



Redevelopment of Sutherland Entertainment Centre and Peace Park

State Significant Development Assessment SSD 10379

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Cover image: *View of redeveloped Sutherland Entertainment Centre from Eton Street (Source: Applicant)*

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AIA	Arboricultural Impact Assessment
Applicant	Sutherland Shire Council
AV	Articulated Vehicles
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CBD	Central Business Districts
CIV	Capital Investment Value
CNVMP	Construction Noise and Vibration Management Plan
Council	Sutherland Shire Council
CTMP	Construction and Traffic Management Plan
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
DIP	Design Integrity Panel
DRP	Design Review Panel
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW

GA NSW	Government Architect NSW
GSC	Greater Sydney Commission
Heritage	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
HMA	Hazardous Materials Assessment
ICNG	Interim Construction Noise Guidelines
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
LCVIA	Landscape Character Visual Impact Assessment
LGNSW	Liquor and Gaming NSW
Minister	Minister for Planning and Public Spaces
OSD	On-site Detention System
NPI	Noise Policy for Industry
NVIA	Noise and Vibration Impact Assessment
PESA	Preliminary Environmental Site Assessment
SEARs	Planning Secretary's Environmental Assessment Requirements
SINSW	School Infrastructure NSW
TPIA	Transport and Parking Impact Assessment
OPM	Operational Plan of Management
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
POEO Act	Protection of the Environment Operations Act 1997
RtS	Response to Submissions
SAC	Site Assessment Criteria
SEC	Sutherland Entertainment Centre
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011

SSD	State Significant Development
TfNSW	Transport for NSW
UFP	Unexpected Finds Protocol

Executive Summary

Introduction

This report provides an assessment of an application seeking approval for the redevelopment of Sutherland Entertainment Centre (SEC) and Peace Park located at 22 and 30 Eton Street, Sutherland (SSD 1037). The existing SEC is outdated and does not meet the current building standards. The proposal seeks approval for alterations and additions to the SEC to meet current building standards and improve its functionality, accessibility and amenity. The proposal also includes upgrades to the adjoining Peace Park.

The Applicant is the Sutherland Shire Council (Council) and the site is located within the Sutherland Shire local government area (LGA). The Minister for Planning and Public Spaces is the consent authority for the application.

Engagement

The Department publicly exhibited the application for 28 days from Thursday 11 June 2020 until Wednesday 8 July 2020. The Department received a total of eight submissions, comprising seven submissions from government agencies all making comments and one public submission in support of the application.

Key issues raised in the government agencies' submissions include traffic, parking and access impacts, construction impacts, flooding impacts and operational management. The public submission noted that funding for the development should not be at the expense of funding for other facilities in Sutherland.

The Applicant submitted a Response to Submissions (RtS) to address the issues raised during the exhibition period. The RtS included additional advice from the Applicant's traffic consultant to address the traffic issues raised by Transport for NSW (TfNSW) and advice from the Applicant's civil engineer to address the flooding issues raised by Environment, Energy and Science Group (EESG). The RtS also committed to managing the potential impacts on Sutherland Public School in accordance with the project's Construction Noise and Vibration Management Plan (CNVMP), Construction Traffic Management Plan (CTMP) and Operational Plan of Management (OPM).

Assessment

The Department has undertaken a detailed assessment of the development and has carefully considered the issues raised in submissions. The Department considers the development is acceptable for the following reasons:

- the development is consistent with the actions in the Sutherland Shire Local Strategic Planning Statement 2019, as it would refurbish the SEC and provide an important community and cultural asset capable of hosting major theatrical productions
- the development would enable the SEC to meet current building standards and improve its functionality, accessibility and amenity
- the development would result in an acceptable built form outcome for the site as:
 - the design of the development is supported by the Government Architect NSW (GA NSW)

- the design, external appearance and selection of materials combine to provide a new SEC which achieves design excellence
- it fully complies with the building height and FSR controls applying to the site
- It is consistent with the desired future character of the site which seeks to increase the height and scale of buildings within the Sutherland town centre.
- the development would not result in any unacceptable visual or amenity impacts on the surrounding area given the site's context within the Sutherland town centre and distance from the nearest residential property (approximately 100 m south-east of the site)
- the activation at the ground level, open design and landscaping would improve the connectivity between the SEC and Peace Park and would provide an active interface with Peace Park
- the proposed landscaping works would improve the quality, accessibility and activation of the public domain
- it would not result in increased traffic or car parking impacts as the overall capacity of the SEC would be reduced
- while the noise levels during outdoor events would result in minor exceedances of the relevant noise criteria, the predicted noise levels are less than existing noise levels and can be managed in accordance with existing operational management measures detailed in the NVIA
- it would deliver significant public benefits including:
 - the upgrade of an important community and cultural asset supporting a variety of arts related events
 - respecting the District's heritage by protecting the existing War Memorial and Aboriginal artwork
 - creating and supporting jobs in the community including 144 construction jobs and 20 operational jobs
 - the delivery of high-quality open space by enhancing and improving the accessibility of Peace Park and the surrounding public domain.

Conclusion

The Department considers the development is acceptable as it would improve the functionality, accessibility and amenity of the existing SEC and Peace Park.

The development is consistent with government policy, it exhibits design excellence, would improve connectivity to and from the surrounding public domain, and would not have adverse impacts on the environment or on the amenity of surrounding occupiers.

The Department's assessment therefore concludes the development is in the public interest and it is recommended the application be approved, subject to conditions.

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1 Introduction

Sutherland Shire Council (Council) (the Applicant) seeks approval for the redevelopment of Sutherland Entertainment Centre (SEC) and Peace Park located at 22 and 30 Eton Street, Sutherland, NSW.

The existing SEC is outdated and does not meet the current building standards. The development therefore involves various alterations and additions to the SEC to meet the current building standards and to improve its functionality, accessibility and amenity. The development also seeks approval for upgrades to the adjoining Peace Park to improve its amenity, connectivity and accessibility.

1.1 Site Context

The SEC and Peace Park (the site) is located approximately 30 km south-west of the Sydney Central Business District (CBD) within the Sutherland Town Centre (**Figure 1**). The site is situated in the Sutherland Shire local government area (LGA).

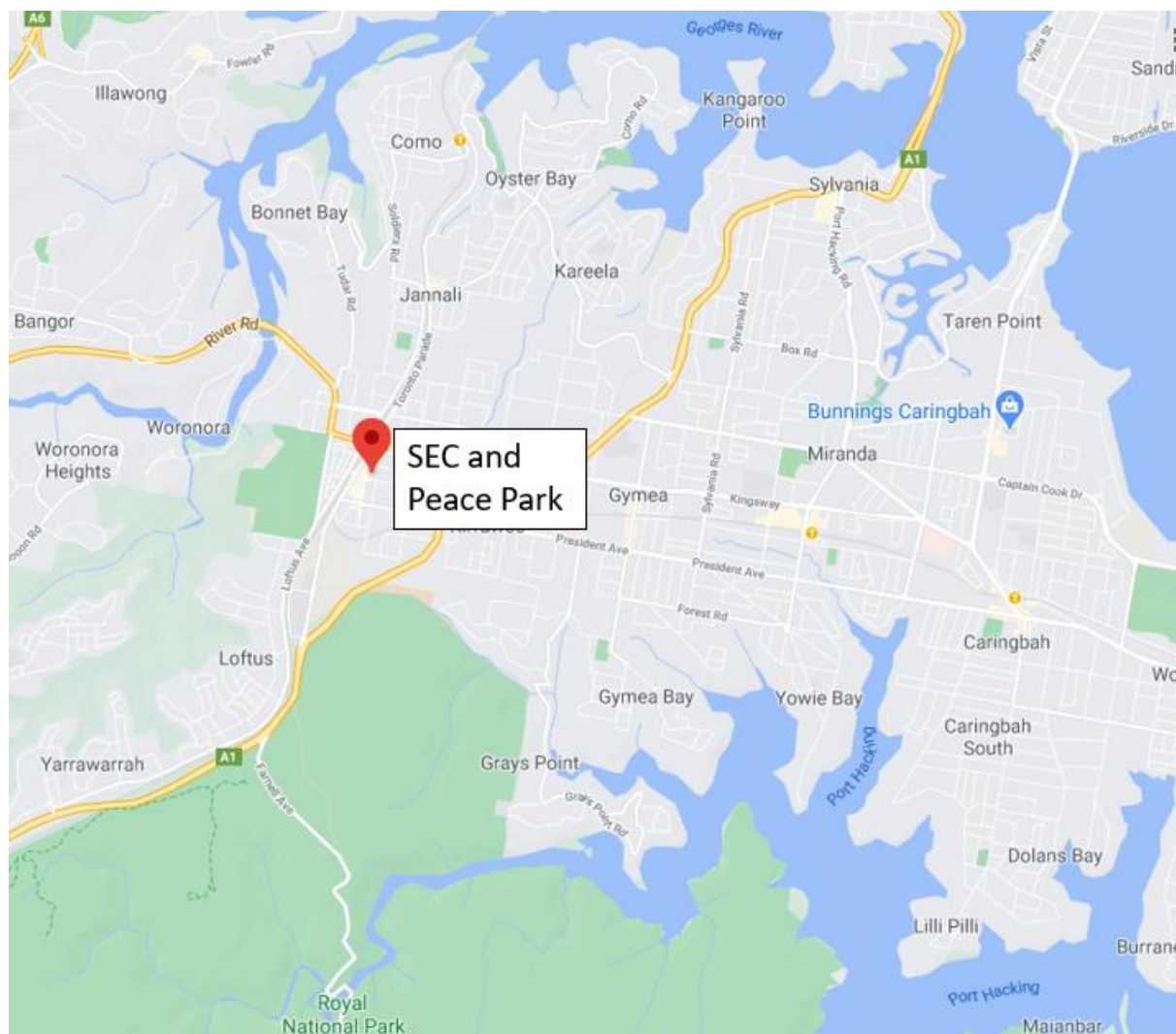


Figure 1 | Regional Context Map (Source: Google Maps 2020)

1.2 The Site

The site is located at 22 and 30 Eton Street, Sutherland. The site is bound by Eton Street to the west, Flora Street to the South and Merton Street to the west (**Figure 2**).

The SEC is two to four storeys in height and contains a flat floor auditorium with a single tier of seating above and back-of-house facilities. The main auditorium is surrounded by meetings rooms, amenities, storerooms, food and beverage services, offices and a dwelling which is accessed externally.

The SEC is accessed from Eton Street and the forecourt adjacent to Peace Park. The back-of-house entry for performers is located on Merton Street and also contains two loadings docks.

Peace Park is located to the north of the SEC and comprises a range of landscape features, including a water fountain, selected tree plantings, park benches and raised grass sections. In the north-western corner of Peace Park there is a War Memorial which is listed as a local heritage item in the Sutherland Local Environmental Plan (LEP) 2015 and includes a cenotaph and a large plaque monument. There are also two pillars created by an Aboriginal artist which frames the cenotaph memorial.

Views of the site are shown in **Figure 3** to **Figure 8**.



Figure 2 | The site (Source: NearMap 2020)



Figure 3 | SEC viewed from Eton Street looking east (Source: Department)



Figure 4 | View from the SEC forecourt looking north-west (Source: Department)



Figure 5 | View from the public domain area looking north-west towards the War Memorial and Aboriginal pillars (Source: Department)



Figure 6 | View from the public domain area looking south-east towards the SEC (Source: Department)



Figure 7 | View of Peace Park looking west towards Eton Street (Source: Department)

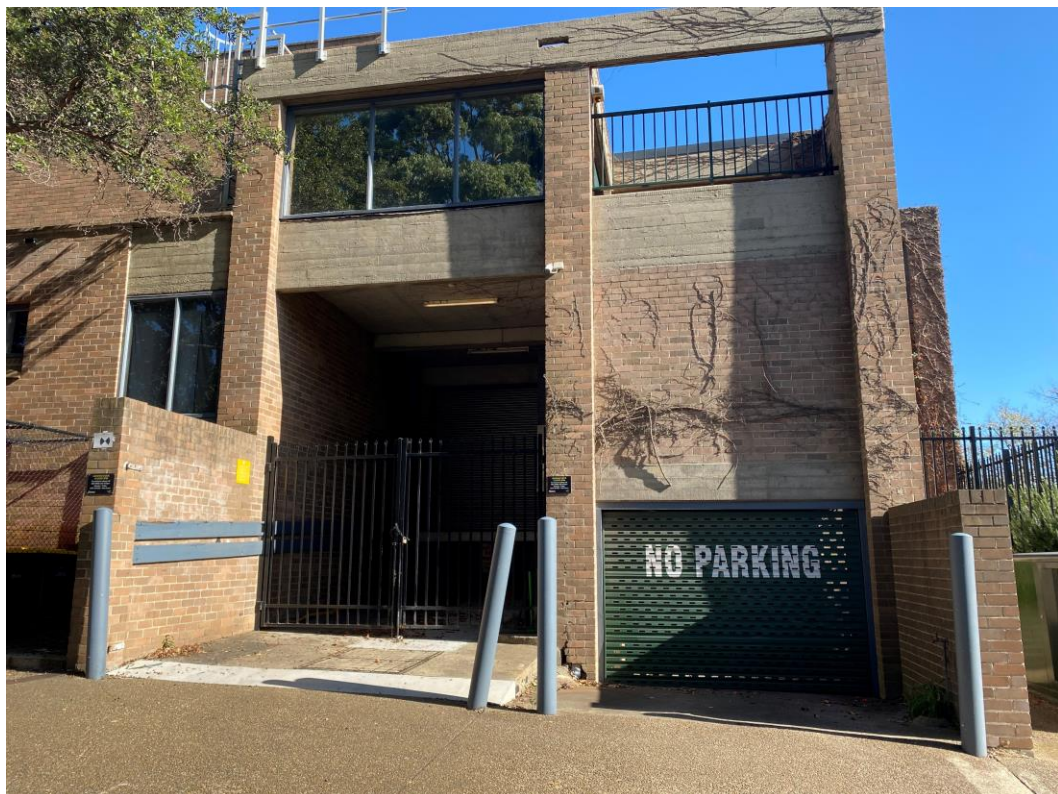


Figure 8 | View of loading docks on Merton Street (Source: Department)

1.3 Surrounding Site Context

The site is located within the Sutherland Town Centre. To the north of the site are Council's offices which are three to four storeys in height and contains an at-grade car park and Forby Sutherland Memorial Park. To the east of the site are the Japanese Gardens and the Flora Street car park. Further east there are multi-storey developments between two to eight storeys in height. To the west of the site are retail and commercial buildings associated with the Sutherland town centre and Sutherland railway station which is located approximately 300 m walking distance from the site. To the south of the site is Centrelink and Sutherland Uniting Church. Further to the south is Sutherland Public School.

Forby Sutherland Memorial Park and Sutherland Uniting Church are listed as local heritage items in the Sutherland LEP 2015.

The surrounding site context is shown in **Figure 9**.



Figure 9 | Surrounding site context (Source: NearMap 2020)

2 Project

The existing SEC is outdated and does not meet the current building standards. The development seeks to upgrade the SEC to meet current building standards and to improve its functionality, accessibility and amenity. This includes providing tiered seating to improve the sightlines and acoustics for patrons.

The changes would require reduced seated capacity from 884 patrons to 700 patrons and the height and scale of the building would be increased to accommodate the various alterations and additions to improve the function of the SEC.

The development also seeks approval for upgrades to the adjoining Peace Park to improve its amenity, connectivity and accessibility.

The main components of the development are outlined in **Table 1** and shown in **Figure 10** to **Figure 12**.

Table 1 | Main Components of the development

Aspect	Description
Demolition and site establishment	<p><u>Internal</u></p> <ul style="list-style-type: none"> Removal of internal fabric from the basement, ground, levels 1 to 3, and minor excavation. <p><u>External</u></p> <ul style="list-style-type: none"> Removal of planters on the Merton Street frontage and excavation to the basement level (approximately 1.65 m from ground level) Demolition of forecourt area and associated entry stairs and paved areas Removal of 21 trees Removal of existing water feature and associated paving and walls Removal of light pole and relocation of park furniture Removal of six car parking spaces on Merton Street Removal of external fabric from the roof.
SEC built form	<ul style="list-style-type: none"> Increase in maximum building height from 18.47 m to 24.85 m A total GFA of 4121 m² comprising: <ul style="list-style-type: none"> Basement level – 333 m² Ground level – 1863 m² Level 1 – 1174 m² Level 2 – 751 m².
SEC	<ul style="list-style-type: none"> A refurbished theatre with tiered seating for 700 patrons A new flexible teaching and rehearsal space A large foyer area with improved amenities and circulation spaces Two balconies on levels 1 and 2 A new entry forecourt with a flexible outdoor event space New verandah on the northern elevation of the SEC

- Improved performer/hirer functionality in back-of-house, stage and wings including a full fly tower approximately 21.9 m in height
- Improved accessibility with the provision of three lifts (two for public use and one for back of house use)
- New energy efficient and sustainable heating, cooling and lighting systems
- Repairs to the current building, including the roof
- An additional loading dock on Merton Street.

Public domain works

- Level lawn area in Peace Park
- Planting of mature trees, low groundcovers and grasses
- Concrete retaining walls with signage on Eton Street
- Concrete tiered seating on the southern boundary of Peace Park
- Two interactive water features
- Paved areas
- Permeable surface around north-west corner of the site near the Aboriginal artwork
- Widened accessible path on the south-eastern corner of the site
- Green roof canopy on the northern elevation of the SEC with trailing plants
- Steps aligned between existing cenotaph and Aboriginal pillars
- Bleacher and bench seating.

Capital Investment Value (CIV)

- \$33,743,782.

Jobs

- 144 jobs during construction
- 20 jobs during operation.



Figure 10 | View of proposed SEC from Eton Street (Source: Applicant)



Figure 11 | View of proposed SEC from Peace Park (Source: Applicant)



Figure 12 | View of Foyer (Source: Applicant)

3 Strategic context

3.1 Greater Sydney Region Plan and South District Plan

In March 2018, the Greater Sydney Commission (GSC) published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans. The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

Sutherland is identified as a strategic centre in the Region Plan and is located within the Eastern Harbour City. The development is consistent with the Region Plan as it would support the arts industry, ensure public open space is protected and enhanced and create and support jobs in the community.

The site is located within the South District area. The development is consistent with the objectives of the South District Plan, as it will:

- support a variety of arts related events
- respect the District's heritage by protect the existing War Memorial and Aboriginal artwork
- create and support jobs in the community
- deliver high quality open space by enhancing and improving the accessibility of Peace Park and the surrounding public domain.

3.2 Sutherland Shire Local Strategic Planning Statement 2019

The Sutherland Shire Local Strategic Planning Statement (LSPS) has been developed to guide land use in the Sutherland Shire LGA for the next 20 years and contains 21 Planning Priorities. The development directly responds to the actions in the Sutherland Shire LSPS as it will:

- improve the accessibility across the site (Action 6.5)
- refurbish the SEC (Action 7.4)
- support improved connections and connectivity between and within Sutherland (Action 14.1).

4 Statutory Context

4.1 State significance

The development is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development for the purpose of a cultural, recreation and tourist facilities and has a CIV in excess of \$30 million under clause 13(1)(c) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Therefore, the Minister for Planning and Public Spaces is the consent authority for the project.

The application can be determined by the Executive Director, Regions, Industry and Key Sites under delegation as:

- a political disclosure statement has not been made
- there are less than 50 public submissions (other than Council) in the nature of objections
- the Council of the area in which the development is to be carried out has not made an objection under the mandatory requirements for community participation in Schedule 1 of the Act.

4.2 Permissibility

The site is zoned B3 Commercial Core and RE1 Public Recreation under the Sutherland LEP 2015.

Entertainment facilities are permissible with consent in the B3 zone but are not permissible in the RE1 zone. The redevelopment of the SEC includes minor components which extend into the RE1 zone including the new entry forecourt and verandah. Section 4.38(3) of the EP&A Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.

The proposed public domain works are permissible with consent in the RE1 zone and B3 zone.

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
- the environmental, social and economic impacts of the development
- the suitability of the site
- any submissions
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered all these matters in its assessment of the project, as well as the Applicant's consideration of environmental planning instruments (EPIs) in its EIS as summarised in

Section 6 of this report. The Department has also given consideration to the relevant provisions of the EPIs in **Appendix C**.

4.4 Biodiversity Development Assessment Report

On 13 May 2020, the Environment, Energy and Science Group (EESG) of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage) granted a waiver to the requirement to submit a Biodiversity Development Assessment Report (BDAR) under the *Biodiversity Conservation Act 2016*.

On 21 May 2020, the Department also granted a waiver. The Department considers the development is not likely to have any significant impacts on biodiversity values as the site does not contain any native vegetation or habitat for threatened species.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Thursday 11 June 2020 to Wednesday 8 July 2020 (28 days). The application was made publicly available on the Department's website.

The Department placed a public exhibition notice in the St George and Sutherland Leader on Wednesday 10 June 2020, and notified adjoining landholders, and relevant government agencies in writing. The Department has considered the comments raised in public and government agencies' submissions during the assessment of the application (**Section 6** and **Appendix B** of this report).

5.2 Summary of submissions

The Department received a total of eight submissions, comprising seven submissions from government agencies all making comments and one public submission in support of the application. No submission was received from Council.

Copies of the submissions may be viewed at **Appendix A**.

5.3 Key issues - Public

The Department received one submission from the public in support of the application. The public submission noted that funding for the development should not be at the expense of funding for sporting facilities in Sutherland.

5.4 Key issues – Government agencies

The key issues raised by government agencies are summarised in **Table 2** below.

Table 2 | Government agency submissions

Government Agency	Comments
Government Architect NSW (GA NSW)	<ul style="list-style-type: none">The design is consistent with the design presented to the Design Integrity Panel and GA NSW have no further comments.
NSW Environment Protection Authority (EPA)	<ul style="list-style-type: none">The application does not require an Environment Protection Licence (EPL)All work must be undertaken in compliance with the <i>Protection of the Environment Operations Act 1997</i> (POEO Act).

Environment, Energy and Science Group (EESG)	<ul style="list-style-type: none"> • A BDAR Waiver was provided on 13 May 2020 • Queried if the existing onsite water detention tank can manage increased flows and provide a secondary overflow system if required • Flooding information will be provided by the Sutherland Shire Overland Flood Study which will be undertaken by Council. However, the site is unlikely to be subject to overland flooding.
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> • The application should be amended to include motorcycle parking, off-street bicycle parking and end-of- trip facilities in accordance with the Sutherland Shire Development Control Plan (DCP) 2015. This should also be included as a condition of consent • The preparation of a Framework Travel Plan and Green/Workplace Travel Plan prior to the issue of an Occupation Certificate should be included as a condition of consent • The swept path design plans of the longest vehicle should be submitted to Council prior to the issue of a Construction Certificate and included as a condition of consent • The layout of the proposed parking areas should be in accordance with relevant Australian standards • The preparation of a detailed Construction and Traffic Management Plan (CTMP) should be submitted to the relevant consent authority prior to the issue of a Construction Certificate.
School Infrastructure NSW (SINSW)	<p><u>Noise and vibration</u></p> <ul style="list-style-type: none"> • High impact construction works should be undertaken outside of school hours and during school holiday periods where possible • Sutherland Public School should be notified a least one week prior to high impact construction work • The Department should implement a respite period condition to manage noise impacts. <p><u>Traffic and parking</u></p> <ul style="list-style-type: none"> • Work zones should not comprise access to Sutherland Public School, school bus zones or drop-off/pick-up points • Construction vehicles (including delivery vehicles) should not enter and exit the work site during school drop-off/pick-up periods <p><u>Operational impacts</u></p> <ul style="list-style-type: none"> • School bus zones and drop-off/pick-up spaces should not be compromised • Is supportive of the redevelopment and will work with Council to ensure schools can use the facility.
Fire and Rescue NSW (FRNSW)	<ul style="list-style-type: none"> • FRNSW will not be commenting on the application at this stage and will review the project's fire response once the fire engineering brief questionnaire is submitted to FRNSW by the Applicant.
NSW Police Force	<ul style="list-style-type: none"> • The Operational Plan of Management (OPM) should be updated in accordance with Council's Environmental Specification for Late Night Trading Premises 2011 • NSW Police recommends a number of conditions of consent relating to the operational management of the facility.

5.5 Response to submissions

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 18 August 2020, the Applicant provided a Response to Submissions (RtS) on the issues raised during the exhibition of the application. The RtS included additional advice from the Applicant's traffic consultant to address the traffic issues raised by TfNSW and included additional advice from the Applicant's civil engineer to address the flooding issues raised by EESG.

The RtS also committed to managing impacts on Sutherland Public School in accordance with the project's Construction Noise and Vibration Management Plan (CNVMP), CTMP and Operational Plan of OPM and committed to updating the OPM in consultation with NSW Police.

The RtS was made publicly available on the Department's website and no further submissions were received.

6 Assessment

The Department has considered the development, the issues raised in submissions and the Applicant's RtS in its assessment of the application. The Department considers the key issues associated with the development are:

- design excellence
- built form
- public domain and landscaping
- traffic, parking and access
- noise impacts.

Each of these issues are discussed in the following sections of this report. The Department's consideration of other issues relating to the application are addressed in **Section 6.6** of this report.

6.1 Design excellence

Sutherland LEP 2015 does not contain any formal requirement for the development to demonstrate design excellence or undertake a competitive design process. However, the Applicant developed a Design Excellence Strategy in consultation with GA NSW and undertook a competitive design process, with oversight and review by a Design Review Panel (DRP).

Key aspects of the Design Excellence process included:

- establishment of a DRP which was chaired by a representative from GA NSW and comprised of a design and project management consultant and theatre consultant
- a two-stage competitive selection process which was assessed by the DRP and Tender Evaluation Panel and involved an expression of interest and shortlisting of three design teams. This resulted in NBRS Architecture and CHROFI being selected as the chosen design team
- retention of the DRP in the form of a Design Integrity Panel (DIP), which reviewed the design two times prior to lodgement.

The Department referred the EIS to the GA NSW during the exhibition of the application. The GA NSW confirmed the design is consistent with the design presented to the DIP and had no further comments.

The Department is satisfied that the Design Excellence process, together with the guidance from the DRP/DIP and GA NSW has led to a building design which achieves design excellence. In particular, the Department notes:

- the development would result in the SEC being a significant built feature which would reaffirm its place as the civic heart of the Sutherland town centre
- the development has a high standard of architectural design, materials and detailing appropriate to the building type and location
- the streetscape impacts would be positive, noting the nature of the existing streetscape and character is likely to change and evolve over time, as encouraged by the applicable planning controls
- the activation at the ground level, open design and landscaping would improve the connectivity between the SEC and Peace Park and would provide an active interface with Peace Park

- the proposed landscaping works would improve the quality, accessibility and activation of the public domain
- the development would not result in any significant visual impacts to surrounding sensitive receivers given the site's context within the Sutherland town centre
- the development would improve the environmental sustainability of the building as it incorporates a number of ESD design initiatives, including energy efficient plant, equipment and building fixtures, sustainable building materials, a high-performance façade to achieve passive heating and cooling and the reuse of rainwater for irrigation of landscaping.

The Department also recommends a condition requiring that the Applicant engage NBRS Architecture and CHROFI in the design documentation phase to ensure the integrity of the design is maintained through the construction phase to completion of the building works.

The Department's assessment therefore concludes the proposed development achieves design excellence.

6.2 Built form

Building height and massing

The existing SEC is approximately 63 m in width and 40 m in depth with a maximum building height of 18.47 m and is a dominant built form feature in the Sutherland town centre.

The redeveloped SEC would be approximately 65 m in width and 51 m in depth with a maximum building height of 24.85 m. The development would have a FSR of 1.1:1 and a GFA of 4,442 m². The height and scale of the building is proposed to increase to accommodate the the various alterations and additions, including a new fly tower, entry forecourt and foyer to improve the functionality and amenity of the SEC.

The site is subject to a building height control of 30 m and a FSR of 3.5:1 under the Sutherland LEP 2015 and therefore the proposal is substantially below the development controls.

Figure 13 below shows the existing SEC (shown in pink) against the proposed development (shown in orange) and potential future development in the area (shown in grey).

Views of the SEC from the surrounding area are shown in **Figure 14** and **Figure 15**.

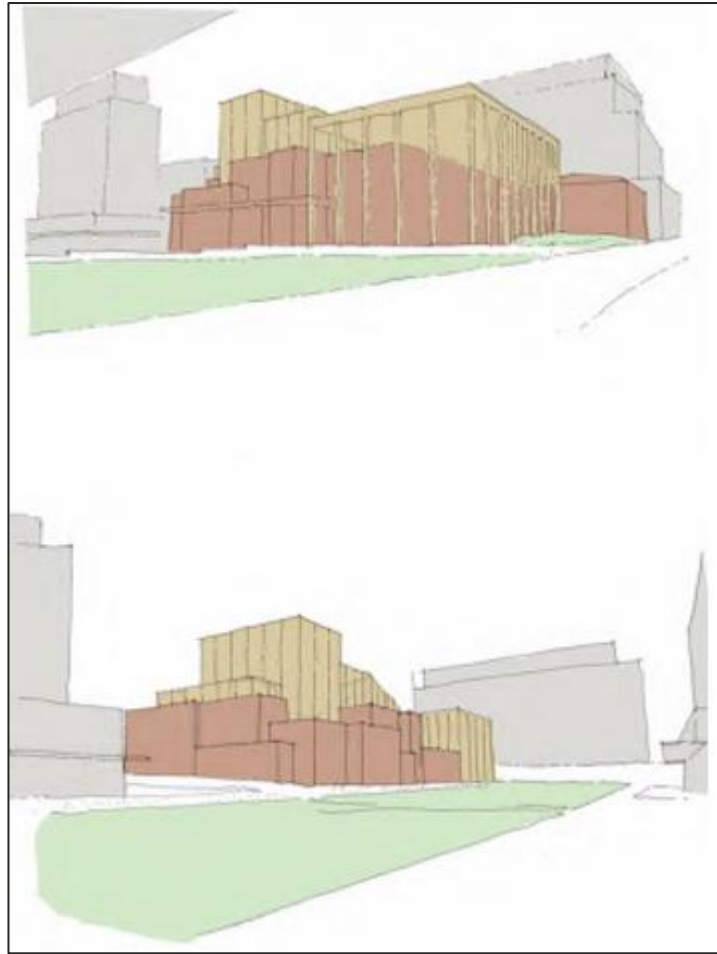


Figure 13 | Top image: View from Eton Street, Bottom image: View from Peace Park (Source: Applicant)



Figure 14 | View of new entry forecourt from Eton Street (Source: Applicant)



Figure 15 | View of SEC from the corner of Flora Street and Merton Street (Source: Applicant)

No submissions raised concerns about the built form of the development.

The Department considers the proposed built form is acceptable as:

- the development fully complies with the building height and FSR controls which apply to the site under the Sutherland LEP 2015
- the proposal is consistent with the desired future character of the site which seeks to increase the height and scale of buildings within the Sutherland town centre
- the overall approach to massing and height has been refined through the DIP reviews and the final design is supported by GA NSW
- the existing building fabric would be retained, where possible, and new materials such as the timber columns in the new foyer, brick façade on the Merton Street elevation and neutral coloured metal cladding of the theatre and fly tower would complement existing finishes
- the built form and visual impacts of the development would be mitigated by the proposed landscaping, including a green roof canopy on the northern elevation with trailing plants and planting in the public domain
- the development would not result in any significant visual privacy, overshadowing or view loss impacts given the site's context within the Sutherland town centre and its distance from the nearest residential property (approximately 100 m south-east of the site)
- the development would not increase overshadowing in Peace Park.

The Department's assessment therefore concludes the built form of the development is acceptable.

6.3 Public domain and landscaping

Peace Park is located to the north of the SEC and comprises a range of landscape features as described in **Section 1.2** of this report. The development involves upgrades to Peace Park and the surrounding public domain to improve its amenity, connectivity to the SEC and accessibility.

The development requires the following demolition works in the public domain:

- removal of planters on the Merton Street frontage
- demolition of forecourt area and associated entry stairs and paved areas
- removal of 21 trees
- removal of existing water feature and associated paving and walls which contains modern Aboriginal Art
- removal of light pole and relocation of park furniture.

The development involves a number of upgrade works to the public domain as shown in **Figure 16** to **Figure 20** and include:

- a level lawn area in Peace Park with concrete tiered seating along its southern edge
- a paved pathway between the SEC and Peace Park which would extend between Eton Street and Merton Street and include seating and planted areas consisting of four native and exotic mature trees, low groundcovers and grasses
- two new interactive water features, new stairs and a permeable surface around the Aboriginal artwork in the north-western corner of the site
- a concrete retaining wall off Eton Street which would include future signage
- a widened accessible path at the southern end of the SEC from Eton Street into the SEC and a new accessible pathway between the entry level foyer of the SEC and the level lawn area.

No submissions raised concerns about the proposed public domain or landscaping works.

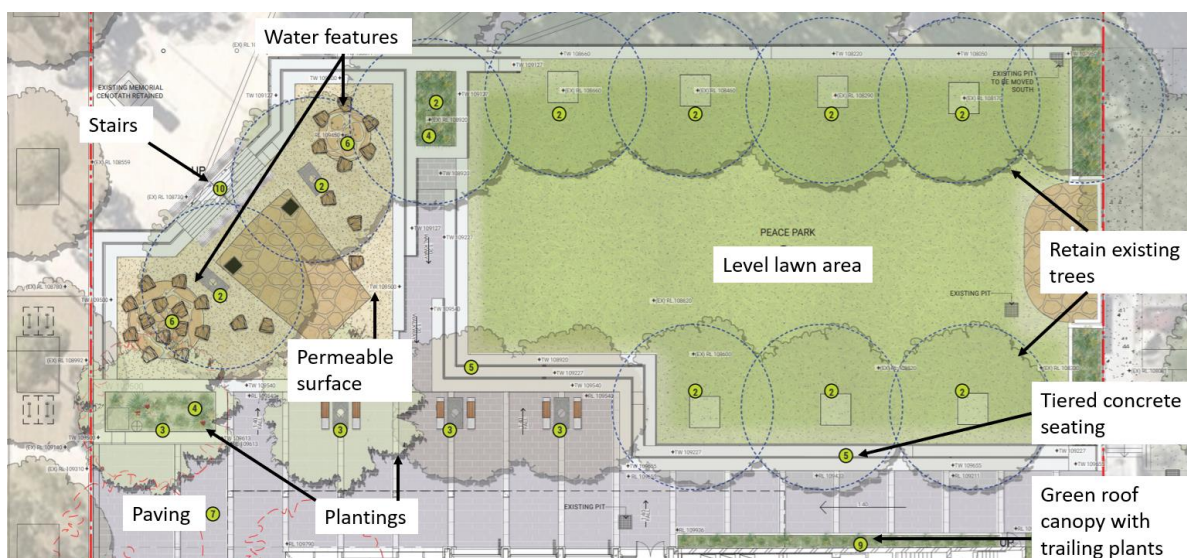


Figure 16 | Proposed public domain and landscaping works in Peace Park (Source: Applicant)

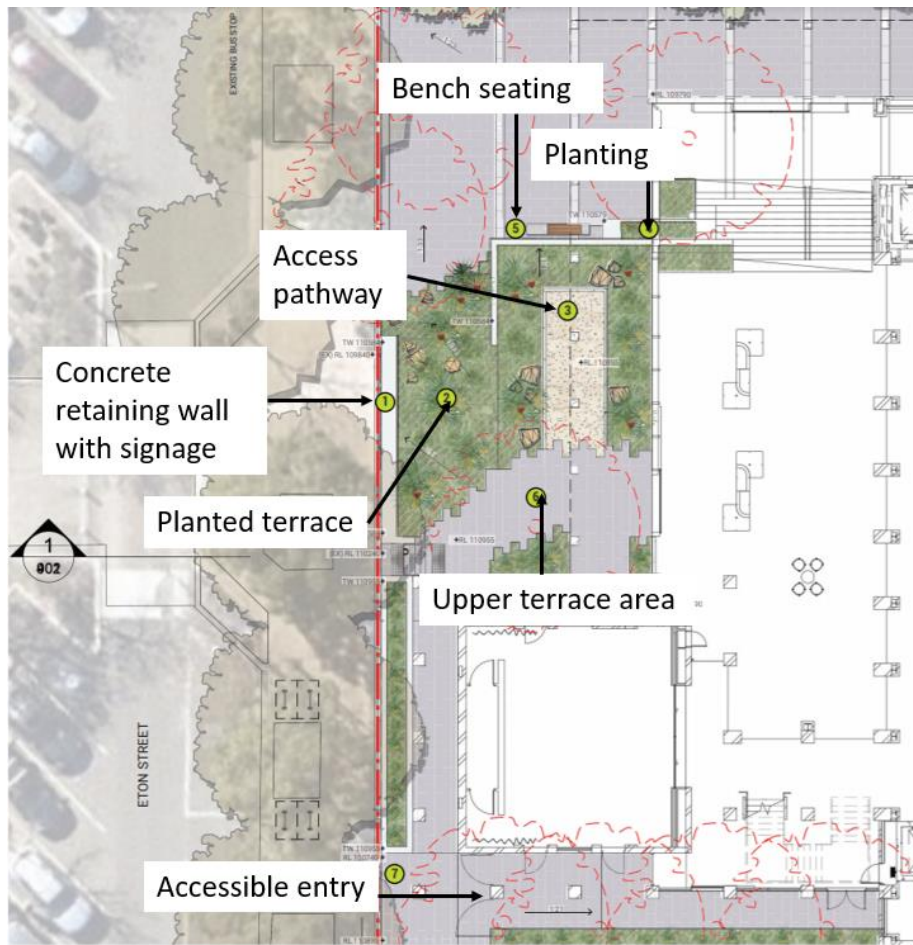


Figure 17 | Proposed public domain and landscaping works at Eton Street entrance (Source: Applicant)



Figure 18 | View of Peace Park (Source: Applicant)



Figure 19 | View of Public Domain (Source: Applicant)



Figure 20 | View of Public Domain looking towards Eton Street (Source: Applicant)

The Department considers the proposed public domain and landscaping works acceptable as:

- it would improve the connectivity with the SEC and accessibility around the public domain by providing an at-grade connection between Eton Street and Merton Street and accessible entry into the SEC
- the landscaping would help soften the appearance of the development and the public domain areas would improve the amenity for the community and visitors by providing places for recreational use, socialising and seating

- the proposed tree removal consists of planted trees only and would not result in any adverse biodiversity impacts. Biodiversity impacts are discussed further in **Section 6.6**
- the proposed mature trees consist of a mix of native and exotic species and the planted garden areas would consist of native species
- archival recording of the water feature would be undertaken prior to demolition and the proposed works would not result in any adverse Aboriginal heritage impacts. Aboriginal heritage impacts are discussed further in **Section 6.6**
- it would maintain the existing heritage elements including the War Memorial, cenotaph, plaque monument and Aboriginal pillars.

The Department's assessment therefore concludes the proposed public domain and landscaping works are acceptable.

6.4 Traffic, parking and access

Traffic

The Applicant provided a Transport and Parking Impact Assessment (TPIA) to assess the potential traffic impacts associated with the development. The TPIA found that the performance of the surrounding road network would improve due to the reduction in patron capacity from 884 to 700. This would reduce the existing peak traffic generation for single events from 375 vehicle trips to 175 and from 346 vehicle trips to 300 for combined events.

The TPIA also found that during the worst-case scenario, the development would not change the Level of Service (LoS) of the surrounding intersections and the intersections would continue to perform at a high level of efficiency, with a LoS of A or B during AM and PM peak periods.

The Department has reviewed the traffic generation associated with the development, and considers it would not adversely impact on the existing road network because:

- the development would reduce the capacity of the SEC for single and multiple events and therefore reduce the traffic generated by the development
- the surrounding intersections would continue to perform at a high level of service, with a LoS of A or B during AM and PM peak periods
- the site is located in close proximity to public transport including bus services and Sutherland railway station which would further reduce traffic impacts.

The Department also recommends a Travel Plan be prepared, as recommended by TfNSW to encourage the use of public transport and active transport.

The Department's assessment therefore concludes the development would not result in any adverse impacts on the surrounding road network.

Parking

Car parking

The Sutherland Shire DCP 2015 does not contain any car parking requirements for the proposed development and notes that car parking should be provided in accordance with a Traffic Study.

The TPIA identified the car parking demand for each type of event and the total number of existing car parking spaces available (refer to **Table 3**). The Applicant notes the existing car parking spaces can accommodate the proposed car parking demand and therefore no additional car parking spaces are proposed. The TPIA includes recommendations for the OPM to reduce reliance on on-street car parking.

The development also involves the removal of six car parking spaces on Merton Street to facilitate access for waste collection vehicles and emergency vehicles.

Table 3 | Car parking demand and availability

Use	Total car parking spaces required	Total car parking spaces available
Single event	40 to 183	203
Function and meeting room use	108	203
Function/theatre and outdoor event space use	324	847*

**Achieved by increased parking availability after 6:00pm*

SINSW requested that School bus zones and drop-off/pick-up zones are not impacted as a result of the SEC relying on on-street parking.

The Applicant notes the School bus zones and drop-off/pick up zones are separate from the SEC and are controlled by existing street signage and therefore would not be impacted during the operation of the proposal. The Applicant also notes that parking would be managed in accordance with an OPM.

The Department considers the existing car parking provision acceptable as:

- it can accommodate the proposed car parking demand for various events
- the site is located in close proximity to public transport, including bus services and Sutherland railway station which would further reduce the demand for car parking
- the existing street signage and OPM would appropriately manage any potential impacts on the school bus zones and drop-off/pick up zones.

The Department recommends a condition of consent requiring the OPM to include the recommendations detailed in the TPIA.

The Department concludes the proposed development would not result in adverse car parking impacts, and that the recommended conditions will manage any potential residual impacts.

Bicycle parking

The existing SEC does not contain any bicycle parking spaces. The development includes 20 bicycle spaces for both staff and visitors.

TfNSW recommended bicycle parking spaces are provided in accordance with the rates in the Sutherland Shire DCP 2015, which requires 27 spaces for the proposal.

In response, the Applicant noted that bicycle parking demand for the development is low given the formal types of events that would be held in the SEC.

The Applicant notes that additional bicycle parking spaces could be provided as part of a condition of consent but is considered unnecessary and would be underutilised.

The Department has considered the proposed use of the SEC and the Applicant's justification for reduced bicycle parking spaces. The Department considers the bicycles parking spaces should be increased to comply with the Sutherland Shire DCP 2015 as:

- the redevelopment of Peace Park would further promote its recreational use by the local community and that the additional bicycle parking spaces would benefit the local community
- the bicycle parking spaces would support the proposed Sutherland to Cronulla Active Transport Link
- the bicycle parking spaces would promote the use of active transport and would reduce the reliance on the use of private vehicles.

The Department therefore recommends the development provides 27 bicycle parking spaces in accordance with the Sutherland Shire DCP 2015.

Motorcycle parking

The existing SEC does not contain any motorcycle parking spaces. TfNSW requested motorcycle parking is provided in accordance with the Sutherland Shire DCP 2015 which requires the provision of 13 spaces.

In response, the Applicant advised that given the space constraints only nine motorcycle spaces can be provided on Merton Street. The Applicant notes these spaces can be provided while still maintaining access for emergency vehicles and waste collection vehicles. The Applicant notes that the proposed motorcycle parking spaces have been endorsed by Council's Traffic Engineer and would be subject to the approval from Council's Local Traffic Committee.

The Department considers the proposed nine motorcycle spaces are acceptable as there is sufficient on-street car parking that can be used for motorcycles.

The Department recommends that prior to the issue of the relevant Construction Certificate, a plan showing the provision of nine motorcycle parking spaces be prepared. The plan must demonstrate that access for emergency vehicles and waste collection vehicles will not be impeded by the proposed motorcycle parking.

Subject to the recommended condition, the Department concludes the number of motorcycle parking spaces is sufficient.

Access

The development requires modifications to the Flora Street and Eton Street roundabout and the Merton Street driveway to facilitate access to and from the site for Articulated Vehicles (AV) up to 19 m in length.

The development also requires the removal of six car parking spaces on Merton Street to facilitate access for emergency vehicles and waste collection vehicles.

TfNSW raised concerns that the swept path plans submitted with the TPIA show that the AV travels onto the kerb during certain movements.

In response, the Applicant provided an addendum TPIA which confirmed that vehicles do not travel onto the kerb and medians. The addendum TPIA notes that the vehicle clearance travels over the kerb and medians in some movements however does not impact on any roadside furniture and is compliant with the AUSTROADS Design Vehicle and Turning Path Template Guidelines.

The Department has reviewed the swept path plans and considers that the vehicles can safely access the site without impacting on any roadside furniture subject to the proposed modifications at the Flora Street and Eton Street roundabout intersection and Merton Street driveway and the removal of six car parking spaces on Merton Street.

The Department recommends the proposed modifications are completed prior to the commencement of construction works.

Subject to the recommended condition, the Department concludes that vehicles would be able to safely access the site.

6.5 Noise impacts

Operational noise

The SEC would be used for indoor and outdoor events and would be primarily used for theatrical performances. The development would reduce the seated capacity of the theatre from 884 patrons to a maximum of 700 patrons.

No submissions raised concerns about operational noise.

The Applicant provided a Noise and Vibration Impact Assessment (NVIA) which assessed operational noise impacts of patrons and sound systems on the nearest sensitive receivers including the Aged Care Facility on Flora Street and Sutherland Uniting Church.

The patron and sound system noise levels for the development are summarised in **Table 4** and **Table 5** below. The NVIA notes that detailed assessment of the mechanical plant noise has not been undertaken and during the detailed design stage, the acoustic consultant will provide detailed design advice to the architect and mechanical engineer to ensure that noise emissions from mechanical plant are effectively controlled to meet the relevant criteria at the nearest receiver boundaries.

Table 4 | Patron noise levels

Receiver	Use	Criteria (dB(A))	Sleep disturbance criteria (dB(A))	Noise level (dB(A))	Complies (Yes/No)	Complies with sleep disturbance criteria
Aged Care Facility on Flora Street (residential receiver)	Indoor event	42	52	19	Yes	Yes
	Outdoor event (raised voice)			53	No	No
	Outdoor event (moderate voice)			38	Yes	Yes
Sutherland Uniting Church	Indoor event	48	N/A	40	Yes	N/A
	Outdoor event			53	No	

Table 5 | Sound system noise levels

Receiver	Use	Criteria (dB(A))	Sleep disturbance criteria (dB(A))	Noise level (dB(A))	Complies (Yes/No)	Complies with sleep disturbance criteria
Aged Care Facility on Flora Street (residential receiver)	Foyer	42	52	26	Yes	Yes
	Outdoor area			52	No	Yes
	Theatre			30	Yes	Yes
Sutherland Uniting Church	Foyer	48	N/A	39	Yes	N/A
	Outdoor area			47	Yes	
	Theatre			48	Yes	

As identified in **Table 4** and **Table 5** above, the development complies with the relevant noise criteria except for:

- patron noise levels with raised voices during outdoor events would exceed the noise criteria by up to 11 dBA for the nearest residential receiver and 5 dBA for the church

- patron noise levels would exceed the NPI sleep disturbance criteria during outdoor events by 1 dBA for the nearest residential receiver
- sound system noise levels during outdoor events would exceed the noise criteria by up to 10 dBA for the nearest residential receiver.

The NVIA recommends the following measures continue to be applied to mitigate and manage noise impacts:

- management and staff should be briefed on the need to manage the premises such that excessively noisy or rowdy patron activity is not tolerated, particularly for outdoor events
- sound system volume limits for outdoor events, particularly for 10pm to midnight events
- signs reminding patrons of the need to restrict high noise levels should be installed.

The Department considered the operational noise impacts of the development acceptable as:

- patron and sound system noise levels during indoor events would comply with the relevant noise and sleep disturbance criteria and would therefore not result in any adverse noise impacts
- sound system noise levels during outdoor events would comply with the sleep disturbance criteria and would therefore not result in any adverse noise impacts
- whilst the patron and sound system noise levels during outdoor events would result in minor exceedances of the relevant noise and sleep disturbance criteria (for patron noise only), the Department notes the predicted noise levels are less than existing noise levels and can be managed in accordance with existing operational management measures detailed in the NVIA.

The Department recommends the implementation of the management measures detailed in the NVIA, noise limit conditions and recommends the details of noise mitigation measures for all mechanical plant are included on the construction certificate drawings and certified by an appropriately qualified acoustic engineer.

Subject to the recommended conditions, the Department's assessment concludes the potential operational noise impacts associated with the development are acceptable.

Construction noise and vibration

The NVIA assessed the construction noise and vibration impacts on the nearest sensitive receivers including commercial receivers on Eton Street, Peace Park, aged care residential facility on Flora Street and the adjacent church. The Department notes the noise management level for the school is the same as the adjacent church. During construction, noise levels are predicted to exceed the Interim Construction Noise Guidelines (ICNG) criteria for all receivers during different stages of the works.

During the worst case scenario, noise levels could exceed the ICNG criteria by up to 35 dBA for the adjacent church. The construction noise levels at the surrounding receivers are detailed in **Table 6** below.

The NVIA recommends a number of noise management measures, including hoarding around the site, measures to minimise plant and equipment noise, on-site noise management, work scheduling, consultation, notification and complaint handling procedures and site rules of conduct.

Table 6 | Construction noise criteria for the development

Stage of Works	Location (Criteria) and Construction Activity	Predicted equipment noise level, in dBLAeq,15min				
		Commercial / Retail Adjacent	Commercial / Retail Opposite	Peace Park	Residential Aged Care	Church
Criteria (dBA)		70	70	60	56	55
Site preparation and set up, including site amenities	Start on Site / Site Establishment / Access Road	70-86	55-70	70-86	45-61	70-86
Main Works: Demolition of existing buildings and structures, In-ground services	Demolition / In Ground Services	70-90	55-75	70-90	45-65	70-90
Main Works: Structure, Roofing and Cladding	Structure / Roofing and Cladding	70-86	55-70	70-86	45-61	70-86
Landscaping and Internal Fit-out	Landscaping	70-90	55-75	70-90	45-65	70-90
	Internal Fit-out (windows closed)	63-77	48-62	63-77	38-52	63-77

The NVIA does not include a detailed vibration assessment and recommends that a preliminary vibration survey is undertaken prior to commencement of works.

SINSW recommended that high impact works are undertaken outside of school hours and during school holiday periods, Sutherland Public School is notified one week prior to high impact construction work and that respite periods are implemented for noisy activities.

In response, the Applicant noted works would be scheduled to minimise disruption on surrounding receivers and construction noise would be managed in accordance with a Construction Noise and Vibration Management Plan (CNVMP).

Despite the potential construction noise exceedances, the Department considers construction noise impacts are acceptable as:

- the proposed works are temporary and would be managed in accordance with mitigation measures detailed in the NVIA and the CNVMP
- the hoarding around the site is predicted to reduce the noise levels by 10dB
- the predicted exceedances represent a conservative worst-case scenario with actual noise levels likely to be significantly lower
- affected receivers would be managed in accordance with the mitigation measures in the NVIA

- works would only be undertaken during standard construction hours and therefore would not result in any sleep disturbance impacts
- no submissions raised concerns about construction noise or vibration.

The Department recommends that construction works are limited to the standard construction hours identified in the ICNG and construction noise is managed in accordance with a CNVMP which must include the mitigation measures detailed in the NVIA. The Department also recommends vibration surveys are undertaken prior to the commencement of works in accordance with the recommendations in the NVIA and that noisy works are scheduled in consultation with Sutherland Public School and Sutherland Uniting Church.

Subject to the recommended conditions, the Department's assessment concludes the potential construction noise and vibration impacts associated with the development are acceptable.

6.6 Heritage

The SEC is not listed as an item of heritage significance, however it is located in the vicinity of a number of heritage items listed under the Sutherland LEP 2015, including the Sutherland War Memorial, Forby Sutherland Memorial Gardens and Sutherland Uniting Church. The Heritage Impact Statement (HIS) found that the development would have a minor and acceptable heritage impact.

No submissions raised concerns about heritage impacts.

The Department considers the development would not result in any significant heritage impacts as:

- the retention and reuse of the existing building would have a positive heritage impact as it would retain an important community asset and the development's built form and materials are consistent with the existing SEC
- the proposed landscaping works would have a positive heritage impact as the mature trees in Peace Park would be retained and the new trees would improve the amenity of the public domain
- the visual impact of the fly tower has been minimised through the use of pale coloured cladding which would reduce its visual bulk and scale and its location would not increase the existing overshadowing of the adjacent church
- all existing views to and from the heritage items in the vicinity would be retained and the development would not impact on any known archaeological deposits.

The Department recommends the implementation of an Unexpected Finds Procedure to manage potential heritage impacts.

Subject to the recommended conditions, the Department's assessment concludes the potential heritage impacts associated with the development are acceptable.

6.7 Other issues

The Department's consideration of other issues is provided at **Table 7**.

Table 7 | Summary of other issues

Issue	Findings	Recommendations
Permissibility	<ul style="list-style-type: none"> The site is zoned B3 Commercial Core and RE1 Public Recreation under the Sutherland LEP 2015. Entertainment facilities are permissible with consent in the B3 zone but are not permissible in the RE1 zone. The proposed public domain works are permissible with consent in the RE1 zone and B3 zone. The redevelopment of the SEC includes minor components which extend into the RE1 zone including the new entry forecourt and verandah. The Department considers the proposed building use is acceptable and would improve the functionality of the SEC and interface with Peace Park. The Department also is satisfied the proposed uses would not result in any significant amenity, operational or land use impacts. The Department is therefore satisfied the proposed uses are acceptable. 	<p>The Department does not require any condition in relation to land use.</p>
Construction traffic	<ul style="list-style-type: none"> The TPIA notes that during construction the development would generate less vehicles trips per hour than during the operation of the development and therefore would not have a significant impact on the surrounding road network. TfNSW recommended a CTMP is prepared prior to the issue of a Construction Certificate SINSW recommended that work zones should not compromise access to Sutherland Public School and that construction vehicles should not enter and exit the work site during school drop-off/pick-up periods. The Department considers potential construction traffic impacts can be managed in accordance with a CTMP. The Department recommends a CTMP is prepared prior to the issue of a Construction Certificate. The Department also recommends the CTMP restrict the location of the work zones and construction vehicle access during school peak period to minimise impacts on Sutherland Public School. The Department considers the construction traffic impacts are acceptable subject to the recommended conditions. 	<ul style="list-style-type: none"> The Department recommends a CTMP is prepared prior to the issue of a Construction Certificate.

Biodiversity

- The development would require the removal of 21 trees and shrubs. The Biodiversity Assessment identifies that all vegetation to be removed has been planted and does not form part of a threatened ecological community. The Biodiversity Assessment also notes the site has been highly modified and does not contain potential habitat for threatened species.
- EESG advised the development would not have any significant impact on biodiversity values and provided a BDAR Waiver.
- The Department considers the development is not likely to have any significant impacts on biodiversity values as the site does not contain any native vegetation or habitat for threatened species and only involves the removal of vegetation that has been planted.
- The Department recommends the tree protection measures identified in the Arboricultural Impact Assessment (AIA) are implemented prior to and during construction to protect the remaining trees within the Peace Park.
- The Department considers the potential biodiversity impacts are acceptable subject to the recommended conditions.
- The Department recommends the tree protection measures identified in the Arboricultural Impact Assessment (AIA) are implemented prior to and during construction.

Aboriginal heritage

- The Aboriginal Cultural Heritage Assessment Report (ACHAR) notes that the site does not contain any Aboriginal archaeological potential.
- The development involves the demolition of the existing water features which contains modern Aboriginal art.
- The ACHAR recommends that archival recording of the water feature should be undertaken prior to demolition and be provided to the La Perouse Local Aboriginal Land Council (LALC) and all Registered Aboriginal Parties. The ACHAR also recommends that an unexpected finds procedures is implemented.
- No submissions raised concerns about impacts on Aboriginal heritage
- The Department considers the development would not result in any significant impacts on Aboriginal Heritage as the site does not contain any archaeological potential and has been subject to previous disturbance.
- The Department considers any potential impacts on Aboriginal heritage can be appropriately mitigated and managed in accordance with the recommendations
- The Department recommends the following conditions in accordance with the ACHAR recommendations:
 - Archival recording of the water feature.
 - Implementation of an unexpected finds procedure.

detailed in the ACHAR which include archival recording of the water feature and the implementation of an unexpected finds procedure.

- The Department considers the potential Aboriginal heritage impacts are acceptable subject to the recommended conditions.

Hazardous materials and contamination

- The Hazardous Materials Assessment (HMA) identifies that the SEC contains a number of hazardous materials including asbestos, synthetic mineral fibres and lead paint and provides a number of recommendations to manage the hazardous materials.
- The Preliminary Environmental Site Assessment (PESA) undertaken for Peace Park found that all soil contamination results were below the site assessment criteria (SAC) and indicated a low potential for significant, widespread occurrence of contaminants of potential concern. The PESA concludes that Peace Park is suitable for development from a contamination perspective and recommends the preparation of an unexpected finds protocol (UFP) and additional testing to confirm the waste classification of soil prior to off-site disposal be undertaken.
- The EPA noted that all work must be undertaken in compliance with the POEO Act.
- The Department considers the potential hazardous materials and contamination can be managed in accordance with the recommendations detailed in the HMA and implementation of an UFP. In addition, the Department recommends hazardous materials and contamination are managed in accordance with relevant EPA guidelines and the POEO Act and associated regulations. Further the Department recommends an Asbestos Management Plan be prepared and implemented to ensure Asbestos is appropriately managed.
- The Department considers the site is suitable for the continuation of the uses and potential hazardous material and contamination impacts are minor and acceptable subject to the recommended conditions.
- The Department recommends the following conditions:
 - Management of hazardous materials in accordance with the recommendations detailed in the HMA.
 - Preparation of an UFP.
 - Management of hazardous materials and contamination in accordance with relevant EPA guidelines and the POEO Act and associated regulations.
 - Management of asbestos in accordance with an Asbestos Management Plan.

Stormwater

- The site's stormwater runoff would be collected and stored in an on-site detention system (OSD) and released into Council's
 - The Department does not require any condition in relation to stormwater.

stormwater system. The OSD would be located under the loading dock driveway.

- EESG noted that overflowing of the on-site detention system (OSD) would result in flooding in the basement and recommended a secondary overflow system.
- In response, the Applicant advised the OSD has been designed to accommodate the additional stormwater flows of the development and discharge to Council's stormwater system would be the same or less than existing rates. The Applicant also advised the OSD is located under the loading dock driveway and if the OSD overflows it would flow out into the street not the basement.
- The Department considers the design of the stormwater system is acceptable as it has the capacity to allow storage and infiltration of all events up to and including the 100yr ARI. The Department is also satisfied the stormwater can be adequately discharged through proposed stormwater system without any additional impacts to the quality of Council's stormwater system.

Flooding

- The site is not mapped as being located in a flood planning area and EESG notes that the site is unlikely to be subject to overland flooding.
- The Applicant notes the driveway ramp would need to be designed to prevent the 100yr flood from entering the basement. This would require the levels at the boundary to be at least 150mm above the gutter invert level in order to prevent flows in the street from entering the basement.
- The Department recommends the design is further refined to ensure the basement is not subject to flooding and flooding is managed in accordance with Council's standard conditions.
- The Department recommends a condition requiring the boundary level of the driveway ramp into the basement must be 150 mm above the gutter invert level to prevent the 100 year flood event from entering the basement.

Operational management

- NSW Police recommended that the OPM is updated in accordance Council's Environmental Specification for Late Night Trading Premises 2011 and include CCTV requirements and incident management and recording procedures.
- NSW Police also recommended a number of conditions relating to the OPM, restricting the trading hours and patron capacity, patron behaviour, liquor supply, cessation of trading announcements, signage, complaint response procedures and requested that copies of the consent,
- The Department recommends the following conditions:
 - Updates to the OPM in consultation with NSW Police
 - Operational management conditions in accordance with recommendations from NSW Police.

registers and the OPM are kept on the premises.

- The Applicant notes that the OPM would be updated in consultation with NSW Police prior to the issue of the first Occupation Certificate
- The Department considers the operational management of the development is acceptable as patron numbers would be reduced, the development would incorporate recommendations from the Crime Prevention Through Environmental Design (CPTED) assessment to minimise crime at the site and would be managed in accordance with the OPM.
- The Department recommends the OPM is updated in consultation with NSW Police. The Department also recommends conditions relating to the operational management of the SEC in accordance with the recommendations from NSW Police.
- The Department considers the operational management of the development is acceptable subject to the recommended conditions.

Fire safety

- FRNSW advised it will review the development's fire response once the fire engineering brief questionnaire is submitted by the Applicant.
 - The Department recommends the development is constructed in accordance with the fire safety requirements identified in the BCA and a Fire Safety Certificate is obtained prior to occupation.
 - The Department recommends conditions requiring construction in accordance with the BCA and a Fire Safety Certificate be obtained prior to occupation.
-

7 Evaluation

The Department has reviewed the EIS and RtS, and assessed the merits of the development, taking into consideration advice from government agencies. Issues raised in public submissions have been considered (as outlined in **Appendix B**) and all environmental issues associated with the development have been thoroughly addressed.

The Department has considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD (as outlined in **Appendix C**).

The Department has carefully considered the impacts associated with the development, and considers it should be approved for following reasons:

- the development would enable the SEC to meet current building standards and improve its functionality, accessibility and amenity
- the development would result in an acceptable built form outcome for the site as:
 - the design of the development is supported by the Government Architect NSW (GA NSW)
 - the design, external appearance and selection of materials combine to provide a new SEC which achieves design excellence
 - it fully complies with the building height and FSR controls applying to the site
 - It is consistent with the desired future character of the site which seeks to increase the height and scale of buildings within the Sutherland town centre.
- the development would not result in any unacceptable visual or amenity impacts on the surrounding area given the site's context within the Sutherland town centre and distance from the nearest residential property (approximately 100 m south-east of the site)
- it would not result in increased traffic or carparking impacts as the overall capacity of the SEC would be reduced
- whilst the noise levels during outdoor events would result in minor exceedances of the noise criteria, the predicted noise levels are less than existing noise levels and can be managed in accordance with existing operational management measures detailed in the NVIA
- it would deliver significant public benefits including:
 - the upgrade of an important community and cultural asset supporting a variety of arts related events
 - creating and supporting jobs in the community, including 144 construction jobs and 20 operational jobs
 - the delivery of high-quality open space by enhancing and improving the accessibility of Peace Park and the surrounding public domain.

The Department's assessment therefore concludes the development is in the public interest and recommends the application be approved, subject to the recommended conditions.

8 Recommendation

It is recommended that the Executive Director, Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD 10379, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix D**).

Recommended by:



Minoshi Weerasinghe
Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:



01/10/2020

Anthea Sargeant

Executive Director

Regions, Industry and Key Sites

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/25581>

Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25581>

Submissions Report

<https://www.planningportal.nsw.gov.au/major-projects/project/25581>

Appendix B – Community Views for Draft Notice of Decision

Issue	Consideration
Council should allocate funding to other community facilities in Sutherland. (public issue)	<p>The Department considers the proposed development would provide significant benefits to the community and is consistent with the Sutherland Shire Local Strategic Planning Statement 2019.</p> <p>The Department notes that the Applicant has committed to liaise directly with the submitter to discuss how community infrastructure within the Sutherland Shire is funded and to outline the priorities for the provision and upgrading of facilities.</p>

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Department's assessment of the development has provided a detailed consideration to a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment of the development and has provided a summary of this assessment in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

Objects of the EP&A Act	Summary
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposed development would have a positive impact as it would improve the functionality, amenity and accessibility of the SEC. The proposed public domain works would also improve the amenity and accessibility for the community. The proposed development would not impact on any natural or artificial resources, agricultural land or natural areas.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The principles of Ecologically Sustainable Development (ESD) are considered below.
(c) to promote the orderly and economic use and development of land	The proposed development would promote the orderly and economic use of land by improving the ongoing use of the SEC and Peace Park, supporting the arts community and creating jobs.
(d) to promote the delivery and maintenance of affordable housing	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The development is not likely to have any significant impacts on biodiversity values as the site does not contain any native vegetation or habitat for threatened species and only involves the removal of vegetation that has been planted.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposed development would not have an adverse impact on nearby heritage items or conservation areas, as addressed in Section 6 .
(g) to promote good design and amenity of the built environment	The proposed development exhibits design excellence as discussed in Section 6.1 .

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposed works would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The development is SSD and therefore the Minister is the consent authority. The Department consulted with the relevant government agencies on the development.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 5 of this report sets out details of the Department's public exhibition of the development.

Table 2 | Consideration of the matters listed under section 4.15(1) of the EP&A Act

Section 4.15(1) Evaluation	Summary
(a)(i) any environmental planning instrument	The proposed development is partially permissible (Section 4.2 and Section 6). The Department's consideration of other relevant EPIs is provided below.
(a)(ii) any proposed instrument	See below.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation), including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) Repealed	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned - refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the EIS exhibition period and following lodgement of the RTS. See Sections 5 and 6 of this report.

(e) the public interest

The development is considered to be in the public interest. Refer to **Section 6** of this report.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The proposed development is SSD under section 4.36 (development declared SSD) of the EP&A Act as it is development for the purpose of a cultural, recreation and tourist facilities and has a CIV in excess of \$30 million under clause 13(1)(c) of Schedule 1 of the SRD SEPP. Therefore, the Minister for Planning and Public Spaces is the consent authority.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposed development would reduce the capacity of the SEC however was referred to Transport for NSW for advice during the exhibition period (refer to **Section 5**).

The Department has considered TfNSW advice in **Section 6** and considers the proposed development to be consistent with the ISEPP given the consultation and consideration of traffic, parking and access impacts in **Section 6.4**.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure potential contamination issues are considered in the determination of a development application. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purposes of the proposed development.

The EIS included a HMA and a PESA. The HMA concludes that the SEC contains a number of hazardous materials including asbestos, synthetic mineral fibres and lead paint and provides a number of recommendations to manage the hazardous materials. The PESA concluded that all soil contamination results were below the SAC and indicated a low potential for significant, widespread occurrence of contaminants of potential concern in Peace Park.

The Department considers potential hazardous materials and contamination can be managed in accordance with the recommendations detailed in the HMA and implementation of an UFP.

The Department considers the site is suitable for the ongoing use of the entertainment facility and Peace Park. This is addressed in detail in **Section 6.6**.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department recently

published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 of the EP&A Act.

The Department considers the proposed development is consistent with the draft Remediation SEPP subject to the recommended conditions.

Sutherland Local Environmental Plan 2015

The Department considers the development is consistent with the relevant provisions of the Sutherland LEP 2015. Consideration of relevant provisions of the Sutherland LEP 2015 are addressed in **Table 3** below.

Table 3 | Consideration of the Sutherland LEP 2015

Criteria	Department's Consideration	Compliance
<p>Clause 2.3 Zone objectives and land use table</p> <p>The objectives of the B3 Commercial Core zone are:</p> <ul style="list-style-type: none"> • To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. • To encourage appropriate employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To strengthen the viability of existing commercial centres through increased economic 	<p>The Department considers the development consistent with the B3 objectives for the following reasons:</p> <ul style="list-style-type: none"> • The development provides entertainment and community uses that will serve the needs of the local and wider community. • The development it would deliver significant benefits to the NSW community through direct and indirect economic activity and employment, including 144 construction jobs and 20 operational jobs • The site is located in close proximity to Sutherland Train Station and bus services and visitors will be encouraged to use public transport to attend events. • The redevelopment of the SEC and Peace Park would reaffirm its place as the civic heart of the town centre and would strengthen the viability of Sutherland town 	Partial

<p>activity, employment and resident population.</p> <ul style="list-style-type: none"> To create an attractive, vibrant and safe public domain with a high standard of urban design and public amenity. To enhance commercial centres by encouraging incidental public domain areas that have a community focus and facilitate interaction, outdoor eating or landscaping. To provide for pedestrian-friendly and safe shopping designed to cater for the needs of all ages and abilities <p>The objectives of the RE1 Public Recreation zone are:</p> <ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	<p>centre through increased economic and social activity.</p> <ul style="list-style-type: none"> The proposed works would improve the amenity and accessibility of the public domain. The landscaping would help soften the appearance of the development and the public domain areas would improve the amenity for the community and visitors by providing places for recreational use, socialising and seating. <p>The Department considers the development consistent with the RE1 objectives for the following reasons:</p> <ul style="list-style-type: none"> The development retains the ability for Peace Park to be used as public open space. Peace Park would remain as a passive recreation space which can be used for community events in conjunction with the SEC. Trees would be retained where possible and replacement trees are proposed to ensure the natural environment is enhanced. 	
<p>Clause 4.3 Height of Buildings</p> <ul style="list-style-type: none"> 30 metres (for the B3 area of the site) N/A (for the RE1 area of the site) 	<p>The maximum building height of the development is 24.85 m.</p>	<p>Yes</p>
<p>Clause 4.4 Floor Space Ratio</p> <ul style="list-style-type: none"> 3.5:1 FSR (for the B3 area of the site) N/A (for the RE1 area of the site) 	<p>The development would have a FSR of 1.1:1 and a GFA of 4,442 m².</p>	<p>Yes</p>
<p>Clause 5.10 Heritage conservation</p> <p>The objectives of this clause are:</p> <ul style="list-style-type: none"> To conserve the environmental heritage of Sutherland Shire, 	<p>As discussed in Section 6, the development would not result in any adverse impacts to the surrounding heritage items, archaeological sites or Aboriginal objects or places.</p>	<p>Yes</p>

- To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- To conserve archaeological sites,
- To conserve Aboriginal objects and Aboriginal places of heritage significance.

The Department considers potential heritage impacts can be managed in accordance with archival recording and the preparation of an unexpected finds procedure.

Clause 6.16 Urban Design – General

The consent authority must consider the extent to which:

- High quality design and development outcomes have been attained.
- Buildings are designed and will be constructed to strengthen, enhance or integrate into the existing character and the desired future character of the locality.
- Recognition and improvement given to the public domain in the design.
- The natural environment will be retained or enhanced.
- The development responds to the natural landform of the site.
- The development will preserve, enhance or reinforce specific areas of visual quality.
- The principles of CPTED are addressed.

The Department considers the development is consistent with this clause for the following reasons:

Yes

- The development exhibits design excellence (refer to **Section 6.1**)
- The height and scale of the development is considered appropriate for its setting given the potential for future development to be of similar scale
- The landscaping would help soften the appearance of the development and the public domain areas would improve the amenity for the community and visitors by providing places for recreational use, socialising and seating
- The development would not result in any adverse environmental impacts
- The development would not result in any adverse visual impacts
- The development would include the recommendations of the CPTED assessment.

Other Policies

Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle

- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The proposed development incorporates a number of design initiatives including:

- optimising the size of the mechanical plant to ensure the plant is working at its peak efficiency and minimise the capital cost of the plant
- using high efficiency lighting and air conditioning equipment to reduce the energy consumption
- using Variable Speed Drives (VSD) controls the speed of pumps, fans and other mechanical plant to ensure that they are only using as much power as it is needed
- a high-performance façade to limit the heat entering the buildings, reducing air conditioning system sizes and the energy use
- maximise use of non-toxic building materials
- maximise use of materials that are recyclable
- minimise waste during the construction
- minimise operational waste
- utilising renewable energy sources, e.g. solar power
- designing the facade and floor plans to achieve passive heating and passive cooling
- reuse of rainwater for irrigation of landscaping.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development.

Overall, the development is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Appendix D – Recommended Instrument of Consent

The recommended conditions of consent can be found on the Department of Planning, Industry and Environment's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/25581>