

**Figure 3: Comparison of additional activation in the podium shown in red (Proponent's Response to Submissions)**

The Department is satisfied that the proposed increase in GFA and GBA is acceptable as:

- it is largely required to provide additional uses to activate the edges of the podium, as required by FAR 3, which was not contemplated in the approved GFA and GBA;
- the Concept Approval does not provide any cap on the dwelling yield. The estimated increase of 46 dwellings across the residential precinct can be accommodated on the site without any additional adverse impacts on traffic and parking, as outlined in **Section 5.2**;
- the additional dwellings will contribute to delivering the strategic planning objectives for housing set out in *A Plan for Growing Sydney*;
- it is minor in the context of the residential precinct (approximately 4.8% increase in GFA and 9.5% increase GBA);
- the additional floor space is contained within building envelopes, as modified, which have an acceptable built form and do not result in significant adverse impacts on view loss and overshadowing on the surrounding development, as discussed in **Section 5.3**; and
- future development applications would be subject to the Council's Section 94 Development Contributions Plan in accordance with FAR 13 and future payments towards Council's infrastructure would provide benefits to this development and the wider community.

## 5.2 Traffic and car parking provision

Traffic impacts and car parking provision were key considerations in the Department's assessment of the concept plan. As this proposal seeks to increase the GFA and GBA, which in turn increases the total dwelling yield, the Department has considered the traffic and car parking impacts below.

### 5.2.1 Traffic

The concept plan for the redevelopment was approved subject to a number of traffic management measures, including:

- replacing the existing roundabout at the intersection of Captain Cook Drive and Woollooware Road with a new signalised intersection;
- new signalised intersection to the south of the existing Leagues Club to provide access to the retail / Leagues Club car park;
- new signalised intersection for residential access;
- additional bus bays along either side of Captain Cook Drive near the existing Leagues Club;
- provision of a 22 seat shuttle bus linking the site to Woollooware and Cronulla stations.

Council raised concerns that the traffic generation, as a result of the proposed increase in density, may inequitably utilise the spare traffic capacity on the surrounding road network which may constrain future development in the area. Ninety percent of public submissions also raised concerns about the impact of the proposed modification on the surrounding road network.

The proponent advises that the proposed modification will increase vehicle movements in the residential precinct by 46 trips (+24%) per hour in the Friday PM peak and 3 trips (+7%) per hour in the Saturday midday peak. The proponent contends that this increase is primarily as a result of the activation of the podium (and not the increase in residential units). The Friday PM peak was used for modelling in the original concept proposal and subsequent modifications as this represented the worst case scenario, being traffic from residential commuters, retail customers and leagues club patrons.

The proponent's traffic engineer also provided intersection modelling which demonstrates that key intersections will continue to operate at a satisfactory performance, taking into consideration the additional traffic generated by the proposal and the cumulative impact from a nearby subdivision at Kurnell (**Table 5**). The subdivision at Kurnell involves the creation of approximately 300 additional residential land parcels and other uses in the vicinity of Captain Cook Drive between Kurnell and Cronulla.

**Table 5: Summary of proponent's intersection performance**

Intersection		Level of Service		
		Existing (ave delay – s/veh)	With concept approval and Kurnell Subdivision (ave delay – s/veh)	With proposed modification and Kurnell Subdivision (ave delay – s/veh)
Captain Cook Drive / Woollooware Road	Fri PM	A (6.6)	A (14)	B (17.3)
	Sat MID	A (6.4)	B (17.7)	B (23.7)
Western retail signals	Fri PM	-	A (8.7)	A (11)
	Sat MID	-	A (9.1)	A (10.8)
Residential signals	Fri PM	-	A (1.5)	A (4.2)
	Sat MID	-	A (0.9)	A (2.5)
Captain Cook Drive / Gannons Road	Fri PM	A (8.2)	B (27.5)	B (19.7)
	Sat MID	A (8.8)	B (18.2)	B (24.6)

The Department has reviewed the proponent's traffic analysis and is satisfied that the proposed modification will not have any significant adverse impacts on existing traffic capacity as:

- key intersections affected by traffic from the development (including the cumulative impact from the nearby subdivision at Kurnell) will continue to operate at an A or B level of service;
- the approved traffic management measures in the Concept Approval remain adequate for the development, including the increased dwelling yield;

- there is no change to the maximum car parking provision of 883 spaces within the residential precinct, as discussed in **Section 5.3.1**; and
- the proponent has increased 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.

### 5.2.2 Parking provision

Council and 73% of public submissions raised concerns that the proposal does not increase car parking to support the additional dwellings. In particular, respondents raised concerns that insufficient off street car parking would exacerbate pressure for car parking in the surrounding streets, especially during events at the Sharks stadium.

Term of Approval A4 requires that the development provide a maximum of 883 car parking spaces in the residential precinct, excluding any on-street car parking within the newly created on-site streets. FAR 6 provides specific car parking rates for future applications in the residential and retail / club precincts.

The maximum figure of 883 spaces was calculated based on the likely demand for car parking from an indicative dwelling mix of 700 units, which was subsequently reduced to 597 units during the assessment process. The Concept Approval does not set a cap on dwelling yield, but the potential increase in GFA and GBA has the potential to increase the dwelling yield from 597 to 643 dwellings (additional 46 dwellings).

The proponent does not seek to modify the number of parking spaces, as it contents that the maximum limit of 883 car parking spaces in the residential precinct is still appropriate to address the demand from car parking from the additional 46 dwellings, as this is within the 700 units used to calculate likely parking demand.

As demonstrated in **Table 6**, the parking for Stages 1, 2 and 3 can be accommodated within the car parking cap of 883 spaces.

**Table 6: Proposed car parking compared to the approved car parking rates and maximum limit**

	Approved Parking rate	Stage 1		Stage 2		Stage 3		Complies
		Units / m <sup>2</sup> retail	Spaces	Units	Spaces	Units	Spaces	
1 bedroom	1 space / unit	83	83	52	52	97	97	Yes
2 bedroom	1 space / unit	122	122	105	105	113	113	Yes
3 bedroom	2 spaces / unit	21	42	22	44	28	56	Yes
Commercial	1 space / 30m <sup>2</sup>	448	15	43	1	348	11	Yes
Visitor	1 space / 5 units*	226	38	179	34	238	42	Yes
Additional proposed	N/A	-	3	-	0	-	1	N/A
<b>Sub-total</b>			<b>303</b>		<b>236</b>		<b>320</b>	
<b>Max limit</b>	<b>883</b>	<b>859</b>						Yes

\* The visitor parking rate is calculated as 1 space per 5 units less 50% of the commercial parking provision (pursuant to MP 10\_0229 MOD4)

The Department is satisfied that the provision of a maximum of 883 car parking spaces, consistent with Condition A4, remains acceptable as:

- the proponent has demonstrated that car parking for stages 1 and 2 (approved) and stage 3 can be provided consistent with the approved parking rates in FAR 6;

- the proponent has demonstrated that sufficient car parking to meet the needs of the development can be provided on-site without relying on on-street parking provision;
- the exact number of parking spaces to be provided will be considered by Council in the assessment of development applications for each stage, when the exact dwelling mix will be determined; and
- the proponent will operate a shuttle bus, with capacity for between 50 and 53 seated and 17 standing passengers, to reduce dependency on private vehicles.

### 5.3 Built form

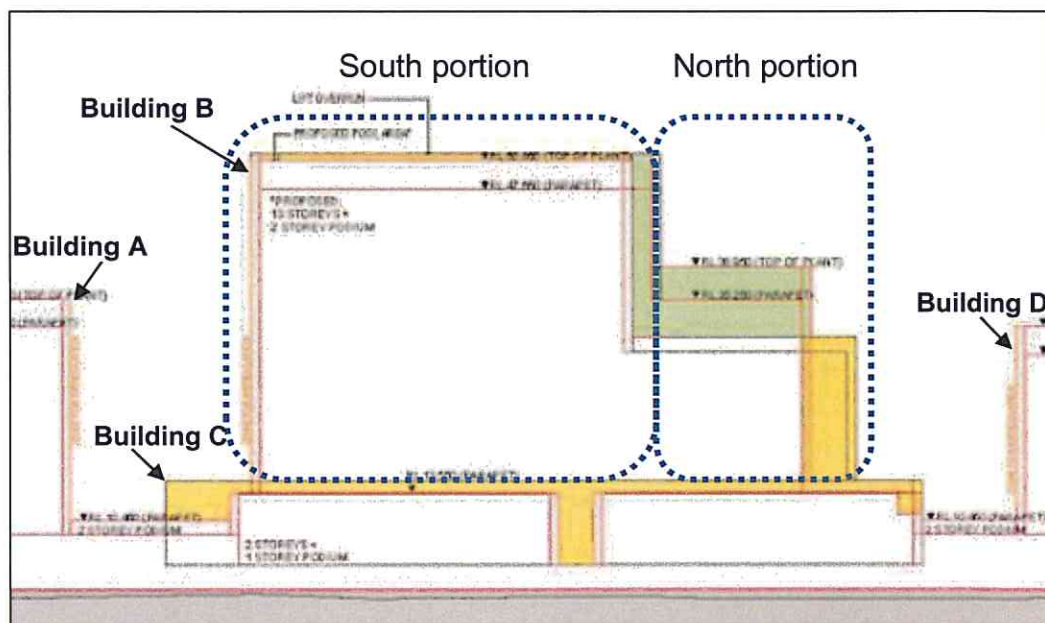
The proposal seeks to amend the height and building footprint of Buildings B and C and amend the podium footprint along the eastern elevation. The key issues associated with the changes are height, building separation and the podium footprint.

#### 5.3.1 Height

The proposal seeks to amend the height of Buildings B and C as outlined in **Table 7** and shown in **Figure 4**.

**Table 7: Comparison of approved and proposed building heights**

	Approved height		Proposed height	
	Storeys	RL	Storeys	RL
<b>Building B (North)</b>	8 storeys + 2 storey podium	35.25 to parapet 38.95 to top of plant	6 storeys + 2 storey podium (-2 storeys)	29.4 to parapet (-5.85) 31.10 to top of plant (-7.85m)
<b>Building B (South)</b>	12 storeys + 2 storey podium	47.65 to parapet 50.85 to top of plant	13 storeys + 2 storey podium (+1 storey)	50.85 to parapet (+3.2m) 51.60 to top of plant (+0.75m)
<b>Building C</b>	2 storeys + 1 storey podium	13.55 to parapet	2 storeys + 1 storey podium (no change)	15.00 to parapet (+1.45m)



**Figure 4: North-south elevation showing proposed modifications compared to the approved scheme (green shows areas of reduced building envelope / yellow shows areas of increased building envelope) (Source: proponent's modification request)**

The proponent states that the increased height to Building B will accommodate a single storey apartment within an additional level, and also a balustrade and lift overrun to facilitate access to a communal terrace and communal pool. The increased height to Building C will allow for skillion

roofs, which will provide articulation to the roofline of the terrace style dwellings, and in turn maximise solar access to the upper levels of each dwelling.

The Department notes that the southern portion of Building B, as approved, has an overall maximum height of RL 50.85 metres to the top of rooftop plant. The proponent seeks to rationalise plant and increase the parapet height to match the approved plant height to enable an additional storey of residential uses. The Department has previously supported the increased parapet heights across the residential precinct up to the approved plant height. Term of Approval A8 allows minor variations to the maximum parapet height where:

- no portion of the building exceeds the maximum plant height;
- the protrusion is well integrated in the design of the building;
- where possible the protrusion is to screen plant material; and
- the variation does not result in any adverse environmental impacts, such as significant overshadowing or an adverse visual impact.

The Department is satisfied in this case that the increased parapet height is acceptable as:

- it does not exceed the maximum plant height;
- overshadowing impacts of the additional height will be minor, falling onto the site and will not impact on the ability for a minimum of 70% of apartments to achieve at least two hours of solar access in midwinter;
- the increase in height will result in a parapet height generally consistent with Buildings E1 and G, which is considered acceptable in the context of the residential precinct and its central location within the site;
- the detailed design of the additional storey can be considered by Council in a future development application to ensure it is well integrated into the design of the building.

Further, the proposed increase in plant height by 0.75 metres is considered minor in the context of the overall height and scale of the building and will result in minimal impacts to the visual bulk of the building, overshadowing and the relationship to surrounding buildings within the site.

The Department supports the 1.45 metre increase in the parapet height of Building C, given that:

- at two storeys above a single storey podium, Building C is considerably lower than all the other buildings in the residential precinct and the proposed increase is minor in the context of the surrounding buildings;
- Building C is visually screened from Captain Cook Drive by Building A and the mangroves located in the riparian zone;
- the proposal to incorporate skillion roofs on Building C would improve the building articulation, improve the potential design quality of the façade that fronts onto the riparian zone and improve solar access to the upper floors;
- the proposal will not cause any significant additional overshadowing and will not affect the ability for at least 70% of apartments to achieve two hours solar access in mid winter.

### 5.3.2 Building Separation

The proposal seeks to:

- extend the northern building envelope of Building B northwards by five metres; and
- combine the two individual elements of Building C into a single envelope with a length of 82.5 metres and a width of 11 metres (**Figure 5**).

The proponent advises that the modification will allow for further articulation to Buildings B and C, enable the appropriate internal dimensions for future terraces in Building C and provide additional balcony space to apartments on the northern elevation of Building B. The proposal will also provide a consistent terrace style dwelling typology which activates the eastern edge of the residential precinct.

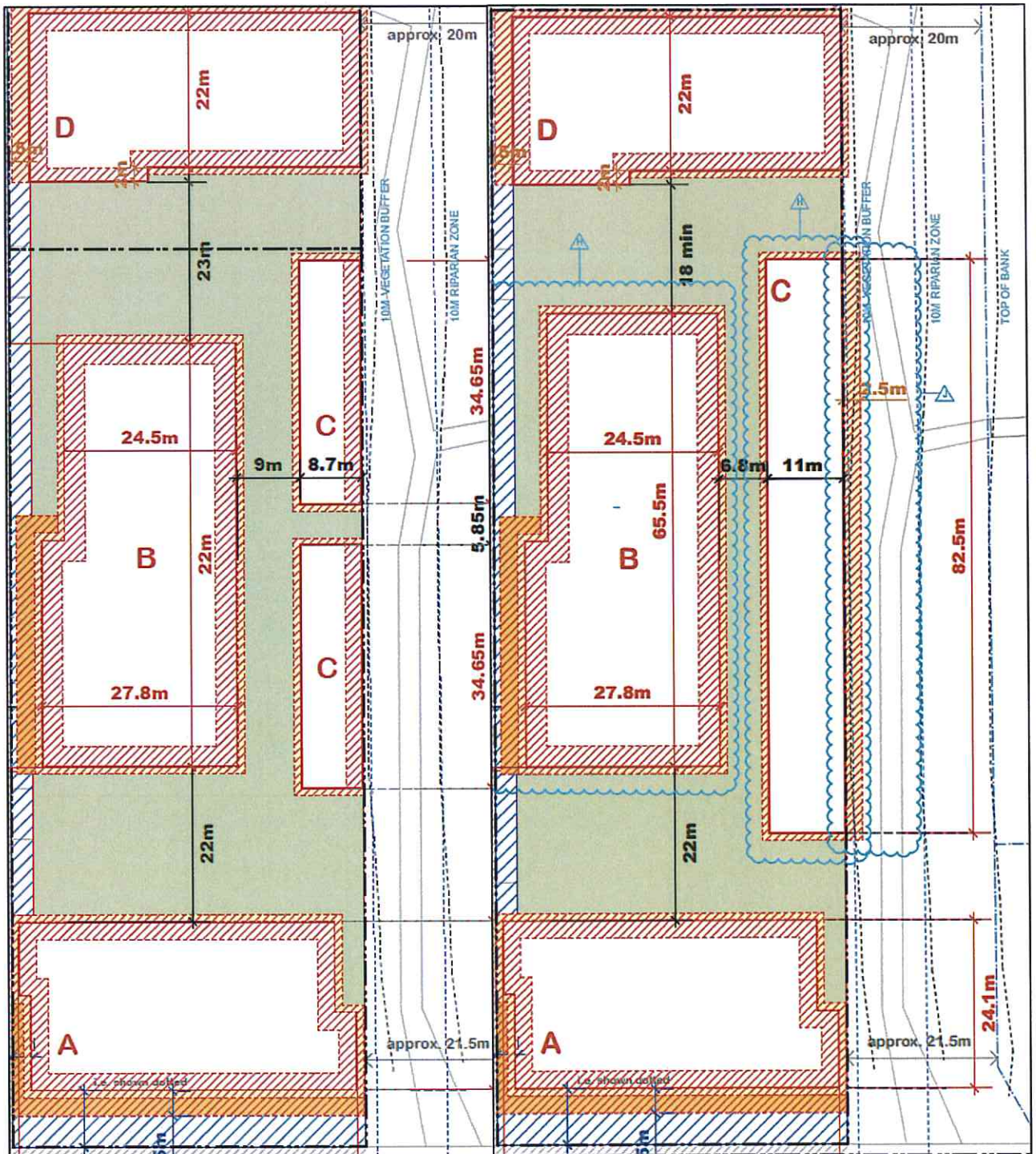


Figure 5: Comparison of modifications to the Buildings B and C (approved left and proposed right)

In its submission, Council raised a concern that the separation distance between Buildings B and C and B and D would be inconsistent with the *SEPP 65 Apartment Design Guide (ADG)*, and would result in compromised privacy, solar access, ventilation and internal amenity. The Department notes that this application was submitted prior to the notification of the ADG on 17 June 2015 and its commencement on 17 July 2015. Notwithstanding, the Department notes that the guidance for building separation in the ADG is consistent with the Residential Flat Design Code (RFDC) which recommends the following:

- up to four storeys: 12 metres between habitable rooms/balconies, 9 metres between habitable rooms and non-habitable rooms and 6 metres between non-habitable rooms;

- five to eight storeys: 18 metres between habitable rooms/balconies, 12 metres between habitable rooms and non-habitable rooms and 9 metres between non-habitable rooms; and
- nine storeys and above: 24 metres between habitable rooms/balconies, 18 metres between habitable rooms and non-habitable rooms and 12 metres between non-habitable rooms.

The proposed northern extension of Building B will reduce the separation between Building B and D from 23 to 18 metres. However, the proposed 18 metre separation remains consistent with both the RFDC and the ADG as both of these buildings are eight storeys in height in this location (six storeys above the two storey podium). The Department is therefore satisfied that adequate privacy and internal amenity can be provided to apartments in these buildings. The proponent has also advised that apartments will be capable of achieving solar access and cross ventilation in accordance with the recommendations of the RFDC/ADG.

The proposed modifications to Building C will reduce the separation between Building C and B and Building C and D to 6.8 metres and 11 metres respectively. Noting that Building C is less than four storeys in height, and the proponent has confirmed that no windows are expected to be provided to the western elevation, a minimum of nine metres separation would be required between habitable rooms/balconies in Building B and the potentially blank façade of Building C. A 12 metre separation would be required between Buildings C and D. Therefore the 6.8 and 11 metre separation does not meet the RFDC/ADG recommendation.

However, the Department considers that reduced separation is acceptable in this case given that:

- the building presents as a single storey building in this location (**Figure 6**);
- there are likely to be no windows on the western elevation;
- despite the one metre shortfall between Building C and D, the future development application for the buildings can provide privacy measures such as offset windows or screening to eliminate any privacy concerns; and
- it is unlikely to significantly impact on solar access, ventilation, privacy and internal amenity.

### 5.3.3 Podium footprint

The proposal seeks to remove an indent from the building envelope in the south-eastern corner of the lower ground and ground levels of the podium (car park) (**Figure 7**).

The proponent has advised that this indent was originally intended to articulate this elevation and provide exposure to the car park. However, the proponent now seeks to amend the building footprint in this location to increase the car park at the lower ground level and provide an active frontage, through the provision of a future 'Men's Shed' at ground level. This facility would offer additional amenity to residents.

The Department has considered this a minor design modification and is satisfied that it will result in a better design outcome for this part of the building, as it will:

- increase activation of this part of the podium frontage onto the riparian corridor;
- improve safety and security;
- will be partially screened by mounding and landscaping ground level; and
- will provide additional floor space for the car park and allow the future provision of a Men's Shed (subject to separate approval).

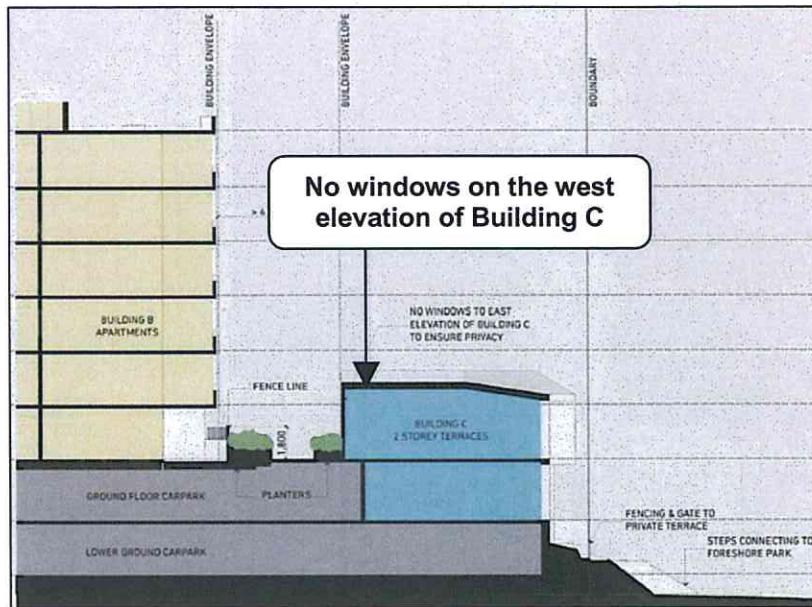


Figure 6: Elevation showing relationship between Building B and C

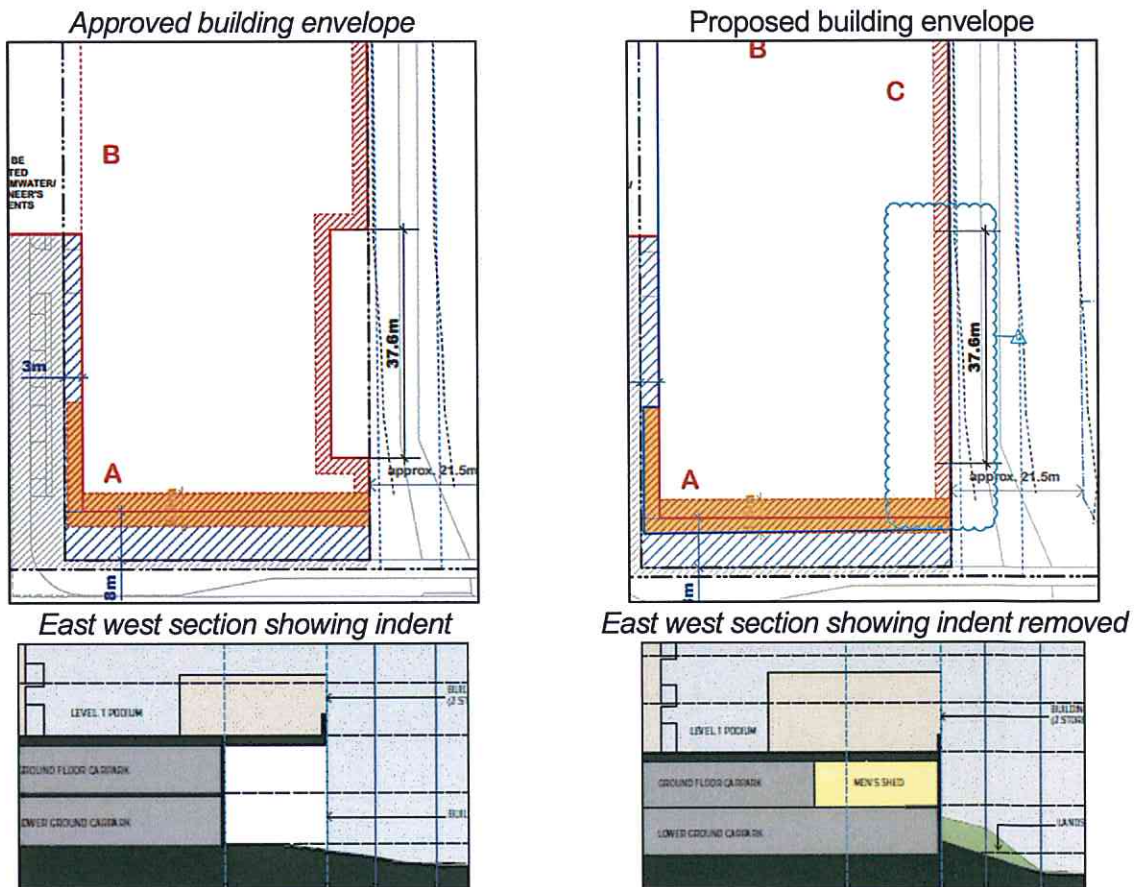


Figure 7: Indent in building envelope to be removed



## 5.4 Impact on the Towra Point nature / aquatic reserve

The site is located adjacent to Woollooware Bay, which includes the Towra Point reserve and oyster leases. The Towra Point nature / aquatic reserve is declared as a Ramsar site being a system of seagrass, mangrove and saltmarsh communities, marine sub-tidal aquatic beds as well as terrestrial vegetation communities. *A Plan for Growing Sydney* prioritises protection of the internationally significant wetlands and migratory birds in the Towra Point nature / aquatic reserve.

Thirty three percent of public submissions raised concerns about the impact of the proposed modifications on the wetlands, mangroves, biodiversity and loss of the playing fields.

The impact of the concept proposal on the Ramsar site and nearby wetlands, mangroves, riparian zones and sporting fields were considered in detail in the Department's assessment and the Commission's subsequent determination of the Concept Approval.

The Department is satisfied that the minor modifications to the building envelopes of Buildings B and C will not have any adverse impacts on the wetlands given that no changes are proposed to setbacks to the wetlands or riparian corridor. Further the minor increase in density and resident population is unlikely to have any material impacts on the wetlands and ecological qualities of the site, in the context of the overall Concept Plan.

## 6. CONCLUSION

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The Department has assessed the merits of the proposed modification taking into consideration the issues raised during the public exhibition, including density, traffic and parking and built form.

The Department is satisfied that the proposed increase in density (GFA and GBA) is minor in the context of the Concept Approval, and largely as a result of additional floor space required to activate the edges of the podium throughout the residential precinct. The Department supports the estimated increase of 46 dwellings across the residential precinct and notes that the Concept Approval does not provide any cap on dwelling yield. 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 outlined in the Concept Approval. Further the proponent has demonstrated that 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 Department is satisfied that the increases in height will result in minimal additional visual or amenity impacts and that the increased and altered building footprint of Buildings B and C is acceptable and will ensure a satisfactory level of amenity. Future applications will need to demonstrate consistency with SEPP 65 and the ADG.

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

Accordingly, the Department recommends that the application be approved, subject to conditions.

## 7. RECOMMENDATION

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It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning:

- a) **considers** the recommendations of this report;
- b) **approves** the modification to the concept plan under Section 75W of Part 3A of the EP&A Act; and
- c) **signs** the attached Instrument of Modification for MP 10\_0229 MOD 3 (**Appendix B**).

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## **APPENDIX A RELEVANT SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7113](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7113)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7113](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7113)