

Appendix D: Response to Agency Submissions

Issue Raised	Response
NSW Department of Planning and Environment	
Consideration should be given to how the approved Stage 1 retail and club facilities could be integrated with the proposed additional uses and envelopes to enhance the town centre qualities of the development.	The proposed modification provides for two new uses within the Eastern Precinct – residential and the hotel. The co-location of these uses will give rise to significant benefits in terms of activation of the centre throughout the day and evening. The amended Design Report prepared by Turners (Appendix B) provides additional detail regarding the access and circulation arrangements which will ensure that residents can easily access the other uses within the centre whilst retaining a sense of privacy from public uses with clearly delineated public access, resident access and communal spaces. This integration and separation will ensure that a successful and functional outcome is achieved which delivers a high-quality town centre experience for future residents and visitors.
Design principles should be developed to guide the future of development in terms of:	Refer to Section 5.1.2 of the Response to Submissions and Preferred Project Report (RtS).
<ul style="list-style-type: none"> Maximizing activation of external street frontages; 	
<ul style="list-style-type: none"> Providing a street address for the residential and tourist accommodation; 	
<ul style="list-style-type: none"> Minimising impacts of loading dock and car parking entry/ exit points, plant, services and above ground car parking; 	
<ul style="list-style-type: none"> Identifying and separating public and private areas; and 	

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<ul style="list-style-type: none"> Managing the separate car parking and traffic impacts of the various uses, including drop off/ pick up for the tourist accommodation. 	
<p>The maximum height of 16 storeys in the eastern precinct should be reviewed, in line with the established maximum height of 14 storeys in the western precinct. In addition, the height of buildings should be reconsidered to minimise the impacts of building height and bulk at the edges of the site.</p>	<p>Refer to Sections 3.1.1 and 5.1.1 of the RtS and Appendix B. The maximum building height of 15 storeys in the Preferred Project is consistent with the Western Residential Precinct, which includes three 15-storey buildings. Building envelopes have been crafted to balance apparent density, visual impact, overshadowing, sunlight access, views, outlook and surveillance.</p>
<p>Further consideration should be given to strategies and mechanisms to reduce the traffic and parking demands of the development. In particular:</p>	
<ul style="list-style-type: none"> A specific commitment to providing a minimum amount of car share spaces along with justification for how this number was derived; 	<p>Refer Section 5.2.2 of the RtS. Four car share spaces are proposed based on discussions with GoGet for use by residents, hotel guests, staff and visitors.</p>
<ul style="list-style-type: none"> Retaining or reinstating the shuttle bus to Woollooware station to provide residents with a direct link to the nearest train station for services to the city and other centres on the rail network; and 	<p>Refer to Section 5.2.3 of RtS.</p>
<ul style="list-style-type: none"> A commitment to increase bicycle parking. 	<p>Refer to Section 5.2.4 of RtS.</p>
<p>A further explanation should be provided on how the Captain Cook Drive/ Gannons Road roundabout is improved from the level of service F to C in the Saturday peak.</p>	<p>Refer to Section 5.2.4 of RtS and Appendix F.</p>
<p>Further details on the management of access and parking for each of the land uses, including consideration on whether shared or separate access will be provided, ease of access for visitors and dispersion of traffic to minimise queuing on both arrival and exiting the site.</p>	<p>Refer to Appendices B and F.</p>

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<p>The proposal seeks a significant uplift in density and development yield than what would be otherwise permitted on the site and expected by the community. The Department considers that the uplift should be supported by community benefits in additions to Section 94 and 94A contributions.</p>	<p>Refer to Sections 3.1.3 and 5.3 of the RtS.</p>
<p>The department requires that you engage with Council to determine how the proposal can contribute to services and facilities to the benefit future residents and the broader community. The outcomes of consultation should be documented to the Department, including what commitments have made in relation to community benefits and how these would be formalised (in a planning agreement or the like). Where council's suggestion for community benefits are not progressed, the reasoning and justification for this should be outlined in your response.</p>	<p>Refer to Sections 3.1.3 and 5.3 of the RtS.</p>
<p>Further consideration should be given to provisions of affordable housing within the development, in addition to other mechanisms to improve housing affordability and accessibility to first home buyers.</p>	<p>Refer to Sections 3.1.3 and 5.3 of the RtS.</p>
<p>The consultation with the community undertaken prior to lodgement of the application was limited to club members, owners within the western precinct, Council and other agencies and special interest groups. There is no evidence of broader consultation with the general Woollooware community.</p>	<p>The Proponent has undertaken numerous consultation activities with local organisations, community representatives, elected officials and Sutherland Shire Council in relation to this proposed modification since 2014. This has included opportunities for the local precinct committee to engage with the proposal, as well as a series of media releases and announcements which have been covered prominently in local media. The Proponent also conducted public consultation with local residents and stakeholders during the public exhibition phase, including inviting approximately 950 local residents to a 'Display and Discuss' information session which was attended by 28 persons, and a direct briefing to the</p>

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	North Cronulla Precinct and Cronulla Residents committee. Refer to Appendix H for further information.
In addition to addressing the Department's issues and the submissions received in response to the exhibition, you must consult the broader Woollooware community to invite feedback and comments on how the proposal can be reviewed in response to their concerns. A consultation report is required outlining the issues raised and how the proposed development has been amended in response to these issues. An explanation or justification should be provided where amendments have not been made to address an issue.	Refer to Appendix H .
An updated Biodiversity Assessment addressing the impacts of the proposal on the adjacent mangroves and fauna, based on data collected in up to date field surveys, and any mitigation measures to minimise impacts.	Refer to Appendix J .
Confirm whether the proposal is likely to cause significant impacts that would constitute a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999, including evidence of consultation with the Federal Department of Environment and Energy.	Correspondence from the Department of Environment and Energy has indicated that the proposal is not likely to cause significant impacts that would constitute a controlled action under the EPBC Act (Appendix I).
Clarification on the proposed car parking provisions, noting that the EA states that 1078 spaces are proposed but the Traffic and Transport Assessment states that 1028 spaces are proposed.	A revised provision of 1,164 car parking spaces would be provided as detailed in the RtS.
Clarification on the gross floor area proposed, noting that the EA proposes an increase of 39,520 sqm overall but only 39,450 sqm in the eastern precinct.	Refer to Section 3.2 of the RtS.

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Sutherland Shire Council	
<p><i>Project justification</i></p> <p>The Draft South District Plan's Five-year housing target is 23,500 dwellings. The portion assigned to Sutherland Shire is 5,200 dwellings. This target will easily be delivered under the provisions of SSLEP2015, based on the rate of dwellings approved since the LEP came into place.</p> <p>The proponent's justification for the tourism and visitor accommodation is based on a widely-accepted need for a short term stay accommodation. Council strongly supports the provision of short stay accommodation and requests that, if approved, there be conditions requiring it to be used as such in perpetuity.</p>	<p>Dwelling targets are minimum, not maximum, requirements. The NSW Government has identified that increasing housing supply is a government priority. The proposed dwellings are well-located in proximity to retail and medical services, recreational facilities, leisure facilities, open space and public transport, and will benefit from high residential amenity.</p> <p>A condition to this effect is acceptable and is reflected in Appendix C.</p>
<p><i>Bulk and scale</i></p> <p>The proposed buildings sit on a heavy podium of retail and parking, and the buildings appear to be more tightly clustered together. They appear bulkier than the approved earlier stages. The proposed development will further change the character of the locality and is inconsistent with the site's broader context.</p>	<p>The design of the proposed development has deliberately incorporated façade treatments and landscaping to modulate the bulk and scale of the development and is consistent with residential development in the western precinct. The residential development in the western precinct (Stage 1 is complete, with Stage 2 under construction) defines the character of the immediate locality, with sports fields and light industrial development characterising the wider area. The proposed development is consistent with the future character of the area as set by the approved Concept Plan and seeks to deliver a town centre for the convenience of existing and future residents.</p>

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<p><i>Amenity</i></p> <p>The building forms generally appear to have separation compliant with the Apartment Design Guide (ADG) minimum requirements, with the exception of the interface between Buildings A and B. This should be increased to 18m by reducing the length of Building B or the applicant advised that it will need to be addressed by defensive façade design at DA stage.</p>	<p>As noted on the amended Architectural Drawings at Appendix A, the façade will be treated as part of detailed DA design to ensure that consistency with the ADG can be achieved.</p>
<p><i>Street level activation</i></p> <p>Condition 2 of the Concept Plan Future Environmental Assessment Requirements — requires that design of the retail and club precinct activates the ground level and sufficiently articulates the elevations. Council has consistently raised this issue and continues to believe that a positive, active interaction with the public domain is critical.</p>	<p>Ensuring that there is a high level of activation has been one of the key design principles throughout the development of the centre, as detailed in the design report at Appendix C. In particular:</p> <ul style="list-style-type: none"> • Multiple entry points are provided on the Captain Cook Drive frontage. • Active uses are provided at ground level on Captain Cook Drive, including the medical centre, the main retail centre entry, access to the club, bicycle parking and the residential lobby. • Façade materials will be open and transparent to ensure there are unobstructed views between the site and the public domain.
<p>The provision of residential development at the upper levels is an opportunity to activate areas on the ground floor that currently provide an inactive interface with the public domain. For example, the ground level residential foyer midway along Captain Cook Drive should be generous and prominent. The applicant advised that this will be a prominent entry with a high ceiling, and this should be reflected in a condition of the concept approval.</p>	<p>The residential lobby at ground level is generously proportioned and will be designed to ensure it presents an active frontage to the public domain in Captain Cook Drive. In addition, a new direct residential access to the foreshore parklands is proposed by providing a new lift core linking the podium adjacent to Building C down to ground level.</p>
<p>There is also an opportunity to make use of the 'garbage lift' at the western end of Building C to both activate the space at ground level and provide residents with direct access to the foreshore area. Residents would otherwise need to navigate through the car park or shopping centre</p>	<p>Noted. This has been provided as discussed above and detailed in Appendix A.</p>

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and use multiple vertical circulation points. The applicant indicated that they were willing to pursue this, and this enhancement should be required in amended plans or by condition.	
The same applies with respect to the proposed hotel. The current proposal makes no provision for a clear street entry, with a single lift proposed from street level shared with the club and retail patrons. It would be ideal if the hotel had its own presence at ground level, however, with the current design there is a commercial space and loading dock beneath it.	The proposed hotel entry from Captain Cook Drive is connected to a generous hotel lobby and terrace on Level 3 that overlooks the street. The design of this entrance creates a clearly defined street presence for the hotel and benefits from access at ground level and to the Level 3 Central Roadway.
If the proposal was designed from the beginning as a mixed-use development, it is likely that a better solution could have been arrived at. It is understood that the main and ceremonial entry to the hotel is from the elevated street shared with the club. At the very least there needs to be a clear strategy of signage or other way-finding cues to direct visitors.	The proposed development, as amended, will substantially improve upon the approved Concept Plan and will provide clear street addresses for each of the proposed uses through a combination of direct street access, vehicular arrival points and wayfinding signage. The wayfinding diagrams included at Appendix B demonstrate that there are clear access points and wayfinding cues around the centre, and detailed signage would be provided as part of a future detailed application for the development.
<p><i>Way-finding</i></p> <p>In terms of the proposed residential entries, way finding for the buildings will be difficult. No separate street entry is provided for the individual buildings (A — D) with access from street level obtained via one central lobby area. This lobby provides access via two lifts to the upper levels. At Level 7 a map of the individual buildings would be required to assist visitors in finding the apartment they wish to visit.</p>	Detailed matters relating to way-finding and ensuring ease of access throughout the precinct will be resolved as part of future separate development applications, which will be assessed by Council. This will include the provision of wayfinding signage as appropriate throughout the town centre to ensure ease of navigation for pedestrians, cyclists and vehicles. The wayfinding diagrams included at Appendix B demonstrate how residents and visitors would access the proposed buildings.

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<p>Each building has separate lift access to the various car park levels, but there are only two lifts that access the street level lobby and mail boxes directly from the residential podium level. The applicant explained that mail will be delivered to a central location and distributed by the site manager in the same way that currently occurs in Stage 1 by arrangement with Australia Post. This arrangement should be a requirement of any approval to avoid congestion in the lifts and street level lobby.</p>	<p>This arrangement is currently implemented in Stage 1 and has not caused any issues. As a result, this arrangement is considered acceptable and will be implemented following approval and occupation of the proposed residential buildings. This level of design detail is most appropriately dealt with at the detailed planning application stage, with future Development Applications for the residential buildings to be assessed by Council.</p>
<p><i>Materials and finishes</i></p> <p>The proposal includes a large extent of carpark, elevated above the retail centre, and visible from the surrounding area. Ideally the carpark would be wrapped with residential units, reducing the overall height of the buildings and providing a more active facade. This would provide more casual surveillance and increase the architectural interest, particularly to the foreshore elevation. Failing the above, Council requests that more detailed information (sections and materials board) be provided in order to ensure the quality of the car park facades.</p>	<p>The provision of adequate car parking and internal vehicular circulation for proposed uses has been a key assessment issue throughout the history of Woollooware Bay Town Centre. Structural constraints and practical considerations prevent residential dwellings from being 'wrapped' around the car park on all elevations, however the detailed design of the building façade will ensure that the transition between the building and the public domain is sympathetic to the existing character of the area and incorporates landscaping to minimise the presentation of a blank wall. Wrapping of apartments has been included to the north-eastern building elevation where it is considered that additional casual surveillance and activation is beneficial to both the public domain and residential amenity. A materials and samples board has already been approved for the Retail/Club Precinct, and further information regarding the proposed residential and hotel material treatments will be included at the detailed planning application stage.</p>
<p><i>Design principles</i></p> <p>A number of the issues raised above and below point to a fundamental question about the planning and design of the building. The proposal is to add residential apartments and a hotel to an approved retail building,</p>	<p>The Eastern Precinct of Woollooware Bay has always envisaged a mixture of uses, comprising the Leagues Club, supermarket, specialty retail, dining precinct and leisure facilities, and integration with the stadium as part of</p>

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<p>when what is actually contemplated is a mixed used development. If the outcome is to be a successful, integrated mixed use building, it ought to be designed that way from the beginning. It is unlikely that a purpose designed mixed use development would take the form that is now proposed in terms of how the various uses relate and interact with each other and the public domain. The opportunity to achieve an optimal outcome is now, before construction commences. It is acknowledged that actions taken based on the current approval may present a challenge to major design changes.</p>	<p>the original Concept Plan and Project Approval. Iterative design of the Retail/Club development, particularly the changes approved under Project Approval Modification No. 3, have already made allowances for future inclusion of residential and hotel uses that were not contemplated in the original approvals. As demonstrated in the Design Report at Appendix B, the proposed modifications in this application will achieve a successful, integrated town centre in both form and function.</p>
<p><i>Parking and traffic</i></p> <p>The subject site is isolated from other existing centres and key transport nodes within the Sutherland Shire. The only means of public transport readily proximate to the site is the recently established bus service.</p>	<p>Prior to the approval of the Concept Plan there was no public transport provided to the site. The development has catalysed a new public bus service, Route 985, which recently commenced and now directly links Woollooware Bay Town Centre with nearby centres at Cronulla and Caringbah. This service benefits not only future residents and visitors to Woollooware Bay, but also residents of surrounding areas which did not have access to public transport prior to this project. The centre is located a mere 1.6 kilometres from Caringbah (line-of-sight), which is substantially closer and less isolated than the existing separation distance between Cronulla and Caringbah.</p>
<p>With the residential stage 1 now occupied, there is already an acute parking problem on site and in the local area. New residents are experiencing difficulty finding sufficient parking and are impacting the users of adjacent sporting facilities. Council has had to gate off nearby public parking areas and is contemplating installing signs to time limit public parking, which will further frustrate new residents. Stages 2 and 3 of the residential development are yet to be completed and will inevitably worsen the problem once occupied. If supported, the parking rates applied to the additional residential apartments need to be carefully considered in response to the outcomes of stage 1 being occupied.</p>	<p>The provision of parking is in accordance with the rates approved by the Concept Plan, which were carefully determined as being appropriate by the NSW Department of Planning and Environment and the Planning Assessment Commission having regard to likely car ownership patterns and State and local policies to encourage reduced car ownership and traffic congestion.</p> <p>Each residential dwelling is sold with a specific allocation of car parking. Any decision by residents to own more cars than they have car parking spaces is beyond the control of Capital Bluestone and enforcement of parking controls by Council is supported. It is expected that this will, over</p>

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	<p>time, lead to behavioural change and increased utilisation of non-car travel modes.</p> <p>Multiple alternatives to private car use will be provided for residents, including the 985 bus route and newly proposed cycling facilities. Further discussion related to parking is provided at Section 5.2 and Appendix F.</p>
<p>The traffic analysis submitted with the modification and Council's own observations show that major existing intersections in the vicinity of the subject site are already at capacity, or experience significant delays on some approaches during peak periods (Taren Point Road and Captain Cook Drive; Gannons Road and Captain Cook Drive; Gannons Road and Kingsway). The information available indicates that the proposed substantial uplift in development will exacerbate the effects on the local community in terms of traffic, as well as placing further pressure on limited on street parking.</p>	<p>Refer to Section 5.2.1 of the RtS and Appendix F. The proposed hotel and residential components proposed within the Eastern Precinct account for only a small fraction of the overall traffic generation from Woollooware Bay Town Centre, and an even smaller proportion having regard to existing local traffic flows.</p>
<p>The local population has a documented high car ownership rates and usage, which has been confirmed now that stage 1 is occupied. The area is not well serviced by public transport. Alternative means of transporting people to and from the site need to be considered to reduce traffic generation rates.</p>	<p>The new Route 985 public bus service has been catalysed by the approval and delivery of Woollooware Bay Town Centre, and provides a direct connection to Cronulla (8-12 minutes), Caringbah (6-7 minutes) and Miranda (14 minutes). It is likely that frequency of services will increase in the future as further residential stages and the retail centre are completed.</p> <p>Section 3.1.3 of the RtS describes the \$1.4 million direct financial contribution proposed to be provided in conjunction with this Modification Application, should it be approved, for the delivery of local cycling infrastructure to better connect Woollooware Bay Town Centre with surrounding centres to promote active travel for commuting (to Woollooware Station) and other nearby destinations.</p> <p>Providing new housing in immediate proximity to retail services, including two supermarkets and specialty retail, leisure and dining venues, high-</p>

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	<p>quality open space and entertainment venues will reduce car usage of future residents by meeting daily needs on-site. This will encourage reduced car utilisation, reducing local congestion, and car ownership in comparison to providing housing in other locations within the Sutherland Shire.</p> <p>Availability of car parking is one of the main determinants of car ownership and car usage. The proposed modification will include dedicated car share bays which encourage reduced car ownership. Resident parking is proposed to be provided in accordance with the established rates for the site under the Concept Plan Approval, which balance anticipated parking demand and State and local planning policies to reduce car dependency.</p>
<p>The applicant is seeking to rely on the existing bus service as the key means of alternate transport, stating that the increased density will lead to increased usage of the service and potentially improve the frequency of buses (currently half hourly). Additional cycle measures are also proposed to be put in place to encourage alternative means to private car usage.</p>	<p>The 'existing' bus service has only been in operation since the occupation of Residential Stage 1, and is the result of regular liaison between the Proponent and Transport for NSW. It is likely that as further residential stages and the retail club are completed that frequencies on this route will be completed.</p> <p>Section 3.1.3 of the RtS describes the \$1.4 million direct financial contribution proposed to be provided in conjunction with this Modification Application, should it be approved, for the delivery of local cycling infrastructure</p>
<p>The Green Travel Plan (GTP) submitted by the proponent is generally reasonable and realistic with regard to how it intends to motivate / encourage tenants and residents to use alternative transport options and minimise car dependence. However, in light of the significant increase in development proposed and the pressure this will place on local infrastructure and the community, Council believes that additional options should be considered.</p>	<p>Refer responses above.</p>

Issue Raised	Response
<p><i>Car share scheme</i></p> <p>One option is a requirement for the provision of a car share scheme. Correspondence from a car-share provider ("Go-Get") is submitted with the application but does not appear to have been included as an option in the GTP. The car-share arrangement may assist to off-set the 'second car' demand typical of the Shire resident. The number of cars and dedicated vehicle spaces for the car-share can be resolved as part of the modification process. The applicant advised Council that they have progressed consideration of this option and would be willing to add it to the list of commitments.</p>	<p>Four car share spaces would be provided within the development for use by residents, hotel and club patrons, visitors and any person with a membership to the car share provider.</p>
<p><i>Shuttle bus</i></p> <p>The second measure which the Council would like to see implemented to assist with management of the impacts of vehicle movements to and from the site, is the provision of a shuttle bus. The modification introduces two further land use activities to the site — namely a hotel and more residential accommodation. This adds to the approved retail and commercial activities, child care centre, gymnasium, and sports club. The site adjoins a very popular rugby league playing field.</p> <p>The ideology behind the shuttle bus is not new as it formed part of the Terms of Approval required to be met by the proponent as part of the original Concept Plan (MP 10_0229). It preceded the public bus service and was provided on the basis of the need for alternative means of transport (other than private car usage) to enable access to and from the otherwise isolated site.</p> <p>While the shuttle bus was considered redundant with the provision of the public bus service, there may be a need for both transport options to ameliorate the impacts of the additional development proposed. The</p>	<p>Refer to Section 5.2.3 of the RtS.</p>

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<p>current bus service does not go to Woollooware station (the station closest to the site), instead providing a circuitous route to Cronulla station, then on to Caringbah and Miranda. This route is evidently needed by the broader community, but in terms of facilitating the Woollooware Bay Town Centre, a more direct service to Woollooware station is considered necessary.</p>	
<p>The distance to walk to Woollooware station from the subject site is 1km to 1.4km. This is too great a distance to encourage future residents (particularly commuters) or hotel patrons to walk. A half hourly bus service to a station further afield is not practical.</p> <p>The way in which it is envisaged that the shuttle bus would work is as a general purpose, all-encompassing service offered by the management of the Woollooware Bay Town Centre. It would be located on Level 3 in the central roadway, outside the club and hotel area and would be available to all residents, club patrons, hotel guests or shoppers. It would specifically facilitate short trips to Woollooware station and back, with other destinations potentially included in the future if or as required.</p> <p>The key benefit of the shuttle bus would be to reduce car trips to and from the site, particularly for commuters. Parking in the streets surrounding Woollooware station is already difficult and the proposed modification will exacerbate this. The shuttle bus service would also offer a transport alternative on club game days when traffic is extreme and on-street parking is severely limited.</p>	<p>Refer to Section 5.2.3 of the RtS.</p>

Issue Raised	Response
<p><i>Traffic generation and impact</i></p> <p>Aside from the proposed intersection works to facilitate traffic movements onto the site, the conditions of the current Project Approval do not require the proponent to undertake or make any contribution to works on the wider road network to ameliorate the impact of the traffic that will be generated from the approved development.</p>	<p>Extensive intersection and road works have been committed to as part of the residential and retail centre projects in direct response to the existing limitations of the road network servicing the site. These improvements include cap accommodate the proposed modifications to the Concept Plan without need for further augmentation.</p>
<p>The proposed increased development will generate additional traffic, which will result in further delays in the surrounding road network and is not supported from a capacity point of view unless alternative transport means are provided.</p>	<p>Refer to Section 5.2 of RtS.</p>
<p>It should also be noted that the State government has no major transport infrastructure planned and funded for the Sutherland Shire. Apart from road 'pinch-point' improvements, there are no new rail lines, metro lines, bus ways, tunnels, motorways or the like proposed to ease current road traffic problems or provide additional primary or secondary road capacity for future development.</p>	<p>Noted.</p>
<p><i>Parking management</i></p> <p>Given the scale and complexity of allocation of allocating parking for the different user groups, in the event that the MOD is approved, a condition should be imposed requiring the provision of an electronic dynamic parking guidance system as recommended in Section 5.3 of the TMAP.</p>	<p>Noted, an electronic dynamic parking guidance system will be implemented within the centre as per the recommendation of the TMAP.</p>
<p>There may also be value in the hotel having access to its own parking spaces within the hotel building footprint accessed from the upper level internal road as a means of potentially increasing parking numbers, but more importantly making the arrival sequence simpler for visitors.</p>	<p>Hotel car parking has been relocated to be within the hotel building, as shown on the amended Architectural Drawings at Appendix A.</p>

Issue Raised	Response
<p><i>Vehicle access / internal layout</i></p> <p>The increased vehicle numbers and movements as a result of the modification will likely require redesign of the exit driveway on Woollooware Road North as insufficient queuing distance is available.</p>	<p>Detailed traffic modelling has been undertaken to establish that the exit driveway on Woollooware Road North will be able to adequately accommodate the expected traffic volume. Refer to Appendix F for further detail.</p>
<p><i>Green Walls</i></p> <p>The proposed 'Green Wall' on the southern boundary intended to screen the car park on Levels 3 - 6 is extensive and highly visible when looking north along Gannons Road, Woollooware Road and Captain Cook Drive. The wall presents well in plan and in the rendered images provided, however, vegetation is temperamental on a southern elevation and difficult to maintain in the long term. Planting should not be relied upon to hide otherwise unsatisfactory architecture.</p> <p>An improved outcome would be residential development wrapped around the parking levels to assist in activating these frontages. If this option is not feasible, a more decorative facade treatment of a permanent nature should be explored in combination with the planting.</p>	<p>The proposed green wall and planting is proposed to be sympathetic to the adjacent mangroves and Towra Point Aquatic Reserve, as well as to provide modulation to minimise any perception of bulk. This is a common and appropriate design response and the detailed design will ensure that vegetation is carefully selected to ensure that it can be easily maintained over time. Detailed design and management of this façade can be dealt with through the detailed planning applications.</p>
<p><i>Level 3 Elevated Street</i></p> <p>Plans approved under the original proposal indicate extensive landscaping associated tree planting within the elevated street on Level 3. Unfortunately, this appears to have been significantly reduced to support more sky lights and pedestrian paths. Ideally opportunities should be sought to increase canopy cover where possible to offset the bulk and scale of the development, to provide shade, and to improve the entry sequence into the Club from the car park.</p>	<p>The design of the Level 3 street has responded to the modified context of the development and has sought to provide amenity through a balance of landscaping and design elements. Increasing sunlight into the shopping centre and providing pedestrian paths are considered critical for the useability of the centre. Landscaping and significant trees remain a part of the Central Roadway and opportunities will be sought to maximise amenity as part of detailed design.</p>

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<p><i>Level 7 Rooftop Communal Open Space</i></p> <p>Planting areas to support trees on the Level 7 rooftop area should be achieved through a combination of setting planting down within the floor slab, raised planter boxes and raised paths. Mounding alone is not supported. More detailed information (in the form of cross sections and elevations) should be provided to show how and where this will be achieved.</p>	<p>Noted. This information is most appropriately provided as part of a future detailed development application.</p>
<p><i>Species Selection</i></p> <p>In addition to being located within close proximity to an Endangered Ecological Community (Estuarine Swamp Oak Forest) - the subject site is located within a Greenweb Support Area. All new tree plantings and 80% of understorey plants should ideally be indigenous species.</p> <p>Species such as Liriope muscari/spicata, Raphiolepis indica, Lomandra hystrix and Pennisetum alopecuroides are weeds (Sydney Weeds Committee, 2012) and must not be included.</p>	<p>Noted. Tree plantings will be selected to be consistent with Council's specifications.</p>
<p><i>Contamination</i></p> <p>General Condition B1 Remediation of the Project Approval for the retail development (MP 10 0230) required remediation of the site. The condition specifies that the remediation be undertaken in accordance with the Remediation Action Plan (RAP) prepared by DLA Environmental and required that a site audit statement be prepared by an accredited site auditor verifying that the land is suitable for the proposed uses, in accordance with the requirements of State Environmental Planning Policy No.55 - Remediation of Land. The subject modification introduces new land uses to the site (residential and visitor accommodation). This is not addressed in the MOD submission, particularly with respect to the contaminated land and soil gas management. Council requests that the proponent be required to obtain interim site audit advice from a NSW</p>	<p>A RAP is in place for Woollooware Bay Town Centre which confirms that the site will be made suitable for the proposed uses.</p>

Issue Raised	Response
EPA site auditor to address the suitability of the site for the proposed new land uses.	
<p><i>Biodiversity</i></p> <p>The proponent's submission includes a report prepared by Ecological Australia titled Review of Noise, Light and Bird Strike. The report is too generic, failing to adequately address the proposed increase in building height from 4 to a maximum 16 storeys and the potential impacts that the built form may have on bird strike or in terms of lightspill on the adjacent fauna. This report is not adequate to enable a complete assessment of the impacts of the proposal.</p>	<p>The updated Ecological Assessment at Appendix J assesses the proposed development and finds that there will be no adverse impacts as a result of the development as modified. Refer to Appendix J and Section 5.4 of the RtS for further detail.</p>
<p>The adjacent mangroves, Woollooware Bay and Towra Point provide habitat for microbats and other fauna that rely on natural ambient light conditions for their lifecycle. The field surveys on which the report is based are at least 5 years old. A new fauna survey should be carried out which can assess the impacts that have already occurred through construction of Stages 1 & 2.</p>	<p>The Ecological Assessment is based on field investigations that have been undertaken over a four-year period, with the most recent being conducted within the last three years. The updated Ecological Assessment is provided at Appendix J.</p>
<p>All fauna potentially using the adjacent habitats should be surveyed. A report showing the available habitat, the species that might occupy that habitat, a survey showing if those species are using the habitat, the likely impact the new level of development would have on those species and recommendations to reduce these impacts should be provided.</p>	<p>This information is provided as part of the Ecological Assessment at Appendix J. A detailed table of all species, populations and communities that may occur in the vicinity of the subject site is included and forms the basis for the assessment. Several mitigation measures are recommended to reduce any potential impacts.</p>
<p>Council is aware that microbat surveys have been done more recently for other stages of the proponent's development. The data from the microbat surveys should be reviewed to determine if it is sufficient for the proposed modification. The report describes the work put into monitoring local fauna, specifically Green & Golden Bell Frog, Bats and Birds in the past, but it does not actually provide the results of those surveys. It also</p>	<p>Ecological Australia has conducted multiple field surveys over the last five years and the findings of these surveys are presented in the updated Biodiversity Assessment at Appendix J. This assessment has been prepared in accordance with the DECC Guidelines and is considered appropriate for the proposed modification.</p>

Issue Raised	Response
<p>fails to include recommendations for the proposal in relation to these field surveys and if those recommendations are still valid given the significant built form changes under the proposed modification.</p>	
<p>It is questionable as to whether the government decision (17/5/2011) with respect to the original Concept Plan is applicable to the proposed modification in terms of the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999. The nature of the subject modification is such that a referral may be required to confirm that the development is not a controlled action under this Act.</p>	<p>Correspondence with the Department of Environment and Energy has indicated that the modification is unlikely to require a referral under the EPBC Act. Refer to Section 5.4.1 of the RtS for further detail.</p>
<p>In summary, the biodiversity assessment submitted in support of the proposed modification is inadequate. A new report should be prepared addressing the specifics of the proposal, with current survey data and incorporating mitigation measures to ensure the impacts for the local fauna are minimised and acceptable.</p>	<p>The updated Ecological Assessment is submitted at Appendix J and includes an assessment of the potential ecological impacts of the proposal based on recent survey data as well as number of mitigation measures.</p>
<p><i>Community Benefit</i></p> <p>As there is an approval in place that is reflected in the planning controls applying to the site, the proposed additional development effectively has no land cost component. The return on the additional residential units in particular is therefore much higher than typical development, delivering a potential profit windfall of tens of millions of dollars.</p>	<p>Noted.</p>
<p>Given that the community will experience some detrimental impact (as described above) as a consequence of the additional development, it would seem fair that the existing community shares in the financial windfall. This ought to over and above the facilities and services needed to support the new population that comes with the development, which are typically covered by consent conditions requiring works and by s.94 contributions.</p>	<p>A Public Benefit Offer has been accepted by Sutherland Shire Council, which details a commitment to affordable housing, first home buyer incentives and cycle infrastructure upgrades. This commitment is in addition to s.94 contributions and has been given in-principle support by Sutherland Shire Council officers should the Modification Application be approved.</p>

Issue Raised	Response
The development site is located on a regional cycleway and now includes provision for a bike share scheme. To capitalise on this, as an example, further work could be done to improve or extend cycle links to the new Greenhills sporting complex. Council is also contemplating renewing the nearby Caringbah aquatic centre, as a further example.	As described above, the public benefit offer includes a \$1.4 million commitment to fund cycling infrastructure upgrades in the wider Sutherland Shire.
It is acknowledged that Capital Bluestone has taken an interest in the local community and continues to sponsor and support local events and community groups. The opportunity here is to share in a significant one-off uplift benefit that approval of this proposal would generate.	Capital Bluestone remains committed to supporting the local community through a range of initiatives, including the provision of community space, sponsoring local teams and groups and organising events and other programs for the local community. The public benefit offer reflects an ongoing commitment to provide benefits for the community of Woollooware and the wider Sutherland Shire.
Council would be willing to work with the Department and the proponent to explore community benefits that could be realised in conjunction with the development, which could be by way of capital works or an additional monetary contribution toward a larger project.	Discussions with Council have been ongoing, culminating in the public benefit offer described above.
Department of Primary Industries (DPI)	
DPI supports the commitment outlined in Schedule 5 of the Concept Plan Approval to prepare and implement a vegetation management plan for the foreshore riparian buffer areas, incorporating ongoing monitoring and adaptive management, to address potential impacts, including from the likely increased resident and tourist visitation.	Noted.
Environment Protection Authority (EPA)	
The development modifications do not appear to require an Environmental Protection Licence from the EPA. Should the DPE decide to approve the modification, the proponent must ensure that all activities	Noted.

Issue Raised	Response
area undertaken in compliance with the Protection of the Environment Operations Act 1997 and any associated regulations.	
Office of Environment and Heritage (OEH)	
After reviewing the Environmental Assessment documents prepared to support these modifications, I advise OEH's Greater Sydney Planning Team have no comment to make.	Noted.
Roads and Maritime Services (RMS)	
Roads and Maritime have reviewed the submission and raises no objections to the proposed modifications as the proposed modifications will not have a significant impact on the State road network.	Noted.
Sydney Airport	
In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 63.0 metres AHD. Should you wish to exceed this height a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 152 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.	Noted.
Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information required by Sydney Airport prior to any approval is set out in Attachment A. "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the	Noted.

Issue Raised	Response
airport (Regulation 6(1)). The height of the prescribed airspace at this location is 156 metres above AHD.	
Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF). Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.	Noted.
Airservices Australia	
With Respect to procedures designed by Airservices in accordance with ICAO PANS- OPS and document 9905, at maximum height of 62.965 (207ft) AHD the property development will not affect any sector or circulating altitude, nor any instrument approach or departure at Sydney Airport. Note that procedures bit designed by Airservices at Sydney Airport were not considered within this assessment.	Noted.
This proposal for property development to a maximum height of 62.965m (207ft) AHD will not adversely impact the performance of any Airservices Precision/Non-Precision Nav Aids, Anemometers, HF/VHF/UHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.	Noted.
Sydney Trains	
Sydney Trains would like to advise for Woollooware Bay Town Centre, due to its distance from the rail corridor, we have no comment.	Noted.

Issue Raised	Response
Transport for NSW (TfNSW)	
<p>Section 5.6 of the Traffic and Parking Impact Assessment states that the final bicycle parking provision for the residential portion of the development can be determined by Sutherland Shire Council at the development application stage. TfNSW advises that the site is well-connected through cycleways and the modification proposal needs to encourage users of the development to utilise active transport to the site. Therefore, it is recommended that the modification proposal increases bicycle parking provision in accordance with the relevant Council DCP and Australian Standards.</p>	<p>The amended proposal has provided an additional 67 bicycle parking spaces, as described in Section 5.2.4 of the RtS.</p>
<p>It is noted that the traffic generation from the proposed development has increased to approximately 1,600 veh/h during the morning and afternoon peak periods with the modification proposal. TfNSW recommends that the applicant develop a Travel Demand Strategy for the site to minimise the impact on the road network.</p>	<p>A Travel Demand Strategy will be developed as part of future development applications for the residential stages.</p>