

Development Assessment and Planning

08/04/2013 DAP083-13

Proposal:

**Project Application Stage 1 - Retail / Club Precinct, Cronulla Sharks -
Captain Cook Drive, Woollooware**

Property:

Lot 11 DP 526492 (No. 461) Captain Cook Drive, Woollooware

Applicant:

Bluestone Capital Ventures No. 1 Pty Ltd

File Number: **DN13/0006**

Director: **Environmental Assessment Team - Coastal (KRO)**
Report Item


REPORT IN FULL

Purpose

The purpose of this report is to provide a summary of the key issues relating to the development of the Retail/Club Precinct of the Woollooware Bay Town Centre in order for Council to consider making comments to the Department of Planning & Infrastructure (the Department).

Background

On 27 August 2012, the NSW Planning Assessment Commission (PAC) approved concept plan application (MP10_1029) for a retail centre and eight (8) residential apartment buildings, redevelopment of the existing club and upgrade to the Cronulla Sharks Football Stadium (the Masterplan). The approval issued by the PAC incorporates specific terms of approval, required amendments and future environmental assessment requirements, in addition to the proponent's statement of commitments.

Council made a submission regarding the concept proposal, which was considered at Special Environment and Planning Meeting on 30 April 2012 (EAP185-12 ). A number of items of concern were raised including scale, height, density, foreshore setback, riparian zone, flooding, sea level rise and stormwater management.

The determination of the concept plan by the PAC provided that future detailed applications for the retail/club component could be submitted to the Department for assessment and the PAC for determination. Future detailed applications for the residential component will be submitted to Council for assessment and then most likely be determined by the Joint Regional Planning Panel.

Proposal

The application is for Stage 1 of the Woollooware Bay Town Centre development consisting of the retail/club precinct including:

- Site preparation works;

- Demolition;
- Foreshore landscaping;
- New retail centre with full line supermarket, food retail and dining, mini-major tenancies, specialty retail and medical and leisure uses;
- New two level leagues club facility;
- Public domain works including works to foreshore, and extension to Woollooware Bay Road;
- Upgrade and signalisation of the intersection of Captain Cook Drive Woollooware Road and Woollooware Road North;
- Signalisation of new vehicular site access point to Captain Cook Drive;
- 770 car parking spaces.

The proposal is on public exhibition until 12 April 2013, being the final date which Council may make a submission to the Department.

The Site

The site is located at 461 Captain Cook Drive, Woollooware, on the northern side of Captain Cook Drive. The site comprises three (3) distinct sections; twin sports fields and a car parking area providing approximately 511 parking spaces on the western portion, a football stadium with grandstands on the central portion, and Cronulla/Sutherland Leagues club, and a 532 space bitumen carpark on the eastern portion. The proposal, subject of this discussion is located on the eastern, Cronulla/Sutherland Leagues Club and carpark site.

The site adjoins an environmentally sensitive area of international significance, being the Towra Point Aquatic Reserve and RAMSAR wetland. The site is within a Greenweb support area and shares a boundary with the Greenweb core area. The land is serviced by Sutherland Shire Council's Recycled Water Scheme infrastructure.

The site is a landmark site in the Sutherland Shire given its visibility, history, environmental significance and association with the Cronulla/Sutherland Rugby League Club.

The Issues

As the PAC have given concept approval for the development it is not open to Council to object to the concept that has been approved. For example, the notion of an isolated new urban centre, the remoteness from public transport, the scale of buildings, the quantum of floor space and parking are already approved.

The application the subject of this report is intended to provide a greater level of detail and to addresses the terms of the concept approval that require certain aspects of the development to be refined or reconsidered. This report focuses of these two areas and provides recommendations aimed at achieving the best quality outcome possible within the parameters already set by the concept approval. These recommendations have been arrived at following assessment by a cross-Divisional team of senior staff and consideration by Council's Architectural Review Advisory Panel (ARAP).

Riparian zone

The site has special significance given its proximity to the adjoining foreshore wetlands, which form part of the Towra Point Nature Reserve incorporating listed RAMSAR wetlands.

Council previously raised concern during the concept consultation about the potential impacts on the wetland, and recommended that a 40m wetland buffer zone be established. Submissions from the Office of Environment and Heritage, the Department of Primary Industries- Fisheries and the NSW Office of Water also raised concern about the adequacy of the proposed buffer.

The concept approval specifies that a 40m wide vegetated riparian buffer corridor be provided along the foreshore, except for the 70m stretch adjacent to the retail loading dock, where the corridor can be 35m wide. The proposal does not satisfy this condition where the large staircase/landing area spills out from the retail level.

One of the key features that a vegetated riparian buffer provides is the management of stormwater discharge and surface flows, which can have critical implications on the performance of the wetland and biodiversity of the waterway. The lack of any significant commitment to Water Sensitive Urban Design (WSUD) within the site, means the provision of a buffer zone that is able to fulfil its key role is of critical importance.

The proponent's design intrudes into the riparian buffer zone with a number of built structures including a Woollooware Road, retaining walls, concrete access paths, decking and benches. The terraced steps between the mall and the riparian zone also encroach into the riparian zone with an unnecessarily grand/formal transition between the mall and the riparian zone.

The nature of the revegetation and landscaping within the buffer area is also unacceptable. The revegetation lacks any significant planting of large tree species with *Swamp Oak Forest* planting contained to the bare wall along the loading dock. There are some significant trees present currently that will be removed under the proposal, and the landscape plan does not adequately replace these. The lack of larger trees, acknowledging that the high voltage transmission line easement is a constraint, will also affect the ability of the space to provide shading.

The retail/club development plans indicate a road (marked Woollooware Road North) and cul-de-sac adjoining the site. The PAC report, which considered the Masterplan design, included the following comment with regard to this matter:

“The Commission notes that the turning bay will need to be carefully designed and considered at the development application stage, to minimise, and if possible avoid, any intrusion into the 40m foreshore setback zone.”

Woollooware Road north, and the associated turning circle measure a distance of only 2.5m from the Mean High Water Mark, which is a substantial 37.5m encroachment into the 40m riparian buffer zone. The NSW Office of Water *Guidelines for riparian corridors* recommends that infrastructure such as roads, drainage, stormwater structures, services or the like not be located within these areas.

In its design, the scheme does not acknowledge its position adjacent to such a sensitive and significant natural feature, which is not only inconsistent with condition B2 of the concept approval requiring the 40/35m setback, but also the recommendations of the PAC report. The proposal before Council contradicts the underlying intent of the objectives of a riparian buffer

by the excessive intrusion of built structures.

The limited functionality of the existing terrestrial component of the riparian zone should not negate the significance of the riparian functionality of the wetland, but rather reinforces the need to improve the situation. Connectivity of the development to the outdoor area at this location should be focused in the portion of the site that is outside of the riparian zone.

The following is recommended to ensure the riparian zone's functionality is not compromised by the development:

- The road labelled Woollooware Road North provide a minimum 40m riparian zone buffer.
- Minimal built structures be located within the riparian buffer zone, including stairs, paths, retaining walls, playground equipment and the like.
- That large tree species from the Swamp Oak Forest and Swamp Schlerophyll Forest species list are incorporated into the landscape design where they can be provided clear of the transmission line easement or within height limitation within the easement.
- Water Sensitive Urban Design is incorporated into the design scheme.

Ecologically Sustainable Design (ESD)

The subject site is an area of undisputed environmental sensitivity, marked by its proximity to the areas identified as internationally significant RAMSAR wetland at Towra Point. The land is highly visible from Captain Cook Drive, and is prominent within the local community given its association with the Cronulla/Sutherland Rugby League Club. The height, density and nature of the new centre are unique in The Shire and similar style development will follow at the Kirrawee Brick Pit and in established centres.

Given these factors, the proposal sets important precedent for new development and implementation of best practice design principles is critical. A design philosophy that recognises ESD is important in the current climate given the large heating and cooling demands for retail and supermarket operators, the shift to reduce running costs, and to generally function in a sustainable manner. Retrofitting these elements post-construction is challenging and costly.

The incorporation of ESD principles is not only an accepted design element of any high quality architectural design scheme, it is also required as part of the PAC masterplan approval:

11. *Future applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.*

It is the opinion of Council officers that the proposal fails to incorporate any ESD measures in either the design or operational aspects of the development beyond very basic measures. It is recommended that the following ESD principles are incorporated into the design:

- Recycling of building materials, and selection of appropriate and sustainable materials.

- Provision of natural light into the retail building by breaking the mass of the building into two forms and providing roof glazing to the central arcade.
- Incorporate passive solar design principles i.e. thermal massing, window shading.
- Commitment to the installation of energy efficient appliances and mechanical services.
- Incorporation of Water Sensitive Urban Design (WSUD) measures, including on-site stormwater treatment and reuse and utilisation of Council's recycled water system for irrigation of onsite landscaping.
- Incorporation of Photovoltaic Cells.
- Incorporation of a green roof to the upper parking level, and green walls to the building elevations (this would also improve the presentation of the roof element when viewed from the club and residential towers).
- Utilisation of co-generation and tri-generation power if efficient.

Commitment to these principles would enable some concerns previously raised by the local community to be addressed regarding the environmental impacts of the development. It would also be in the public interest and give effect to the objects of the EP&A Act, particularly s.5(a)(ii), which encourages ESD.

Frontage activation

The ground floor of the retail/club development does not achieve a degree of connectivity that would successfully activate the frontages Captain Cook Drive, Woollooware Road or the riparian zone, contrary to the concept plan approval. The concept approval requires:

2. *Future applications for the Retail and Club Precinct shall ensure that the frontages to Captain Cook Drive, Woollooware Road and the riparian zone are activated at ground level and demonstrate sufficient articulation to the satisfaction of the consent authority.*

The scheme largely presents as a carpark and is based almost entirely on access via vehicles, which is contrary to the overriding strategy for the master plan to create a cohesive town centre and a design that carefully relates to its context.

The elevated location of the retail components above car parking (being approximately 5m above natural ground level) isolates the development from the street, and is a critical flaw of the proposal. Providing the most active uses 1 storey above ground level requires users to enter the development via an escalator (Captain Cook Drive) or stairs/ramp (Riparian Zone). This severely restricts the amount of visual connectivity and ground floor street activity, and consequently reduces user safety within and around the development.

The Captain Cook Drive frontage is approximately 160m in length. Of this, approximately 60% of the ground level frontage is comprised of the wall associated with the ground floor carpark and the driveway associated with the loading dock. The location and extent of the Captain Cook Drive vehicular entry and loading facility isolates the retail development from the future residential development located to the west of the stadium.

The proposed entrance, medical centre and small retail shop comprise the remaining elements of this elevation. The success in the medical centre activating a street is questionable given the nature of this use, and furthermore neither of the commercial uses appear to be directly

accessible from Captain Cook Drive.

The pedestrian entrance to the building on the Captain Cook Drive frontage should form an important architectural element of the building, and requires further development. The proposed entry to the club requires patrons who enter from Captain Cook Drive to walk in excess of 100m along the top of the roof top car park to enter the club. A direct, safe and attractive entrance has not been provided to this element of the proposal. This is an important facility that should be a prominent element in the design.

Woollooware Road north frontage is 100% inactive uses, being entirely dedicated to services, parking and a loading dock. The nature of this elevation fragments pedestrian permeability of the site from the wetland zone to residential uses in north Cronulla and Greenhills.

The ground floor of the proposal facing the riparian zone is comprised almost entirely (80%) of inactive uses, being the loading dock, services, car park and plant room. It is unclear from the architectural plans the degree of connectivity of the ground floor leisure/retail use, however the proponent has identified potential future uses of this tenancy as a gym. Again, the ability of this use to successfully activate this elevation is questioned.

The applicant cited the pressure to provide large amounts of parking as a reason why active uses at ground level could not be accommodated. Although parking for the complex is a serious consideration, if the proposal is the product it generates, there may be merit in reducing parking provision by a small amount to get a better outcome.

It is recommended that:

- Active uses are provided to a much greater proportion of the ground floor to engage pedestrians, consistent with the masterplan consent and PAC recommendations.
- The Woollooware Road frontage is further developed.
- The shopping centre and Club entrance to the building on the Captain Cook Drive frontage be further developed to be well defined, clearly identifiable elements of the design.
- The Club entry to be redesigned to avoid the 100m external traverse across the rooftop carpark.
- The second driveway, associated with loading dock 2 is deleted/relocated.
- The internal retail components be provided at ground level to enable physical connectivity to the street and visual connectivity to the Bay.
- Consideration be given to a minor reduction in car parking to provide opportunities for more active frontages.

Stormwater & Flooding

The site is low lying and at the bottom of a large catchment. Localised flooding of the roadway and in the immediate vicinity has occurred in the past. It is important that this issue is properly addressed in the interest of public safety.

The following recommendations are made regarding stormwater and flooding:

- Clarification regarding evacuation routes: the application identifies some of the surrounding roads as being flood liable and it is proposed to upgrade these roads to mitigate the risk. In principle this is acceptable, but it is unclear if the rebuilt road will

be built to a standard that takes into account sea level rise.

- Standard on-site detention requirements be waived for the development as they are likely to be ineffective being so close to the waterway.
- The flood response plan be revised five years after construction has been completed, and then on a regular basis afterwards.

Contamination

The site auditor appointed has determined that the proposed remediation of the site is appropriate and feasible, and will render the site suitable for the proposed landuse at the conclusion of those remediation works. However, the auditor has noticed there is detail lacking in the Gas Management Plan.

The Validation Criteria provided in the Remediation Action Plan regarding the capping system is inadequate. Defined testing methods to determine that the expected performance standards for the capping system is required to determine whether the capping system is likely to fail prior to construction of buildings. Proposed post construction air monitoring is appropriate as a final determination of the success of the capping system, but potential failure should be realised prior to this point.

Leachate from acid sulfate soils, even if it is treated can still be unsuitable for discharge to waterways and can have an adverse impact on the waterways. The Acid Sulfate Soils Management Plan does not outline the proposed disposal options for water captured from the acid sulfate soils treatment area after it is treated with lime to achieve a neutral pH. Captured water should not be permitted to enter Council's stormwater system or the Bay unless prior permission is granted and sampling has been undertaken to determine the suitability of the treated water to be discharged. Otherwise, the treated water should be captured and disposed off-site.

It is recommended that approval is not granted by the Department until:

- The required detail regarding the Gas Management Plan is prepared and signed off by the Site Auditor.
- Further detail regarding the type of capping material proposed and the expected performance standards is provided.
- Suitable disposal options for water captured from the acid sulfate soils treatment area after treatment are identified.

Landscaping

The species the proponent has selected for the Captain Cook Drive frontage are inappropriate for the subject site, being mapped as a Greenweb "Support" zone. The most suitable species for revegetation purposes and street planting should comprise entirely indigenous species. In addition, the Woollooware Rd North frontage of the building has no landscaped areas.

It is recommended that:

- Appropriate species selected from the Coastal Flats Swamp Schlerophyll Forest e.g. *Eucalyptus robusta*, *Glochidion ferdinandi*, *Melaleuca linariifolia*, *Melaleuca stypheloides*, *Livistona australis* (sheltered places only) are incorporated into the landscape design scheme.

- The proposal incorporates street plantings at the Woollooware Road North frontage.

Crime Prevention Through Environmental Design (CPTED)

The geographic isolation of the site, and the elevation of active uses above ground have significant implications in terms of crime prevention. With regard to the internal layout, the passage access to the toilet facilities within the retail area has limited surveillance.

It is recommended that:

- Frontages are activated as per the concept plan approval conditions.
- Further detail on CCTV locations, monitoring systems, policies and procedures for the storage and disposal of footage, guidelines for the release of footage and protocols for the hiring of staff to monitor footage be provided.
- Access control be installed at all restricted access points, including the bin area and back of house.
- Appropriately qualified and fully licensed security personnel be deployed throughout the facility at all times.
- The proponent provide further information regarding the dispersal of patrons from the Club on game days, specifically with regard to disruption of residents in the future residential precinct.
- Provide more direct access from the retail floor to the toilet facilities.

Architectural Review Advisory Panel (ARAP)

The proposal was considered at Council's ARAP on 21 March 2013. The Panel identified a number of issues that require further consideration, including:

- The proposal does not satisfy the terms of the concept approval in regard to built form, ESD, public domain and landscape.
- The development will not successfully integrate and engage with its immediate context or the wider community.

The Panel spent considerable time considering the proposal and generated a detailed seven page report, which is attached at Appendix "A" for consideration by the Department.

Shuttle bus service

The proponent indicates that they are only prepared to operate the bus shuttle until the commencement of a public bus service. The masterplan consent is does not refer to private or public buses, but requires provision of an ongoing link to nearby railway stations.

The purpose of providing an ongoing shuttle bus is a key and central issue of the proposed development given its isolated location and poor connectivity to public transport. To contain the potentially high number of car trips generated and its contribution to increased traffic congestion and on street parking pressures in the area, the bus shuttle service is central to ensuring alternative transport options and access is available for future residents and workers. The condition imposed provides certainty and the ability for the residents and workers to make long term decisions about the mode of transport they use.

The details of the shuttle bus service should also include that shuttle bus services will link to

rail time tables to ensure effective connectivity between rail services and access to the development. The private service must be maintained until such time as a public service that satisfies the condition is available.

It is recommended that:

- The site be permanently serviced by a shuttle bus that links to the rail timetable.

Travel Access Guide (TAG)/Green Travel Plan

It is submitted that the intention of the masterplan condition within Schedule 3 (10) is to include a Green Travel Plan. The applicant proposes to undertake the preparation and distribution of a Travel Access Guide only. This is contrary to the condition of consent.

A Green Travel Plan should demonstrate, manage, engage and commit residents, workers and land use activities on the site to undertake measures that reduce the demand for private motor vehicle use. Targets on mode share (that show reduced car use in comparison to general mode share) are central to the plan. None of this has been demonstrated by the applicant.

It is recommended that:

- A Green Travel Plan is prepared, and enacted by a condition of approval.

Pedestrian and cycle linkages

Legible pedestrian connections are not provided to the retail component from the residential and stadium components of the development. The location of the stadium component presents some challenges in achieving this, however, the development has the potential to provide improved connectivity with redesign.

The northern footpath of Captain Cook Drive should ensure that there is sufficient clear, unimpeded width (4 metres) along this entire frontage. Bike parking adjacent to the building entrances should also be provided.

It is recommended that:

- The pedestrian connections, to and through the development are further developed.
- Public bike parking facilities are installed adjacent to the building entrances.

Accessibility

The following is recommended in terms of accessibility:

- The proposal demonstrate compliance with the relevant provisions of the DDA, Building Code of Australia and all applicable Australian Standards.
- The amenities within the food court contain an accessible WC.
- Additional accessible car parking bays be provided adjacent to the medical centre.

Conclusion

The concept for the retail centre has been approved, however, there is an opportunity to work within the parameters of the approval to achieve that best and highest quality outcome for the

community. A review of the proposal by Council officers has identified that the detailed design scheme for the retail/club component of the concept approval requires further refinement and improvement to be high quality and to satisfy the terms of the concept approval.

The Sharks site is a landmark site that provides an opportunity for the adoption of best practice environmental design and high quality connections to the public domain. The site is geographically isolated and the proposed internalised design further isolates the development from its surrounds, resulting in a poor connection to the immediate and greater context.

Design ingenuity is required to overcome the various site constraints and to take advantage of opportunities such as the site's natural amenity and sporting facilities. The design scheme before Council is a fairly typical internalised shopping mall that only connects to the outside around the entry on Captain Cook Drive and adjacent the dining area at the rear. This approach is not considered to exhibit the design ingenuity or excellence called for by the PAC.

Council's ARAP questioned the applicant about why there is not more active frontage and not more natural light and ventilation provided. The main factor in the applicant's explanation was that the requirement to provide so much parking eliminated these possibilities.

Although Council has expressed concern about adequate parking being provided, it may be prudent to sacrifice a small number of car spaces to provide opportunities for better connection to the public domain and a better level of amenity and energy efficiency by adopting some of the ARAP's suggestions.

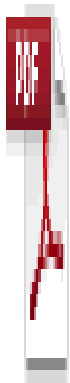
The proposal exhibits critical flaws in terms of the treatment of the riparian zone, implementation of environmental sustainability measures, frontage activation, visual and pedestrian permeability, and lack of encouragement of non-car based travel options. Key elements of the proposal fail to demonstrate that the proposal will be a successful, integrated and functional town centre. The design philosophy fails to achieve an acceptable balance between economic goals and environmental/social impacts.

It is recommended that Council raise these concerns in a submission on the proposal.

Report Recommendation:

1. That the Department of Planning and Infrastructure be advised that Sutherland Shire Council does not support the Cronulla Sutherland Leagues Club Stage 1- Retail/Club Precinct in its current form as the proposal does not satisfy the conditions of the concept approval and there are fundamental weaknesses in the design that stem from an introverted design resulting in a poor relationship to the public domain and the natural environment.
2. That the proposal be amended, consistent with the recommendations in this report and be resubmitted for review and comment.
3. That this report be submitted to the Department of Planning and Infrastructure as Council's submission on the proposal.

APPENDIX "A"



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ARAP Report

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Committee Recommendation:

DECISION:

1. That in accordance with the delegation granted by the Council to this Committee, the Department of Planning and Infrastructure be advised that Sutherland Shire Council has concerns with the Cronulla Sutherland Leagues Club Stage 1- Retail/Club Precinct in its current form as the proposal does not satisfy the conditions of the concept approval and there are fundamental weaknesses in the design that stem from an introverted design resulting in a poor relationship to the public domain and the natural environment.
2. That the proposal be amended, consistent with the recommendations in this report and be resubmitted for review and comment.
3. That this report be submitted to the Department of Planning and Infrastructure as Council's submission on the proposal.
4. That a traffic study and a report be prepared by the applicant and provided to Council to include Captain Cook Drive, Gannons Road, the Kingsway, Woollooware Road north, Elouera Road and Denman Avenue.
5. That a permanent shuttle bus service be provided until there is public transport in place to Woollooware Station.
6. That parking on game day be restricted to the applicants parking area and that Council not give permission for use of the Wanda parking area at Don Lucas Reserve for overflow.

Council Resolution:

DECISION:

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