



MO/GK
15743
31 March 2017

Ms Caroline McNally
Secretary
NSW Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Jane Flanagan (Senior Planning Officer)

Dear Jane,

**WOOLLOOWARE BAY TOWN CENTRE - MP10_0229 MOD 7 & MP10_0230 MOD 4
461 CAPTAIN COOK DRIVE, WOOLLOOWARE**

We refer to the above Section 75W Modifications Applications for the Concept Plan and Project Approval for the Woollooware Bay Town Centre. Further to the notification of this modification, the following letter seeks to provide a response to the issues raised in the submission by Sutherland Shire Council and to clarify minor amendments to the submitted Modification Applications. This letter should be read in conjunction with the following documents:

- Response to Council's Submission dated 9 February 2017 (**Attachment A**);
- Revised modifications to Terms of Approval (**Attachment B**);
- Annotated architectural drawings and comparative urban form control diagrams prepared by HDR Rice Daubney; (**Attachment C**);
- Architectural Design Statement prepared by HDR Rice Daubney (**Attachment D**);
- Comparative photomontages (**Attachment E**);
- Diagram illustrating activation of foreshore parklands (**Attachment F**); and
- Updated Traffic Impact Statement prepared by McLaren Traffic Engineering (**Attachment G**).

This letter should also be read in conjunction with the original documentation prepared by JBA and HDR Rice Daubney submitted with these Modification Applications.

1.0 CLARIFICATION OF MODIFICATIONS PROPOSED

1.1 Extent of architectural modifications

As requested by the Department, annotated architectural drawings providing additional details regarding the proposed changes to the approved building are provided at **Attachment C**. This also includes updated Urban Form Control Diagrams which provide a direct comparison between the currently approved and proposed building envelope.

HDR Rice Daubney have prepared an Architectural Design Statement which outlines the design rationale for the proposed modifications (**Attachment D**).

For the purpose of comparison, **Attachment E** provides a comparison of photomontages of the proposed modification scheme against the original Project Approval scheme. These should also be read in conjunction with the photomontages of the current Project Approval (as modified), which

are contained in Figures 5 to 11 of the Modification 3 Section 75W Planning Report prepared by JBA dated 18 February 2016.

1.2 Staging

To provide greater certainty to the Cronulla Sutherland Leagues Club, and ensure that the continued operation of the Club is not affected by the construction of the retail centre, it is proposed to further separate the phasing of Construction Certificates and Occupation Certificates for the final Leagues Club Fitout and the Retail Centre completion. Providing a separate stage for the final fitout of the Leagues Club will ensure that these works can be carried out independently from the final fitout of the retail centre. Amended wording for the proposed Condition C0 within the Project Approval is provided at **Attachment A**.

1.3 Gross Floor Area and Traffic Assessment

There was some minor inconsistency between the Gross Lettable Area and Gross Floor Area Calculations included in the submitted Architectural Drawings by HDR Rice Daubney and the Traffic Impact Statement prepared by McLaren Traffic Engineering. This inconsistency has been resolved through minor updates to the GFA plan provided at **Attachment C** (no net increase in GFA) and an updated Traffic and Parking Impact Assessment provided at **Attachment G**.

With regard to the traffic impacts of the proposed modification, the amended Traffic and Parking Assessment finds that:

- There will continue to be a significant surplus of car parking during all modelled peak periods;
- There will continue to be a reduction in traffic generation during the Friday PM peak period in comparison to the current Project Approval; and
- There will be a minor increase in traffic generation during the Saturday Noon peak period of 33 vehicle movements compared to the current Project Approval, representing a 2.25% increase in traffic.

In light of the above, the proposed modification is considered to have a minor and insignificant effect on traffic and parking arrangements in compared to the existing Project Approval.

2.0 RESPONSE TO SUBMISSIONS

A detailed response to Sutherland Shire Council's submission, dated 9 February 2017, is provided at **Attachment B**. We understand that no other submissions were received by the Department during the notification period.

3.0 CONCLUSION

We trust that the information provided within and accompanying this letter is sufficient to assist the Department in the completion of its assessment of the abovementioned applications. JBA and Capital Bluestone would be pleased to meet with the Department if this would assist in resolving any outstanding matters. Should you have any queries about this matter, please do not hesitate to contact me on 9409 4961 or at moliver@jbaurban.com.au.

Yours faithfully,



Michael Oliver
Principal Planner

ATTACHMENT A – RESPONSE TO COUNCIL LETTER

| Issues Raised by Sutherland Shire Council | Proponent's Response |
|---|--|
| Elevations | |
| The Captain Cook Drive elevation has been simplified in terms of the external architectural materials and detailing. The result is a less appealing building that will be reliant on the large advertising panels for visual interest to an extent rather than clever design. Previous versions of the scheme made positive progress away from the 'inward facing big box' form of retail. | Whilst there have been a range of changes proposed to the architectural treatment of this elevation, the proposed modifications are considered to continue to represent an improvement to the building originally approved by the Planning Assessment Commission. |
| Removal of the escalators at the front entrance to the building would reduce the overall quality of access to the development and the level of activity and interaction with the public domain. A single lift and stairs cannot facilitate the same flow of pedestrian movement or give the same sense of arrival and connectivity that escalators provide. | There are a number of entrance points to both the Leagues Club and retail shopping centre. For the majority of visitors to the site, the main pedestrian ingress/egress is expected to be via the central travelators. With the re-aligned north-south walkway at ground level, these travelators will be easily accessed by pedestrians entering from Captain Cook Drive, and there will be ample directional signage within the centre to assist pedestrian wayfinding. The volume of pedestrian movements from Captain Cook Drive is not considered to be sufficient to warrant the initial and ongoing cost of providing an escalator in this location when other alternatives (staircase, elevator and internal travelators) are readily available. In addition, the staircase provides for a more robust and efficient means of facilitating large volumes of patron movement between the Leagues Club and the stadium on game days. |
| The proposal to naturally ventilate the upper level car park should not be at the expense of the architectural quality of the building. The proposed grills at the upper level on the southern elevation seek to rely on integrated landscaping to present an acceptable streetscape elevation. As these planting systems are prone to failure and removal, detail should be provided on the means of planting, irrigation and long term maintenance and be incorporated into the approval if supported by the DPE. | The integrated landscaped wall to the Level 3 & 4 car park wall on the Captain Cook Drive (south) elevation was approved under Project Approval Modification 3, and is not the subject of this modification application. |
| In terms of the northern elevation, the proponent states that the need to naturally ventilate the car park requires the removal of louvres to open up the façade. This is a consequence of the MOD that approved the roof over the car park. Other design alternatives should be explored. | The roof over the car park level is already approved and not the subject of this modification, and will increase utilisation of this space and provide benefits in terms of car park operations and internal traffic flow. Natural ventilation requires large areas of open façade in order to provide sufficient natural air flow to ventilate the car park areas. These changes have been guided based on the advice of the certifier. |
| The proposed amendments to the eastern (Woollooware Road North Elevation) also simplify the external treatment of the building around the loading docks. Council is not supportive of the change, preferring the approved design under MOD 6. | The eastern elevation in the vicinity of the Woollooware Road North loading dock will continue to provide articulation and a range of façade typologies to provide interest and . It is noted that Woollooware Road North is a primarily vehicular entrance, with minimal expected pedestrian volumes. Views to this elevation from the east are screened by the Fitness First building and mangroves, and the changes would have minimal impact when viewed from key public domain viewpoints. |

| Issues Raised by Sutherland Shire Council | Proponent's Response |
|---|--|
| <p>The eastern end of the Woollooware Bay elevation presents largely as a large blank wall, with much of the approved finer grain detail and façade treatment proposed to be removed.</p> <p>Towards the western end of this elevation, the inclusion of more retail space is a positive. However, it appears that the interface to the park will be supermarket back of house and the ground level glazing appears to be significantly reduced, resulting in very little active pedestrian level retail opening onto an active foreshore park.</p> | <p>The location of the supermarket, which requires a solid exterior wall treatment, is unchanged in this modification application.</p> <p>A section has been provided at Attachment F illustrating the high level of activation and casual surveillance of the foreshore parklands area immediately to the north of the Level 1 (ground floor tenancy) identified as 'Major 2'. Given the currently approved landscaping levels adjoining the northern façade of this tenancy, which are approximately 1.2 metres above the finished floor level of the tenancy interior, it is obviously not appropriate for this tenancy to have full-height glazing. The amended architectural drawings resolve this coordination error, and provide for higher-level windows along the length of this tenancy to ensure that there are sight-lines between the tenancy interior and the adjoining parklands. Combined with the high levels of activation from the food court verandah and Club Deck at the upper levels, and the north-south pedestrian connection between the foreshore and Captain Cook Drive at Level 1, this will provide for a highly activated interface between the centre and the foreshore area.</p> |
| <p>The photomontages submitted of this side of the development show a reliance on trees to screen out expansive blank walls. The proposal should be referred to the NSW Police Force for a crime risk and CPTED assessment and, especially in regard to anti-social behaviour and graffiti in these areas.</p> | <p>A CPTED Assessment was provided with the original Project Application, which considered that the crime risk for the development was 'Low'. Whilst there have been changes to the material palette, the extent of unbroken wall face on the northern elevation has not significantly changed as part of this Modification Application.</p> |
| <p>In summary, Council's previous concerns about the extent of activation and quality of the Captain Cook Drive frontage, the park frontage and pedestrian connectivity remain. While it is accepted that service and loading areas need to be accommodated, Council is seeking avoid the opportunity being missed to create a new retail centre that integrates and interacts with its surroundings, and takes full advantage of its waterside park location. Council is concerned that some of the intent and qualities expressed and approved in the original concept are being eroded by a series of modifications.</p> | <p>This modification application does not affect the extent of activation to the building frontages. Whilst a range of changes to the approved material palette and building architecture are proposed, the building as it is proposed to be modified is still considered to be an architectural improvement on the scheme originally approved by the Planning Assessment Commission.</p> |
| Additional Building / Floor Area | |
| <p>The amendment proposes another increase in Gross Building Area (GBA) of 376m². This is minor in the context of the additional 9,609m² approved under MP10_0230 MOD 3, but would result in a cumulative total of nearly 10,000m² of building area above what was sought and approved under the Concept Approval (MP 10_0229).</p> | <p>Noted, this has been subject to assessment by the NSW Department of Planning and Environment in accordance with the EP&A Act and considering potential impacts.</p> |
| <p>In terms of the proposed additional Gross Floor Area (GFA), clarification is sought from the proponent with respect to the correct figure. Amended Condition A3 put forward by JBA in the S75W Report identifies the increased retail GFA as being 590m². The total GFA increase for the combined residential I retail precinct results in a 660m² increase. It would appear that the figure of 88,172m² which is stated in the MOD 6 approval is incorrect and should be 88,782m². The error appears to have been carried forward in the JBA S75W Report in revised condition A3. Whilst the discrepancy in the GFA is only 70m² this error should be rectified in the approved MOD 6 determination and the subject MOD 7 application.</p> | <p>Council is correct in noting that there is an error in Condition A3 of the Concept Plan Approval as modified under Modification 6. The correct total, which is the sum of the residential and retail/Club GFA figures contained in that condition, should be 88,782m².</p> <p>This modification application seeks to increase the permitted GFA for the Retail/Club precinct from 27,412m² (approved) to 28,002m². This is an increase of 590m². As such, the correct GFA figures to be contained in Condition A3 (should this modification application be approved) would be as follows:</p> <ul style="list-style-type: none"> Overall Development – 89,372m² (+590m² for modification, +70m² to correct error) Residential Precinct – 61,370m² (no change) Retail and Club Precinct – 28,002m² (+590m²) |

| Issues Raised by Sutherland Shire Council | Proponent's Response |
|--|---|
| <p>The additional building and floor area is of concern to Council in the context of some of the other changes proposed, which collectively appear to reduce the design quality and approved amenity of the development. It is noted, for example, that the outdoor deck area for the club is being reduced (by approximately 80m²) and the landscaped beds extending along the perimeter are proposed to be removed. The number of trees proposed to be planted on the Level 3 roadway is also to be reduced from 21 to 8. Council's concern is that some of the features of the development that helped soften its appearance, improved its integration into the location, and provided amenity for future users are progressively being diluted.</p> | <p>Removal of these fixed planter boxes will provide the Club with greater flexibility in how it utilises the generously proportioned Club Deck area. The Club may utilise portable planter boxes as part of its activation of this area, however, a glazed balustrade will allow for the Club and patrons to better capitalise on the views to Woollooware Bay available from the Club Deck.</p> <p>The reduction in the number of trees on Level 3 is considered to be acceptable as it will increase the area available for pedestrian circulation, provide the Club building with a greater visual presence within this street and allow additional sunlight to penetrate through the skylights to provide natural lighting of the retail centre.</p> |
| Staging of Construction | |
| <p>There are two sets of traffic signals to be installed as part of the retail development. One set is opposite the south-facing loading docks in Captain Cook Drive, whilst the other is at the intersection of Captain Cook Drive and Woollooware Bay Road. It is proposed to insert new condition "CO. Staged Construction." The proposed new condition refers to the latter traffic signals only. The traffic signals opposite the loading docks should be included in the condition and be operational at Phase 2, and not as proposed at Phase 3, to facilitate safe and convenient vehicle movement.</p> | <p>In subsequent correspondence, Sutherland Shire Council has confirmed that <i>"the traffic control signals must be in operation at the same time as any use of the entry/exit to the car park/loading dock access to Captain Cook Drive"</i>. An amendment to the proposed Condition C0 and the introduction of a new Condition F17 of the Project Approval is recommended at Attachment B in accordance with this requirement.</p> |
| Parking | |
| <p>The site is in an isolated location with limited connectivity to public transport, and adjacent to sporting grounds that are heavily utilised year round. Offsite parking within practical walking distance has been provided by Council to service the needs of the community using sporting facilities. It is often at capacity and cannot be relied upon as overflow parking for the proposed development. For the purpose of assessment it should be assumed that there is no on street parking available within convenient walking distance of the site. On-site parking should therefore be considered as a primary limiting factor in how much floor space can be accommodated on the site.</p> | <p>The parking demand of Woollooware Bay Town Centre has been modelled and assessed on a number of occasions in accordance with the applicable RMS and Council guidelines. As demonstrated in the TMAP prepared by McLaren Traffic Engineering, the centre will continue to provide more than 130 spaces more than required during the busiest peak period (Saturday noon). This would indicate that during this peak period, 17% of all parking spaces will be vacant. During other peak periods such as on Friday evenings (after 6.30pm), over 30% of spaces provided are expected to be vacant. As such, it is considered that there is ample car parking provided.</p> |
| <p>The amended proposal indicates a re-shuffling of GFA to various tenancies and the medical centre, whilst decreasing size of the community centre. Council is not satisfied that the proponent has adequately demonstrated that the parking demand of the expanded retail development can be met on site.</p> | <p>The TMAP prepared by McLaren Traffic Engineering assesses parking demand based on each use proposed. This assessment has been prepared in accordance with the applicable RMS and Council guidelines, and is consistent with the approach taken in all previous parking assessments undertaken for the site.</p> |

ATTACHMENT B – REVISED MODIFICATIONS TO CONDITIONS

The modifications described in the Section 75W Modification Application and Response to Submissions letter necessitate amendments to both the Concept Plan and Project Approvals. Words proposed to be deleted are shown in ~~**bold italics strike through**~~ and words to be inserted are shown in **bold italics**. Further amendments to the proposed conditions resulting from this Response to Submissions letter are shown highlighted in grey.

CONCEPT APPROVAL MP 10_0229

A2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 10_0229 and the Environmental Assessment, prepared by JBA Planning dated September 2011, except where amended by the Preferred Project Report prepared by JBA Planning dated March 2012 and additional information submitted in May 2012 and in August 2012 and the Section 75W Modification 1 prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 February 2014 (as amended on 27 February 2014, 20 March 2014 and 16 May 2014), and the Section 75W to Concept Plan (MP10_0229) prepared by JBA Urban Planning Consultants Pty Ltd dated 11n June 2015, and the Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2015, and the Section 75W to Concept Plan (MP10_0229) and Project Approval (MP10_0230) prepared by JBA Urban Planning Consultants dated 16 February 2016 and additional information provided on 9 June 2016, **and the Section 75W to Concept Plan (MP10_0229) and Project Approval (MP10)0230) prepared by JBA Urban Planning Consultants dated 15 December 2016, and the Response to Submissions prepared by JBA dated 31 March 2017** and the following drawings:

Concept Plan Drawings prepared by ~~Scott Carver Pty Ltd~~ HDR Rice Daubney

| Drawing No. | Revision | Name of Plan | Date |
|-------------|--------------|--|-----------------------|
| DA21 | A | Urban Form Control Diagram - Site Plan | 12/02/2016 |
| | B | | 15/03/2017 |
| DA22 | A | Urban Form Control Diagram - Level 1 | 12/02/2016 |
| | B | | 15/03/2017 |
| DA23 | A | Urban Form Control Diagram - Level 2 | 12/02/2016 |
| | B | | 15/03/2017 |
| DA24 | A | Urban Form Control Diagram - Level 3 | 12/02/2016 |
| | B | | 15/03/2017 |
| DA25 | A | Urban Form Control Diagram - Level 4 | 12/02/2016 |
| | B | | 15/03/2017 |
| DA26 | A | Urban Form Control Diagram - Roof | 12/02/2016 |
| | B | | 15/03/2017 |

A3. Maximum Gross Building Area I Gross Floor Area

The maximum Gross Building Area for the development shall not exceed ~~176,134m²~~ **176,510m²**, comprising:

- 115,402m² for the Residential Precinct; and
- ~~60,732m²~~ **61,108m²** for the Retail and Club Precinct.

The maximum Gross Floor Area for the development shall not exceed ~~88,712m²~~ **89,372m²**, comprising:

- 61,370m² for the Residential Precinct; and
- ~~27,412m²~~ **28,002m²** for the Retail and Club Precinct.

The maximum area for the outdoor deck areas shall not exceed ~~1,908m²~~ **1,827m²** comprising:

- ~~1,055m²~~ **1,827m²** for the Club; and
- ~~853m² for the Retail.~~

PROJECT APPROVAL MP 10_0230**A1. Development Description**

Development approval is granted only to carrying out the development described in detail below:

- (a) partial demolition of the existing Leagues Club and other structures within the site;
- (b) construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, speciality retail, dining tenancies and medical leisure uses with a maximum gross floor area of ~~27,412m²~~ **28,002m²**;
- (c) fitout of Levels 3 and 4 of the existing building for the Leagues Club;
- (d) public domain works including new foreshore buffer to Woollooware Bay;
- (e) infrastructure works providing access to the site off Captain Cook Drive (extension and realignment of Woollooware Road, signalisation of Woollooware Road / Captain Cook Drive and two signalised intersections along Captain Cook Drive);
- (f) provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;
- (g) stormwater management (including flood management works) and site remediation works;
- (h) loading docks and 770 on-site car parking spaces;
- (i) development contributions; and
- (j) stratum subdivision.

A2. Terms of Approval

The proponent shall carry out the project in accordance with the following documentation;

- (a) Environmental Assessment (EA) and supporting documents prepared by JBA Planning dated March 2013;
- (b) Preferred Project Report and Response to Submissions and supporting documentation prepared by JBA Planning, dated May 2013; and
- (c) Section 75W letter prepared by JBA dated 16 January 2014 and the additional information dated 29 January 2014;
- (d) Section 75W report prepared by JBA dated 16 February 2016 and the additional information dated 9 June 2016; ~~and~~
- (e) **Section 75W report prepared by JBA dated 15 December 2016 and the response to submissions dated 31 March 2017; and**
- (f) The following drawings, except for:
 - a. Any modifications which are Exempt or Complying Development; and
 - b. Otherwise provided by the condition of this approval.

| Architectural Drawings prepared by HDR Rice Daubney | | | |
|---|----------|-------------------------------------|--|
| Drawing No. | Revision | Name of Plan | Date |
| DA10 | C | Level 1 | 09/06/2016 07/03/2017 |
| DA11 | C | Level 2 | 09/06/2016 07/03/2017 |
| DA12 | C | Level 3 | 09/06/2016 07/03/2017 |
| DA13 | C | Level 4 | 09/06/2016 07/03/2017 |
| DA14 | C | Roof | 09/06/2016 07/03/2017 |
| DA15 | C | Gross Building Area Plan / Schedule | 09/06/2016 07/03/2017 |
| DA16 | E | Gross Floor Area Plan / Schedule | 09/06/2016 07/03/2017 |
| DA17 | C | South And East Elevations | 09/06/2016 07/03/2017 |
| DA18 | C | North And West | 09/06/2016 |

| Architectural Drawings prepared by HDR Rice Daubney | | | |
|---|----------|------------------------------------|--------------------------|
| Drawing No. | Revision | Name of Plan | Date |
| | | Elevations | 07/03/2017 |
| DA19 | C | North South And East West Sections | 09/06/2016 07/03/2017 |
| DA20 | C | Materials | 09/06/2016 07/03/2017 |

INSERT AT PART C, BEFORE CONDITION C1:

C0. Staged Construction and Occupation

The development may be carried out in stages with the relevant conditions being satisfied prior to the issue of Construction Certificates for each stage as follows

- **Phase 1 – Enabling Works and Leagues Club**
 - Woollooware Road North extension
 - Temporary Leagues Club car park and pedestrian access to Leagues Club
 - Temporary Leagues Club loading dock
 - Temporary fire access for Leagues Club
 - Stage 1 internal fitout works to Leagues Club – relocation from Level 1/2 to Level 3/4
 - Level 3 Club Deck
- **Phase 2 – Infrastructure and Retail Centre Construction**
 - Construction of new Woollooware Road/ Captain Cook Drive intersection
 - Temporary vehicular access arrangements for Woollooware Drive North
 - Upgrades to Captain Cook Drive
 - Construction of new retail centre, including conversion of existing Level 1 and 2 of Leagues Club building
- **Phase 3 – Centre Completion and Foreshore Landscaping**
 - Completion of Leagues Club and Retail loading docks
 - Completion of retail car parking
 - Foreshore landscaping works
 - Removal of temporary facilities (access, loading dock, pedestrian hoarding etc.)
 - Completion of retail centre and tenant fitouts
 - ~~Traffic signalisation to be made operational~~
- **Phase 4 – Leagues Club – Final Fitout**
 - Stage 2 internal fitout works to Leagues Club – final Level 3/4 fitout works

Any reference to 'A Construction Certificate' or 'An Occupation Certificate' relates to the relevant Construction Certification and/or Occupation Certificate.

INSERT NEW CONDITION F17

F17. Traffic Signals

The approved traffic signals to Captain Cook Drive must be in operation prior to use of any loading dock or car park entrance.