

ASSESSMENT REPORT

WOOLLOOWARE BAY TOWN CENTRE CONCEPT PLAN MP10_0229 MOD 4

1. INTRODUCTION

This report is an assessment of a request to modify the approved Concept Plan (MP 10_0229) for the Cronulla Sharks site (now known as the Woollooware Bay Town Centre) in the Sutherland Shire local government area. The request has been lodged by JBA Urban Planning Consultants Pty Ltd on behalf of Bluestone Property Solutions Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to change the visitor car parking rate, and include a specific car parking rate for a childcare centre.

2. SUBJECT SITE

The site is located on the northern side of Captain Cook Drive at the southern end of Woollooware Bay, approximately 2 kms north-west of Cronulla (refer to **Figure 1**). The site contains Toyota Stadium and the Cronulla Sutherland Leagues Club building. The site has been approved for a new town centre comprising a residential precinct, and a retail centre integrated with the Cronulla Sutherland Leagues Club. The first stage of the residential precinct in the western part of the site is currently under construction. No building works have commenced in the retail precinct at the eastern part of the site.

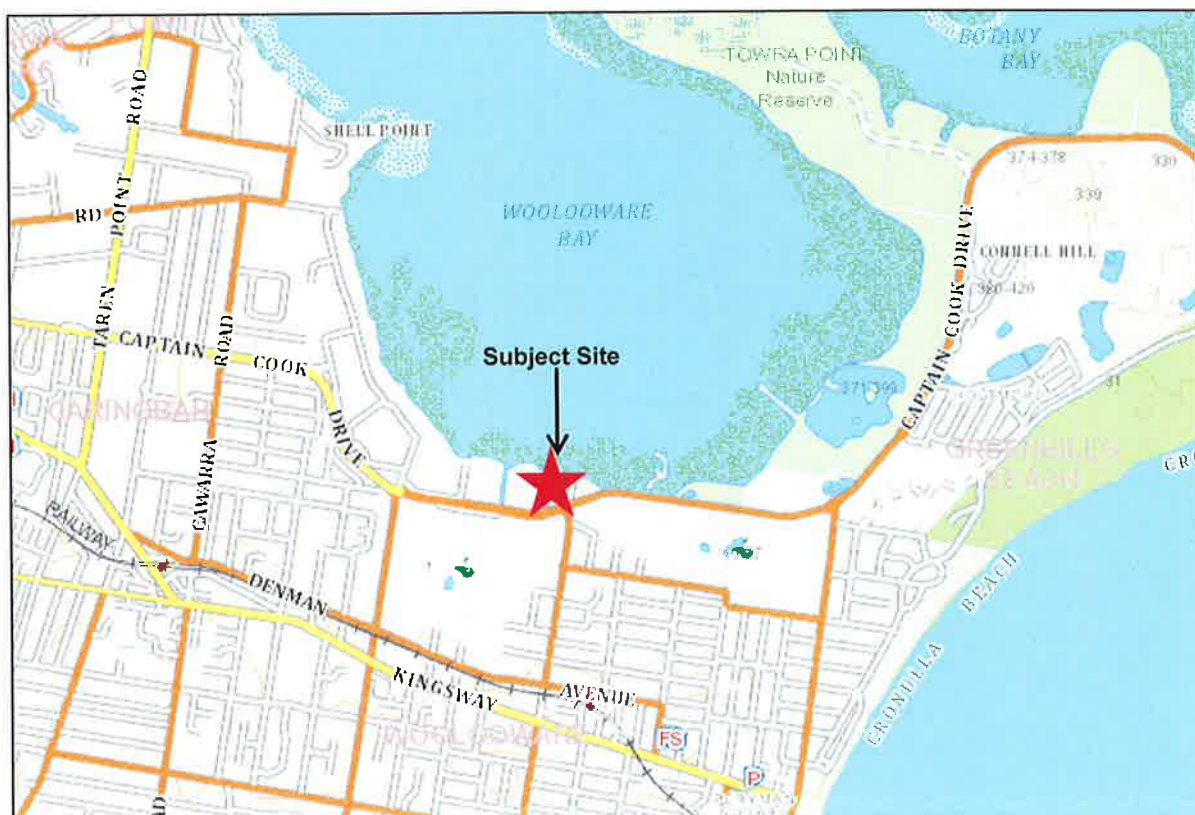


Figure 1 – Site Location

3. APPROVAL HISTORY

On 27 August 2012, the Planning Assessment Commission (the Commission), approved a Concept Plan (MP 10_0229) for the new Woollooware Bay Town Centre comprising a mixed retail and residential development integrated with the Cronulla Sutherland Leagues Club. The approved layout of the site is illustrated in **Figure 2**.

This Concept Plan approval has been modified on one occasion, and is also the subject of a modification application currently under assessment, as follows:

MOD	Modification	Date Approved
1	<ul style="list-style-type: none"> amendments to approved building envelopes; increase area of outdoor deck for Club building; and administrative changes to the approval. 	14 July 2014
2	<ul style="list-style-type: none"> building envelopes for three new residential flat buildings, a serviced apartment/hotel building, function rooms, community rooms, additional car parking and a landscaped podium to the eastern precinct; and a Sharks Centre of Excellence added to the western grandstand with new administration, training and sports-related facilities. 	on hold (not progressed by proponent)
3	<ul style="list-style-type: none"> increase in maximum gross floor area and maximum gross building area and adjustments to the building envelopes. 	under assessment

The Project Application and Development Application approvals for the detailed development stages of the project are outlined in **Appendix C**.

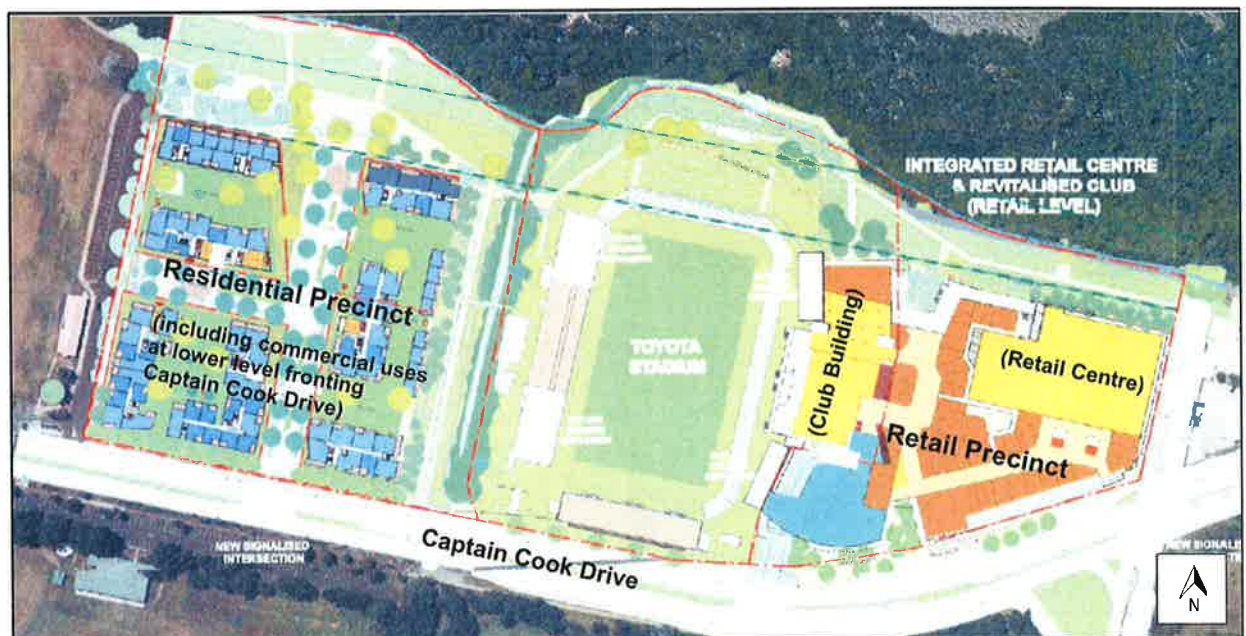


Figure 2 – Site Layout

4. PROPOSED MODIFICATION

On 17 June 2015, the Proponent lodged a section 75W modification application (MP10_0229 MOD 4) seeking approval to change the visitor car parking rate to enable the sharing of visitor car parking spaces between the residential and commercial uses on the basis that these uses have different peak parking demands. The Proponent also requested a specific car parking rate for a proposed childcare centre in the residential precinct.

The proposal would not exceed the maximum limit of 883 car spaces in the approved Concept Plan.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 11 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

Under the Minister's delegation dated 16 February 2015, the Acting Director, Regional Assessments may determine the application as:

- Council has not made an objection;
- a political donation disclosure statement has not been made; and
- no public submissions were received objecting to the proposed modification.

6. CONSULTATION

The application was notified in accordance with the Environmental Planning Assessment Regulation 2000. The modification request was made publicly available on the Department's website, and referred to the Sutherland Shire Council (Council), Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Council raised no objection to the proposed changes to the Concept Plan, subject to the development being able to provide adequate car parking on the site to satisfy peak demand. Council questioned whether sufficient information had been provided in this regard, and requested further information in relation to future commercial uses and their peak parking times and peak residential parking times. In relation to the proposed child care centre, Council also raised the issue of a lack of street activation associated with the proposed use, and raised concerns with the proposed child care centre parking rates.

On 12 October 2015, the proponent submitted a Response to Submissions (RtS) to the issues raised by Council, and subsequently advised that the proposed child care centre has been removed from the proposal, and the request for a specific child care car parking rate is no longer sought. Further information was also provided in relation to residential visitor and commercial parking as discussed in **Section 7**.

TfNSW and **RMS** raised no issues with the proposed modification.

No submissions from the **public** were received.

7. ASSESSMENT

The key assessment issue is whether the proposed shared parking arrangement would still provide adequate parking to meet the demands for both uses.

The approved Concept Plan includes a residential visitor parking rate of 1 space per five dwellings, and a commercial parking rate of 1 space per 30 sqm of commercial gross floor area (GFA), which does not differentiate between staff and visitors.

The proposal seeks to amend the approval by allowing a shared allocation of parking. The applicant has confirmed that it is intended to allow commercial and residential visitor spaces in the residential precinct to be shared, with up to 50% of the required number of commercial spaces to be classed as dual use spaces, which would count towards both the commercial and residential visitor parking requirements.

The request is based on a parking demand study submitted with the application. The study looked at commercial parking demand for staff and visitors, and the peak parking times for both residential and commercial visitors. The study found that:

- even though the commercial parking rate does not differentiate between staff and visitor parking, based on experience at similar developments, it is likely that staff parking would account for around 50% of commercial parking demand, and commercial visitor parking would account for the other 50% of demand.
- Friday and Saturday evenings are the peak demand period for residential visitor parking;
- prior to 5:30 pm on a weekday, the demand for residential visitor spaces would be no greater than 50 per cent of peak demand;
- the peak parking demand for commercial uses would be during regular business hours (8:30 am to 5:30 pm on a weekday); and
- outside of regular business hours, the commercial visitor spaces would not generate any significant demand.

On this basis, it is proposed that the 50% of the commercial parking used by visitors, could be shared with residential visitors.

Final parking numbers would be determined at Development Application stage, but based on indicative commercial floor space and indicative unit numbers, it is likely that under the existing approval, the Residential Precinct would generate a requirement for approximately:

- 25 to 30 commercial parking spaces (staff and visitors); and
- 120 to 130 residential visitor spaces.

Under the proposed modification, it is likely that the precinct would generate a requirement for approximately:

- 12 to 15 commercial parking spaces (staff only); and
- 120 to 130 visitor spaces (shared residential and commercial visitors).

The modification would therefore result in a reduction in total parking provision by approximately 12 to 15 spaces.

The Department notes that the draft Sutherland Development Control Plan 2015 (DCP 2015) permits the sharing of car spaces in mixed use developments, which have two or more uses with different peak parking demands.

Council raised a concern that the future uses of the commercial tenancies were not known, and requested further information as to whether the peak parking demand would overlap with the residential parking demand. Council also queried the accuracy of peak times for residential visitors identified in the study.

The Proponent advised the intended commercial uses (at the lower levels of the residential precinct) include offices/business premises, and a retail shop to cater for the daily needs of

the immediate population, as opposed to other retail or restaurant uses. The commercial tenancies are expected to operate between 8:00 am to 6:00 pm on a weekday (with peak parking demand being between 8.30am and 5.30pm) and not on a weekend, therefore avoiding the peak residential visitor parking demand period.

The Proponent also noted that other local government areas such as Parramatta and Rockdale permit up to 40 per cent and 50 per cent of residential visitor spaces to be shared with retail/commercial uses between 8:00 am to 6:00 pm, acknowledging that during these standard business hours, residential visitor demand is generally low.

The Department agrees that the residential visitor demand would be low during the intended operating hours of commercial office/business tenancies on a weekday. The Department also notes the future use of the commercial tenancies would be subject to a separate approval, and further consideration of the use and appropriate operating hours can be considered at that stage.

The Department considers that sharing of spaces with different peak demand times represents an efficient use of the car parking spaces. In this case, the Department is satisfied that the proposed sharing of visitor spaces by the residential and commercial uses would allow for peak parking demand to be met for all uses and would therefore not result in any adverse parking impacts on the surrounding area.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements in the EP&A Act. The Department considers that the proposed modification is generally consistent with the original approval.

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

- it is consistent with the approach in the Draft Sutherland DCP 2015, which permits sharing of car spaces in mixed use development;
- the intended commercial uses would have a different peak parking demand to the residential visitor peak parking demand;
- it would not result in any adverse parking impacts on the surrounding area; and
- it is within the maximum limit of 883 car spaces, and therefore maintains consistency with the parking requirements in the approved Concept Plan.

Consequently, the proposal is in the public interest and it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Acting Director, Regional Assessments:

- (a) consider the findings and recommendations of this report;
- (b) approve the modification under Section 75W, subject to conditions; and
- (c) sign the attached notice of modification (**Appendix A**).

Prepared by: Thomas Mithen

Endorsed by:

Approved by:



Fiona Gibson
Town Planner
Regional Assessments



Natasha Harras
Acting Director
Regional Assessments

26.10.2015

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7112

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7112

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7112

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7112

APPENDIX C: APPROVAL HISTORY

Project Application

On 20 August 2013, the Commission approved a Stage 1 Project Application (MP 10_0203) for a new retail centre, and refurbishment of the Cronulla Sutherland Leagues Club building.

The Project Approval (MP 10_0230) has been modified on one occasion, and is also the subject of a modification application under assessment:

MOD	Modification	Date Approved
1	<ul style="list-style-type: none">amended configuration on levels 1, 3 and 4; andstratum subdivision.	10 February, 2014
2	<ul style="list-style-type: none">amend the strata subdivision	under assessment

Development Application

On 22 August 2013, the Sydney East Joint Regional Planning Panel determined development consent (DA13/0270) and was subsequently granted by Council for the Stage 1 Residential Development Application (DA) comprising three residential flat buildings and associated car parking, landscaping and infrastructure works.

DA 13/0270 has been modified on three occasions, and is also the subject of a modification application under assessment

MOD	Modification	Date Approved
1	<ul style="list-style-type: none">reconfiguration of apartments;design changes;	26 March 2014
2	<ul style="list-style-type: none">modification to the engineering conditions;	25 September 2014
3	<ul style="list-style-type: none">amend drafting error in description of the consent;	30 March 2015
4	<ul style="list-style-type: none">amend two storey apartments to single storey; andprovide additional car spaces.	under assessment

On 11 December 2014, the Sydney East Joint Regional Planning Panel determined development consent (DA14/0598) and was subsequently granted by Council for the Stage 2 Residential DA comprising two residential flat buildings and associated car parking, landscaping and infrastructure works.