



MODIFICATION REQUEST:

Concept plan for a mixed use development at 461 Captain Cook Drive, Woollooware (Cronulla Sharks)

MP 10_0229 MOD 3



Secretary's Environmental Assessment Report
Section 75W of the *Environmental Planning and
Assessment Act 1979*

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EXECUTIVE SUMMARY

This is an assessment report of an application which seeks to modify a Concept Approval for a mixed use development at 461 Captain Cook Drive, Woolooware. The site is also known as the Cronulla Sharks site. The site is located in the Sutherland Local Government Area.

The modification as exhibited sought approval to increase the maximum gross floor area (GFA) and maximum gross building area (GBA), and amend the building envelopes for Buildings B and C in the residential precinct.

The modification request was exhibited for 47 days from Thursday 2 July 2015 until Monday 17 August 2015. The Department received 30 public submissions, 29 of which objected to the proposal primarily raising concerns with traffic, parking, amenity, consultation and impact on the adjacent wetlands and ecological values of the site. Three submissions were received from public authorities, including Sutherland Shire Council. Council did not object to the proposal, but raised concerns about the increase in density, changes to building envelopes, traffic and car parking.

In response to submissions the proponent made minor design refinements, including a further increase in GBA. The Department renotified the proposal from 2 November 2015 to 18 November 2015 and received a further eight public submissions. No further public authority submissions were received.

The key issues in the Department's assessment are density, traffic and parking and built form.

The proposed increase in floor area across the residential precinct is minor in the context of the Concept Approval. The proponent has demonstrated that this increase in floor area is predominantly sought as the approved GFA and GBA did not include the area required to activate the edges of the podium in the residential precinct, as required by Future Assessment Requirement 3 of the Concept Approval. The increase in GFA and GBA will allow the proponent to deliver the built form for Stage 3 as envisaged by the Concept Approval, as modified by this proposal.

The Concept Approval does not provide any cap on dwelling yield across the site. The proposal will result in an estimated increase of 46 dwellings to provide a total of 643 dwellings across the residential precinct. The additional dwellings will contribute to delivering the strategic planning objectives for housing set out in *A Plan for Growing Sydney*.

The proposal is unlikely to have significant impacts on traffic and car parking, noting that no change is proposed to the maximum car parking provision of 883 spaces in the residential precinct. Key intersections affected by the proposal will continue to operate at satisfactory levels of service. The proponent has also committed to increase the capacity of the privately funded shuttle bus from 22 seats to a regular 50 seater bus to further encourage the use of public transport and reduce reliance on private vehicles.

The proposed modifications to building envelopes are minor in the context of the site and the approved height and scale of development. The minor increases in height and amendments to the footprint of Buildings B and C are not likely to cause any additional visual or amenity impacts. Future applications will need to demonstrate consistency with *State Environmental Planning Policy 65* and the *Apartment Design Guide*.

The proposal is not likely to cause any adverse impacts on the wetlands or the ecological values of the site.

The Department concludes that the modified proposal remains consistent with the overall intent and terms of approval and is acceptable. The Department recommends that the modification is approved, subject to conditions.

The application is referred to the Planning Assessment Commission for determination.

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a request to modify the Concept Approval (MP 10_0229) for a mixed use development at 461 Captain Cook Drive, Woollooware (also known as the Cronulla Sharks site), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks to increase the maximum gross floor area (GFA) and maximum gross building area (GBA), and amend the building envelopes for Buildings B and C in the residential precinct.

1.2 Site and locality

The site is located on the northern side of Captain Cook Drive, approximately 20 kilometres south of the Sydney CBD (**Figure 1**). It is located within the Sutherland Local Government Area.

The site is ten hectares in area and is generally rectangular in shape. It is bound by Captain Cook Drive, Captain Cook Oval and the Woollooware Golf Course to the south; Woollooware High School, a service station and fitness centre to the east; Woollooware Bay, mangroves and a pedestrian link to the north; and the Solander Playing Fields and industrial uses to the west. The nearest residential areas are located to the south west and south east.

Woollooware station is located approximately one kilometre to the south of the site, with regular train services between the Sydney CBD and Cronulla.

The eastern portion of the site contains the Cronulla Sharks stadium and the Cronulla Sutherland Leagues Club and carpark. The western portion of the site, known as the residential precinct, formally contained a carpark and playing fields, which have now been cleared and construction of this precinct has commenced.

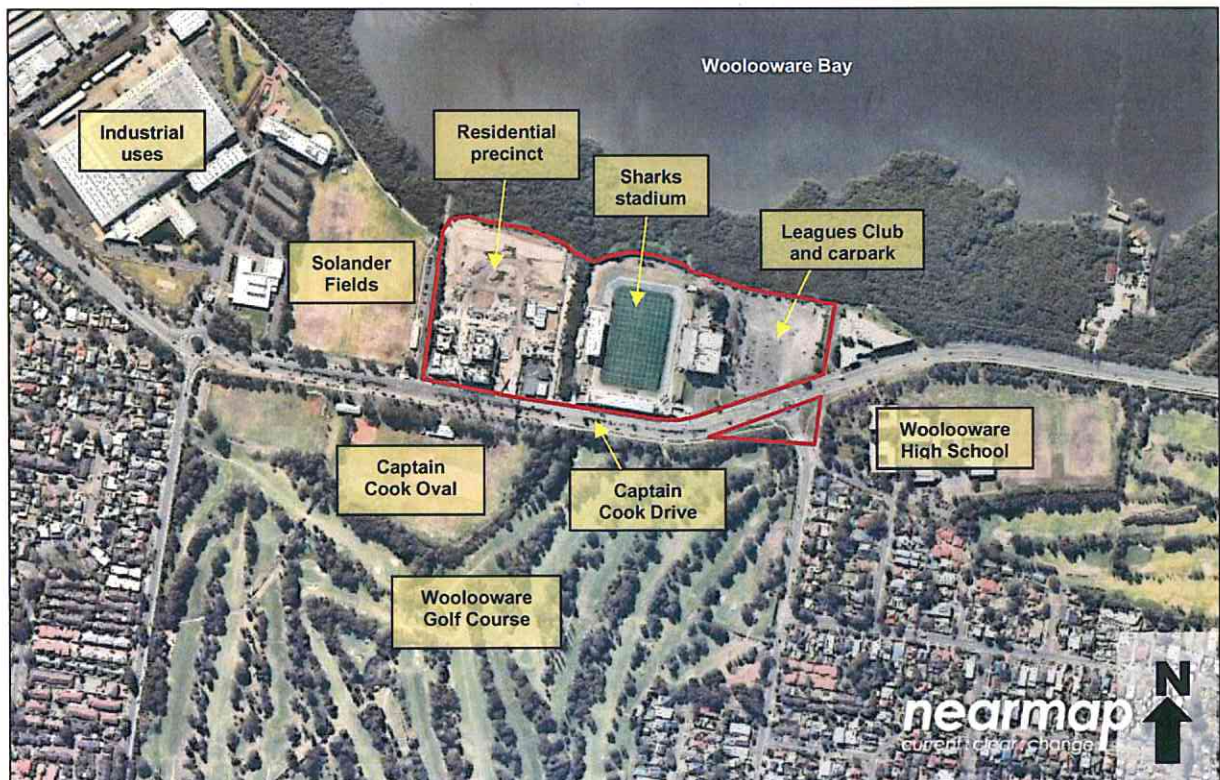


Figure 1: Concept plan area shown in red

1.3 Previous approvals and other relevant applications

1.3.1 Concept Approval (MP10_0229)

On 27 August 2012, the Planning Assessment Commission (the Commission) approved the concept plan for a mixed use development (**Figure 2**), which included:

- use of the site for a mixed use development with associated public open space;
- eight residential building envelopes (Buildings A – H) ranging from 8 – 14 storeys;
- a retail / club precinct;
- car parking and road works;
- public pedestrian and cycle paths / boardwalks;
- landscaping areas throughout the site;
- sales and marketing facilities including display units; and
- subdivision.

Term of Approval A3 of the Concept Approval outlines the maximum GFA and GBA across the development comprising:

- 58,420m² GFA / 104,419m² GBA in the residential precinct; and
- 26,495m² GFA / 50,991m² in the retail and club precinct.

Term of Approval A4 provides a maximum car parking provision of 883 spaces in the residential precinct and 770 spaces in the retail and club precinct. The specific car parking rates are outlined in Future Assessment Requirement (FAR) 6.

FAR 3 requires future applications to provide ground level activation to the frontages to Captain Cook Drive, tidal creek adjacent to the western grandstand, Solander Fields and the riparian zone.

Modifications

On 14 July 2014, the Department approved a modification to the concept approval (MP 10_0229 MOD 1), which allowed for:

- an increase in the Club outdoor deck area;
- increased heights of Buildings E1, F and G;
- an increase to the parapet height (up to the maximum plant) to allow maisonette style penthouse apartments and open space areas on rooftops to be provided in future applications; and
- clarification on the relevance and application of assessment requirements for future applications.

The proponent has also submitted a request for Secretary's Environmental Assessment Requirements (SEARs) for a proposed modification to introduce three new residential buildings, a serviced apartment/hotel building, community uses, additional car parking and a new Sharks Centre of Excellence, with administration, training and sports facilities within the retail precinct (MP 10_0229 MOD 2). This modification request is currently on hold to enable the proponent to consult with Sutherland Shire Council on its strategic plans for the area.

On 26 October 2015, the Department determined a modification to allow 50% of the commercial parking in the residential precinct to be shared with residential visitors (MP 10_0229 MOD 4).

The Department is also assessing an application to modify the landscaping and riparian setbacks to Woollooware Bay (MP 10_0229 MOD 5).

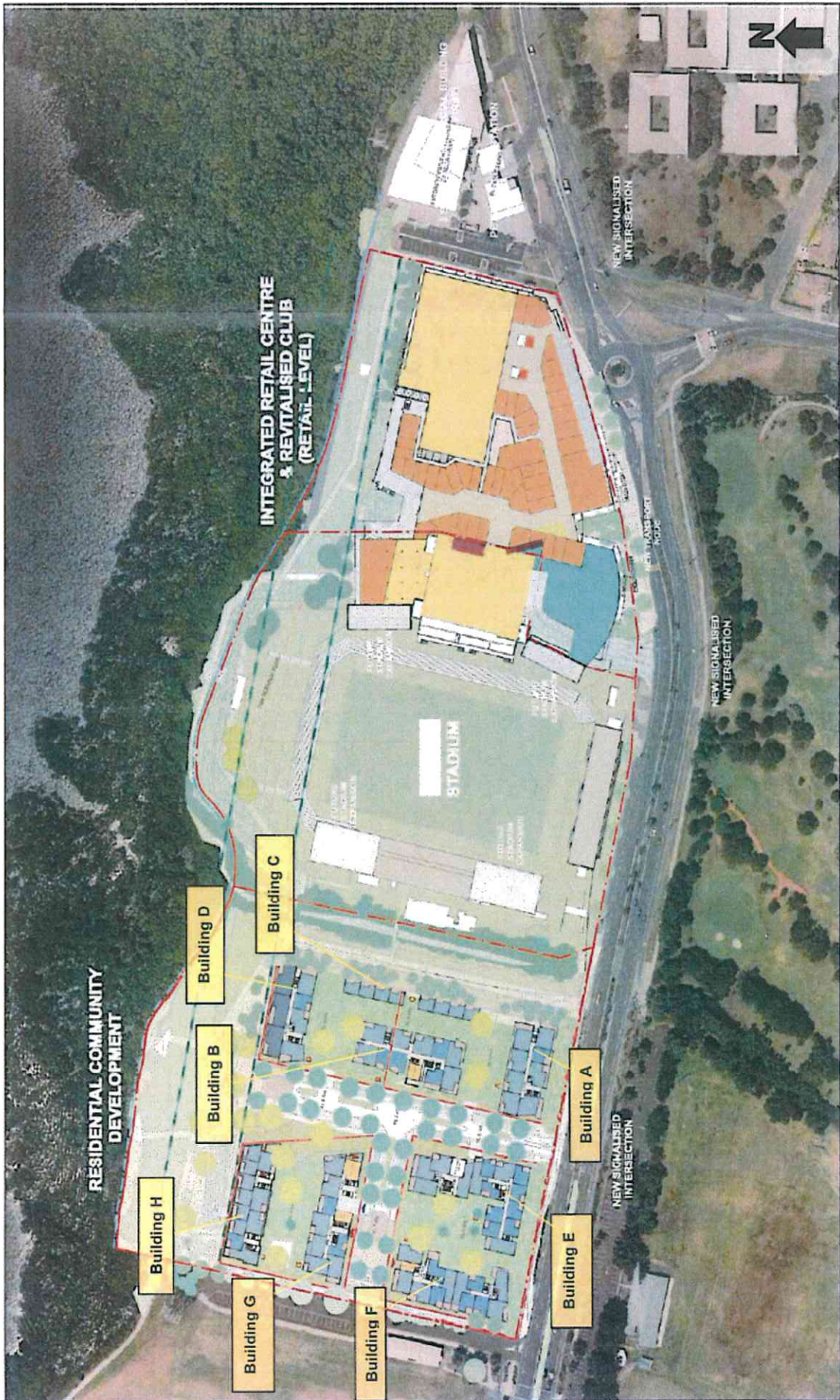


Figure 2: Approved concept plan (MP 10_0229)

1.3.2 Retail and Club Precinct (Woollooware Bay Town Centre)

On 20 August 2013, the Commission approved the Retail and Club Precinct Stage 1 application (MP 10_0230), which included:

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

Modifications

On 10 February 2014, the Department approved a modification to reconfigure levels 1, 3 and 4 of the retail building and amend the subdivision plans (MP 10_0230 MOD 1). The Department is also currently assessing a minor modification to amend the stratum subdivision boundaries (MP 10_0230 MOD 2).

1.3.3 Residential precinct

The following applications have been determined within the residential precinct:

- Stage 1 (Buildings E and F) was approved by the Joint Regional Planning Panel (JRPP) on 22 August 2013 (modified to allow 223 apartments); and
- Stage 2 (Buildings G and H) was approved by the JRPP on 11 December 2014 (comprising 178 apartments).

Applications for stage 3 (Buildings A, B, C and D) have not yet been submitted.

2. PROPOSED MODIFICATION

2.1 Modification description

The proposal seeks to increase the maximum GFA and maximum GBA, and amend the building envelopes for Buildings B and C in the residential precinct. The key aspects of the modification, as clarified or further modified by the proponent in response to submissions, are detailed in **Table 1** below. **Appendix A** contains a link to the proponent's modification request documents and its Response to Submissions (RtS).

Table 1: Key aspects of the proposed modifications

Aspect	Description
Floor area and building area (Details shown in Table 4)	<ul style="list-style-type: none"> • Increase the maximum GFA in the residential precinct from 58,420m² to 61,370m² (+2,950m²) resulting in a maximum GFA of 87,865m² across the concept plan area. • Increase the maximum GBA in the residential precinct from 104,419m² to 115,402m² (+10,983m²) resulting in a maximum GBA of 166,393m² across the concept plan area.
Building B (Details shown in Table 7 / Figures 4 and 5)	<p>North portion of Building B:</p> <ul style="list-style-type: none"> • Reduce the height from 8 storeys to 6 storeys above a two storey podium (-2 storeys / -7.85m). • Extend the building envelope northwards by five metres. <p>South portion of Building B:</p> <ul style="list-style-type: none"> • Increase the height from 12 storeys to 13 storeys above a two storey

Aspect	Description
	podium (+1 storey / +0.75m to top of plant).
	<ul style="list-style-type: none"> • Realign the building envelope of the north west corner.
Building C (Details shown in Table 7 / Figures 4 and 5)	<ul style="list-style-type: none"> • Increase in height from RL 13.55 to RL 15.00 (+1.45m). No change to number of storeys. • Merge the two building elements above the podium into one continuous building envelope. • Increase the building envelope foot print to the north, south, east (increase in articulation space only) and west.
Podium	<ul style="list-style-type: none"> • A minor realignment of the building envelope at the south east corner of the podium.
Residential dwellings*	<ul style="list-style-type: none"> • An indicative increase in residential dwellings from 597 to 643 (+46 dwellings).
Car parking	<ul style="list-style-type: none"> • No change proposed.

* Concept approval establishes a maximum GFA and GBA, but does not approve the number of dwellings to be accommodated within the building envelope. Dwelling numbers are considered as part of the stage 2 application.

3. STATUTORY CONTEXT

3.1 Modification of a Minister's Approval

The modification request has been lodged with the Department in accordance with section 75W of the EP&A Act. Section 75W provides for the modification of Minister's approvals issued under Part 3A of the EP&A Act.

The Minister's approval for a modification is not required if the modified project will be consistent with the existing approval. However, in this instance, the proposal seeks to modify specific aspects of the approved concept plan, which requires further assessment. Approval to modify the application is therefore required.

3.2 Continuing operation of Part 3A to modify approvals

In accordance with clause 3C of Schedule 6A of the EP&A Act, section 75W of the EP&A Act continues to apply to modifications of a concept plan approved under Part 3A.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations. The Minister may determine the modification to the concept plan under section 75W of the EP&A Act.

3.3 Environmental assessment requirements

Section 75W(3) of the EP&A Act provides that the Department may notify the proponent of any 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.

No additional environmental assessment requirements were issued for the proposed modifications, as sufficient information was provided to the Department to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original application.

3.4 Delegated 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 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.

Council does not object to the proposal and a political donation has not been disclosed in relation to the application. However, as 29 submissions were received objecting to the proposal, it is referred to the Commission for determination.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 75X(2) of the EP&A Act and clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the Department made the modification request publicly available on its website.

The Department also publicly exhibited the proposal in its Information Centre and at Council's office from Thursday 2 July 2015 until Monday 17 August 2015 (47 days). Public notice was placed in the Sydney Morning Herald and the Daily Telegraph on 1 July 2015 and in the St George/Sutherland Shire Leader on 2 July 2015. The Department notified adjoining landholders and relevant State and local government authorities in writing.

The Department received 33 submissions during the exhibition of the modification request, including three from public authorities and 30 submissions from the general public and special interest groups. **Appendix A** contains a link to the submissions, and a summary of the issues raised in submissions is provided below.

Public authority submissions were received from Council, Roads and Maritime Services (RMS) and Transport for NSW (TfNSW), and are summarised in **Table 2**.

Table 2: Summary of public authority submissions on proposed modification request

Sutherland Shire Council (Council)	
Modification request	In its submission, Council: <ul style="list-style-type: none"> • noted that, rather than 'filling up' the approved building envelopes, the assessment should focus on those factors that may constrain the site from accommodating additional floor space; • does not object to the minor amendments to the Building B and C envelopes, but raised concerns with the separation distance between these buildings; • questioned the proponent's parking assessment, and in particular whether sufficient parking provision remains after stage 1 and 2 to support the additional floor space requested for stage 3; and • raises concern about the potential impact of the proposal on traffic and public transport.
Roads and Maritime Services (RMS)	
Modification request	RMS advised that it did not object to the proposal, as it is unlikely to significantly increase in traffic generation and impact on the road network beyond that already approved. RMS advised that adequate car parking spaces should be provided for the increased floor area.
Transport for NSW	
Modification request	TfNSW advised that it had no comments on the proposal.

Thirty submissions were received from the public, including submissions from the following special interest groups:

- Cronulla Dunes and Wetlands Protection Alliance; and
- Cronulla Residents incorporating North Cronulla & Woollooware Precinct Committee.

Of the 30 public submissions, 29 objected to the proposed modification and one provided comments. The key issues raised in public submissions are listed in **Table 3**.

Table 3: Summary of the key issues raised in public submissions

Issue	Proportion of submissions (%)
Impact on traffic	90
Lack of parking	73
Inadequate consultation / poor quality information	63
General impact on the environment and existing residential amenity	53
Impact on RAMSAR wetlands, mangroves, biodiversity and playing fields	33
Request for public hearing / meeting	20
Cumulative impact on utilities and infrastructure (schools, waste, sewage, hospitals)	17
Noise, vibration and air pollution from additional vehicles	7
Loss of views from existing properties	7
Overshadowing from increased building envelope	3
Health impacts from nearby power lines	3
Ability to modify the approval	3

Seventeen percent of submissions also objected to the proposal for a hotel and 200 additional apartments in the retail precinct (MP 10_0229 MOD2). However, this proposal has not been progressed at this time.

4.2 Response to Submissions

On 19 October 2015, the proponent submitted its Response to Submissions (RtS) to respond to the issues raised during the public exhibition and propose minor design refinements. Key changes between the exhibited proposal and the RtS are:

- a further increase in the GBA of 994m²; and
- a design refinement to remove an indent in south east corner of the building envelope.

4.3 Notification of the RtS

The Department notified Council and surrounding landowners, including those who previously made submissions, of the proposed design refinements and increase in GBA on 2 November 2015.

The Department received eight public submissions in response to the notification, including a submission from the Cronulla Residents incorporating North Cronulla & Woollooware Precinct Committee. The key issues raised in the submissions are similar to those raised in response to the public exhibition, and summarised as:

- traffic impacts;
- lack of parking, including pressure for parking on match days;
- inadequate consultation and poor quality information submitted with the application;
- general impact on existing residents and the environment, such as noise and pollution;
- loss of views from existing properties;
- impact on the RAMSAR wetlands;
- lack of community benefit from the development; and
- poor design quality.

5. ASSESSMENT

The key issues in the Department's assessment are:

- density;
- traffic and car parking provision;
- built form; and
- impact on the Towra Point aquatic / nature reserve.

5.1 Density

The proposed modification seeks to increase the GFA and GBA in the residential precinct as summarised in **Table 4**.

Table 4: Schedule of approved and proposed floor areas

	Residential precinct		Retail & club precinct	Concept Approval area	
	Approved	Proposed	Approved	Approved	Proposed
GFA	58,420m ²	61,370m ² (+2,950m ²)	26,495m ²	84,915m ²	87,865m ²
GBA	104,419m ²	115,402m ² (+10,983m ²)	50,991m ²	155,410m ²	166,393m ²

The proponent contends that without an increase in GFA and GBA, there will be insufficient floor area remaining to deliver the built form for stage 3 of the residential precinct as envisaged in the Concept Approval. The proponent advises that this shortfall is primarily due to the additional floor area utilised in stages 1 and 2 to provide ground level active uses along the perimeter of the podium (2,267m² of GFA), which is required by FAR 3 of the Concept Approval, but was not included in the floor space calculations for the Concept Approval. The proponent also notes that the maximum GBA in the Concept Approval was incorrectly calculated using the indicative scheme, rather than the building envelopes as approved.

Council notes that there should not be an assumption that the building envelopes can be 'filled up'. Council requested that the Department consider the site constraints and the ability to accommodate additional floor space without unreasonable impacts on parking, traffic, public transport and residential amenity. The majority of public submissions raised concern that the proposed increase in GFA and GBA would impact traffic, parking and residential amenity.

The Department has considered the increase in GFA and GBA, along with the concerns raised by Council and in public submissions. The Department agrees with the proponent that the additional floor area proposed in the modification is predominantly required to satisfy FAR 3. FAR 3 was recommended by the Department, and imposed by the Commission, to provide a higher level of activation at the podium levels of the residential precinct fronting the public domain. This was provided through additional active uses on the podium façades, which wrap around the above ground car parking (**Figure 3**). The Department notes that the approved GFA and GBA figures did not take into account the additional floor space that would be required to provide these active frontages.