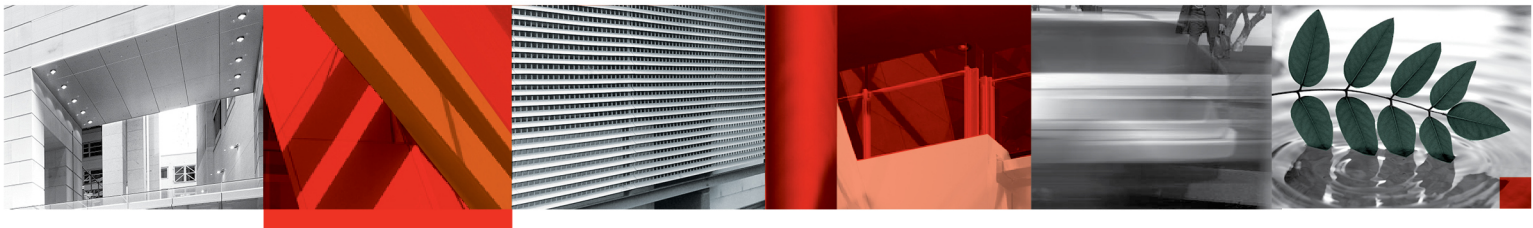


Preferred Project Report and Response to Submissions Project Application for New Town Centre (MP10_0230)



461 Captain Cook Drive, Woollooware

Woollooware Bay Town Centre Stage 1 - Retail/Club Precinct

Submitted to NSW Department of Planning and Infrastructure

On Behalf of Bluestone Capital Ventures No. 1

May 2013 ■ 11214

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- A Response to Government Agency Submissions
JBA
- B Summary and Response to Public Submissions
JBA
- C Architectural Drawings
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- D Architectural Design Report Addendum
Scott Carver
- E Landscape Plans and Report
ASPECT Studios
- F Transport and Parking Addendum
McLaren Traffic Engineering
- G Trial Game-Day Bus Service Information
McLaren Traffic Engineering
- H Unexpected Finds Protocol
DLA Environmental
- I Updated Flood Depth Mapping
WMA Water
- J Draft Stratum Subdivision Plans
Harrison Friedmann & Associates

1.0 Introduction

An Environmental Assessment Report (EAR) for the Stage 1 Project Application for the Retail/Club Precinct of Woollooware Bay Town Centre site at 461 Captain Cook Drive, Woollooware was publicly exhibited for a period of two months between 6 March 2013 and 12 April 2013.

In total 11 public submissions, 227 form letters received from members of the public (based on two letter templates) and 9 local and state government agency submissions were received in response to the public exhibition of the Project Application. The following key issues were identified by the NSW Department of Planning and Infrastructure as requiring a response or clarification:

- Activation of Captain Cook Drive and Woollooware Road frontages;
- Riparian zone and foreshore buffer;
- Traffic and Parking;
- Contamination; and
- Flooding.

The proponent; Bluestone Capital Ventures No. 1 Pty Ltd, and its specialist consultant team have reviewed and considered the Department of Planning and Infrastructure's and public agency's comments and the public submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), has responded to the issues raised. This Preferred Project Report (PPR) sets out the proponent's response to the issues raised in submissions, details the Preferred Project including a number of minor amendments to the proposal and a revised Statement of Commitments for which approval is now sought.

This report should be read in conjunction with the Environmental Assessment Report (EAR) dated March 2013 and forms part of the Project Application.

2.0 Proponent's Response to Key Issues

The following section provides a detailed response to the key issues raised by the public and local and state government agencies. Matters identified as key assessment issues by the NSW Department of Planning and Infrastructure are addressed in the following sections, whilst a detailed response to government agency and public submissions is provided at **Appendix A** and **Appendix B** respectively.

2.1 Built Form

2.1.1 Key Issues Raised

The Department of Planning and Infrastructure requested that the proponent give further consideration to the design of the Captain Cook Drive and Woollooware Road North frontages to ensure that the development maximises opportunities for activation and achieves a high standard of architectural design.

Sutherland Shire Council made a number of recommendations relating to the built form including:

- provision of additional activation of the Woollooware Road North and Captain Cook Drive street frontages;
- further treatment of the Woollooware Road North streetscape;
- deletion of the Leagues Club (western) loading dock;
- reconfiguration of the centre to move the main retail trading level from Level 1 (as approved under the Concept Plan) to Ground Level;
- reduction in centre parking to provide more tenancies with access from Captain Cook Drive.

Council's Architectural Review Advisory Panel (ARAP) made a number of comments which are addressed in detail at **Appendix A**.

2.1.2 Proponent's Response

As detailed in **Section 3.0** and in the Architectural Design Report Addendum prepared by Scott Carver (**Appendix C**), the proponent has made a number of design changes to the Captain Cook Drive and Woollooware Road frontages to ensure that the development provides spaces along these frontages which support pedestrian movements and activity.

Key design changes include the introduction of two new retail tenancies at the Captain Cook Drive and Woollooware Road street frontage (indicatively identified as a bike shop and a corner store, subject to tenant demand) and the provision of additional landscape planting to the Woollooware Road North frontage.

The proposed amendments provide additional pedestrian generating destinations at ground-level whilst giving consideration to the functional requirements of the centre both internally and externally (i.e. peak event pedestrian movements, public transport stops, internal ramps, services, loading dock and vehicular access) and the nature of retail demand for tenancies in this location. The Architectural Design Report Addendum outlines in detail how the key street frontages have been managed in order to ensure the success of these spaces.

Deletion of the Leagues Club loading dock as recommended by Council would work contrary to Council's desire to achieve a more active and pedestrian-friendly treatment of Woollooware Road North with little benefit to the quality of the space

adjoining the entrances to the Leagues Club and retail centre. The Leagues Club loading dock is well integrated with the approved vehicular access and allows for a functional centre that is capable of being adequately serviced. Council's proposal would require the expansion of the Woollooware Road North loading dock to accommodate additional service vehicles and would work contrary to Council's stated desire to provide greater pedestrian amenity and activation along the Woollooware Road North street frontage. Even with the deletion of the Leagues Club loading dock, the functionality of the retail centre would be severely compromised as a result of dock congestion during peak servicing periods and the need to create for additional internal service passages throughout the centre. In light of the above it is considered that the proposed loading dock configuration is appropriate and achieves the best urban design and functional outcome for the centre.

2.2 Riparian Area

2.2.1 Key Issues Raised

The NSW Department of Planning and Infrastructure requested additional justification from the proponent of the location of passive recreation uses, structures and the Woollooware Road North extension within the foreshore riparian area.

The Department of Planning and Infrastructure requested further investigation of opportunities for planting of Swamp Oak Floodplain Forest species within the riparian area. Sutherland Shire Council requested the inclusion of additional species not identified in the Vegetation Management Plan (VMP) prepared by Eco Logical Australia, however it is noted that the OEH supported the selected species identified in the VMP and shown in the Landscape Plans prepared by ASPECT Studios. The OEH did, however, recommend consideration be given to denser planting of vegetation for the screening of light and noise.

Ausgrid identified the need to ensure that the easements for 132,000 volt high tension overhead electricity transmission mains are suitably protected. The access and protection requirements for Ausgrid's electricity infrastructure have been a key consideration in the conceptual and detailed design of the riparian zone.

2.2.2 Proponent's Response

ASPECT Studios have prepared amended Landscape Drawings (**Appendix D**) which:

- Provide the 3m wide shared path within the foreshore setback as an elevated boardwalk;
- remove the terraced seating and steps to the north of the main retail arcade;
- increase the vegetation density adjoining the loading dock façade; and
- provide additional tree planting along Woollooware Road North.

OEH's public submission recommended the provision of denser planting within the foreshore buffer for the purpose of screening of noise and light, however the provision of denser planting is largely precluded by the requirement to maintain access and physical protection of the high voltage overhead electrical lines as required by Ausgrid. The Review of Noise, Light and Bird Strike Potential prepared by Eco Logical Australia (Appendix T of the EAR) finds that noise and light impacts will be suitably managed by the proposed landscaping scheme and building design.

All landscape plantings within the foreshore riparian area will be comprised of vegetation from the Swamp Oak Floodplain Forest Endangered Ecological

Community as detailed in the Vegetation Management Plan prepared by Eco Logical Australia and the Landscape Drawings prepared by ASPECT Studios. The proposed use of lower-scale native turf immediately to the north of the retail arcade is consistent with the foreshore planting scheme designed and implemented by Sutherland Shire Council in the Taren Point Shorebird Reserve upgrade which was completed in November 2010 (pictured at **Figure 1**). The object of that upgrade was to:

“improve the opportunity for walking, cycling and passive recreation in the reserve while minimising impacts to, and creating awareness of, the shorebirds utilising the adjacent sandy shoals.” (Source: Sutherland Shire Council website)

In light of the above, it is considered that the proposed landscape scheme (as amended) will achieve the relevant environmental and foreshore management goals for the subject site. Further discussion of this issue is included at **Section 3.3.2** of this report.

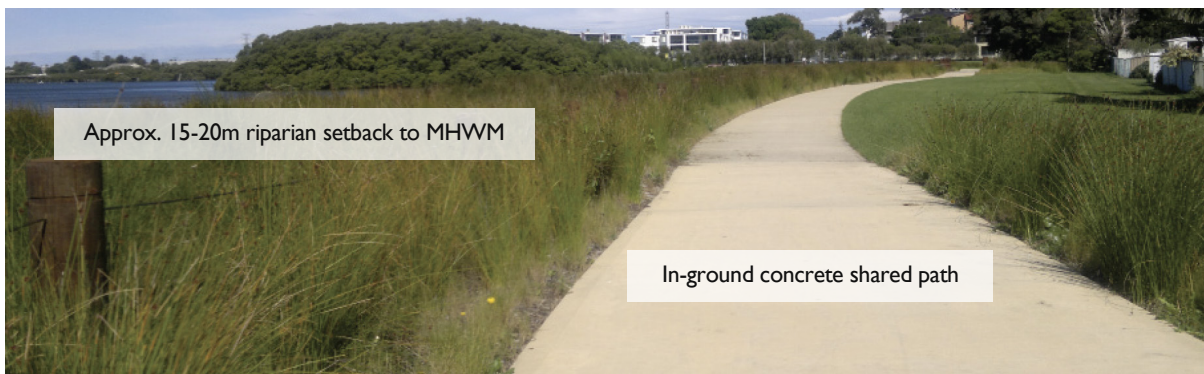


Figure 1 – Taren Point Shorebird Reserve following upgrade undertaken by Sutherland Shire Council

Source: ASPECT Studios

2.3 Traffic and Parking

2.3.1 Key Issues Raised

The Department of Planning and Infrastructure requested the amendment of the proposal to address employee parking allocation for both the Leagues Club and the retail elements of the proposed centre.

Transport for NSW (TfNSW) has requested further details of the proposed shuttle bus service, including details of timetable, operating hours and interaction with major event services. TfNSW also requested that the proponent continue to liaise regarding the development and staging of the Woollooware Bay Town Centre development and the future provision of public transport.

The NSW Department of Education and Communities raised the potential impact of the proposed development on road safety in the vicinity of Woollooware High School, particularly as a result of increased traffic at the intersection of Captain Cook Drive and Woollooware Road.

A number of public submissions made comments regarding the capability of the existing road network and specific intersections in the vicinity of the site to accommodate additional traffic generated by the proposed development.

2.3.2 Proponent's Response

Shuttle Bus and Public Bus Service

Cronulla Sutherland Leagues Club, as the land owner and key destination within the new town centre, will operate the shuttle bus service and has previously provided correspondence to the Department detailing the Club's commitment to providing this service on an ongoing basis until such a time that a public bus service commences operations via Woollooware Bay Town Centre.

The proposed shuttle bus service described in Section 4.9 of the EAR represents the minimum service commitment as required by the Planning Assessment Commission under the Concept Approval, which should continue to be enforced through the Terms of Approval for the Stage 1 Project Application. A Statement of Commitment to this effect is included at **Section 4.0**.

Notwithstanding the above, the Cronulla Sutherland Leagues Club intends to operate an expanded shuttle bus service operating via Caringbah (in addition to Woollooware Station) with more frequent services as outlined in the letter dated (Appendix K of the EAR). This service level is above and beyond the shuttle bus service scheme which was presented to the PAC and subsequently made a requirement within the Concept Approval. As it is the intention of the Cronulla Sutherland Leagues Club to operate the service independently, no discussion have been undertaken with potential external providers.

The proponent will continue to liaise with TfNSW and Sutherland Shire Council to advise of the specific route and pick-up/drop-off points for the proposed development at Woollooware Station and Caringbah Station. Shuttle bus timetables will be clearly displayed and communicated to patrons of the town centre, and the timetable will be coordinated to coordinate with train timetables (subject to future timetable changes).

It is considered that TfNSW's design requirement for minimum width of 3.5 metres for bus bays on Captain Cook Drive can be imposed as a condition of consent.

Parking

A Transport and Parking Addendum has been prepared by McLaren Traffic Engineering (**Appendix F**) which outlines the provision of parking based on the Preferred Project. This statement confirms that parking provision continues to be adequate based on the mix of uses and trip generation rates for the centre and is consistent with the Concept Approval.

Staff Parking

McLaren Traffic Engineering have confirmed that a total of 50 employee parking spaces are required to be provided. The location of these spaces is identified at Drawing DA 014 within the Level 4 parking area. An appropriate restriction on the use of these spaces will be implemented such as the use of parking permits or a controlled entry mechanism (i.e. boom gate). A new Statement of Commitment to this effect is included at **Section 4.0**.

Pedestrian Safety

The upgrade of the intersection of Woollooware Road and Captain Cook Drive will provide a substantial improvement in pedestrian safety within the vicinity of Woollooware High School which outweighs any potential risk associated with increased traffic. The upgrade of this intersection will provide signalised pedestrian crossings of both Woollooware Road and Captain Cook Drive where none currently exist.

Woollooware Bay Road North

As detailed at **Section 3.2.4**, the Preferred Project reduces the length of Woollooware Road North, increasing the setback of the road from the MHWM of Woollooware Bay from 5 metres to 8 metres. Whilst it is noted that the PAC recommended that the extent and impact of this road be minimised, the proponent is required to maintain vehicular access to the car park of the adjoining property from the Woollooware Road alignment (currently car park). As illustrated at **Figure 2** below, this requirement to provide access is the main driver for the length of this road, however the cul-de-sac is also necessary to provide safe manoeuvring distances for service vehicles entering and exiting the retail loading dock.

Overall the forming of the cul-de-sac will have minimal environmental impact as the road is largely comprised of bitumen at present. An area analysis indicates the proposed road extension will result in only a 5 % increase over the current paved area of the 40 m setback area.

All stormwater runoff from the newly formed road will be subject to stormwater treatment measure as detailed in the Civil Infrastructure Report prepared by AT&L which was appended to the EART to ensure that water quality impacts are appropriately managed, with discharge to occur via existing stormwater infrastructure at Captain Cook Drive.

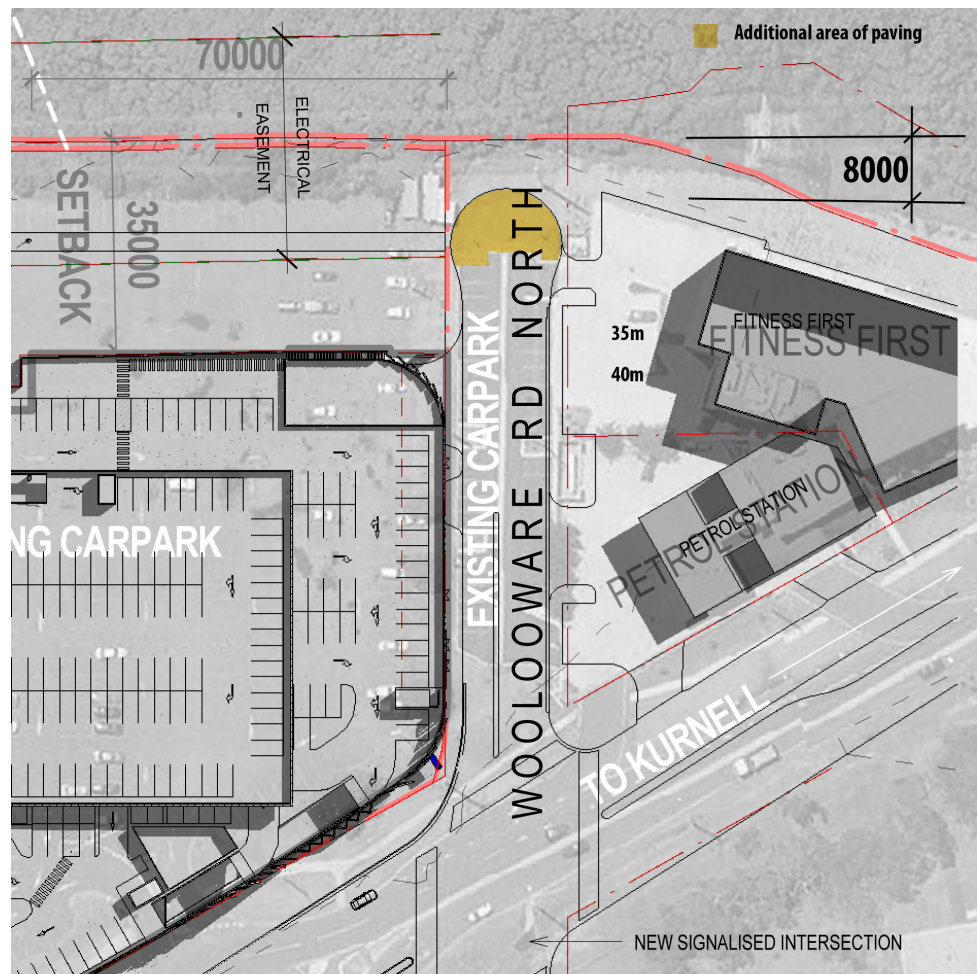


Figure 2 – Proposed formation of Woollooware Road North

Peak Event Management Plan

The submission of the draft *Peak Event Management Plan* (attached to Appendix J of the EAR) with the exhibited Project Application satisfies the requirements of Condition 7 of Schedule 3 of the Concept Approval for the first application subsequent to the Concept Plan.

Endorsement of off-site parking arrangements will be negotiated with Council with the relevant application for the redevelopment of the western car park and playing fields

By way of an update on the Cronulla Sutherland Leagues Club's commitment to implementing improved game-day traffic management initiatives, the Club will trial extended game-day shuttle services at the Cronulla vs. Parramatta home game on 15 June 2013. This shuttle service is not reliant on park-and-ride locations or subject to endorsement by Council, and the proposed routes and pick-up points currently being resolved (details provided at **Appendix G**).

Travel Access Guide

The Travel Access Guide (TAG) will be prepared in accordance with the principles contained within the RMS guidelines and the principles outlined at Chapter 7 of the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering (Appendix J of the EAR). The most recent public review of bus services within the Metropolitan Region 11 (Jannali – Sutherland – Cronulla) service area was completed in late-2009 and future changes are anticipated as the Greenhills/Wanda Beach and Woollooware Bay Town Centre developments progress.

The proponent is involved in ongoing discussions with TfNSW and the local service provider in regard to the future provision of a public bus service via Woollooware Bay Town Centre. In light of the above it is considered that it is most appropriate to impose a condition requiring the preparation of the TAG prior to the issue of an Occupation Certificate. A Statement of Commitment to this effect is included at **Section 4.0**.

2.4 Site Contamination

2.4.1 Key Issues Raised

The Department of Planning and Infrastructure and Sutherland Shire Council have requested the submission of further information in relation to the Gas Management Plan to the satisfaction of the Site Auditor. Additional detail of mechanisms for site remediation including capping and leachate management was also requested.

Public submissions based on the two pro-forma letters requested that any contamination issues encountered on-site be communicated to the public.

2.4.2 Proponent's Response

The Remediation Action Plan prepared by DLA Environmental (Appendix Q of the EAR) includes details of site investigation and contamination. An Unexpected Finds Protocol has been prepared by DLA Environmental (**Appendix H**) which identifies procedures for the identification, classification and management of potentially contaminated materials. This protocol will be appended to the Remediation Action Plan.

The conclusion of the EPA accredited Site Auditor's Interim Advice (Appendix R of the EAR) states that:

*Based on the nature and extent of the contamination identified, and the remediation works outlined in the Remediation Action Plan, **the proposed remediation of the Site is appropriate and feasible and will render the Site suitable for the proposed landuse at the conclusion of those remediation works.** Further detail is required for some aspects in the Gas Management Plan pending finalisation of specific design features and construction methods of the development, **these will be reviewed and agreed upon by the Site Auditor in order for the Site Audit to be completed (our emphasis).***

Resolution of gas management measures is reliant on detailed design of building footings and structure which will be resolved prior to the issue of a Construction Certificate. The Remediation Action Plan will be endorsed through the preparation of the Site Audit Report and Site Audit Statement by an EPA-Accredited Site Auditor as required under the *Contaminated Land Management Act 1997*, and therefore no additional information is required at the planning approval stage.

Details of site remediation and contamination will be communicated to the public in accordance with the requirements of the *Contaminated Land Management Act 1997*.

2.5 Flooding

2.5.1 Key Issues Raised

The NSW Department of Education and Communities raised concern as to the potential flooding of a portion of Woollooware High School as a result of the upgrade of the Captain Cook Drive/ Woollooware Road intersection. These matters are addressed in **Section 2.5.2** below.

No concerns with the proposal's flood impact were raised by the NSW Office of Water, whilst Sutherland Shire Council requested clarification of some matters which are addressed in detail at **Appendix A**.

2.5.2 Proponent's Response

Further flood modelling has been undertaken by WMA Water based on further detailed design of the Woollooware Road intersection (**Appendix I**). As a result of further detailed design, post-development flood levels within Woollooware High School have generally been improved as summarised in **Table 1** below.

The Preferred Project now provides for an improvement to existing flood conditions in both the 20-year and 100-year ARI events, however there will be a minor increase (9cm) during the Probable Maximum Flood (PMF).

Table 1 – Pre- and post-development flood levels at Woollooware High School

	Pre-Development	Exhibited EAR	Preferred Project
20-year ARI event	1.65 AHD	1.68 AHD	1.64 AHD
100-year ARI event	1.74 AHD	1.77 AHD	1.69 AHD
PMF event	2.31 AHD	2.42 AHD	2.40 AHD

In light of the above, the overall flood impact of the proposal on Woollooware High School is considered to be acceptable as:

- improved flood conditions during more frequent flood events (20 and 100-year ARI event) will minimise existing disruption to the school and provide benefits including reduced damage to school grounds during flooding;
- improved flood conditions on key access roads during flood events providing safer access and evacuation routes;
- during the PMF event the small increase in flooding will not be significant in light of widespread existing flooding across the school grounds.

2.6 Other Issues Raised

2.6.1 Scope of Works

The NSW Department of Planning and Infrastructure requested clarification of the scope of works included within the Stage 1 Retail/Club Precinct Project Application. A site plan is included at **Appendix C** which identifies the geographical extent of works for which consent is sought under this application, whilst the scope of works for which the Preferred Project seeks consent is detailed at **Section 3.2** of this report.

The construction of the sea wall and all foreshore works within the Stage 1 'Retail' site area are included within the Project Application.

Due to land ownership negotiations which need to be progressed in relation to the reinstatement of the dilapidated boardwalk and viewing platform to the north, this element is not included within the Preferred Project and consent for these works will be sought at a later date.

2.6.2 Issues Addressed under Concept Approval

A large number of public submissions and the submission by Sutherland Shire Council's Architectural Review Advisory Panel raised issues which have previously been resolved in the Concept Approval, including:

- Role and categorisation of the Woollooware Bay Town Centre as a new centre within the local hierarchy;
- Car parking provision;
- Traffic generation and local road capacity;
- Vehicular access and management, including the location of access points, loading docks and the number of traffic signals;
- Retail mix and demand;
- Scale, articulation and footprint of the retail centre built form;
- ESD targets.

A number of public submissions also addressed matters not directly relating to the Project Application, including the residential component of the Woollooware Bay Town Centre.

2.6.3 Ecology

OEH raised concern that trapping had not been undertaken to ascertain the presence of the *Myotis adversus* (large-footed myotis). The survey method for *Myotis adversus* outlined in the draft *Threatened Biodiversity Survey and Assessment Guidelines* (DEC 2004), includes Anabat recording and spotlighting around water bodies, and trapping along riparian flyways.

The survey method undertaken within the subject site (ELA 2013) included Anabat recording and spotlighting within the riparian zone. Although trapping was not undertaken, a probable recording for *Myotis adversus* was recorded during field surveys. As such the presence of the species has been assumed within the subject site and taken into account in the preparation of the Review of Noise, Light and Bird Strike Potential prepared by Eco Logical Australia.

2.6.4 Development Contributions

The proponent is continuing to engage with Sutherland Shire Council regarding the amount and form of development contributions payable for the proposed development. There is currently no applicable S94 or S94A Development Contributions Plan which provides for the levying of contributions for non-residential development within Woollooware Bay Town Centre.

In light of the above, it is recommended that the development contributions for the Retail/Club precinct be provided for in the form of a new Statement of Commitment included at **Section 4.0**. Sutherland Shire Council most recent development contributions plans (Kirrawee, Sutherland Centres) levy non-residential development at the rate of 1 % of the project construction cost. The Statement of Commitment allows for the final form and timing of the contribution (i.e. cash payment, works-in-kind or a mix of both) to be agreed with Sutherland Shire Council prior to the issuing of a Construction Certificate.

3.0 Preferred Project

In accordance with its commitment to address the issues identified of the Department of Planning, Sutherland Shire Council, other government agencies and the general public, Bluestone Capital Ventures No.1 has modified its proposal.

Amended architectural drawings have been prepared by Scott Carver and Associates (**Attachment C**) and amended Landscape Drawings have been prepared by ASPECT Studios (**Attachment E**).

3.1 Description of Final Development Proposal

This application seeks approval for the following development:

- Club/Retail precinct building with total GFA of 26,479m²;
- public forecourt and through-site link to Woollooware Bay;
- foreshore park and environmental buffer;
- extension and realignment of Woollooware Road;
- vehicular access including two new signalised intersections;
- 770 on-site car spaces;
- provision of shuttle bus to site commencing upon operation of retail centre;
- new bus and taxi bays on Captain Cook Drive;
- flood mitigation works including upgrade and landscaping of existing stormwater drainage channel;
- stormwater management;
- site remediation; and
- development contributions.

All works will be generally in accordance with the Architectural Drawings prepared by Scott Carver dated 24 May 2015, the Landscape Plans prepared by ASPECT Studios dated 24 May 2013 and the Environmental Assessment Report by JBA dated 4 March 2013 as amended by the Preferred Project Report by JBA dated 24 May 2013.

3.2 Key Changes to Exhibited Project Application

3.2.1 Level 2 Retail Configuration and Uses

The Preferred Project includes a revised internal layout for the retail centre which provides for improved internal functionality and greater connectivity between key anchor tenants, specialty retail and the key pedestrian access points to Captain Cook Drive and the northern foreshore linkage. The amended layout is illustrated at **Figure 3** and revised Architectural Drawings are provided at **Appendix C**.

The amended retail layout continues to comply with the overall limit on gross floor area specified under the Concept Approval, with a total Gross Floor Area of 26,479m².

Project Approval is sought for the retail and retail/medical centre uses indicated on the architectural drawings.

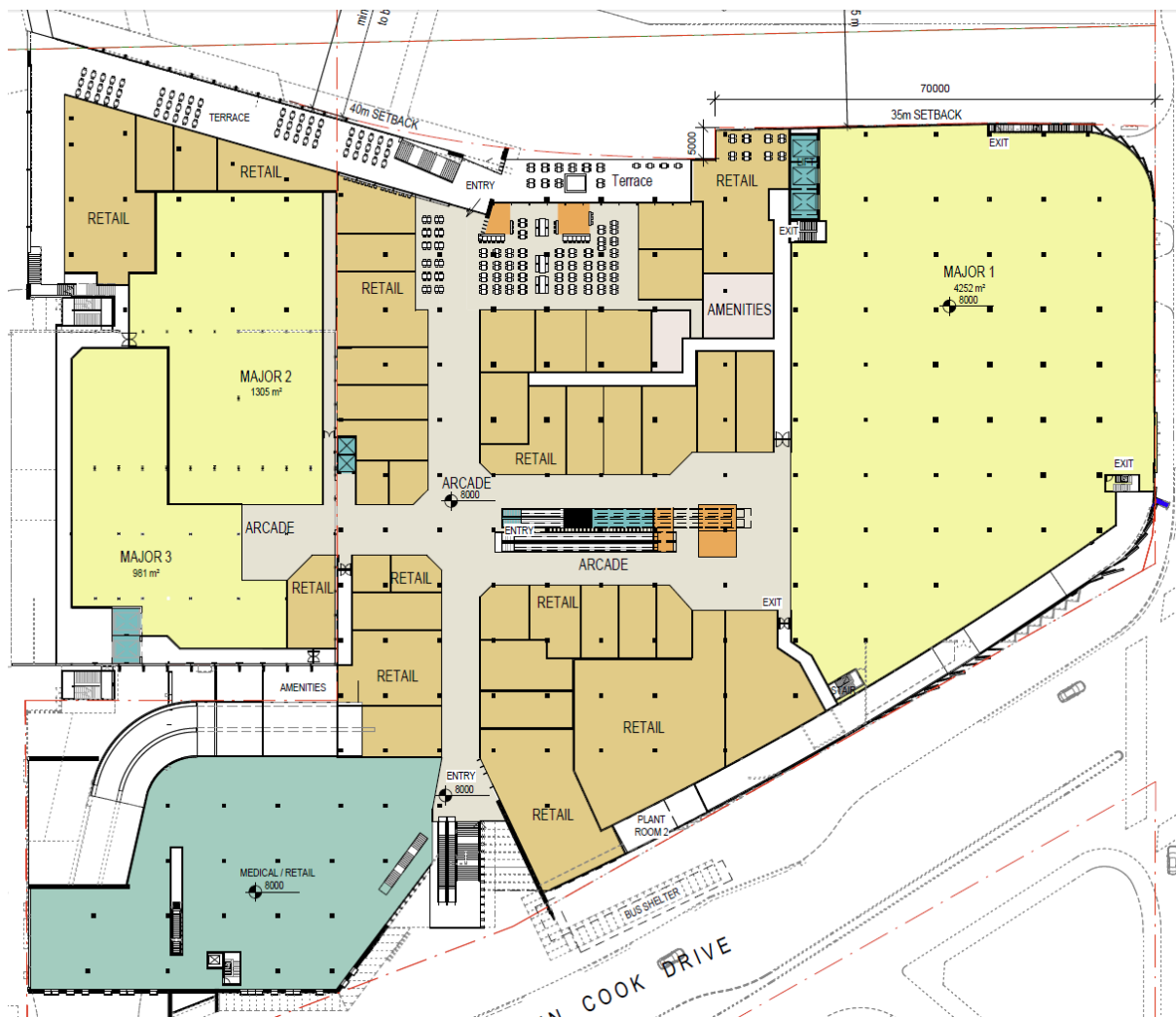


Figure 3 – Revised Level 2 retail configuration

3.2.2 Street Activation and Landscaping

The Preferred Project provides for two additional retail tenancies located at Ground Level with frontage to Captain Cook Drive/ Woollooware Road as identified in Drawing DA011. Project Approval is sought for a retail use for these tenancies.

Additional landscaping has been included along the length of the Woollooware Road North site frontage including large trees as detailed in the Landscape Drawings (**Appendix E**).

3.2.3 Foreshore Riparian Setback

The following key changes have been made to the foreshore riparian setback:

- Provide the 3m wide shared path within the foreshore setback as an elevated boardwalk;
- remove the terraced seating and steps to the north of the main retail arcade;
- increase the vegetation density adjoining the loading dock façade; and
- provide additional tree planting along Woollooware Road North.

The amended foreshore landscape scheme is illustrated in **Figure 4** below and in detail in the Landscape Drawings prepared by ASPECT Studios provided at **Appendix E**.



MANGROVE EDGE

- 1 Level 2 link from Family Hill. In situ concrete path, gabion wall under
- 2 Planted embankment
- 3 Links to foreshore path
- 4 Raised spill out deck (level 1) with picnic tables and bike racks
- 5 Riparian buffer planting
- 6 Native turf planting
- 7 Feature shade trees
- 8 Retail balcony
- 9 3m shared foreshore path (raised). Timber/ precast concrete or composite
- 10 Bio swale
- 11 Dense tree planting/ planted embankment to loading dock facade
- 12 In situ concrete wall
- 13 Informal wire/ timber post fence to mangrove edge
- 14 Existing mangrove boardwalk
- 15 Upgrade existing sea wall
- 16 Relocated fig (*Ficus rubiginosa*) from Captain Cook Drive
- 17 Potential future eastern pedestrian/ cycle link

Figure 4 –Amended Landscape Plan for Woollooware Bay foreshore zone

3.2.4 Woollooware Road North

The Preferred Project reduces the length of Woollooware Road North by increasing the setback from the MHW of Woollooware Bay to 8 metres. The road continues to be within the Woollooware Road North road alignment.

3.2.5 Other Changes

Stratum Subdivision

The Preferred Project seeks consent for the stratum subdivision of the main Retail Centre from the Leagues Club in order to enable the progression of development financing agreements. Draft Stratum Subdivision Plans prepared by Harrison Friedmann & Associates are included at **Appendix I**. Stratum subdivision of the Retail Centre from the Cronulla Sutherland Leagues Club is required in order to facilitate project financing arrangements and to comply with liquor and licensing requirements for the registered club.

Leagues Club Fitout

Minor amendments and additional detail have been provided for the fitout of Level 3 and Level 4 of the existing the Cronulla Sutherland Leagues Club building. These are detailed in Drawings DA901 to DA931 at **Appendix C**.

Infrastructure Staging

This Project Application seeks consent for all road upgrades to Captain Cook Drive and Woollooware Road to facilitate the Woollooware Bay Town Centre, including the Residential Precinct traffic signals. Recognising that the Retail Centre may be developed in advance of the Residential Precinct, it is requested that the conditions of consent be structured in such a way as to permit the issuing of an Occupation Certificate for the Retail/Club Precinct prior to the construction of the Residential precinct traffic signals.

3.3 Merits of Key Changes

This section includes an assessment only of those matters requiring further assessment beyond that contained in Section 6.0 of the EAR.

3.3.1 Built Form and Street Activation

An Addendum Architectural Design Report has been prepared by Scott Carver (**Appendix D**) which details the rationale for and merits of further design development which has occurred following the public exhibition of the Project Application.

The Preferred Project balances the need to provide active, pedestrian generating uses to create activity within the streetscape with the need to ensure that new street-activating tenancies are commercially viable and achieve this aim.

The Preferred Project provides two new retail tenancies, illustrated in **Figures 5** and **6**, which are located along the Captain Cook Drive frontage. These have been located and sized to reflect anticipated future uses which would contribute to pedestrian activity at street level and would be commercially viable within these spaces (i.e. a bike shop and convenience store). Providing retail tenancies within this location without consideration to potential and viable uses has the potential to result in untenanted or inactive uses which detract from street activation.

The aim of the additional retail spaces is to generate additional pedestrian activity along the building frontages and contribute to the appearance of an active centre. In addition to the two new retail tenancies,

- Ground level retail tenancy near retail entrance;
- Retail entrance
- Leagues Club entrance;
- Bus stop and taxi zone; and
- Medical Centre.

Woollooware Road North acts as the key pedestrian linkage from Captain Cook Drive (east) and Woollooware to the Woollooware Bay foreshore shared path, which is a major recreational trail within Sutherland Shire. As such it is expected that this area will experience a higher level of pedestrian activity than could otherwise be expected of the eastern building edge with the vehicular entrance and loading dock. The new 'convenience' retail tenancy and the adjoining gymnasium are anticipated to contribute further to pedestrian activity within this space. The Landscape Drawings have been amended to provide new tree planting along the eastern side of Woollooware Road North which will further contribute to pedestrian amenity within this streetscape.

The eastern portion of the building's Captain Cook Drive frontage will act as the key connector from the south and south-east to the Retail Centre, Leagues Club and Medical Centre, and as such is anticipated to experience higher levels of pedestrian movements.

The provision of the 'bike shop' retail tenancy seeks to encourage a use which is not reliant on direct access to car parking and which can contribute to activity within the streetscape and the broader Woollooware Bay Town Centre. Sitting mid-block along the building's Captain Cook Drive frontage this tenancy will contribute to breaking up the façade and providing an active use which can potentially contribute more broadly to recreational uses within the area.

The upgrade of the Captain Cook Drive/Woollooware Road intersection and the completion of Council's upgrade to Captain Cook Drive to the east will link the foreshore shared path through to Eloura Road, potentially generating demand for bike rental, servicing and sales within this tenancy.

In light of the above, it is considered that the inclusion of two new retail tenancies at street level within the Preferred Project will further contribute to the level of streetscape activation within the Woollooware Bay Town Centre. It is considered that the addition of these tenancies to the other activity-generating ground-level uses, and the provision of architectural and public domain treatments which encourage people to use these street frontages, satisfies the requirements of Condition 2 of Schedule 3 of the Concept Approval.



Figure 5 – New retail tenancy to Captain Cook Drive



Figure 6 – New retail tenancy at the corner of Captain Cook Drive and Woollooware Road

3.3.2 Foreshore Riparian Zone

The amended Landscape Drawings provide for an increase in the overall riparian area through the removal of the terraced landscape adjacent to the retail food precinct, the replacement of the in-ground shared path with an elevated path and the provision of additional landscape planting.

As discussed in **Section 2.2** the foreshore buffer zone species selected in the Landscape Drawings prepared by ASPECT Studios (**Appendix E**) has been informed by the Vegetation Management Plan (VMP) prepared by Eco Logical Australia (Appendix U of the EAR). The VMP in turn has been based on detailed ecological investigations carried out on the site during the preparation of the Concept Plan and Project Application and previous studies related to earlier development proposals for the site. The species selected are considered to be consistent with desired riparian functionality and character of the foreshore setback and are appropriate.

The inclusion of native turf planting is consistent with recent foreshore upgrades by Sutherland Shire Council (e.g. Taren Point Shorebird Reserve). This space provides a more resilient landscape treatment within the most heavily utilised interface between the retail/club precinct and the foreshore and is capable of withstanding possible human interference and intrusion. This space continues to achieve the objectives of the riparian zone and mitigates against any potential maintenance issues and damage over time.

In light of the above, it is considered that the Landscape Drawings (as amended) represent a significant improvement to the riparian functionality of the subject site, are consistent with the Concept Approval and will result in a positive environmental impact.

4.0 Final Statement of Commitments

In accordance with Part 3A of the EP&A Act, the following are the commitments made by Bluestone Capital Ventures No.1 to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments within the EAR.

Key changes from the initial draft Statement of Commitments are provided in **bold underline** below. The Statement of Commitments has been simplified to refer to compliance with relevant specialist reports submitted with the Project Application.

Table 2 – Final Statement of Commitments

Subject	Commitments		Approved by Whom	Timing
1. Accessibility	The recommendations of the Access Review prepared by Morris Goding Accessibility Consultants dated 23 February 2013 shall be incorporated into the design and be provided in the final development.		Private Certifying Authority	Prior to issue of Construction Certificate/ Prior to Issue of Occupation Certificate
2. Bird Strike	Where there are direct sight lines through glazed areas from external areas through the building to other external areas, glazing will include appropriate treatment of glass to ensure that it is visible to birds.		Private Certifying Authority	Prior to issue of Construction Certificate
3. Contamination	The Remediation Action Plan (including the Methane Gas Management Plan, Asbestos Management Plan and Acid Sulphate Soils Management Plan) prepared by DLA Environmental Revision 6.0 dated March 2013 shall be implemented to the satisfaction of an OEH licensed independent site auditor.		Private Certifying Authority	Prior to issue of Occupation Certificate
	<u>The Unexpected Finds Protocol prepared by DLA Environmental dated May 2013 shall form part of any Construction Management Plan.</u>			Prior to the issue of Construction Certificate
	Any condition included on the Site Audit Statement shall become a condition of consent.			Ongoing
	Groundwater shall not be extracted for use in the development.			Ongoing

Subject	Commitments	Approved by Whom	Timing
4. Crime Prevention through Environmental Design	The recommendations of the Crime Prevention through Environmental Design Assessment prepared by JBA dated 15 February 2013 shall be incorporated into the design and be provided in the final development.	Private Certifying Authority	Prior to Issue of Construction Certificate
5. Construction Management	The development will be carried out in compliance with the Construction Management Plan (CMP) prepared by Parkview Constructions.	Private Certifying Authority	Prior to issue of Construction Certificate
6. Travel Access Guide	A Travel Access Guide shall be prepared and distributed to staff and visitors to the site by centre management which details public transport services and connections, pedestrian and cycle facilities and parking arrangements for the centre.	Private Certifying Authority	Prior to issue of Occupation Certificate
7. Floor Space Allocation	Any Development Application for first fit-out and uses of tenancies within the Retail/Club precinct which varies from the approved use detailed in Architectural Drawings DA041, DA042, DA043 and DA044 will be accompanied by a Traffic Statement which confirms that adequate parking is provided within the precinct to support the alternate use.	Relevant Consent Authority	Ongoing
8. Lighting	Design of all lighting within 40m of the MHW of Woollooware Bay will be in accordance with the recommendations contained in Section 3.2 of the <i>Review of Noise, Light and Bird Strike Potential</i> prepared by EcoLogical Australia dated 12 February 2013.	Private Certifying Authority	Prior to issue of Construction Certificate
9. Loading Dock	A Loading Dock Management Plan shall be prepared by an appropriately qualified traffic engineer to address supervision, signage and management procedures for both the main retail loading dock and the Leagues Club loading dock in consultation with key tenants.	Private Certifying Authority	Prior to issue of Occupation Certificate
10. Noise	A Construction Noise Management Plan will be prepared and implemented in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic dated 24 January 2013.	Private Certifying Authority	Prior to issue of Construction Certificate
	Acoustic treatment of mechanical ventilation and plant equipment will be provided in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic dated 24 January 2013.	Private Certifying Authority	Prior to issue of Construction Certificate

Subject		Commitments		Approved by Whom	Timing
11. Sea Wall		Detailed design of the proposed seawall shall be in accordance with the principles in the 'Environmentally Friendly Seawall Guidelines' produced by the former Department of Environment and Climate Change and Sydney Metropolitan Catchment Management Authority.		Private Certifying Authority	Prior to issue of Construction Certificate
12. Shuttle Bus		The land owner shall be responsible for the provision of a shuttle bus service as detailed in Section 4.9 of the Environmental Assessment Report.		Private Certifying Authority	Commence upon issue of Occupation Certificate. Conclude upon commencement of first timetable public bus service via the site
13. Vegetation Management		Management principles established under the Vegetation Management Plan prepared by Eco Logical Australia dated 12 January 2013 shall be adopted in the detailed design and establishment of foreshore landscaping		Private Certifying Authority	Prior to issue of Construction Certificate/ Prior to issue of Occupation Certificate
14. Staff Car Parking		<u>50 staff car parking spaces will be provided within the Level 4 parking area with control measures to ensure that designated spaces are available for staff use only.</u>		<u>Private Certifying Authority</u>	<u>Prior to issue of Occupation Certificate</u>
15. Development Contributions		<u>The proponent shall provide development contributions in the form of a cash payment, works-in-kind or a mix of the two subject to agreement with Sutherland Shire Council.</u>		<u>Private Certifying Authority</u>	<u>Form of contributions to be agreed prior to issue of Construction Certificate.</u> <u>Contributions to be delivered prior to issue of Final Occupation Certificate</u>
		<u>The total value of development contributions required should not exceed 1% of the total construction cost of the development.</u>			
		<u>The delivery of development contributions may be staged subject to the agreement of Sutherland Shire Council.</u>			

5.0 Conclusion

Following on from feedback received from key stakeholders and the community during the public exhibition of the Environmental Assessment Report detailed at Section 2.0, the proponent has made a number of minor changes to the Project Application. These revisions seek to improve the environmental, social and economic benefits of the proposal and manage potential environmental impacts. Key amendments include the provision of new retail tenancies addressing Captain Cook Drive to improve street activation, further resolution of the landscape design and structures within the foreshore setback and internal amendments to the retail centre to improve connectivity and functionality.

This report supplements the Environmental Assessment Report prepared by JBA dated March 2013. The conclusion of these reports is that the proposal will not result in any adverse environmental impacts which cannot be effectively managed through the revised Statement of Commitments. Given the justification for the proposal, its fulfilment of strategic objectives and the clear community benefit, we have no hesitation in recommending the Project Application for approval.