



Planning &
Environment

SECTION 75W MODIFICATION APPLICATIONS

***Woolooware Bay Town Centre,
461 Captain Cook Drive, Woolooware***

***MP 10_0229 MOD 2 and
MP 10_0230 MOD 6***



Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2018

Cover Photograph: Aerial photomontage looking south-west across the Woollooware Bay riparian zone towards the indicative development (Source: Proponent's PPR)

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*NSW Government
Department of Planning & Environment*

EXECUTIVE SUMMARY

Bluestone Property Solutions Pty Ltd (the Proponent) seeks approval to modify the Woollooware Bay Town Centre Concept Approval (MP 10_0229) and Stage 1 Project Approval (MP 10_0230) for mixed retail residential and Leagues Club development at 461 Captain Cook Drive, Woollooware, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

On 27 August 2012, the then Planning Assessment Commission approved a Concept Plan for the staged development of a mixed-use retail and residential town centre including building envelopes, car parking and associated infrastructure. On 20 August 2013 the Commission approved a Stage 1 Project Application for the construction of a retail centre in the eastern portion of the site including car parking, public domain and associated works. Sutherland Shire Council (Council) has approved several residential developments pursuant to the Concept Approval, which are under various stages of construction in the western portion of the site.

This modification application seeks approval for the modification of the:

- Concept Approval to provide additional building envelopes (A-E) for residential, hotel and Centre of Excellence uses in the eastern part of the site, and associated amendments to gross floor area, gross buildable area, car parking landscaping / public domain
- Stage 1 Project Approval to allow for the re-subdivision of an approved lot above the currently approved retail centre into separate stratum lots for future residential and hotel uses (any physical works will require separate approval).

The applications were publicly exhibited between 9 March 2017 and 7 April 2017. During public exhibition, the Department of Planning and Environment (the Department) staff met with members of the local community on site and also with representatives of Council to discuss the proposal and key concerns. In response to this community engagement and exhibition the Department received a combined total of 71 submissions for both applications, including seven from public authorities and 64 from the public comprised of 32 objections, four providing comments and 28 in support.

The Department also renotified the proposals between 20 October 2017 and 22 November 2017 and received an additional five submissions from public authorities and 38 submissions from the public objecting to the proposals.

The key issues raised in the submissions include density, built form and urban design, car parking and traffic impacts, and public benefits and contributions. The Department has considered these issues in its assessment, along with the subdivision of the site.

The Department considers the proposed increase in residential density and introduction of hotel uses has strategic merit. The proposal will increase in housing supply and diversity, is served by public transport and will strengthen and add vitality to the new town centre. This is consistent with directions and actions in *A Plan for Growing Sydney* the draft *Greater Sydney Region Plan* and draft *South District Plan*.

The Department in principle supports the built form and increased building heights across the site, noting it is compatible with the residential development in the western portion of the site. However, the Department also acknowledges the concerns raised by Council and in the community in relation to the visual impacts associated with the height and bulk of the proposed building envelopes. To ensure an acceptable transition from the surrounding low scale development and the environmentally sensitive area along Woollooware Bay, the Department recommends the originally exhibited 10 - 16 storey Building B and 11 storey Building C be reduced to a maximum height of 8 - 9 storeys at the edge of the site.

The Proponent has responded to the Department's recommendation by reducing the height of Buildings B and C at the edge of the site and seeking additional height for a reconfigured 9 - 14 storey Building D toward the centre of the site. The Department supports the alternative option as it is both consistent with the Department's recommendation and would not result in any adverse impacts on the character

or amenity of the surrounding area. In addition, Design Guidelines, the existing FEARs and the Department's recommended new/amended FEARs, will ensure the development achieves a high standard of design, appearance and layout.

The modification results in a reduction in traffic generation when compared to the original approval and intersections and the local road network would continue to operate at acceptable levels. Car parking would be provided in accordance with the Stage 2 residential development car parking rates and the Department has capped the total number of new car parking spaces to 400 spaces.

The mitigation measures proposed by the Proponent, including bicycle parking, bicycle infrastructure and car-share scheme are likely to encourage a mode shift away from private car use and ease pressure on local car parking facilities. In addition, the location of the new apartments above the town centre is likely to result in the day-to-day shopping needs of future residents being met on-site.

The proposal includes a public benefit offer including a financial contribution of \$1.4 million towards bicycle infrastructure, an affordable and first home buyer package and a community room within Stage 1. The Department notes the public benefit offer is in addition to the requirement for Section 94 contributions towards local infrastructure and facilities and considers this is appropriate to support the proposed uplift in density. Council also supports the public benefit offer. The Department has recommended the public benefit be secured via a VPA to be executed and registered on title prior to the lodgement of the first development application for residential development within the eastern portion of the site.

The Department therefore concludes the modification applications are approvable, subject to conditions.

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1. BACKGROUND

1.1 Introduction

This report provides a concurrent assessment of two proposed modifications, being the Woolooware Bay Town Centre Concept Approval (MP 10_0229) and Stage 1 Project Approval (MP 10_0230) for a mixed use retail, residential, leisure (Leagues Club) development at 461 Captain Cook Drive, Woolooware, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The proposals comprise:

- modifications to the development parameters of the Concept Approval providing additional building envelopes for residential and hotel uses together with a Centre of Excellence in the eastern and central portions of the site, and to increase the maximum gross floor area (GFA) and gross buildable area (GBA), car parking, landscaping and public domain improvements
- modification of the Stage 1 Project Approval to allow for the subdivision of the residential and hotel uses.

The applications have been lodged by Bluestone Capital Ventures No.1 Pty Ltd and Cronulla-Sutherland Leagues Club Ltd (the Proponent).

1.2 The site

The site is known as the Woolooware Bay Town Centre and is located approximately 20 kilometres (km) south of Sydney Central Business District (CBD), along the southern foreshore of Botany Bay, within the Sutherland Shire local government area (LGA). The site has an area of approximately 10 hectares (ha) and is bound by Captain Cook Drive to the south, Dune Walk to the west, a petrol station / retail development to the east and high-voltage powerlines and the riparian zone of Botany Bay to the north (Figures 1 and 2)

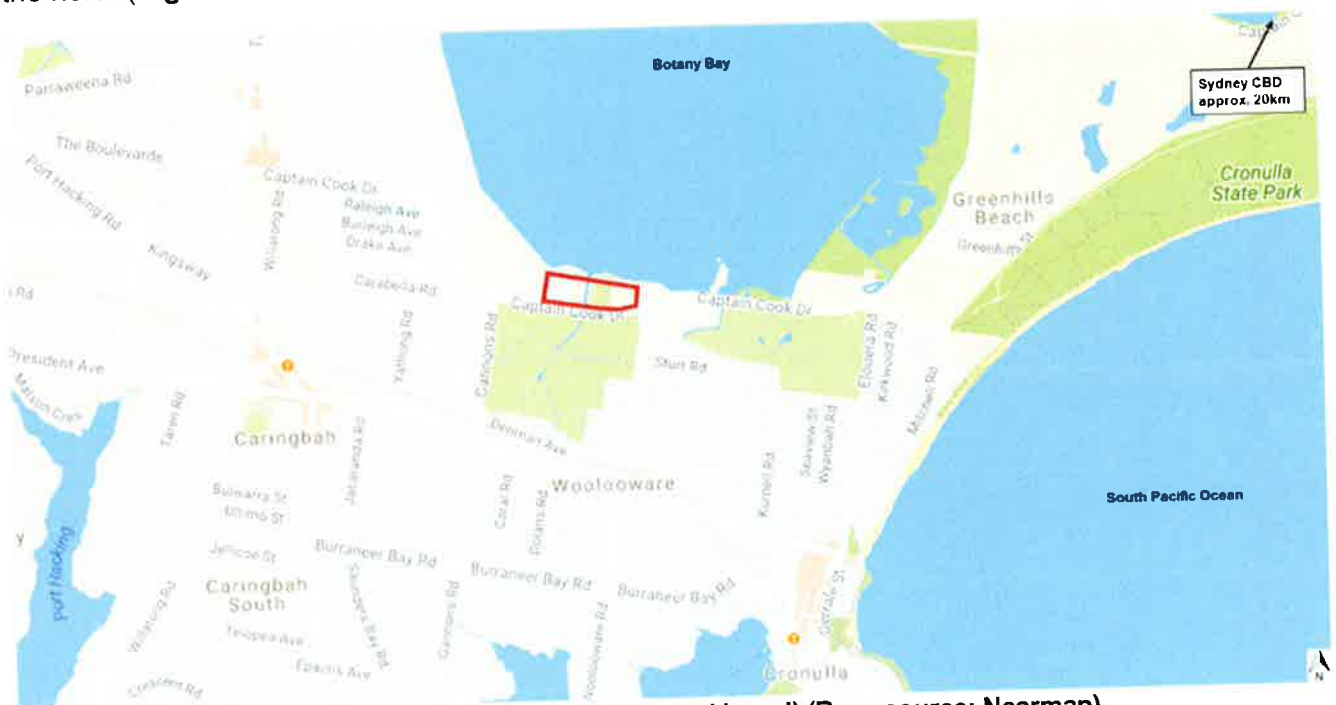


Figure 1: The Concept Approval site location (outlined in red) (Base source: Nearmap)

The site contains (Figure 2):

- the Cronulla Sutherland Leagues Club comprises of a four storey building and a bitumen sealed car park providing 532 car parking spaces in the eastern precinct

- the Cronulla Sharks football stadium, comprising a football pitch, ground level spectator seating and three multi-storey grandstands (total capacity 21,000 spectators) in the central precinct
- residential development characterised by buildings ranging in height between eight to 15 storeys within the western precinct (which were approved under the original Concept Plan).



Figure 2: Aerial view of the site showing the Concept Approval boundary (red), access points (orange), the Eastern (yellow), Western (blue) and Central (green) parts of the site and the surrounding context (Base source: Nearmap)

The site fronts Captain Cook Drive (a 4-lane carriageway and classified road). In addition, it is located approximately 900 m north of the Woollooware train station and 1.5 km east of the Carringbah train station. Bus route 985 passes along Captain Cook Drive in front of the site and connects to local centres, services and train stations. The site includes three vehicular access points as shown at **Figure 2**.

The proposal relates to the eastern and central precincts only and the nearest residential buildings to the proposal are located approximately:

- 120 metres (m) to the west of the stadium, within the first stage of the Stage 2 residential development
- 140 m to the south, beyond the Woollooware High School.

1.3 The surrounding development

The Botany Bay foreshore is located to the north of the site, which comprises a riparian zone including mangroves and an existing timber pedestrian bridge and viewing area. High voltage power lines are also located to the north of the site and located within a 35 m wide easement.

The Woollooware Golf Course, Captain Cook playing fields and Woollooware High School are located to the south. A petrol station and commercial units are located to the east and the residential developments and construction sites that comprise Stage 2 are located to the west.

The surrounding area, beyond the Concept Plan site boundary, is characterised by low density residential developments and sporting fields.

1.4 Previous approvals and other relevant applications

1.4.1 Concept plan approval (MP 10_0229)

On 27 August 2012, the then Planning Assessment Commission (as delegate of the Minister for Planning) approved a Concept Plan (MP 10_0229) for the development of the Woolooware Bay Town Centre (the Concept Approval) comprising a mixed retail, residential and Leagues Club development, including:

- use of the site for a mixed-use development with associated public open space
- indicative building envelopes for the residential precinct (up to 15 storeys) and retail / club precinct (up to four storeys)
- surface and above ground car parking and road works
- road works to support the development
- public pedestrian and cycle paths / boardwalks and landscaping areas throughout the site
- sales and marketing facilities including display units
- subdivision.

The Concept Approval is divided into three stages for the purposes of development, comprising:

- Stage 1: development of land east of the stadium for retail and Leagues Club uses
- Stage 2: development of land west of the stadium for residential development
- Stage 3: improvements to the stadium playing field and grandstand extensions.

The Concept Approval has been modified on four occasions, and two modification applications are currently being assessed, as summarised at **Table 1**. A summary of the Concept Plan, as modified is provided at **Table 2**.

Table 1: Summary of modifications to the Concept Approval

MOD no.	Summary of Modifications	Approval Date
MOD 1	Increase the height of building envelopes D, E1, F and G, increase Club Building outdoor deck area and administrative changes to the approval	14 July 2014
MOD 3	Increase of GFA and GBA and amendment of building envelopes B and C	14 March 2016
MOD 4	Amendment to allow the sharing of 50 per cent of commercial parking in Stage 2 with residential visitors	26 October 2015
MOD 5	Amendments to the concept landscape plans and the riparian setback	Under assessment
MOD 6	Internal and external changes to the design of the retail precinct, increase of building height, GFA and GBA	2 August 2016
MOD 7	Building design changes and amendment of construction sequencing	Under assessment

Table 2: The key components of the Concept Approval (as modified)

Component	Stage	Description
Height	Stage 1	Four storeys
	Stage 2	Eight to 15 storeys
	Stage 3	No building envelopes (no change from existing)
Uses	Stage 1	Retail and Club
	Stage 2	Residential (643 indicative dwellings) and commercial
	Stage 3	Stadium (no change from existing)
GFA	All	65,306 m ²
GBA	All	136,857 m ²
Car parking spaces	Stage 1	Minimum of 770 spaces
	Stage 2	Maximum of 883 spaces
	Stage 3	0 (no change from existing)

The Concept Approval is shown at **Figure 3**.



* Note: The above Stage 2 building envelope layout was amended by modifications. The current layout is shown at Figure 7.
Figure 3: Approved Concept Plan layout (Base source: the Proponent's modification application)

1.4.2 Stage 1 project application, retail and club precinct (MP 10_0230)

On 20 August 2013, the then Planning Assessment Commission approved the Stage 1 project application (MP 10_0230) for a new retail centre and refurbished Club building (the Stage 1 Project Approval), including:

- partial demolition of the existing Leagues Club and other structures within the site
- construction of a new four storey retail centre, with a supermarket and medical and leisure uses
- fit-out of Levels 3 and 4 of the existing building for the Leagues Club
- public domain works
- infrastructure works providing access to the site from Captain Cook Drive
- a shuttle bus service and new bus and taxi bays on Captain Cook Drive
- stormwater management and remediation works
- loading docks and on-site car parking spaces
- development contributions and stratum subdivision.

The Stage 1 Project Approval has been modified on four occasions and two modification applications are currently being assessed, as summarised in **Table 3**.

Table 3: Summary of modifications to the Stage 1 Project Approval

MOD no.	Summary of Modifications	Approval Date
MOD 1	Reconfiguration of the Stage 1 retail/club and subdivision amendments	10 February 2014
MOD 2	Amendment of subdivision to create four stratum lots	8 April 2016
MOD 3	Increase of building height, GFA and GBA, revised pedestrian access, retail mix, external façade finishes, forecourt and Club design, introduction of new active uses and enclose northern dining terrace	2 August 2016
MOD 4	Building design changes and amendment of construction sequencing	Under assessment
MOD 5	Minor amendments to the stratum subdivision plan	29 March 2017
MOD 7	Building design changes and amendment of construction sequencing	Under assessment

The Project Approval is shown at **Figures 4 and 5**.



Figure 4: Aerial perspective of the Concept and Stage 1 Approval (Source: the modification application)



Figure 5: Render of the northern elevation of the approved retail precinct and Leagues Club, fronting the riparian zone (Source: MP 10_0230 MOD 3)

1.4.3 Stage 2 approvals

The Joint Regional Planning Panel (JRPP) has approved three development applications (DAs) for the redevelopment of Stage 2 within the western portion of the site as shown at **Figures 2 and 6** and summarised below:



Figure 6: Stage 2 layout and building envelope heights (Base source: Proponent's PPR)

- DA13/0270 (stage 1) was approved on 22 August 2013 for the construction of three residential buildings containing 220 dwellings, ancillary uses and infrastructure. This DA has been modified on six occasions and has been constructed.
- DA14/0598 (stage 2) was approved on 11 December 2014 for the construction of two residential buildings containing 178 dwellings, ancillary uses and infrastructure. This development currently under construction.
- DA16/1068 (stage 2) was approved on 21 December 2017 for the construction of four mixed-use buildings containing 238 dwellings, four retail tenancies and ancillary infrastructure.

2. PROPOSED MODIFICATION

2.1 Description of the modification

The key components and features of the modification (as amended by the Preferred Project Report (PPR), refer to **Section 4.2**) are summarised at **Tables 4** and 5. **Appendix A** contains a link to the Proponent's modification request documents and the PPR.

Table 4: Key components of the modification to the Concept and Stage 1 Project Approvals

CONCEPT APPROVAL MODIFICATION (MP 10_0229 MOD 2)	
Aspect	Description
Building Envelopes	<ul style="list-style-type: none"> • Amend the Stage 1 building envelope to: <ul style="list-style-type: none"> ○ increase the maximum height of the podium by two storeys (from four to six storeys) up to RL 27.465 ○ establish the following new building envelopes above the podium (heights include the podium): <ul style="list-style-type: none"> - Building A: maximum 14 storeys and plant (RL 56.665) - Building B: maximum 15 storeys and plant (RL 59.815) - Building C: maximum 12 storeys and plant (RL 46.365) - Building D: maximum nine storeys (RL 37.50) - Building E: maximum 10 storeys and plant (RL 47.815) - Communal facilities building: maximum eight storeys and plant (RL 36.20) • Amend Stage 3 to establish a building envelope for a new Centre of Excellence attached to the stadium western grandstand with a maximum height of four storeys and plant (RL 21.73).
GFA and GBA	<ul style="list-style-type: none"> • Increase the total GFA in Stage 1 and 3 by 37,894 m² (from 27,412 m² to 65,306 m²), comprising: <ul style="list-style-type: none"> ○ an additional 590 m² of retail/club GFA (total 28,002 m²) ○ 25,552 m² new residential GFA (indicative 244 apartments) ○ 4,452 m² new hotel GFA (indicative 75 hotel rooms) ○ 7,300 m² new Centre of Excellence GFA • Increase the total Stage 1 and 3 GBA by 76,125 m² (from 60,732 m² to 136,857 m²). • Allow for residential storey within the car parking levels within the podium to be excluded from the overall GFA permitted across the Concept Plan.
Car Parking	<ul style="list-style-type: none"> • Indicative increase of 400 car parking spaces (from 770 to 1,170 spaces), comprising: <ul style="list-style-type: none"> ○ 91 hotel car parking spaces, including 22 visitor spaces ○ 259 residential car parking spaces, subject to the following car parking rates: <ul style="list-style-type: none"> - 1 space per 1 bedroom apartment - 1 space per 2 bedroom apartments - 2 spaces per 3 bedroom apartment - 1 visitor space per 5 apartments ○ 50 Centre of Excellence car parking spaces.
Bicycle Parking	<ul style="list-style-type: none"> • Increase of 77 bicycle parking spaces (from 49 to 126 spaces)
Landscaping	<ul style="list-style-type: none"> • Landscaping to podium levels, including planted ledges, green walls and hard and soft landscaping to the elevated roadway, residential communal open space and hotel courtyard.

Public Benefits / Contributions	<ul style="list-style-type: none"> Financial contribution of \$1.4 million to Council for bicycle infrastructure / links 22 apartments within the top two storeys of Building E comprising: <ul style="list-style-type: none"> 10-12 affordable housing apartments 11 apartments reserved for first home buyers a community room (minimum GFA of 200 m²) in Stage 1.
STAGE 1 PROJECT APPROVAL MODIFICATION (MP 10_0230 MOD 6)	
Aspect	Description
Subdivision	<ul style="list-style-type: none"> Stratum subdivision of Lot 315 into two separate lots (hotel and residential).

Table 5: Comparison between the Concept Approval and proposed modification (Stage 1 and 3 only)

Component	Concept Approval	Modification	Difference (+/-)
Stage 1 Building height	four storeys	Up to 15 storeys	+11 storeys
Stage 3 Building height	No building envelopes	Up to four storeys	+ four storeys
Uses	Retail and Club	Inclusion of residential, affordable housing, hotel and Centre of Excellence	+ 244 dwellings (including 22 affordable dwellings) + 75 hotel rooms + Centre of Excellence
GFA	27,412 m ²	65,306 m ²	+37,894 m ²
GBA	60,732 m ²	136,857 m ²	+76,125 m ²
Car parking spaces	770 spaces	1170 spaces	+ 400 spaces
Bicycle parking spaces	49 spaces	126 spaces	+ 77 spaces

The proposed modification is shown at **Figures 7 to 10** over page.

2.2 Strategic context

NSW State Priorities

In 2015, the NSW Premier announced 30 State Priorities, including 12 Premier's Priorities to foster the development, growth and enrichment of NSW.

The proposed modification to increase residential accommodation, creation of a new hotel and Centre of Excellence within the Concept Approval site is consistent with the NSW State Priorities to increase housing supply and create jobs. This would be achieved through the provision of approximately 244 new apartments above the approved Woollooware town centre podium and creation of construction as part of the future development of the site and ongoing jobs associated with the proposed hotel and Centre of Excellence.

The project also includes 22 affordable housing apartments, which would assist in meeting the current demand affordable housing within Sydney.

A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) is a strategic document that guides the development of the Sydney Metropolitan area for the next 20 years. It contains four key goals for Sydney by 2036, including providing a city of housing choice with homes that meet our needs and lifestyles. Each goal includes strategic directions and actions to achieve these directions.

Relevant directions are:

- Direction 2.1: Accelerate housing supply across Sydney
- Direction 2.3: Improve housing choice to suit different needs and lifestyles.

Direction 2.1 sets a target of 664,000 new dwellings across Sydney and nominates areas in and around centres served by frequent public transport as suitable for increased housing. The current proposal will provide approximately 244 new dwellings above the approved Woollooware town centre, which is served by an existing bus route connecting the site to local centres and the Sydney rail network.

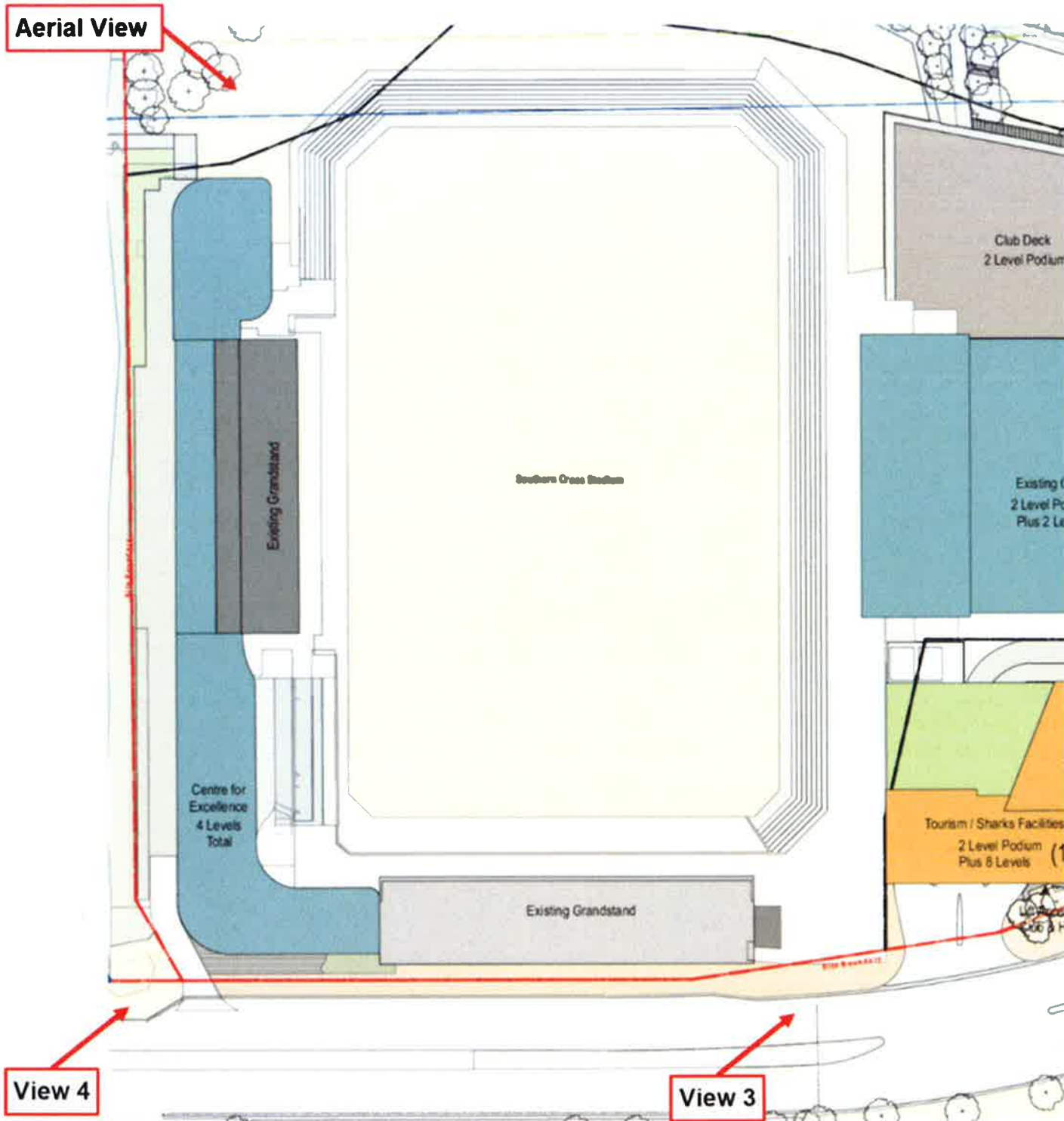


Figure 7: Proposed modified building envelope locations, names and heights (Source: Proponent's PPR)



Figure 8: Perspective views from Captain Cook Drive (views 1, 3 and 4) and Wooloware Road (view 2) looking towards the development (Source: Proponent's PPR)



Figure 9: Indicative development view north from the Captain Cook Drive / Woollooware Road North intersection including maximum building envelope heights (Base source: Proponent's PPR)



Figure 10: Aerial view looking south-west across the riparian zone towards the indicative development (Source: Proponent's PPR)

Direction 2.3 notes demographic changes in Sydney that require smaller housing forms, which has led to a shortage of medium to high density dwellings across Sydney. Actions under this direction encourage local housing strategies to plan for a range of housing. The proposed new building envelopes are capable of providing a mixture of small and medium sized apartments and townhouses, which would diversify housing options/choice within the locality, which is close to services and transport.

The Department considers the proposal to be consistent with relevant goals and directions of the Plan as it provides a positive response to increasing Sydney's housing supply and provide opportunities for a mix of housing options.

Draft Greater Sydney Region Plan and draft South District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has recently published the draft *Greater Sydney Region Plan* (Region Plan) and draft District Plans, which were exhibited until 15 December 2017. Once adopted, the draft Region Plan will replace *A Plan for Growing Sydney* as the leading region plan.

The draft Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

The overriding vision for Greater Sydney in the draft Region Plan is to rebalance Sydney into a metropolis of three unique but connected cities, being the Eastern Harbour City, the Western Parkland City and the Central River City (with Greater Parramatta at its heart). The site is located within the Eastern Harbour City.

Historically, Greater Sydney's jobs and transport have been focused in and around the Sydney CBD, requiring many people to make long journeys to and from work and other services. The three cities vision allows opportunities and resources to be shared more equitably while enhancing the local character we value in our communities. By integrating residential housing into the Woollooware town centre future residents will have convenient access to services and facilities and the potential for employment on their doorstep.

The proposal is consistent with the draft Region Plan, as it supports productivity through a growth in jobs, and increase in residential and hotel accommodation. In doing so, it supports integrating land use and transport through an increase in residential and hotel accommodation with access to services and facilities within the town centre and accessible by public transport.

The development is located within the South District area. The proposal is consistent with the objectives of the draft *South District Plan*, as it will:

- foster healthy, culturally rich and socially connected communities (Planning Priority S4)
- provide residential and hotel accommodation including affordable housing, which will provide for additional housing supply, choice and affordability (Planning Priority S5)
- deliver integrated land use and transport planning (Planning Priority S10)
- protect existing biodiversity rich and scenic landscapes (Planning Priority S14)
- provide communal open spaces and increase the urban tree canopy (Planning Priorities S15 and S16).

Sutherland Shire Community Strategic Plan 2030

The Sutherland Shire Community Strategic Plan provides the long-term vision for the Sutherland Shire to help guide shorter term planning and actions.

The proposal supports the Strategic Plan's vision by providing additional housing and housing choice. The proposal will result in a balanced neighbourhood and, as discussed in **Section 5**, has minimal amenity impacts. The additional residential and hotel accommodation would support the viability of the new town centre and provide jobs opportunities. The future detailed applications will also provide communal open space to foster health and wellbeing of future residents. The proposed establishment of a Centre of Excellence will foster the community engagement in sport.

3. STATUTORY CONTEXT

3.1. Section 75W and modification of a Minister's Approval

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 carrying out of the project under section 75W of the EP&A Act.

Section 75W provides for the modification of the Minister’s approval including revoking or varying a condition of the approval or imposing an additional condition on the approval. The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance the proposal seeks to introduce new uses on the site, increase the approved GFA/GBA, expand the approved building envelopes and increase their height, and modify specific requirements of the approval and therefore requires further assessment and approval.

The Department has considered whether the scale of the proposed changes constitute a modification as opposed to a new application. The Department notes the scope of section 75W is broad and is satisfied the proposal is within the scope of section 75W for the following reasons:

- while the proposal includes additional building envelopes, residential, hotel and Centre of Excellence uses, it remains a mixed use development consistent with the Concept Approval
- it would not have an adverse impact on the environment
- impacts relating to traffic and amenity can be appropriately managed and/or mitigated.

Having regard to the above, the Department recommends the Minister (or his delegate) can reasonably form the view that the modification request is within the scope capable of being approved as a modification under section 75W of the EP&A Act.

3.2. Consent Authority

On 14 September 2011, the then Minister for Planning and Infrastructure delegated powers and functions under section 75W of the EP&A Act to the Planning Assessment Commission (now the Independent Planning Commission (the Commission)) in cases where:

- a political donation disclosure statement has been declared
- the relevant council has objected to the proposal, or
- there are 25 or more public submissions objecting to the proposal.

The Proponent has not disclosed a political donation in relation to the applications. However, as Council has objected to the proposal and more than 25 submissions were received objecting to the proposal, the applications are referred to the Commission for determination.

3.3. Environmental Protection and Biodiversity Conservation Act 1999

Under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act), the Commonwealth Government is required to undertake an assessment and grant approval if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a ‘controlled action’.

The site is located near to Towra Point Nature reserve (a declared Ramsar wetland site) and may potentially impact on its environmental significance. This is a MNES and is therefore protected under the EPBC Act.

On 17 May 2011, the Proponent referred the proposal as outlined in the Concept Plan application at the time to the Commonwealth Government for its consideration and the Commonwealth Government confirmed that the Concept Approval was not a ‘controlled action’ and therefore does not require assessment and approval under the EPBC Act.

On 8 May 2017, the Proponent referred the proposed modification to the Concept Approval to the Commonwealth Government for its consideration. On 15 May 2017, the Commonwealth Government

confirmed that the modified Concept Approval does not constitute a 'controlled action' and therefore does not require assessment and approval under the EPBC Act.

3.4. Environmental Planning Instruments

The Department assessed the modification applications against the following relevant environmental planning instruments (EPIs):

- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and accompanying Apartment Design Guide 2015 (ADG)
- Sutherland Shire Local Environmental Plan 2015 (SLEP).

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the proposal remains consistent with the EPIs. Consideration of the modification applications against SEPP 65 and the ADG is discussed at **Section 5.6**.

3.5. Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the Proponent of Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification. The Proponent must comply with the SEARs before the matter will be considered by the Minister.

On 20 October 2016, the Department notified the Proponent of the Secretary's Environmental Assessment Requirements (SEARs) for the modification of the Concept Approval (MP 10_0229 MOD 2). The Department is satisfied that Section 6.0 of the modification application adequately addresses compliance with the SEARs to enable the assessment and determination of the applications.

SEARs were not required for the modification to the Project Approval (MP 10_0230 MOD6) as sufficient information was provided to enable assessment of that proposal.

4. CONSULTATION AND SUBMISSIONS

4.1. Consultation

In accordance with section 75X(2) of the EP&A Act, the Department publicly exhibited the applications from 9 March 2017 until 7 April 2017 (30 days). The applications were exhibited on the Department's website, at the NSW Service Centre and at the Sutherland Shire Council's office.

The Department placed a public exhibition notice in the St George and Sutherland Leader on 8 March 2017, and notified adjoining landholders and relevant State and local government authorities in writing. The Department also met with representatives of the local community on site and with Council staff during the exhibition period to understand key issues.

The Department received a combined total of 71 submissions, including seven from public authorities and 64 from the public in response to the exhibition of both applications. A summary of the issues raised in submissions is provided in **Table 6**. Copies of the submissions may be viewed at **Appendix A**.

4.1.1. Public authority submissions

Table 6: Summary of public authority submissions to the exhibition

Sutherland Shire Council (Council)
Council objects to the modification proposals on the following grounds: <ul style="list-style-type: none">• unacceptable impact of additional traffic generated on already busy roads• impact of overflow parking into nearby public streets and sporting facility car parks• adverse visual impact of several high-rise towers above the approved retail centre.

<p>In addition to the above objections, Council also raised concerns and provided comments in relation to:</p> <ul style="list-style-type: none"> • the scope of section 75W of the EP&A Act • inappropriate bulk and scale of the development • insufficient building separation • the need for additional ground level activation • future wayfinding navigation through the development • screening of the above ground carpark • the need for a car-share scheme and shuttle bus to Woollooware train station • car parking and vehicle queuing • landscaping • remediation • environmental impacts including noise, light-spill and bird-strike • whether the proposal is a controlled action under the EP&BC Act • public benefits including bicycle links to the new Greenhills sporting complex or improvements to the Caringbah aquatic centre • the hotel / short-stay accommodation being provided in perpetuity.
<p>Transport for NSW (TfNSW)</p> <p>TfNSW does not object to the modification proposals and provided the following comments:</p> <ul style="list-style-type: none"> • additional bicycle parking should be provided • a Travel Demand Strategy should be prepared to minimise impacts on the road network.
<p>Roads and Maritime Services (RMS)</p> <p>RMS does not object to the modification proposals and confirmed it would not have a significant impact on the State road network.</p>
<p>Sydney Airport</p> <p>Sydney Airport does not object to the modification proposals, subject to the maximum height of buildings not exceeding 63 m Australian Height Datum (AHD).</p>
<p>Environment Protection Authority (EPA)</p> <p>EPA does not object to the modification proposals and does not consider the development requires an Environmental Protection Licence.</p>
<p>Department of Primary Industries (DPI)</p> <p>DPI does not object to the modification proposals and supports the commitment to prepare and implement a vegetation management plan for the foreshore riparian zone.</p>
<p>Sydney Water</p> <p>Sydney Water does not object to the modification proposals and provided confirmation of its servicing requirements for the site.</p>

4.1.2. Public submissions

A total of 64 public submissions were received in response to the exhibition of both modification applications, comprised of 32 objections, four providing comments and 28 supporting the proposal. 35% of submissions raising objections were received from residents of Woollooware. A lesser proportion of submissions of support were received from residents of Woollooware (3%), rather these were from the wider Sutherland (61%) and Sydney metropolitan area. The key issues raised in submissions are summarised in **Table 7**.

Table 7: Summary of the public submissions to the to the proposal

Issue	Proportion of submissions
Objections and Comments	
Adverse impacts from additional traffic	43.8%
Insufficient car parking and adverse impact on existing surrounding parking	39.1%
Adverse impact on the environment	25.0%
Development is out of character within the area	23.4%
Adverse impact on capacity of social infrastructure, particularly schools	23.4%

Inappropriate height and bulk of development	15.6%
Overdevelopment of the site	15.6%
The Commission's original decision should be final	15.6%
Loss of views	12.5%
Lack of affordable housing	10.9%
Adverse operational and construction noise impacts	10.9%
Support	
The hotel use supports tourism in the area	28.1%
Beneficial community facilities / public benefits	20.3%
Economic benefits for the community	15.6%
Additional housing helps to address Sydney's housing shortage	12.5%

Other issues raised (less than 10%) in public submissions to the exhibition include:

Objections and Comments:

- insufficient consultation with residents
- overshadowing of surrounding properties
- loss of open space
- Insufficient public transport
- insufficient public benefit
- additional housing is not required as Council's dwelling target already exceeded.

Support:

- the development fosters interest in sport
- additional retail is good for the area
- positive use of an underdeveloped site
- positive improvement to road network.

4.2. Response to Submissions and Preferred Project Report

Following exhibition of the applications the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in the submissions.

On 10 October 2017, the Proponent provided a joint Response to Submissions and Preferred Project Report (PPR) for both modification applications (**Appendix A**), which provides a response to the issues raised during the exhibition. The PPR includes the following key amendments to the Concept Plan modification application:

Table 8: Key amendments to the proposal outlined in the PPR

Aspect	Proposal as exhibited	Proposal as amended in the PPR	Difference
Height (storeys)	Building A – 14 Building B – 10 - 16 Building C – 11 Building D – 9 Building E – 8 Community Room Building – 8	Building A – 14 Building B – 10/11 - 15 Building C – 10 - 12 Building D – 9 Building E – 10 Community Room Building – 8	No change - 1 storey + 1 storey No change + 2 storeys No change
Affordable Housing / First home buyer package	N/A	<ul style="list-style-type: none"> • 5% of residential floor space (10-12 apartments) provided as affordable rental housing for at least 10 years • 5% of apartments (11 apartments) reserved for first home buyers 	+ 22 indicative dwellings
Hotel	125 hotel rooms	75 hotel rooms	- 50 hotel rooms
GFA	Residential – 23,508 m ² Hotel – 8,149 m ² Centre of Excellence - 7,793 m ² Total - 67,452 m ²	Residential - 25,552 m ² Hotel - 4,452 m ² Centre of Excellence - 7,300 m ² Total - 65,306 m ²	+ 2,044 m ² - 3,697 m ² - 493 m ² - 2,146 m ²
Car parking	1,078	1,170	+ 92

The Department made the PPR publicly available on its website and re-notified agencies and the local community of the PPR from 20 October 2017 to 22 November 2017. The Department wrote to surrounding landowners and those that made submissions on the original modification request. An additional five submissions were received from public authorities, including Council, RMS, EPA, DPI and OEH, and 38 submissions from the public, which are summarised below.

Council considered the PPR and confirmed it maintains its objection to the modification applications as summarised at **Table 6**.

Council stated it also maintained its detailed concerns raised (**Table 6**) except as amended by the following additional comments on the PPR:

- the transfer of height from Building B to Building C reduces modulation and results in additional overshadowing
- the new residential lobby is supported, however, it should be enlarged in size
- the new hotel lobby and separate hotel car parking is supported
- the provision of car share scheme is supported
- comments on EPBC Act are noted
- the proposed community benefits are supported.

RMS, EPA and Sydney Water considered the joint PPR and provided no additional / new comments.

A combined total of 38 public submissions were received objecting to the re-notified applications, approximately 27% of which were made by residents of Woollooware. The majority of these submissions raised concerns already mentioned at **Section 4.1** regarding traffic, car parking and impact on existing parking, height, impact on character of the area, social infrastructure, impact on the environment, overdevelopment, planning process, lack of public benefit and affordable housing, loss of open space, and loss of views. However, additional concerns were also raised regarding the:

- reduction of hotel rooms
- tokenistic nature of the reduction of building heights
- amount of time given for residents to respond to the PPR
- lack of commitment to providing a shuttle bus service to Woollooware Station
- potential flooding impact
- cumulative development and traffic impacts
- lack of disabled car parking spaces
- the proposal does not comply with the SLEP.

4.3. Supplementary information

The Proponent also seeks to amend the Concept Approval to allow residential storage located in the basement levels within the podium structure to be excluded from the allowable GFA permitted across the site.

The Proponent notes that basement storage would be excluded from the GFA, and is seeking to allow above ground storage within the car parking levels to be similarly excluded in this case.

The Department has considered the proposal as outlined in **Section 2.1** and all of the comments raised in the public authority and public submissions during the assessment of the application (**Section 5**) and/or by way of recommended Terms of Approval (ToAs), Modifications and Future Environmental Assessment Requirements (FEARs) in the recommended instruments of modification at **Appendix B**

5. ASSESSMENT

5.1 Key assessment issues

The Department considers the key assessment issues are:

- density
- built form and urban design
- car parking and traffic impacts
- public benefits and contributions

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 5.6**.

5.2 Density

The modification seeks to provide approximately 244 additional dwellings within the Stage 1 building envelopes, and as discussed at **Section 1.4.3**, the Stage 2 residential development is likely to provide 636 dwellings. The proposal would therefore result in a total of 880 dwellings across the Concept Approval site, which represents an increase of 38%.

Concern was raised in public submissions about the proposed increase in density / dwelling yield. In addition, public submissions and Council noted the Sutherland LGA is already on track to achieve its housing targets under the Plan.

The Department notes the concerns raised by the community about the increase in density resulting from the provision of additional dwellings on the site. As discussed in **Section 2.2**, the increase in dwelling yield has strategic merit, particularly given it will provide for increased housing supply, includes a broad mix of apartment typologies, is accessible by public transport and forms part of a new town centre.

The Department considers the site can accommodate a greater dwelling yield than established by the Concept Approval, noting the following changes since the original approval:

- the need to accommodate housing for the current and projected population of Sydney, which is now home to 4.7 million people and estimated to grow to 6.4 million by 2036
- a decline in housing affordability, and the need to provide a range of housing types in suburban locations
- changes in the housing market, with an increased demand for diversity of housing types and sizes, including apartments
- the release of a revised metropolitan planning framework in the Plan, Region Plan and the *Draft South District Plan* that encourages higher densities in well-located suburban areas.

The Department supports the introduction of residential and hotel uses in the eastern precinct of the site as this will increase the critical mass, vibrancy and vitality of the town centre and importantly provide for residential development close to shops, services and public transport. The Department considers this density would allow a range of dwelling sizes and that built form and amenity standards are adequately ensured through existing and new/amended FEARs, the proposed Design Guidelines and the state-wide *Apartment Design Guide* (ADG).

Additionally, the Proponent has demonstrated a commitment (through the concept building and landscape design and the Design Guidelines) to providing diverse and well-designed housing and public spaces accessible to different demographics and budgets.

The Department has also considered the immediate impacts of the proposed increase in density and the capacity of the site to service it and concludes the proposal is acceptable in terms of:

- built form and urban design outcomes, as discussed in **Section 5.3**
- car parking and traffic impacts, as discussed in **Section 5.4**

- public benefits and development contributions, as discussed in **Section 5.5**.

On this basis, the Department supports the proposed additional density resulting from the increase in dwelling yield.

5.3 Built form and urban design

Built form was a key consideration of the Department's original assessment. The Department concluded the building envelopes were acceptable as:

- the four storey retail/club building envelope in the eastern precinct (Stage 1) is acceptable in the context of the existing four storey leagues club
- the residential building envelope heights in the western precinct (Stage 2):
 - establish an appropriate built form transition across the site (providing smaller buildings of eight to nine storeys at the edges and higher buildings up to 15 storeys within the middle of the site)
 - provide for an acceptable visual impact when viewed from the surrounding locality and Woollooware Bay
 - are acceptable in the context of a new town centre and similar scales of development are provided around nearby centres, such as Cronulla.

The proposed built form modifications to the Concept Approval include the provision of residential building envelopes at Stage 1 and a Centre of Excellence at Stage 3, and include:

- increasing the height of the Stage 1 podium by a maximum of two storeys (from four to six storeys)
- provision of the following new building envelopes (storey heights inclusive of podium):
 - Envelope A: maximum 14 storeys
 - Envelope B: maximum 15 storeys
 - Envelope C: maximum 12 storeys
 - Envelope D: maximum nine storeys
 - Envelope E: maximum 10 storeys
 - Community Room envelope: maximum eight storeys
- providing a new four storey building envelope attached to the stadium's western grandstand.

The modification does not propose any amendments to the approved Stage 2 residential development building envelopes.

The modification also proposes to include design guidelines within the Concept Approval, which will provide a planning framework for the future detailed design of buildings within the modified Stage 1 building envelopes.

The modified Stage 1 and 3 building envelopes, shown in context with the approved Stage 2 building envelopes, are provided at **Figure 11**.

The Department considers the built form considerations are:

- building envelope heights
- design guidelines

5.3.1 Building envelopes

Concerns were raised in public submissions about the height and bulk of the new residential building envelopes above the retail centre and that the development would be out of character within the locality. Council has objected to the scale and bulk and visual impact of the proposed new residential building envelopes, which it considers inconsistent with the broader urban context. In addition, Council raised concern the height of envelope C would overshadow apartments within envelope B.

Following its initial assessment of the proposal, the Department recommended the Proponent consider reducing the height of building envelope B and further minimising the impacts of building envelope heights at the edges of the site.

In response to the concerns raised, the Proponent reduced the height of Building B by one storey (to 15 storeys). However, the Proponent also increased the height of envelope C by one storey (to 12 storeys) and envelope E by two storeys (to 10 storeys). The Proponent notes building envelopes C and E have been increased in height to allow for the inclusion of affordable housing and separate/designated hotel parking within the development. The proposed heights are shown in **Figure 11** and described in **Table 10**.

The Proponent contends the proposed building envelopes are appropriate as the range of heights break down the bulk and mass of the development, provide articulation, are consistent with maximum heights within the western precinct of the site (Stage 2) and overall support the creation of the town centre.

The Department notes while the site contains tall buildings in the western precinct it is otherwise isolated from other large-scale developments. The immediate surrounding area is low-scale and includes substantial open space and environmental areas. In addition, due to its location on Woollooware Bay the site is visible from a number of key locations as shown at **Figures 12 to 14**.

The Department acknowledges the site contains an approved town centre and that increased height is one way to identify the centre as well as provide a critical mass and density to support the vitality and viability of the centre. The Department also notes that while 15 storey buildings were approved within the western portion of the site (Stage 2), this is the uppermost limit of an appropriate height and form in a town centre in this suburban location. In addition, smaller eight to nine storey buildings were located at the periphery of the site, which transitioned up to taller buildings centrally.

The Department maintains its view that the established urban design approach for locating taller buildings centrally and lower scale buildings to the edge of the site provides for an appropriate built form transition, and ensures the development has acceptable visual impact and relationship with the surrounding context.

To ensure the proposed height and scale of the Stage 1 modified proposal has acceptable visual impacts from the immediate surrounding low-scale and environmental areas and across Woollooware Bay, and complements the built form of the approved building heights within the western portion of the site (Stage 2), the Department considers it appropriate and reasonable that:

- the same transitional built form urban design approach established for the western precinct should also be applied to the proposed new building envelopes above the retail precinct
- the edge (eight to nine storey) and central (15 storey) building heights established for the western precinct should form the reference point for the new building envelope heights.

The Department has considered the proposed modification against the urban design and height parameters set by Stage 2 in **Table 9**.

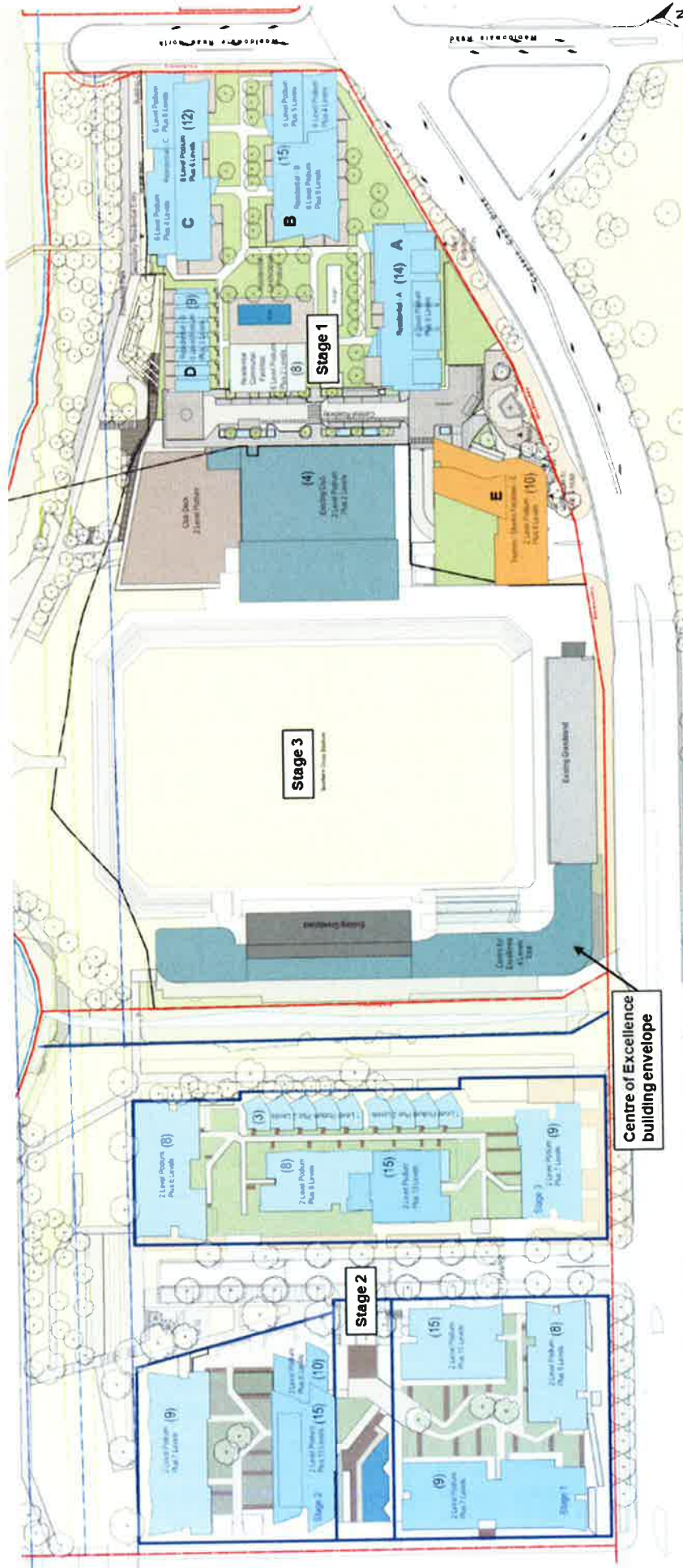


Figure 11: Comparison of the approved Stage 2 (left) and proposed Stage 1 and 3 (middle and right) building envelope heights (Source: Proponent's PPR)

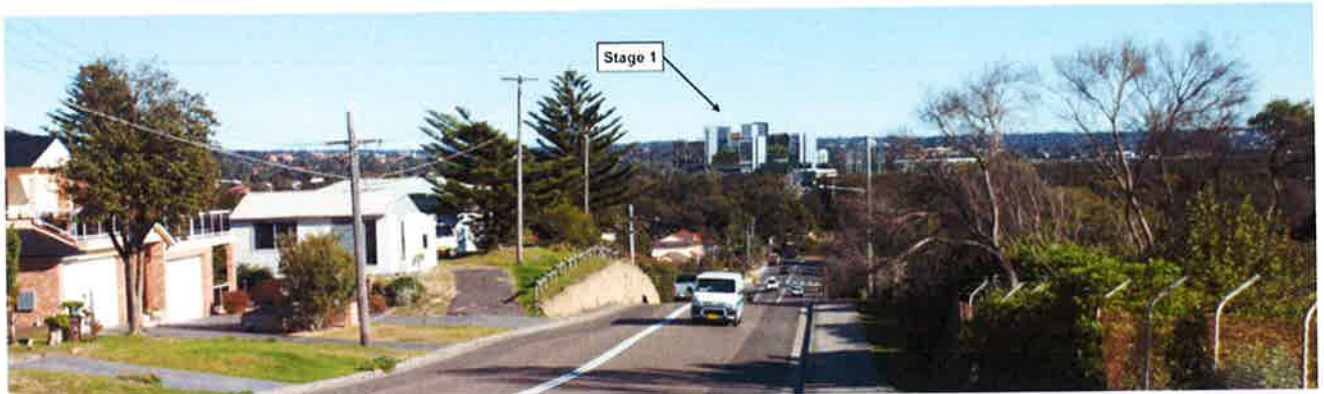


Figure 12: Proposed indicative view west along Bate Bay Road (Source: Proponent's PPR)



Figure 13: Concept Approval (top) and proposed (bottom) indicative view north towards the development from Castlewood Avenue (Source: MP10_0229 and the Proponent's PPR)

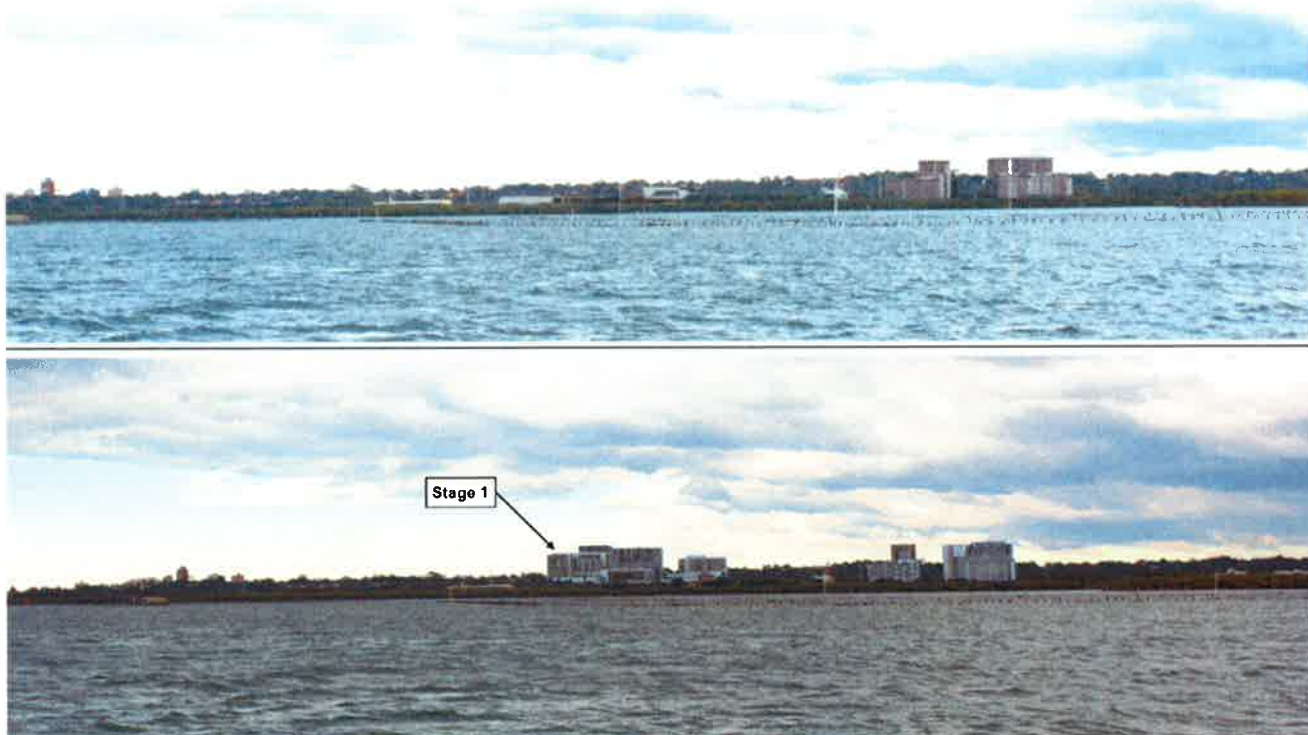


Figure 14: Concept Approval (top) and proposed (bottom) indicative view south across Woollooware Bay towards the development (Source: MP10_0229 and the Proponent’s PPR)

Table 9: Assessment of the modification against the transition built form approach and heights

Envelope	Department’s consideration	Acceptable
A	<ul style="list-style-type: none"> This building envelope is 14 storeys and is located adjacent to Captain Cook Drive. Although the building is located at the edge of the site, the Department considers the height and location of this envelope is acceptable as: <ul style="list-style-type: none"> it addresses the main entry on Captain Cook Drive and creates a visual marker for the town centre Stage 2 includes a similar 15 storey building at its western boundary. The Department also notes the building envelope provides the outer most extent of the building height and form, and it is expected the detailed design in the future DA will be articulated and modulated within the envelope to reduce the perception of bulk and scale along the Captain Cook Drive frontage. 	Yes
B	<ul style="list-style-type: none"> This building envelope is 15 storeys (at its western end) and is the tallest proposed building envelope within Stage 1. The envelope is located centrally within the site and is therefore consistent with the Stage 2 built form parameters. The eastern end of the building envelope is part 11 part ten storeys and is located at the edge of the site. The Department recommends this part of the building be reduced to nine storeys (Figures 15 and 16) to: <ul style="list-style-type: none"> provide a more clearly graduated built form transition between the 15 storey component and the adjoining petrol station site and Woollooware High School which are of a significantly lower scale reduce the visual impact of the development when viewed along Bate Bay Road and Woollooware Road. 	No - (1-2 storey reduction in height required – refer to Modification B3)
C	<ul style="list-style-type: none"> This building envelope is 10-12 storeys in height at the edge of the site and fronts the riparian zone and Woollooware Bay. The Department recommends this part of the building be reduced to eight storeys (Figures 15 and 16) to: <ul style="list-style-type: none"> provide a more human scale interface with the environmentally sensitive riparian zone and future foreshore park reduce the visual impact of the development when viewed from across Woollooware Bay and along Woollooware Road 	No - (2-4 storey reduction in height required – refer to Modification B3)

	<ul style="list-style-type: none"> ○ further improve the solar access to apartments located within building B and the podium communal open space. 	
D	<ul style="list-style-type: none"> ● This building envelope is nine storeys in height and is at the edge of the site. ● The envelope is consistent with the Stage 2 urban design parameters. The Department also considers nine storeys to be appropriate in this location as it is adjacent to the northern entrance to the town centre. 	Yes
E	<ul style="list-style-type: none"> ● This building envelope is ten storeys and is located at the edge of the site along the Captain Cook Drive frontage. ● The Department considers the location of envelope E warrants an increased height of 10 storeys as: <ul style="list-style-type: none"> ○ it, in conjunction with Building A, addresses the main entry on Captain Cook Drive and the town centre, creates an opposing visual marker for envelope A establishing a gateway entrance to the retail precinct ○ provides for an appropriate stepped built form transition between the stadium and envelope A ○ it announces the entrance to the hotel, residential and public car park ○ it is on the prominent south-west corner of the eastern precinct. 	Yes
Community Room	<ul style="list-style-type: none"> ● This building envelope is two storeys above the podium level and centrally located within the Stage 1 site. ● The Department considers the provision of a low-rise envelope in this location is appropriate as it allows for sufficient separation distances between the taller envelopes within the site and is an appropriate scale for the community use. 	Yes



Figure 15: Proposed (black) and recommended reduced (red-dashed) indicative building heights as viewed from Woollooware Road (Base source: Proponent’s PPR)



Figure 16: Proposed (black) and recommended reduced (red-dashed) indicative building heights as viewed from Woollooware Bay foreshore (Base source: Proponent's PPR)

The four storey Centre of Excellence building envelope (Stage 3) is located adjacent to the stadium's western grandstand and extends to Captain Cook Drive (refer to **Figures 7 and 8**). The Department considers the Centre of Excellence building envelope is acceptable as it:

- is of a comparable height to the existing stadium grandstands and therefore would visually integrate into the structure
- would occupy a visually prominent and currently underutilised part of the stadium, and would establish an appropriate visual marker for the stadium
- would not have any adverse amenity impacts.

The Department considers that a maximum height of 15 storeys is the uppermost limit of what can be supported on the Concept Plan site. The Department considers, in the absence of a reduction in height of building envelopes B and C (recommended in **Table 9** above), the proposal would have an unsympathetic height and bulk relationship to the existing Concept Approval. Further it would present a level of massing at the edge of the site that is considered to be excessive and will have an adverse impact on both the established and future character of the area and the visual impacts in the immediate and wider locality.

The Department has raised these concerns again with the Proponent and initially recommended the heights of Buildings B and C be reduced to a maximum of eight and nine storeys. In response the Proponent has presented an alternative option to redistribute the heights from Buildings B and C at the edges of the site (consistent with the Department's recommendation) to a reconfigured Building D with a stepped height of nine storeys at the northern end and 14 storeys toward the centre of the site (**Figure 17**).

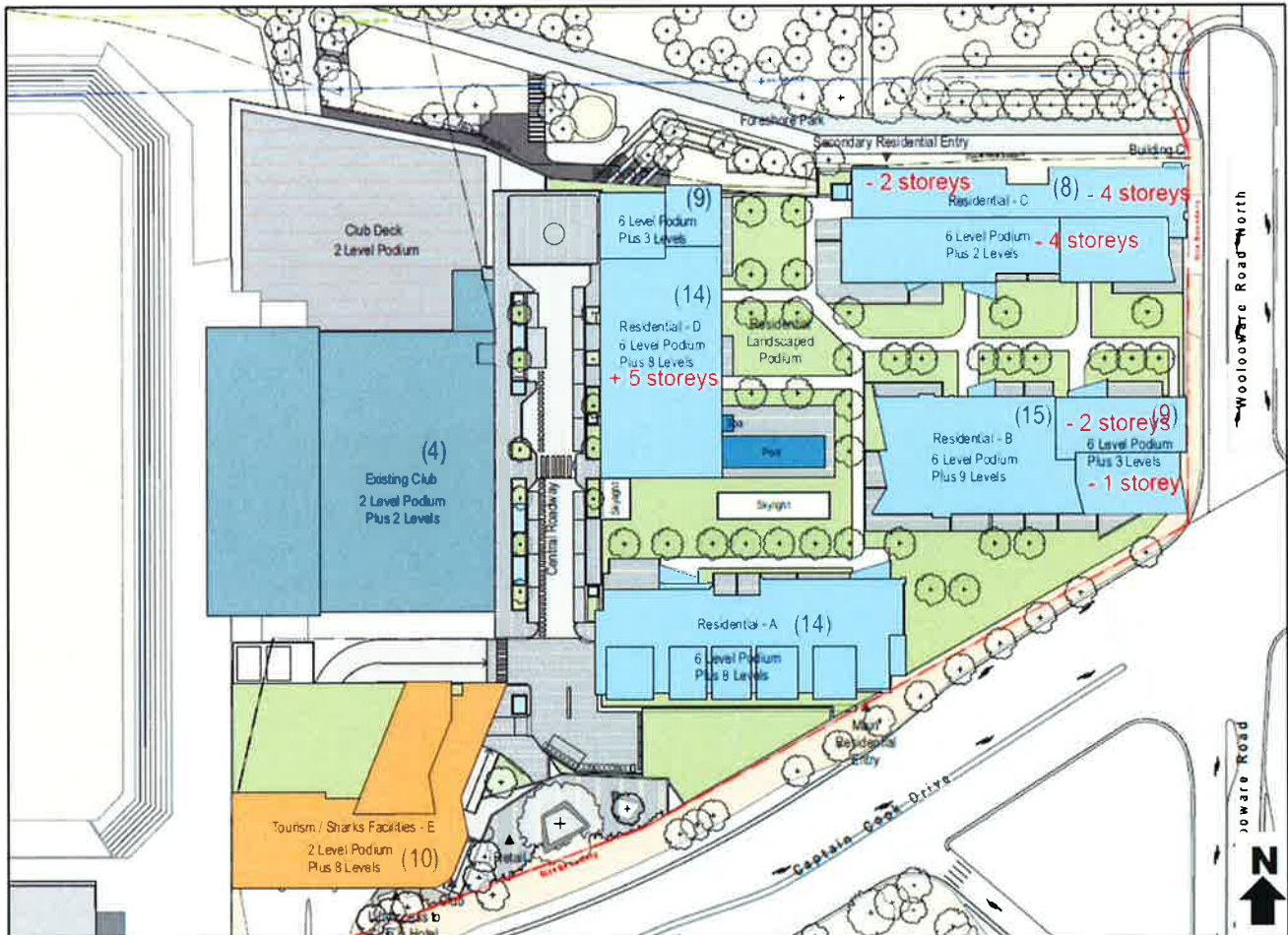


Figure 17: Proponent’s alternative arrangement of Buildings B, C and D which changes in height (compared to the PPR) shown in red (Base Source: Supplementary information provided by the Proponent)

The Department has considered this alternative option and notes it is both consistent with its recommendation and the urban design and height parameters set by the Stage 2 development in the western precinct. The Department also concludes this alternative arrangement will:

- result in consistent visual impacts in the immediate and broader context noting that the increased height to Building D will not be visible from the south as it is located immediately behind Building A which is also 14 storeys
- allow for more than 18 m building separation between Buildings B, C and D which will enable future DAs to provide flexible floor plans to ensure privacy between apartments in opposite buildings
- allow for internal amenity to apartments consistent with the Apartment Design Guide recommendations, as required by FEAR 5A.

The Department therefore supports the alternative arrangement (**Figure 17**) and recommends a new Modification B3 on the Concept Approval requiring the Proponent to submit amended plans to the Secretary for approval providing for the reduction of heights of Buildings B and C, and a maximum height of nine to 14 storeys for Building D consistent with the alternative option provided by the Proponent (**Table 10**).

Subject to this change, the Department concludes the building envelopes are acceptable and would not have adverse built form or visual impacts. In addition, the building envelopes are expected to complement the approved residential development within the western portion of the site (Stage 2) and provide an appropriate marker for the new town centre.

Table 10: Summary of Department's recommended maximum heights

Building envelope	Exhibited	Revised in PPR	Department's recommendation
A	14 storeys	14 storeys	14 storeys
B	10 - 16 storeys	10/11 - 15 storeys	9 – 15 storeys
C	11 storeys	10 - 12 storeys	8 storeys
D	9 storeys	9 storeys	9 -14 storeys
E	8 storeys	10 storeys	10 storeys
Community room	8 storeys	8 storeys	N/A (Incorporated within Building D)

5.3.2 Design Guidelines

The detailed design of buildings would be subject to separate future DAs for Council's consideration and approval and would be subject to the parameters set by the building envelopes discussed at **Section 5.3.1**.

The modification includes indicative drawings demonstrating how detailed buildings could function, appear and respond to the building envelopes. The indicative drawings show the design and layout of a notional development including access, apartment and hotel layouts, communal open space, the relationship between residential and retail / club uses and architectural treatments.

Council raised the following concerns about the likely urban design quality of future developments, including ground floor activation, pedestrian navigation through the development and screening of the above ground car park.

In response to the concerns raised and noting the proposal seeks to modify a Concept Plan and the detailed design will occur at a later stage, the Proponent has prepared Design Guidelines based on the design principles summarised at **Table 11**, to provide a framework for the future detailed design of buildings and their integration into the town centre.

Table 11: The design principles and the Proponent's proposed Design Guidelines

Design Principles	Proponent's Design Guidelines
Maximise activation of external street frontages	<ul style="list-style-type: none"> Provide lobby at ground level building C to create residential access to the foreshore Enhance street access to the hotel through signage and other design measures to draw attention to the mixed uses of club and hotel on the upper levels.
Provide a street address for the residential and tourist accommodation	<ul style="list-style-type: none"> Provide signage to clearly identify hotel and residential accommodation Ensure design of lobby is transparent and open to the street.
Minimise impacts of loading dock and car parking entry/exit points, plant, services and above ground car parking	<ul style="list-style-type: none"> Loading docks and car parking entry / exit points, plant and service rooms on Level 1- 4 and retail car parking is to be constructed in accordance with the Club/ Retail Precinct Project Approval Above ground car parking for Building A - D to include an open architectural treatment, which will screen parking while facilitating natural ventilation. Above ground car parking for Building E is to be screened with a facade that is consistent with the hotel/residential building above.
Identify and separate public and private areas	<ul style="list-style-type: none"> Clearly delineate between public and private areas through the use of signage, security monitoring and other design measures.
Manage the separate car parking and traffic impacts of the various uses, including drop off/pick up for the tourist accommodation	<ul style="list-style-type: none"> Provide separate entry and exit arrangement for each use Provide dedicated hotel car parking within the Building E envelope including a separate drop off / pick up area Implement a guided parking management system

The Department has reviewed the Proponent's Design Guidelines and carefully considered Council's concerns.

In relation pedestrian navigation through the proposed Stage 1 development, the Department agrees with Council that the residential access arrangements appear overly complicated. The indicative drawings show routes that are indirect, involve numerous turns, and either cross car parking areas or communal open spaces. In addition, the Department notes the indicative future pedestrian routes at the rooftop podium level divide the communal open spaces into small potentially less functional spaces. The Department therefore recommends a new FEAR requiring future DA(s) provide an assessment of residential access arrangements to ensure they are appropriate, easy to navigate and do not have an adverse impact on the use/function of communal open spaces.

The Department also agrees the above ground car parking should not have an adverse visual impact on the overall appearance of the development. This could be achieved by providing wrapping apartments, architectural treatments, greenery or art. However, the Department considers this should be considered as part of the future detailed design of the building. The Department therefore recommends a new FEAR requiring future DA(s) provide careful consideration of the architectural treatment of the facades in these locations to ensure the above ground car parking makes a positive contributions to the overall appearance of the development.

The Department also notes Council's concerns about street activation and considers the requirements of FEAR 2 already imposed on the Concept Approval will be sufficient in ensuring future stages provide an appropriate level of street activation.

The Department also notes, although not included within the Design Guidelines:

- the Proponent has committed to the key recommended ADG space and amenity standards, as discussed at **Section 5.6**
- the Design Report submitted in support of the modification includes consideration of potential approaches to way-finding
- the concept landscape plans set out an approach to landscaping for the site.

In addition, the Concept Approval includes the following FEARs, which require future DA(s) provide for development of a high standard of design and layout:

- FEAR 1 requires appropriate modulation and articulation of buildings
- FEAR 2 requires appropriate building activation to surrounding streets and the riparian zone
- FEAR 5 requires future apartments address SEPP 65 requirements
- FEAR 11 requires future DA(s) demonstrate compliance with ESD principles
- FEARs 14 to 18 require appropriate landscaping treatments.

The Department acknowledges the Proponent's Design Guidelines are high-level, however, considers that when read in conjunction with the existing FEARs and the Department's new/amended FEARs, the Concept Approval would provide for sufficient guidance for the preparation of future DA(s). The Department is therefore satisfied future DA(s) are capable of providing for future development of a high standard of design, appearance and layout.

5.4 Car parking and traffic impacts

Car parking provision and traffic impacts were key considerations of the Concept Approval. The Department acknowledges on-site car parking supply has a direct link to the amount of traffic generated by the development and its impact on surrounding local roads.

The Department engaged Halcrow / GTA to undertake an independent assessment of traffic impacts to inform its assessment of the Concept Approval. The Department considered the impact of 1,576 indicative car parking spaces (693 spaces in Stage 1 and 883 spaces in Stage 2) and concluded the proposal would have acceptable car parking and traffic impacts.

In approving the Concept Plan, the Commission determined the retail parking for the Stage 1 shopping centre be increased to 770 spaces (resulting in a total of 1,653 spaces). Despite this increase, the Commission concluded traffic impacts could be adequately managed through road infrastructure upgrades and management measures to be implemented through future DA(s). In particular:

- removal of the existing roundabout at the intersection of Captain Cook Drive and Woollooware Road and the provision of a new signalised intersection
- new signalised intersection south of the existing Leagues Club to provide access to Stage 1
- new signalised intersection to provide access to Stage 2
- additional bus bays along either side of Captain Cook Drive near the existing Leagues Club.

The current proposal is supported by a Traffic and Parking Impact Assessment (TPIA), which considers the potential traffic and car parking impacts of the modified proposal on the surrounding area.

The Department considers the key assessment issues to be:

- car parking
- traffic generation
- public transport
- bicycle parking

5.4.1 Car parking

Term of Approval (ToA) A4 of the Concept Approval sets a maximum residential car parking limit for Stage 2 (883 spaces) and a minimum retail/club car parking limit for Stage 1 (770 spaces).

In addition, FEAR 6 prescribes the following car parking rates for the Stage 2 residential development component of the Concept Approval:

- 1 space per 1 bedroom apartment
- 1 space per 2 bedroom apartments
- 2 spaces per 3 bedroom apartment
- 1 visitor space per 5 apartments
- 1 space per 30 m² of commercial GFA.

The proposal seeks to apply the approved car parking rates in Stage 2 to the new building envelopes in Stage 1 and 3. The proposal does not propose a minimum or maximum car parking limit and indicates an additional 400 car parking spaces could be provided, comprising:

- 259 residential car parking spaces (Stage 1)
- 91 separately accessed car parking spaces for the hotel (69 spaces) and affordable housing units (22 spaces) located within (Building E) (Stage 1)
- 50 car parking spaces for the Centre of Excellence (Stage 3).

The proposal also includes the provision of four dedicated car parking spaces for car-sharing within Stage 1 Precinct and an electronic dynamic parking guidance system.

The proposal does not seek to amend the number of retail / club car parking spaces within Stage 1 (770 spaces).

Concerns were raised in public submissions that the development did not include sufficient car parking and would contribute to pressure on existing on-street car parking spaces. Council objects to the proposed parking and notes since the occupation of the residential development within the western portion of the site (Stage 2) there has been overflow parking into nearby public streets and sporting facility car parks. Council is concerned that applying the car parking rates adopted for the Stage 2 development to Stages 1 and 2 would exacerbate the overflow parking problems.

The Proponent contends the proposed car parking provision will be sufficient for the future development and parking pressure will be addressed by future residents adopting alternative transport

modes. The Proponent also notes Council could also apply on-street parking restrictions to address any overflow parking.

The Department supports the proposed car parking for the hotel, affordable housing units and the Centre of Excellence. The Department considers the key issues for further consideration are:

- residential parking rate
- impact on existing on-street parking
- the proposed shared use of retail and residential visitor spaces.

Residential car parking

Residential car parking provision was a key consideration of the Concept Approval and the Department concluded, and the Commission agreed, the car parking rates (shown in **Table 12** and at FEAR 6) were acceptable.

The Department notes the proposed residential car parking rates adopted for Stage 2 are reasonably positioned between the minimum car parking rates recommended by the SDCP 2015 and RMS Guide. The Department also notes the Stage 1 residential development benefits from a greater level of accessibility being located immediately above the approved retail centre and the proposal includes the following new measures to encourage a mode shift away from private car use:

- inclusion of a total of 77 on-site bicycle parking spaces for future residents and visitors and a bicycle sharing scheme including 30 bicycles (**Section 5.4.4**)
- contribution towards the provision of bicycle infrastructure within the local area (**Section 5.5**)
- provision of four car parking spaces for car-sharing.

Table 12: Comparison between the SDCP 2015, RMS Guide and proposed car parking rates

Proposed Stage 1 residential development (244 indicative)	Sutherland Development Control Plan 2015 rate (required spaces)	RMS Guide for Traffic Generating Development rate (required spaces)	Approved Parking Rates for Stage 2 (required spaces)
86 x 1 bed	1 space per unit (86)	0.6 space per unit (52)	1 space per unit (86)
121 x 2 bed	1.5 spaces per unit (182)	0.9 space per unit (163)	1 space per unit (121)
37 x 3 bed	2 spaces per unit (74)	1.4 space per unit (52)	2 space per unit (74)
Visitor	1 space per 4 units (61)	1 space per 5 units (49)	1 space per 5 units (49) Visitor parking to be provided as shared spaces within the 770 retail car parking
Total spaces	403	316	330

However, the Department notes the concerns raised by both Council and the community about the car parking provided for Stage 2 and the impacts on overflow parking on surrounding areas and therefore has carefully considered whether this rate is appropriate for Stage 1. In addition, the adopted car parking rates for Stage 2 are less than what would be required under the SDCP 2015 for 2 bedroom apartments (1 space instead of 1.5 spaces) and visitor parking (1 space per 4 apartments instead of 1 space per 5 apartments).

The Department has carefully reviewed the particular circumstances of Stage 1 and remains satisfied the lower car parking rates applied to Stage 2 are appropriate for the proposed residential development at Stage 1 as:

- they would actively discourage private car ownership / use and would support the take up of sustainable transport measures noted above

- the design of the development including residential development above the retail town centre would significantly reduce future resident's dependency on cars and associated car parking compared with a residential development
- are greater than the RMS Guide for Traffic Generating Development parking rates, and therefore provide additional parking than other major developments of comparable size
- as shown at **Table 12** the retail podium includes an oversupply of public car parking, which (subject to separate consideration by Council in a future application) could be used on a casual basis by residents and their guests
- A Plan for Growing Sydney and the draft Greater Sydney Regional Plan both encourage the reduction of car parking provision with urban areas that are served by public transport.

In conclusion the Department considers the proposed car parking strikes an acceptable balance between providing sufficient car parking spaces and managing traffic generation (as further discussed at **Section 5.4.2**). The Department therefore recommends FEAR 6 be amended to apply the Stage 2 car parking rates to the residential component of Stage 1.

To ensure the approved road upgrade measures and traffic management measures remain effective, the Department concludes it is appropriate to cap the total number of additional car parking spaces within Stages 1 and 3 to a maximum of 400 spaces (the total number assessed as part of this modification application). Furthermore, the Department considers it appropriate the forecast car parking provision be monitored at each future DA stage to ensure that a reasonable rate of car parking may be provided for each stage of the development and the car parking cap is not exceeded. The Department recommends ToA A4 be amended accordingly.

The Department supports the provision of four car parking spaces for car-sharing and recommends FEAR 10 be amended to require the provision of the car-share spaces.

Impact on existing car parking

The Department has carefully considered the comments in submissions and by Council about existing overflow car parking impact resulting from the approved residential development within the western portion of the site, and the concerns the modification could exacerbate this.

The Department notes the future Stage 1 residential development, in contrast to the approved Stage 2 development, would be located immediately above a retail town centre. The Department considers this convenient co-location of residential, retail and entertainment uses will ensure that the day-to-day shopping and service needs of future residents would be met within the retail centre (by walking). It is expected this would reduce the demand for private car ownership and any associated use of surrounding car parking spaces by future residents.

The Department considers, if there are unexpected overflow car parking impacts on surrounding streets it is within Council's power to apply and enforce car parking restrictions, which would be a significant deterrent to parking (beyond casual parking) within the surrounding area. The Department also notes:

- Council has imposed timed parking restrictions to the existing car parking within the reserve on the northern and southern side of Captain Cook Drive (Solander Ground and Captain Cook Playing Fields) adjacent to the Stage 2 development
- other than the above car parking spaces, there is no other on-street parking in the immediate vicinity of the site and there are no on-street car parking spaces along Captain Cook Drive
- the nearest unrestricted on-street car parking is located 150 m south of the site on Woolooware Road. The distance from the site and the need to cross a main road present a reasonable access deterrent.

The Department also notes the following additional aspects of the proposal, which ensure it would not have an unacceptable impact on existing car parking:

- the proposal includes appropriate measures to encourage the use of other forms of transport and FEAR 10 requires future DA(s) include a Green Travel Plan

- the TPIA indicates the retail peak parking demand is less than the total number of retail spaces provided (770 spaces) and therefore a surplus of on-site car parking spaces will be provided
- the site is served by bus route 985, which connects to other local centres and the heavy rail network, as discussed at **Section 5.4.3**
- the sharing of car parking spaces within Stage 1 would be subject to further consideration at future DA stage, as discussed below.

The Department concludes the proposed residential development above the approved retail centre will benefit from a good level of accessibility to services and transport which will foster reduced car ownership. The proposal also includes sustainable transport measures and, accompanied with the car parking restrictions in place in the surrounding area, is not expected to result in additional parking pressure in surrounding streets.

Sharing of residential and retail visitor car parking spaces

The Concept Approval requires a minimum of 770 retail car parking spaces to cater for all the demands of the development.

FEAR 6 of the Concept Approval includes a residential visitor car parking rate of 1 space per five dwellings. Applying the above rates would require a total of 49 residential visitor car parking spaces in addition to the proposed 400 residential parking spaces and approved 770 retail car parking spaces for Stage 1.

The Proponent considers that 49 visitor spaces would not be required in addition to the 770 retail spaces already required by the Concept Approval and has requested the sharing of spaces for this purpose be allowed by the Concept Approval. To support this request, the Proponent has provided an assessment of the peak demand for the approved 770 retail car parking spaces, which is summarised at **Table 13**. The Proponent contends that there is a surplus in retail spaces which would be readily available for residential visitors.

Table 13: Peak car parking demand for the 770 retail car parking spaces within Stage 1

Peak Period	Total car parking spaces	Total Retail Demand *	Difference (+/-)
Friday before 5:30pm	770	600 to 623	- 170 / 147
Friday after 6:30pm	770	543 to 621	- 227 / 149
Saturday at midday	770	660 to 679	- 110 / 91

* The retail demand range is based on the RMS 2001 and 2013 Rates, discussed at **Section 5.4.2**.

The Department considers there is sufficient reason to accept the principle of the sharing of car parking spaces as:

- the peak car parking times for residential visitors is unlikely to coincide with peak car parking times for retail use
- the principle of the sharing of car parking spaces is consistent with Chapter 7 of the Sutherland DCP 2006 (in force at the time of the original Concept Approval), which states: *Where a development proposal contains two or more land uses with different peak parking demands, the total requirement may be reduced such that the peak demand is met at any one time*
- the sharing of residential and retail visitor car parking spaces has previously been approved (Concept Approval MOD 4) at Stage 2. Although it is noted FEAR 6 restricts the sharing of spaces to a maximum of 50% of all Stage 2 commercial spaces.

However, no details have been provided on any time restriction of cost associated with retail parking. Noting this, and the concerns raised in public submissions about car parking impacts, the Department considers further assessment of the sharing of car parking spaces is warranted. The Department therefore recommends FEAR 6 be amended to require future DA(s) include an assessment of shared car parking use, consideration of impacts and the appropriate extent/proportion of the sharing of spaces.

The Department agrees, due to the variety of land-uses that will be accessing the Stage 1 podium car parking, it is appropriate an electronic dynamic parking guidance system be installed. The Department therefore recommend a new FEAR requiring future DA(s) to include details of the installation of the system.

5.4.2 Traffic generation

Concerns were raised in public submissions that the modification would result in addition adverse traffic impacts. Council objected to the proposal on the basis traffic generation arising from the modification would have an adverse impact on the operation of the road network.

TfNSW recommends the preparation of a Travel Demand Study (TDS) to encourage sustainable transport measures and minimise the impact on the road network. RMS stated the modification would not have a significant impact on the State road network.

The Proponent has stated the proposal would not adversely impact on the local road network, and the intersection and road improvements committed to as part of the Concept Approval remain appropriate and further road infrastructure augmentation is not necessary. In response to TfNSW's comments the Applicant has agreed to undertake a TDS.

The *RMS Guide to Traffic Generating Development 2001* provides guidance on traffic generation and parking impacts of new developments (2001 Rates). In August 2013, the RMS published updated traffic generation rates for high density residential developments. The revised rates are based on surveys undertaken in 2010 across the Sydney Metropolitan area (and regional NSW) and indicate a reduction in traffic generation over the previous 10 years (2013 Rates).

The Concept Approval was assessed against the 2001 Rates and the Proponent's TPIA includes an assessment against both the 2001 and the 2013 Rates. As shown in **Table 14**, the traffic generated by the proposal (based on the 2013 Rates) is less than the traffic generated by the Concept Approval (2001 Rates) in the worst case weekday peak any only marginally greater (2 vph) during the Saturday midday peak.

The Department notes the Proponent has not reassessed the original Concept Approval against the updated 2013 Rates, and although the predicted traffic generation for the original Concept Approval was 1,500 vehicle per hour (vph) (2001 rates), in reality and based on the new up-to-date 2013 rates the revised traffic generation for the Concept Approval would be less than what was predicted.

The road improvements outlined in **Section 5.4** have been demonstrated to mitigate the impact of an additional 1,500 vph in the weekday peak and the Department is therefore satisfied the traffic generation of the proposal (1,426 and 1,456 vph in the weekday and Saturday peaks respectively) can be accommodated on the local road network.

A summary of the approved and proposed traffic generation for the site is provided at **Table 14**.

Table 14: Comparison between the Concept Approval and modified traffic generation

Peak Period	Approved Stage 1 Predicted traffic Generation (770 car parking spaces)	Modified Stage 1 Predicted Traffic Generation (1,170 car parking spaces)			
	2001 Rates	2001 Rates		2013 Rates	
Friday 5-6pm	1,500 vph	1,661 vph	+ 161 vph	1426 vph	- 74 vph
Saturday midday	1,454 vph	1,545 vph	+ 91 vph	1,456 vph	+ 2 vph

The TPIA modelling indicated that intersections surrounding the site would operate at a satisfactory level of service of A or B during the peak periods.

The Department has carefully considered the concerns raised in public submissions and Council's objection and notes, despite the increase in car parking provision on-site, when the RMS updated traffic generation rates are applied the predicted traffic movements are less than or generally

consistent with what was predicted and considered acceptable for the Concept Approval. Notwithstanding, the Department considers it appropriate that future development applications include a TDS to further encourage sustainable transport measures to ensure traffic impacts are minimised. The Department recommends FEAR 10 *Green Travel Plan* be updated accordingly.

5.4.3 Public transport

The site is currently served by public bus route 985, which commenced operation in November 2016 and provides 272 services a week to and from Miranda, Cronulla, Woolooware Bay Town Centre and Caringbah. The bus also services Sutherland hospital. Prior to the establishment of this route, the Proponent provided a shuttle bus service between the site and nearby train stations.

FEAR 8 requires future DA(s) to demonstrate the provision of ongoing bus services between the site and nearby railway stations.

Concerns were raised in public submissions that the site is insufficiently served by public transport. Council has recommended a private shuttle bus be provided between the site and Woolooware train station.

The Proponent has stated bus route 985 provides sufficient public transport connections to key centres and heavy rail. The Proponent consulted with TfNSW about the potential need to re-establish a shuttle bus route to the site and TfNSW has confirmed:

- it is satisfied route 985 connects users to transport interchanges and services
- it will continually review the development within the area, and bus service enhancements would be subject to TfNSW's Growth Services Program (GSP).

The Department considers the proposed site would be sufficiently served by public transport, noting:

- existing public bus route 985 operates every 30 minutes in peak hour and provides connections to transport interchanges, including train stations, and other town centres within the locality
- the bus journey to Caringbah train station from the site takes five to six minutes and Caringbah train station provides direct services between Cronulla and the City
- the re-establishment of a (private) bus shuttle service would compete directly with public bus route 985 and jeopardise the patronage and therefore the frequency and ongoing provision of this service
- TfNSW will continue to review the service in accordance with its GSP.

The Department concludes the development is appropriately served by public transport via bus route 985, which is appropriately connected to transport nodes and services. Given the establishment of a permanent bus route by TfNSW, the Department therefore considers FEAR 8 is now redundant and recommends that it be deleted.

5.4.4 Bicycle parking

The proposal includes 77 additional bicycle parking spaces for residents and visitors within the podium of the development, which would supplement the 49 spaces already approved for the retail component of the town centre.

As discussed at **Section 5.5**, the Applicant has also committed to contributing \$1,400,000 towards the provision of new bicycle links within the local area.

The Department notes, although the Concept Approval does not include specific bicycle parking rates for future DAs, Council has consistently applied the bicycle parking requirements of the SDCP 2015 to the residential developments within the western portion of the site (Stage 2).

Table 15 provides a comparison of the proposed bicycle parking provision with the requirements of the SDCP 2015 and also the recommended rates within the NSW Walking and Cycling Guidelines (NSW WCG).

Table 15: Comparison between the SDCP 2015, WCG and proposed

Car Parking Guide	Bicycle parking rate	Required no. of bicycle spaces	Proposed no. of bicycle spaces	Difference (+/-)
Sutherland DCP / rate applied to Stage 2 projects	1 per 10 units for the first 200 car spaces then 1 space per 20 thereafter	23 spaces	77 spaces	+ 54 spaces
NSW Walking and Cycling Guidelines	20%-30% of all units	48 to 81 spaces		+ 29 to - 4 spaces

As noted in **Table 15**, the proposal provides bicycle parking spaces in excess of what would be required by the SDCP 2015 and the minimum requirement of the NSW WCG. The Department is satisfied the provision of 77 bicycle parking spaces is appropriate for the site and recommends a new FEAR requiring the bicycle parking be provided as part of future DA(s).

5.5 Public benefits and developer contributions

FEAR 13 of the Concept Approval confirms each future detailed stage of the development will be required, by condition, to pay development contributions to Council in accordance with the contributions plan in force at the time of an approval (currently the *Section 94 Contribution Plan 2016* (the Contribution Plan)) and for the provision or improvement of public amenities and services. This requirement equates to a contribution of 1% of the capital investment value of each future detailed stage of the development.

These contributions will apply to the approved development, as well as the proposed modification, if approved.

The Proponent has outlined its additional in-principle contribution offer to Council worth a predicted \$6,170,000 providing for:

- contribution of \$1,400,000 to Council for the provision of new bicycle links, including:
 - the Woolooware Bay Town Centre to Woolooware Station link
 - Woolooware Station to Cronulla Centre link
 - connection to the Sutherland to Cronulla Alternative Transport link
- 5% of residential floorspace proposed under this modification (10 to 12 apartments) to be provided as affordable rental housing (20% discount on market rates) for a period of no less than 10 years
- reserve 5% of apartments (approximately 11 apartments) for first home buyers, which can be purchased with a reduced deposit amount of 5%
- provision of a community spaces (minimum 200 m²) within Stage 1.

The Proponent has updated its Statement of Commitments and suggested two new FEARs to secure the above new contributions, and asserts this is an appropriate mechanism to secure the payment of contributions at detailed DA stage.

Concern was raised in public submissions that the modification provided insufficient public benefits and the development should include an element of affordable housing. Council has confirmed its support for the Proponent's contribution offer.

The Department is satisfied the proposed contribution offer is appropriate and commensurate to the proposed uplift in development yield on the site. The Department considers the proposed public benefits, together with the contributions required under the Contribution Plan, would ensure the development provides for appropriate benefits for the existing and future communities.

The Department does not consider securing the payment of the new contributions via FEARs and updated Statement of Commitments to be the most appropriate mechanism. Instead, the Department recommends the benefits should be secured through the more robust mechanism of a voluntary planning agreement (VPA). The Department considers the VPA must be executed prior to the lodgement of the first DA for residential development within Stage 1.

The Department therefore recommends a new ToA requiring a VPA in accordance with the Proponent's public benefit offer be prepared, publicly exhibited, executed and registered on the title of the land prior to the lodgement of the first DA for residential floor space within Stage 1, or as otherwise agreed with Council.

5.6 Other issues

The Department's consideration of other issues is provided at **Table 16**.

Table 16: Department's assessment of other issues

Issue	Consideration	Recommendation
Impact on the Environment	<ul style="list-style-type: none"> • Concern was raised in public submissions about the impact of the development on the environment, in particular the adjoining mangroves and wetlands. • Environmental impact was a key consideration of the Concept Approval. The Department concluded the development would not have adverse environmental impacts subject to future applications including a Vegetation Management Plan and addressing contamination, stormwater, flooding and acid sulphate soils. • The Commission agreed with the Department's conclusions and imposed a number of FEARs on the Concept Approval (including FEARs 11, 15 and 18-22) to protect the environment. • The Department also notes the Statement of Commitments include commitments to prepare a Vegetation Management Plan and other environmental management measures. • As discussed at Section 3.3, the proposal the Commonwealth Government confirmed that the modified Concept Approval does not constitute a 'controlled action' and therefore does not require assessment and approval under the EPBC Act. • The Department notes there is no change to riparian zone or the development's interface with the environmentally sensitive areas and considers the Concept Approval includes appropriate and sufficient measures to protect the environment. In addition, the principle of the inclusion of tall buildings within the Concept Approval site (Stage 2) was considered as part of the determination of the original application. • The Department concludes the inclusion of building envelopes up to 15 storeys and the increase in residential accommodation would not result in additional impacts beyond what has already been considered by the Concept Approval. The Department is therefore satisfied future DA(s) will be capable of appropriately addressing, managing and mitigating (where needed) environmental impacts. 	No additional conditions or amendments are necessary.
Social infrastructure	<ul style="list-style-type: none"> • Concerns were raised in public submissions about the impact of the increase in residential density on social infrastructure, and schools in particular. • The Proponent has stated that the social infrastructure and services are the responsibility of the State Government. In addition, the proposed retail centre includes a medical centre and childcare centre. • The Department notes, in addition to the approved medical and childcare centres, the modification includes the provision of a community room (200 m²) within the Stage 1 podium. • The Department is satisfied the modified proposal includes appropriate public benefits as discussed at Section 5.5 and there is strategic merit for the increase in residential density on the site as discussed at Section 2.2. • The Department notes FEAR 13 requires the Proponent to pay 	No additional conditions or amendments are necessary.

Issue	Consideration	Recommendation
	<p>development Contributions to Council and this contribution will be calculated at 1% of the total value of each future development stage of the development, and would include any increase in development value resulting from any approved modifications to the Concept Approval.</p> <ul style="list-style-type: none"> • The Department notes the Department of Education is responsible for the provision of schools and undertakes regular reviews of school capacity in determining whether upgrades may be required. • The Department concludes the proposal is acceptable. 	
Overshadowing	<ul style="list-style-type: none"> • Concern was raised in public submissions about overshadowing of Woollooware High School. • The Proponent has submitted shadow diagrams in support of the modification, which predict the likely overshadowing impacts during mid-winter (21 June) between 9 am and 3 pm. • The shadow diagrams indicate the proposal would overshadow the Woollooware High School: <ul style="list-style-type: none"> ○ open space (northern extent) adjacent to Woollooware Road for one hour between 2 pm to 3 pm ○ classroom closest to Woollooware Road and Captain Cook Drive for one hour at 3 pm. • The Department notes the recommended amendments to the height of building envelopes (Section 5.3.1) would further improve solar access to adjoining properties. • The Department is satisfied the likely overshadowing of Woollooware High School is minor, noting the school would retain between five and six hours of direct sunlight during mid-winter. • The Department also notes as the proposed building envelopes are located south of Botany Bay, they would not result in any overshadowing of the ecologically significant foreshore riparian zone. 	No additional conditions or amendments are necessary.
Future residential amenity	<ul style="list-style-type: none"> • The proposed building envelopes, as outlined in both the PPR and the Proponent's alternative option, provide separation between buildings generally consistent with the minimum separation recommended in the ADG. • However, for a short portion of their facades, Building envelopes A and B have a separation distance of 12 m, as shown at Figure 7. • Council recommended the separation distance between building envelopes A and B be increased to 18 m to achieve the recommended ADG minimum separation distance. • The Proponent asserts architectural treatments can be used to prevent overlooking where the buildings are closer than 18 m. • The modification includes an assessment of the proposal and indicative floor plan layouts against the aims and objectives of SEPP 65 and the relevant amenity criteria within the ADG and concludes future developments would achieve an appropriate standard of residential amenity. • The Department has considered the proposed and indicative layouts and considers future DAs would be capable of providing for buildings which achieve an acceptable standard of residential amenity for future residents in accordance with the ADG. • The Department notes the indicative floor plans indicate the following methods for preventing overlooking between apartments within envelopes A and B with separation distances closer than 18 m: <ul style="list-style-type: none"> ○ off-set windows and balconies 	The Department has recommended a new FEAR requiring Stage 1 to comply with the ADG requirements and provide acceptable amenity in terms of building separation.

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> ○ angled windows ○ solid walls. • The Department notes the ADG allows for the use of architectural treatments to prevent overlooking. • The Department considers the proposed building separation of 12 m is tight for buildings of this scale, and therefore the Proponent's proposed architectural solutions (above) may not be able to sufficiently address negative impacts arising from the proximity of these buildings. • The Department recommends a new FEARs requiring future DA(s) <ul style="list-style-type: none"> ○ comply with the recommended ADG space and amenity standards ○ demonstrate the 12 m separation distance between buildings within envelopes A and B will not result in adverse amenity impacts. Should this not be adequately demonstrated, the separation distance must be increased to mitigate these amenity impacts between the two buildings. 	
Loss of views	<ul style="list-style-type: none"> • Concern was raised in public submissions about the loss of city and water views. • The Department notes views across the site are possible from dwellings at elevated locations within Woolooware, and the Proponent has provided analysis of impacts to properties at Castlewood Avenue to the south and Bate Bay Road to the east (refer to Figures 13 and 14). • The Department notes properties currently have district views across roof tops and trees towards the site and in some cases bay and city views beyond. Due to the low-rise nature of the approved retail / club building envelope (four storeys) it would have a negligible impact on these views. • The Department acknowledges the proposed building envelopes would alter existing views. However, The Department considers the impacts of the building envelopes, as outlined in both the PPR and the Proponent's alternative option, are acceptable as: <ul style="list-style-type: none"> ○ the impacts are minor ○ district, water and city views would generally be unaffected ○ the affected views are achieved over a significant distance and across many properties and in such circumstances, it is unreasonable to expect they would not alter over time. • The Department therefore considers the proposed impacts on views to be reasonable and acceptable. 	No additional conditions or amendments are necessary.
Noise impacts	<ul style="list-style-type: none"> • Concern was raised in public submissions about operational and construction noise impacts. • The Proponent has confirmed appropriate noise mitigation measures will be employed during the construction phase of the development. • The Department notes the proposal relates to a Concept Plan only and future DA(s) will be submitted to Council for the detailed design and use of buildings within the building envelopes. • The Department also notes FEAR 12 of the Concept Approval requires future DA(s) include an assessment of operational and construction noise impacts and any mitigation measures. • The Department is therefore satisfied, subject to FEAR 12, noise impacts can be managed and mitigated. 	No additional conditions or amendments are necessary.

Issue	Consideration	Recommendation
Hotel	<ul style="list-style-type: none"> • Council supports the provision of hotel accommodation on the site and recommends it be provided in perpetuity. • In response to Council's comments the Proponent has suggested a new FEAR requiring the hotel accommodation to be retained for this purpose and not converted into another use. • The Department agrees the hotel accommodation should be retained for that purpose and recommends a new FEAR accordingly. 	<p>The Department has recommended a new FEAR requiring future DAs to outline the mechanism for ensuring the hotel accommodation will be retained for that use.</p>
Subdivision	<ul style="list-style-type: none"> • The proposal seeks to modify the Project Approval to allow for the stratum subdivision of Lot 315 into two separate hotel and residential lots. • The Department notes any future development of the lots would be subject to separate application(s) and existing conditions G1 to G6 and F16 include appropriate restrictions regarding access, services, easements, car parking and services. • The Department considers the subdivision to be acceptable and is satisfied existing conditions would continue to secure appropriate restrictions. 	<p>The Department has recommended ToA A2 of the Project Approval be amended to take account of the modified subdivision drawings.</p>
GFA	<ul style="list-style-type: none"> • The proposal seeks to allow above ground residential storage areas within the car parking levels within the podium to be provided without contributing to the total GFA allowed under the Concept Approval. • The Department notes the definition of GFA in the SLEP excludes basement storage, but would otherwise require above ground storage to be included in the GFA calculation. • The Department agrees that above ground storage, typically within apartments should be included within the GFA calculation, however, in this case also supports the exclusion of storage areas within the above ground parking levels as: <ul style="list-style-type: none"> ○ the storage will be accommodated within the approved building envelopes and will not have any adverse building form, visual or amenity impacts ○ the storage would not result in the loss of any car parking required by the Concept Approval ○ increased storage space will provide a direct benefit to future residents and improve overall residential amenity in line with the objectives of the ADG. 	<p>The Department has recommended ToA A3 be amended to allow for residential storage in the car parking levels within the podium to be excluded from the GFA.</p>
Open space	<ul style="list-style-type: none"> • Concern was raised in public submissions about the potential for the loss of open space. • The Department notes the modification does not propose to any reduction of open space, beyond what was approved by the Concept Approval. In addition, the modification includes a concept landscaping plan, which provides for: <ul style="list-style-type: none"> ○ a minimum of 25% communal open space for future residents at podium roof level in accordance with the ADG ○ hard and soft landscaping embellishments along the elevated roadway, residential communal open space and hotel courtyard. • The Department is satisfied the proposal does not result in a loss of open space and future development is capable of providing for appropriate communal open space. 	<p>No additional conditions or amendments are necessary.</p>
Landscaping	<ul style="list-style-type: none"> • Council has recommended all tree species and at least 80% of understorey species within the landscaping be indigenous, and should not include weed species. • The Proponent has not objected to Council's recommendation and states species selection would be consistent with Council's 	<p>The Department has recommended FEAR 14 be amended to require all trees</p>

Issue	Consideration	Recommendation
	<p>specifications.</p> <ul style="list-style-type: none"> • The Department notes the concept landscape plan includes an indicative species list that contains some plants recognised as weeds by the Sydney Weeds Council. • The site is located in close proximity to ecologically sensitive areas and the Department agrees the development should include largely indigenous species to protect the ecological value of these areas and prevent the risk of weed infestation. • The Department therefore recommends FEAR 14 <i>Public Domain and landscaping</i> be amended to include Council's above recommendation. • In addition, the Department notes the concept landscaping plans submitted with the modification application are inconsistent with the updated PPR concept drawings. The Department therefore recommends a new Modification B4 on the Concept Approval requiring the concept landscape plans be updated. 	<p>and at least 80% of understorey species be indigenous.</p> <p>The Department also recommends a new Modification B4 requiring the concept landscape plans be updated for consistency.</p>
Consultation	<ul style="list-style-type: none"> • Concern was raised in public submissions about the level of public consultation undertaken. • The Proponent has confirmed it consulted with key stakeholders and community groups prior and following lodgement of the modification applications, including: <ul style="list-style-type: none"> ○ a 'display and discuss' session held on 28 February 2017 for residents and owners within Stages 1, 2 and 3 (53 attendees) ○ a 'display and discuss' session held on 6 March 2017 for wider Woolooware and Sutherland community (28 attendees). This session was promoted by advertisements in local papers, letterbox drop and media release ○ briefing to the North Cronulla Precinct and Cronulla Residents Group on 6 March 2017. • The Department notes it has appropriately exhibited the modification applications in accordance with the requirements of the EP&A Act, as stated in Section 4. • The Department also renotified the revised proposals to residents and previous submitters and it has carefully considered the issues raised in submissions to the exhibited and renotified proposals as part of its assessment. • The Department is satisfied that sufficient public consultation has been undertaken to allow the assessment and determination of the modification applications. The Department also notes that the detailed design of Stages 1 and 3 will be the subject of future DA(s) to be submitted for Council's determination and which will be publicly exhibited. 	No additional conditions or amendments are necessary.
The Commission's original decision should be final	<ul style="list-style-type: none"> • Concern was raised about modifying the Commission's original decision on the Concept Approval. • The Department notes the planning process allows the Proponent to submit a modification application should it wish to do so. • The Department has assessed the proposed modification on its merits, having regard to the impacts of the proposal and issues raised in submissions. • The assessment recommends the following key amendments to the proposal, which reduce its impact: <ul style="list-style-type: none"> ○ a reduction in the height of building envelopes B and C ○ new car parking spaces to be capped at 400. • As noted at Section 3.2, the Commission (as delegate of the Minister for Planning) will determine these modification applications. 	No additional conditions or amendments are necessary.

5.7 Consideration of key issues raised in public submissions

Table 17 presents the key issues raised in the public submissions (as summarised in Sections 4.1.2 and 4.2), and how the Department has considered each issue.

Concern Raised	Department's comments
Traffic impacts	<ul style="list-style-type: none"> As discussed at Section 5.4, after applying the updated RMS traffic generation rates, the TPIA has demonstrated there would be an overall decrease in traffic generation when compared to what was considered acceptable and approved under the Concept Approval.
Car parking	<ul style="list-style-type: none"> Section 5.4.1 considers car parking provision and impacts on existing car parking. The Department has reviewed the Proponent's TPIA and finds the car parking provision strikes an acceptable balance between managing traffic generation and negating any impacts on the local road network. To ensure road infrastructure and traffic management measures remain effective, the Department recommends new car parking spaces be capped at 400 spaces and further assessment be undertaken on the provision of visitor car parking. The TPIA indicates the retail peak parking demand would be less than the 770 space provided (as approved) and therefore a surplus of car parking spaces is provided.
Environmental impacts	<ul style="list-style-type: none"> Section 5.6 considers the environmental impacts of the proposal. The Department considers the modification would not result in additional impacts beyond what has already been considered by the Concept Approval and future DA(s) will be capable of appropriately addressing, managing and mitigating (where needed) environmental impacts. the modification does not require assessment or approval under the EPBC Act.
Height and impact on character of the area	<ul style="list-style-type: none"> The Department agrees with the concerns raised in public submissions and by Council that the development, as submitted, has unacceptable built form and visual impacts on the immediate and broader surrounding area. As outlined in Section 5.3.1 to ensure the development achieves an appropriate built form and complements the approved residential development within the western portion of the site (Stage 2), the Department has recommended the building heights of envelopes B be reduced by two storeys to nine storeys and envelope C be reduced by four storeys to eight storeys. The Department has also considered the redistribution of height to Building D is acceptable as it would provide a 14 storey building within the central part of the site, which is consistent with the character of the area established by the Stage 2 development in the western precinct, while retaining lower scale buildings at the edges of the site. Subject to the reduction of building heights, the Department considers the development would provide for an appropriate built form transition and would not have an adverse visual impact on the locality. The amended building envelope heights would also be consistent with the urban design and height parameters set by the Stage 2 residential development.
Density	<ul style="list-style-type: none"> The Department considers the proposed increase in dwelling density has strategic merit as it will increase housing stock and housing diversity in south Sydney, consistent with A Plan for Growing Sydney, draft Greater Sydney Region Plan and South District Plan (Section 2.2). The Department considers this increase would have acceptable amenity impacts on surrounding residents (Section 5.6), would have acceptable traffic impacts (Section 5.4) and includes appropriate public benefits (Section 5.5).
Commission's decision	<ul style="list-style-type: none"> The Department notes the planning process allows the Proponent to submit a modification application should it wish to do so. The Commission will determine these modification applications.
Loss of views	<ul style="list-style-type: none"> As discussed at Section 5.6, the Department acknowledges the proposal would alter existing views. However, considers this to be acceptable as the impacts would be minor.
Affordable housing	<ul style="list-style-type: none"> Section 5.5 considers public benefits and developer contributions. The Proponent proposes 22 affordable housing apartments for a 10 year period secured through the VPA.

Noise impact	<ul style="list-style-type: none"> FEAR 12 requires future DA(s) to include an assessment of construction and operational impacts, including management and mitigation measures (as may be required).
Public consultation	<ul style="list-style-type: none"> The Department is satisfied sufficient public consultation has been undertaken to allow for the assessment and determination of the modification applications.
Overshadowing	<ul style="list-style-type: none"> The shadow diagrams submitted in support of the application have demonstrated the proposal would result in only minor overshadowing impacts on the neighbouring Woolooware High School. The reduction in the height of building envelope C would increase the solar access of apartments located on the northern side of building envelope B.

6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions, the Proponent's response to those submissions and its PPR, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department considers the proposal has strategic merit. It seeks to provide an increase in housing supply, includes a variety of housing typologies, is served by public transport and forms part of a new town centre. This is consistent with directions and actions in the A Plan for Growing Sydney, draft Greater Sydney Region Plan and South District Plan that encourage additional housing supply and housing diversity in areas served by public transport. The site has sufficient capacity to accommodate the increase in housing without causing adverse impacts on the immediate surrounding area.

Subject to the reduction in height of building envelopes B and C, the height of the new building envelopes would encourage a diverse built form with a range of building heights and typologies and would provide a marker for the new town centre and its key entrances. The alternative arrangement provided by the Proponent provides taller buildings within the site and shorter buildings on the periphery establishing an appropriate built form transition. This is consistent with the urban design and built form parameters set by the residential development within the western portion of the site (Stage 2) and would not have an adverse impact on the existing character of the surrounding area. The Department recommends the heights of Buildings B and C be reduced to eight and nine storeys, along with a maximum height of nine to 14 storeys for Building D consistent with the alternative arrangement proposed by the Proponent.

The Department considered the Proponent's Design Guidelines and is satisfied that coupled with the existing FEARs and the Department's recommended new/amended FEARs, the Concept Approval will ensure future buildings will be capable of achieving a high standard or design, appearance and layout.

The Department notes that the traffic generation of the approved and proposed development is less than originally anticipated, given the RMS have released updated traffic generation rates following the approval of the Concept Plan in 2012. In this regard, despite the increased density and development yield the proposal would not result in an adverse increase in traffic generation and intersections and the local road network would continue to operate at acceptable levels. Car parking would be provided in accordance with the Stage 2 residential development car parking rates, and to ensure road infrastructure and traffic management measures remain effective, the Department recommends new car parking spaces be capped at 400 spaces.

The mitigation measures proposed by the Proponent, including bicycle parking, bicycle infrastructure and car-share scheme are likely to encourage a mode shift away from private car use and ease pressure on local car parking facilities. In addition, the location of the new apartments above the town centre is likely to result in the day-to-day shopping needs of future residents being met on-site.

The Department concludes the public benefit offer is appropriate and notes Council supports the offer. However, the Department considers the public benefit offer is best secured via a VPA and recommends a FEAR requiring the VPA be prepared, exhibited, executed and registered on title prior to the lodgement of the first DA for the residential development within Stage 1.

The Department has reviewed a number of other issues, including the environment, social infrastructure, overshadowing, amenity, views, noise, hotel use, subdivision, open space, landscaping, consultation and the planning process, and is satisfied the proposal is appropriate and/or recommended ToAs, Modifications and FEARs to reduce the impact on the amenity of surrounding environment.

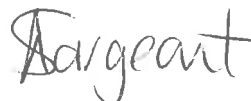
Following on from its assessment of the project, the Department considers the project is approvable, subject to conditions of approval (outlined in **Appendix B**). This assessment report is hereby presented to the Commission for determination.

Endorsed by:



Ben Lusher
Director
Key Sites Assessments

Endorsed by:



Anthea Sargeant 5/3/18
Executive Director
Key Sites and Industry Assessments