

ASSESSMENT REPORT

Woollooware Bay Town Centre Concept Approval MP10_0229 (MOD 7) & Project Approval MP10_0230 (MOD 4)

1. INTRODUCTION

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

The modification requests have been lodged by JBA Urban Planning 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 for internal and external design amendments to the retail centre and changes to the staging of construction.

The proposed modifications result in a minor increase in gross floor area (GFA) and gross building area (GBA), which requires amendments to both the Stage 1 Project Approval and the Concept Approval.

2. SUBJECT SITE

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



Figure 1 – Site Location

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 Approval has been modified on six occasions. **Table 1** provides a summary of the modifications.

Table 1: *Summary of Modifications*

MOD	Modification	Date Approved
1	<ul style="list-style-type: none">• amendments to approved building envelopes• increase area of outdoor deck for Club building• 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• a Sharks Centre of Excellence added to the western grandstand with new administration, training and sports-related facilities.	18 April 2018
3	<ul style="list-style-type: none">• increase in maximum gross floor area and maximum gross building area and adjustments to the building envelopes.	14 March 2016
4	<ul style="list-style-type: none">• allows 50% 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	23 March 2018
6	<ul style="list-style-type: none">• internal and external changes to the design of the retail precinct resulting in an increase in the building height, gross floor area and gross building area	2 August 2016

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 existing Club building.

On the 10 February 2014, 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 the 8 April 2016 (MOD 2) and internal and external changes to the design of the retail precinct on 2 August 2016 (MOD 3). On 29 March 2017, the Department approved a modification to the stratum subdivision plan (MOD 5).

No buildings works have commenced in the retail precinct of the site. Construction has commenced in Stage 1 of the residential precinct of the site.

The approved Concept Plan and Stage 1 layout is shown in **Figure 2**.

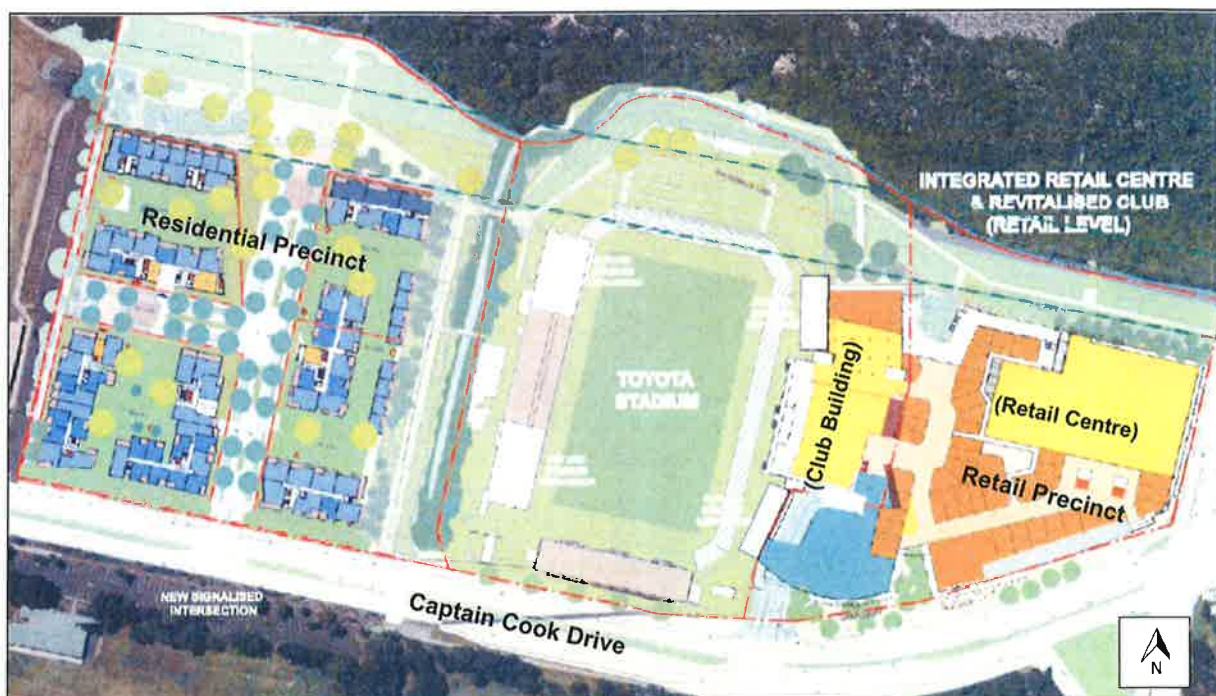


Figure 2 – Approved Concept Plan and Stage 1 Site Layout

4. PROPOSED MODIFICATION

The Proponent lodged section 75W modification requests seeking approval to modify the Concept Approval (MP 10_0229) and the Stage 1 Project Approval (MP 10_0230) for internal and external design amendments to the retail centre and changes to the construction staging of the development.

The key design amendments include:

- removal of the escalators and architectural canopy at the main entry on Captain Cook Drive
- expansion of the medical centre at Level 1
- external changes to facade materials and treatment
- minor changes to the parking areas, retail tenancies, plant room and western loading dock
- addition of a new lift overrun and adjustments to the skylights above the travelator at roof level.

The proposal also seeks approval to extend the lapse date of the Project Approval by one year from 20 August 2018 to 20 August 2019.

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

Table 3: Summary of Proposed Modifications

Proposed Modifications	
<i>Building Envelope</i>	<p>The proposed modification would result in minor variations to the approved building envelope due to the:</p> <ul style="list-style-type: none"> • provision of a lift overrun up to approximately RL 24 AHD servicing the central core of the retail centre to allow access to the Level 4 parking area. • lifting of parapets and pop-up skylights above the central retail travelators 1.5 m above the roof slab level void to increase natural light in the centre.
<i>External Façade Changes</i>	<p>The external façade changes include:</p> <ul style="list-style-type: none"> • reduction in the extent of louvers, primarily in the vicinity of the car park and a subsequent increase in the area of open façade and other materiality treatments • removal of the enclosed verandah facing Woollooware Bay to provide an open deck adjoining the restaurant and fast-food tenancies.
<i>Floorspace</i>	<p>The proposed modification would result in an:</p>

	<ul style="list-style-type: none"> increase in gross floor area (GFA) of 590 sqm from 27,412 sqm to 28,002 sqm, primarily due to reconfiguration of internal layout and the new weather proofed public lift access at Captain Cook Drive.
<i>Internal Changes</i>	<p>The proposed modification would result in the following internal changes:</p> <ul style="list-style-type: none"> expansion of the medical centre tenancy into the former community tenancy and reconfiguration of end of journey facilities minor changes to the western loading dock to ensure adequate vehicle manoeuvring space minor internal amendments to parking areas and retail tenancies. updated landscape treatment to internal road at Level 3. amendments to plant room locations and sizing to reflect updated services advice.

A comparison of the approved and proposed floor layout at Levels 1 and 4 and the southern elevation (Captain Cook Drive) and northern elevation (Woollooware Bay) is provided in **Figures 3 to 14**.

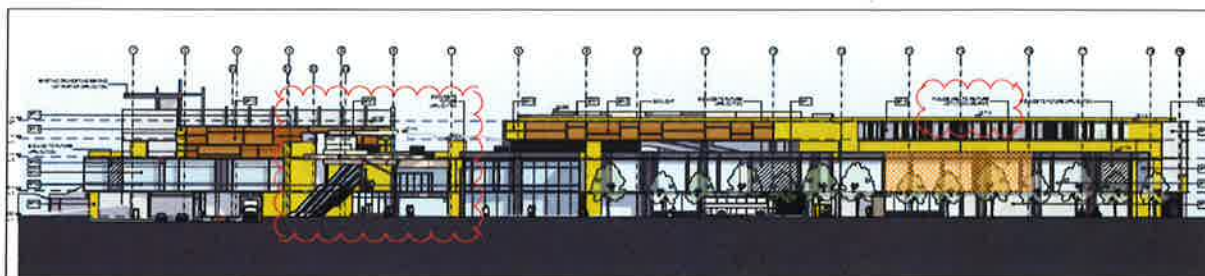


Figure 3 – Southern Elevation - Captain Cook Drive (Approved MOD 6)

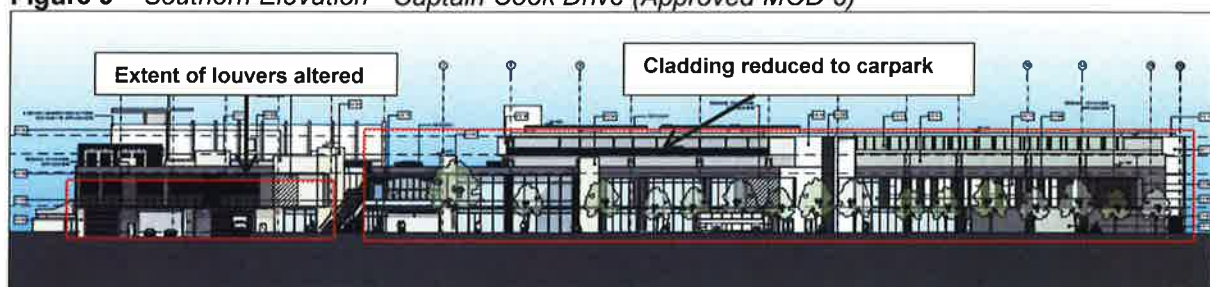


Figure 4 – Southern Elevation - Captain Cook Drive (Proposed MOD 7)

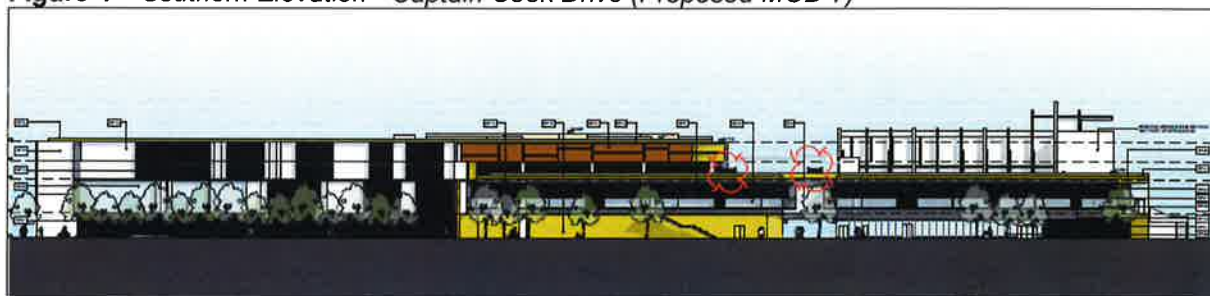


Figure 5 – Northern Elevation - Woollooware Bay (Approved MOD 6)

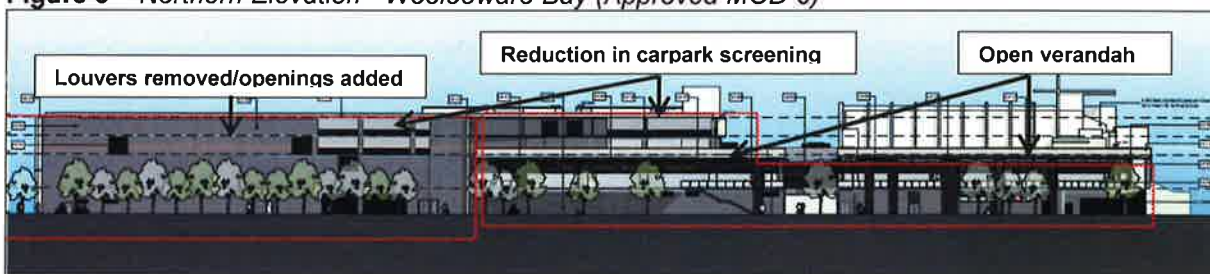


Figure 6 – Northern Elevation - Woollooware Bay (Proposed MOD 7)

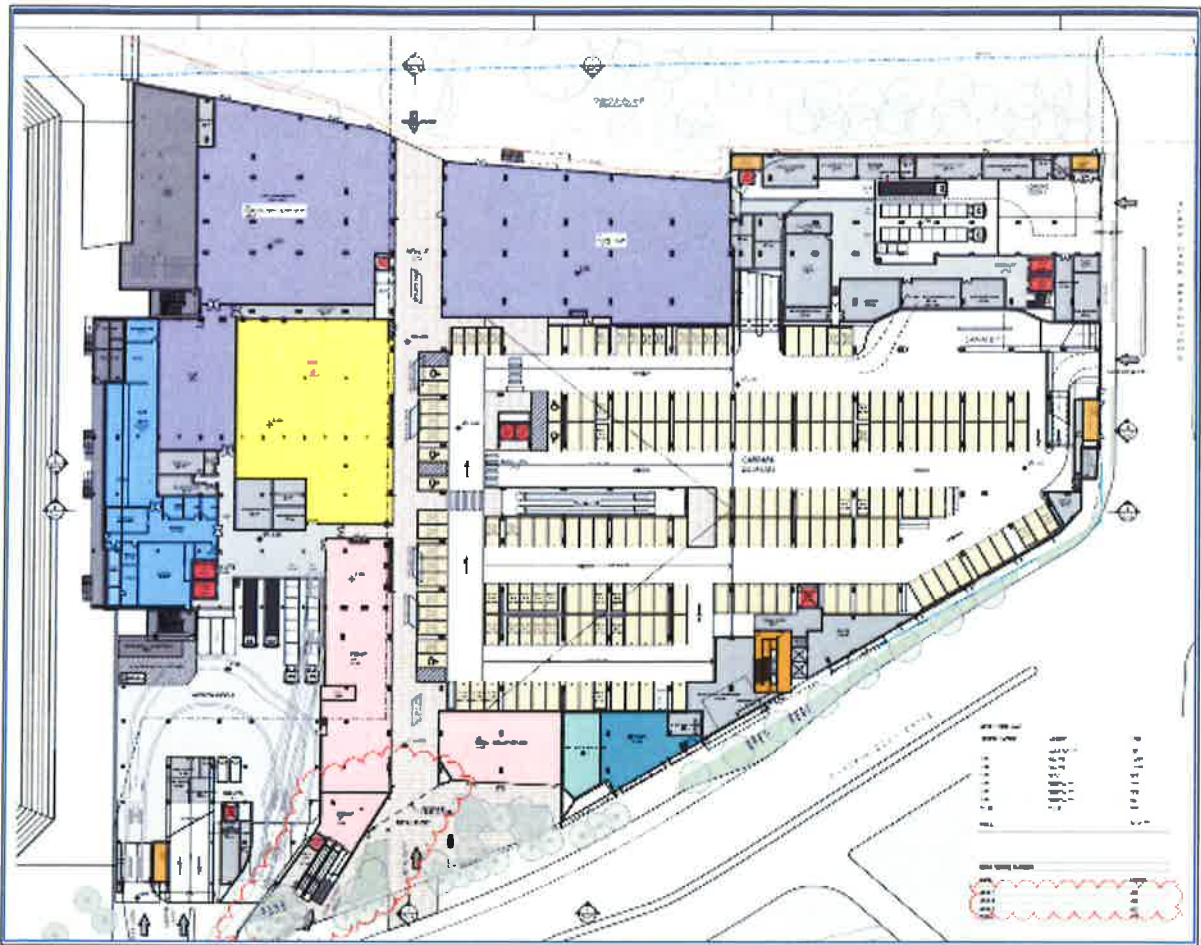


Figure 7 – Level 1 (Approved MOD 6)

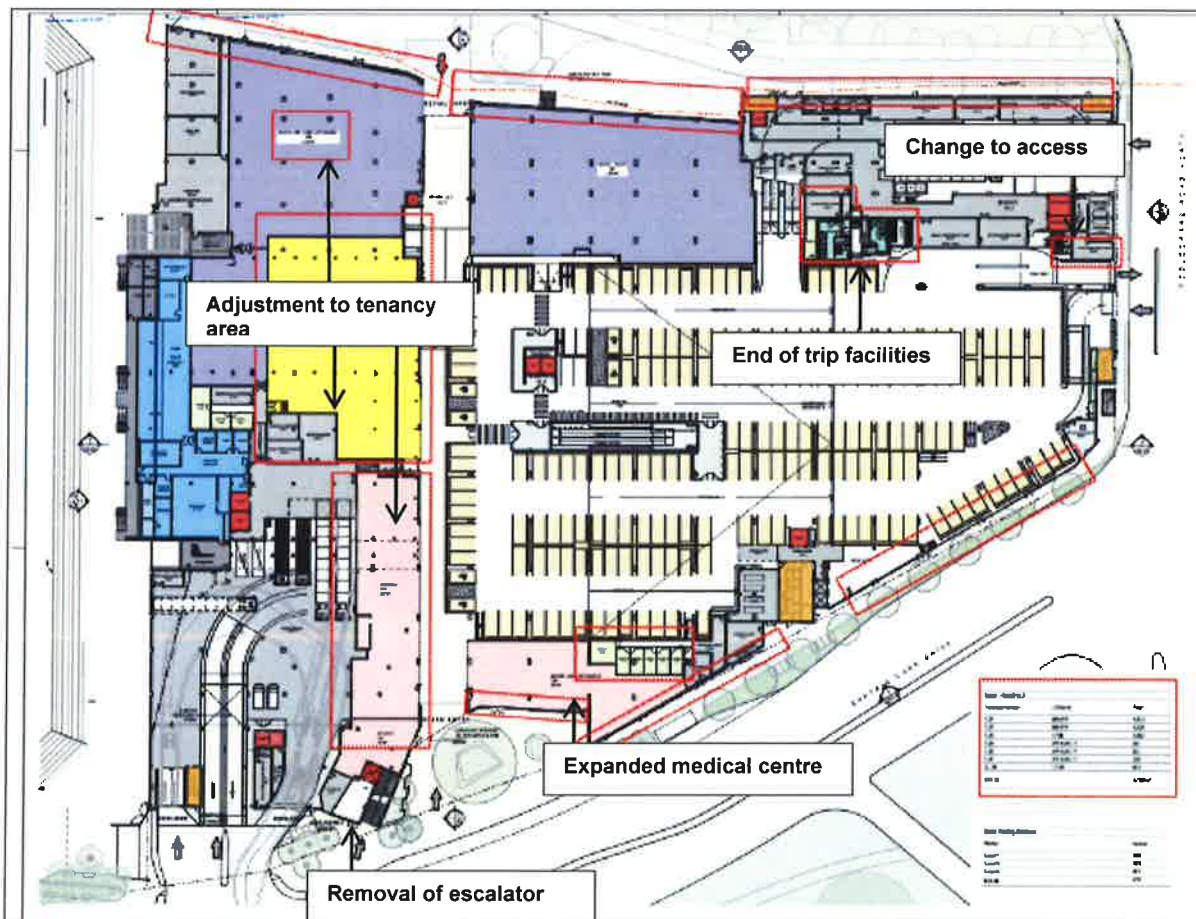


Figure 8 – Level 1 (Proposed MOD 7)

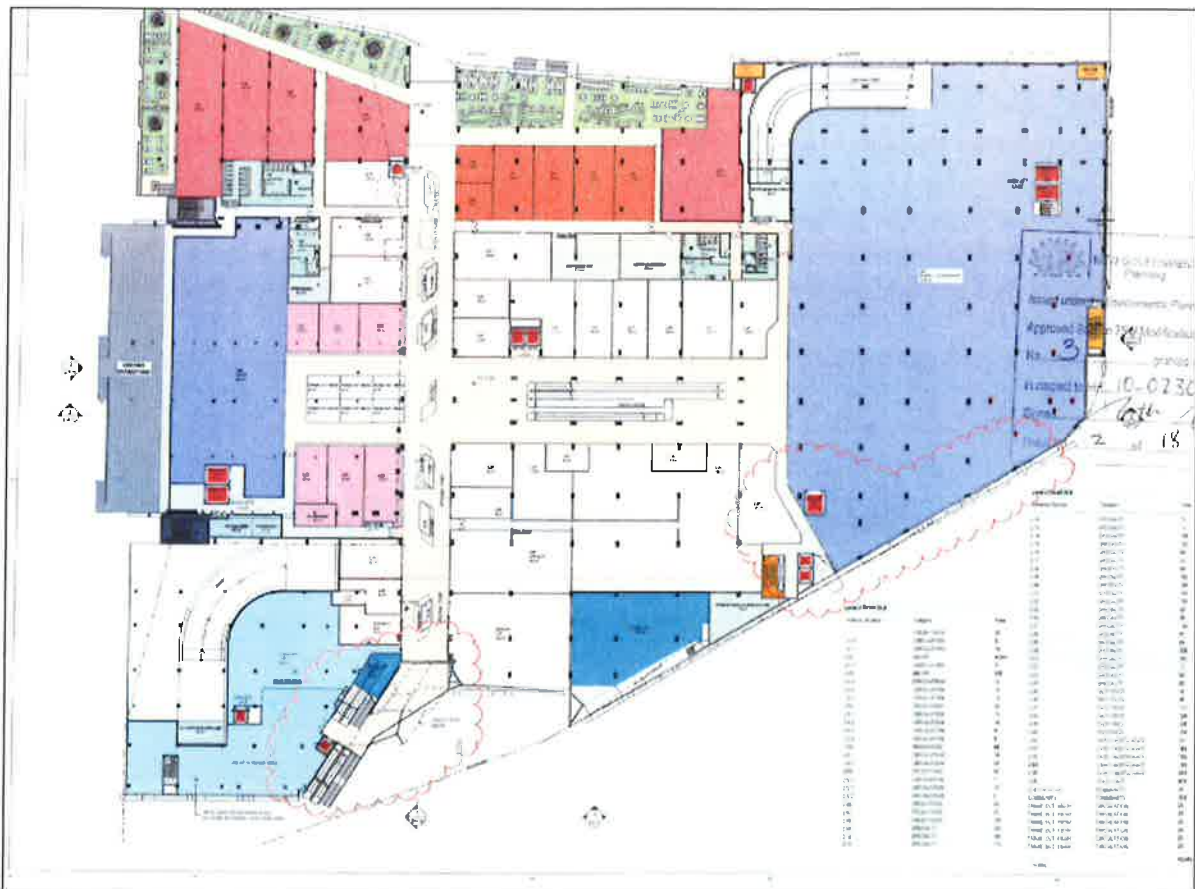


Figure 9 – Level 2 (approved MOD 6)

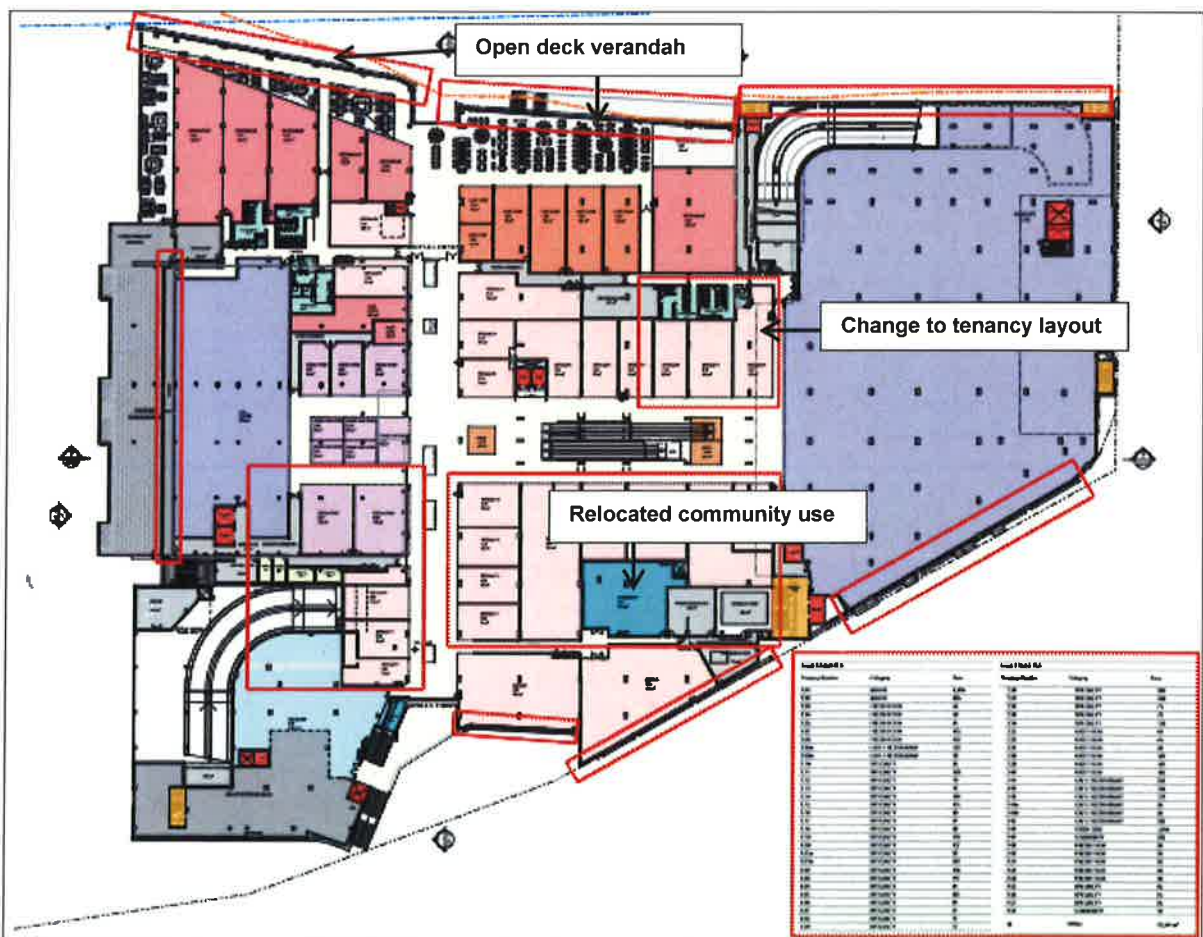


Figure 10 – Level 2 (proposed MOD 7)



Figure 11 – Level 3 (approved MOD 6)

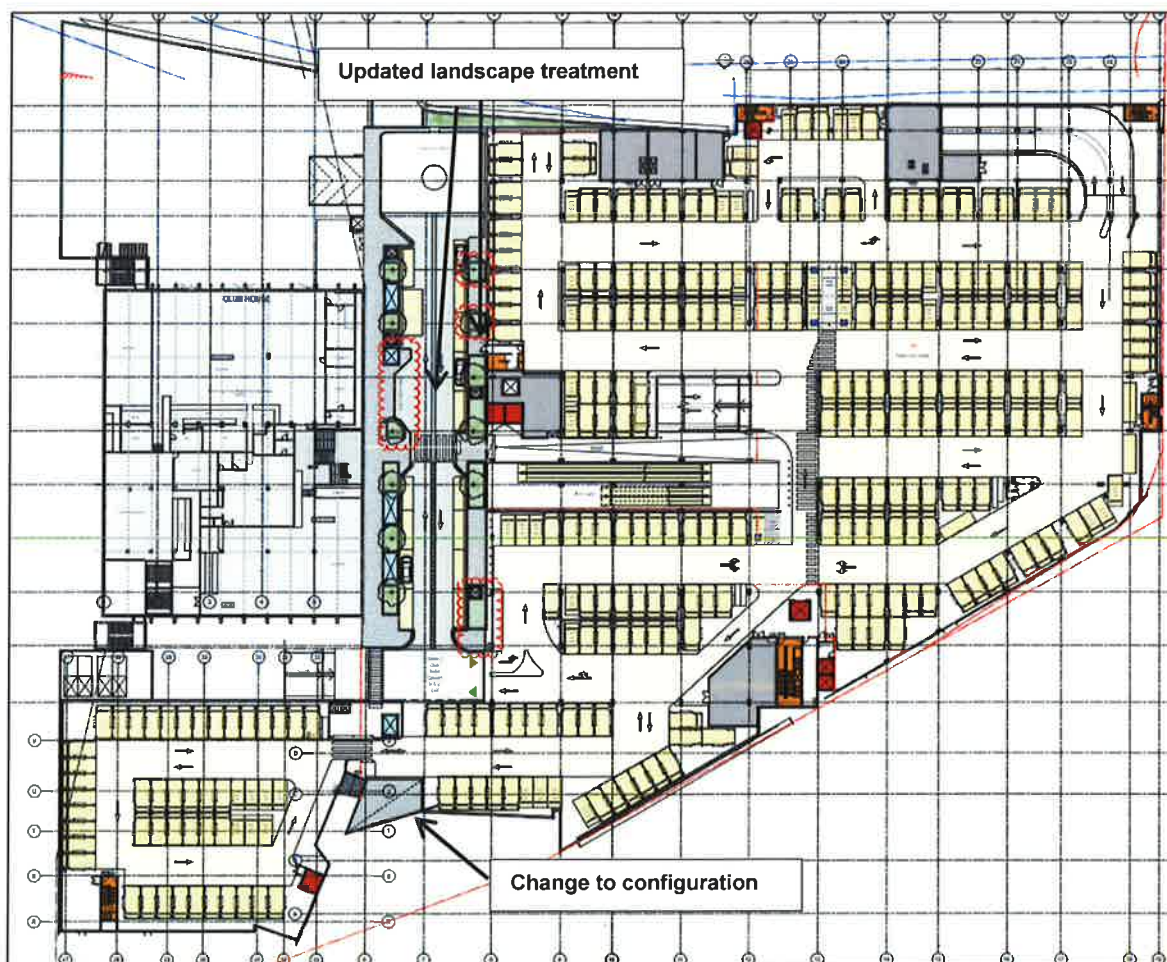


Figure 12 – Level 3 (proposed MOD 7)

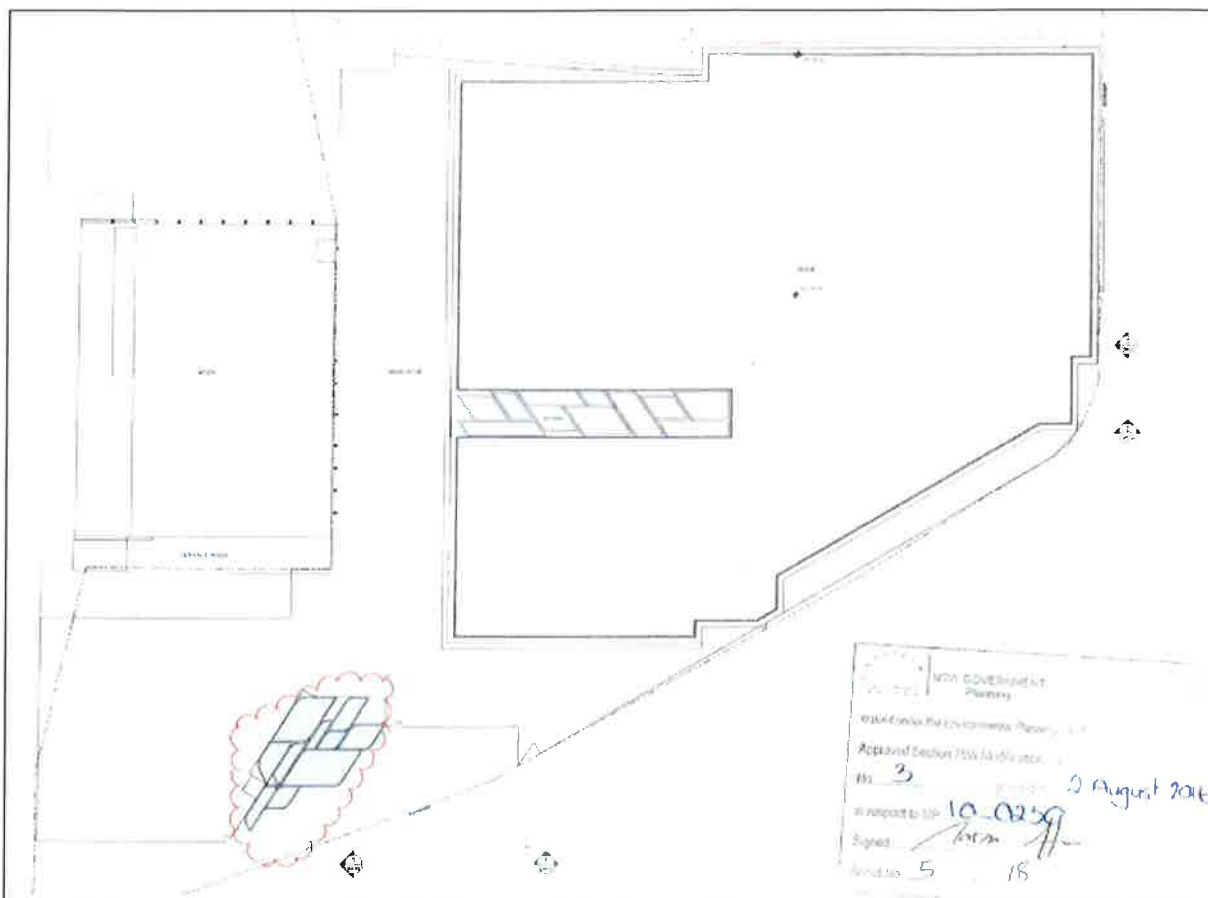


Figure 13 – Roof Plan (approved MOD 6)

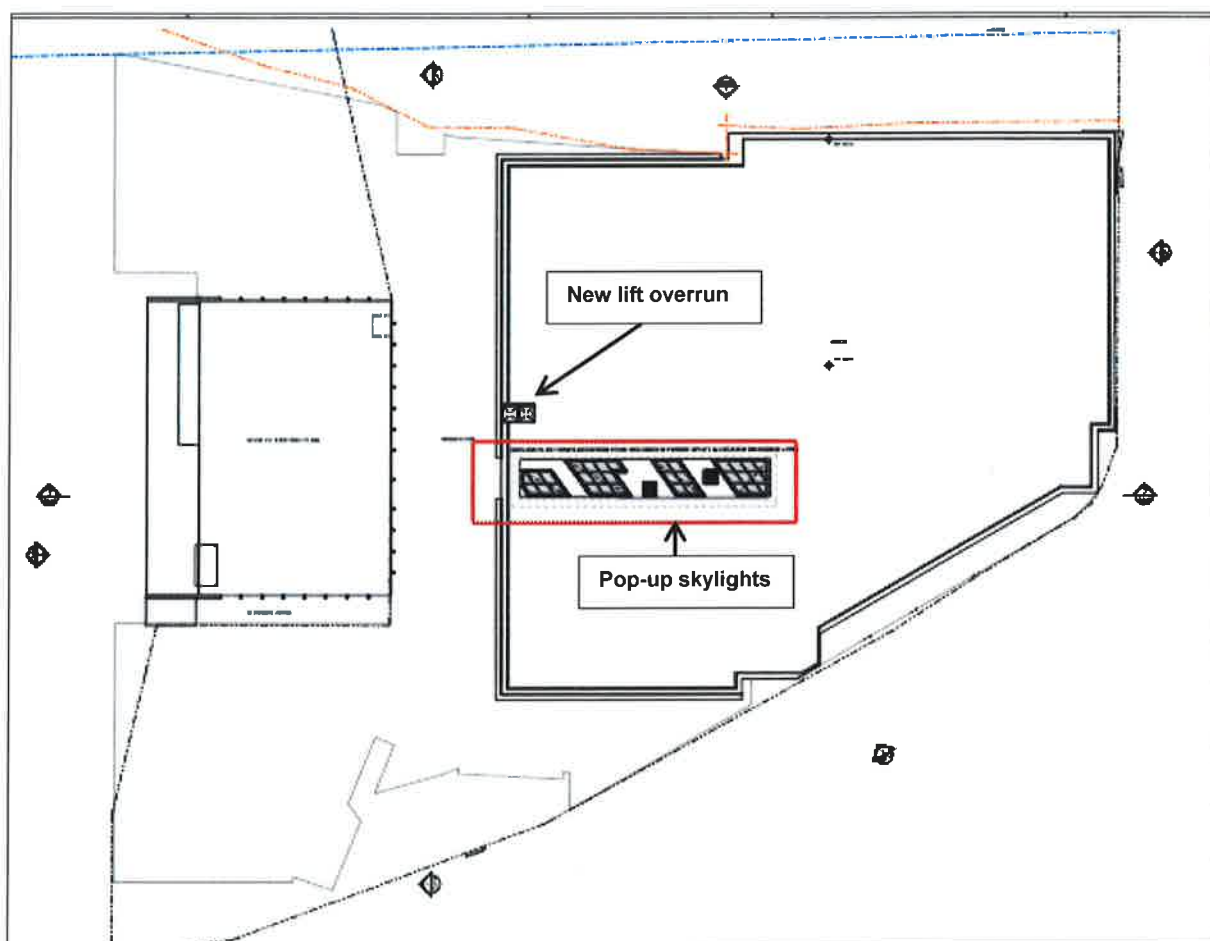


Figure 14 – Roof Plan (proposed MOD 7)

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification requests under section 75W of the EP&A Act.

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

5.2 Section 75Y

Former section 75Y of the EP&A Act provides that a condition specifying a lapse date on an approval may be modified to extend the lapse date, provided the Minister reviews the approval before granting an extension. The Department, as delegate of the Minister, has reviewed the original approval, consistent with the terms of former section 75Y, as discussed in **Section 7** of this report.

In addition, Clause 11A, Schedule 6A of the EP&A Act permits extensions to the lapse date of a transitional Part 3A project, provided the modification request is made before the date on which the approval would otherwise lapse. As the modification request was lodged prior to 20 August 2018, it is possible to extend the lapse date of the approval.

5.2 Approval Authority

The Minister for Planning is the approval authority for the requests. However, the Director, Regional Assessments may determine requests under delegation 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 proposal and consulted with Sutherland Council (Council), Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) about the proposed modification. The Department also notified surrounding landowners of the requests.

Council does not object to the proposed modification. However, it did raise concerns with the external design changes, in particular the:

- simplification of the external treatment due to the removal of louvers and other material changes to the building facades and the reduction in architectural quality
- removal of the escalators and reduction in pedestrian access
- lack of glazing at ground level opening onto the foreshore park and reduction in retail activation at the Woollooware Bay elevation.

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

No **public** submissions were received objecting to the proposal.

7. ASSESSMENT

In assessing the merits of the proposal, the Department has considered:

- the modification requests and associated documents
- the Environmental Assessment and conditions of approval for the original projects (as modified)
- all submission received on the proposals
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue is the external design changes and the activation of Woollooware Bay. All other issues are considered in **Table 5**.

7.1 External Design Changes

The key external design amendments include:

- changes to the architectural detailing of the building and a reduction in louvers screening the car park levels
- removal of the enclosed verandah facing Woollooware Bay to provide an open deck adjoining the restaurant and fast-food tenancies.

Perspective views from Captain Cook Drive and Woollooware Bay were also provided (see **Figures 15 and 16**).

Council raised concern about simplifying the external design treatment as it would reduce the architectural quality of the building.

In response, the Proponent submitted an architectural design statement, outlining how the proposed modifications would maintain the overall architectural character of the development.



Figure 15 – Perspective view from Captain Cook Drive – (Proposed MOD 7)



Figure 16 – Perspective view from foreshore at Woollooware Bay – (Proposed MOD 7)

The Department has considered the proposed design changes and is satisfied the proposal is acceptable as it would:

- appropriately articulate the building and have a positive impact on its design and appearance
- continue to express the intended architectural character of the building
- not change the overall bulk and scale of the building
- provide an open 'viewing deck' to take advantage of the waterside location.

While the Department considers the external design changes are acceptable, additional architectural detailing should be provided at the south-eastern end of the building's northern façade (see **Figure 17**). This would improve the overall appearance of the building when viewed from Woollooware Bay and the foreshore. A condition is recommended accordingly.

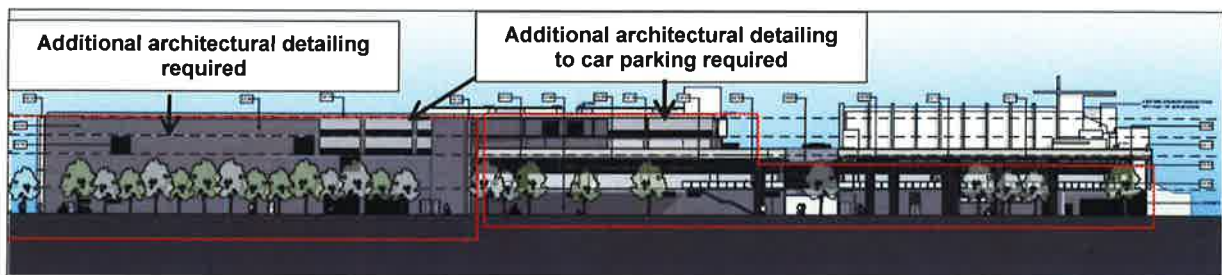


Figure 17 – Northern Elevation - Woollooware Bay (Proposed MOD 7)

The Department also recommends a condition requiring additional architectural detailing to be provided to the above ground car park areas facing Woollooware Bay and Captain Cook Drive (see **Figures 17 and 18**). This would address Council's concerns, and ensure the proposal is consistent with the Concept Plan, which requires above ground parking areas to be appropriately screened to minimise its visual impacts. The Department also considers the car parking areas can be appropriately screened, while still achieving adequate levels of natural ventilation.

Figure 17 – Northern Elevation - Woollooware Bay (Proposed MOD 7)

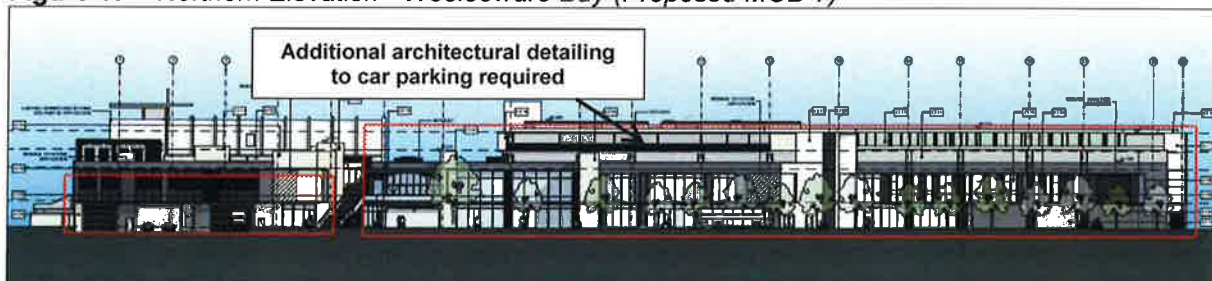


Figure 18 – Southern Elevation – Captain Cook Drive (Proposed MOD 7)

Overall, the Department is satisfied the proposed changes to the external design and appearance of the development are acceptable, subject to a condition requiring greater architectural detailing to the northern façade of the building and above ground parking facades.

7.2 Woollooware Bay Activation

The Proponent seeks approval to install high-light windows and full height glazing along the eastern corner of the small format supermarket tenancy (Major Retail 2).

Council raised concern about the reduction in ground level glazing and the prominence of supermarket back-of-house activities, along the northern Woollooware Bay frontage of the site. The Department notes future landscaping of the Woollooware Bay frontage would limit the opportunity to provide extensive glazing along this area. Despite the reduction in glazing, the Department is satisfied the proposed high-light windows and full height glazing along the eastern corner of the small format supermarket tenancy would appropriately activate this area and provide sufficient sight-lines between the tenancy interior and the adjoining outdoor area. The Department also considers opening the façade at the upper levels adjoining the restaurant and fast food tenancies would improve activation and surveillance of the foreshore.

With regard to the prominence of the back of house activities, the Department considers the changes to the servicing areas of the building are minor and the visual impacts would consistent with the original approval.

7.3 Other Issues

Table 5: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Consistency with the Concept Approval</i>	<ul style="list-style-type: none"> The proposed modifications are considered to be minor and generally consistent with requirements of the Concept Approval as it: <ul style="list-style-type: none"> maintains adequate pedestrian access along Captain Cook Drive maintains a good standard of architectural design (subject to conditions discussed earlier) and activation within the public domain maintains the approved building setbacks to protect the foreshore at Woollooware Bay does not change the overall built form of the retail centre does not result in any significant visual or amenity impacts on the public domain maintains integrated building landscape measures ensures the orderly and co-ordinated staging of the development would still provide sufficient car parking spaces to meet car parking demand does not result in any significant additional traffic impacts on the surrounding road network. It is noted MOD 2 to the Concept Plan (approving residential and hotel uses above the commercial precinct) imposed a condition requiring future applications to demonstrate consistency with Design Guidelines. The Department has reviewed the Design Guidelines, and notes they apply to the residential and hotel component only. The Department is therefore satisfied the proposal is consistent with the requirements of the Concept Plan (as modified). 	No additional conditions or amendments necessary.
<i>Alterations to Building Envelope</i>	<ul style="list-style-type: none"> The alterations to the approved building envelope include: <ul style="list-style-type: none"> the provision of a lift overrun up to approximately RL 24 AHD (1.7 m above the approved overrun) servicing the central core of the retail centre to allow for access to the 	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>Level 4 parking area</p> <ul style="list-style-type: none"> - lifting of parapets and pop-up skylights above the central retail travelators approximately 1.5 m higher than the main roof slab level - minor variations at the main pedestrian entry at Captain Cook Drive. <ul style="list-style-type: none"> • The Department notes the lift overrun 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 modified building envelope is acceptable as it would: <ul style="list-style-type: none"> - not result in any significant changes to the overall built form of the building - continue to be lower than the overall building height for Stage 1 under the Concept Approval - maintain the approved building setbacks to the Woollooware Bay foreshore - not be readily visible as it is centrally located within the building footprint - not result in any adverse visual or amenity impacts on the public domain. 	
<i>Increase in floorspace</i>	<ul style="list-style-type: none"> • The proposed modifications would increase the floor space of the development, resulting in an additional: <ul style="list-style-type: none"> - 590 sqm of gross floor area (GFA) - 376 sqm of gross building area (GBA). • The increase in floor area is a result of minor changes to the internal layout and configuration of retail spaces, and the new weather proofed public lift access at Captain Cook Drive. • The Department considers the increase in floor space is acceptable as it would: <ul style="list-style-type: none"> - not result in any significant change to the overall built form compared to the approved development - be generally contained within the approved building envelope - not result in any adverse visual or amenity impacts on the public domain - not result in any significant intensification in terms of generating additional traffic or car parking (refer to discussion below). 	No additional conditions or amendments necessary.
<i>Traffic Impacts</i>	<ul style="list-style-type: none"> • The Proponent submitted a Traffic and Parking Impact Assessment (TPIA) to assess the potential traffic impacts associated with the proposal using updated traffic data from Roads and Maritime Services (RMS) based on the revised mix of land uses in the retail centre. • The traffic analysis indicates the proposed modification would reduce the peak traffic generation of the site from 1,500 and 1,464 peak hour trips to 1,425 and 1,463 peak hour trips in the Friday and Saturday peak hours, respectively. • Council has advised it accepts the findings of the traffic assessment undertaken by the Proponent. • RMS raised no concerns in relation to traffic impacts of the proposal. • Given the TPIA predicts traffic volumes would reduce, the Department is satisfied the proposal would not have an adverse impact on the performance of surrounding intersections or the surrounding road network. 	No additional conditions or amendments necessary.
<i>Car Parking</i>	<ul style="list-style-type: none"> • The proposed modification includes changes to the commercial layout resulting in an additional 509 sqm of GFA. 	No additional conditions or

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<ul style="list-style-type: none"> • The Proponent assessed the parking demand based on the rates identified in the approved TPIA under MOD 3. • The parking assessment identifies three major parking periods at Friday before 5:30 pm Friday after 5:30 pm and Saturday midday, which have the greatest anticipated overlaps of Town Centre parking. • The anticipated parking demand for each land use on the site at the various time periods was considered and used for calculations. • The parking assessment shows there would be a maximum peak demand for 618 spaces at midday on a Saturday. • The Department notes MP 10_0229 MOD 2 approved an increase the car parking spaces for the residential and hotel component, but did not alter the commercial car parking provision. • The Department notes the parking demand is consistent with that identified in the TPIA under approved MOD 3 and a surplus in parking would be maintained given a total of 770 car spaces (for the commercial component) under the Concept Approval would be provided. • Council advises that it accepts the additional GFA proposed results in a peak parking demand of 618 spaces and a parking surplus would be maintained on the site. • However, Council has advised that the surplus parking is being eroded over the course of several modifications and future modifications to increase the GFA need to be assessed taking into account the cumulative impact of the modifications. • The Department notes any future modifications to increase the GFA would be assessed on merit, taking into account the cumulative impact on parking demand. • The Department is satisfied there would be sufficient parking provided on the site to cater for the parking demand generated by the proposed modification. 	amendments necessary.
<i>Pedestrian Access and Circulation</i>	<ul style="list-style-type: none"> • Council raised concern about the removal of the escalators at the front entrance to the building because it would reduce the: <ul style="list-style-type: none"> – overall quality of access – level of activity and interaction with the public domain – flow of pedestrian movement – sense of arrival and connectivity. • The Proponent considers the removal of the escalators would not result in any adverse impact on pedestrian access and circulation because: <ul style="list-style-type: none"> – the majority of visitors to the site would utilise the central travelators accessed from Captain Cook Drive – the stairs provide improved patron movement between the Leagues Club and the stadium on game days. • The Department considers the replacement of the escalators with stairs is acceptable as: <ul style="list-style-type: none"> – the entrance location would remain along the western edge of the forecourt, ensuring visibility and legibility are maintained – the stairs are considered to be comparable to the escalators from a visual perspective. – no change to the location of the lift is proposed, ensuring appropriate access to the club is maintained. • The Department is therefore satisfied the proposed modification would maintain safe, obvious and direct movement of pedestrians in and around the site and the sense of arrival and interaction with the street would not be reduced. 	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
<i>Extension of lapse date</i>	<ul style="list-style-type: none"> Section 75Y of the EP&A Act outlines the Minister may modify the lapsing period, subject to a review of the approval before extending the lapsing period. The Department has reviewed the original assessment and approval as well as issues raised in submissions, and is satisfied there are no circumstances which have changed since the approval which would result in a different determination of the application today. In particular: <ul style="list-style-type: none"> <i>The physical and strategic context of the site has not significantly changed:</i> there have been no significant changes to the site's physical or strategic context or surrounding area that would impact upon the original assessment. <i>The Department's assessment remains valid:</i> the Department has carefully considered the issues raised by Council, Agencies and the community and is satisfied no aspects of the previous assessment have materially changed since the time of the original determination. The Department is therefore satisfied the original assessment remains valid today. The Department is satisfied the original assessment remains valid, and an extension to the lapsing period for one year would not result in any change to the Department's original assessment, or any additional environmental impacts, beyond those already assessed and approved. The Department therefore recommends Condition A6 of the Project Approval be amended to provide a revised lapse date of 20 August 2019, as outlined at Appendix A. 	The Department has recommended Condition A6 be updated to extend the lapse date by one year.
<i>Staging of Construction</i>	<ul style="list-style-type: none"> To facilitate the orderly redevelopment of the site and ensure the Leagues Club is able to continue operating, it is intended to construct the development in three stages involving: <ul style="list-style-type: none"> Stage 1 - works to the Leagues Club; Stage 2 - construction of the retail centre; and Stage 3 - completion of the retail centre and landscaping. The Proponent submitted a Construction Operations Management Plan detailing the construction staging and provisions for temporary access, game day stadium and Leagues Club operations and waste management. In order to facilitate the staged construction the proposed modification seeks to amend the conditions of the Project Approval in order to permit the issuing of staged Construction Certificates and Occupation Certificates. The Department is satisfied the proposed construction staging would be undertaken in an orderly and sequential manner to minimise the impacts on the surrounding area and maintain viability of the Leagues Club and stadium during the construction phase. The Department notes the proposal would change the timing of operation of signals at the intersection of Captain Cook Drive and the entry/exit to the car parking and loading dock, from prior to the issue of an Occupation Certificate, to prior to use of the loading docks and carpark. The Department considers it is reasonable for the operation of these signals to coincide with the use of this entrance. 	The Department has recommended a new Condition F17 be inserted requiring the traffic signals on Captain Cook Drive to be operational prior to use of any loading dock or car park entrance.
<i>Coastal SEPP</i>	<ul style="list-style-type: none"> The Coastal SEPP identifies the site as located within the Coastal Environment Area and Coastal Use Area, therefore clauses 13 and 14 apply. The Department notes the site is also adjacent to land mapped as being Coastal Wetlands. The Department has considered the matters in clauses 13 	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	and 14, and notes the proposal maintains the approved building setbacks and the changes to the approved building envelope are minor. As such, the Department is satisfied the proposal would not result in any additional impacts on the coastal environment or use area.	

8. CONCLUSION

The Department has assessed the modification requests and supporting information in accordance with the relevant requirements in the EP&A Act. The Department's assessment concludes the proposal is appropriate on the basis that it would:

- not result in any significant change to the overall built form of the approved development;
- maintain adequate level of activation along the key building facades;
- provide a legible pedestrian environment for patrons and visitors to the Club;
- continue to express the intended architectural character of the building;
- provide a range of façade typologies to maintain visual interest;
- provide better amenity and views from the restaurant and fast food open deck;
- not result in any significant additional traffic impacts on the locality; and
- provide car parking on the site to satisfy the peak parking demands of the development
- the Department's previous assessment remains valid and the extension of time would not result in any adverse impacts.

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

9. RECOMMENDATION

It is recommended that the Director, Regional Assessments, as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the requests falls within the scope of section 75W of the EP&A Act;
- **approves** the modification request MP 10_0229 MOD 4 and MP 10_0230 MOD 7, subject to conditions; and
- **signs** the attached notices of modification (**Appendix A**).

Recommended by:

Emma Butcher
Planning Officer
Regional Assessments

DECISION

Approved by:

Anthony Witherdin
Director
Regional Assessments
as delegate of the Minister for Planning.

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=10_0229_&10_0230

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=10_0229_&10_0230

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10_0229_&10_0230