of this species.

Whilst the management and operation of the playing fields will be undertaken by Council following completion of the works and dedication of the land, it is considered appropriate that the applicant be required to prepare an operational management plan as requested by OEH. This will be included as a condition of consent on development applications for Stages 1B, 2 and 3.

Migratory Waders in Quibray Bay

It is considered that directional lighting on the playing fields should avoid adverse impacts on endangered shorebirds and migratory waders in the adjacent Quibray Bay. A condition of consent is recommended to address the potential impacts of proposed lighting. (Condition 36).

The issue of lighting is covered under a separate heading in this section of the report.

8.5 Stormwater management

The applicant prepared a civil and stormwater strategy for the proposed recreation areas and for the Stage 1A works for Field 1 (Appendix 7 of the Statement of Environmental Effects). In respect of stormwater, the strategy acknowledges the fact that the site has sandy soils that will not generate significant runoff and that any runoff produced will remain on site until it infiltrates the soil.

Prior to final discharge, stormwater will be treated using swales, buffer strips, bio-retention beds and infiltration. Council's Manager Environmental Science and Policy/Principal Environmental Scientist reviewed the proposal in respect to stormwater management and indicated that the modelling provided appears accurate and valid, and will meet Council's standards. The methodology to be implemented will maintain acceptable water quality for ecological and amenity purposes.

A draft condition of consent (Condition 16) has been included to ensure suitable arrangements are made with the NSW Office of Water for the proposed stormwater management system, in accordance with CI 25 of SREP17 (Kurnell Peninsula) 1989.

8.6 Tower Lighting

The proposal involves tower lighting to illuminate the playing fields. As the site is within the Coastal Zone and the lighting towers are structures (within the definition of a 'building' under the Environmental Planning and Assessment Act, 1979) and are over 13m in height, they form part of the 'trigger' for referral of the application to the JRPP. Whilst it is acknowledged that these types of structures are not what was envisaged when the legislation was drafted (as they will be visually insignificant) their assessment is relevant for other reasons.

The proposed lighting will consist of four (4) towers per field to an approximate height of 18-20m in order to provide an average 100lux across each field.

The lighting from such towers has the potential to impact on wildlife in the adjacent waters of Quibray Bay (as discussed above) and need to be assessed in terms of potential impact upon the operations of Sydney Airport.

The Statement of Environmental Effects addresses the requirements of the Civil Aviation Safety Authority (CASA) and indicates that the site is outside the critical 6km radius of Sydney Airport under which the Civil Aviation Regulations 1988 (CAR 1988) specify a number of critical zones in which lights, depending on their colour, pattern, intensity or intensity of light emission, may be required to be extinguished or modified by CASA.

In addition to the CAR 1988, the National Airports Safeguarding Advisory Group (NASAG) produced Draft Guidelines for development around airports. These do not provide any specific standards but contain objectives in relation to lighting where it may affect approaches to an airport.

Given that these guidelines are likely to be enacted within future legislation it is considered appropriate that any consent issued in respect to lighting of the fields contains a condition requiring the applicant to consult with the Sydney Airport Corporation Limited to ensure that there is no impact upon the safety of air traffic approaching/departing Sydney Airport at night. Evidence of such consultation is required prior to the issuing of a Construction Certificate (Condition 36).

9.0 SECTION 94 CONTRIBUTIONS

Contributions under s.94 of the Environmental Planning and Assessment Act are not applicable to the proposal having regard to the provisions of the Voluntary Planning Agreement. In general terms, the works required under the VPA, and the dedication of affected lands to Council, is in lieu of s.94 developer contributions.

10.0 DECLARATION OF AFFILIATION

There was no declaration of affiliation, gifts or political donations noted on the development application form submitted with this application.

11.0 CONCLUSION

The subject land is located mostly within Zone 7(b) Special Development and partially within Zone 6(b) Public Recreation (Proposed) pursuant to the provisions of State Environmental Planning Policy (Kurnell Peninsula) 1989. The proposed development, being a recreation facility, is a permissible land use. A VPA exists between Council and the landowners for development of the land generally as indicated by the subject application.

The works will be staged. A number of ensuing development applications will be submitted to Council within the near future. Upon completion, or in stages, the ownership and management of the facility will be transferred to Council.

In response to public exhibition three (3) submissions were received. The matters raised in these submissions relate to traffic management and have been discussed in this report.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979. Following detailed assessment it is considered that Development Application No. DA11/0665 may be supported for the reasons outlined in this report.

12.0 RECOMMENDATION

That Development Application No. DA11/0665 for *Staged Development - Concept Masterplan for 10 Sporting Fields, Skate Park and Associated Parking, Lighting and Amenities Building, Green and Golden Bell Frog Habitat and Stormwater Treatment Facilities. First Stage: Sporting Field No. 1, Associated Development and Torrens Title Subdivision of Three (3) Lots into Eight (8) Lots* at Lot 111 DP 777967, Lot 1123 DP 794114, Lot 2 DP 1101922, Lot 1 DP 1101922, Lot 1059 DP 1140838, 288, 310-328, 330 and 434 Captain Cook Drive, Kurnell, be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report.