

ASSESSMENT REPORT

Woolooware Bay Town Centre Concept Plan approval (MP10_0229 MOD 6) & Project Approval (MP10_0230 MOD 3)

1. BACKGROUND

This report is an assessment of a request to modify the Concept Plan approval (MP 10_0229) and the Stage 1 Project Approval (MP 10_0230) for the Cronulla Sharks site (now known as the Woolooware Bay Town Centre).

The request has been lodged by JBA Urban Planning 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 make detailed design changes to the retail precinct, resulting in an increase in building height, gross floor area (GFA) and gross building area (GBA). The proposed modifications necessitate amendments to both the Stage 1 Project Approval and the Concept Plan approval.

2. SUBJECT SITE

The subject site is located at 461 Captain Cook Drive in the southern part of Woolooware Bay in the Sutherland Shire local government area. The eastern portion of the site, known as the retail precinct contains the Cronulla Sutherland Leagues Club (the Club) and car park (refer to **Figure 1**).



Figure 1 – Site location (Source: Proponent's modification application, 2016)

3. APPROVAL HISTORY

Concept Plan

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 residential and retail development integrated with the Club.

The Concept Plan has been modified on three occasions, and is also the subject of a modification application currently under assessment.

Table 1 provides a summary of the modifications.

Table 1: Summary of Concept Plan modifications

MOD	Modification	Date Approved
1	<ul style="list-style-type: none">amendments to approved building envelopes;increase area of outdoor deck for the Club building; andadministrative 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; anda Sharks Centre of Excellence added to the western grandstand with new administration, training and sports-related facilities.	On hold (not progressed by the Proponent)
3	<ul style="list-style-type: none">increase in maximum GFA and GBA, and adjustments to the building envelopes.	14 March 2016
4	<ul style="list-style-type: none">allows 50 per cent of commercial parking in the residential precinct to be shared with residential visitors.	26 October 2016
5	<ul style="list-style-type: none">modifications to the landscape setbacks to Woollooware Bay.	Under assessment

Stage 1 Project Application

On 20 August 2013, the Commission approved a Stage 1 Project Application (MP 10_0230) for a new retail centre and refurbishment of the Club building.

On 10 February 2014, the Department of Planning and Environment (the Department) approved a modification to reconfigure Levels 1, 3 and 4 of the retail building and amend the subdivision plans (MOD 1). The Department also approved a minor modification to the subdivision plans on 8 April 2016 (MOD 2).

No buildings works have commenced in the retail precinct of the site.

The approved layout of the Concept Plan and Stage 1 Project Application is shown in Figure 2.

Development Applications

Table 2 provides a summary of the development applications (DA) approved by the Sydney East Joint Regional Planning Panel (JRPP) within the residential precinct:

Table 2: Residential precinct DA approvals

DA Reference	Consent Authority	Description	Date Approved
1310270	JRPP	Stage 1 Residential DA comprising three residential flat buildings and associated car parking, landscaping and infrastructure works.	22 August 2013
414/0598	JRPP	Stage 2 Residential DA comprising two residential flat buildings and associated car parking, landscaping and infrastructure works.	11 December 2014

Construction has commenced in the residential precinct of the site.



Figure 2 – Approved Concept Plan and Stage 1 site layout (Source: Department's Environmental Assessment Report, 2015)

4. PROPOSED MODIFICATION

On 18 February 2016, the Proponent lodged a section 75W modification application seeking approval to modify the Concept Plan approval (MP 10_0229) and the Stage 1 Project Approval (MP 10_0230) to make detailed design changes to the retail precinct.

The key design changes include:

- revised pedestrian connections and internal circulation;
- changes to the retail mix and tenancy layout;
- expansion of upper level car park deck with a full roof structure above;
- changes to the external building facade composition and materiality/finishes;
- introduction of new active uses along the key building facades;
- revised retail pedestrian entry at Captain Cook Drive;
- enclosure of the retail dining terrace at Level 2; and
- revised internal streetscape and pedestrian environment for the Club entry at Level 3.

On 9 June 2016, the Proponent submitted its Response to Submissions (RtS) seeking the following amendments:

- relocation of the Level 2 retail stairs and Level 3 Club escalators to the western edge of the pedestrian forecourt entry on Captain Cook Drive;
- modification to the architectural roof canopy above the pedestrian entry to create a more lightweight structure;
- replacement of the gallery space Level 2 along the Captain Cook facade with graphically treated facade to achieve better integration with the overall building architecture and design;
- re-arrangement of the retail tenancies in the vicinity of the amended pedestrian entry;
- minor changes to the retail configuration arising from further refinement of plant and services riser requirements of the building;
- minor reconfiguration of the car park layout as a result of further design refinement;
- reduction in GFA by 328 square metres (sqm); and
- increase in GBA by 132 sqm.

The final proposed modifications are outlined in **Table 3**.

Table 3: Summary of proposed modifications

Proposed Modifications	
<i>Building height/built form</i>	<ul style="list-style-type: none"> • an extension to the approved car park deck at Level 4 to the eastern and southern edges of the building line; • construction of a full roof structure above the proposed car park deck with a maximum height at RL 20.68 AHD, resulting in an increase to the approved parapet height by 2.68 metres;
<i>Floorspace</i>	<ul style="list-style-type: none"> • additional 917 sqm (3.5 per cent) of GFA resulting from the proposed enclosure of the retail dining terrace and the inclusion of new active uses along Captain Cook Drive; • additional 9,741 sqm (19 per cent) of GBA resulting from the expansion of the car park at Level 4;
<i>Pedestrian connections and circulation</i>	<ul style="list-style-type: none"> • relocation of the retail elevator/stair to the main retail floor at Level 2; • straightening of the north-south pedestrian connection between Captain Cook Drive and the Woollooware Bay foreshore; • relocation of the internal vehicular circulation ramp from the Captain Cook Drive frontage to the north-western corner of the building;
<i>Building facade changes</i>	<ul style="list-style-type: none"> • provision of a new architectural roof canopy above the pedestrian entry at Captain Cook Drive; • redesign of all the elevations including the Captain Cook Drive frontage to include additional active uses and articulation; • enclosure of the retail dining terrace at Level 2 fronting Woollooware Bay foreshore; • provision of a new green wall to the southern elevation of the expanded car park at Level 4; • revised architectural treatments along the key building facades;
<i>Retail mix and tenancy layout</i>	<ul style="list-style-type: none"> • reconfiguration of the tenancy layouts; • provision of new large format retail at the Woollooware Bay foreshore frontage at Level 1 (relocated from Level 2); • addition of community space and childcare centre along the Captain Cook Drive frontage;
<i>Club building</i>	<ul style="list-style-type: none"> • provision of a new internal street including pick up/drop off facilities and pedestrian environment at the Club entry on Level 3; • provision of trees and landscaping along the new street; • expansion of the outdoor deck area;
<i>Car parking</i>	<ul style="list-style-type: none"> • reconfiguration of the car park layout resulting in a reduction in number of car park spaces at Level 3 from 358 spaces to 311 spaces and an increase in the number of car park spaces at Level 4 from 176 spaces to 247 spaces (total spaces remain unchanged at 770 spaces);
<i>Loading docks/plant rooms</i>	<ul style="list-style-type: none"> • alterations to the layout of the loading docks and re-arrangement of the plant rooms at Level 1;
<i>Skylights</i>	<ul style="list-style-type: none"> • provision of skylights at Levels 2 and 3 to align with the north-south pedestrian connection at Level 1; and
<i>Changes to Conditions</i>	<ul style="list-style-type: none"> • deletion of Condition B1A and changes to Condition C20 relating to building design and activation, as the amended scheme achieves the design intent of the conditions.

A comparison of the approved and proposed floor layout at Levels 1, 3 and 4 and the southern elevation (Captain Cook Drive) is provided in **Figures 3 to 10**.

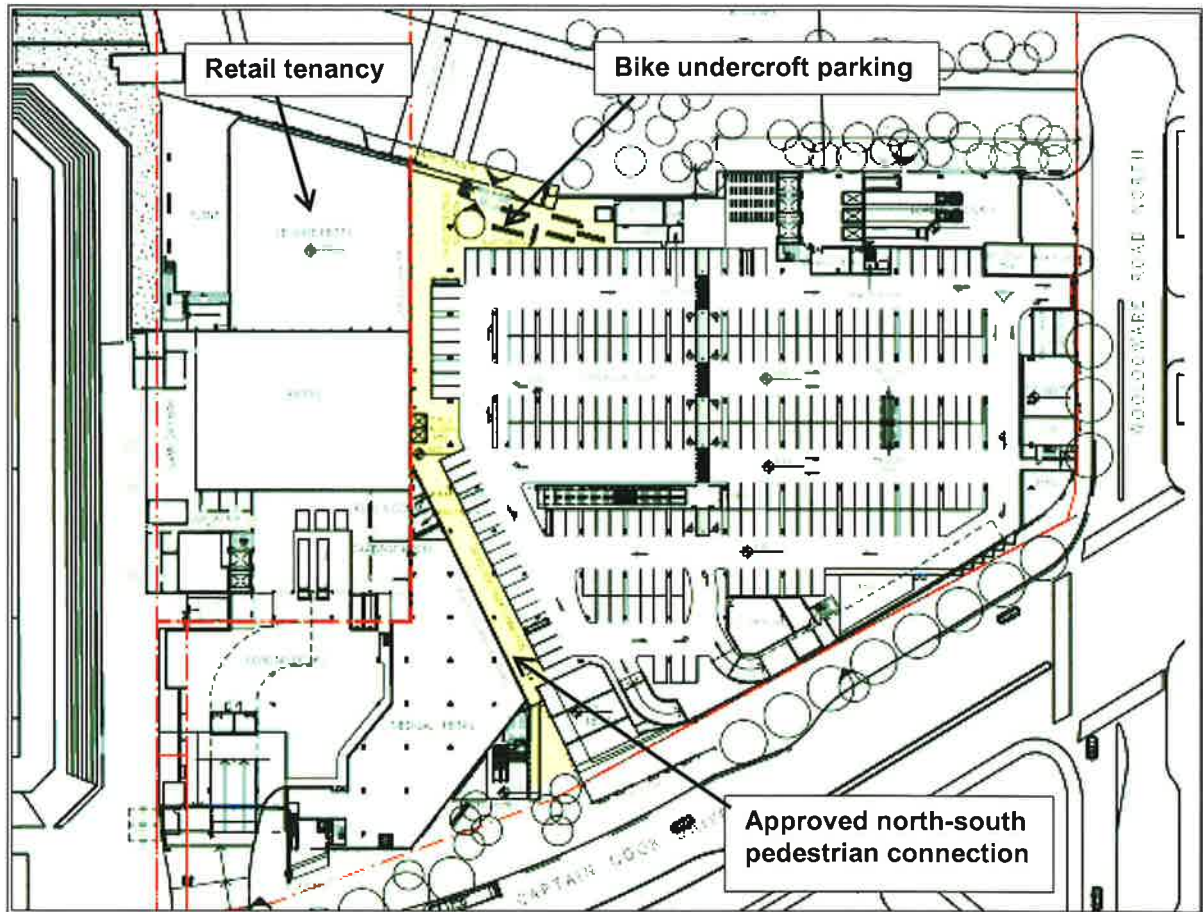


Figure 3 – Level 1 (Approved) (Source: Proponent's modification application, 2016).

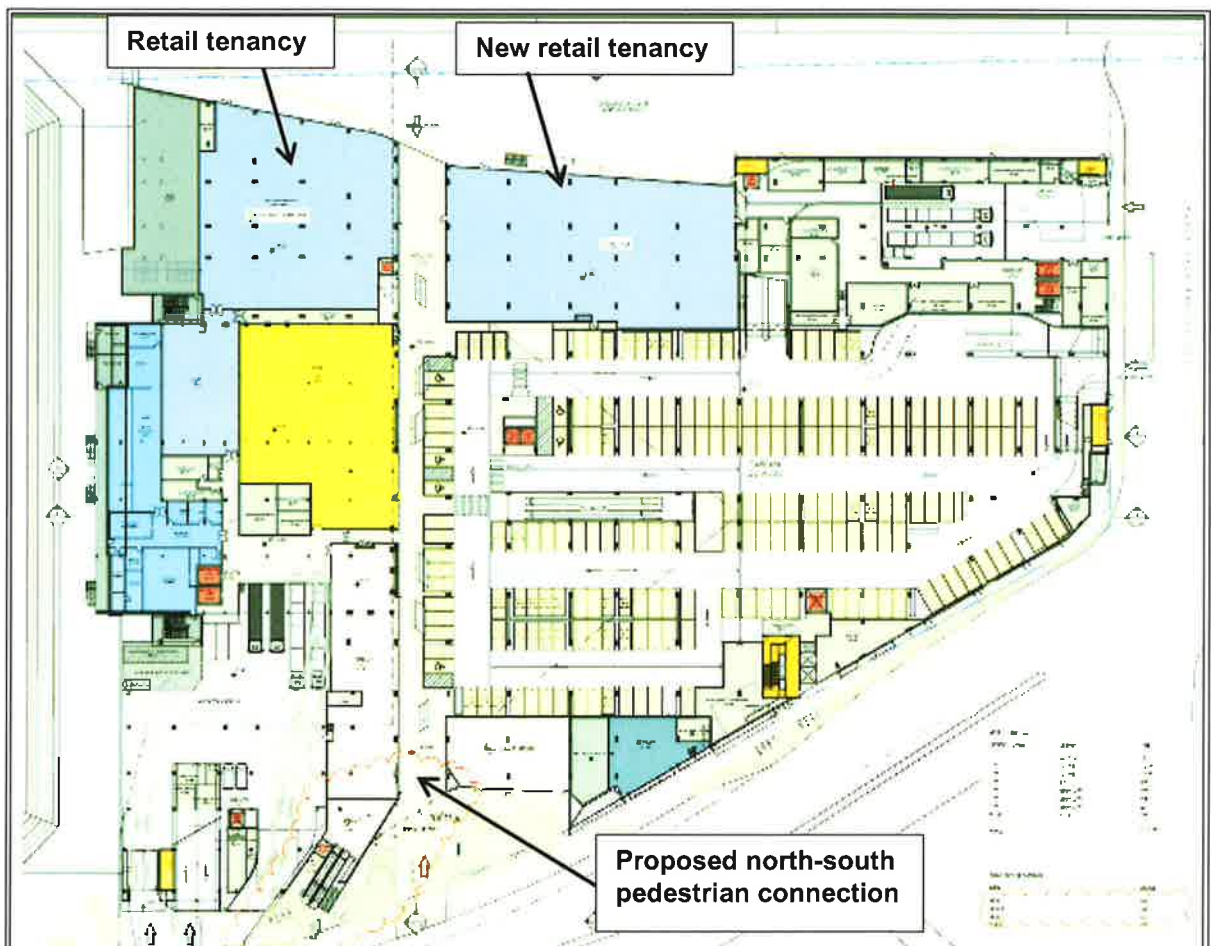


Figure 4 – Level 1 (Proposed) (Source: Proponent's modification application, 2016).

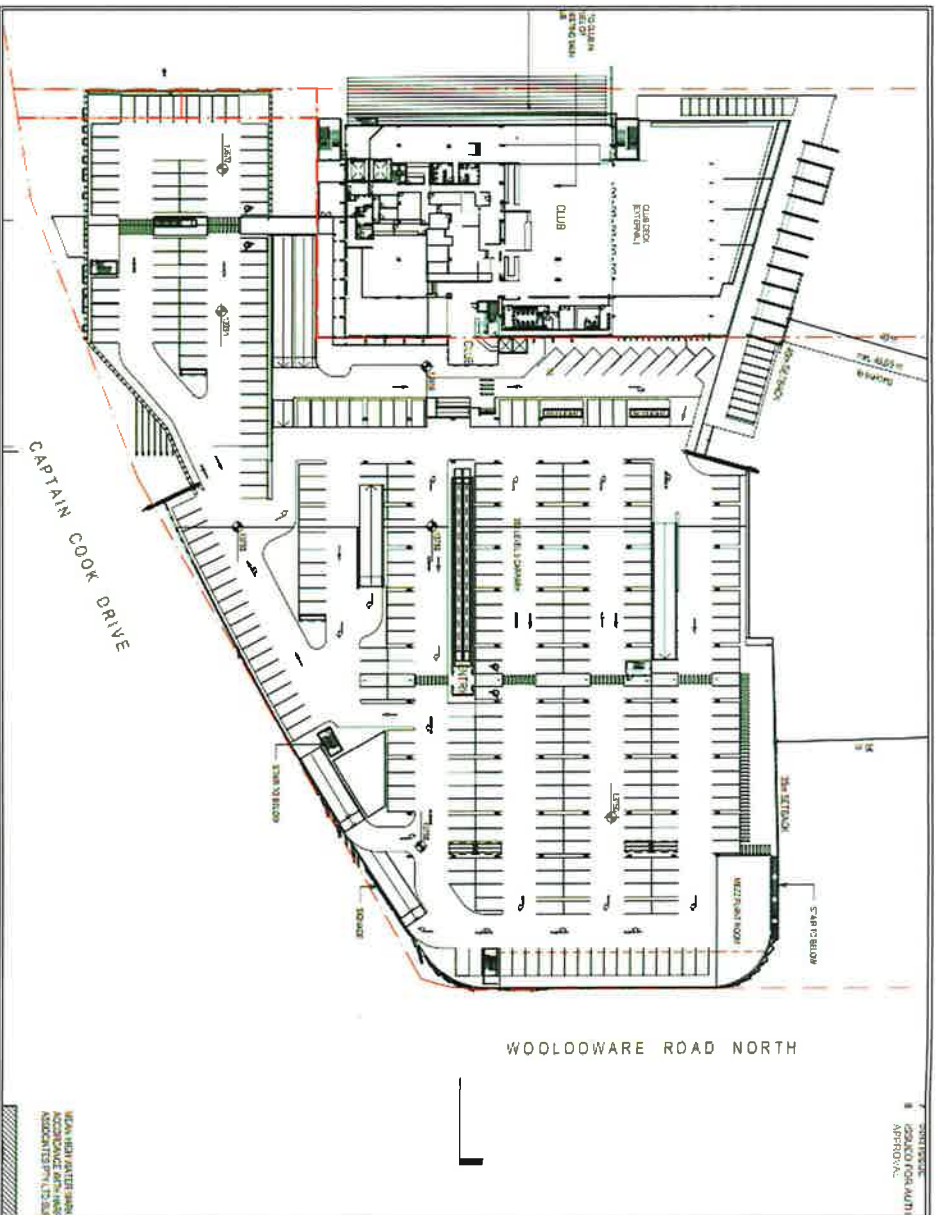


Figure 5 – Level 3 (Approved) (Source: Proponent's modification application, 2016).

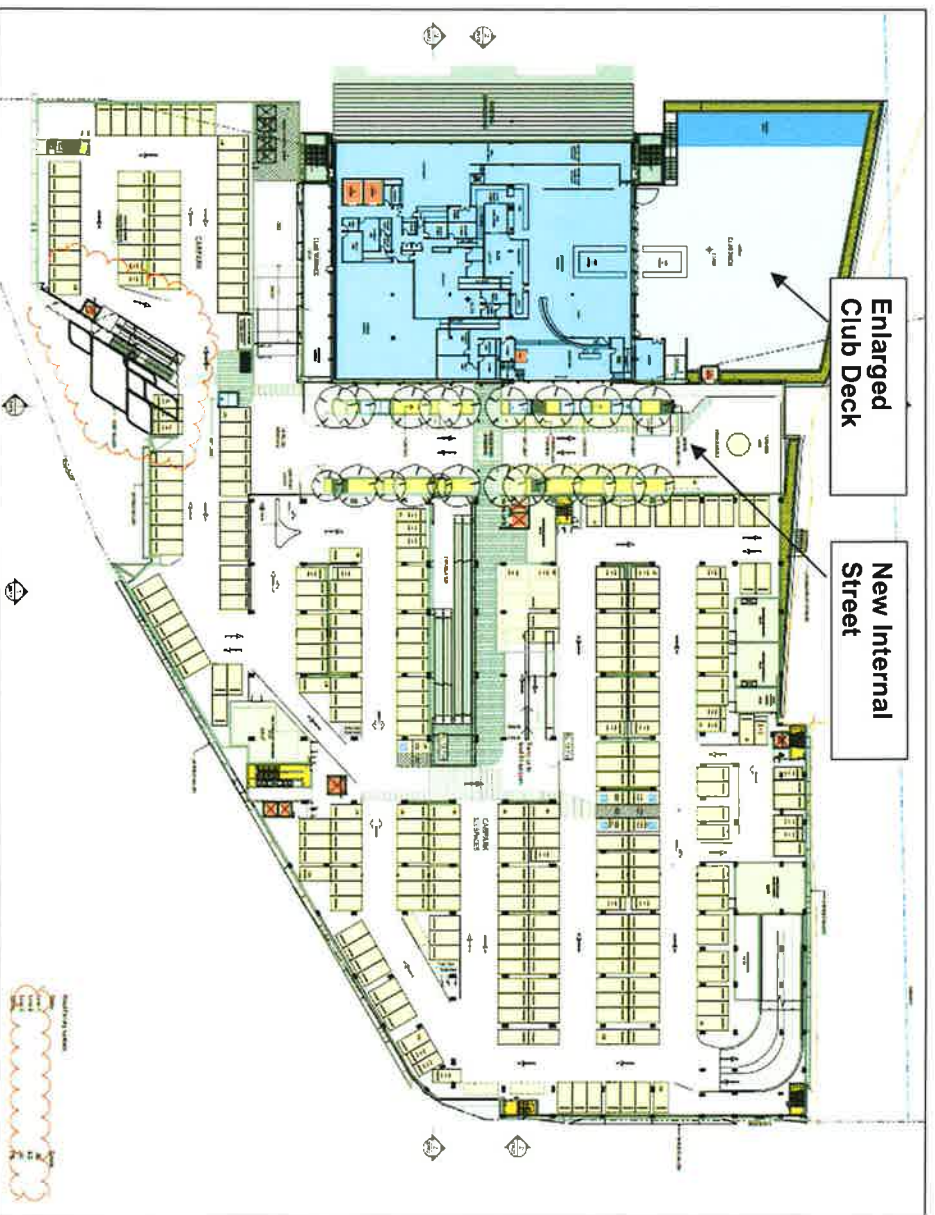


Figure 6 – Level 3 (Proposed) (Source: Proponent's modification application, 2016).

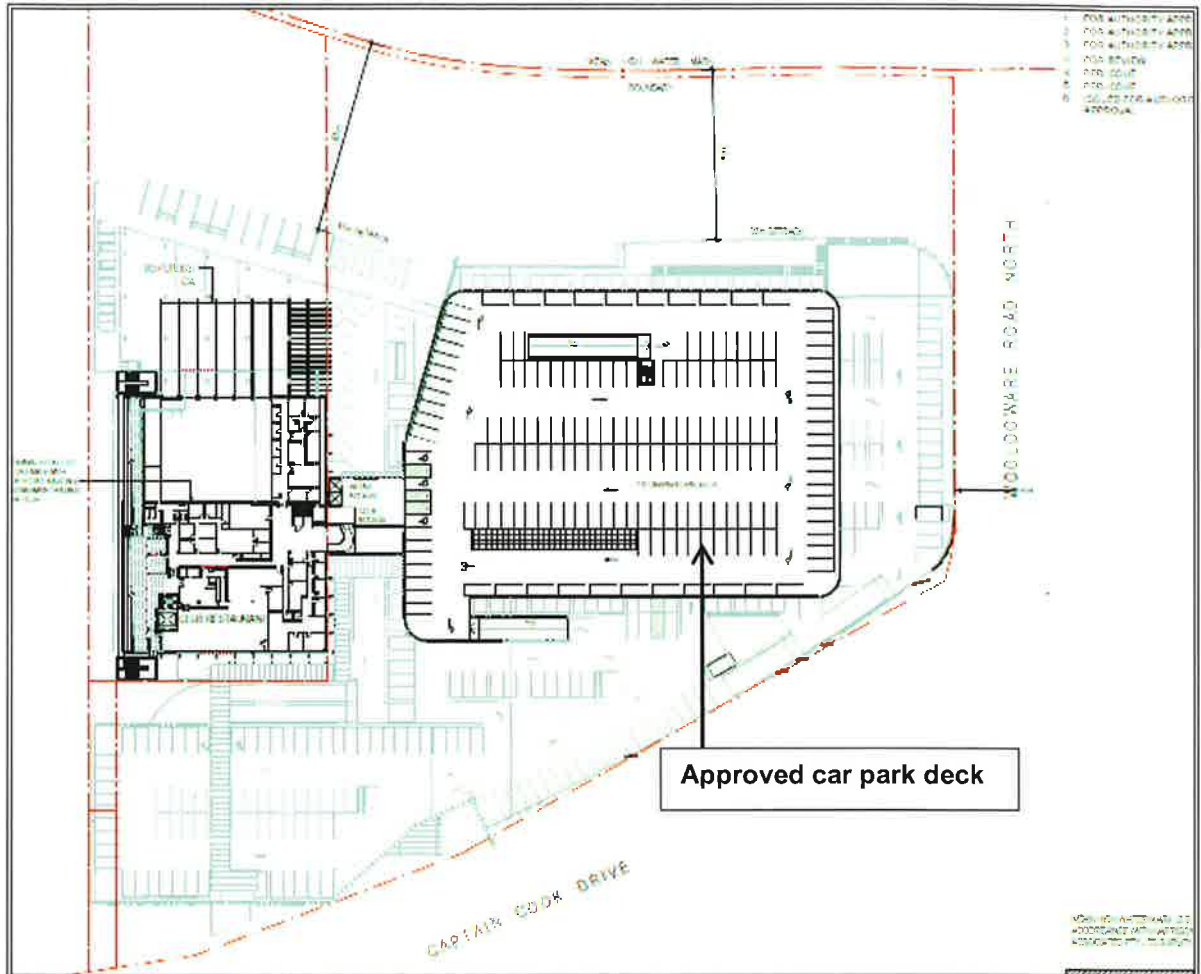


Figure 7 – Level 4 (Approved) (Source: Proponent's modification application, 2016).

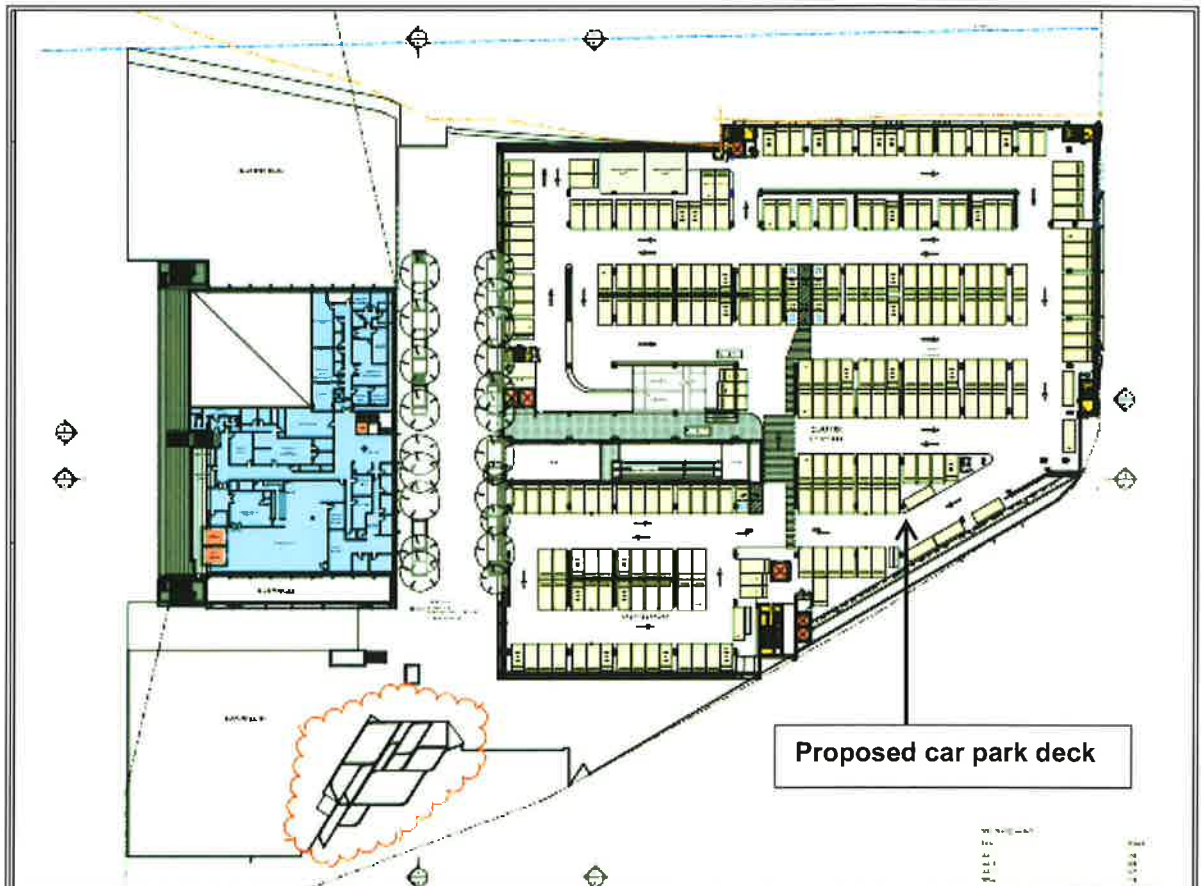


Figure 8 – Level 4 (Proposed) (Source: Proponent's modification application, 2016).

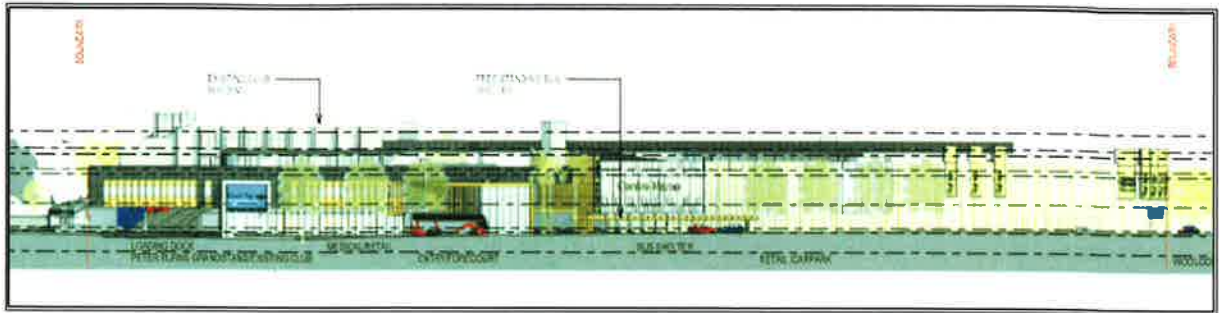


Figure 9 – Southern Elevation - Captain Cook Drive (Approved) (Source: Approved Plans, 2013).

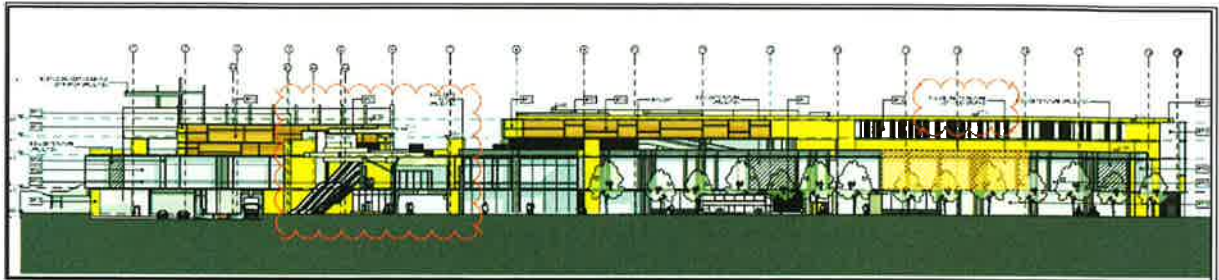


Figure 10 – Southern Elevation - Captain Cook Drive (Proposed) (Source: Proponent's modification application, 2016).

5. STATUTORY CONSIDERATION

5.1 Section 75W

The applications were originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the projects remain 'transitional Part 3A projects' under Schedule 6A of the EP&A Act, and hence any modification to the approvals must be made under the former Section 75W of the Act.

The Department is satisfied 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

The Minister for Planning is the approval authority for the applications. However, under delegation dated 16 February 2015, the Executive Director, Key Sites and Industry Assessments may determine the applications as:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions objecting to the proposal.

6. CONSULTATION

The Department publicly exhibited the proposals and consulted with Sutherland Council (Council), Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) about the proposed modifications. The Department also notified surrounding landowners of the applications.

Council raised a number of concerns in relation to:

- the bulk and dominance of the roof structure at Level 4;
- compliance with the requirements in the Concept Plan approval;
- lack of suitable building articulation;
- the use of signage and architectural motifs to minimise the scale and modulation of the long elevations and the roof over the car park;
- the lack of ground level activation facing the riparian zone;
- the enclosure of the retail dining terrace and the connection to the riparian zone;

- the legibility of the ground floor retail area and the connection to Captain Cook Drive;
- the indirect pedestrian access to the Club building from Captain Cook Drive;
- the lack of additional car parking to cater for the expanded retail development;
- the cumulative traffic impact on the capacity of the surrounding road network; and
- the adequacy of a shuttle bus to serve the needs of the expanded development.

Council advised the Department the amendments made to the design in the Proponent's RtS resulted in positive changes to the proposals, but the other concerns raised in its original submission remain unchanged.

No concerns were raised by **TfNSW** or **RMS** about the proposed modifications.

Three **public** submissions were received objecting to the proposals. The key issues raised are summarised as follows:

- the bulk and scale of the proposed roof above the expanded car park;
- the adverse visual impact on the surrounding area and lack of suitable justification;
- the increase in height and floorspace is not supported due to the excessive bulk;
- the quantum of retail floorspace should be reduced given the residential floorspace has increased and childcare centre has been relocated to retail precinct;
- the concerns previously raised in relation to traffic impacts have not been addressed;
- the incremental traffic increase would have adverse impact on the traffic conditions in the local streets;
- the proposed modifications undermine the original approval process;
- the proposed modification to the riparian zone in MOD 5 (currently under assessment) should be assessed in conjunction with MOD 6;
- the modifications should be assessed against the current RAMSAR boundaries gazetted in 2011;
- lack of public consultation;
- the reduction in the extent of the medical use approved on the site is not supported; and
- there should be no increase in unit numbers, heights, size and density or any reduction in the riparian buffer zone.

7. ASSESSMENT

The Department considers the key assessment issues associated with the proposed modifications are:

Concept Plan approval modification

- alterations to the building envelope;
- increase in floorspace; and

Stage 1 Project Approval modification

- consistency with the Concept Plan;
- pedestrian access; and
- building activation and design.

All other issues are considered in **Table 5**.

7.1 Concept Plan approval Modification

7.1.2 Alterations to the Building Envelope

The proposal seeks to make minor changes to the footprint and height of the approved building envelope.

The proposal would result in minor variations from the approved building footprint along the northern, eastern and southern edges of the building, as a result of detailed design changes. The Department considers the proposed changes to the building footprint are minor and would

not result in any adverse visual or amenity impacts on the surrounding area. Importantly, the proposal would maintain the approved setbacks to Woolooware Bay which was a key issue in the assessment of the original application.

The proposal also seeks approval to extend the Level 4 car parking deck (within the approved building footprint) and provide a roof structure over the car parking area. This would increase the height of the approved building by 2.68 metres (from RL 18 AHD to RL 20.68 AHD).

The proposed car park roof extending above the approved building envelope is illustrated in **Figures 11 and 12**.

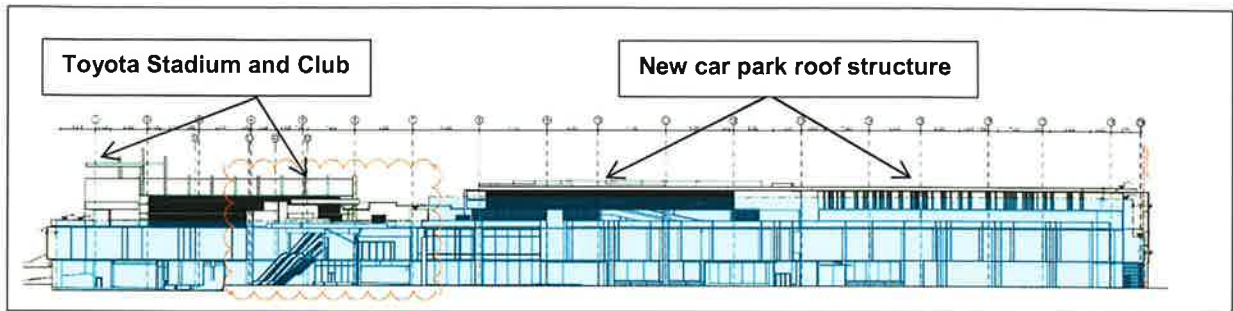


Figure 11 – Southern elevation (Captain Cook Drive) – approved envelope shaded blue (Source: Proponent's modification application, 2016).

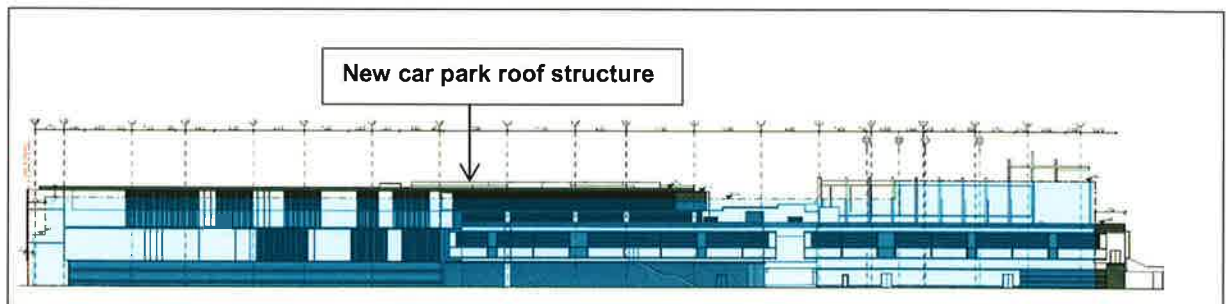


Figure 12 – Northern elevation (Woolooware Bay foreshore) - approved envelope shaded blue (Source: Proponent's modification application, 2016).

Despite the additional height the Department notes the Concept Plan approval already provides for a roof structure above part of the car park at RL 22.3 AHD. The proposed new roof would be located over a wider area, but would be 1.6 metres lower than the maximum building height allowed under the Concept Plan approval. The Department also notes the modified building height would continue to be below the 25 metre height limit applying to the site under clause 4.3 of the Sutherland Shire Local Environmental Plan 2015.

The Department considers the proposed roof structure would not significantly increase the height of the approved building or result in any adverse visual or amenity impacts to the surrounding area. The Department also considers the additional architectural and landscape detailing in the modified proposal (including additional glazing and a wider variety of facade materials) would improve the visual interface with the surrounding area compared to the original approval.

Overall, the Department considers the proposed changes are minor and would not result in any significant changes to the overall built form of the building. The Department's assessment concludes the modified building envelope is acceptable as it would:

- have a similar footprint to the approved building envelope;
- continue to be lower than the overall building height under the Concept Plan approval;
- maintain the approved building setbacks to the Woolooware Bay foreshore; and
- not result in any adverse visual or amenity impacts on the public domain.

7.1.3 Increase in floorspace

The proposed modifications would increase the floorspace of the development resulting in an additional:

- 917 sqm (3.5 per cent) of GFA; and
- 9,741 sqm (19 per cent) of GBA.

The proposed change to the approved design parameters are outlined in **Table 4**.

Table 4: Design parameters

Concept Plan	Approved (MOD 3)	Proposed	Change
Gross Floor Area (GFA)	26,495 sqm	27,412 sqm	+917 sqm
Gross Building Area (GBA)	50,991 sqm	60,732 sqm	+9,741 sqm
Outdoor Club Deck	1,055 sqm	1,827 sqm	+722 sqm
Outdoor Retail Deck	853 sqm	Nil	-853 sqm

Council raised concern with the proposed increase in floorspace, particularly in terms of the additional built form associated with the car park deck and roof structure at the upper level.

The Department notes the increase in GFA is attributed primarily to the proposed enclosure of the retail dining terrace, which was previously excluded from the GFA. Furthermore, the new roof structure above the expanded car park accounts for the increase in GBA. As previously discussed, the roof structure would not result in any significant change to the overall built form compared to the approved development.

The Department's assessment concludes the increase in floorspace is acceptable as it would:

- not result in a significant change to the approved building envelope;
- not result in adverse visual or amenity impacts on the public domain;
- not result in significant intensification in terms of traffic or car parking (refer to discussion in **Section 7.3**); and
- increase the level of activation, particularly along the Captain Cook Drive frontage of the site (refer to discussion in **Section 7.2.3**).

7.2 Stage 1 Project Approval Modification

7.2.1 Consistency with the Concept Plan approval

Council raised concern about whether the proposed modifications would comply with the environmental assessment requirements in the Concept Plan approval, particularly in relation to built form, ecologically sustainable development (ESD), public domain and landscaping.

The Department has considered the proposal against the key parameters of the Concept Plan approval and is satisfied the modified building design is generally consistent with the Concept Plan as it would:

- not exceed the maximum approved building height;
- not change the overall built form of the retail centre;
- result in no changes to the approved ESD strategy;
- not result in any significant visual or amenity impacts on the public domain;
- provide integrated building landscape measures;
- retain the approved quantum of car parking on the site;
- not result in any significant additional traffic impacts on the surrounding road network;
- introduce better articulation at the key frontage along Captain Cook Drive (a key requirement of the Concept Plan approval); and
- maintain the approved building setbacks to protect the foreshore at Woolloomooloo Bay.

The Department is satisfied the proposed changes mainly relate to the detailed design of the building and the proposal would remain consistent with the Concept Plan approval.

7.2.2 Pedestrian Access

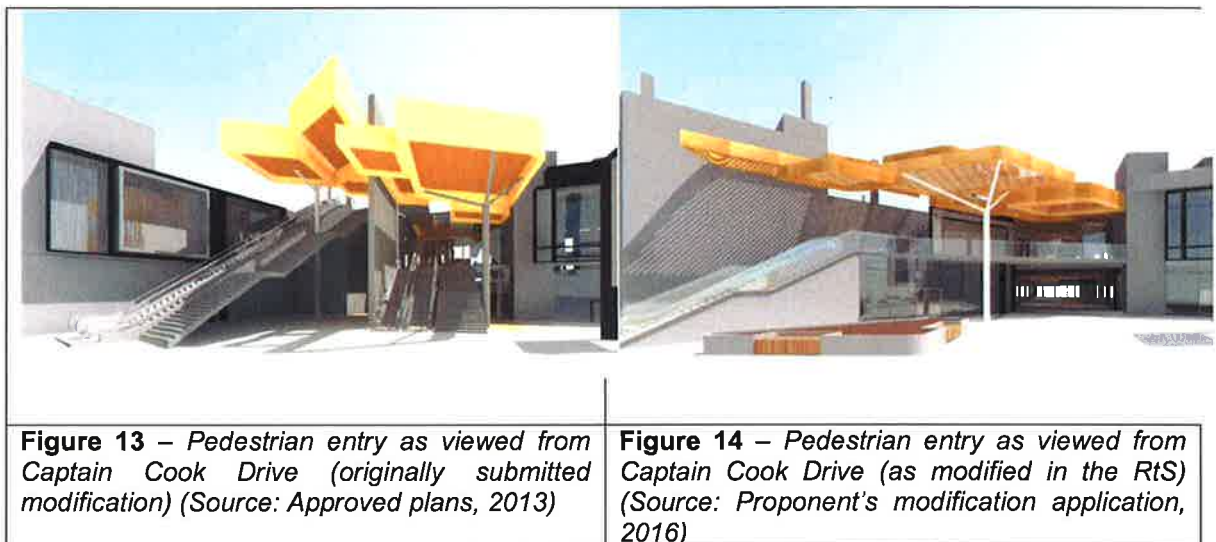
The key change to pedestrian access involves the straightening of the north-south pedestrian connection between Captain Cook Drive and the foreshore.

Council raised concern that the ground floor pedestrian entry and the north-south pedestrian connection to the foreshore was not clearly legible when viewed from Captain Cook Drive.

The Proponent subsequently amended the pedestrian forecourt entry by relocating the Level 2 retail stairs and Level 3 Club escalators to the western edge of the forecourt. The Department considers the amendments would make a significant improvement to the visibility and legibility of the pedestrian connection to the foreshore (refer to **Figures 13** and **14**).

Council also raised concern with the indirect access to the Club at Level 3. The Department notes there is limited scope to modify the pedestrian access to the Club given the existing building constraints. Notwithstanding, the significant improvements to the pedestrian entrance at Captain Cook Drive would provide a safe and obvious path of travel to the entry of the Club from the street (refer **Figure 6**) and the proposed modification would also improve the access to the Club building with the creation of an internal street providing a direct vehicular drop-off and enhanced pedestrian environment.

The Department's assessment therefore concludes the proposed modifications would improve circulation and pedestrian amenity.



7.2.3 Building Activation and Design

The key changes to the building facades include:

- reconfiguration of the retail tenancies fronting Captain Cook Drive at ground level;
- provision of new retail tenancies and a community space fronting Captain Cook Drive at Level 2;
- additional glazing and increase to the variety of building materials and finishes on the Captain Cook Drive facade.
- a revised retail pedestrian entry at Captain Cook Drive;
- the provision of additional retail tenancies fronting the Woollooware Bay foreshore at ground level; and
- the enclosure of the retail dining terrace fronting the Woollooware Bay foreshore at Level 2.

In conjunction with the proposed changes, the Proponent is seeking to delete condition B1A (which required a number of modifications to improve the appearance of the development) and

to modify the requirements of condition C20 relating to the extent of glazing on shopfronts. The Proponent believes the amended plans achieve the design intent of the conditions, and can therefore be deleted. A summary of the requirements and the Department's assessment is set out in **Appendix C**.

The Department is satisfied the majority of the changes meet the requirements of the conditions and would result in an improved design outcome and improved level of activation for the site.

In relation to the Woollooware Bay frontage, Council raised concern with the poor activation associated with the service areas, liquor store and supermarket uses at ground level along the Woollooware Bay foreshore frontage of the site.

The Proponent considers the stronger north-south pedestrian connection would increase the amount of pedestrian activity occurring in this area adjoining the Woollooware Bay foreshore.

The Department notes the proposed modification includes additional retail tenancies at ground level fronting the foreshore compared to the approved development (refer to **Figures 3 and 4**). Subject to these retail tenancies providing a suitably glazed shopfront along the foreshore frontage, the Department is satisfied the proposed modification would result in improved building activation and surveillance along the Woollooware Bay foreshore frontage. Consistent with the approach taken for the other frontages in Condition C20 discussed in **Appendix C**, the Department has recommended a condition requiring 75 per cent of the shop fronts facing Woollooware Bay to be suitably glazed to maximise activation and amenity of this space.

Council also raised concern in relation to the enclosure of the dining retail terrace at Level 2 and the connection of this element to the adjoining public open space.

The Department notes the enclosure of the retail dining deck is operable with glazed panels allowing this space to be open in good weather, but continue to be used during inclement weather. The Department considers this would ensure this space is better utilised, thereby increasing activation and resulting in a positive outcome for the interface of the development with the foreshore area.

The Department is satisfied the proposed modification would achieve the intent of the original conditions aimed at improving the interface of the development with surrounding areas, and would improve the overall level of building activation along the key building facades.

7.3 Other Issues

Table 5: Assessment of other issues

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
<i>Architectural and Material Treatment</i>	<ul style="list-style-type: none"> • The key changes to the architectural and material treatment of the building facades involve: <ul style="list-style-type: none"> – a black frame contrasting with a lighter building base and infill materials, including precast concrete, steel panelling and timber panelling along the Captain Cook Drive frontage; – a new internal landscaped streetscape and pick-up/drop-off facilities for the Club; – a higher proportion of timber panelling and painted surfaces on the Woollooware Bay foreshore facade. • Council raised concern with the horizontal mass of the development and the lack of building articulation. • The Proponent considers the proposed modifications would significantly increase articulation of the overall building facade. • The Department is satisfied the design changes would have a positive impact on the overall appearance of the development by: 	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<ul style="list-style-type: none"> - creating a more visually interesting interface between the building and the public domain; - introducing a higher degree of articulation to reduce the perceived bulk and scale of the development; - providing a distinct and legible retail pedestrian entry at Captain Cook Drive; and - integrating building landscape measures to soften the built form. 	
<i>Traffic Impacts</i>	<ul style="list-style-type: none"> • Concern was raised by Council in relation to the cumulative traffic impact on the surrounding road network and the potential constraints this would impose on the ability of other key employment and residential sites to achieve their development potential. • The applications were referred to RMS and TfNSW. Neither raised any concerns with the proposed modifications. • The Proponent's Traffic Impact Assessment (TIA) submitted with the modification application assessed the potential traffic generation using updated traffic data from RMS based on the revised mix of land uses in the retail centre. • The traffic analysis indicates the proposed modification would result in a five per cent increase in traffic generation in the locality on a weekday and a two per cent increase on a weekend during the peak periods. This equates to between 22 and 77 additional vehicle movements on the surrounding road networks during these peak times. • The TIA modelled the additional traffic volumes at key intersections surrounding the site, and found that the increase in traffic in the locality would be minor and the key intersections would continue to operate at a satisfactory level of service during peak periods. • The Department is satisfied the additional traffic generated by the proposal would be minor, and would not significantly affect the ability of other nearby sites to achieve their development potential. Further, the Department considers in order to maintain the traffic capacity of the surrounding road network, any future development on nearby sites would also need to assess traffic impacts, and if required, contribute to the upgrade of local road infrastructure similar to the way in which the Woollooware Bay Town Centre development has provided infrastructure contributions. • Council also raised concerns with the adequacy of the shuttle bus service to serve the needs of the expanded development and the cumulative demand for public transport. • The Department notes the proposed modification would not result in any change to this transport arrangement, which has already been assessed by the Department as part of the original approval. 	No additional conditions or amendments necessary.
<i>Car Parking</i>	<ul style="list-style-type: none"> • Council raised a concern that additional parking spaces have not been provided to support the additional floor space. • The parking assessment for the original application indicated a parking demand of 613 spaces, however the original approval provides a total of 770 spaces for the development, or 157 spaces in excess of demand. • The Proponent assessed the parking demand for the new mix of uses based on the rates identified in the existing approval, Council's Development Control Plan (DCP) and the RMS Guidelines for Traffic Generating Development. • The parking assessment shows there would be a maximum peak demand for 601 spaces for the development at midday on a Saturday. The reduction in demand arises due to the proposed change in the mix of uses. The reduction in the size 	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>of the medical centre substantially reduces parking demand associated with that use at all times, while the proposed new childcare centre does not generate much parking demand outside of weekday peaks.</p> <ul style="list-style-type: none"> As the proposal seeks to retain the approved 770 spaces for the development, and as peak parking demand is likely to be reduced by the modifications, the Department is satisfied there would be sufficient parking provided on the site to cater for the parking demand generated by the proposal. 	
<i>Landscaping/ Public Domain</i>	<ul style="list-style-type: none"> The Proponent submitted updated Landscape Plans with the modification application which include the following changes: <ul style="list-style-type: none"> provision of a green wall at the southern elevation of the car park at Level 4; provision of a landscape planting zone along the northern edge of the car park and the outdoor deck of the club building at Level 3; and improved landscaping at the internal street providing access to the Club building at level 3, including planter boxes supporting trees and lower scaled plantings to create a sense of a landscaped public street. The proposed modification does not propose any changes to the approved foreshore landscaping. The Department considers the proposed landscape changes would assist in softening and screening built form elements such as the car park and Club building. The Department is satisfied the proposed changes to the landscaping would have a positive impact on the appearance of the development. 	No additional conditions or amendments necessary.
<i>Retail Mix</i>	<ul style="list-style-type: none"> The mix of retail uses is modified by: <ul style="list-style-type: none"> adding a new child care centre and community space; reducing the approved medical uses; and increasing the food and beverage component. The future use and/or fit-out of all commercial tenancies would require separate approval (except for exempt and complying development) in accordance with Condition A7 of the Project Approval. The Department is satisfied the proposal would continue to provide a range of retail uses, which is generally consistent with the Concept Plan approval. 	No additional conditions or amendments necessary.
<i>Flooding</i>	<ul style="list-style-type: none"> The Proponent has confirmed the modified proposal would comply with the 100 year ARI + sea level rise flood planning level and the publicly accessible floor areas within the centre are above the Probable Maximum Flood Level. The proposal would therefore not be subject to additional flood risk. 	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification applications and supporting information in accordance with the relevant requirements in the EP&A Act. The Department's assessment concludes the proposed modifications are appropriate as they would:

- not result in any significant change to the overall built form of the approved development;
- provide a greater level of activation along key building facades;
- provide a high quality pedestrian environment for patrons and visitors to the Club;
- introduce more sympathetic building materials along the foreshore elevation;
- introduce improved articulation to reduce the perceived building mass from the public domain;
- incorporate integrated landscape measures to soften the built form;
- not result in any significant additional traffic impacts on the locality;

- provide a range of retail uses by incorporating a child care centre and community space; and
- provide adequate car parking on the site to satisfy the peak parking demands of the development.

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

9. RECOMMENDATION

It is recommended the Executive Director, Key Sites and Industry Assessments as delegate of the Minister for Planning:

- consider the findings and recommendations of this report;
- approve the modifications under section 75W, subject to conditions; and
- sign the attached notices of modification (**Appendix A**).

Prepared by: Thomas Mithen
Consultant Planner



Anthony Witherdin
Acting Director
Modification Assessments



Anthea Sargeant 2/8/16
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification for MP 10_0229 MOD 6 can be found on the Department's website at the following address:

MP 10_0229 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7514

The Notice of Modification for MP 10_0230 MOD 3 can be found on the Department's website at the following address:

MP 10_0230 MOD 3:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7512

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

MP 10_0229 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7514

MP 10_0230 MOD 3:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7512

2. Submissions

MP 10_0229 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7514

MP 10_0230 MOD 3:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7512

3. Response to Submissions

MP 10_0229 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7514

MP 10_0230 MOD 3:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7512

APPENDIX C: ASSESSMENT AGAINST CONDITIONS B1A AND C20

Condition Requirement	Consideration	Recommendation
B1A (1) <i>Delete Level 1 retail outlet on the corner of Captain Cook Drive and Woollooware Road North</i>	<ul style="list-style-type: none"> The retail outlet has been deleted in the modified proposal, and the area incorporated into the carpark. The Department is satisfied the requirement of the condition has been met. 	Condition recommended to be deleted.
B1A (2) <i>Requires the Level 2 deck near the northern staircase to be extended to the Riparian corridor buffer line.</i>	<ul style="list-style-type: none"> The modification was incorporated to resolve a 'pinch point' adjacent to the stairs which could have resulted in pedestrian traffic congestion. The Level 2 deck has been substantially redesigned as part of this application, including relocation of the stairs. The Department is satisfied the modified layout would provide clear pedestrian pathways, satisfying the intent of the condition. 	Condition recommended to be deleted.
B1A (3)		
A. <i>Requires the Level 1 north south pedestrian access to have the same paving as the retail entry forecourt on Captain Cook Drive; special ceiling treatment, lighting and signage to define it as a high quality space visually separated from the car park.</i>	<ul style="list-style-type: none"> The north south pedestrian access has been substantially redesigned including a change to its alignment to improve the visual connection through the site and to the foreshore. The amended plans indicate consistent use of paving treatments from the entry forecourt through the access way and visually separate the space from the adjacent car park. The plans also incorporate skylights providing natural light to the walkway, and additional retail frontages which would improve activation and the amenity of the link. The Department is satisfied the amended plans result in a substantial improvement to the amenity of the link, and achieve the intention of the condition. 	Part A of the condition recommended to be deleted.
B. <i>Requires at least 2 retail outlets on Captain Cook Drive, with one adjacent to the retail forecourt entry. Outlets are to open on to the street frontage and be capable of being used for food outlets. The eastern outlet is to include places for people to meet accessible from the footpath and integral to the elevation. The paving of the Captain Cook Drive frontage is to be the same as the retail entry forecourt paving.</i>	<ul style="list-style-type: none"> The amended plans substantially increase the size of the forecourt entry area; incorporate two additional tenancies on the eastern side of the forecourt entry; and incorporate new landscaping within the forecourt space. The Department notes the new tenancies are not proposed as retail or food outlets, but are proposed to be a medical centre and a community room / gallery. However, the Department considers the proposed uses, in conjunction with the enlarged and improved forecourt area, would result in a substantial improvement to the activation of Captain Cook Drive, provide a very legible entry point to the centre with a good level of amenity, are capable of being converted to food premises in the future, and achieve the design intent of the condition, with the exception of paving details. The amended plans do not provide any details of the paving along the Captain Cook Drive frontage. The Department considers a condition requiring consistent paving, in consultation with Council, should be retained on the approval. 	Part B of the condition recommended to be modified to only require consistency of paving between the Captain Cook Drive footpath and the retail entry.
C20 <i>Requires the community retail / medical facility, and other tenancies with a street frontage to have at least 75% of their shopfront as clear glazing.</i>	<ul style="list-style-type: none"> The amended scheme incorporates substantial glazing and activation of Captain Cook Drive frontages consistent with the intent of the condition. However to ensure glazing is retained in the long term, it is recommended the condition be retained. Changes to the condition have been recommended to incorporate a similar level of activation to the Woollooware Bay frontage. 	Condition retained and modified to improve activation to Woollooware Bay.