



# Sutherland Entertainment Centre Modification 2

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Tree removal, bicycle parking, landscaping and materials  
State Significant Development Modification Assessment  
(SSD 10379 MOD 2)

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Title: **Sutherland Entertainment Centre Modification 2**

Subtitle: Tree removal, bicycle parking, landscaping and materials

Cover image: *View of redeveloped Sutherland Entertainment Centre from Eton Street (Source: Applicant's EIS for SSD 10379)*

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>Council</b>	Sutherland Shire Council
<b>Department</b>	Department of Planning and Environment
<b>EHG</b>	Department of Planning and Environment's, Environment and Heritage Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

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# 1 Introduction

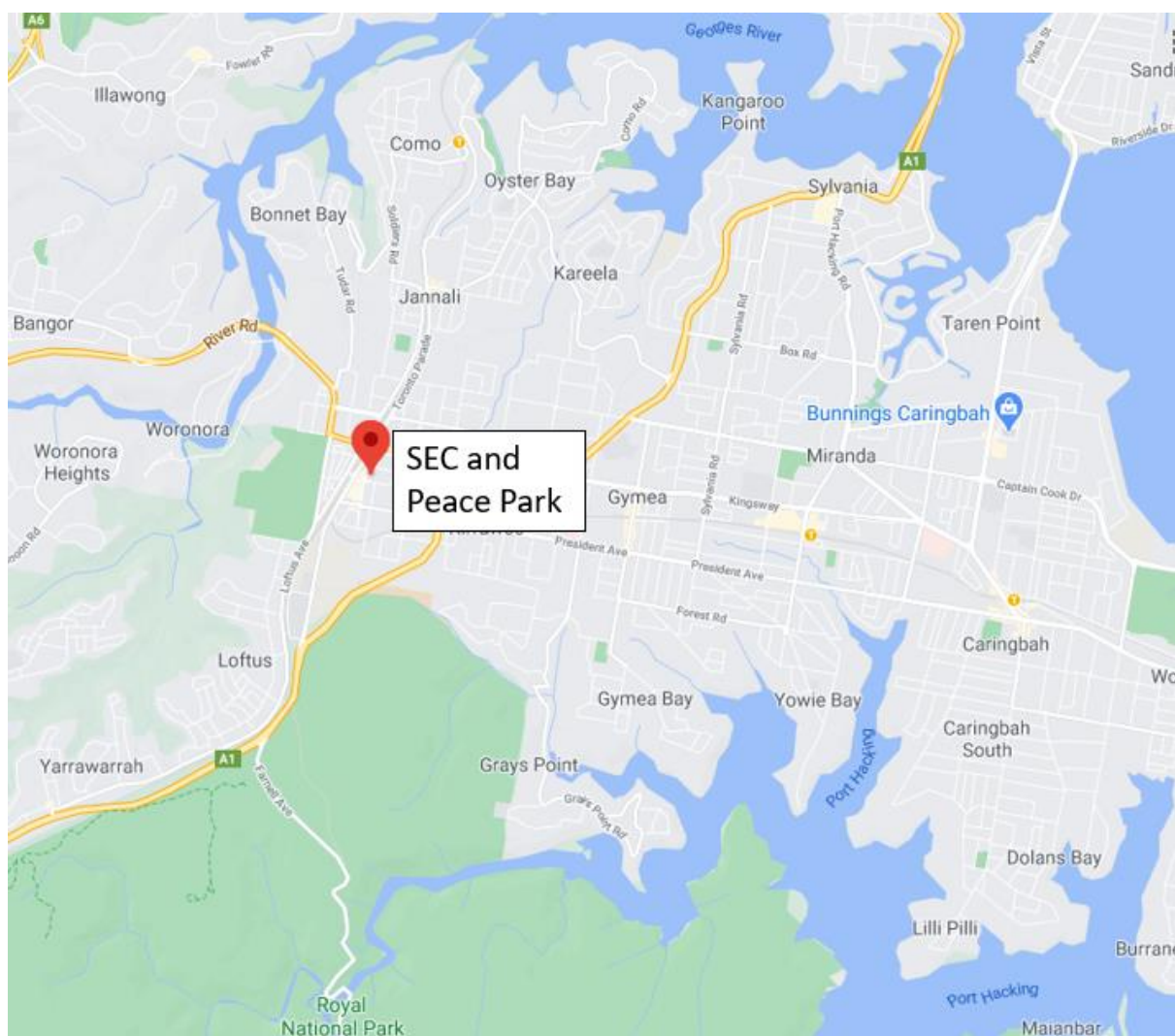
This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the redevelopment of the Sutherland Entertainment Centre (SEC) and Peace Park.

The application has been lodged on behalf of Sutherland Shire Council (Council) (the Applicant) pursuant to Section 4.55(1a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks approval for changes to tree removal, bicycle parking, landscaping and materials.

## 1.1 Background

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)**



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. The site is shown in Figure 2 to Figure 4.

The SEC (Figure 3) 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 meeting rooms, amenities, storerooms, food and beverage services, offices and a dwelling which is accessed externally.

Peace Park (Figure 4) is located to the north of the SEC and comprises a range of landscape features, including a water fountain, selected tree plantings, park benches, raised grass sections, a War Memorial and Aboriginal artwork and sculptures.

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.



**Figure 2 | The site** (Base source: Nearmap)





**Figure 3 |** SEC viewed from Eton Street looking east



**Figure 4 |** View of Peace Park looking west towards Eton Street

The site is located within the Sutherland Town Centre, and surrounded by the following:

- to the north – Forby Sutherland Memorial Park and the Sutherland Shire Council chambers that are three to four storeys in height and include an at-grade car park.



- to the east – Chuo City Garden (Japanese Gardens) and the Flora Street car park. Further east there are multi-storey building between two to eight storeys in height.
- to the south – a two storey building occupied by Centrelink and Medicare, and the Sutherland Uniting Church and associated Kumon Sutherland Education Centre. Further to the south is Sutherland Public School.
- to the west – 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.

The Forby Sutherland Memorial Park and Sutherland Uniting Church are listed as local heritage items in the Sutherland Local Environment Plan 2015 (SLEP 2015).

The surrounding site context is shown in Figure 5.



**Figure 5 | Surrounding site context** (Base source: Nearmap)

## 1.2 Approval history

On 1 October 2020, the Executive Director, Regions, Industry and Key Sites granted development consent (SSD 10379) for the redevelopment of the SEC and Peace Park.

The development consent for SSD 10379 has been modified once previously (MOD 1) to amend the wording of Conditions B2 and E3 relating to relating to external walls and cladding and Condition B8 relating to Ecologically Sustainable Development (ESD) initiatives.



## 2 Proposed modification

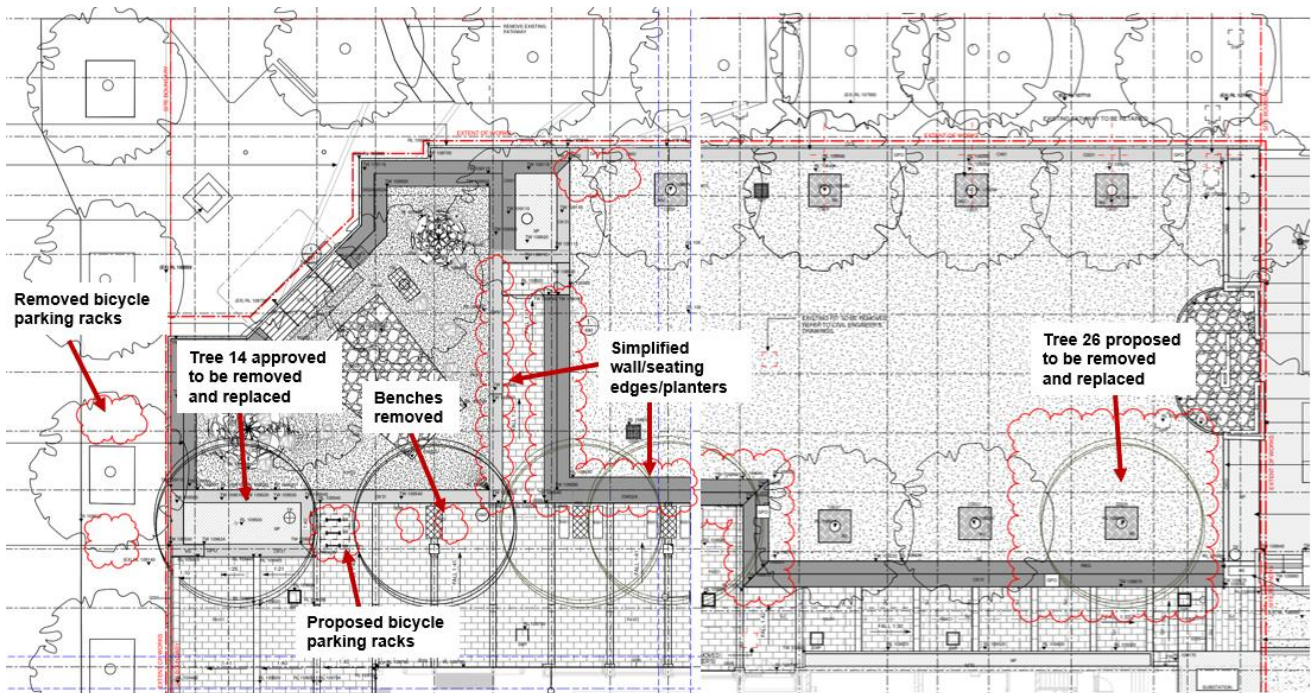
The Applicant lodged a Modification Application (SSD 10379 MOD 2) seeking approval under section 4.55(1a) of the EP&A Act for changes to tree removal, bicycle parking, landscaping and materials.

The proposed modifications are summarised in **Table 1** below and Figure 6 and Figure 7.

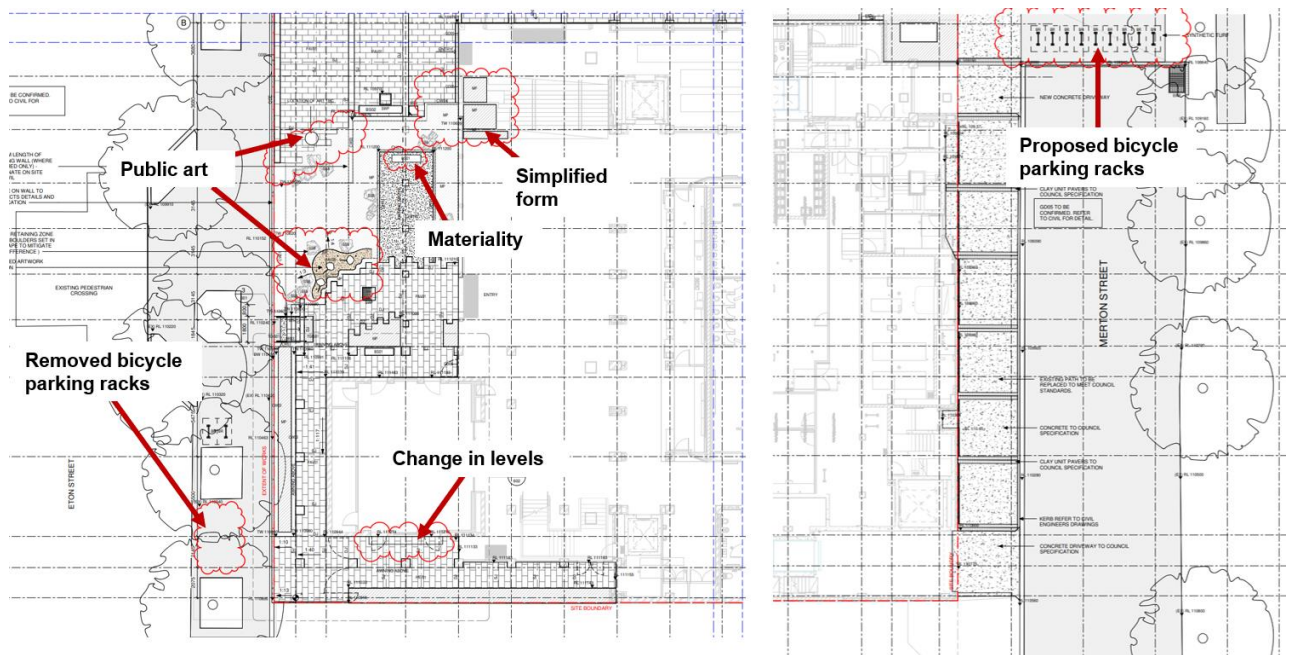
**Table 1 | Proposed changes**

Aspect	Proposed change
<b>Tree removal and retention</b>	<ul style="list-style-type: none"><li>• remove Tree 26 and replace this tree with a new super advanced tree of the same species (Chinese Elm)</li><li>• remove and replace Tree 14 to be consistent with the stamped Landscape Plans</li></ul>
<b>Bicycle parking</b>	<ul style="list-style-type: none"><li>• remove eight bicycle parking racks along the Eton Street frontage</li><li>• provide three bicycle parking racks in the through-block link on the southern edge of Peace Park</li><li>• provide nine bicycle parking racks within Merton Street, at the termination of the cul-de-sac</li></ul> <p>There remains a further two bicycle parking racks on Eton Street, for a total of 28 bicycle parking spaces provided as part of the development.</p>
<b>Materiality</b>	<ul style="list-style-type: none"><li>• change the colour of the concrete used for external retaining walls, hobs, bleacher seating and stairs from off-white to standard grey</li></ul>
<b>Landscaping</b>	<ul style="list-style-type: none"><li>• remove two benches in the through-block link</li><li>• simplify the tiered retaining wall and seating edges to Peace Park and planters</li><li>• amend the location of drains in accordance with civil design development</li><li>• provide an artwork as part of the terraced garden opposite the Eton Street pedestrian crossing</li><li>• identify the location of a potential further artwork, noting that it would be subject to a separate planning pathway</li><li>• changes to the levels at the entrance to the foyer/meeting room fronting Eton Street</li></ul>

The Applicant also proposes to amend Condition A1 to reference the modified plans and documents that accompany the application.



**Figure 6 |** Key amendments to Peace Park and through-site link (Base source: Applicant's amended landscape plans)



**Figure 7 |** Key amendments to Eton Street and Merton Street frontages (Base source: Applicant's amended landscape plans)

## 3 Statutory context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impact as the proposal:

- would not increase the environmental impacts of the project as approved; and
- it is substantially the same development as originally approved.

Therefore, the Department is satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

### 3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments, may determine this application under delegation as:

- a political disclosure statement has not been made
- there are no public submissions in the nature of objections
- Council has not made a submission by way of objection.

### 3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.



## 4 Engagement

### 4.1 Department's engagement

Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications.

Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 29 August 2022.

No submissions were received.

## 5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation.

The Department's consideration of the key issues associated with modification is provided below.

**Table 2 | Department's assessment of key assessment issues**

Issue	Findings	Recommendations
<b>Tree removal and planting</b>	<ul style="list-style-type: none"> <li>• The Modification Application seeks to remove and replace Trees 14 and 26.</li> <li>• Tree 14 was approved to be removed and replaced in the stamped Landscape Plans but retained in the Arboricultural Impact Assessment submitted with the EIS.</li> <li>• The Modification Application therefore proposes to clarify the drafting error and align the approved works with the stamped Landscape Plans.</li> <li>• The Department notes that the Arboricultural Impact Assessment submitted with the original application assessed Tree 14 as an exotic species with a moderate life expectancy due to potential safety issues arising from lopped branches.</li> <li>• Tree 26 is proposed to be removed to provide space for material storage, plant access, and a crane platform during the construction phase of the project.</li> <li>• This amendment reduces the number of vehicle movements on Eton Street and instead allow these to occur on Merton Street.</li> <li>• Tree 26 is proposed to be replaced by a super advanced Chinese Elm</li> </ul>	<p>The Department recommends:</p> <ul style="list-style-type: none"> <li>• Condition A1 is modified to reflect the amended plans.</li> <li>• Conditions C21 and D39 referencing the Arboricultural Impact Assessment are updated to clarify the inconsistency with Tree 14 and removal of Tree 26.</li> <li>• New Condition F29 is imposed requiring that new planting is maintained for a minimum 12-month period post-occupation. Any tree that dies during this time will be replaced.</li> </ul>

tree that will be monitored after planting.

- The Department considers the proposed amendments acceptable as:
  - Tree 14 was in principle approved to be removed and replaced originally
  - removing Tree 26 is necessary to support the construction phase of the project and reduce vehicle movements on Eton Street
  - Tree 26 will be replaced by a super advanced tree ensuring there is no reduction in tree planting.
- The Department supports the proposed changes to tree removal, subject to conditions.

#### **Bicycle parking**

- The Modification Application seeks to amend the location and quantum of bicycle parking racks in the public domain.
- It is proposed to remove a portion of the racks on Eton Street, and to install racks within the through-site link and on Merton Street.
- The Department notes that no change is proposed to Condition B19 and E18 requiring that a minimum 27 bicycle parking spaces are provided as part of the development.
- The Department considers the changes acceptable as the new bicycle parking locations are publicly accessible and in visible areas, and the quantum of spaces would remain unchanged.

The Department recommends that Condition A1 be updated.

#### **Materiality**

- The Modification Application seeks to replace off-white concrete with standard grey concrete.
- Council advice that utilising a standard concrete colour enables

The Department recommends that Condition A1 be updated.



Council to more easily make repairs to the public domain in the future.

- The Department notes the approved concrete colour was not identified by the Design Review Panel/Design Integrity Panel as a key consideration in the selection of the competition winning scheme or during design development in the assessment of the original application.
- The Department considers the proposed amendments appropriate for the following reasons:
  - the proposed concrete colour remains neutral and compatible with the approved schedule of materials and finishes
  - NBR Architecture are the identified architects for this design development phase, complying with Condition A6 of the consent
  - using a standard concrete colour will enable Council to more easily make repairs in the future, if needed.

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#### **Landscape design**

- The Modification Application seeks a number of minor changes to the public domain, including removing two benches, simplifying the tiered retaining walls and seating edges, amending the location of drains, identifying public art, and minor changes to levels.
- The Department considers the proposed amendments are minor and will not impact the delivery of a high-quality public domain.
- The Department notes that NBR Architecture are the identified architects of these changes, complying with Condition A6 of the consent.

The Department recommends that Condition A1 be updated.

## 6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modification is appropriate as:

- it would maintain the core elements of the approved development
- it would not increase the environmental impacts of the development
- it would remain compliant with other relevant statutory provisions in EPIs and the strategic planning context
- it would not result in any adverse access or bicycle parking impacts
- existing and recommended conditions would ensure the impacts of the development are appropriately mitigated and/or managed
- it is substantially the same development as the approved development.

The Department concludes that the modification application is in the public interest and should be approved, subject to the recommended conditions of consent.

## 7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application (SSD 10379 MOD 2) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent (SSD 10379)
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



**Anna Nowland**

Principal Planning Officer

Key Sites Assessments



## 8 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in blue ink, appearing to be 'CS', with a large loop at the end.

19.9.22

**Cameron Sargent**

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

Supporting information to this assessment report can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/sutherland-entertainment-centre-mod-2>

## Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 1**.

**Table 1** | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	As discussed in <b>Section 5</b> of this report, the proposed modification would result in only a minimal environmental impact.
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	<p>The development, as proposed to be modified, is substantially the same development as that originally approved in that:</p> <ul style="list-style-type: none"><li>• the proposed use of the site as an 'entertainment facility' remains the same</li><li>• the proposed modifications do not alter the operation or scale of the building</li><li>• the proposed modifications would only have a minimal environmental impact.</li></ul>
The application has been notified in accordance with the regulations.	<b>Section 4</b> of this report demonstrates the modification application has followed the consultation requirements outlined in the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation).
Any submission made concerning the proposed modification has been considered.	The Department did not receive any submissions for this modification application (refer to <b>Section 4</b> of this report).

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.



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

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed minor amendments do not alter the development's compliance with EPIs.
(a)(ii) any proposed instrument	Not applicable.
(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	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees (refer to <b>Section 3</b> ).
(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,	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed (refer to <b>Section 5</b> of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Sections 3</b> and <b>5</b> .
(d) any submissions	The Department did not receive any submissions for this modification application (refer to <b>Section 4</b> of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.

## Appendix C – Notice of modification

The Notice of Modification can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/sutherland-entertainment-centre-mod-2>