

SUTHERLAND SHIRE COUNCIL

Memorandum referred to in the
determination of the Joint
Regional Planning Panel.
of 11 December 2014.



David Furlong.
Chairman.

TO: Joint Regional Planning Panel

FROM: Kylie Rourke - Development Assessment Officer

DATE: 10 December 2014

FILE REF: DA14/0598

SUBJECT: Council Comment: Applicants response to draft conditions

SITE: Stage Two Residential Development at 471 Captain Cook Drive Woollooware

Applicant additions indicated in **blue** and deletions in ~~red strikethrough~~.

Council amendments indicated in **green**.

Council Condition				Proponent response	Council Response
A-DA-110-001	O P	Lower Ground Level	12.11.14 2.12.14	Amended to reflect new plan which illustrates compliant bicycle parking.	No objection.
A-DA-110-002	S T	Upper Ground Level	12.11.14 2.12.14	Amended to reflect new plan which illustrates compliant bicycle parking.	No objection.
A-DA-110-140	H G	Roof	6.11.14	Amended to reflect correct revision.	No objection.
A-DA-112-001	B	Adaptable Apartments	29.05.14	Amended to reflect most recent plan which Council has on file.	No objection.

A-DA-112-002	B	Adaptable Apartments	29.05.14	Amended to reflect most recent plan which Council has on file.	These plans provides further information on the compliance of the adaptable units with the standards for adaptable housing, and was considered as "additional information", therefore Council did not include reference to this plan in the suite of conditions. However no objection to the inclusion of this plan is raised.
<p><i>Note: This consent does not approve the detailed operation and fitout of the café. Separate approvals (except where Exempt and Complying Development applies) must be obtained for the use/fitout.</i></p>					No objection.
<p>6. Public Place Environmental, Damage & Performance Security Bond</p> <p>A. Before Construction</p> <p>B. After Occupation</p> <p><i>The bond required to be secured to Council under Condition 7 of DA13/1270 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.</i></p>		<p>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 provision 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.</p>			<p>Alternate wording recommended:</p> <p>6. Public Place Environmental, Damage & Performance Security Bond</p> <p>A. Before Construction</p> <p>B. After Occupation</p> <p><i>Notwithstanding the above, the bond required to be secured to Council under Condition 7 of DA13/1270 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 or the</i></p>

		<i>stage 2 works proceed before the stage 1 works. This new bond must be in place prior to the release of the bond associated with DA13/0270.</i>										
<p>11. Car Parking and Access</p> <p>C. Prior to Occupation</p> <p><i>Prior to the issue of any Occupation Certificate the following shall be implemented:</i></p> <p><i>Car parking must be allocated to individual dwellings/tenancies and to any future Strata Subdivision Allotments as part of their unit entitlement and be linemarked and signposted as follows:-</i></p> <table><tr><td><i>Residential Dwellings</i></td><td><i>199 Spaces</i></td></tr><tr><td><i>Residential Visitors</i></td><td><i>36 Spaces</i></td></tr><tr><td><i>Car Wash Bay</i></td><td><i>1 Common Space</i></td></tr><tr><td><i>Retail/Commercial</i></td><td><i>2 Spaces</i></td></tr><tr><td><i>Bicycle Parking</i></td><td><i>53 Spaces</i></td></tr></table> <p>Note: The car wash bay can be ‘double counted’ as a visitor parking space.</p>	<i>Residential Dwellings</i>	<i>199 Spaces</i>	<i>Residential Visitors</i>	<i>36 Spaces</i>	<i>Car Wash Bay</i>	<i>1 Common Space</i>	<i>Retail/Commercial</i>	<i>2 Spaces</i>	<i>Bicycle Parking</i>	<i>53 Spaces</i>	<p><i>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.</i></p>	<p>No objection.</p>
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<i>Retail/Commercial</i>	<i>2 Spaces</i>											
<i>Bicycle Parking</i>	<i>53 Spaces</i>											
<p>15. Drainage Design - Requirements</p> <p>C. Before Occupation</p> <p>i) Evidence that an Easement to Drain Water in favour of Sutherland Shire</p>	<p><i>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</i></p>	<p>Alternate wording recommended:</p> <p>15. Drainage Design - Requirements</p> <p>C. Before Occupation</p>										

<p><i>Council has been created over the site and adjoining properties (under the provisions of Section s.88B of the Conveyancing Act) shall be provided to Sutherland Shire Council. The requires 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 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.</i></p>	<p><i>new bond of \$35,000 to be paid to Council in the event the previous bond is required to be released.</i></p>	<p><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.88B of the Conveyancing Act) shall be provided to Sutherland Shire Council. The requires 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 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 prior to the issue of any Construction Certificate in the event that the previous bond is required to be released or the stage 2 works proceed before the</i></p>
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		stage 1 works. This new bond must be in place prior to the release of the bond associated with DA13/0270.
<p>16. Stormwater Treatment</p> <p>A. Design</p> <p><i>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.</i></p> <p><i>Details must accompany the application for any Construction Certificate. The measures must also comply with the requirements of the Lower Georges River Catchment Management Plan.</i></p> <p><i>Separate treatment facilities for the treatment of any and all stormwater flows originating in Captain Cook Drive shall be employed for the pipeline within the required Easement to Drain Water.</i></p>	<p><i>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 paragraphy has been provided in the Stage 1 Development Consent; therefore this text is unnecessary to repeat in addition to being irrelevant for Stage 2.</i></p>	<p>Alternate wording recommended:</p> <p><i>Separate treatment facilities for the treatment of any and all stormwater flows originating in Captain Cook Drive shall be employed for the pipeline within the required Easement to Drain Water unless constructed prior as part of stage 1 works (DA13/0270.).</i></p>
<p>20. Detailed Landscape Plan - Greenweb Support</p> <p>A. Design</p>	<p><i>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</i></p>	<p>Although Council prefers the planting of native species where possible, the species selection in the</p>

<p><i>A detailed landscape plan must be prepared by a qualified landscape designer or Landscape Architect and included as part of the Construction Certificate.</i></p> <p><i>Note: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.</i></p> <p><i>The plan must be prepared in accordance with Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 (Landscaping Parts 1-5).</i></p> <p><i>As the subject site is identified as being within a Greenweb Support area, all new tree plantings in Central Street and the access road to Solander 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).</i></p>	<p><i>approved Concept Plan Planting Strategy (Drawing No. 11017-DA-05). The proposal in its current form is generally consistent with this strategy as requires under the Environmental Planning and Assessment Act 1979.</i></p>	<p>courtyard is less critical than the species selection in the Riparian Zone and Central Road.</p>
<p>20. Detailed Landscape Plan - Greenweb Support</p> <p>A. Design</p> <p><i>The Detailed Landscape Plan must be based on the</i></p>	<p><i>It is requested that the two initial conditioned amendments to the landscaping plans be amended to better respond to the</i></p>	<p>Council's condition could improve the potential for meaningful planting in this area, however the</p>

<p><i>Concept Landscape Plan Dwg. No. RES DA2 01-05, Rev A, dated June 2014 and prepared by Aspect Studios and must also include the following:</i></p> <p><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;</i></p> <p><i>ii) — Creation of one larger raised grassed space in the central courtyard (approx 20m x 12m);</i></p>	<p><i>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</i></p>	<p><i>requirement is not critical to the development.</i></p>
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	<p><i>Cook Oval. The comments provided on the Stage 1 podium landscaping design have been incorporated into the landscaping design of Stage 2, with 190m' of turf provided on the podium. When combined, Stages 1 and 2 offer a total of 310m' 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.</i></p> <p><i>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.</i></p>	
<p>28. Transmission Lines B. Before Occupation Evidence shall be provided that the recommendations of Magshield Products (Aust.)</p>	<p><i>This condition is requested to be amended to ensure that the latest mitigation measures regarding EMF and the rephasing of the power lines are referenced.</i></p>	<p>Alternate wording recommended:</p> <p>28. Transmission Lines B. Before Occupation</p>

<p><i>International Pty Ltd report dated 7 June 2012, as amended by Ausgrids letter dated 23 September 2014, in relation to the EMF mitigation measures, the reversal of two outer phases of feeder 917, have been implemented prior to the issue of any Occupation Certificate.</i></p>		<p><i>Evidence shall be provided that the recommendations of Magshield Products (Aust.) International Pty Ltd report dated 7 June 2012, as amended by Ausgrids letter dated 23 September 2014, in relation to the EMF mitigation measures, the reversal of two outer phases of feeder 917, have been implemented prior to the issue of any Occupation Certificate.</i></p>
<p>49. Aboriginal Archaeological Investigation</p> <p><i>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></p> <ul style="list-style-type: none"> <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</i> 	<p><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.</i></p> <p><i>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.</i></p>	<p>No objection.</p> <p><i>This condition was based on the recommendations of the letter submitted by the Applicant from the La Perouse Local Aboriginal Land Council. Regardless, the reworded condition is capable of achieving the same outcome, and Council raises no objection to this amendment.</i></p>

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<p>Woollooware Bay.</p> <p><i>iii. 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.</i></p>		
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