



14033
8 December 2014

John Rayner
General Manager
Sutherland Shire Council
Locked Bag 17, Sutherland 1499

Attention: Kylie Rourke

Dear Kylie

**WOOLLOOWARE BAY TOWN CENTRE - STAGE 2 RESIDENTIAL (2014SYE073)
461 CAPTAIN COOK DRIVE, WOOLLOOWARE**

We write on behalf of Bluestone Capital Venture No.1 Residential (the Applicant) in reference to the abovementioned Development Application (DA) and the upcoming Sydney East Joint Regional Planning Panel (JRPP) on 11 December 2014 where the DA will be considered.

In consultation with the project team and the Applicant we have reviewed the draft conditions and request several amendments to ensure the proposal remains consistent with the Concept Plan; to ensure the design intent of the project is maintained; and allow the proposal to be delivered in a timely and orderly fashion. The requested amendments to the draft conditions are provided at **Attachment A**. It would be appreciated if Council could give consideration to the requested amendments and confirm with the JRPP and the applicant prior to the meeting that these changes are acceptable.

A copy of this information has also been forwarded to the JRPP for its knowledge and consideration.

If you require any further information, or clarification on the requested amendments, please do not hesitate to contact me at 9956 6962 or bhoskins@hotmail.com.

Yours faithfully

Brendan Hoskins
Urban Planner

cc – Joint Regional Planning Panel (Panel Secretariat)



Stage 2 - Woollooware Bay Town Centre Response to Draft Conditions

December 2014

Below is a table of the proposed changes, with words to be deleted shown in red bold italics strike through and words to be included in blue bold italics.

Council Condition		Proponent Response	
2.	Approved Plans/Documents		
A-DA-110-001	G <i>P</i>	Lower Ground Level	12.11.14 <i>02.12.14</i>
A-DA-110-002	S <i>T</i>	Upper Ground Level	12.11.14 <i>02.12.14</i>
A-DA-110-140	H <i>G</i>	Roof	06.11.14
<i>A-DA-112-001</i>	<i>B</i>	<i>Adaptable Apartments Layout</i>	<i>25.06.13</i>
<i>A-DA-112-002</i>	<i>B</i>	<i>Adaptable Apartments Layout</i>	<i>29.05.14</i>
Note: This consent does not approve the detailed operation and fitout of the cafe. Separate approvals (except where Exempt <i>and Complying</i> Development applies) must be obtained for the use/fitout.		The requested wording ensures that both the exempt and complying systems can be utilised.	

6. Public Place Environmental, Damage & Performance Security Bond (FIN1015)

~~A. Before Construction~~
~~B. After Occupation~~

The bond required to be secured to Council under Condition 7 of DA13/0270 is to be maintained until all works relating to this consent have been completed and received a satisfactory Final Inspection. A new bond of \$100,000 will be payable to Sutherland Shire Council in the event that the previous bond is required to be released. This new bond must be in place prior to the release of the bond associated with DA13/0270.

It is requested that Condition 6 be amended to refer to Condition 7 of the Stage 1 Development Consent (DA13/0270). Condition 7 of the Stage 1 Consent contains the same provisions and adequately provides security to Council regarding the protection of Council assets. An additional sentence has been included in the condition to allow for the opportunity of a new bond of \$100,000 to be paid to Council in the event the previous bond is required to be released.

11. Car Parking and Access (ENG4020)

C. Prior to Occupation

Prior to the issue of any Occupation Certificate, the following shall be implemented:

Parking must be allocated to individual strata lots as part of their unit entitlement and linemarked and sign posted as follows:

Residential Dwellings spaces	199
Residential Visitors	36 spaces
Car Wash Bay	1 common space
Retail/Commercial (Cafe)	2 spaces
Bicycle Parking	53 spaces

Note: The car wash bay can be 'double counted' as a visitor parking space.

A note is requested to be added to this condition to allow for clarity in determining the total number of parking spaces necessary for the development.

15. Drainage Design - Requirements (ENG5005)

C. Before Occupation

i) Evidence that an Easement to Drain Water in favour of Sutherland Shire Council has been created over the site and adjoining properties (under the provisions of Section s.888 of the Conveyancing Act) shall be provided to Sutherland Shire Council. The required easement must be created, ~~or a bond in the amount of \$35,000 must be paid to Council prior to the issue of the Construction Certificate. Where the option of the bond is pursued, creation of the easement, and evidence~~

This condition is requested to be amended to reflect the use of a private certifying authority throughout the delivery of the development. An additional sentence has been included in the condition to allow for the opportunity of a new bond of \$35,000 to be paid to Council in the event the previous bond is required to be released.

of that easement, shall be finalised prior to issuing of the Final Occupation Certificate or the bond to be paid under Condition 15 of DA13/0270 is to be maintained until the easement is created and evidence of that easement is provided to Council. A new bond of \$35,000 will be payable to Sutherland Shire Council in the event that the previous bond is required to be released. This new bond must be in place prior to the release of the bond associated with DA13/0270.	
16. Stormwater Treatment (ENG5025)	
A. Design Appropriate stormwater treatment measures, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", and also in compliance with the Residential Civil Infrastructure Report, prepared by AT & L dated March 2013 must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the Construction Certificate. The measures must also comply with the requirements of the Lower Georges River Catchment Management Plan. Separate treatment facilities for the treatment of all stormwater flows originating in Captain Cook Drive shall be employed for the pipeline within the required Easement to Drain Water.	 The final paragraph of this condition is requested to be deleted as the capturing and treatment of stormwater from Captain Cook Drive is not relevant to this Stage. This application relates to Stage 2 which is removed from Captain Cook Drive. An identical paragraph has been provided in the Stage 1 Development Consent; therefore this text is unnecessary to repeat in addition to being irrelevant for Stage 2.
20. Detailed Landscape Plan - Greenweb Support (ENV2015)	
A. Design ... As the site is identified as being within a Greenweb Support area, all new tree plantings in the central road and the access road to Selander Fields must be 100% indigenous species and 80% of understorey plants must be indigenous species, to create a strong link with the foreshore park. On the podium level 50% of tree species must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au) <http://www.sutherlandshire.nsw.gov.au> and search for Native Plant Selector).	 It is requested to delete the fourth paragraph of this condition as the range of planting on the site must be generally consistent with the approved Concept Plan Planting Strategy (Drawing No. 11017-EA-05). The proposal in its current form is generally consistent with this strategy as required under the <i>Environmental Planning and Assessment Act 1979</i> .

- i) ~~Rationalisation of the main path in the central courtyard and the smaller paths to Units G.1-03 – G.1-07 to reduce fragmentation of the planted and grassed areas;~~
- ii) ~~Creation of one larger raised grassed space in the central courtyard (approx 20m x 12m);~~
- iii) Provision of at least five (5) small indigenous canopy trees in enlarged planter boxes along the eastern edge of the ground floor gardens in the central road (Units G.G.01 and G.G.02) to provide connectivity with the podium level plantings;
- iv) The location of pool fencing and gates;
- v) The communal open space areas including all planter boxes/planting areas on slab must be provided with a water-efficient irrigation system and taps at 25m spacings, connected to a pump and the rainwater tank /OSD tank, to enable effective landscape maintenance;
- vi) A 12 months maintenance programme.

It is requested that the two initial conditioned amendments to the landscaping plans be amended to better respond to the approved Concept Plan and the design intent of this space.

The conditioned amendments do not consider the master planned nature of the site and the significant areas of open space and communal facilities to be provided in future stages, namely within the Landscaping DA which Council has had the opportunity to review in a preliminary format. Significant useable areas of open space as well as play and leisure facilities will be provided in the Foreshore Landscaping DA, as principally approved under the Concept Plan.

The podium space is not designed or intended to be used as an active space. The intent for this space is as a relaxing landscaped area which offers aesthetic values for the apartments which overlook the space. The opportunity for activities which generate noise, such as large areas of consolidated grass where games may be played, is sought to be avoided in order to ensure residential amenity of apartments is maintained.

These noise generating activities are preferred in locations such as the Foreshore Park which will include both open space and a playground. It is also noted that there are significant open space options in the vicinity of the site, including Solander Playing Fields, the future Foreshore Park and Captain Cook Oval.

The comments provided on the Stage 1 podium landscaping design have been incorporated into the landscaping design of Stage 2, with 190m² of turf provided on the podium. When combined, Stages 1 and 2 offer a total of 310m² of turf across the two podium spaces. These spaces are connected across the shared Stages 1 and 2 podium, as a range of more intimate grassed areas, where small groups of residents can meet.

The conditioned amendments would result in a significant redesign of the Stage 2 podium, impacting on the privacy and feature planting, and also inhibiting the current design for secondary apartment terrace paths which transition through planting zones.

The conditioned redesign of the main path will be at the detriment of the overall design intent for the landscaped podium. There is an intent to provide paths designed to meander so as to create an interesting journey through the planted spaces. This builds upon the same strategy approved in Stage 1, allowing for consistency in the landscaping language of the development.

	This design intent is at the core of the overall landscaping scheme, formulated to ensure that a sense of place and pride is created in the new community. The sense of place is dependent on the intimate design, with meandering paths interspersed amongst planting and areas of turf, designed for chance meetings, interactions and opportunities to relax. This design has been developed by a highly regarded and awarded landscape architecture firm, Aspect Studios. The experience and knowledge of Aspect Studios will ensure that this space, as currently designed, will achieve the development objectives and will be a highly sought after location which residents take pride in.
28. Transmission Lines (ENV9007) B. Before Occupation Evidence shall be provided that the recommendations of Magshield Products (Aust.) International Pty Ltd report dated 7 June 2012, <i>as amended by Ausgrid's Letter dated 23 September 2014, in-relation to the EMF mitigation measures comprising reversal of two outer phases of feeder 917</i> have been implemented prior to the issue of any Occupation Certificate.	This condition is requested to be amended to ensure that the latest mitigation measures regarding EMF and the rephrasing of the power lines are referenced.
49. Aboriginal Archaeological Investigation To ensure the aboriginal heritage is managed appropriately through the development, the recommendations of the La Perouse Local Aboriginal Land Council, dated 15 February 2013 must be implemented, including the following: <i>i) Additional research and documentation is undertaken to identify the Aboriginal cultural heritage values of Woollooware Bay.</i> <i>ii) Interpretive signs are implemented throughout the development to promote the Aboriginal cultural heritage values of the area, in particular the heritage values of Woollooware Bay. This should be informed by research into the Aboriginal cultural heritage values of Woollooware Bay.</i>	This condition is requested to be amended to reflect the recommendations in the Aboriginal Archaeological Investigation prepared by GML which specify that the study area does not have potential to possess Aboriginal burials and no further archaeological monitoring, recording or investigation is recommended. The letter received from the La Perouse Local Aboriginal Land Council suggested that the proponent consider researching and documenting the Aboriginal cultural heritage values of Woollooware Bay. An additional sentence has been proposed in the condition to require research into the Aboriginal cultural heritage values of Woollooware Bay to inform the provision of interpretative signage.

### ii) Should any Aboriginal objects (such as human or animal bone, shell material or stone artifacts) be unearthed during the works, all works must cease and the NSW Office of Environment and Heritage and La Perouse Local Aboriginal Land Council must be contacted immediately.	
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23 September 2014

The General Manager
Sutherland Shire Council
4-20 Eaton St
Sutherland, NSW 1499
Attention: Kylie Rourke

Re: Stage 2 – Residential Masterplanned Estate, 471 Captain Cook Drive, Woollooware

Dear Kylie,

Further to your letter dated 26 June 2014 and our discussions, I confirm that Ausgrid has been consulted by the property developer Bluestone Capital Ventures in relation to the re-phasing of our 132kV double circuit overhead tower line 916/917. The intention of this re-phasing is to minimise the electro-magnetic field (EMF) as described in the conditions of consent 26-28 as quoted in your letter:

TRANSMISSION LINES

26. Future applications shall demonstrate that EMF exposure to the northern most residential building envelopes is minimised taking into account a precautionary principle approach in consultation with Ausgrid. Such measures shall include those matters outlines in the Bluestone Property Solutions letter dated 5 June 2012.

27. Future applications shall demonstrate that the recommendations of Magsheild Products (Aust.) International Pty Ltd report dated 7 June 2012 in relation to the EMF mitigation measures comprising reversal of two outer phases of feeder 917, have been implemented.

28. Future applications shall address required access provisions by Ausgrid.

Bluestone Capital Ventures has engaged Ausgrid to commence design work associated with the re-phasing of 916 which is electrically equivalent to re-phasing 917 as described above, while being less complex and less costly. This design work is currently in progress.

Please do not hesitate to contact me if you wish to discuss the above.

Kind regards,

A handwritten signature in blue ink that reads "Tim Knight".

Tim Knight
Senior Area Development Manager, Sydney South
Ph: (02) 9269 7220

