

Reference: **Woolooware Bay Town Centre Concept Plan Modification Request (MP 10_0229 MOD 2) and Project Approval Modification Request (MP 10_0230 MOD 6)**

This submission is additional to:

- **Submission to Sharks Mod 2 Concept Plan and Retail Club Precinct Mod 6.pdf** lodged on Department of Planning's website on 7th April 2017.
- My verbal presentation at the Planning and Assessment Commission Hearing on Monday 9th April.
- **Jamie Maclachlan Follow-up Submission to Planning and Assessment Commission.pdf** lodged on the Planning and Assessment Commission's website on 11th April 2018.

This submission contains:

- Corroborating or extra re "Parking" in light of evidence at the Hearing that these problems, that were forecast by multiple submitters, have already materialised.
- Comments on traffic and traffic noise (separate headings) that flow on from the proponent's underestimation of parking and hence the proponent's underestimation of traffic.
- Funding the upgrade to the Captain Cook Drive-Gannons Road intersection.
- Fire hazard in the context of no further development that would expose more people to risk.
- Electromagnetic radiation hazard in the context of no further development that would expose more people to risk.
- A comment against the Department of Planning's treating this application for a huge increase in dwellings as a modification application.

PARKING

The testimony of speakers at the PAC hearing on 9th April about the actually overflow parking by the Sharks Development residents in the nearby parking areas for sports grounds, confirms the serious errors of judgement by the Department of Planning that defied its own guidelines to convince the Planning and Assessment Commission that the development could validly be considered to make a Town Centre.

They have compounded the problems by ignoring the extra distance above the "800 m" radius (*which is actually for medium density and should be 400 m for high density*) and insisting on capped residential parking that they justified by relying on social engineering to reduce car ownership.

Although served by train, the Shire is not well networked with Public Transport, with consequent low bus usage (excluding school buses). Therefore, the Shire is very car dependent and car ownership is high. The standard parking rates are already inadequate for Town Centres that are within the 800 m radius as evidenced by existing saturated on-street parking congestion in the Shire's existing high and medium density areas.

The further disadvantage of the Sharks' excessive distance from Woolooware station will result in even more car ownership. The Sharks is further from Woolooware Station than the adjoining low-rise residential area of North Woolooware that is subject to Council requirement for off-street parking for two cars. Whether people live 40 m or zero m above ground level is immaterial to the decision to drive to work or railway station. Overflow parking near the Sharks can only get worse as more unit blocks become filled, with overflow parking spreading to the adjoining North Woolooware streets.

Another misjudgement in the Department's **Woolooware Bay FINAL REPORT VR2.pdf**:

"The nearest unrestricted on-street car parking is located 150 m south of the site on Woolooware Road. The distance from the site and the need to cross a main road present a reasonable access deterrent."

Contrast this with one of the Proponent's earlier supporting documents for the Concept Plan, stating:

The site is located within a one (1) kilometre walking distance from the football field to Woolooware Railway Station."

How are we to take seriously that human walkability distance has deteriorated from over a kilometre in 2011 to less than 150 m in 2018?

The 2002 RTA Guide to Traffic Generating Developments states:

“Potential variations between local government areas must also be considered. An average parking rate for the State is not necessarily applicable in all areas of the State.

Ultimately it is the responsibility of the applicant to prove that either the proposed level of parking provision is adequate, or that the overall planning benefits of the proposed development outweigh these needs.”

It is a pity that the Department did not apply the advice given by Kirrawee Brick Pit traffic consultant Halcrow, *(the same as engaged by the Department to review McLaren’s traffic report for the Sharks Concept Plan)* but relating to the Kirrawee Brick Pit development, onto the Sharks. Although somewhat redundant in view of the now physical evidence of Sharks’ overflow parking, I repeat their comments below to give some insight into how much the Department has blundered in persisting with accepting inadequate parking rates, and now more so with the Sharks’ greater distance from the railway line. I have highlighted particularly pertinent conclusions in bold. *Note again that this advice applied to the Kirrawee Brick Pit where their accompanying numbers (not shown here) reflected that, unlike the Sharks, the Brick Pit development is close to a railway station.*

“... Halcrow has considered the implications of providing residential parking at one space per dwelling as requested by the DOP and whether such a reduced provision would have the desired effect of reducing trips.

Firstly, it is noted that RTA guidance does not reflect a relationship between parking provision in high density residential developments and traffic generation. **Rather, it is the proximity of good public transport and good local facilities that best moderates traffic generation.**

This has been confirmed by recent Halcrow studies based on surveys of two residential apartment blocks close to Circular Quay station; one with an over provision of parking (with respect to RTA guidance) and the other with an under provision of parking. **The survey data indicated that both developments generated the same level of vehicular traffic. This concurs with the accepted view that parking restraint at trip origin (i.e. place of residence) does not discourage vehicle use as much as at trip destination.**

Secondly, some owners, tenants and investors, who have demonstrated a willingness to use public transport, will not locate or invest in a transport friendly centre if they do not have adequate car parking. This in turn can reduce the amenity, saleability and attractiveness of a residential development because **residents living in such areas still wish to own cars, even if they do not use them for their regular commute or to the same extent as other persons for social/recreation trips.** It would be a pity if such persons with a low propensity for car use, were obliged to live in less transport friendly areas just because they wished to own a car.

Finally, the RTA often defers judgement and advice on parking to the local Council. As such, it is important to note comments from Sutherland Shire **indicating they consider the proposed parking to be an under provision**, with the report submitted by Council’s Traffic Consultant (McLaren Traffic Engineering) stating that **the on-site parking provision is, “insufficient in terms of residential parking provision”.**

Despite numerous submissions also pointing this out for the Sharks development and some intervention by the Planning and Assessment Commission to slightly increase parking, the development is turning into a disaster that can only be fixed by stronger intervention by the Planning and Assessment commission to:

- forbid any residential units in the Eastern Precinct,
- allow only the hotel and community group facilities
- provide overflow residential parking for the Western precinct,
- subject to the upper building envelope not exceeding the approved Concept Plan, in order to protect the close-up visual and amenity impact on the school and the nearby houses in North Woolooware, and views of the bay from further afield, from being further impacted beyond the approved Concept Plan, as stated above under Visual Impact.

If necessary, the hotel may then be unable to be accommodated at the Sharks site so that more hotel facilities for the Shire may need to be built in Cronulla, a more convenient location anyway, perhaps over a number of smaller sites. To recover from this mess, the State Government may have to provide financial incentives to attract investment from more lucrative residential development.

TRAFFIC

The actual occurrence of overflow parking will have a flow-on effect to traffic generation. Although the applicant claims most of the traffic will be generated by retail, the possible doubling of residential traffic over that estimated by the Consultant will exacerbate the traffic impact, particularly in Woollooware North.

Saturday Peak Traffic

I reiterate my objection in my 7th April 2017 submission to the Consultant's arbitrary claim that Saturday peak residential traffic generation is only 25% of Friday PM, against the 2013 RMS Guide for traffic generation which shows Saturday peak as higher than weekday peak. Because of the demonstrated overflow parking, the effect of this underestimation would be magnified for traffic from already approved development, onto which an increase from the proposed Eastern Precinct high-rise residential development would impact exponentially onto an already overloaded road system.

A Consultant's earlier report claimed:

"Assumes Saturday noon peak traffic generation for the residential component is 25% of the Friday PM peak traffic. Residents are more likely to leave the site earlier in the day and return later in the day."

that assumes Sunday outing mode but there are likely to be multiple Saturday trips each for many people.

The consultant in response to submissions for the Mod 3 application tersely stated:

"Weekend reduction to 25% of the weekday peak was used in the TMAP for the concept application and not objected to by the RMS at that time nor for the current application."

In their response to submissions for the current application there is no attempt to justify the reduction and boldly quotes only 17 vph extra from the proposed eastern residential high rise for Saturday Midday (compared to 65 vph for Friday PM but which itself could be doubled as per above discussion).

TRAFFIC NOISE

In my 7th April submission, I made a calculation of noise impact in Woollooware North to demonstrate that the Consultant's estimated of traffic increase would increase noise more than the allowable 2 decibel limit. Further increase in traffic above that estimated would worsen the impact.

Admittedly, such a calculation is outside my expertise, but what are we to do given the completely omissive report by the Noise Consultant? Such is completely at odds with the more thorough monitoring and analysis for the Kirrawee Brick Pit development as discussed in my submission of 7th April 2017.

FUNDING THE UPGRADE TO THE CAPTAIN COOK DRIVE-GANNONS ROAD INTERSECTION

I object to the proponent's ongoing disownment of responsibility for the traffic problems that will be caused by the development, in their insistence that the existing roundabout will be adequate and thereby evade responsibility for contributing any cost to upgrade the intersection to signalisation. They have been aided in this approach by the Department of Planning and the Roads and Maritime Service.

Following up on the Department's recommendation report for the current Mod2-Mod 6 development referring to an independent traffic study by Halcrow for the Concept Plan, I became aware that one of Halcrow's recommendations at the Concept plan stage was:

- Signalisation of the Captain Cook Drive / Gannons Road from a roundabout to signals with a proportional contribution form (sic) the Cronulla Sharks redevelopment;

but this advice was rejected by the Department of Planning in favour of RMS advice:

- the scale of the proposal and associated traffic generation will add to existing delays and congestion currently being experienced by motorists at the intersections of Taren Point Road / Captain Cook Drive, Gannons Road / Captain Cook Drive and Kingsway / Gannons Road intersections (refer to **Table 5** below for Level of Service comparisons). However, RMS notes that the cost of upgrading these intersections is cost prohibitive to the applicant as land acquisition and utility relocation would be required. The increase in travel times as a direct result of the proposal, particularly in the PM peak period, should be taken into consideration; and

which is problematic because the RMS and the Department of Planning accepted the consequences of the traffic problems on the Taxpayers' behalf, via the unsolicited comment that the cost would be prohibitive for the applicant with the inference that it would be the whole cost, but Halcrow had mentioned only a "proportional contribution".

VISUAL AND AMENITY IMPACT

I would like to amend my suggestion for limiting roof heights from what I stated at the hearing and in my follow-up suggestion to:

The upper building envelope should not exceed that approved for Concept Plan, in order to protect the visual and amenity impact on the school and the nearby houses in North Woollooware.

Whilst attempting to attain the same angle of elevation to a Woollooware North resident near the Sharks I had overlooked or underestimated the perceived width at height of the development.

I had also overlooked or underestimated the preciousness of the view vistas of Botany Bay experienced from further south. Although there would be greater impact from streets closer than Castlewood, which is well south of the railway line, the Castlewood Ave location was selected by the proponent and there are no other vistas available with building overlays to compare impacts.

Nevertheless, the modification proposal has more than doubled the loss of view of Woollooware Bay and beyond compared to the Concept Plan. The Department's recommended reductions in height will not be enough to be able see the water above to the top of the building mass. Photo montages are overleaf that I had not included in my 7th April submission.

Concept Plan



Mod 2 Mod 6



RISKS TO INHABITANTS OF THE DEVELOPMENT HIGHLIGHTING THE IMPERATIVE NOT TO EXPOSE MORE PEOPLE TO HARM.

FIRE HAZARD

Further to my concern expressed at the hearing about the dependence of “performance based engineering” on mechanical and hydraulic systems that may fail during a fire, an extra concern which I raised in a submission to the original Stage 1 Retail Application was about the apparently inadequate security of water supply which I reiterate in part as follows:

“... one significant issue apparently overlooked by the consultant is the security of water supply that will be dependent on a single 1.1 km 250* mm water main from the intersection of Kurnell Road and Hume Road. The existing 150 mm supply in Woollooware Rd would have only a fraction of the required flow rate if the supply from Kurnell Road and Hume Road were lost. Development of the scale of the Sharks development normally occurs in town centres where it is more feasible to provide a robust network of adequately sized watermains that offers surplus firefighting capability and a greater redundancy in supply security.

The Applicant’s proposal constitutes only a Grade3 supply according to the Sprinkler Code of Australia AS2118.1. This code states that:

A Grade 3 supply shall not be used to supply sprinkler systems –

(a) protecting a building greater than 25 m effective high ...

Therefore while possibly not being required for the Stage 1 development, the future high rise residential development* will require at least a Grade 2 such as a water storage tank this site where are suitably large town water sources are remote. There is no mention of any such tank, nor could I find any indication of in the Applicant’s plans.”

*The servicing report “2017-02-20 29 Appendix O_Stormwater, Flooding and Servicing Statement_Calibre.pdf” quotes that a 200 mm main has been constructed.

**The context of future high rise residential development was then for the Western Precinct. I had assumed there would be sprinkler systems there but I do not know if they are installed in buildings already completed and to be installed in the remainder. Irrespectively it would be reasonable to expect a commensurate grade of water supply for the Fire Brigade to fight a fire in a high-rise building whether or not a sprinkler system is installed.

The increased fire risks arising from the large compartment sizes and long egress parts for the retail site make the grade of water supply become even more crucial for any high-rise development above it.

ELECTROMAGNETIC RADIATION

My presentation on 9th April queried the context about the proponent’s general statements that the electromagnetic fields are substantially smaller than the highest safe level for exposure recommended for the public by the national and international standards.

I had merely echoed Ausgrid’s submission for the Concept plan against what the EMF consultant stated:

“Given that the relevant international guidelines have already been formulated on the basis of applying the precautionary principle.....”

that Ausgrid rebutted with:

Comment: This statement is incorrect. International guidelines (ICNIRP and IEEE) do not address possible long term health effects of electromagnetic fields. The referenced levels and inherent safety factors within these guidelines only address short term health effects.

WRONGFUL TREATMENT OF THIS APPLICATION AS MODIFICATION

A speaker at the hearing rightly suggested that the proposed drastic increase in scale of Mod 2 - Mod 6 should require that it be submitted as a brand new proposal, not just a modification.

Modification suggests only a minor change that hides the significance of the new proposal so that a person would not recognise the extent of the threat, that if they were otherwise aware of it as a new proposal, they would make the appropriate response.

On the other hand, its present form as a "Section 3A modification" to the Concept Plan demands that everyone that made a submission to the original Concept Plan should also have been invited to the hearing and to make a submission.

This appears not to have been done with the notification wording:

**" Notice of Independent Planning Commission Meeting
Woolooware Bay Town Centre Concept Plan Modification Request (MP 10_0229 MOD 2) and
Project Approval Modification Request (MP 10_0230 MOD 6)**

I am writing to you as you have provided comments, or a submission, to the Department of Planning and Environment (DP&E) on the above proposal."

suggesting that the invitation applies only to those that made a submission on the current proposal.

Such limitations of communication by the Department of Planning add fuel to the public's lack of confidence in the planning system, contrary to the Planning and Assessment Commission's purpose stated on your website:

The Commission operates independently of the NSW Department of Planning and Environment and has an important role to play in building community confidence in the decision-making processes for major development and land-use planning state-wide.

Jamie Maclachlan

16th April 2018