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State Significant Development

Scoping Report

Sutherland Entertainment Centre and Peace Park



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Contents

1	Introduction	1
1.1	Sutherland Entertainment Centre	1
1.2	Planning Pathway Justification	1
1.3	Purpose of this Report	1
2	Background	2
2.1	Design Excellence Competition	2
2.2	Community and Stakeholder Consultation	2
2.2.1	Stakeholder Workshops	3
2.2.2	Arts and Culture Sub-Committee	3
2.3	Scoping Meeting	4
3	Site Context	5
3.1	Location	5
3.2	Surrounding Development	6
4	Proposed Development	8
4.1	Objectives of the Proposed Upgrades	8
4.2	Proposed Development	8
5	Planning Framework	9
5.1	Introduction	9
5.2	The Greater Sydney Region Plan	9
5.3	South District Plan	9
5.4	Environmental Planning and Assessment Act 1979	10
5.5	Biodiversity Conservation Act 2017	10
5.6	State Environmental Planning Policy (State and Regional Development) 2011	10
5.7	State Environmental Planning Policy No. 55 – Remediation of Land	11
5.8	State Environmental Planning Policy No. 64 – Advertising and Signage	11
5.9	Sutherland LEP 2015	11
5.9.1	Land Use Tables	12
5.9.2	Permissibility	14
5.9.3	Building Height and Floor Space Ratio Development Standards	15
5.9.4	Heritage	15
5.9.5	Urban Design	16
5.10	Sutherland DCP 2015	16
5.11	Sutherland Shire Section 7.11 Development Contribution Plan 2016	17
5.12	Other Strategic Plans and Policies	17

Contents

6	Preliminary Environmental Assessment	18
6.1	Introduction	18
6.2	Built Form and Urban Design	18
6.3	Site Contamination	18
6.4	Heritage	18
6.5	Environmental Sustainability	18
6.6	Crime Prevention and Safety	19
6.7	Social and Economic Impacts	19
6.8	Construction Management	19
7	Conclusion	20

Figures

Figure 1	Site Location	5
Figure 2	Aerial photograph of the site	5
Figure 3	Looking east towards Peace Park. War Memorial is evident in the left of the photograph and the SEC is on the right hand side of the photograph (Source: Google Streetview)	6
Figure 4	Location plan of site within the Sutherland town centre	6
Figure 5	Existing interface between SEC and the Sutherland Uniting Church as viewed from Merton Street	7
Figure 6	Extract from Sutherland LEP land use zoning map	11
Figure 7	Extract from Heritage Map accompanying Sutherland LEP 2015	15

Appendices

1.	CIV Cost Calculation
2.	Summary Design Report and Architect Design Process
3.	Community and Stakeholder Consultation: <ul style="list-style-type: none">• Presentation of SEC upgrades to Arts and Culture Sub-Committee meeting of 24 September 2019• Minutes of the Arts and Culture Sub-Committee meeting of 24 September 2019• Feedback from Engadine Musical Society
4.	Concept Architectural Plans
5.	Concept Landscape Plans for Peace Park upgrades

1 Introduction

1.1 Sutherland Entertainment Centre

DFP has been engaged by NBR Architecture on behalf of Sutherland Shire Council (Council) in relation to alterations and additions to the Sutherland Entertainment Centre (SEC) at 30 Eton Street, Sutherland (the site). Upgrading of the adjoining Peace Park is also proposed.

The SEC was built in the 1970s primarily as a musical venue. The building was designed such that it had limited connection with the adjoining public domain. It was also built before the development of Peace Park to its north.

The existing SEC hosts over 230 events each year, with annual patronage of 90,000. Approximately, 60% of the events are deemed community events. Many of these events are subsidised by Council.

The new facility will provide Council with opportunities to increase its revenue with greater content envisaged for the SEC. The provision of multi-purpose spaces (including studios and rehearsal space) will increase capacity of the Centre at varying times including the traditional quieter mid-week times.

The SEC is now a 40+ year old building which, although it is in good physical condition, is not suitable for use as a modern day community venue. Today, buildings such as the SEC are required to be multi-function facilities that are flexible and able to cater to a diversity of cultural and technical needs. Council has also recognised that the relationship between the building and its surrounds needs to be improved.

Therefore, it is proposed to undertake alterations and additions to the SEC which will offer indoor/outdoor stages and exhibition spaces, a more integrated relationship with Peace Park and an opportunity to provide a variety of spaces which can be adapted depending on the needs of the user.

1.2 Planning Pathway Justification

The proposal involves works relating to an '*entertainment facility*' which is defined in Sutherland Local Environmental Plan (LEP) 2015 as follows:

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

Pursuant to clause 13 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP), if the capital investment value (CIV) of development for the purposes of cultural, recreation and tourist facilities is more than \$30 million, the development is State significant Development (SSD) and a SSD application is required to be prepared.

Entertainment facilities are included in the description of development referred to as *Cultural, recreation and tourist facilities* in clause 13 of Schedule 1 of the State and Regional Development SEPP.

The CIV of the project has been assessed as being in excess of \$30 million. A copy of the QS cost estimate report is included at **Appendix 1** to this scoping report. Therefore, the development is considered to be State Significant Development (SSD) and a SSD application will be required to be submitted to NSW Department of Planning, Industry and Environment (DPIE).

1.3 Purpose of this Report

This report accompanies a request to DPIE to obtain the Secretary's Environmental Assessment Requirements (SEARs) as required under Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulation).

Matters relating to the proposed development, permissibility, strategic planning context, associated impacts and justifications are discussed in detail in this report.

2 Background

2.1 Design Excellence Competition

Following review of these submissions, ten (10) firms were shortlisted and interviewed. The selection of shortlisted firms was undertaken by a Tender Evaluation Panel (which comprised Council staff) which assessed the submissions to determine the organisations which demonstrated relevant experience in similar performing arts spaces and evaluated them against the selection criteria.

The Evaluation Panel then interviewed the ten (10) organisations and used the interview process to determine a level of assurance as to each organisation's overall appreciation for the project including their own vision, objectives and definitions of a successful outcome in terms of design.

Three firms were further shortlisted and invited to submit a concept proposal. These firms were required to submit a proposal in two parts.

Two separate panels were established which undertook the following assessments:

- Part A - Design Concept evaluated by the independent Design Review Panel (DRP). The DRP was responsible for the evaluation of tender submissions and comprised the following members:
 - Darlene van der Breggen Strategic Design Advisor to the Government Architect NSW
 - Colin Sargent Senior Development Manager, Transport NSW
 - Craig Gamble Theatre Consultant, Setting Line Theatre Consulting
- Part B - Design Services Proposal evaluated by the Tender Evaluation Panel (TEP)

Following assessment of the concept designs (by the DRP) and the cost estimates by the TEP, and taking into account community feedback, the Evaluation Panel then selected NBRB and Chrofi Architects as the architectural team which would be able to provide the best outcome as envisaged by Council and the community.

As set out in the summary Design Report at **Appendix 2**, during the course of the competition, the project evolved to respond to feedback from the community and stakeholders.

2.2 Community and Stakeholder Consultation

The community was asked to provide feedback in relation to the concept designs from the three shortlisted firms between 20 March 2019 and 3 April 2019.

The following platforms were used to consult with the community:

- Online survey;
- Concept exhibition at Sutherland Entertainment Centre;
- The Sutherland and St George Leader (local newspaper) advertisement;
- Social media;
- Website¹;
- Displays and response boxes at Council Libraries;
- Displays at Council Service Centres;
- Council publication; and
- Briefings with surrounding local businesses.

The following is a summary of the community engagement process:

¹ Refer: <http://www.sutherlandshire.nsw.gov.au/Community/Arts-and-Culture/A-New-Era-for-the-Sutherland-Entertainment-Centre>

2 Background

- 423 surveys completed;
- 719 video viewings and 241 completed online surveys. Videos of the three concept designs were available for viewing by the community. The community was able to select the features of each concept that they preferred in the categories of:
 - external appearance;
 - entrance and foyer;
 - theatre experience; and
 - connection with the park.

Along with a technical, non-price and price assessment, these results contributed to the selection of the successful architectural team for this project.

- 173 people engaged with the public exhibition space in the entertainment centre;
- 3,083 people became aware of the project via the website;
- 10 telephone calls were received by Council in relation to the project;
- 3 emails were received by Council in relation to the project;
- 20,648 people reacted to the project via social media; and
- 212 engage via social media.

In relation to the online surveys of the three concept schemes, the NBR/Chrofi scheme ranked highest for all four assessment criteria. A summary of the online survey results is included in the Design Report at **Appendix 2**.

2.2.1 Stakeholder Workshops

Three stakeholder workshops were held during May 2019 to gauge feedback in relation to the initial proposals for the SEC, having regard to the specific and particular needs of each interest group.

Different groups who provided feedback included:

- Council staff
- Dance groups
- School user groups
- Music festival users
- Symphony orchestra
- Musical societies and theatre groups

Where possible and relevant, the comments have been considered and addressed as part of the concept scheme for the refurbishment of the SEC.

2.2.2 Arts and Culture Sub-Committee

On 24 September 2019 a meeting of the Arts and Culture Sub-Committee was convened. As well as community representatives, Council offices and Councillors, the following community groups were represented at this meeting:

- Engadine Musical Society
- Sutherland Shire Historical Society
- Miranda Musical Society
- Sutherland Theatre Company
- Arts Theatre Cronulla

2 Background

- Sutherland Shire Symphony Orchestra
- Sydney Tramway Museum
- Ettingshausen's Dance School

The proposed refurbishment of the SEC was presented to the Sub-Committee and key features of the upgrade were discussed. A copy of the material presented to the Arts and Culture Sub-Committee is included at **Appendix 3**.

Also included at **Appendix 3** are the minutes of the Arts and Culture Sub-Committee meeting.

2.3 Scoping Meeting

On 7 August 2019, the proponent (Sutherland Shire Council) met with members of the DPIE major projects team to discuss the most appropriate planning pathway for the proposed development. At that stage the cost estimates had not been finalised, but initial estimates indicated that the costs for the entire project (i.e. including the works within Peace Park) might exceed \$30 million. At that meeting a brief overview of the project was provided and the proponent was advised that if the CIV of the project did exceed \$30 million, the application would be SSD.

A follow up meeting was held with DPIE on 13 September 2019. At that meeting, a more detailed overview of the project was provided, including details of the components of the existing structure that would be retained. Details of the design excellence competition and community consultation held to date were also discussed.

At the meeting on 13 September 2019, DPIE officers advised the information to be addressed in the scoping report and request for SEARS and material to be submitted with that request, including (but not limited to):

- Details of the community consultation undertaken to date, including how input from stakeholders has been considered in the concept designs.
- Discussion as to how design excellence will be evaluated as the project progresses and how design integrity will be maintained.
- Concept design plans for the proposal.

This scoping report addresses the matters raised by DPIE at the meeting on 13 September 2019 and includes copies of the concept design plans at **Appendix 4**.

3 Site Context

3.1 Location

The SEC is located at 22 and 30 Eton Road, Sutherland. Peace Park adjoins the SEC to the north. The legal property description of 30 Eton Road, Sutherland is Lot 1 DP1253156. 22 Eton Street is legally described as Lot 7, Section 46, DP802.

Figure 1 is a location plan of the site within the Sutherland town centre and **Figure 2** is an aerial photograph of the site with the cadastre overlaid.

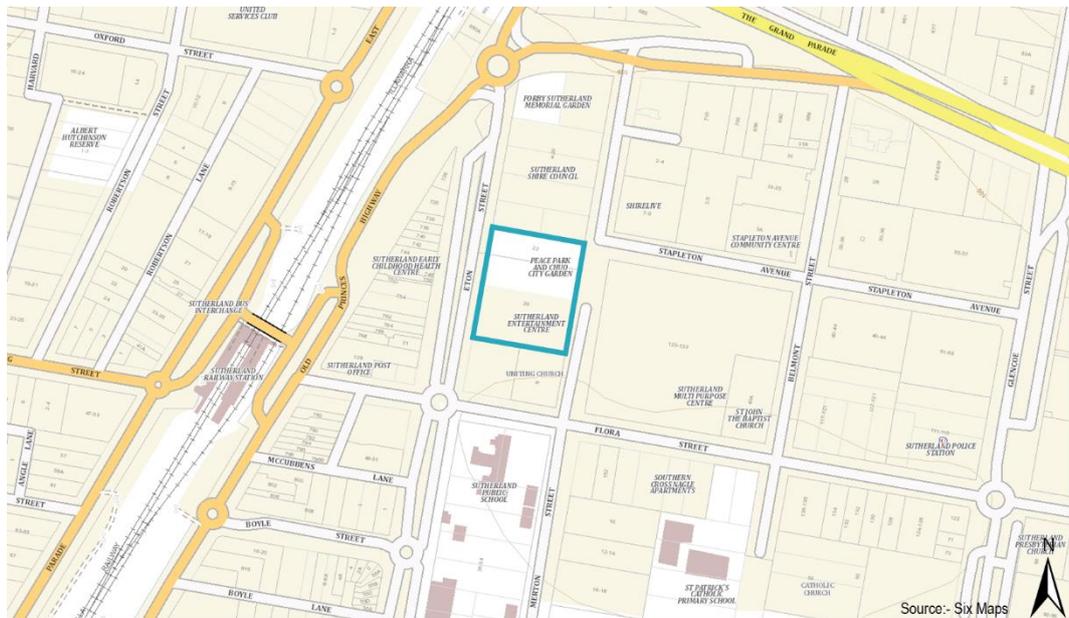


Figure 1 Site Location



Figure 2 Aerial photograph of the site

The existing two/three storey entertainment centre and some hard and soft landscaped elements associated with the adjoining Peace Park are located on Lot 1 DP 1253156. Peace Park is partly located on Lot 1 and partly on Lot 7 (see **Figure 2**).

The site has frontage to Eton Street (to the west) and Merton Street to the east.

There is an existing War Memorial located in the north western corner of Peace Park. The War Memorial is listed as a heritage item in Sutherland LEP 2015.

3 Site Context

There is a moderate change in levels between the foyer of the SEC, Eton Street and Peace Park as demonstrated in **Figure 3**.

Existing vegetation within Peace Park comprises lawn areas with some selected tree planting. There are street trees along the Eton Street frontage of the site.



Figure 3 Looking east towards Peace Park. War Memorial is evident in the left of the photograph and the SEC is on the right hand side of the photograph (Source: Google Streetview)

3.2 Surrounding Development

Figure 4 is a plan identifying the site in the context of surrounding development.



Figure 4 Location plan of site within the Sutherland town centre

To the **north** of Peace Park is the at grade car park associated with the Sutherland Council civic centre and the civic centre building. The civic centre building is a 4 storey structure.

3 Site Context

To the **east** of Merton Street is an at grade car park and Japanese Gardens (which are located to the east of and have an interface with Peace Park). Merton Street continues north from the Japanese Gardens to link with the Princes Highway. Merton Street continues as a pedestrian link only through the Japanese Gardens.

To the **west** is Eton Street. In the vicinity of the site, the carriageway of Eton Street is separated by angled car parking. To the west of Eton Street are retail and commercial buildings associated with the Sutherland town centre. Sutherland railway station, which is to the west of Old Princes Highway, is approximately 220m (walking distance) from the SEC.

To the **south** is a two-storey commercial building (Centrelink office) and the Sutherland Uniting Church. The building associated with Sutherland Uniting Church is a heritage item. The existing SEC building directly abuts the Sutherland Uniting Church as demonstrated in **Figure 5**.

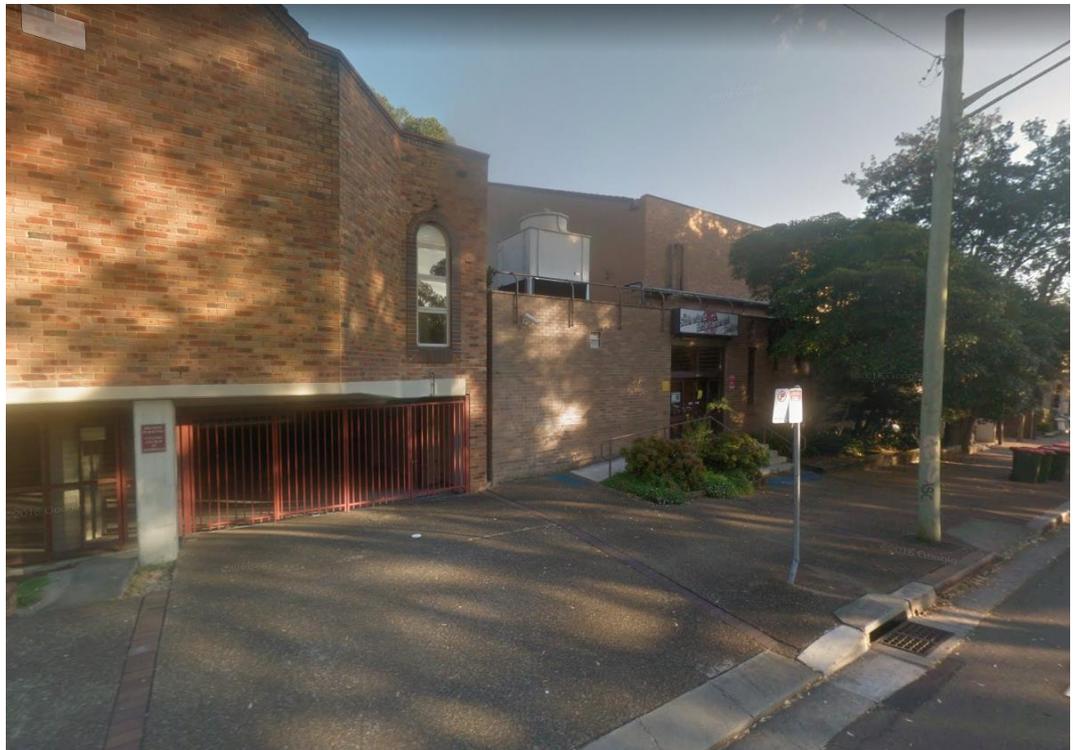


Figure 5 Existing interface between SEC and the Sutherland Uniting Church as viewed from Merton Street

4 Proposed Development

4.1 Objectives of the Proposed Upgrades

The objectives of the alterations and additions to the SEC are:

- To ensure the SEC operates as a multi-function venue with a variety of flexible spaces suitable for use by a variety of groups.
- To provide an auditorium facility that is capable of hosting larger and more varied performances than are currently able to be accommodated to meet community needs.
- To provide a new address for the Entertainment Centre by virtue of a more integrated relationship with Peace Park.
- To re-affirm Peace Park as the civic heart of Sutherland with improved connections to the Library and Council Administration building and the Sutherland Town Centre.
- To appreciate that spaces within Peace Park such as the War Memorial and the Chuo City Garden can function as a series of connected landscape areas but still maintain their own identity and purpose.
- To develop the relationship between the Entertainment Centre and Peace Park such that they function as extensions of each other.

4.2 Proposed Development

In order to achieve these objectives, the following works will be undertaken:

- The auditorium will be renovated with the existing flat floor space remodelled into a tiered theatre. The new theatre will provide an enhanced viewing experience for up to 650 people, with improved excellent sight lines and acoustics.
- The stage will be upgraded so that it is capable of hosting major theatrical productions. This includes the reconfiguration and expansion of new back of house areas and the provision of a full fly tower.
- New loading/unloading facilities from Merton Street will be provided with direct access to the back of house areas.
- Accessibility will be improved through the provision of three lifts – two for public and one for back of house.
- The front entry to the SEC will be provided with a pergola to improve the relationship with the park and, provide an appropriate address to Eton Street. This space will also function as a quasi exhibition space/performance area.
- A multifunctional lobby and foyer, with improved circulation will be provided.
- Way finding and improved connectivity through Peace Park from areas to the east, including the Flora Street car park will be provided
- The southern interface of the park with the SEC will be made more permeable and active, by the addition of a verandah. This space would serve as a protected, lively and welcoming threshold which will activate both the building and park.
- Upgrades to Peace Park, including revitalisation of the connection of Peace Park with Eton Street will be undertaken.

Details of the upgraded SEC facilities, including details of those sections of the building that will be retained and upgraded, are detailed in the concept architectural plans at **Appendix 4** to this scoping report.

In addition to these built elements, upgrading of the landscape treatments within Peace Park are also proposed as demonstrated in the concept landscape plan at **Appendix 5**.

5 Planning Framework

5.1 Introduction

The following legislation, environmental planning instruments and development controls plans are relevant to the proposed educational establishment development, which are addressed in detail below:

- *A Metropolis of Three Cities – The Greater Sydney Region Plan;*
- *South District Plan;*
- *Environmental Planning and Assessment Act 1979;*
- *Biodiversity Conservation Act 2017;*
- *State Environmental Planning Policy No 19—Bushland in Urban Areas*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 64 - Advertising and Signage;*
- *Draft State Environmental Planning Policy (Remediation of Land);*
- *Draft State Environmental Planning Policy (Environment);*
- *Sutherland Local Environmental Plan 2015; and*
- *Sutherland DCP 2015.*

5.2 The Greater Sydney Region Plan

The Greater Sydney Region Plan, A Metropolis of Three Cities (the Regional Plan) is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan integrates land use, transport and infrastructure planning between the three tiers of government and across State agencies.

The Regional Plan includes 10 Directions. Three Directions are directly relevant to this project: Direction 5 is to provide a city of great places. In order to achieve this, Objectives 12 and 13 relate to designing places for people:

- Objective 12 Great places that bring people together
- Objective 13 Environmental heritage is conserved and enhanced

The EIS will address how the proposed alterations and additions to the SEC and upgrading of Peace Park will achieve these objectives.

The Regional Plan further separates the Sydney Region into 5 districts. The Sutherland local government area (LGA) is located within the South District.

5.3 South District Plan

The South District Plan is a guide for implementing the Regional Plan at a district level and is a bridge between regional and local planning. Sutherland is identified as a strategic centre in the South District Plan.

The District Plan includes four Planning Strategies – Infrastructure and collaboration, Liveability, Productivity and Sustainability – and also adopts the same 10 Directions as the Regional Plan.

There are planning priorities relative to each Direction. Under the Liveability Strategy /A City for People Direction are the following planning priorities:

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

5 Planning Framework

- Planning Priority S4 - Fostering healthy, creative, culturally rich and socially connected communities

And under the A City of Great Places Direction, is the following planning priority:

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

The EIS will discuss how the proposed alterations and additions to the SEC and upgrading of Peace Park will help achieve the outcomes sought in the Regional Plan and the District Plan.

5.4 Environmental Planning and Assessment Act 1979

The assessment framework for SSD is established under Part 4 Division 4.1 of the EP&A Act with Section 78A requiring a Development Application (DA) for SSD to be accompanied by an Environmental Impact Statement (EIS). Matters relevant to the preparation of an EIS (including the application for SEARs) are set out under Schedule 2 of the Regulation.

Section 89D of the EP&A Act identifies that the Minister is the consent authority for SSD.

5.5 Biodiversity Conservation Act 2017

Section 7.9 of the Biodiversity Conservation Act 2017 (BC Act) requires that an application for development consent for SSD must be accompanied by a Biodiversity Development Assessment Report (BDAR) unless an exemption for this requirement has been granted by the Biodiversity and Conservation Division (BCD) within DPIE.

In this instance, a separate request for a waiver for the requirement to prepare a BDAR will be lodged with BCD.

5.6 State Environmental Planning Policy (State and Regional Development) 2011

Clause 13 of Schedule 1 of the State and Regional Development SEPP identifies development for the purposes of cultural, recreation and tourist facilities with a capital investment value (CIV) of more than \$30 million as State significant Development (SSD). The CIV for all proposed works, including the upgrading of Peace Park (which forms part of the works) is \$33,545,570. Therefore, a SSD application is required to be prepared.

The proposed development includes works relating to the upgrading of Peace Park which are not, in themselves, works identified in the State and Regional Development SEPP as SSD. However, pursuant to clause 8(2) of the SEPP:

If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development, except for

- so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and*
- coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007), and*
- development specified in Schedule 1 to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.*

As part of the project is SSD (being the alterations and additions to the SEC), and the proposal is not identified in subclauses (a), (b) or (c) of clause 8(2), the entire project can be considered as SSD.

5 Planning Framework

5.7 State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) apply to the site and are a relevant matter for consideration as part of the assessment of the proposal.

The site land subject to the proposed works has been used as a park and SEC since the 1970s.

Whilst there is unlikely to be any major contaminants within the site, there is potential for contamination associated with building materials due to the age of some structures. Therefore, site contamination investigations and a hazardous material assessment will be undertaken.

The provisions of SEPP 55 will be considered as part of the EIS accompanying the DA and a preliminary contamination assessment will be lodged with the EIS. The purpose of all investigations will be to ensure that the land subject to the proposed works are suitable or can be made suitable for the intended use of the land.

5.8 State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) sets out provisions relating to the assessment of development which comprises signage, including business identification signs. If any signage is included in the proposal it will be required to be assessed in accordance with the provisions of SEPP 64. Details will be provided with the EIS.

5.9 Sutherland LEP 2015

Lot 1 DP 1253156 is zoned part B3 Commercial Core and part RE1 Public Recreation under *Sutherland Local Environmental Plan (LEP) 2015*. Lot 7, Section 46, DP802 is zoned RE1 Public Recreation.

Figure 6 is an extract of the zoning plan as it applies to the site. Evident in **Figure 6** is the fact that at the time of publishing of the LEP land use zoning map, that part of the site on which the entertainment centre building is located actually comprised three (3) separate allotments. It appears that these allotments have since been consolidated into Lot 1 DP 1253156. Critical to project is the location of the boundary between the B3 and the RE1 zones that apply to the site.

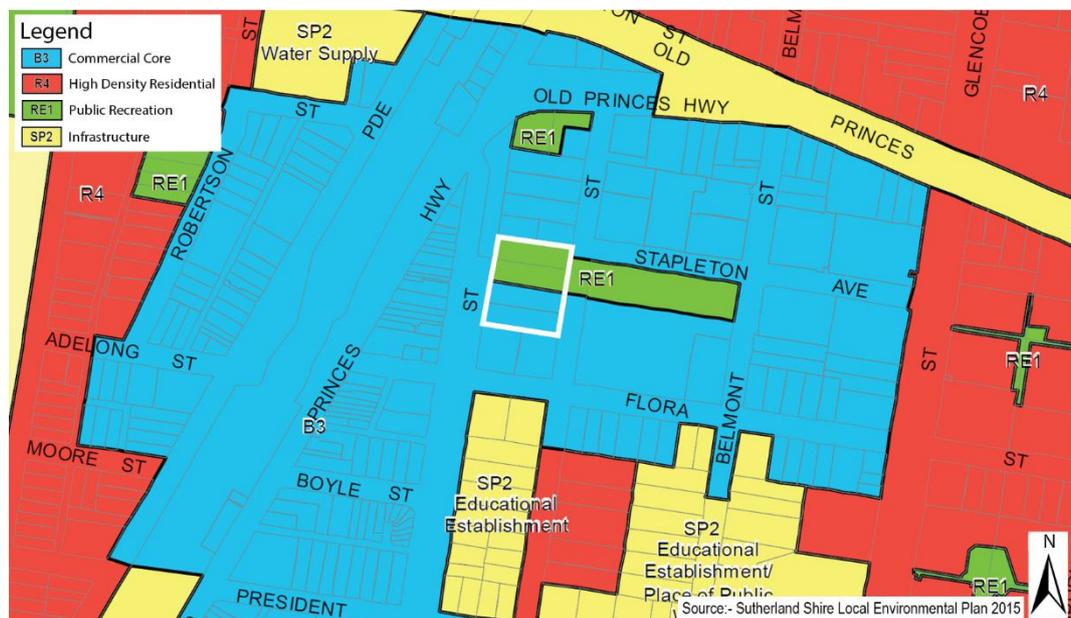


Figure 6 Extract from Sutherland LEP land use zoning map

5 Planning Framework

5.9.1 Land Use Tables

The following is an extract from Sutherland LEP 2015 of the B3 land use table, including the objectives of the B3 zone. Objectives and land uses relevant to the proposed redevelopment of the entertainment centre and Peace Park have been shown in **bold** text for emphasis.

The B3 zone land use is structured such that if a use is not prohibited, it is permissible.

Zone B3 Commercial Core

1 Objectives of zone

- **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 activity, employment and resident population.*
- **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.*

2 Permitted without consent

Home occupations

3 Permitted with consent

*Centre-based child care facilities; **Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4***

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Resource recovery facilities; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wholesale supplies

The following is an extract of the RE1 land use table as it appears in Sutherland LEP 2015. Unlike the B3 land use table, the RE1 zone is structured such that if a use is not permissible, it is prohibited.

Zone RE1 Public Recreation

1 Objectives of zone

- *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.**

5 Planning Framework

- **To protect and enhance the natural environment for recreational purposes.**

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; **Community facilities**; Environmental facilities; **Food and drink premises**; Information and education facilities; Kiosks; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4 Prohibited

Pubs; **Any other development not specified in item 2 or 3**

The following are extracts from the Sutherland LEP 2015 Dictionary of the land uses relevant to this project. This includes land uses not specifically listed in the land use tables above.

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) a pub,

(d) a small bar.

Note.

Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note.

Restaurants or cafes are a type of food and drink premises—see the definition of that term in this Dictionary.

Commercial premises are a permissible use in the B3 zone. "Commercial premises" is an 'umbrella' term and includes business premises, office premises and retail premises.

5 Planning Framework

Retail premises is defined as follows. We have only included the types of retail premises likely to be relevant to this project:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) ...
- (b) ...
- (c) *food and drink premises,*
- (d) ...
- (e) ...
- (f) *kiosks,*
- (g) ...
- (h) *markets,*
- (i) – (n) ...

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note.

Retail premises are a type of commercial premises

5.9.2 Permissibility

The preliminary concept plans for the proposed redevelopment indicate that components of the entertainment centre building extend beyond the B3 zone boundary into the RE1 zone. The components which extend in the RE1 zone include a cantilevered balcony/verandah area which will terminate with stairs leading into Peace Park and part of a double height entry feature/pergola structure which will identify the main entry to the entertainment centre.

Notwithstanding that both of these features are integral to the improvement of the interface of the entertainment centre with Peace Park, given that they are components of the entertainment centre structure (but are located in the RE1 zone), the question of permissibility must be considered.

Pursuant to section 4.38(3) of the EP&A Act, in the case of SSD:

Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

Therefore, in this case, those components of the entertainment centre which are located within the RE1 zoned land, are able to be considered as part of the whole SSD project for the alterations and additions to the SEC.

Furthermore, as noted above, *community facilities* are a permissible use in both the RE1 zone and the B3 zone. The definition of *community facilities* does not specifically exclude entertainment facilities.

Whilst the existing building is called an entertainment centre, a broad range of functions and community events take place in this facility, including functions such as art shows, conferences, school functions (e.g. awards nights). The range of events and functions held in the building is likely to increase once the building is refurbished. Therefore, it is considered that the function of the SEC could be categorised as a community facility as well as an entertainment facility, i.e. a dual use facility.

Given that *community facilities* are permissible in both the B3 and RE1 zones, it is considered that the components of the building which are located in the RE1 zone would be permissible as a community facility.

5 Planning Framework

Works relating to the upgrading of Peace Park would need to include those works detailed as permissible uses in the RE1 zone.

The refurbishment of the entertainment centre is development which is permissible in the B3 zone.

Furthermore, it is considered that the works proposed are consistent with the relevant objectives of both the B3 and RE1 zones that apply to the site.

5.9.3 Building Height and Floor Space Ratio Development Standards

The following controls only apply to that part of the site zoned B3. There are no specific development standards that apply to that part of the site zoned RE1:

- Maximum Building Height: 30m
- Floor Space Ratio: 3.5:1

The concept plans at **Appendix 4** to this scoping report indicates that the built form will have a height less than 30m above existing ground level.

The estimated gross floor area (GFA) of the entertainment centre is 4,513m². That part of the site zoned B3 has an estimated area of 2,720m². The bulk of the entertainment centre is located on this part of the site. The FSR of the development is estimated to be 1.66:1 which is less than the maximum permitted FSR of 3.5:1.

5.9.4 Heritage

There is a heritage item (Item No. 3615 - Sutherland War Memorial) within that part of Peace Park which is located on Lot 7 Section 46, DP802. The war memorial is located on the Eton Street frontage.

In addition, the entertainment centre backs onto the Sutherland Uniting Church (at 9 Merton Street). Item No. 3618.

The Foreby Sutherland Memorial Gardens (Item No. 3616) adjoin the Peace Park to the north.

The relationship of the items to the site is shown on the plan at **Figure 7**.

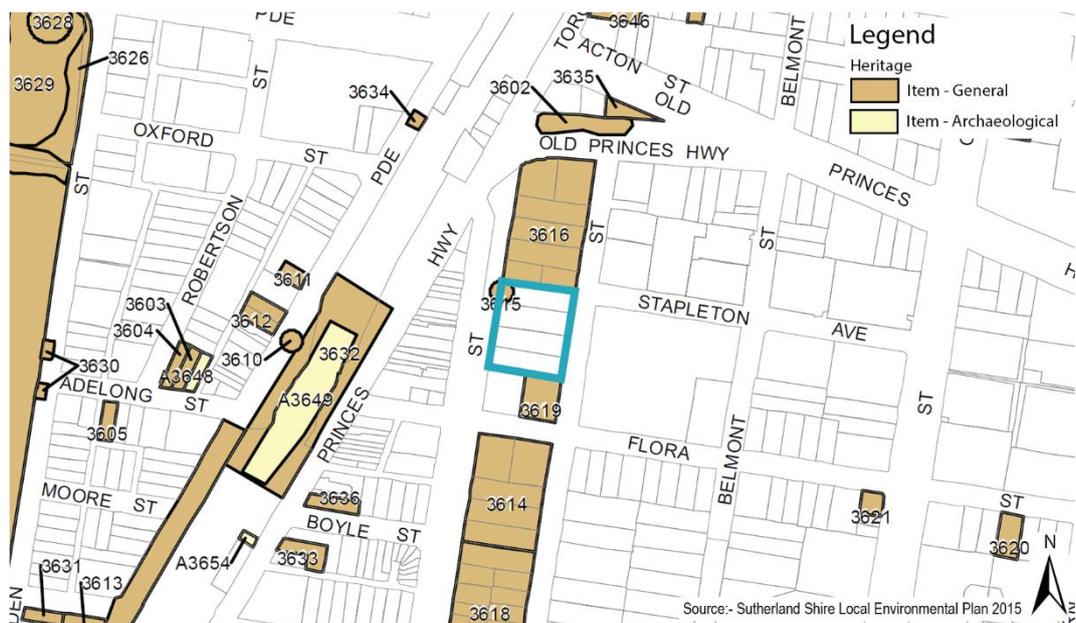


Figure 7 Extract from Heritage Map accompanying Sutherland LEP 2015

A full and detailed assessment of heritage impacts on all surrounding items will be prepared and incorporated into the assessment of the EIS. The impact of the proposed works on these

5 Planning Framework

items will need to be carefully considered having regard to the provisions of clause 5.10 of Sutherland LEP 2015.

5.9.5 Urban Design

Clause 6.16 - Urban Design – General of Sutherland LEP 2015 will be relevant to the design of the entertainment centre. Below is a link to the relevant clause in the LEP.

The design for the entertainment centre will need to consider the following provisions of clause 6.16:

- The existing character of the area in which the entertainment centre is located and in particular the streetscape and interface with Peace Park and the public domain generally;
- How the design responds to the natural environment;
- How the principles for minimising crime risk have been addressed in the design.

The relevant provisions of clause 6.16 of the LEP will be addressed in the EIS and accompanying design statement.

5.10 Sutherland DCP 2015

Notwithstanding that for the purposes of SSD, the provisions of any development control plan (DCP) do not apply (clause 11 of State and Regional Development SEPP), given the location of the site within the Sutherland town centre, it is considered prudent that the DCP controls be taken into account, particularly where those controls relate to the public domain.

Chapter 24 – B3 Commercial Core – Sutherland relates to the Sutherland town centre. The DCP includes a strategy map which flags an extension of Peace Park eastwards to Belmont Street. The DCP also includes the following controls for B3 zoned land in the Sutherland town centre. These are not necessarily specific to the site and may be able to be varied if they are not appropriate or relevant to the use of the site as an entertainment facility:

- Pedestrian link through Peace Park.
- A landscape strategy with tree planting in Peace Park and street tree planting along Eton Street.
- A potential built form of up to 30m on that part of the site zoned B3.
- A nil setback to Eton Street for a podium height of 8 -10m. The building is then required to be setback 4m for the upper levels above podium level.
- Eton Street frontage of the site is identified as an active frontage. The frontage to Peace Park is shown as semi-active.
- The development is required to observe the Apartment Design Guide building separations if the site adjoins residential development sites.
- Provision is to be made for on site loading/unloading

Other relevant controls in the DCP which might need to be taken into consideration:

There are no specific parking controls within the DCP for an entertainment facility. The DCP makes reference to the RMS Traffic Generating Guidelines.

There are no specific controls relating to land zoned RE1.

Other parts of the DCP which might also be relevant in relation to the proposed development include:

- Chapter 36 Vehicular Access, Traffic, Parking and Bicycles
- Chapter 38 Stormwater and Groundwater Management

5 Planning Framework

- Chapter 39 Natural Resource Management
- Chapter 41 Social Impact

5.11 Sutherland Shire Section 7.11 Development Contribution Plan 2016

The site is located within an area to which this CP applies, however, as the development does not provide for additional dwellings within the Sutherland town centre, there will not be a s7.11 contribution payable in relation to this work.

5.12 Other Strategic Plans and Policies

In addition to the above, the EIS will also address the relevant planning provisions, goals and objectives of the following plan and policies.

- NSW State Priorities;
- Future Transport Strategy 2056;
- Crime Prevention Through Environmental Design Principles;
- Health Urban Development Checklist;
- State Infrastructure Strategy 2018-2038 Building Momentum;
- Sydney's Cycling Future 2013;
- Sydney's Walking Future 2013;
- Sydney's Bus Future 2013;
- Better Placed: An integrated design policy for the built environment of NSW;
- Sutherland Shire Council Plan of Management Parks, 29 June 2009;
- Sutherland Community Strategic Plan, 2017; and
- Sutherland Shire Local Strategic Planning Statement (LSPS) 2019

6 Preliminary Environmental Assessment

6.1 Introduction

The proposed works, being alterations and additions to the existing SEC and upgrading of Peace Park, are unlikely to have significant or adverse environmental impacts. The impacts and risks from the proposed works are considered to be low, and potential environmental impacts can be minimised and managed appropriately.

Overall, it is considered that the proposed works will have positive impacts within the Sutherland town centre and for the Sutherland community.

6.2 Built Form and Urban Design

A design statement prepared by the project architects is included at **Appendix 4**. This report details the principles which have guided the concept designs for the redevelopment of the SEC.

As set out in **Section 2.1** of this scoping report, the development has evolved since it was first advocated. This included a design competition, review by the Design Review Panel (DRP) and consultation with the community.

Given that the SEC is a significant built feature in the town centre, a Design Excellence Strategy will be prepared to ensure design integrity and the outcomes envisaged by Council, the community, stakeholders and the Design Review Panel are maintained through the process.

Council will retain the DRP in the form of a Design Integrity Panel (DIP). The DIP will be utilised to review the design at key design milestones – including prior to submission of the EIS and any design modifications that are considered to change the design intent. Council will be advised by NBR/CHROFI in relation to design intent integrity.

Formalisation of transition from the DRP to the DIP will be made by Council, with provisions for alternative representation, if required, regarding membership. Alternatives will be nominated by the DRP.

The DIP will document their review sessions, findings and endorsements for Council. This will be documented as part of the EIS.

6.3 Site Contamination

The land subject to the proposed work has been used as a park or as an entertainment facility since at least the 1970s.

Whilst the likelihood of major contaminants being found on the site is low, there is potential for contamination associated with building materials due to the age of some structures. Therefore, site contamination investigations and a hazardous material assessment will be undertaken to ensure the site is suitable, or can be made suitable, for the proposed uses.

6.4 Heritage

There are a number of heritage items in the vicinity of the site and the works. In particular, the upgrading of Peace Park will need to consider how any impacts on the War Memorial can be minimised.

A Heritage Impact Statement will be undertaken and submitted with the EIS which address the proposed development and its impact on surrounding heritage items, including the War Memorial.

6.5 Environmental Sustainability

The EIS will include details of any opportunities the development can take to incorporate ESD measures within the project.

6 Preliminary Environmental Assessment

6.6 Crime Prevention and Safety

The alterations and additions to the SEC in particular will need to be designed having regard to the principles of Crime Prevention Through Environmental Design (CPTED). These principles and how the development responds to them will be addressed in the EIS.

6.7 Social and Economic Impacts

It is considered that the proposed refurbishment of the SEC will have several positive social impacts as the works will result in a facility which will be able to be used by a number of different groups for a variety of activities. As noted previously, one of the principle objectives of this work is to ensure the SEC is a multi function space.

The positive aspects of the proposed upgrades to the SEC and Peace Park will be detailed in the EIS.

6.8 Construction Management

The SEC and Peace Park are key facilities within the Sutherland town centre. During the construction period, which is estimated to be approximately 18 months, alternative locations at the Sutherland School of Arts and Engadine Community Centre will be made available for groups and organisations utilising the SEC.

Pedestrian traffic within the site, particularly within Peace Park, and surrounding the site will need to be carefully managed to ensure desired connections are maintained where possible during the construction phase.

Other potential impacts that could occur during the construction phase include:

- Dust mitigation during demolition work;
- Noise and vibration during demolition and construction works;
- Management of hazardous materials during demolition works; and
- Traffic impacts associated with the construction vehicles, including local traffic control measures.

A construction management plan, incorporating a construction traffic management plan, will be prepared to identify how impacts during the construction phase can be managed.

7 Conclusion

The proposed alterations and additions to the SEC and upgrading of Peace Park is classified as SSD as it falls within the requirements of clause 13 of Schedule 1 of the State and Regional Development SEPP, being *development for the purposes of cultural, recreation and tourist facilities is more than \$30 million*. Entertainment facilities are included in the description of development referred to as *Cultural, recreation and tourist facilities* in clause 13 of Schedule 1 of the State and Regional Development SEPP.

For the purposes of preparing the EIS in support of this proposal it is envisaged the following plans and studies will be required:

- Architectural Plans;
- Architectural Design Statement;
- Design Excellence and Integrity Strategy;
- Landscape Plans;
- Civil Engineering Plans (include stormwater management and erosion and sediment control plans);
- Traffic and Parking Assessment;
- Heritage Impact Assessment;
- Aboriginal Cultural Heritage Assessment;
- Arborist Report;
- Preliminary Contamination Investigations;
- Acoustic Assessment;
- Infrastructure Service Report;
- Construction Management Plan, incorporating a Construction Noise and Vibration Management Plan and Construction Traffic Management Plan;
- Ecologically Sustainable Development (ESD) Report;
- Waste Management Plan;
- BCA and Access Report;
- Hazardous Material Survey; and
- Design Safety Report.