

Kylie Rourke - 9710 0535

Our Ref: DN15/0015

17 August 2015



Department of Planning & Environment

ATTN: Brendon Roberts

GPO Box 39

SYDNEY NSW 2001

By Email: brendon.roberts@planning.nsw.gov.au

Dear Mr Roberts

Section 75W Modification Application to modify Concept Approval for mixed use development (SSD 10_0229 MOD 3) at 471 Captain Cook Drive, Woolooware.

Thank you for the opportunity to make a submission on the above proposal. Council has reviewed the proposal and provides the following comments:

The concept plan approved a quantum of floor space, an indicative number of apartments, and building envelopes in which the floor space could be contained. Building envelopes are always designed to allow flexibility for the arrangement and manipulation of floor space within them to get the best built form and amenity outcomes.

There is never a presumption that the building envelopes are the primary control and that the quantum of floor space approved should be flexible to allow the envelopes to be 'filled up.'

In the case of this development the applicant has not apportioned the approved floor space across all three stages of the development, but rather used up proportionally more in the first two stages and is now asking for more to 'fill up' the approved building envelopes in stage 3. Unfortunately the open ended terms of the Minister's original approval left this approach available to the applicant.

Rather than 'filling up' envelopes, the assessment should focus on the factors that constrain the site in terms of being able to accommodate additional floor space and still produce quality development without unreasonable external impacts. Those factors are identified below.

1. Parking

As discussed in Councils previous correspondence to the Department of Planning and Environment (DP&E), the site is in an isolated location with poor connectivity to public transport, and adjacent to sporting grounds that are heavily utilised year round.

Parking beyond the boundaries of the site within practical walking distance has been provided by Council to service the needs of the community using the sporting facilities. It is often at capacity and cannot be relied upon as overflow parking for residents and visitors of the proposed development. For the purpose of assessment it should be assumed that there is no on street parking available within convenient walking distance of the site.

On-site parking should therefore be considered as a primary limiting factor in how many apartments/how much floor space can be accommodated on the site. The unsuitability of the site for basement parking effectively prevents the amount of parking on the site from being increased over that already approved.

Council is not satisfied that the proponent has adequately demonstrated that the parking demands for the development can be met for stage 3 of the development. Council reiterates its previous comment that reliance on 'dual use' parking spaces, proposed by MP10_0229 MOD 4, would suggest that the development has already reached its development capacity.

The maximum parking capacity of 883 spaces was imposed by the Planning Assessment Commission based upon the original concept proposal of 600 units. The proposed increase in apartment numbers to 643 would logically result in an increase in maximum parking demand.

The parking assessment provided by the applicant to support the modification is very brief and the following questions needs to be answered:

- How much parking will be ultimately provided on site?
- How much has been allocated for use in stages 1 and 2 for residential, visitor and commercial purposes?
- Will be adequate parking left to support stage 3 with the additional floor space requested (in accordance with the rates in schedule 3, condition 6 of the concept approval)?

These are fundamental questions that need to be answered now, because as stated above, it is not reasonably possible to increase the amount of parking provided on the site and there is no off-site parking available.

All parking generated by the development must be accommodated within the subject site, and abundant caution needs to be applied in making any decisions regarding this issue due to the context of the site and the potential impact on the community use of surrounding sporting facilities.

2. Building Envelope Amendments

Council raises no objection in principle to minor amendments to buildings B and C, provided that the building envelopes drive future building designs that are capable of compliance with State Environmental Planning Policy 65, and the Apartment Design Guide (ADG).

Based on the information provided, Council is concerned that the reduction in the separation distances between buildings B and C and buildings B and D to 6.8m and 18m respectively, would be inconsistent with the ADG guidelines. The result would be the provision of units with compromised privacy, solar access, ventilation and general internal amenity.

This needs to be resolved before additional floor space is approved, as the applicant would reasonably expect to be able to rely on approved envelopes when preparing a detailed DA.

3. Traffic

The increase in floor space/apartments will increase traffic in the locality. While it is possible to demonstrate that the nearby road network is not at capacity, there is a bigger picture that the Department needs to consider.

Council has a housing strategy and a new LEP that provides additional development potential in other centres and locations. It is also the case that the 'Toyota' site to the west of this site will be redeveloped in the near future. This is a key strategic site in the subregion for employment and its future use will almost certainly be more intense than the current use.

Essentially the question to be answered is should the Sharks be given more residential units, and therefore another portion of the capacity available in the road network, potentially at the risk of other key employment and residential sites being constrained from achieving their potential?

4. Public transport

It is a fact that the Sharks site is poorly served by public transport and that it is an 'out of centre' development. The concept approval requires provision of a shuttle mini-bus service connecting with local train stations. The population on the site may well be over 1000 people with the additional apartments proposed. The adequacy of a small shuttle bus to serve the needs of the proposed expanded population is not addressed in the application.

5. Council Submission

Given the timeframe provided for Council's response, the proposal was unable to be reported to the elected Council. Nonetheless, this process will be undertaken, and should The Council seek to make a separate submission on the proposal, this will be forwarded to the DP&E as soon as practical.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Kylie Rourke on 9710 0535 or email krourke@ssc.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P Barber', with a horizontal line extending to the right.

Peter Barber
Director, Planning and Environment
for J W Rayner
General Manager