

## Response to Agency and Public Submissions

Issue	Response
<b>Transport for NSW</b>	
TfNSW has reviewed the submitted information and has no comment on the modification proposals.	Noted.
<b>NSW Roads and Maritime Services</b>	
Roads and Maritime has reviewed the information submitted and raises no objection to the Section 75W modification application, as the proposed modifications are unlikely to result in a significant increase in traffic generation and impact on the classified road network beyond the previously approved development.	Noted.
However, Council should ensure an adequate number of car parking spaces are in place for the increased floor area added to this development.	Noted. Parking is provided in accordance with the approval and the accepted parking rates for the proposed development as set out in the traffic report provided by McLaren Traffic Engineering.
<b>Sutherland Shire Council</b>	
<b>Increase in Floor Area</b>	
<p>The amendment proposes additional Gross Floor Area (GFA) and a substantial increase of 9,609m<sup>2</sup> in Gross Building Area (GBA). The addition of a full roof structure above the level 4 car parking deck will substantially increase the bulk and dominance of the building.</p> <p>The proposal is a large retail centre to be constructed on a prominent, isolated site, adjacent to the fragile mangrove landscape of Woollooware Bay. It is crucial that the environmental assessment requirements in Schedule 3 of the PAC approved Concept Plan (especially those relating to built form, ecologically sustainable development, public domain and landscaping) are fully complied with for the centre to successfully integrate within its sensitive context.</p> <p>There is an opportunity to articulate the large horizontal building mass into smaller distinct forms, for example, by creating a glazed roof level slot or breaks in the building. Large signage and applied architectural motifs are not sufficient to introduce an appropriate scale and modulation into the building's very long elevations and extensive parking roof levels.</p>	<p>As illustrated in the photomontages provided with the exhibited documents, the proposed L4 car park roof will have minimal visual impact due to the combination of architectural detailing, setbacks from the parapet edge and additional landscaping treatment proposed as part of this application. As noted at Section 5.1.1 of the s75W Modification Report, the upper height of the roof at RL 20.68 AHD is substantially lower than the upper height of the roof structure approved under the current Concept Plan at RL 22.30 AHD (albeit over a smaller area).</p> <p>No change is proposed to the approved ESD strategy for the Retail/Club precinct as part of this modification application.</p> <p>HDR Rice Daubney's amended proposal is significantly more articulated and architecturally diverse than the existing approved scheme under Project Approval MP 10_0230. The modified scheme would achieve a significantly higher architectural quality, particularly on high-visibility facades toward Captain Cook Drive, Woollooware Road and the Woollooware Bay foreshore area.</p>

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<p><b>Relationship to the public domain and natural environment</b></p> <p>Council expressed concerns with the initial concept application regarding the introverted design of the retail centre and the resultant poor relationship to the public domain and the natural environment.</p> <p>While Council is supportive of the increase in size of the active spaces at the pedestrian entry from Captain Cook Drive, it seems to be at the cost of other active uses on Captain Cook Drive that were previously proposed as retail spaces. This is contrary to the concept approval requirement that the Captain Cook Drive Frontage be activated.</p> <p>The ground floor of the proposal facing the riparian zone is proposed as services areas, a liquor store and a supermarket. These uses will not successfully activate this elevation, in accordance with the Concept Plan conditions. The enclosure of the (previously open) northern dining terrace would dilute the connection of this element of the proposal with the riparian zone and public open space.</p> <p>The ground floor level (Level1) is poorly connected to the street, accessed by a narrow path into the building, which is “tucked behind” the level 2 stair.</p> <p>The proposed entry to the club still requires patrons who enter from Captain Cook Drive to walk in excess of 100m along the top of the roof top car park to enter the club. A direct, safe and attractive entrance has not been provided to this element of the proposal. This is an important facility that should be a more prominent element in the design.</p> <p>Many of Councils previous concerns raised about the activation of the Captain Cook Drive frontage, riparian zone and pedestrian connectivity remain unresolved.</p>	<p>Noted, these matters were resolved at the Concept Approval stage.</p> <p>As demonstrated in the covering letter and Architectural Design Statement, the proposed modification is consistent with the existing approval in terms of ground-level activation and will significantly improve the relationship between the building and the ground plane overall.</p> <p>The Project Approval provides for a single retail tenancy to a portion of the northern façade as well as an undercroft bike parking area. The proposal does not reduce activation, and by providing a stronger north-south pedestrian connection at L1 will in fact increase the amount of activity occurring within this space. The ‘enclosure’ of the upper level terrace is operable with glazed pivot panels that will allow this area to be open in good weather, but continue to be used in inclement weather. This will ensure that there is activity in this space year-round, increasing activation and connection between the building and the open space area.</p> <p>The design has been amended to respond to this issue.</p> <p>The proposed modification significantly enhances access to the Leagues Club. Creation of the L3 ‘street’ to provide a direct vehicular drop off and positive pedestrian environment is a significant improvement to the current Project Approval. Along with the pedestrian entrance from Captain Cook Drive, which will be well-signalled, this modification represents a significant improvement above the approved scheme.</p> <p>These were resolved in the original Concept Approval and Project Approval. Notwithstanding this, the proposed modifications to the scheme represent a significant enhancement to the scheme with respect to these issues.</p>
<p><b>Parking</b></p> <p>The site is in an isolated location with poor connectivity to public transport, and adjacent to sporting grounds that are heavily utilised year round.</p>	<p>The projected parking demand has been thoroughly assessed and reviewed through multiple planning approvals. Furthermore, as Council is aware the site will be supported by a regular shuttle bus that will evolve to a new public bus service as Woollooware Bay Town Centre is progressively completed. This is a net improvement to public transport provision in the area, including to the benefit of the existing local community in the vicinity of the site.</p>

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<p>Parking beyond the boundaries of the site within practical walking distance has been provided by Council to service the needs of the community using the sporting facilities. It is often at capacity and cannot be relied upon as overflow parking for residents and visitors of the proposed development.</p> <p>For the purpose of assessment it should be assumed that there is no on street parking available within convenient walking distance of the site. On-site parking should therefore be considered as a primary limiting factor in how much floor space can be accommodated on the site.</p> <p>The amended proposal includes a substantial increase in GFA and new tenancy layouts that indicate two major supermarkets, a major liquor outlet and a childcare centre, which are recognised as very high parking and traffic generators. There is no additional parking to cater for the intensification of the use.</p> <p>Council is not satisfied that the proponent has adequately demonstrated that the parking demand of the expanded retail development can be met on site.</p>	<p>This parking is not relied upon the areas identified by Council for overflow parking.</p> <p>It has been a core principle throughout the many stages of planning approval for Woollooware Bay Town Centre that all required parking will be provided within the site. This has not changed with this planning application.</p> <p>The increase is less than 5% above the current approval, the majority of which relates to the enclosure of the dining terrace that was previously not counted as GFA. Supermarkets and other food and liquor retail tenancies have formed part of the proposed retail offering since the original Concept Plan application – this is not an intensification of the approved use. Parking and traffic generation have all been assessed in the McLaren Traffic Engineering report based on the proposed mix of uses. The Statement of Commitment in Schedule 3 of the existing consent continues to ensure that any further changes to retail mix are assessed throughout tenancy fitout stages.</p> <p>The parking provision, and its method of calculation, continues to be in accordance with that which was accepted and approved by the NSW Planning Assessment Commission.</p>
<p><b>Traffic</b></p> <p>Council’s previous concerns regarding the intensification of the use on the site, and the implications on the surrounding road network remain. The increase in retail floor space and the proposed combination of high traffic generating uses will increase traffic in the locality. While it is possible to demonstrate that the nearby road network is not at capacity, there are broader implications that need to be considered.</p> <p>Council has a housing strategy and a new LEP that provides additional development potential in other centres and locations. It is also the case that the ‘Toyota’ site to the west of this site will be redeveloped in the near future. This is a key strategic site in the subregion for employment and its future use will almost certainly be more intense than the current warehouse/office use.</p> <p>Essentially the question to be answered is should the Sharks be given another portion of the capacity available in the road network, potentially at the risk of other key employment and residential sites being constrained from achieving their potential.</p>	<p>Refer to covering letter.</p>

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<p><b>Public transport</b></p> <p>As mentioned on a number of previous occasions, it is a fact that the Sharks site is poorly served by public transport and that it is an 'out of centre' development.</p> <p>The residential population of the development may well be over 1000 people. The current proposal is to increase retail floor space and introduce higher travel demand land uses.</p> <p>The concept approval requires provision of a mini-bus shuttle service connecting with local train stations. The adequacy of a small shuttle bus to serve the needs of the proposed expanded development is not addressed in the application and the cumulative demand for public transport must be seriously questioned in the assessment of this application.</p>	<p>Refer to response previously. This issue has been exhaustively covered in multiple planning applications and approvals by the NSW Planning Assessment Commission and the NSW Department of Planning &amp; Environment. It does not relate to this s75W Modification Application.</p> <p>As noted above, the increase in GFA is less than 5% above the existing approval and predominately arises from the enclosure of the L2 dining terrace that was previously excluded from the calculation of GFA.</p> <p>The adequacy of this service has been assessed and approved multiple times by the Planning Assessment Commission and the NSW Department of Planning and Environment. This modification does not proposed any alterations to the approved shuttle bus plan.</p>
<p><b>Public Submission # 1 – Margaret Thomas (Cronulla)</b></p>	
<p>I wrote to your department on the 10th Of August 2015 with my reasons for objecting to this development. These objections are now more relevant .as since then there have been no less than 6 modifications to the original passed concept plan.</p> <p>The developer has submitted amended plans for:</p> <ul style="list-style-type: none"> <li>• Increasing the number of approved units from 600 to 642</li> <li>• Increasing the height &amp; density of the residential areas with plans for an extra 200 units&amp; 120 hotel rooms above the retail centre</li> <li>• Increasing the floor space ratio of the retail centre by1 267 metres</li> <li>• Reducing the Riparian Buffer Zone by 10 metres to accommodate repositioning the playground to allowing a future proposal family hill to be used as a covered walkway from the real centre to the residential precinct</li> </ul>	<p>This modification application relates solely to the approved Retail/Club development.</p>
<p>Also prospective buyers of apartments are being told by the developer that there will a marina complex as part of the development in the future. This is interesting as no such information has been provided to the public so far.</p>	<p>There are no plans for a marina complex as part of the Woollooware Bay Town Centre development.</p>
<p>Once a concept plan has been passed there should be no increase in unit numbers ,heights, size &amp; densities nor reductions of Riparian Buffer Zones for the reasons given in my letter of 10th of August 2015.How can the community which prepared numerous submissions of objection have faith in PAC ,State Government and Local Government representatives ,when developers such as Capital Bluestone Pty Ltd basically ignore their recommendations and the wishes of the community? The numerous development amendments</p>	<p>Modification to planning approvals for major developments is a normal process that reflects the fact that complex projects are delivered over multi-year timeframes. The modification process under s75W of the <i>Environmental Planning &amp; Assessment Act 1979</i> provides for a robust assessment of each modification proposal on its merits and with regard to the relevant planning considerations.</p>

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make a mockery of the whole approval process.	
<b>Public Submission # 2 – Not disclosed</b>	
<p>1. An increase in height and floor space of the above modification. This has come about because the developer increased the number of units on the residential side of the development resulting in the relocation of a child care centre to the retail side. Retail shops and restaurants should be reduced to allow for this relocation.</p>	<p>The modification proposal is in fact lower overall than the Concept Plan currently provides for.</p> <p>The increase in GFA is less than 5% above the existing approval and predominately arises from the enclosure of the L2 dining terrace that was previously excluded from the calculation of GFA. Modifications in relation to GFA within the residential precinct have been separately assessed and approved on their merits by the NSW Planning Assessment Commission.</p>
<p>2. The height of the retail centre should be no higher than the existing club to lessen the impact and amenity on the local community as far as looking at the bulk and density of the centre. Therefore there should be no roof on the carpark as this would add at least another 2 metres.</p>	<p>The existing Concept Plan approval provides for a roof that would be 1.6 metres higher than that proposed in this modification application. Whilst the L4 roof in the current Concept Plan approval is over a smaller area than currently proposed, the additional architectural and landscape detailing proposed in this modification will provide for a significantly better visual interface.</p>
<p>3. The photos of the Captain Cook Drive side do not include the stadium so it is not possible to gauge how much higher the addition of the carpark roof actually is in reality. A photo of this should have been included to give the community a total overview. The real visual impact cannot be imagined from the plans.</p>	<p>The eastern grandstand is included in the building elevations, and are consistent with the currently approved set of architectural plans.</p>
<p>4. There should be no reduction in medical uses. In a bid to gain support for the original Concept Plan the developer greatly pushed that this development would provide fantastic medical facilities for the area such as a medical centre, sports injury/health centre and radiology centre. This gained support from the community. Under land use the developer is now stating medical uses are being reduced. As nearly 2500 people will be moving in, the state govt should insist there is no reduction in these medical facilities. Our after hours medical centres regularly have a 2 hour wait.</p>	<p>The previous Project Approval included a private medical centre within the indicative tenant mix. As a result of ongoing and targeted lease marketing by the proponent, this space has been amended in order to reflect actual demand for such a space by private medical centre operators.</p>
<p>5. Any increase in size of the development should be assessed against the current RAMSAR boundaries gazetted in 2011.</p>	<p>Ecological matters have been taken into account consistently throughout the planning assessment process. The updated Review of Noise, Light and Bird Strike Potential (Appendix F to the Modification Application) ensures that there will be no significant impacts on the wetlands as a result of the proposed development.</p>
<p>6. I note that there is a modification 5 waiting to be assessed which impacts on this modification. Mod 6 should not be put forward until Mod 5 is decided and both should be on exhibition together.</p>	<p>This modification does not relate or impact upon the foreshore areas of Woolooware Bay Town Centre. No changes to foreshore landscaping are proposed in this modification application, and this application is able to be determined based on the currently approved foreshore landscaping scheme.</p>

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<p>7. Lack of time for the community to make comment. 2 weeks is not enough time for the community to study the modifications and write a submission as we all work fulltime and have family commitments at weekends. Some of us also work weekends. I did not receive my notification in the mail until Friday 4th March. If the Department of Planning is serious in its request for community members comments each modification should be on exhibition for 4 weeks. This short period of time is one reason not many submissions have been received and it is very unfair on the community. People simply did not have the time to do a submission.</p>	<p>The Department is responsible for application notification.</p>
<p><b>Public Submission # 3 – James Maclachlan (Jannali)</b></p>	
<p>This is my objection to the proposed increases to the already approved development. When will it stop? Shire residents' concerns and objections were ignored in the 2012 PAC/Dept of Planning approval of the scheme, and now that approval, with its reduction from that originally proposed, is being ignored in having sought an increased number of units in the Mod 3 Application, and an increase in retail and parking area in these two applications now on exhibition.</p>	<p>The increase in GFA is less than 5% above the existing approval and predominately arises from the enclosure of the L2 dining terrace that was previously excluded from the calculation of GFA. Modifications in relation to GFA within the residential precinct have been separately assessed and approved on their merits by the NSW Planning Assessment Commission.</p>
<p>Flooding the planning system with multiple applications increases the risk of inconsistency in the assessment process, with five separate applications yet to be determined. The Department of Planning Website indicates that the number of applications for the Sharks is approximately double for that of the Kirrawee Brickpit, a development of comparable size.</p>	<p>The Woollooware Bay Town Centre is further advanced than the Kirrawee Brickpit project. It is normal for a complex, multi-year project to be amended as design development and project implementation progresses.</p>
<p>The current simultaneous exhibitions for Mod 6 and Mod 3 Stage 1 appear to have the same documentation (except for the preambles) and hence this submission is common to each application.</p>	<p>Noted, planning documentation submitted is consistent across both applications as these modifications relate to the same elements of the project.</p>
<p><b>Traffic</b> I have made a number of submissions regarding traffic, against the applicant's denying any responsibility for upgrading intersections, particularly at Gannon's Road and Captain Cook Drive, with no account taken of pedestrian safety at this intersection. The applicant and the various determination reports refer to acquiescence by the RMS in the acceptability of traffic impact. However the Sutherland Shire Council, not the RMS, is responsible for managing traffic in the streets of North Woollooware. The Council's concerns in its submission to the original Concept Plan about increased traffic have been disregarded, with the applicant having not modelled these local streets that will bear the brunt of increased traffic, second only to Captain Cook Drive itself, but with inversely proportional smaller vehicle carrying capacity.</p>	<p>Refer to previous responses regarding traffic.</p>

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<p>The Council’s submission to the Concept Plan had also raised concerns about underestimation of traffic from the Applicant’s use of traffic generation values for high density developments as if the Sharks were close to a major transport hub as opposed to a questionable shuttle bus service. I have also made this point in previous submissions.</p> <p>Like in previous applications, the Applicant is attempting to justify the Mod 6 and/or Mod 3 Stage 1 by claiming minimal incremental impact. This is not an appropriate manner to assess traffic impact where even small increases at intersections that are saturated or near saturation will result in exponential increases in traffic delays. Moreover previous approvals based on acceptance of the Applicant’s omission of vital traffic studies of local streets should not be used as a benchmark of approval for incremental increase. The total impact should now be modelled, using realistic traffic generation figures based on the development’s remoteness from a substantive transport hub. Such consideration of the impact on the local streets in North Woollooware would be consistent with advice by the same traffic consultant McLaren in a report for Sutherland Council that “There thus needs to be a lot more work on external traffic impacts” for the Kirrawee Brickpit development:</p>	
<p><b>Visual Impact</b></p> <p>The applicant has casually proposed a roof for Level 4 car park which would be equivalent to half a storey increase with consequent increased visual impact.</p> <p>However a greater threat is that the roof itself could become an extra car park level to accommodate parking needs for some future application for even more development. Alternatively it may be a “Plan B” for when their under-provision of parking, as highlighted by Sutherland Shire Council and many submitters to the various proponent applications, becomes proven by overflow parking in local streets as a demonstration of the failure of the development assessment system to prevent inappropriate development such as the Sharks enclave. The proposed reshuffle of parking between levels 3 and 4 would sneak in another 24 car parking spots but this will not be enough.</p>	<p>The existing Concept Approval provides for a higher roof structure above the L4 car park.</p> <p>This is not proposed, and in any case the change suggested would require separate planning approval that would be subject to the normal notification and merit assessment processes.</p>

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<p><b>RAMSAR Wetland</b></p> <p>The Mod 6 and Mod 3 Stage 1 applications have implications for substandard riparian setback and inappropriate usage applied for in Mod 5. Although the applicant has submitted piecemeal applications the Department / Planning and Assessment Commission determination of all applications must be coordinated to ensure that one determination does not prejudice appropriate assessment of another application.</p>	<p>This modification application is separate from Mod 5 and is able to be determined based on the currently approved foreshore landscaping scheme. The proposed modification has no impact on this landscaping and does not give rise to any additional ecological considerations.</p>
<p><b>Fire Statement</b></p> <p>The fire statement goes no further than for the Stage 1 application for the retail precinct in the hope of a “performance based fire engineering” solution to overcome the problem of long emergency escape routes.</p> <p>In the intervening three years, the applicant should have now been able to furnish more details of this solution, if not a complete design, for proper assessment. Lack of any details suggests that there is possibly an underlying problem that cannot be viable fixed, and will require compromising public safety.</p> <p>A Grade 2 supply rather the apparent Grade 3 may not be mandated* for the retail precinct less than 25 m height, but would be reassuring, particularly for the large compartment area of the supermarket to be protected.</p> <p>* The Sprinkler Code states that a Grade 3 supply shall not be used to supply sprinkler systems protecting a building greater than 25 m effective height. This is relevant to the residential precinct for which I have unsuccessfully searched for a fire statement in previous applications, but an exhaustive search by opening all documents without an identifying name was not possible in the short time frame of the exhibition.</p>	<p>The provided statement is appropriate for the planning application phase. The matters raised by this submission are properly dealt with at the Construction Certificate phase in accordance with the relevant fire and construction codes.</p>
<p><b>Electromagnetic Radiation</b></p> <p>The potential risks to public health have been shrugged off without any documented medical opinion sought by the assessment authorities such as may have had recommended that the site be less developed with greater setback from the powerlines (however not for a recreation area but as vegetated buffer zone).</p> <p>I am not aware of any documentation in the Department’s website about progress in reverse phasing the powerlines.</p>	<p>EMR was assessed at both the Concept Plan and Project Application stages and considered to be acceptable. The rephrasing of the 132kV powerline was successfully completed by Ausgrid in July 2015, which has resulted in substantial reductions in EMF measurements within the site.</p>