

14 March 2016

## Determination Report

### NSW Planning Assessment Commission Determination Report

#### Mixed Use Retail and Residential Development at 461 Captain Cook Drive, Woollooware (MP10\_ 0229 MOD 3)

#### 1. INTRODUCTION

Bluestone Capital Ventures No. 1 (the Proponent) has submitted an application to modify its existing Concept Plan (MP10\_0229) for a Mixed Use Retail and Residential Development integrated with the Cronulla Sutherland Leagues Club at 461 Captain Cook Drive, Woollooware.

The modification proposal is seeking approval for an increase to the maximum gross floor area (GFA) and maximum gross building area (GBA). These increases are realised by an amendment to the building envelopes of Buildings B and C and heights of Buildings E1, F and G within the residential component. The application also includes the indicative increase of residential dwellings from 597 to 643.

The site is located on the northern side of Captain Cook Drive, within the Sutherland local government area (LGA). The eastern portion of the site contains the Cronulla Sharks Stadium. Construction has commenced within the residential precinct.

#### 2. PROPOSAL

##### Background

Project approval MP 10\_0229 was issued on 27 August 2012 for a mixed use development on land at 461 Captain Cook Drive, Woollooware. The approval included:

- Staging of proposal into three stages;
- Use of the site for a mixed use development with associated public open space;
- Indicative building envelopes for the residential and retail/club precinct;
- Ground and above ground car parking;
- Road works to support the development;
- Public pedestrian and cycle paths / boardwalks;
- Landscaping areas throughout the site;
- Sales and marketing facilities including display units, etc; and
- Subdivision of Lot 11 DP 526492 into two allotments.

Subsequent to the original approval, the Concept Approval has been modified on two occasions and is the subject of three modification applications currently under assessment, as indicated in **Table 1**:

**Table 1: Approved and Proposed Applications**

	<b>Modification</b>	<b>Approval Date</b>
<b>1</b>	<ul style="list-style-type: none"> <li>• Amendments to the approved building envelopes;</li> <li>• Increase area of outdoor deck for Club building; and</li> <li>• Administrative changes to the approval.</li> </ul>	14 July 2014
<b>2</b>	<ul style="list-style-type: none"> <li>• Building envelopes for three new residential flat buildings, a serviced apartment/hotel buildings, function rooms, community rooms, additional car parking and a landscaped podium to the eastern precinct; and</li> <li>• A Sharks Centre of Excellence added to the western grandstand with new administration, training and sports-related facilities.</li> </ul>	On Hold
<b>3</b>	<ul style="list-style-type: none"> <li>• Increase in maximum gross floor area and maximum gross building area;</li> <li>• Adjustments to the building envelopes; and</li> <li>• An increase in height for Buildings B and C.</li> </ul>	Subject assessment
<b>4</b>	<ul style="list-style-type: none"> <li>• Refinement to the car parking rate for visitors in the residential precinct.</li> </ul>	26 October 2015
<b>5</b>	<ul style="list-style-type: none"> <li>• Amendment to the landscaping scheme for the site.</li> </ul>	Under assessment
<b>6</b>	<ul style="list-style-type: none"> <li>• Internal reconfigurations of retail facilities on level 1 and level 2;</li> <li>• Enclosure of the retail dining terrace for weather-proofing;</li> <li>• Extension of the upper car parking deck level and provision of a roof to all car parking areas;</li> <li>• Improvements to the architectural treatment of all building facades; and</li> <li>• Improvements to the architectural treatment and vehicular/pedestrian accessibility to the Leagues Club on level 3.</li> </ul>	Under assessment

The Commission notes the Department has advised that the subject application is within the scope of Section 75W on the basis that the application will not result in any adverse environmental or amenity impacts in comparison to the existing approval.

### **3. DELEGATION TO THE COMMISSION**

The proposal has been referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011 given more than 25 public submissions by way of objection were received.

For this determination, the Commission consisted of Ms Lynelle Briggs AO (Chair), Dr Maurice Evans and Mr Roger Fisher.

Prior to the public meeting, there was a change of panel membership with the replacement of Mr Ross Piper with Dr Maurice Evans. This was as a result of a scheduling conflict that required Mr Piper to travel interstate.

#### 4. DEPARTMENT'S ASSESSMENT REPORT

The Department's Assessment Report identified the following key issues:

- Density;
- Traffic and car parking provision;
- Built form; and
- Impact upon the Towra Point aquatic/nature reserve.

The Department's Assessment Report concluded that the modification would provide a modest increase in the context of the Concept Approval and the additional dwellings will contribute to the strategic planning objectives for housing set out in *A Plan for Growing Sydney*. Accordingly, the Department recommended approval subject to existing conditions.

The Department is satisfied that the additional GFA and GBA is acceptable on merit, provides for adequate separation and will protect the visual and acoustic privacy of residential units and the proposed row of terrace housing on the site.

#### 5. MEETINGS AND SITE VISIT

##### Briefing from the Department

The Commission was briefed by the Department on 2 March 2016. The briefing addressed concerns raised by the Commissioners prior to the meeting with particular reference to the building separation distance between Buildings B and C and Building C and D, parking and traffic. A summary of the briefing is attached (**Appendix 1**).

##### Meeting with Sutherland Shire Council

On 7 March 2016, the Commission met with Sutherland Shire Council (Council) and a record of the meeting is attached (**Appendix 2**). On 17 August 2015, the Department received a submission from Council raising concern about parking, building envelopes and traffic. The issues are discussed in Section 6 of this report.

##### Site Inspection

On 7 March 2016, the Commission undertook a site inspection of the residential precinct. A summary of the site inspection is attached in **Appendix 3**.

##### Public Meeting

On Monday, 7 March 2016, the Commission held a public meeting at the Cronulla Central Hall 1, Cronulla. A total of 4 speakers presented to the Commission. A list of speakers is provided in **Appendix 4**.

Two speakers were opposed to the development and two speakers were in support of the development. The issues raised by the objectors included the scale of the modification, the number of modifications and traffic impacts. Speakers also expressed concern about the number and complexity of the modifications associated with the development, and the difficulties of assessing the overall impact of the development through progressive modifications. Those supporting the



**Table 2: Building Separation Modifications**

Buildings	RFDC Requirement	Proposed
B and C	9 metres	6.8 metres
B and D	18 metres	18 metres
C and D	12 metres	11 metres

The Commission has considered variations from the RFDC as detailed above in **Table 2**. The Commission sought further advice from the Department in regards to the proposed building separations between Building C and D. In response to the Commission’s request, the Department confirmed their finding that despite the one metre shortfall between Building C and D, any privacy concerns can be addressed in the future development application through measures such as offset windows or screening.

The setback between Buildings B and C is 2.2m below the recommended distance as per the RFDC. However, the Commission notes that Building C will consist of a row of two storey terrace houses exempt from the consideration of the RFDC. The Commission also notes that the indicative design does not include principal living area windows on the western elevation of each terrace house. Accordingly the Commission is of the view that a 6.8m setback is acceptable in this instance given that the internal configuration will provide appropriate levels of privacy.

Ultimately the Commission is satisfied that whilst the building separation distance is reduced, the detailed design can incorporate features to enable adequate amenity for the overall development.

## 6.2 Parking

Concerns were raised in submissions and at the public meeting regarding the intensification of parking requirements. The Commission has noted the Terms of Approval for the Concept Plan which included a car parking cap of 883 spaces within the residential precinct. This was calculated on an indicative mix of 700 units. The current application would result in an indicative total of 643 units and ancillary services, and 863 car parking places as shown in Table 3 below.

**Table 3: Indicative apartments, ancillary uses and car parking spaces for site**

Stage	Apartments Numbers/commercial floor space				Car Parking			Stage
	One bedroom apartments	Two bedroom apartments	Three bedroom apartments	Commercial GFA (m <sup>2</sup> )	Residential	Non-Residential	Visitor (1/5 apartments excl. 50% Non-Residential share)	
1	83	122	21	448	249	17	37	303
2	52	105	22	43	199	2	35	236
3	92	118	28	270	266	9	49	324
<i>sub total</i>	<i>227</i>	<i>345</i>	<i>71</i>	<i>789</i>	<i>714</i>	<i>28</i>	<i>121</i>	<i>863</i>
						<i>863</i>		
Total current indicative scheme	643 apartments / 789m <sup>2</sup> of Commercial GFA				863			

The Commission notes that the car parking cap has not been altered under this proposed application. The Commission acknowledges that previous modifications for this project have altered unit numbers as well as dwelling mix; however, the unit numbers remain well below 700. Accordingly car parking numbers are consistent with the number of parking spaces required under the original Concept Approval and no amendment to car parking numbers is sought under this application.

The Commission is satisfied that the Concept Plan Approval addresses the parking requirement adequately and the proposed indicative dwelling numbers would not require a change to the previously approved maximum of 883 spaces.

### **6.3 Traffic**

Through written and verbal submissions, numerous community members raised concern particularly in relation to traffic and the impact upon the surrounding road network.

It was acknowledged by the Commission that a previous modification approval sought the requirement of a shuttle bus. The Commission noted that there was a discrepancy in advice regarding confirmation of a shuttle bus to service the subject site. Subsequent to this, the Commission requested and received further information from the Proponent regarding the operation of the shuttle bus. The Proponent confirmed that a shuttle bus will operate to Woollooware railway station from the commencement of operation of the development.

The Commission acknowledges that the development will add to the levels of traffic on Captain Cook Drive and Gannons Road. However, the Commission notes that the additional traffic generated by this modification will be minimal and is satisfied that planned traffic measures, including the addition of signalised intersections on Captain Cook Drive, and previous conditions relating to the introduction of a shuttle bus, provide an adequate response to these pressures. The provision of a shuttle bus will serve to minimise traffic impacts noting the number of parking spaces has not been altered. In addition, the Commission noted that traffic from the site can be adequately accommodated as indicated through the Department's traffic analysis which provides for residential access along Captain Cook Drive and the surrounding road network.

The Commission also notes that the development is intended to incorporate a cycle and walking path that would link the site with other local amenities, providing some scope for active transport options.

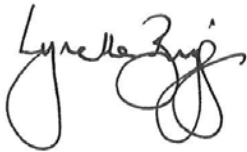
## **7. COMMISSION'S DETERMINATION**

The Commission has carefully considered all the information available to it including the Secretary's Assessment Report, submissions to the Department of Planning and Environment, information provided at and subsequent to meetings with the Proponent, the Department and Council and correspondence from members of the public to the Commission.

After careful deliberation, the Commission has considered the relevant information pertaining to the building separation. The Commission has concluded that the proposed modifications to the building separation are acceptable to ensure adequate amenity.

The Commission has reviewed parking and traffic concerns and are satisfied that the car parking cap in addition to residential access being provided along Captain Cook Drive will provide for sufficient management of traffic to and from the site.

Accordingly, the Commission has determined to accept the recommendation that approval be given to this modification application.



Ms Lynelle Briggs AO  
**Commission Chair (Chair)**



Dr Maurice Evans  
**Commission Member**



Mr Roger Fisher  
**Commission Member**

**Appendix 1**  
**Records of Commission Meetings**

**Notes of meeting with the Department of Planning and Environment – 2 March 2016**

<b>Briefing by the Department of Planning &amp; Environment</b>		
<b>Meeting note taken by:</b> Muriel Maher	<b>Date:</b> 2 March 2016	<b>Time:</b> 3:00pm
<b>Project:</b> MOD 3 - Mixed Use Retail and Residential at 461 Captain Cook Drive, Woollooware		
<b>Meeting place:</b> PAC offices		
<b>Attendees:</b>  PAC Members: Lynelle Briggs, Maurice Evans and Roger Fisher PAC Secretariat: Muriel Maher and Johanna Lee  Department of Planning & Environment (Key Sites): Amy Watson - Team Leader Ben Lusher - Director Brendon Roberts - Executive Officer		
<b>The purpose of the meeting:</b> Provide an overview of the Project and Department response to Council and Commissioners' concerns		
The Department made the following observations: <ul style="list-style-type: none"> <li>• A number of issues raised by Council have been addressed in previous modifications.</li> <li>• The GBA was calculated including the entire site and GFA was precinct specific</li> <li>• A cap was provided on car parking on the concept plan for 883 car spaces for the residential precinct</li> <li>• A condition of consent was imposed by previous PAC determination to include active edges</li> <li>• Concept plan approved for 700 indicative dwellings</li> <li>• Separation distance between Buildings B and C require 9 metres as per RFDC – non compliant 6.8 metres acceptable given no windows are proposed for the western elevation of Building C</li> <li>• The separation distance between Buildings C and D is one metre non-compliant. However, privacy concerns could be mitigated through providing windows offset and/or screening</li> <li>• No objections from RMS</li> </ul>		
<b>Documents:</b> The Department provided plans submitted with the application.		
<b>Outcomes/Agreed Actions:</b> Information about future area context from Council		
<b>Meeting closed at 4:20pm</b>		



## Notes of meeting with Sutherland Shire Council – 7 March 2016

Meeting with Sutherland Shire Council		
<b>Meeting note taken by:</b> Muriel Maher	<b>Date:</b> 7 March 2016	<b>Time:</b> 9:15am
<b>Project:</b> MOD 3 - Mixed Use Retail and Residential at 461 Captain Cook Drive, Woollooware		
<b>Meeting place:</b> Sutherland Shire Council Offices		
<p><b>Attendees:</b></p> <p>PAC Members: Lynelle Briggs, Maurice Evans and Roger Fisher  PAC Secretariat: Muriel Maher and Johanna Lee</p> <p>Sutherland Shire Council:  Peter Barber - Director of Shire Planning  Kylie Rourke - Senior Planner</p>		
<b>The purpose of the meeting:</b> Overview of outstanding concerns held by Council		
<p>Overall, Council want to achieve “good development”.</p> <p>Underground parking is restricted due to acid sulphate soils, the water table and flooding.</p> <p><u>Council outlined the following concerns:</u></p> <p>Shared car parking between the child care facility and apartments  Parking analysis provides low numbers</p> <p><u>Parking</u></p> <ul style="list-style-type: none"> <li>• There is a shortfall in the number of car spaces provided.</li> <li>• The site is surrounded by public recreation with restricted parking.</li> <li>• There will be an overflow as a result of the shortfall in parking supplied.</li> <li>• The limiting factor is parking due to no public transport. Parking needs to be provided on site.</li> <li>• 12 games held annually at Sharks stadium.</li> <li>• Potential development at Toyota site adjoining development to the west.</li> <li>• Additional FSR will need to address car parking requirement. <ul style="list-style-type: none"> <li>• Council’s DCP requirements include 1.5 spaces for 1 bed and 2 spaces for 3 bed</li> </ul> </li> </ul>		
<b>Outcomes/Agreed Actions:</b> N/A		
<b>Meeting closed at</b> 10:00am		

## Notes of meeting with Proponent – 7 March 2016

<b>Meeting with the Proponent</b>		
<b>Meeting note taken by:</b> Muriel Maher	<b>Date:</b> 7 March 2016	<b>Time:</b> 10:30am
<b>Project:</b> MOD 3 - Mixed Use Retail and Residential at 461 Captain Cook Drive, Woollooware		
<b>Meeting place:</b> Bluestone Ventures Office, 461 Captain Cook Drive, Woollooware		
<p><b>Attendees:</b></p> <p>PAC Members: Lynelle Briggs, Maurice Evans and Roger Fisher  PAC Secretariat: Muriel Maher and Johanna Lee</p> <ul style="list-style-type: none"> <li>• Brendan Hoskins (JBA Planning Consultant).</li> <li>• Bluestone Capital Ventures No. 1 attendees: <ul style="list-style-type: none"> <li>• Emily McLaughlin</li> <li>• Julian Urquhart</li> <li>• Catherine Maude</li> <li>• Ben Fairfax</li> <li>• Matt Crews</li> <li>• Alex Kelly</li> </ul> </li> </ul> <p>Nick Turner and James McCarthy (Turner &amp; Associates)</p> <p>The following was noted during the meeting and site visit:</p> <p>Confirmation of car parking proposed was provided.  Late afternoon shadow cast on Building C.</p> <p>Site visit was conducted.</p>		
<b>The purpose of the meeting:</b> Overview of what is proposed		
<b>Documents:</b> Plans and models		
<b>Outcomes/Agreed Actions:</b> Clarification on building separation distances and apartment compositions(Proponent to provide)		
<b>Meeting closed at 12:00pm</b>		

## List of speakers – 7 March 2016

**PLANNING ASSESSMENT COMMISSION MEETING**

Mixed Use Development Captain Cook Drive Woollooware (Cronulla Sharks)

**Date & Time:** Monday, 7th March 2016 at 12:30pm**Venue:** Cronulla Central Hall, 38-60 Croydon Street Cronulla NSW 2230

<b>Meeting Schedule</b>	
12:30pm	Opening Statement from the Chair – Lynelle Briggs AO
Registered Speakers:	1. George Capsis ( <b>Cronulla Residents incorporating North Cronulla &amp; Woollooware Precinct</b> )
	2. Gillian Chapman
	3. Helen Taylor
	4. Stan Shirley
<b>END</b>	