

2016SYE090 – 475A Captain Cook Drive, Woollooware

(DA16/1068)

ASSESSMENT REPORT APPENDICES

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Conditions of Consent

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings in the table below:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
<i>Architectural Plans</i>			
A-DA-100-010 Revision E	Context Plan	Turner	Prepared 16.08.16
A-DA-100-020 Revision E	Site Plan / Staging Plan	Turner	Prepared 16.08.16
A-DA-110-001 Revision Q	Lower Ground	Turner	Prepared 14.04.17
A-DA-110-002 Revision Q	Ground	Turner	Prepared 14.04.17
A-DA-110-010 Revision P	Level 1	Turner	Prepared 07.04.17
A-DA-110-020 Revision P	Level 2	Turner	Prepared 07.04.17
A-DA-110-030 Revision L	Level 3	Turner	Prepared 07.04.17
A-DA-110-040 Revision L	Level 4	Turner	Prepared 07.04.17
A-DA-110-050 Revision M	Level 5	Turner	Prepared 07.04.17
A-DA-110-060 Revision M	Level 6	Turner	Prepared 07.04.17
A-DA-110-070 Revision Q	Level 7	Turner	Prepared 16.05.17
A-DA-110-080 Revision N	Level 8	Turner	Prepared 16.05.17
A-DA-110-090 Revision K	Level 9	Turner	Prepared 07.04.17
A-DA-110-100 Revision L	Level 10	Turner	Prepared 07.04.17
A-DA-110-110 Revision K	Level 11	Turner	Prepared 07.04.17
A-DA-110-120 Revision L	Level 12	Turner	Prepared 07.04.17
A-DA-110-130 Revision L	Level 13	Turner	Prepared 07.04.17

A-DA-110-140 Revision L	Level 14 Roof	Turner	Prepared 07.04.17
A-DA-110-201 Revision A	Building A - Minimum ADG Unit Size	Turner	Prepared 11.04.17
A-DA-110-202 Revision A	Building B - Minimum ADG Unit Size	Turner	Prepared 11.04.17
A-DA-112-001 Revision F	Adaptable Apartment Layouts	Turner	Prepared 12.04.17
A-DA-112-002 Revision F	Adaptable Apartment Layouts	Turner	Prepared 12.04.17
A-DA-210-010 Revision F	North Elevation	Turner	Prepared 16.08.16
A-DA-210-020 Revision G	South Elevation	Turner	Prepared 16.05.17
A-DA-210-030 Revision G	East Elevations	Turner	Prepared 16.05.17
A-DA-210-040 Revision G	West Elevations	Turner	Prepared 16.05.17
A-DA-210-050 Revision G	Section / North Elevation Building A	Turner	Prepared 16.05.17
A-DA-210-060 Revision F	Section / South Elevation Building B	Turner	Prepared 16.08.16
A-DA-210-070 Revision F	Section / South Elevation Building D	Turner	Prepared 16.08.16
A-DA-210-080 Revision F	Section / North Elevation Building B	Turner	Prepared 16.08.16
A-DA-310-010 Revision F	Sections AA	Turner	Prepared 01.07.16
A-DA-320-010 Revision B	Section DD	Turner	Prepared 16.08.16
A-DA-600-010 Revision B	Materials and Finishes Sample Board	Turner	Prepared 18.5.16
A-DA-700-100 Revision B	Construction Staging	Turner	Prepared 01.07.16
A-DA-700-010 Revision D	Perspective 01	Turner	Prepared 01.07.16

A-DA-900-011 Revision D	Perspective 02	Turner	Prepared 01.07.16
A-DA-900-012 Revision D	Perspective 03	Turner	Prepared 26.07.16
A-DA-900-013 Revision D	Perspective 04	Turner	Prepared 01.07.16
A-DA-900-014 Revision F	Perspective 05	Turner	Prepared 16.08.16
A-DA-900-015 Revision E	Perspective 06	Turner	Prepared 01.06.16
A-DA-900-016 Revision B	Perspective 07	Turner	Prepared 01.07.16
A-DA-900-017 Revision E	Perspective 08	Turner	Prepared 06.12.16
<i>Infrastructure Plans</i>			
CS3-2-10 Rev G	Flood Extents Plan Post Development Q100 with 2100 Sea Level	Calibre Consulting	Prepared 21.08.17
CS3-2-11 Rev A -	General Arrangement Plan - Design (2017 Survey 2) Sheet 1 of 2	Calibre Consulting	Prepared 21.08.17
CS3-2-12 Rev A -	General Arrangement Plan - Design (2017 Survey 2) Sheet 2 of 2	Calibre Consulting	Prepared 21.08.17
CS3-4-30 Rev A	Design X-Sections (2017 Survey 2) Sheet 1 of 4	Calibre Consulting	Prepared 21.08.17
CS3-4-31 Rev A	Design X-Sections (2017 Survey 2) Sheet 2 of 4	Calibre Consulting	Prepared 21.08.17
CS3-4-32 Rev A	Design X-Sections (2017 Survey 2) Sheet 3 of 4	Calibre Consulting	Prepared 21.08.17
CS3-4-33 Rev A	Design X-Sections (2017 Survey 2) Sheet 4 of 4	Calibre Consulting	Prepared 21.08.17
Drawing 01	Pedestrian Bridge	Fleetwood Urban	Prepared 08.08.17

Drawing 02	Pedestrian Bridge	Fleetwood Urban	Prepared 08.08.17
Drawing 03	Pedestrian Bridge	Fleetwood Urban	Prepared 08.08.17
<i>Landscape Plans</i>			
S3-DA-02 Rev D	Site Context and Pedestrian Links	Aspect Studios	Prepared July 2016
S3-DA-03 Rev D	Site Context Plan	Aspect Studios	Prepared July 2016
S3-DA-04 Rev D	Lower Ground / Ground Floor Plan	Aspect Studios	Prepared July 2016
S3-DA-05 Rev D	Lower Ground / Section	Aspect Studios	Prepared July 2016
S3-DA-06 Rev D	Ground Floor / Section	Aspect Studios	Prepared July 2016
S3-DA-07 Rev D	Level 1 Communal Courtyards Plan	Aspect Studios	Prepared July 2016
S3-DA-08 Rev D	Level 1 Communal Courtyards Section CC	Aspect Studios	Prepared July 2016
S3-DA-09 Rev D	Level 1 Communal Courtyards Section DD	Aspect Studios	Prepared July 2016
S3-DA-010 Rev D	Planting Strategy Lower Ground & Ground Level	Aspect Studios	Prepared July 2016
S3-DA-011 Rev D	Planting Strategy Level 1 Communal Courtyard	Aspect Studios	Prepared July 2016
LC01 Revision D	Landscape Masterplan	Habit8	Prepared 22.09.17
LC02 Revision D	Landscape Staging Plan	Habit8	Prepared 22.09.17
LC03 Revision D	Indicative Planting Strategy Plan	Habit8	Prepared 22.09.17
LC09 Revision D	Stage A2 - Landscape Concept Plan	Habit8	Prepared 22.09.17
LC10 Revision D	Stage B - Landscape Concept Plan	Habit8	Prepared 22.09.17
LC11 Revision D	Landscape Cross Sections	Habit8	Prepared 22.09.17

LC12 Revision D	Typical Landscape Construction & Bridge Details	Habit8	Prepared 22.09.17
LC13 Revision D	Landscape Specification Notes and Maintenance Program	Habit8	Prepared 22.09.17

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days' notice of such commencement.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) To help activate and improve surveillance of Grove Lane a vertical window must be provided on the southern side of the entry door for each of the nine townhouses in the Part West Elevation: Building C facing Grove Lane.
- ii) To improve the sense of enclosure and experience of pedestrians in Grove Lane, provide a pergola structure with climbers at the northern end of the lane to match the one at the southern end.
- iii) A disabled access ramp must be provided on the south-eastern side of Building A to enable access between Captain Cook Drive and the terrace adjoining the commercial area colonnade (as shown on the Landscape Masterplan L005 prepared by Habit8).
- iv) The fixed louvres shown on the northern side of the balcony on Unit A.1.03 must be deleted and relocated to the southern side of the balcony of Unit A.1.04 to improve outdoor amenity for this unit.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Integrated Development Approval - Requirement of Approval Bodies

A. General Terms of Approval from Other Approval Bodies

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the following approval bodies under Section 91A of the Environmental Planning and Assessment Act 1979:

Department of Primary Industries (Fisheries)
Department of Primary Industries (Water)

A copy of the GTA and any further requirements of the approval body/bodies are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate.

4. Requirements of Authorities

The development must be undertaken in accordance with the requirements of Ausgrid as follows:

Proximity to Existing Network Assets

Overhead Power lines

There are existing overhead electricity network assets in Captain Cook Drive and Proposed Foreshore Park area.

Safework NSW Document - Work Near Overhead Powerlines: Code of Practice outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au <<http://www.ausgrid.com.au>>.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in Captain Cook Drive.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground

cables.

Prior to the commencement of works and prior to the issue of the Construction Certificate, Ausgrid requires a joint inspection of the electrical infrastructure and property in the vicinity of the project (especially the poles CR 09778, CR 09779, CR 09780 and CR 09778). (These dilapidation surveys will establish the extent of any existing damage and enable any further deterioration during construction to be observed.) The submission of a detailed dilapidation report will be required unless otherwise notified by Ausgrid.

Works shall not commence until written endorsement of the dilapidation report has been obtained from Ausgrid. The Principle Certifying Authority shall not issue the Construction Certificate until Ausgrid's written endorsement of the dilapidation report has been obtained.

Prior to the commencement of works, the Applicant shall peg-out the common boundary with Ausgrid's easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor. Ausgrid is to be provided with minimum 7 days notification of the intent to peg the boundary and will be given 7 days to review/ comment on the survey. The Principle Certifying Authority shall not issue the Construction Certificate until the expiration of the 7 day review period. A Construction Certificate can then be issued only if there is no response from Ausgrid.

The following items are to be submitted to Ausgrid for review and endorsement prior to the commencement of any works:

- Scaffolding plan that includes identifies location of scaffolding parallel to the overhead feeder. The plan should identify how the scaffolding will be connected to earth via electrode with an earth impedance of 30ohm or less to bleed off any capacitive charge that may otherwise deliver a shock.
- A work site safety plan that identifies the clearances required from the power line for excavation equipment.
- Machinery to be used during excavation/construction.
- An electrical safety plan including but not limited to:
 - instrumentation and the monitoring regime;
 - testing of the scaffold bleed resistor.
- If power tools are to be used in close proximity to the transmission tower / poles shown then a locally earthed generator should be used as there is potential to receive an electric shock.
- Material storage plan identifying storage areas as long metallic materials such as pipes or steel reinforcing should not be stored in close parallel orientation to the feeder as they present a risk of induced voltage shock hazard during handling. Note for safety reasons scaffolding may not be erected in the easement as it may compromise the safety

clearance to the in-service power line.

No works are to commence until written confirmation is received from Ausgrid to this condition.

The applicant is to obtain Ausgrid's endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the electrical infrastructure / easement.

As there is a risk that rubble / debris may fall down from the construction site onto the transmission power lines during demolition/excavation and or construction, a reliable method of prevention of such incidents must be provided to Ausgrid for its endorsement prior to the issue of a construction certificate.

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal meters of any live electrical equipment. This applies to power lines not covered by "tiger tails" in accordance with WorkCover guideline "work near overhead power lines" within or adjacent to the electrical infrastructure / easement.

Prior to the issue of a Construction Certificate a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Ausgrid for review and comment on the impacts on electrical infrastructure / easement / substation.

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Ausgrid confirming that this condition has been satisfied.

Prior to the issuing of the Construction Certificate the Applicant is to submit to Ausgrid a plan showing all the craneage and other aerial operations for the development and must comply with all Ausgrid requirements. Ausgrid does not permit any load to be lifted over the power lines. Nor shall any part of the crane jib / boom be above the transmission power line whilst lifting a load.

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Ausgrid confirming that this condition has been satisfied.

The Principle Certifying Authority shall not issue the Construction Certificate until written endorsement from Ausgrid has been obtained and that the Ausgrid endorsed measures have been indicated on the Construction Drawings.

The Applicant must provide a plan of how future maintenance of the development facing the electrical infrastructure / easement is to be undertaken. The maintenance plan is to be submitted to Ausgrid prior to the issuing of the Occupation Certificate.

The Principle Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Ausgrid advising that the maintenance plan has been prepared to its satisfaction.

Low voltage light standards in the park / foreshore area are in close proximity to the transmission line should be double insulated to prevent a shock hazard at the light standard.

Water taps that are located within the transmission easement or with pipe run parallel to the easement in excess of 15m should be supplied with non-conductive pipework to prevent a shock hazard.

If conductive pipes are required for a firefighting water supply near the transmission tower or poles, a bonded concrete pad should be installed around the base of faucet connections.

No external GPOs or electrical appliances (e.g. BBQ's) should be located in close proximity to the transmission tower and poles.

The design of the building should take into consideration the risk of capacitive charge build up on metallic windows / louvres / balustrades, etc.

5. Crime Prevention through Environmental Design

A. During Construction

Security lighting and/or a security company shall be incorporated to protect the site during the construction phase.

B. Before Occupation

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the mitigation measures identified in the CPTED Assessment prepared by JBA dated August 2016, in addition to the following:

- i. Access control shall be installed to the car parking area and residential foyers to permit admission of authorised persons only (including employees of the commercial premises and residents). An intercom system shall be installed to enable controlled access for visitors.
- ii. Security lighting shall be installed to the entry and exit points, pathways, footpaths and car parking areas. External Lighting must satisfy AS1158.3.1.
- iii. The concrete floor of the parking levels shall be shined to increase light bounce.
- iv. A CCTV system shall be installed with a focus on monitoring the parking and storage areas and access points to the buildings.
- v. Signage shall be installed to assist in way finding through the development.
- vi. All Graffiti is removed as soon as is practical from the time of reporting.

6. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be included with the Construction Certificate, demonstrating that a minimum of 71 dwellings (combined adaptable and livable) and the required allocated vehicular parking spaces have been designed within this stage of the development. These are to comply with the requirements of AS4299 - Adaptable Housing. The report must

contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable Dwellings.

The report shall demonstrate that all services (water-closet, basins, showers, floor wastes etc.) must have pipes installed in locations required for adaptation and capped ready for use. Capping points are to be identifiable within the finished bathroom.

B. Before Occupation

A suitably qualified Adaptable Housing Specialist must certify prior to the issue of any Occupation Certificate that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing for a Class C Adaptable House. A copy of this certification must accompany the Occupation Certificate.

7. Green Travel Plan

A. During Works

An updated Green Travel Plan shall be prepared and submitted to Sutherland Shire Council's Director - Shire Planning for approval. The Plan shall include the following:

- i. The responsibility of the Plan implementation and review.
- ii. Quantify and measurement of mode share for bus and active transport.
- iii. The setting of quantifiable mode share timeframes, targets and milestones.
- iv. Mode share target reporting, measuring, and auditing.
- v. Frequency of reporting (and where reports will be sent) .
- vi. Demonstrate how targets will be met, and how residents and commercial/ retail tenants will be compelled to participate in achieving the set mode share targets.
- vii. Plan review and amendment procedure.

B. Before Occupation

The approved Green Travel Plan shall be implemented prior to occupation and thence made readily available to all residents, visitors and any employees of the development.

8. Ecologically Sustainable Design Measures

A. Before Construction

In accordance with the Ecologically Sustainable Development Report (ARUP, July 2016), the following ESD measures shall be incorporated into the design:

- i. Implementation of energy monitoring systems to enable each household to track energy usage.
- ii. The use of recycled or FSC - Forestry Stewardship Council certified timber.
- iii. Incorporation of Photovoltaic Cells within the dedicated rooftop PV panel zones on Building A to power services provided within the communal areas.

Details shall be included with the Construction Certificate.

B. Prior to Occupation

Certification of these requirements must be provided prior to the issue of any Occupation Certificate for the Stage 3 residential development.

9. 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:

A. During Construction

i) 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.

B. Before Occupation

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.

10. Pedestrian Wind Environment

A. Before Construction

Prior to the issue of any Construction Certificate for the building/s, the proponent shall demonstrate compliance with the recommendations of the Pedestrian Wind Environment Study prepared by Windtech dated 22 April 2016.

11. Complaints handling procedure

A. Before Construction

Prior to the issue of any Construction Certificate, a Complaints Handling Plan is to be prepared by a suitably qualified person and shall be submitted to and approved by the Accredited Certifier. Details addressing, but not limited to, how to prevent or minimise any complaint from the public or government authority, how to keep site employees up to date with accurate information and in a caring manner, and how to manage the complaint in a thoughtful and respectful manner, by understanding the concerns or needs of the person or authority.

The Complaints Handling Plan, information on the progress of the development and contact details of the Stage 2 Project Manager shall be communicated on the

Cronulla Sutherland Leagues Club and developer's websites.

12. Internal Apartment Storage

A. Prior to Construction Certificate

A minimum of 888m³ of storage shall be provided within the individual apartments allocated on the basis of 6m³ per 1 bedroom unit, 8m³ per 2 bedroom unit and 10m³ per 3 bedroom units. The storage must be in addition to that provided in kitchens, bathrooms and bedrooms. Details of the storage shall be clearly shown on the Construction Certificate plans.

13. Noise Control During Construction

A. Prior to Construction

A detailed Construction Noise and Vibration Management Plan (CNVMP) must be included with any Construction Certificate. The CNVMP shall be based on the recommendations contained in the Noise Impact Assessment prepared by Acoustic Logic, dated April 2016 and the Review of Noise, Light and Bird Strike Potential, prepared by EcoLogical dated 28 July 2016 with regard to noise.

B. During Works

To minimise the noise impact on the surrounding environment the development shall be undertaken in accordance with the noise recommendations contained in the EcoLogical Review of Noise, Light and Bird Strike Potential, dated 28 July 2016. Works from construction activities are not permitted within 50m of habitat areas during October to January.

Building and demolition work must be carried out between the hours of 7:00am to 5:00pm Monday to Friday so that peak fauna foraging periods at dawn, dusk and night-time are avoided, and between 8:00am and 4:00pm Saturday.

No work must be carried out on Sundays and Public Holidays.

14. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be caused to any Council property and/or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non-refundable inspection/administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least 2 days prior to the commencement

of works.

In the event that the dilapidation report is not submitted 2 days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and/or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$100,000

Note: Bond amount includes a non-refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount/bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiple bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

SECTION 94 CONTRIBUTIONS

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

15. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$2,171,350.16 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 238 residential apartments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

16. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$358,925.42 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 238 residential apartments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

17. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Detailed Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by council officers at any time.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

18. Design and Construction of Works in Road Reserve

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of any Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination and the issue of permits providing consent to undertake frontage works.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping as required.
- iii) Redundant Laybacks and Crossings - remove any redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- iv) Footpath - install new footpath pavement along full frontage of site (as required).
- v) Cycleway - install new cycleway (as required).
- vi) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- vii) Retaining Structures - construct retaining/slope stability walls as required.
- viii) Road Pavement - construct road pavement as required.
- ix) Kerb and Gutter - construct kerb and gutter as required including associated road pavement reconstruction including provision for a bus bay/s
- x) Street Signage - alter existing and/or install new street signage as required.
- xi) Trees - install new street trees as approved on the landscape plans.
- xii) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities or with insulated aerial bundles cables (ABC) as required.
- xiii) Street Lighting - install new street lighting in conjunction with the undergrounding of local distribution power lines and other utilities as required.

- xiv) Utility Services - adjust public services infrastructure as required.
- xv) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots/dwellings or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of any Construction Certificate

B. Before Construction

Prior to the release of the any Construction Certificate property alignment levels must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of any Occupation the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

19. Construction Environmental Management Plan (CEMP)

A. Design

To ensure that the works can be undertaken in a manner that will prevent damage to natural environmental features, a Construction Environmental Management Plan (CEMP) must be prepared by an appropriately qualified and experienced environmental consultant.

- (i) The CEMP must satisfy the objectives and controls of 'Chapter 38, "Natural Resource Management" of the Sutherland Shire Development Control Plan 2015', and the 'Sutherland Shire Environmental Specification 2007 - Environmental Site Management'.
- (ii) The CEMP must be prepared in accordance with the "Guidelines for the Preparation for Environmental Management Plans", by NSW Department of Infrastructure, Planning & Natural Resources (2004).

- (iii) The CEMP must address, but not be limited to, the following:
- a. Description of works
 - b. Details of all contractors involved with the project.
 - c. Environmental awareness and training of contractors.
 - d. Compliance with legislation and regulations.
 - e. Measures to prevent noise, water, air and land pollution.
 - f. Safe access to and from the site during construction.
 - g. Safety and security of work site, road and footpath area; including details of any proposed fencing, signage, hoarding and lighting, as required.
 - h. Method of loading and unloading excavation machines, construction materials etc.
 - i. Details of how and where construction material and any waste materials will be appropriately managed, stored and disposed of.
 - j. Details of any fuel storage and management.
 - k. Soil Management Plan is including detailed erosion and sediment control measures including, methods to prevent material being tracked off the site onto surrounding roadways and adjoining land.
 - l. Protection of existing trees and vegetation located nearby but outside of the excavation/ construction zone.
 - m. Unexpected Finds Protocol i.e. the address unexpected finds of soil or groundwater contamination etc.
 - n. Contingency and emergency response plans.
 - o. Inclusion of a detailed site plan/s.
 - p. Consideration of and references to relevant management plans addressing, but not limited to: site remediation and ground gas management, acid sulfate soil management, vegetation management and protection, protection of microbats and migratory birds, etc.
 - q. Requirement of other regulatory authorities such as NSW Department of Primary Industries - Water and Department of Primary Industries - Fisheries.

B. Prior to Commencement and Issue of Construction Certificate

The CEMP must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science and the Private Certifying Authority prior to commencement of works and prior to the issue of any construction certificate.

C. During Works

The site management measures within the approved CEMP must be established during site preparation, prior to the commencement of excavation/ construction. These measures must remain in place and be maintained throughout the period of works until the site is stabilised, landscaped and re-instated.

Note: An appropriately qualified and experienced environmental consultant shall be certified by following certification scheme; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme.

20. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

21. Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Chartered Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction prior to the issue of any Occupation Certificate. This Certification to accompany the Works as Executed Plans.

22. Drainage Design - Requirements

A. Design

A detailed drainage design must be prepared in accordance with Sutherland Shire Development Control Plan 2015 "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification, Australian Standard AS3500.3:2003, the BASIX Certificate issued against this development and in accordance with the recommendations of the report prepared by WMAwater (August 2017)

All works relative to the drainage channel, the proposed sheet piling and other works relative to the mitigation of flooding in Captain Cook Drive detailed in the above report and its associated drawings shall be undertaken prior to the commencement of the construction of the residential development. These works shall also include any plantings within the drainage channel area (ie salt marsh plantings within the area of excavation east of the sheet piling wall) to prevent scour and sediment transfer to the adjacent Aquatic Reserve.

The design must include;

- i) An easement for overland flow through the property to a drainage system within the natural catchment under Council's control. This easement width shall comply with the requirements and recommendations of WMAwater Report (August 2017)
- ii) A detailed drainage design plan supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- iii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, drainage swales, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iv) A longitudinal section of the pipelines and drainage swales including existing natural surface levels, design surface levels, design invert levels of the proposed pipelines and drainage swales and the location, size and reduced level of all services to AHD where those services cross the proposed drainage lines or swales.
- v) The design floor level, including the level of any opening in the wall adjacent to the drainage easement, must be set a minimum of 500 mm above the level of the overland flow of stormwater generated by a storm of design recurrence interval of 1 in 100 years, flowing along the overland escape route within the drainage easement and easement for overland surcharge within or adjacent to the site. Specific certification from a designer to this effect must be incorporated in the submitted drainage design / details.
- vi) drainage depression must be provided for the full width and length of the easement for overland surcharge that facilitates the overland escape flow of stormwater. The escape route must be designed to have the capacity to carry the 1 in 100 year flow. Specific certification must be provided by the designer to this effect as part of the submitted drainage design / details.
- xi) Where underground service lines (ie water, drainage, sewerage and gas) are required which are in conflict with the location of the root zone of trees and significant vegetation to be retained, the lines must be excavated by hand or by directional or under-boring techniques to reduce any adverse impact on the

- root zone of the trees.
- xii) The design drawings are to indicate the alignment, sizes, type, class, grades and lengths of all the pipelines, rainwater tanks, any irrigation system, overland flow path within the easement and proposed easement and associated structures,
 - xiii) The overland flow path within the easement must match the property alignment level along the front boundary of the property.
 - xiv) Drain by gravity to the receiving waters.

B. Before Construction

- i) Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for any Construction Certificate.
- iii) The required easement must be created prior to the issue of any Occupation Certificate.

C. Before Occupation

Prior to the issue of any Occupation certificate

- i) Certification must be provided from a registered surveyor to the effect that:
 - a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
 - b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
 - c) All rights-of-way required by conditions of this development consent have been provided.
- ii) Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:
 - a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
 - b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's Stormwater Management Specification and On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development.
- iii) Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the application for any Occupation Certificate. The Works-As-Executed drawings must also include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:

- invert levels,

- surface and pavement levels,
- floor levels, including adjacent property,
- maximum water surface level for a 1% AEP storm event,
- floor levels and freeboard, the location, volume and dimensions of the basin and level and dimensions of overflow weir, distances from boundaries and buildings.

Note: Upon approval of the stormwater management designs a notation will be added to the s.149 certificate in relation to any stormwater treatment device.

D. Ongoing

The stormwater treatment facility shall be:

- Kept clean and free from silt, rubbish and debris.
- be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

Note: Council has the ability to enforce conditions of consent and may inspect the facility, and issue fines or orders if these requirements are not being complied with.

23. Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

- A detailed drainage design supported by a drainage calculation.
- A longitudinal section of the pipeline within the property existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- All levels reduced to Australian Height Datum.
- All harvested rainwater must be used for irrigation, toilet flushing and a cold water tap in the laundry for clothes washing.

B. Before Construction

- Prior to the release of any Construction Certificate the proposed for overland surcharge must be registered with NSW Land and Property Information.
- Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

- A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the

- alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.
 - iii) The Supervising Engineer must certify the stormwater drainage, rainwater harvesting and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

- i) The operation of all stormwater pipelines, bio-swales, treatment devices and the like requiring conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Note 1: Upon submission of the Certified Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater treatment device that must be maintained, serviced and cleaned.

Note 2 Be aware that there may be significant stormwater sheet flow across the property from the existing stormwater drainage channel within the easement for overland surcharge/overland flow

24. Stormwater Treatment

A. Before Construction

The stormwater treatment measure, (bioswale), selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for any Construction Certificate.

B. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the design drawings and specification at all times .

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

25. Design of Structures Adjoining Drainage Easements

A. Design

The proposed development adjoins a drainage easement and proposed easement for overland surcharge. To ensure that the structural integrity of any structure adjoining the easement are maintained it must be designed as follows:

- i) All footings within 2m of the drainage easement must be designed in such a manner that they are supported by foundations set at a minimum of 300mm below channel invert levels or, alternatively, founded on sound rock.
- ii) The walls of any structure adjoining the easement must be designed to withstand all necessary forces should excavation be required within the easement down to the design invert levels.

B. Before Construction

Certification of A. above from an appropriately qualified engineer must accompany the application for any Construction Certificate.

C. Before Occupation

Prior to any occupation of the development or the issue of any Occupation Certificate certification from an appropriately qualified engineer detailing that the development has been constructed in accordance with A. above must be submitted to the PCA.

26. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and piling equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented at all times.

27. Public Utilities

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the

28. Removal of Existing Bridge

A. Before Works

To mitigate against the effects of potential flooding during the course of the Stage 3 Residential Development construction, the existing pedestrian/vehicle bridge located between Ch 156.77m and 163.78m, detailed on Drwg No.CS3-2-10, Rev G dated 21/8/17, (Flood Extents Plan Post Development Q100 with 2100 Sea Level), prepared by Calibre Consulting, together with any associated structures, must be removed prior to the commencement of all other excavation, piling and site construction works relative to Stage 3.

29. Removal of Existing Cable and Services Support Structure

A. Before Works

To mitigate against the effects of potential flooding during the course of the Stage 3 Residential Development construction, the existing cable and services support structure located between Ch.100m and 110m shown on Drwg CS3-2-10, Rev G dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level), together with any associated structures, must be removed prior to the commencement of all other excavation, piling and site construction works relative to Stage 3.

30. Emergency Evacuation Route

A. Prior to Occupation

Prior to the issue of any occupation certificate for the Stage 3 Residential development, the Emergency Evacuation Route detailed within the "Woollooware Bay Town Centre Redevelopment - Residential Stage 1, Stage 2 and Stage 3 and Retail Flood Assessment Report" prepared by WMA Water, dated August 2016; must be fully implemented and operational. Further, during the course of construction of the Stage 3 Residential development, the temporary FERP created as part of the Stage 1 and 2 Residential development must be updated as required during the course of the Stage 3 construction.

B. Prior to Occupation

Certification of this requirement must be provided prior to the issue of any Occupation Certificate for the Stage 3 residential development.

31. Construction of Pedestrian Bridge

A. Prior to Occupation

Prior to the issue of any Occupation Certificate for the Stage 3 Residential development, the proposed pedestrian bridge located between Ch.156.77m and 163.78m on Drwg No.CS3-2-10, Rev G, dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level), together with any associated structures, must be constructed and fully operational.

32. Dedication of Easement for Overland Flow

A. Prior to Occupation

An easement for overland flow benefitting Council must be created under the provisions of s.88E of the Conveyancing Act, as amended, prior to the issue of any occupation certificate for the Stage 3 Residential development.

This easement must be created over the full extent of the lands inundated as shown on Drwg CS3-2-10, Rev G dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level). Should it be required to more easily define the extent of the easement boundary abutting the building, such alteration is approved provided that the alteration is made by increasing the area of the easement to the west, away from the drainage channel and above the level of the 2100 1% AEP event.

33. Flood Compatible Building Materials

A. During Works

All structures located below the 1% AEP level shown on Drwg CS3-2-10, Rev G dated 21/8/17 by Calibre Development, (Flood Extents Plan Post development Q100 with 2100 Sea Level), must be constructed of materials that are flood compatible.

B. Prior to Occupation

Certification of this requirement must be provided as part of the submission of the 'Works as Executed' plans prior to the issue of any occupation certificate for the Stage 3 residential development.

34. Certification for Structures within Easement

A. Prior to Occupation

Prior to the issue of any occupation certificate for the stage 3 residential development; certification must be provided from a suitably qualified Structural Engineer acting as an Accredited Certifier, demonstrating that all structures located within the easement for overland flow, including but not limited to the shoring for the drainage easement, can withstand forces of floodwater, debris and buoyancy. This certification must apply to all structures located in the 1% AEP event plus 500mm freeboard above that event level.

35. Drainage Channel Sheet Piling

A. During Works

The entire length of the drainage channel proposed sheet piling and any of its foundations or supports must be located completely clear of the existing drainage easement boundary and within the land that forms part of the overland surcharge path of the stage 3 residential development.

B. On-going

The ongoing maintenance of this sheet piling and any/all required foundations or supports shall be the responsibility of the strata management body/ies of the Stage 3 residential development.

36. Internal Vehicle Accessway

A. Design

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans, except where modified by the following:

- i) All "one way" and "two way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The first 3m (minimum) of any ramp from the western boundary line shall have a maximum grade of 5%.
- iv) The vertical alignment of the access driveway shall comply with AS2890.1(2004).
- v) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings
- vi) Provide adequate sight distance for the safety of pedestrians using the footpath area.

B. Construction

Certification from an appropriately qualified engineer to the effect that the design requirements of "A" above have been met must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in "A" above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent.

37. Car Park Design & Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All "disabled" parking bays and associated shared zones, "small car", "Visitor" and "Shared" spaces shall be signed.
- iv) All parking bays besides "small car" bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1. "Small Car" bays must comply with Clause 2.4.1 of AS2890.1.
- v) A minimum 5.8m width is to be provided for all two-way internal roadways or ramps.
- vi) Parking bays provided for adaptable units are to comply with AS2890.6 or AS4299.
- vii) The security door fitted to the car parking area entrance must be

- independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.
- viii) The concrete floor of the parking levels shall be shined to increase light bounce.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the application for the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

Visitor parking facilities and car wash bays must be designated as common property on any future strata plan and must be continually available as common property. Parking must be allocated to individual strata lots as part of their unit entitlement and linemarked and signposted as follows:

Residential Dwellings	266 spaces (minimum 1 space per unit)
Residential Visitors	43 spaces
Car Wash Bay	1 common space
Retail/Commercial (Cafe)	6 spaces
Shared residential / visitor	4 spaces
Bicycle Parking	37 spaces
Total	319 spaces

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

E. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

To ensure that the car parking area satisfies the demands of the development, the car park must be made available on an unrestricted basis and free of charge at all times for employees', tenants and owners vehicles pertinent to the development.

38. Landscaping Works

A. Design

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following and with the final approval of the Directors of Shire Planning and Shire Infrastructure prior to the issue of the Construction Certificate:

- i) All existing trees to be retained or removed must be clearly identified on the plans. Show the tree number, species, trunk location, canopy spread, level at the base of the trunk and Tree Protection Zone (TPZ). Ensure that any excavation or filling does not occur within the TPZ of trees to be retained.
- ii) Provide detailed hardworks and planting plans for all landscaped areas including materials, details, individual plant locations/species/numbers and plant schedules.
- iii) Provide a separate lighting plan for all Level 1 communal areas and Grove Lane, as well as pathways and steps around the perimeter of the site.
- iv) Include all the landscape works between the Stage 3 building works and the eastern side of the drainage channel.
- v) Amend the plans and sections for the Level 1 communal courtyards to ensure they are consistent.
- vi) Show clearly the different edge treatments along the drainage channel.
- vii) Provide Saltmarsh planting to RL 1.1m along the western side of the drainage channel.
- viii) Where embankment slopes on the eastern side of the Grove Terrace are greater than 1 in 3, provide a retaining wall next to the footpath and shared pathway to achieve a maximum 1 in 3 slope.
- ix) Between the Grove Terrace and the footpath reduce the height of fencing from 1500mm to 1200mm. Fencing shall be open form.
- x) On both sides of the shared pathway alongside the drainage channel a minimum of 20 large to medium indigenous canopy trees must be to offset the scale and bulk of the adjoining buildings.
- xi) All vehicular trafficable pathways within the overland surcharge area are to be constructed as industrial driveways a minimum of 200mm thick as per Council's Civil Works Specifications.
- xii) In the 'quiet courtyard' at the western end of the Northern Courtyard provide a shade structure and BBQ/basic kitchen facilities.
- xiii) To achieve better solar access for the communal vegetable/herb garden, swap the location with the open lawn (No.7) at the eastern end of the Northern Courtyard. Provide facilities such as a universal toilet, all-weather structure, tools and materials storage, water supply, work bench and sink.
- xiv) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.

- 600mm low shrubs.
 - 450mm grass and ground covers.
- xv) Each ground floor unit must be provided with a clothes line easily accessible from the laundry. Each unit above the ground floor must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
- xvi) The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
- xvii) The private open space of each dwelling with a garden or planter box must be provided with one tap, connected to mains water, to enable hand watering.
- xviii) As the subject site is identified as being within a Greenweb Support area, all new tree plantings must be indigenous species and 80% of understorey plants 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 and search for Native Plant Selector). Plant species such as *Aloe plicatilis*, *Beschorneria yuccoides*, *Juniperus conferta*, *Senecio mandraliscae* and *Pennisetum alopecuroides* 'Nafray' are unacceptable.
- xix) Substitute *Melaleuca stypheloides* for *Agathis robusta* along the Captain Cook Drive frontage.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

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.

If demolition works occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate (interim or final). This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, and that all new indigenous plants on the site and within the road reserve are the

correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$103 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38).

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gympie
Ph: 02 9524 5672

39. Vegetation Management Plan (VMP)

A. Design

The "Woolloomooloo Bay Town Centre Foreshore Park DA - Vegetation Management Plan" by EcoLogical Australia, dated 3 October 2017, version 2 [Project Number 17SUT-6511] must be amended by an appropriately qualified and experienced ecologist as follows:

i) Saltmarsh Planting - Ground overs/climbers:

Delete *Zoysia macrantha*

Saltmarsh Planting - Rushes/grasses:

Delete *Gahnia clarkei*

Add *Ficinia nodosa*

Swale Planting - Rushes/grasses:

Delete *Juncus kraussii ssp australiensis*

Add *Gahnia clarkei* and *Juncus usitatus*

Upper Riparian Planting (Outside Easement) - Trees

Substitute *Banksia integrifolia* for *Banksia serrata*

Delete *Melaleuca linariifolia*

Upper Riparian Planting (Inside Easement) - Trees

Substitute *Cupaniopsis anarcardioides* for *Melaleuca linariifolia*

ii) Planting densities must meet the following ratios:

- a. Swamp Oak Floodplain Forest: 1 tree every 5m², 1 shrub and 3 sedges/rushes/grasses per 1m²;
- b. Coastal Saltmarsh: 6 plants per 1 m²;
- c. Swale planting of rushes and grasses at 6 plants per 1m².

Note: An appropriately qualified and experienced ecologist must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.

40. Tree Removal on Private and Council Land

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as “existing tree to be removed”.
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

B. Tree Removal on Council Land

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / pruning of trees on Council land must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

C. Prior to Occupation/Occupation Certificate

Any replacement tree planting must be completed in accordance with the approved Landscape Plan. Certification will be provided as part of the Final Landscape Inspection by Council's landscape officer (refer Condition - Landscaping Works).

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSDCP2015 Chapter 38). Any replacement trees found damaged, dying or dead

must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note 1: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevarde, Gymea
Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

Note 2: Tree removal works must also have regard for the requirements provided in: "Woollooware Bay Town Centre Foreshore Park DA - Vegetation Management Plan" by EcoLogical Australia, dated 3 October 2017, version 2 [17SUT-6511]

41. Tree Retention and Protection

The following condition applies to all existing trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below.

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturalists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

All trees not approved for removal must be protected by the following measures:

- i) Any trees to be retained that have a structure proposed within their Tree Protection Zone (TPZ) must use isolated pier and beam construction for the footings. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the TPZ shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Landscape Plan and Arborist's advice. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted

leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.

- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- v) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- vi) Tree trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly cut those roots between 10-50mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.
- v) The supervising Consulting Arborist must inspect the tree protection measures and maintain a record throughout the construction process. As a minimum an inspection must be undertaken at each hold point listed below:

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment

3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate the supervising Consulting Arborist must provide final certification that the tree protection measures required by this condition have been maintained throughout the construction process including that the inspections required by B(v) above have been undertaken. The final certification must be provided to the PCA and a copy must be provided to Council's Landscape Officer at the time of the final landscape inspection.

Note: Tree removal works must also have regard for the requirements provided in: "Woollooware Bay Town Centre Foreshore Park DA - Vegetation Management Plan" by EcoLogical Australia, dated 3 October 2017, version 2 [17SUT-6511]

42. Supervising Environmental Consultant

A. Before Construction

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of onsite environmental management including, but not limited to, acid sulfate soil management, site remediation, ground gas management and site validation.

B. During Remediation

The environmental consultant must supervise all aspects of the works in accordance with relevant environmental management plans, including the Remedial Action Plan as reviewed and accepted by a NSW EPA accredited site auditor.

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) - Contaminated Land Specialist.
- Soil Science Australia (SSA) 'Certified Professional Soil Scientist' (CPSS) - Contaminated Site Assessment & Management.
- Site Contamination Practitioners Australia (SCPA) 'Certified Practitioner'.

43. Site Remediation Works and Ground Gas Management

A. Design

The “Gas Management Plan, Cronulla Sharks Redevelopment, Stage 2 Residential Development Area, 461 Captain Cook Drive, Woollooware” by DLA Environmental, February 2013 [DL3007_S0000360]”, which is Appendix B of “Remediation Action Plan, Cronulla Sharks Redevelopment Stage, Residential Development Area, 461 Captain Cook Drive, Woollooware” by DLA Environmental, February 2013 (Revision 1) [DL3007_S000363]; must be updated and amended as relevant to the proposed development, by the appropriately qualified and experienced supervising environmental consultant.

B. Before Construction and Issue of a Construction Certificate

The updated and amended Gas Risk Assessment must be reviewed by a NSW EPA accredited site auditor who must issue an interim site audit advice verifying that the site can be made suitable for the proposed land use with the implementation of the Remediation Action Plan.

The applicant must adhere to any additional conditions or requirements that may be imposed by the accredited site auditor, in order to satisfy the accredited site auditor that the site can be made suitable for the proposed land use.

The interim site audit advice must be submitted to the satisfaction of Sutherland Shire Council’s Manager, Environmental Science prior to commencement of any construction and the prior to the issue of any construction certificate.

C. During Construction

The site shall be remediated in accordance with the “Remediation Action Plan, Cronulla Sharks Redevelopment Stage, Residential Development Area, 461 Captain Cook Drive, Woollooware” by DLA Environmental, February 2013 (Revision 1) [DL3007_S000363], as updated and amended in accordance with Part A of this condition.

D. Before Occupation and Issue of an Occupation Certificate

A site audit statement must be prepared by a NSW EPA accredited site auditor that certifies that the site is suitable for the proposed land use.

The applicant must adhere to any additional conditions or requirements that may be imposed by the accredited site auditor, if required.

The site audit statement, site audit report and associated documentation must be provided to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to occupation and the issue of any occupation certificate.

Note: Site remediation and ground gas management works also must have regard for the recommendations provided in "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

44. Management of Site Soil/ Fill Material

A. During Works

i) Disposal of Site Soils

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

Excavated material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

Note 1: Attention is drawn to Part 4: "Acid Sulfate Soils" of the NSW EPA "Waste Classification Guidelines" 2014, which specifies the management and disposal of actual and potential acid sulfate soils.

ii) Reused soils

Any existing soils excavated to be reused on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to reuse. These soils must be verified as being suitable for the proposed land use of the site.

iii) Importation of Fill Material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Note 2: Management of site soil/ fill material must have regard for the recommendations provided in "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

45. Unexpected Finds - Soil and/or Groundwater Contamination

A. During Works

If unexpected soil or groundwater contamination is encountered during works, all work must cease. The situation is to be promptly evaluated by the supervising environmental consultant. The contaminated soil and/or groundwater must then be treated and/or managed under the supervision of the environmental consultant in accordance with the requirements of relevant NSW Environment Protection Authority (EPA) Guidelines.

B. Prior to commencement of works

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must certify that the situation was appropriately managed in accordance with the requirements of the relevant NSW EPA guidelines.

This certification must be provided to the satisfaction of the Principal Certifying Authority (PCA) and Sutherland Shire Council, Manager Environmental Science, prior to the commencement of works.

Note: Management of unexpected finds must have regard for the recommendations provided in "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

46. Groundwater Management and Protection

Groundwater that is encountered during the development must be managed and protected in accordance with, but not limited to, the requirements and recommendations of the following documents:

- i) The amended and site auditor reviewed Remediation Action Plan.
- ii) "Acid Sulfate Soil Management Plan" (ASSMP) by DLA Environmental, February 2017.
- iii) Flood Assessment Report, by MWATER, August 2017.
- iv) "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

as well as any requirements stipulated by the NSW Department of Primary Industries - Water.

47. Supervising Ecologist

A. Before Commencement

The applicant must engage an appropriately qualified and experienced supervising Ecologist to supervise all aspects of biodiversity and vegetation protection / management.

B. During Works

The ecologist must supervise all aspects of biodiversity and vegetation protection/ management; and ensure compliance with the approved plans and environmental reports.

Note: An appropriately qualified and experienced ecologist must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.

48. Ecological Requirements - Lighting and Bird Strike Potential

A. During Construction

i) Lighting Plan

A lighting plan for the public domain and exterior facades of the building must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science. The mangrove habitat is not to be directly illuminated by external lighting. A

vegetated buffer must be created between light sources and the estuarine mangrove area to prevent light spill affecting habitat.

B. Ongoing

- i) The recommendations and measures of the Review of Noise, Light and Bird Strike Potential - Woollooware Bay Town Centre Residential Stage 3 (prepared by Eco Logical Australia dated 28 July 2016) must be implemented and adhered to.
- ii) Lighting within the public domain, including the exterior facades of the building, must be managed and maintained in accordance with the approved Lighting Plan as required by A above.

49. Ecological Requirements - Microbats

A. During Construction

The recommendations from the "Microbat Study, Woollooware Bay Town Centre" by EcoLogical, 22 November 2016 [15SUT-2742] and "WBTC 75W - Ecological Comment on Channel" by EcoLogical, 24 October 2017 [17SUT-6511] must be implemented during construction works to minimise impacts on microbat species, educate the community and protect microbat habitat, including the following:

- i) The engagement of a suitably qualified and experienced ecologist to inspect any culverts for microbat roosting before any reconstruction work is carried out. Any roosting microbats discovered should be relocated by a suitably qualified ecologist or fauna spotter to appropriate nest boxes.
- ii) No removal of any mangroves containing habitat hollows is to be undertaken without a suitably qualified and experienced supervising ecologist or fauna spotter.
- iii) Schedule ongoing maintenance such as weed control ensuring that it minimises the use of pesticides and herbicides within the vicinity of the mangrove area and is conducted by suitably qualified bush regenerators in accordance with the relevant Vegetation Management Plan developed specifically for the site.
- iv) Ensure mangrove areas are maintained free of rubbish and debris and the appropriate erosion and sediment control measures are in place as per Sutherland Shire Council Environmental Site Management Environmental Specification 2007 and Development Control Plan 2016.

B. Post Construction

The recommendations from the "Microbat Study, Woollooware Bay Town Centre" by EcoLogical, 22 November 2016 [15SUT-2742] and "WBTC 75W - Ecological Comment on Channel" by EcoLogical, 24 October 2017 [17SUT-6511], must be implemented during occupation to minimise impacts on microbat species and habitat, including:

- i) A vegetated buffer must be created between light sources and the Estuarine Mangrove Forest to prevent light spill affecting microbat habitat.
- ii) Schedule ongoing maintenance such as weed control ensuring that it minimises the use of pesticides and herbicides within the vicinity of the mangrove area and is conducted by suitably qualified bush regenerators in accordance with the relevant Vegetation Management Plan developed specifically for the site.
- iii) Ensure mangrove areas are maintained free of rubbish and debris and that appropriate waste disposal and recycling facilities are made available at the site.
- iv) Discourage public access to the mangroves by installing a timber bollard and chain barrier on the eastern side of the pathway in accordance with the approved Landscape Plan.
- v) Install interpretive signage to educate the community on the significance of microbats (i.e. mosquito control) and the importance of protecting their habitat.

Note 1: An appropriately qualified and experienced ecologist or bush regenerator must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.
- Australian Association of Bush Regenerators.

50. Environmental Protection during Engineering and Flood Mitigation Works

A. During Construction

All works in the mangrove channel must be undertaken in accordance with the Construction Environmental Management Plan, the requirements of "Ecological Impact Assessment of Flood Engineering works in the Mangrove Channel" by ELA, 10 March 2017 [17SUT-6511] and must also be undertaken as follows:

- i) The sheet pile wall proposed to be constructed on the western edge of the channel must not be constructed of PVC or any type of plastic.
- ii) Construction must be conducted in a way that minimises the impact to mangroves, habitat and any vegetation associated with the mangrove channel.
- iii) A suitably qualified and experienced ecologist or fauna spotter must inspect any mangroves or other trees prior to removal in case there are any hollows, nests or potential fauna habitat. If fauna that requires relocation is discovered then it must be relocated in accordance with NSW Office of Environment and

Heritage guidelines.

- iv) Hydro-jetting (rather than hammering) must be used to minimise impacts on the tree root systems whilst sheeting is being installed. An arborist must be onsite when this is carried out to supervise tree sensitive construction techniques including root pruning.
- v) During construction, works must incorporate sediment, erosion and dust control measures. Water runoff must be controlled during construction in accordance with a Soil and Water Management Plan. Pollutants from old landfill must be captured and treated to prevent their release into the bay. An additional silt curtain is required downstream of the works and across the drainage channel to prevent turbid plumes entering Woollooware Bay.

Note: Engineering and flood mitigations works must also have regard for the requirement provided in: "Drainage Channel Management Requirements - Woollooware Residential Development, 461 Captain Cook Drive, Woollooware Bay, NSW" by DLA Environmental Services, 3 November 2017 [DL4244_S007746].

51. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

52. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular

cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area.

53. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

Note: External lighting must also have regard for the recommendations and measures provided in: "The Review of Noise, Light and Bird Strike Potential - Woollooware Bay Town Centre Residential Stage 3", by EcoLogical Australia, dated 28 July 2016).

54. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

B. Before Construction

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

- i) Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

55. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

56. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact SafeWork NSW.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) SafeWork NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

57. Noise - Emissions and Acoustic Measures

To make provision for a comfortable internal noise environment for residential units

A. Design

The building's design and construction must incorporate the content and recommendations of the acoustic report of Acoustic Logic dated 20/4/16 and reference 20151022.1/2004A/RO/BW.

B. Before Construction

Details of the Acoustic Report's recommended acoustic treatments must be included on plans &/or specifications presented for the Construction Certificate.

With respect to mechanical plant and equipment not yet selected and hence noise output unknown; once selected, advice of the acoustic engineer is to be obtained regarding any attenuation measures required to make the item meet the design parameters of the acoustic report.

C. Before Occupation

Certification must be obtained from a qualified acoustic engineer that acoustic attenuation treatments have been properly installed.

58. Noise Control - Design of Plant and Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

All plant and equipment must be designed and located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above. The certification must be included with the Occupation Certificate.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

59. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

60. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

61. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

62. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

63. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

64. Loading and Unloading

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway.

65. Waste Management / Loading (Commercial Waste)

A. Design

- i) Garbage storage areas are to be sized appropriately to suit the number of bins required per room as described in the Elephant's Foot Waste Management Report dated April 2016, with adequate bin handling area to allow for rotation of garbage bins.
- ii) All general deliveries to the site by Medium Rigid Vehicle (MRV) or larger must be carried out within the hard stand waste collection / loading bay within the site.
- iii) The hard stand waste collection / loading bay must be clearly signposted as being used for both the collection of waste and for all general deliveries / loading.
- iv) Commercial Waste stored on the Lower Ground Floor garbage room is to be transported to the Loading Bay on the Ground Floor through the Lower Ground Floor car park and via an internal service lift in close proximity to the loading bay on the Ground Level.

If iv) cannot be achieved then the following must be met:

- v) Collection of commercial waste by a suitable vehicle able to enter and exit the Lower Ground Floor in a forward manner.
- vi) The provision of a lined bay within the aisle adjacent parking spaces "BLD A 40", "BLD A 9" and adjacent shared area.
- v) A 3.6m wide (single direction) lane is to be maintained outside of the waste vehicle collection bay to enable vehicle movement. This will require the deletion of parking space "BLD A 17".

B. Prior to Construction

Prior to the issue of any Construction Certificate:

- i) An amended Waste Management Report is to demonstrate the changes noted in "A".
- ii) Amended architectural Plans are to depict the required number of bins and maneuvering area to demonstrate the requirements noted in "A" above.

C. Ongoing

- iii) Waste Management for the development must satisfy the following:
 - Waste collection to be managed by Private Contractors;
 - Waste collection to be carried out between the hours of 7am and 6pm Monday to Friday inclusive and no waste collection to be carried out on Sundays and Public Holidays; and
 - The aforementioned waste collection requirement shall be adopted as a By-Law in any future Strata Plan.

Architectural Review Advisory Panel

Proposal: Construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies

Property: 475 Captain Cook Drive WOOLLOOWARE NSW 2230

Applicant: Bluestone Capital Ventures No. 1 Pty Ltd

File Number: DA16/1068

The following is the report of the Architectural Review Advisory Panel Meeting held on ### at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

“3. DA16/1068 - DEMOLITION OF EXISTING STRUCTURES & TREE REMOVAL AS REQUIRED; CONSTRUCTION & USE OF 4 RFB OVER AN INTEGRATED 2 STOREY PODIUM; PROVISION OF 238 DWELLINGS (92 X 1 BED; 118 X 2 BED & 28 X 3 BED); PROVISION OF 4 GROUND LEVEL NON-RESIDENTIAL TENANCIES; PROVISION OF 319 CAR PARKING SPACES; PROVISION OF ASSOCIATED LANDSCAPING AND PUBLIC DOMAIN WORKS AT 475 CAPTAIN COOK DRIVE WOOLLOOWARE.

Council's David Jarvis, Amanda Treharne, Carine Elias and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies

James Turner & Janene Fowlstone (architects); Gordon Kirkby & Frances Mahrtens (town planner); Emily McLaughlin, Julian Urquhart & Matt Loader (applicants) and Tim Williams (landscape architect) addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

Proposal: Demolition of existing structures & tree removal as required; construction & use of 4 RFB over an integrated 2 storey podium; provision of 238 dwellings (92 x 1 bed; 118 x 2 bed & 28 x 3 bed); provision of 4 ground level non-residential tenancies; provision of 319 car parking spaces; provision of associated landscaping and public domain works

Project Address: 475 Captain Cook Drive, Woollooware

Zoning: **B2 Local Centre/ Foreshore Area controls apply**

Applicant: Emily McLaughlin (Bluestone Capital Venture No 1 Pty Ltd)

Meeting Date: 05/10/2016

File No: DA16/1068

PAD:	Yes - (PAD15/0028; PAD14/0083)
ARAP Pre-DA:	Yes – (DA14/0598 – Stage 2)
Responsible Officer/	
Team Leader:	Amanda Treharne/ Carine Elias

Key Controls:

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
 Sutherland Shire Council Draft Development Control Plan 2015 (SSDDCP 2015)
 State Environmental Planning Policy 65 Amendment No.3 (SEPP 65)
 Apartment Design Guide (ADG)
 Affordable Rental Housing SEPP (ARHSEPP2009)

Applicants Submission:

The Panel has reviewed the PAD and ARAP Reports for earlier stages. This is the third and final stage of this very significant residential development on the far southern shores of Botany Bay, and is referred to as Woolloomare Bay Town Centre Residential Stage 3. Stages 1 and 2 have been presented to ARAP on previous occasions, and Reports were prepared in response to a wide range of urban planning and design matters raised by the proposals. These included:

- relative isolation of the precinct from established urban areas,
- integration with the proposed retail precinct on the eastern side of the Sharks Football Stadium,
- density in an undeveloped foreshore area with sensitive landscape and environmental values,
- density in an area with limited access to public transport,
- maximising integration with the future context and public access across the site,
- provision of housing diversity as well as apartment type diversity,
- provision of architectural diversity to minimise perception of enclavism.

The Panel inspected the site on the morning of the meeting. This provided significant insights into the intended broad and detailed design outcomes of the overall project, as the first stage is in the final weeks of construction completion. As an over-arching observation, the Panel considers that while the Stage 1 development has been skilfully handled by the architects, the development Brief has not adequately engaged with the broader planning issues and potential for this site as identified in earlier ARAP meetings and Reports.

The Panel notes that the proposal has been subject to a JRPP approved Concept Plan that prescribes access, land use, density, and building envelopes. In the Panel's view this Stage 3 submission generally complies with this approval, and comments in this Report are made in this context.

PRINCIPLE 1 – CONTEXT & NEIGHBOURHOOD CHARACTER

The context analysis presented to the Panel re-iterated previous material. The earlier stages of this project were necessarily developed for a site where there was no relevant built context. Now that Stage 1 is almost complete, there is opportunity for the design of this final stage to respond to the developing context and existing built form. It is now possible to gauge the quality of a real Captain Cook Drive streetscape, how the scale will fare against the parklands and mangroves, the impact of the elevated central street, the relationship of architecture to context, and so on.

Although the built form envelopes are generally compliant with the approved Concept Plan, the Panel reiterates its previously expressed view that greater variety could be brought to the design of built form through engagement of other architecture practices, as with this comes authentic urban diversity and integration. Although the architects have made a bona fide attempt to achieve this in-house, the outcome reveals that the preponderance of architectural expression is borne out of the “aesthetic DNA” of this well respected practice. This is regrettable, as it limits the new precinct’s capacity to genuinely integrate with its context beyond the perception of an exclusive enclave.

To the north the development adjoins the IUCN designated Wetlands that require a protective 40.5m wide buffer of swamp meadow species. Immediately south of the mangrove wetlands and buffer is an existing shared path network as part of the Botany Bay Trail. To the east, a drainage channel supports healthy stands of mangroves, which must be protected. The channel is also key fish habitat according to Fisheries NSW. To the south across Captain Cook Drive is Woollooware Golf Club.

A number of studies have examined the wildlife habitats and the constraints upon the development that will confirm their ongoing protection. The Shire’s Green Web designates the area in which the site sits as a Support Zone.

Although not forming part of this submission, the importance of the Foreshore Park in terms of *context, neighbourhood and identity* will be key to the acceptability of the development within the wider community. It is vital that the 40.5m prescribed buffer zone is not compromised with facilities such as the proposed children’s playground. In this case it is more important that the development proclaims its role in the ongoing stewardship of a World Heritage habitat, and the playground moved to a less sensitive location. This can be reinforced through marketing and by engaging local school communities in habitat stewardship.

PRINCIPLE 2 – SCALE & BUILT FORM

Stage 3 of the development comprises three multi-level buildings and a row of 2-storey townhouses constructed over a partially above ground car-park. Between the multi-storey buildings are recreational open spaces on the second level podium. There is also a small plunge pool and recreation deck on level 13 of Building B.

The building envelopes are controlled by the approved Concept Plan. Generally, the Panel considers that the buildings are well designed within those constraints, and the apartments are well planned within the buildings.

The Stage 1 residential components now offer a clear indication of the scale and size of the entire project when it is eventually completed. This is a good opportunity to reflect on the consequences of a development strategy that relies almost entirely on the apartment as the prevailing housing type across a large residential precinct. Whilst there are variations in massing and the terrace houses along the eastern frontage provide a welcome moment of housing diversity, the Panel considers that the completed project will ultimately project qualities of enclave and ubiquitous uniformity, rather than those of integration and diversity.

The overall site layout and levels have been previously challenged by the Panel, notably for the elevated road, extent of above grade car-parking, and limited street activation. It does not appear that activation has been adequately represented within the central street, which is dominated by driveways and garden walls rather than an active retail presence that would animate this large development and encourage visitation by non-residents. Access to the proposed Captain Cook Drive retail frontage is curiously obscure and not universally accessible from the south (the direction of the future retail quarter to the east), which only serves to compound a sense that the precinct is purposefully detached from its future local context.

PRINCIPLE 3 – DENSITY

Acceptable. The building envelopes generally comply with the intent of the approved Concept Plan.

PRINCIPLE 4 – SUSTAINABILITY

ADG natural cross-ventilation requirements require that openable windows within individual units are located in significantly different air pressure regions around the building. There is a significant number of single aspect apartments that are claimed to be naturally cross ventilated, however.

To improve natural cross ventilation, some parts of Building B may benefit from the introduction of cross-through units.

For buildings of this height it is highly advisable that alternative lift access is available in the event of breakdown, servicing or the lift being commandeered by removalists.

The site is subject to flooding but it is not possible to have on-site detention to manage flooding.

The high water table and contaminated soil across the whole site also prevents any suitable deep soil for planting.

A Management Plan for the protected bat (large-footed Myotis) community in the wetland places constraints on the development to prevent light spill. This must be particularly considered for Building D.

The installation of bio-swales associated with the eastern water channel will require care not to damage the mangroves and fish habitat as noted in Fisheries NSW comments:

-The drainage channel is mapped as key fish habitat, and therefore any excavation proposed within the banks of the channel would require a S.201 permit to dredge under the Fisheries Management Act 1994.

-The harming or removal of Mangroves within Woollooware Bay would require a permit to harm marine vegetation under S.205 of the Fisheries Management Act 1994.

The requirement for a S.201 and/or a S.205 permit would also trigger the Integrated Development requirements under S.91 of the EP&A Act. The proposed works would also trigger the need for a referral to Fisheries under S.197C&D of the Fisheries Management Act 1994 given the proximity of the works to the adjoining aquatic reserve.

The DA must confirm and provide evidence that discussions with Fisheries have been undertaken.

PRINCIPLE 5 – LANDSCAPE

The overall landscape plan for the Woollooware Bay Town Centre is intended to provide for pedestrian connections between the residential, stadium and retail precincts. For Stage 3 of the residential precinct, this requires a pedestrian bridge crossing of the protected water channel on the east, integration with the central boulevard to the west and the continuous frontage along Captain Cook Drive, and the pedestrian/cycle route along the northern edge of the site.

Structural Tree Planting:

The high saline water table will inhibit the success of *Agathis robusta* as the proposed street tree along Captain Cook Drive. It is recommended that this species be changed to *Melaleuca quinquenervia* or *M. stypheloides*. The location and identity of structural trees used on the level 2 podium is necessary for a DA.

Given that the site is within a Greenweb 'support' zone, it is important that plants are grown from locally sourced seed, consistent with the Concept Plan Ecological Commitments.

Podium Courtyards: the concept of dune planting is appealing however given the shadow imposed by buildings to the north, some variation in species may need to be considered. The wind and turbulence generated by the towers may require more pergolas in seating areas.

Grove Terrace Gardens: sections show complex level changes with dense planting which will provide privacy.

PRINCIPLE 6 – AMENITY

Units are generally well planned, however there are a number of units that do not comply with ADG minimum internal areas and this is exacerbated in some cases by long internal corridors. It was noted at the meeting that this often resulted in very tight primary internal living areas that are difficult to properly furnish, with small kitchens and disproportionately large terraces. The Panel has wider concerns about this yield-driven strategy, and suggests that a slightly reduced overall unit yield to accommodate adequately sized primary living areas would offer an improved product for this development and in so doing contribute to a more sustainable long term outcome for Sydney's residential future.

Whilst the architects claim compliance with ADG solar access requirements, there is insufficient material provided to date that verifies this.

Naturally cross ventilating units appear to fall short of the 60% minimum required by the ADG, as noted above in *Principle 4 - Sustainability*. The ADG excludes single aspect units, and the Panel considers that the slight offsets and slots that have been introduced to facilitate compliance are not consistent with SEPP65 objectives as elaborated in the ADG.

Building A has only one lift for 56 units, which exceeds the ADG maximum of 40 units/lift. For buildings of this height it is highly advisable that alternative lift access is available in the event of breakdown, servicing or the lift being commandeered by removalists.

The communal facilities proposed for Stage 3 seem to be less than indicated on the approved concept plan. The podium level does not include a swimming pool, whereas the approved plans show two. The podium level communal open space will be largely shaded and could create adverse impacts on adjacent units – a more detailed understanding of the microclimates might be necessary. The roof level plunge pool and deck are limited in size and are unlikely to cater for Stage 3 residents, let alone the total population of this development.

For this development, the Panel considers that it would better from an equity perspective that each of the three stages are “self sufficient” in their provision of communal amenity resources.

PRINCIPLE 7 – SAFETY

Although there is limited activity at ground level along the central street, there is good surveillance from upper level apartments. The other edges of the site have similarly acceptable surveillance of publicly accessible areas.

Access to resident communal areas is clear and secure with adequate surveillance.

PRINCIPLE 8 – HOUSING DIVERSITY & SOCIAL INTERACTION

There is an acceptable mix of unit types proposed, however the amenities provided within Stage 3 are cause for concern (refer *Principle 6 – Amenity* above). The areas of common open space seem small for

the numbers of units in this Stage, and the podium level spaces often in shadow cast by Buildings D and B. The pool facility on the top of Bldg B is too small and exclusive to serve the entire development, even as one of a number of pools.

The main area of common open space for the overall development was described as being the foreshore parkland, however this zone is required to be a buffer to the mangroves – refer *Principle 5 – Landscape*.

PRINCIPLE 9 – AESTHETICS

The buildings of this stage are in themselves well-planned and their facades are well-designed. However, as part of a much larger group of buildings the Panel re-iterates its concerns in relation to architectural diversity – refer introductory comments and *Principle 1 – Context and Neighbourhood Character*.

By the time Stage 3 gets under way, the entire western side of the site will be constructed. Whilst design quality will be achieved with the interplay of vertical elements, spandrels, screens, timber soffits and the like, it is hard to avoid a conclusion that a relentless palette and design ethos will ultimately dominate, emphasising the project's singular identity and building type with differences in their expressions only “skin deep”. The typological variety of the townhouses is a welcome counterpoint, being one place where the difference in building type leads to a real difference in building type and its consequent expression.

Landscape and landscape aesthetics on the broad scale struggle to exert a strong presence across the entire site, being dominated by built form because trees are not large given the problems of high water table. Perhaps some ‘Green Wall’ elements planted with shade tolerant species could be applied to the southern façade along Captain Cook Drive.

Aesthetic diversity is very important for a project of this scale, as it establishes the new precinct as a part of the local built, natural and social context, however aesthetic uniformity will accentuate its detached and isolated quality and especially at its edges and corners, where the precinct should be respond and interact more with what is around it.

In this light, the Stage 3 buildings may yet offer an opportunity to enhance precinct character, diversity and contrast if there is the will to achieve this. For these reasons, the Panel recommends a significant review of Buildings A and D – ideally by another architect – to reinterpret the architectural expression and materiality and to introduce some real “difference” into the precinct.

For example Building D, which is presented as a flat topped, taut prismatic form. Rather than engaging with its mangrove and bay-side context as a cue to fundamentally drive a robust, place-specific expression, it continues to refer to the signature style of the preceding stages.

RECOMMENDATIONS/CONCLUSIONS

Generally this proposal provides a competent architectural response for an urban model that is less assured in its overall planning vision and rationale. The scheme is generally compliant with the approved concept plan, and the Panel acknowledge this whilst making the following recommendations:

- a final effort is applied to introduce genuine diversity through “new hands” testing the built form and expression for Building A and D.
- communal facilities are provided to ADG requirements for each Stage, as well as across the entire development. Solar access to common areas should be ADG compliant, and the Foreshore Parklands should be excluded from the required communal open space provisions.
- For a *tabula rasa* development such as this, there are too many ADG non-compliances that are presumably being proposed on an underlying basis of maximising yield. Internal unit amenity must not be compromised, and there is no persuasive design quality reason for this proposal not to comply with or exceed the minimum amenity standards.”

Tony Caro
ARAP Chairman

11 October 2016

ADG Compliance Tables for Buildings A, B, C and D

Apartment Design Guide (ADG) Key Controls		Building A : 7 Storeys	
Guidelines		Proposed	Compliance
Part 2F: Building Separation			
<i>Minimum distances between buildings:</i>			
<i>Five to eight storeys (25m)</i>			
<ul style="list-style-type: none"> 18m between habitable rooms/balconies 		13m to Building C (terrace to blank wall)	Yes
<ul style="list-style-type: none"> 12m between habitable rooms and non-habitable rooms 		19m to Building B (terrace to terrace)	Yes
<ul style="list-style-type: none"> 9m between non-habitable rooms 			
Part 3D: Communal Open Space			
<i>Objective 3D-1</i>			
<i>Communal open space has a minimum area equal to 25% of the site. (2671m² required)</i>		Communal open space: Level 1 (podium): <ul style="list-style-type: none"> Southern (850m²) Northern (770m²) = 1620m ² In addition 312m ² of area housing the infinity pool and community room is provided on Level 13 of Building A and the large expanse of landscaped foreshore which equates to approximately 13,705m ² . Total COS provision is therefore = 15,637m ²	Yes
<i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i>		Foreshore area and Level 13 pool and facilities receive all day solar access.	Yes
Part 4A: Solar Access			

<p>Objective 4A-1</p> <p><i>Living rooms and private open spaces of at least 70% or apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. Minimum 39 apartments.</i></p>	39/56 (69.6%)	Yes
<p><i>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter. Maximum 8.4 out of 56.</i></p>	16/56 (28%) – development as a whole complies with the maximum 15% requirement	Yes
Part 4B: Natural Ventilation		
<p>Objective 4B-3</p> <p><i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Requires 33.6 units out of 56.</i></p>	36/56 (64%)	Yes
<p><i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	No cross-over apartments proposed	N/A
Part 4C: Ceiling Heights		
<p>Objective 4C-1</p> <p><i>Measured from finished floor to finished ceiling level, minimum heights are;</i></p> <ul style="list-style-type: none"> <i>Habitable rooms = 2.7m</i> 	Floor to floor heights vary from 3.45m to 2.9m. Condition to be imposed specifying minimum 2.7m ceiling height for habitable rooms.	Yes
Part 4D: Apartment Size		
<p>Objective 4D-1</p> <p><i>Minimum internal areas of;</i></p> <ul style="list-style-type: none"> <i>1 bedroom = 50m²</i> <i>2 bedroom = 70m²</i> <i>3 bedroom = 90m²</i> <p><i>*Additional bathrooms increase the minimum internal area by 5m²</i></p>	<p>1 Bedroom + 1 Bathroom: (52m² - 60m²)</p> <p>2 Bedroom + 2 Bathroom: (75m² – 85m²)</p> <p>No 3 bedroom apartments in Building A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
<p><i>Figure 4D.3 – Depth of a single aspect apartment</i></p>	< 8m for all units	Yes

<i>relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i>		
Part 4E: Private Open Space		
<p><i>Objective 4E-1</i></p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> <i>1 bedroom = 8m² (depth of 2m)</i> <i>2 bedroom = 10m² (depth of 2m)</i> 	<p>1 Bedroom balcony: 9.5m² - 30m²</p> <p>2 Bedroom balcony: 23m² - 46m²</p>	<p>Yes</p> <p>Yes</p>
<i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i>	23m ² - 46m ²	Yes
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> <i>1 bedroom = 6m³</i> <i>2 bedroom = 8m³</i> <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	<p>Storage for half of the units is provided within the 2 basement levels. Storage not shown in all units so a condition of consent is recommended to ensure minimum provision of storage is met.</p>	No but can be conditioned

Apartment Design Guide (ADG) Key Controls		Building B:	
Guidelines		Proposed	Compliance
Part 2F: Building separation			
<p><i>Minimum distances between buildings:</i></p> <p><i>Up to 25m (5-8 storeys):</i></p> <p><i>18m habitable rooms/balconies</i></p> <p><i>Nine storeys and above (over 25m)</i></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable rooms and non-habitable rooms • 12m between non-habitable rooms 		<p>18m to Building A (terrace to terrace at podium level). Separation extends to 22m from Level 2 upwards</p> <p>6m to Building C (terrace to habitable room – study at podium level)</p> <p>18m to Building D (balcony to habitable room)</p>	No - but separation distance is compliant with Concept Approval building envelopes.
Part 3D: Communal Open Space			
<p><i>Objective 3D-1</i></p> <p><i>Communal open space has a minimum area equal to 25% of the site.</i></p> <p><i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i></p>		<p>Communal open space:</p> <p>Level 1 (podium):</p> <ul style="list-style-type: none"> • Southern (850m²) • Northern (770m²) <p>= 1620m²</p> <p>In addition 312m² of area housing the infinity pool and community room is provided on Level 13 of Building A and the large expanse of landscaped foreshore which equates to approximately 13,705m².</p> <p>Total COS provision is therefore = 15,637m²</p> <p>Foreshore area and Level 13 pool and facilities receive all day solar access.</p>	<p>Yes</p> <p>Yes</p>
Part 4A: Solar Access			

<p>Objective 4A-1</p> <p><i>Living rooms and private open spaces of at least 70% or apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. Requires 82.6 units out of 118.</i></p>	86/118 (73%)	Yes
<p><i>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i></p>	5/118 (4.2%)	Yes
Part 4B: Natural Ventilation		
<p>Objective 4B-3</p> <p><i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Requires 71 units out of 118.</i></p>	73/118(66%)	Yes
<p><i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	No cross-over apartments proposed in Building B	Yes
Part 4C: Ceiling Heights		
<p>Objective 4C-1</p> <p><i>Measured from finished floor to finished ceiling level, minimum heights are;</i></p> <ul style="list-style-type: none"> <i>Habitable rooms = 2.7m</i> <i>Non-habitable rooms = 2.4m</i> 	Floor to floor heights vary from 3.45m to 2.9m. Condition to be imposed specifying minimum 2.7m ceiling height for habitable rooms.	Yes
Part 4D: Apartment Size		
<p>Objective 4D-1</p> <p><i>Minimum internal areas of;</i></p> <ul style="list-style-type: none"> <i>1 bedroom = 50m²</i> <i>2 bedroom = 70m²</i> <i>3 bedroom = 90m²</i> <p><i>*Additional bathrooms increase the minimum internal area by 5m²</i></p>	<p>1 Bedroom + 1 Bathroom: 50m² - 65m²</p> <p>2 Bedroom + 2 Bathroom: 75m² – 94.5m²</p> <p>3 Bedroom + 3 Bathroom: 112m² – 142m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i>	Proposal complies with max depth of any unit being 8m	Yes
Part 4E: Private Open Space		
<p>Objective 4E-1</p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 3 bedroom 12m² (depth of 2.4m) 	<p>1 Bedroom balcony: 8m² - 37m²</p> <p>2 Bedroom balcony: 10m² - 65m²</p> <p>3 Bedroom balcony: 31m² - 82m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i>	Courtyard areas vary from 15.5m ² to 65m ² .	Yes
Part 4F: Common Circulation and Space		
<i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i>	118 units serviced by 4 lifts	Yes
Part 4G: Residential Storage		
<p>Objective 4G-1</p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> 1 bedroom = 6m³ 2 bedroom = 8m³ 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	Storage for half of the units is provided within the 2 basement levels. Storage not shown in all units so a condition of consent is recommended to ensure minimum provision of storage is met.	No but can be conditioned

Apartment Design Guide (ADG) Key Controls		Building C:	
Guidelines	Proposed	Compliance	
Part 2F: Building separation			
<p>Minimum distances between buildings:</p> <p>Up to four storeys (12m)</p> <ul style="list-style-type: none">12m between habitable rooms/balconies9m between habitable rooms and non-habitable rooms6m between non-habitable rooms	<p>13m to Building A (to balcony or 16m glass-line)</p> <p>6m - 11m to Building B (courtyard wall to habitable room)</p> <p>11m to Building D (courtyard wall or 12m to wall of apartment)</p>	<p>Yes</p> <p>No - but within Concept Approval building envelope</p> <p>Yes</p>	
Part 3D: Communal Open Space			
<p>Objective 3D-1</p> <p>Communal open space has a minimum area equal to 25% of the site. 2671m² required.</p>	<p>Communal open space:</p> <p>Level 1 (podium):</p> <ul style="list-style-type: none">Southern (850m²)Northern (770m²) <p>= 1620m²</p> <p>In addition 312m² of area housing the infinity pool and community room is provided on Level 13 of Building A and the large expanse of landscaped foreshore which equates to approximately 13,705m².</p> <p>Total COS provision is therefore = 15,637m²</p> <p>Foreshore area and Level 13 pool and facilities receive all day solar access.</p>	<p>Yes</p> <p>Yes</p>	

<i>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</i>	Foreshore areas and Level 13 receive direct sunlight all day.	Yes
Part 4A: Solar Access		
Objective 4A-1 <i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. Requires 6.3 units</i>	All units (9) oriented to north-east with raked roof to the north to enable glazing at upper level to assist with natural light / solar access.	Yes
<i>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i>	Nil	Yes
Part 4B: Natural Ventilation		
Objective 4B-3 <i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Requires 5 units</i>	All 9 units are cross ventilated with east-west orientation.	Yes
<i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	Max depth of 9.1m	Yes
Part 4C: Ceiling Heights		
Objective 4C-1 <i>Measured from finished floor to finished ceiling level, minimum heights are;</i> <ul style="list-style-type: none"> <i>Habitable rooms = 2.7m</i> 	GF: 3.45m habitable rooms Lv1: 3.05 habitable rooms	Yes
Part 4D: Apartment Size		
Objective 4D-1 <i>Minimum internal areas of;</i> <ul style="list-style-type: none"> <i>3 bedroom = 90m²</i> <i>*Additional bathrooms increase the minimum internal area by 5m²</i>	3 Bedroom + 3 Bathroom (123m ²)	Yes
<i>Figure 4D.3 – Depth of a single aspect apartment</i>	All 9 units are dual aspect	Yes

<i>relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dining and kitchen space is 8m</i>	(east-west orientation)	
Part 4E: Private Open Space		
<p><i>Objective 4E-1</i></p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> • 3 bedroom 12m² (depth of 2.4m) 	Level 1: Balcony areas of 18.7m ² – 21.5m ² with depth of 2.5m	Yes
<i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i>	Each apartment has private open space at ground level of approximately 41m ²	Yes
Part 4G: Residential Storage		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 3 bedroom =10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	Storage shown on Ground Level but not Level 1. Condition recommended to ensure ADG requirements met.	Yes / No

Apartment Design Guide (ADG) Key Controls		Building D:	
Guidelines		Proposed	Compliance
Part 2F: Building separation			
<p>Minimum distances between buildings:</p> <p>Five to eight storeys (25m)</p> <ul style="list-style-type: none">18m between habitable rooms/balconies12m between habitable rooms and non-habitable rooms9m between non-habitable rooms		<p>11m to Building C (balcony to habitable room) and 15.4m to Building B (balcony to balcony)</p> <p>* but separation distance is compliant with Concept Approval building envelopes.</p>	<p>No*</p> <p>No*</p>
Part 3D: Communal Open Space			
<p>Objective 3D-1</p> <p>Communal open space has a minimum area equal to 25% of the site. 2671m² required.</p> <p>Development must achieve a minimum of 50% direct sunlight to the principle usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)</p>		<p>Overall communal open space;</p> <p>Level 1 (podium):</p> <ul style="list-style-type: none">Southern (850m²)Northern (770m²) <p>In addition 312m² of area housing the infinity pool and community room is provided on Level 13 of Building A and the large expanse of landscaped foreshore which equates to approximately 13,705m².</p> <p>Total COS provision is therefore = 15,637m²</p> <p>Foreshore area and Level 13 pool and facilities receive all day solar access.</p>	<p>Yes</p> <p>Yes</p>
Part 4A: Solar Access			
<p>Objective 4A-1</p> <p>Living rooms and private open spaces of at least 70% or apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter. Requires 38.5 units out of 55.</p>		<p>41/55 (74%) units receive required solar access.</p>	<p>Yes</p>

<i>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i>	5/55 (9%)	Yes
Part 4B: Natural Ventilation		
<p><i>Objective 4B-3</i></p> <p><i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure if the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Requires 33 units out of 55.</i></p>	35/55 (63%)	Yes
<i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	15.1m	Yes
Part 4C: Ceiling Heights		
<p><i>Objective 4C-1</i></p> <p><i>Measured from finished floor to finished ceiling level, minimum heights are;</i></p> <ul style="list-style-type: none"> <i>Habitable rooms = 2.7m</i> 	<p>Ground floor = 3.45m</p> <p>First to Fifth floor = 3.05m</p> <p>Sixth floor = 3.15m</p>	Yes
Part 4D: Apartment Size		
<p><i>Objective 4D-1</i></p> <p><i>Minimum internal areas of;</i></p> <ul style="list-style-type: none"> <i>1 bedroom = 50m²</i> <i>2 bedroom = 70m²</i> <i>3 bedroom = 90m²</i> <p><i>*Additional bathrooms increase the minimum internal area by 5m²</i></p>	<p>1 Bedroom + 1 Bathroom: (54m² – 56.7m²)</p> <p>2 Bedroom + 2 Bathroom: (80m² – 92m²)</p> <p>3 Bedroom + 3 Bathroom: (113m² – 117m²)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<i>Figure 4D.3 – Depth of a single aspect apartment relative to the ceiling height directly influences the quality of natural ventilation and daylight access. The maximum depth of open plan layouts that combine living, dinning and kitchen space is 8m</i>	< 8m for all units	Yes
Part 4E: Private Open Space		

<p><i>Objective 4E-1</i></p> <p><i>All apartments are required to have a primary balcony as follows;</i></p> <ul style="list-style-type: none"> • 1 bedroom = 8m² (depth of 2m) • 2 bedroom = 10m² (depth of 2m) • 3 bedroom 12m² (depth of 2.4m) <p><i>For apartments at ground level or on a podium or similar structure, private open space is provided instead of a balcony. Must have a minimum area of 15m² and depth of 3m</i></p>	<p>1 Bedroom balcony: 13m² - 35m²</p> <p>2 Bedroom balcony: 15m² - 55m²</p> <p>3 Bedroom balcony: 24.5m²</p> <p>Apartments at ground level and on podium have balconies varying from 17m² to 40m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Part 4G: Residential Storage</p>		
<p><i>Objective 4G-1</i></p> <p><i>In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided</i></p> <ul style="list-style-type: none"> • 1 bedroom = 6m³ • 2 bedroom = 8m³ • 3 bedroom = 10m³ <p><i>At least 50% of the required storage is to be located within the apartment.</i></p>	<p>Storage for half of the units is provided within the 2 basement levels. Storage not shown in all units so a condition of consent is recommended to ensure minimum provision of storage is met.</p>	<p>Yes</p>

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
Cl.4.3 Height of Building	Maximum 50m	49.8m (top of plant Building B)	Yes
Cl.4.4 Floor Space Ratio	Maximum 1.5:1 (16,026m ²)	22,182m ²	No – but consistent with approved Concept Plan
Sutherland Shire Development Control Plan 2015			
Chapter 12 – B2 Local Centre			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
Cl.2.2 – Streetscape and Built Form			
Cl.1 A site must be off sufficient size to accommodate development; a. Provides appropriate access and servicing facilities – vehicular parking, access, storage, waste management areas, b. Provides upper storey residential amenity – including privacy, solar access, ventilation and landscaped setbacks, c. Demonstrates architectural merits d. Responds to the local context, including providing adequate separation from existing and future adjoining development		The site forms part of the wider precinct development of Woollooware Bay Town Centre resolved by the Concept Approval.	Yes
Cl.4 Extensive sections of blank façade are to be avoided. Facades are to be articulated to contribute to the visual presentation of development with consideration of; a. Articulating facades either through built form or materials. b. Using building materials and finishes which are complementary to nearby development. c. Defining each level of building and articulating the proportions of the building. d. Expressing variation in floor to floor height, particularly at the lower levels. e. Incorporating architectural features which give human scale to the design of the building at street level. f. Integrating building services such as roof plant		Proposed development represents good urban design outcome having regard to the parameters of the Concept Plan approval. See architectural comments below.	Yes

and parking ventilation with the overall façade and building design, and screened from public view.		
<p>CI.7</p> <p>Where a basement car park extends above the natural ground level, it is to be designed to ensure that podiums and vehicular entries do not dominate the overall design of the building or streetscape. Where site levels permit, basements and podiums are to be integrated into the architectural design of the building.</p> <p>Driveway walls adjacent to the entrance of a basement car park are to be treated so that the appearance is consistent with the external finish of the building.</p>	Carpark is within 2 storey podium above ground level as set by Concept Plan. Vehicle entries take advantage of the change in grade of Foreshore Boulevard with 1 provided for each level of car parking. Podium parking is screened on all sides with development or landscaping.	Yes
<p>CI.10</p> <p>Ground floor residential uses are only permitted subject to demonstration of satisfactory amenity for building occupants, particularly in relation to impacts from noise and traffic.</p>	Ground level residential occurs on Foreshore Boulevard only (private road internal to the development) and comprises 6 apartments	Yes
<p>CI.13</p> <p>Shop fronts are to be glazed to ensure visual interest, provide borrowed light and surveillance to the street.</p>	Majority of commercial frontage of the site (Building A) provides double height glazing interspersed with panelling for future signage.	Yes
CI.3.2 – Landscape Design		
<p>CI.6</p> <p>Where planting is proposed on podiums, that part of a basement which extends beyond the building footprint, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain varying minimum soil depths.</p>	All planting proposed is on podium. See Landscape comments below.	Yes
<p>CI.7</p> <p>Where trees are proposed on roofs or planter boxes an</p>	Proposal can comply. See	Yes

area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm.	Landscape comments below.	
CI.5.2 – Building & Site Layout		
CI.1 Incorporate passive solar building design including cross ventilation, the optimisation of sunlight access the minimisation of heat loss and energy consumption, to avoid the need for additional artificial heating and cooling.	Proposal meets solar access and cross-ventilation requirements of the ADG.	Yes
CI.3 Loading areas shall be located so as to; a. Reduce on-street loading b. Be freely available for use at all times c. Not dominate the streetscape	Designated loading area on Ground Level accessed via Foreshore Boulevard.	Yes
CI.6.2 – Shop Top Housing and Residential Flat Buildings		
CI.1 Building height over 25m; 9m setback from boundary where façade contains windows from bathroom and/or laundry, storage or highlight windows only. 12m setback from boundary where façade contains windows from habitable rooms including living rooms, kitchens, bedrooms, or studies and/or balconies.	Buildings A, B and D are in excess of 25m. Building envelopes are set by the Concept Approval and the proposal complies with these height and setback / envelope requirements.	Yes
CI.3 Variations on the side setback controls will be assessed against the following criteria. The side setbacks must result in a development that: a. Provides adequate resident amenity- including privacy, solar access, and ventilation. b. Responds to the local context and streetscape, providing adequate separation from existing and future adjoining development. c. Does not prevent a neighbouring site from achieving its full development potential and optimal orientation. d. Has architectural merit.	The proposal meets the building envelope controls specified in the Concept Approval.	Yes
CI.5		

Living rooms and private open space for at least 70% of residential units in a development should receive a minimum of 2 hours direct sunlight between 9 am and 3pm in mid-winter.	175/238 (73%) of units will receive solar access	Yes
<p>Cl.8</p> <p>Each dwelling must be provided with a primary balcony/patio with direct access from the living area, with sizes as follows;</p> <ul style="list-style-type: none"> 1 bedroom = 8m² (depth of 2m) 2 bedroom = 10m² (depth of 2m) 3 bedroom 12m² (depth of 2.4m) 	<p>1 Bedroom balcony: 8m² - 37m²</p> <p>2 Bedroom balcony: 10m² - 65m²</p> <p>3 Bedroom balcony: 31m² - 82m²</p>	Yes
<p>Cl.12</p> <p>Secure space must be provided for each dwelling in accordance with the following;</p> <ul style="list-style-type: none"> 1 bedroom = 6m³ 2 bedroom = 8m³ 3 bedroom = 10m³ <p>At least 50% of the required storage is to be located within the dwelling and accessible from circulation or living spaces.</p>	Storage for half of the units provided within the 2 basement levels. Storage not shown in all units so a condition of consent is included in Appendix A to ensure minimum provision of storage is met.	Yes
<p>Cl.10</p> <p>Car parking shall be provided at the minimum rate of 1 space per dwelling and a maximum of 2 spaces (238 units = 238 spaces minimum and 476 max).</p> <p>1 space per 30m² GFA for commercial tenancies (273m² = 9 spaces)</p> <p>Total required 254 minimum and 483 maximum.</p> <p>Developments with 10 or more dwellings require one designated carwash bay with minimum dimensions of 3m x 7.6m. Additional carwash bays are required in development in excess of 30 dwellings at a rate of 1 per 20 dwellings. 12 wash bays required</p> <p>Motorbike parking – 1 space per 25 car spaces = 13</p>	<p>266 spaces proposed</p> <p>6 spaces proposed</p> <p>Total provisions of 319 car parking spaces</p> <p>1 car wash bay</p> <p>NIL</p>	<p>Yes – see below</p> <p>No – see below</p> <p>Yes</p> <p>No – see below</p> <p>No – see below</p>

<p>Bicycle parking – 1 space per 10 car spaces for the first 200 spaces and then 1 per 20 spaces thereafter = 26</p>	<p>37 bike spaces within 2 basement levels</p>	<p>Yes</p>
<p>CI.16 Communal open space should have a minimum area equal to 25% of the site. Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. This space must incorporate shelter, furniture and facilities suitable for outdoors, and if provided at ground level, include canopy trees. Communal open space on roof tops should be designed to optimise privacy for occupants and adjoining residents.</p>	<p>Well in excess of 25% communal open space provided – mix of podium level, on rooftop of Building B and within surrounding foreshore area. Conditions included in Appendix A regarding provision of required facilities.</p>	<p>Yes</p>
<p>CI.17 A communal rainwater tank and pump should be located in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank.</p> <p>Each private open space at ground level must be provided with a tap connected to the rainwater tank.</p>	<p>Conditions have been included in Appendix A to address these requirements.</p>	<p>Yes</p>

**ISSUE:**

Submission regarding Development Application No. DA16/1068 at 475 Captain Cook Drive, Wollooware, request for additions to the Wollooware Bay Town Centre.

BACKGROUND:

See attached file.

COMMENT:

Development Application No.: DA16/1068

Proposal: Construction and use of 238 dwellings across for residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level tenancies

Property: 475 Captian Cook Drive, Wollooware

Police Ref: D/2016/482881

We refer to your development application which is for the Wollooware Bay Town Centre Stage 3 Residential development which comprises four new buildings containing 238 apartments, podium car parking for 319 vehicles; land scaping and communal areas as well as four non-residential tenancies

The proposed development will result in a significant increase in activity, both in and around the location. Such activity will subsequently increase the potential risk of crime.

Of particular concern will be the increase in vehicular traffic in and out the proposed development site during and post construction of the Stage 3. Peak times on Captain Cook Drive are already at capacity and causes significant delays in and along this road. Access for emergency vehicles from Taren Point Road, the roundabout Gannons Road and Wollooware Road which flow into Captain Cook Drive will be significantly delayed if the road network is not upgraded. General traffic congestion will further increase upon current infrastructure.

Miranda Local Area Command

34 Kingsway, Cronulla

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ABN 43 408 913 190

NSW POLICE FORCE RECRUITING NOW 1800 222 122

WWW.POLICE.NSW.GOV.AU/RECRUITMENT

With the increase in traffic, the already at capacity infrastructure and transport will be even more affected causing major congestion especially during the Rugby League season where major traffic congestion and street closures occur each weekend.

A proper road network and traffic management plan should be completed and provided for police and public consultation prior to the commencement of stage 3 of this development application being approved.

After perusing the paperwork the following suggested treatment options are submitted for consideration including a number of Crime Prevention through Environmental Design (CPTED) factors that should be considered in this development.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

- **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings, pathways throughout the site, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

Security lighting should not illuminate observers or vantage points. Within the residential complex, observers are likely to be "inside" dwellings. Light should be projected away from buildings towards pathways and gates – not towards windows and doors. Additionally, the central pathway through the complex should provide adequate lighting for pedestrian safety. The attached development application does not specify such lighting considerations.

- **Landscaping**

The safety objective of "to see and be seen" is important in landscaped areas. Research and strong anecdotal evidence suggests that vegetation is commonly used by criminals to aid concealment through the provision of entrapment pockets. Dense vegetation can provide concealment and entrapment opportunities.

Species can be selected for different locations on the basis of their heights, bulk and shape. A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment. It is recommended that 3-5m of cleared space be located either side of residential pathways. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Given the inclusion of shrubs and trees throughout the site within the proposed development, it must be emphasised that the vegetation be kept trimmed and maintained at all times.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. The proposed development application does not specify access control measures throughout the development. It is, however, crucial that these access control measures be considered.

Consideration should be given to installing security shutters at the entry to the underground car park area. It is noted that the following 'can be conditioned' - *"where security measures to car parks are provided an intercom system shall be installed for visitors to gain entry. This system shall incorporate a CCTV system to ensure that the visitor space availability can be determined"* (Annexure B, SSDCP 2006 Compliance Table, p.15). This security control measure should strongly be considered prior to approval of this development application.

Police would recommend that all residents are allocated access cards to provide temporary activation of security shutters to the basement area. This security access control measure could also be used to gain access into the pool area – access/safety control measures are not specified within the development application.

The proposal does not specify the type of locks to be fitted to roller doors within the basement car park area. Police would recommend that garage doors are designed and installed to the Australian Standards, fitted with quality locks. Within the local area, a common modus operandi of break and enter offenders whilst targeting premises of similar nature, is to access the residential premise via the garage area. Hence, quality deadlock sets should be fitted to internal doors leading from the garage area into individual townhouses. Storage doors within the garage area should also be fitted with quality deadlocks.

Police recommend that the underground car parking areas be painted white to greatly help to reflect light. Painted facilities not only look larger and more spacious than

unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.

Police would suggest the use of CCTV to monitor the common areas, access/exit driveways and underground car parks to ensure resident safety and security.

Internal residential entrance doors and frames should be of solid construction. These doors should be fitted with quality deadlock sets, which comply with the Australian/New Zealand standards and Fire Regulations (Australian Building Code) to enable occupants to escape in emergency situations such as a fire. Consideration should be given to installing key operated locks to windows. In addition to this, consideration should be given to installing locks that allow for windows and doors in a partially open position.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an important consideration. It is argued that residents are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use the space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

• Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

The overall design of the outdoor "common areas" should include low barrier vegetation, bright/even lighting, wide/even paving, effective guardianship and an

absence of entrapment opportunities. In addition to visible street numbering at the entrance to the complex, and throughout, this development should contain clearly signposted directional signage to assist both visitors and emergency services personnel.

Other Matters

Lighting

Offenders within the area target this type of development, both in its construction phase and when the units are occupied. Police would recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

Car Park Security

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the car park areas, and breaking into the vehicles. Due to the isolation of the garages, these offences are not usually noticed by the owners until much later. It is suggested that this area be monitored by CCTV and appropriately sign-posted to deter potential offenders.

Way-finding

Way-finding in large environments such as this proposed development site can be confusing. Design and definitional legibility is an important safety issue at these locations. Knowing how and where to enter and exit, and find assistance within the development, can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should *reinforce*, but not be an alternative to legible design.

Letter boxes

Mail/identity theft costs the community millions of dollars annually. And thieves thrive off residents leaving their letter boxes unlocked. It is highly recommended the letter boxes are constructed of quality material and be fitted with quality and robust locks. Letter boxes that are positioned on the outside of the complex are easily accessible by offenders using master keys and residents leaving letter boxes unlocked.

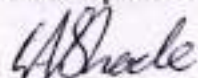
The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation any person who does so acknowledges that:

- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- The evaluation is a confidential document and is for use by the Council or the organisation referred to on page one*

- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the Council or the organisation referred to on page one.
- The NSWPF hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.

RECOMMENDATION:

There are no objections to this proposal however it is recommended the above Crime Prevention Through Environmental Design (CPTED) should be considered in this development.



Christopher Shade
Senior Constable
Crime Prevention Officer
Miranda Local Area Command
24 October, 2016
Ph: 9541 3899

- 1) Crime Manager, Chief Inspector Woolbank – Miranda LAC


25.10.16

- 2) Amanda Treharne, Sutherland Shire Council.

- 3) Petra Blumkaitis, Department of Planning NSW

Sutherland Shire COUNCIL



Amanda Trehame – 9710 0462
File Ref: DA16/1068

28 August 2016



NSW Police Service
Miranda Local Area Command
34 Kingsway
CRONULLA NSW 2230

Administration Centre
4-20 Elton Street, Sutherland
NSW 2232 Australia

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Office Hours
8.30am to 4.30pm
Monday to Friday

Dear Sir/Madam,

Development Application No. DA16/1068

Proposal: Construction and use of 238 dwellings across four residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies

Property: 475 Captain Cook Drive, Woolooware

This letter is to advise that Council has received the above development application.

The application was received by Council on 19 August 2016 and will be on public exhibition from 1 to 22 September 2016. It is being referred to NSW Police Service for a Crime Risk Assessment in accordance with the protocol established between Council and NSW Police (copy enclosed). A copy of the application form, internal floor plans and the CPTED Report along with other relevant information can be accessed from Council's website at www.sutherlandshire.nsw.gov.au at Track / Development Applications (DA16/1068).

The proposal involves the Woolooware Bay Town Centre Stage 3 Residential development which comprises four new buildings containing 238 apartments, podium car parking for 319 vehicles, landscaping and communal areas as well as four non-residential tenancies.

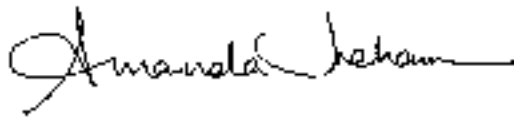
Your comments are requested in relation to Crime Prevention through Environmental Design (CPTED) and 'Safer by Design' aspects of the proposal in addition to any general local policing issues which may be relevant in considering the application.

In making any recommendations to Council, NSW Police should be aware that Council can only request changes to a proposal or impose conditions which are *directly* related to the current proposal. For example, Council cannot use an application for additions to an existing hotel as an opportunity to retrospectively reduce approved hours of operation.

In your response please clearly indicate whether NSW Police supports the proposal or has an objection to it being approved. If supporting the proposal, please specify any modifications or conditions of consent that you consider appropriate. In accordance with the enclosed protocol, if no response is received within 21 days, Council will assume NSW Police do not have any objections to the proposal.

If you need further information or wish to meet with Council staff to discuss the proposal please contact Amanda Trehame on 9710 0462 or email atrehame@sgc.nsw.gov.au and quote the application number in the subject.

Yours faithfully



Amanda Treharne



Planning & Environment

7 October 2016

Our ref. MP 10_0229 MOD 2

Miranda Local Area Command
NSW Police
34 The Kingway Cnr Croydon Street
Cronulla NSW 2230

Dear Sir / Madam

**Request for SEARs for Woollooware Bay Town Centre MP 10_0229 MOD 2
401 Captain Cool Drive, Woollooware (Sutherland Shire local government area)**

Bluestone Capital Ventures No. 1 Pty Ltd and the Cronulla Sutherland Leagues Club have submitted a request to the Department of Planning and Environment for Secretary's environmental assessment requirements (SEARs) for the above proposal.

Please provide input into the SEARs for the proposal. Under clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, the Department must provide SEARs to the applicant within 28 days of receiving the request. I request that you review the attached information and provide details of any key issues and assessment requirements by 17 October 2016.

If you have any questions, please contact Petra Blumkella on (02) 9373 2866 or via email at petra.blumkella@planning.nsw.gov.au

Yours sincerely

**Brendon Roberts
Team Leader
Key Sites Assessments**

Secretary's Environmental Assessment Requirements

Section 75W of the *Environmental Planning and Assessment Act 1979*

Application number	MP 10_0229 (MOD 2)
Project	Modification to the concept approval to introduce new building envelopes above the retail/club building (within the eastern precinct) for a mix of uses, including residential and serviced apartments/hotel.
Location	461 Captain Cook Drive, Woollooware
Proponent	Bluestone Capital Ventures No. 1 Pty Ltd and the Cronulla Sutherland Leagues Club
Date issued	TBC
Expiry date	If you do not lodge the Environmental Assessment (EA) within 2 years of the issue of these SEARs, you must consult further with the Secretary in relation to the preparation of the EA.
General Requirements	<p>Notwithstanding the key issues specified below, the EA must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> adequate baseline data; consideration of potential cumulative impacts due to other development in the vicinity; and measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment. <p>The EA must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the EP&A Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; an estimate of the jobs that will be created by the future development during the construction and operational phases of the development; and certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EA must address the following specific matters:</p> <p>1. Relevant EPIs, policies and guidelines to be addressed</p> <p>The EA shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:</p> <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Infrastructure) 2007</i>; <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> and the <i>Apartment Design Guide</i>; <i>State Environmental Planning Policy (Building Sustainability Index: Basix) 2004</i>; <i>NSW State Priorities</i>; and

- *Sutherland Shire Local Environmental Plan 2015.*

The EA shall also address relevant planning provisions, goals and strategic planning objectives in the following:

- A Plan for Growing Sydney;
- NSW Long Term Transport Master Plan;
- Sydney's Bus Future;
- Sydney's Cycling Future;
- Sydney's Walking Future;
- Development Near Rail Corridors and Busy Roads - Interim Guideline;
- Guide to Traffic Generating Developments;
- Guide to Traffic Management – Part 12; Traffic Impacts of Development (AUSTROADS);
- NSW Bicycling Guidelines;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Australian Standard (AS) 2021: 2015 Acoustics – Aircraft noise intrusion – Building siting and construction;
- Our Shire, Our Future - Sutherland Shire Community Strategic Plan; and
- Sutherland Shire Council Development Control Plan.

2. Comparison with the concept approval (MP10_0229)

The EA shall:

- demonstrate how the proposed modification can be assessed and determined within the scope of Section 75W of the *Environmental Planning and Assessment Act 1979*, and in particular demonstrate and address any environmental impacts beyond those already assessed for the concept approval;
- provide a comparative assessment of the proposed modification against the approved scheme (qualitative and quantitative), including comparison plans clearly identifying the proposed amendments in plan and elevation, and provide a rationale for the amendments and an analysis of benefits / impacts, including measures to mitigate any potential impacts; and
- outline and justify any proposed changes to the existing terms of approval, future assessment requirements and commitments.

3. Pre-submission consultation statement

The EA shall describe the pre-submission consultation and community engagement process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.

4. Design excellence, built form and public domain

The EA shall:

- demonstrate how the proposed modification to the concept plan is capable of achieving design excellence in future detailed applications;
- address the height, bulk and scale of the proposed development within the context of the locality. In particular, detailed envelope/height and contextual studies should be undertaken to ensure the proposal integrates with the local environment, including significant wetlands and the public domain;
- justify that the height, scale and density of the proposed development is informed by a detailed urban design analysis, including consideration of access to public transport for the new residential, serviced apartment and hotel uses;
- include a comparative height study to demonstrate how the proposed building

heights relate to the height of the existing, approved and proposed developments in the immediate vicinity of the site, including consideration of solar impacts on nearby properties and public domain areas;

- include a visual and view analysis to and from the site from key vantage points; including Woollooware Bay, Towra Point Nature Reserve, Captain Cook Drive, the corner of Bate Bay Drive and Sanderson Street and from Woollooware Road;
- include consideration of various options for the siting, orientation and massing of the proposed building envelopes, together with a comparative analysis demonstrating key strengths and weaknesses of each option; and
- address the design quality with specific consideration of the massing, building envelope setback, building articulation, landscape concepts, integration with the street level, safety by design, design of the public domain and integration with existing pedestrian / bicycle connections.

5. Land Use

The EA shall address the relevant metropolitan and local strategies in relation to the proposed mix of land uses, including justification for the proposed residential, serviced apartments and hotel floor space.

6. Internal residential amenity

The EA shall:

- demonstrate that the concept proposal is capable of complying with SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide, including justification for any compliance / non-compliance;
- address any impacts associated with the electricity transmission easement and the transmission towers and wires upon future dwellings; and
- address any potential impacts associated with game day events on the proposed residential amenity.

7. Public domain / open space

The EA shall:

- detail the type, function and character of the various private, communal and public areas associated with the proposed modification. Pedestrian circulation and linkages between each space and the foreshore of Woollooware Bay should also be demonstrated;
- address any public domain improvements, pedestrian linkages and street activation (where proposed as part of the modification);
- demonstrate that the proposal will continue to provide publicly accessible pedestrian and cycle access to Woollooware Bay as identified in the *Sutherland Shire Bicycle Plan*; and
- demonstrate how the design of proposed structures and the treatment of public domain and open spaces will
 - maximize safety and security in accordance with the Crime Prevention Through Environmental Design (CPTED) principles
 - ensure access for people with disabilities
 - minimise potential for vehicle, bicycle and pedestrian conflict

8. Transport and accessibility

The EA shall include a revised traffic and transport assessment taking into account any changes in relation to:

- accurate details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities

- provided on the road network located adjacent to the proposed development;
- details of estimated total daily and peak hour trips likely to be generated by the proposed development, including vehicle, public transport, pedestrian and bicycle trips;
- assessment of the existing and future performance of key intersections providing access to the site, and any upgrades (roads/intersections) required as a result of the development. The assessment needs to be supported by appropriate modelling and analysis to the satisfaction of Roads and Maritime Services;
- assessment of the cumulative impacts of traffic volumes from the proposal together with existing and approved development in the area and potential conflict with traffic movements generated by existing uses;
- appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network;
- details of the proposed number of car parking spaces and compliance with appropriate parking codes and justify the amount of car parking provided on the site.
- details of service vehicle movements and site access arrangements, including vehicle type.
- provision of on-site car parking for the proposal having regard to Council and RMS guidelines, including "game day" parking arrangements; and
- measures for residents and visitors to make sustainable transport choices, including measures to:
 - improve public transport use and accessibility (in particular given the site's location in relation to public transport opportunities);
 - integrate with existing pedestrian and bicycle linkages within the area; and
 - implement a new or revised location specific sustainable travel plan; and
- provide a draft Construction Pedestrian Traffic Management Plan (CPTMP) addressing, but not limited to:
 - location of the proposed work zone;
 - haulage routes;
 - construction vehicle access arrangements;
 - proposed construction hours;
 - estimated number of construction vehicle movements;
 - construction program;
 - any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site;
 - pedestrian and cyclist movements should be maintained at all times during construction, particularly along Captain Cook Drive;

9. Noise and Vibration Assessment

The EA shall address the issue of noise and vibration impacts and provide detail of how these will be managed and ameliorated during construction and operation of the multiple uses across the full site. An acoustic assessment should be undertaken to identify potential noise conflicts, cumulative impacts and management strategies, to inform and support the proposed land uses.

10. Air Quality

The EA shall:

- document how emissions, odours and dust will be prevented or minimised;
- show compliance with the requirements of the POEO Act and its regulations; and
- show how ambient air quality will be maintained or improved.

11. Ecologically Sustainable Development (ESD)

The EA shall:

- identify how best practice ESD principles have been incorporated in the design, construction and ongoing operation phases of the development, and include innovative and best practice proposals for environmental building performance; and
- demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.

12. Drainage and Stormwater

The EA shall:

- address drainage issues associated with the proposed development, including piped stormwater and drainage infrastructure and incorporation of Water Sensitive Urban Design measures;
- demonstrate that the disposal of stormwater to Woollooware Bay maintains / enhances the existing hydrology and water quality at the land / wetland interface;
- provide information on the sewage management arrangements; and
- address any potential impacts on the riparian land along the southern shore of Woollooware Bay and the watercourse on the site.

13. Flora and Fauna

The EA shall:

- include a detailed biodiversity assessment, including assessment of the potential impacts of the proposed modification on threatened biodiversity, native vegetation and habitat;
- identify and address any potential impacts of the proposed modification on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment, both marine and land, in accordance with the Department of Environment and Climate Change (DECC) 'Threatened Species Assessment Guidelines 2007'. In this regard, the EA shall include a detailed survey (using a variety of survey methods by a suitably qualified person) of the migratory bird habitat, and determine whether and how they are using the site and adjoining areas, and assess any potential impact or threat to the population;
- describe mitigation and management options that will be used to prevent, control, abate or minimise identified impacts on Towra Point Aquatic Reserve associated with the proposed modification. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented;
- address the protection and enhancement of riparian land along the southern shore of Woollooware Bay and watercourse on the site and assess and provide details on all watercourses and riparian land on the site, potential impacts of the proposal on any watercourses and riparian areas of wetlands including areas of disturbance, and safeguard measures to mitigate impacts, contingency plans for remediation and rehabilitation of riparian areas in the event of potential adverse impacts and the long term management of riparian lands;
- demonstrate compliance with the NSW Office of Water's Guidelines for Controlled Activities (2008) and Department of Primary Industry's Policy Guidelines for Fish Habitat Conservation and Management 2013, and outline the provision of a 40 metre wide Core Riparian Zone; and
- as the Towra Point Nature reserve is protected under RAMSAR, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities should be consulted to ascertain whether the proposed development triggers the need for an assessment and approval under the

	<p><i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</i></p> <p>14. Contributions and/or Voluntary Planning Agreement The EA shall address the provision of public benefit, services and infrastructure having regard to Council's Section 94A Contribution Plan and/or provide details of any Voluntary Planning Agreements or other legally binding instrument proposed to facilitate this development as agreed between Council and/or Roads and Maritime Services and the proponent.</p> <p>15. Utilities The EA shall:</p> <ul style="list-style-type: none"> • After consultation with relevant agencies address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works, and • Gain approval from Sydney Water to ensure that the proposed development does not adversely impact on any water, stormwater or wastewater main. <p>16. Staging The EA must include details regarding the staging of the proposed development including details of subsequent Project Applications and Construction Staging</p> <p>17. Statement of Commitments The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p> <p>18. Consultation The EA shall consult with Sydney Airport and detail how aviation safety will be maintained.</p>
<p>Plans and Documents</p>	<p>The EA must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>EP&A Regulation 2000</i>. Provide these as part of the EA rather than as separate documents.</p> <p>In addition, the EA must include the following:</p> <ul style="list-style-type: none"> • site analysis plan; • site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings; • locality / context plan; • building envelopes showing the relationship with proposed and existing buildings in the locality; • architectural drawings (to a usable scale at A3); • plans, elevations, sections and photomontages clearly showing the proposed amendments compared to the concept approval; • schedule of proposed gross floor area per land use; • shadow diagrams; • wind impact assessment; • assessment against SEPP65 and the Apartment Design Guide; • ESD statement; • pre-submission consultation statement; • traffic and parking assessment;

	<ul style="list-style-type: none"> • visual and view impact analysis and photomontages; • physical model (should Council require this); • public domain plans, including a landscape master plan; and • geotechnical and structural report.
Consultation	During the preparation of the EA, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers, and the local community.

DRAFT

MO/GK
14352
23 September 2016

Ms Caroline McNally
Secretary
NSW Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Ben Lusher (Director, Key Sites Assessments)

Dear Ben,

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS - S75W
MODIFICATION TO MP10_0229)
WOOLLOOWARE BAY TOWN CENTRE – 461 CAPTAIN COOK DRIVE, WOOLLOOWARE**

We are writing on behalf of Bluestone Capital Ventures No 1 Pty Ltd and the Cronulla Sutherland Leagues Club to request Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Assessment for a proposed S75W Modification Application to the Concept Plan Approval (MP10_0229) for the Woollooware Bay Town Centre.

Under Schedule 6A of the *Environmental Planning and Assessment Act 1979*, the Secretary of the Department may continue to issue environmental assessment requirements for modifications to an approved Part 3A Concept Plan in accordance with S75W(3) of the Act.

This letter provides some background to the Concept Approval, describes the proposed modifications to the Concept Plan and provides a preliminary description and assessment of the planning and environmental assessment issues that are likely to inform the preparation of SEARS.

1.0 BACKGROUND

The Concept Plan (MP10_0229) for Woollooware Bay was approved by the Planning Assessment Commission (as delegate of the Minister) on 27 August 2012. The Concept Plan established the site as a new centre within the hierarchy of centres within Sutherland Shire. Woollooware Bay Town Centre will provide a unique offering of food and grocery retail, leisure, community, medical, dining and recreational uses and 643 apartments. The precinct will include strong new pedestrian and cyclist linkages within the site, including a rehabilitated foreshore park along the Woollooware Bay frontage and through-site linkages drawing people from Captain Cook Drive to the waterfront.

In short, the current Concept Approval (as modified) currently provides for:

- use of the site for a mixed use development with associated public open space;
- indicative building envelopes for the residential and retail/club precinct;
- stadium upgrades;
- maximum gross floor area (GFA) of 88,712m²;
- maximum gross building area (GBA) of 176,134m²;
- ground and above-ground car parking, comprising:

- minimum of 770 spaces for retail and club uses.
- maximum of 883 spaces for residential and ancillary uses.
- road works to support the development, including three signalised intersections;
- pedestrian and cycle paths, and landscaping throughout the site;
- sales and marketing facilities; and
- superlot subdivision.

Since the approval of the Concept Plan, a Project Application for the eastern Club/retail precinct has also been approved by the PAC and Development Applications for the first two residential stages have been approved by the Sydney East Joint Regional Planning Panel. The Concept Plan has been modified a number of times since the original approval to reflect ongoing evolution of the project and design development.

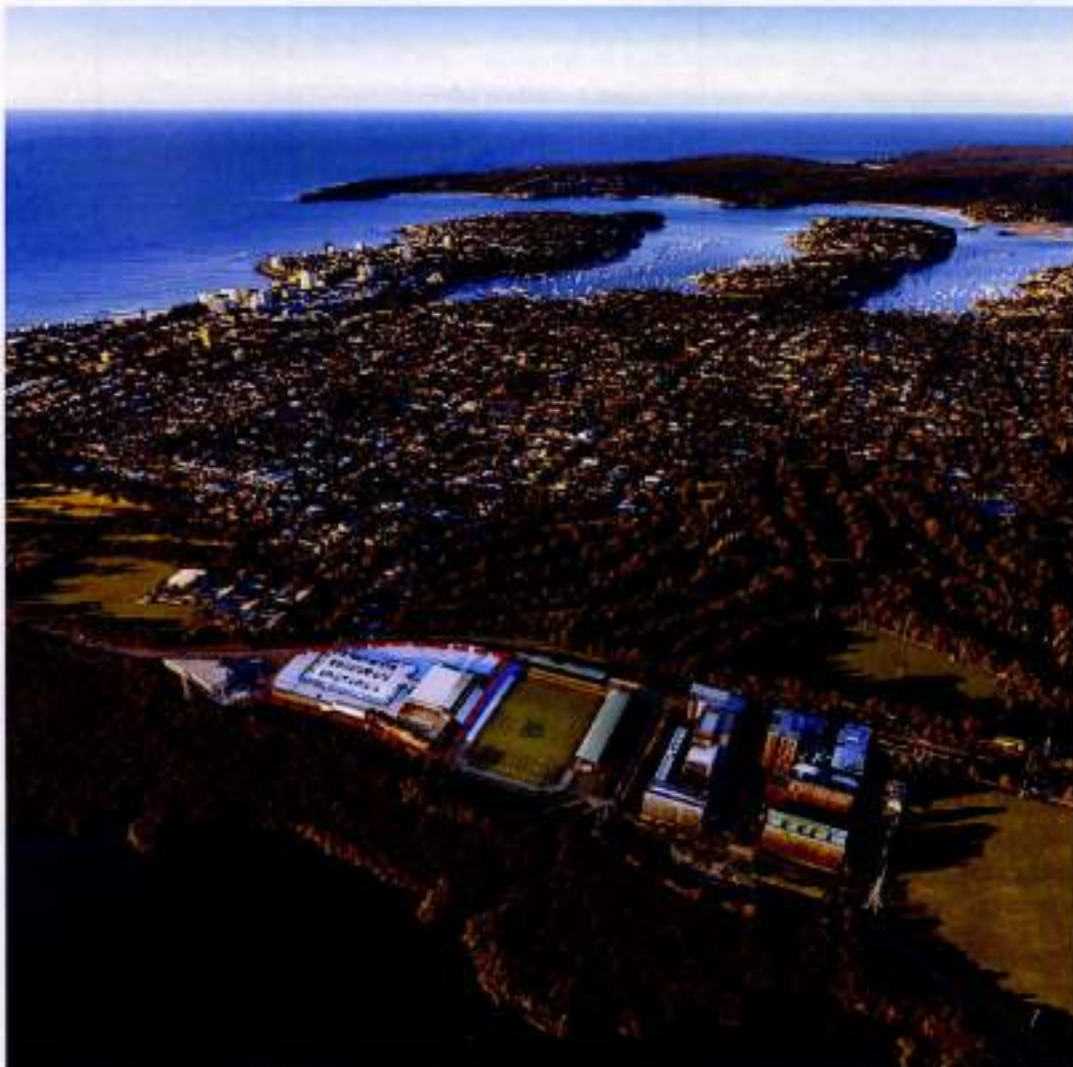


Figure 1 – Indicative aerial view of the approved Concept Plan (eastern precinct highlighted)



Figure 2 – Approved Woollooware Bay Town Centre Concept Master Plan (eastern precinct and indicative location of Centre of Excellence highlighted)

2.0 DESCRIPTION OF PROPOSED MODIFICATION

The proposed modification seeks to strengthen the town centre by introducing a broader mix of uses into the eastern precinct, take advantage of expanded public transport catalysed by the development and improve the urban amenity of the new centre.

The proposed modification involves four new buildings above the podium, additional car parking levels and minor modifications to the approved ground floor and public domain, retail level and club entrances.

In summary, this Section 75W application seeks the following modifications to the Concept Plan Approval:

- expand the range of land uses within the eastern precinct to provide a more comprehensive town centre, with residential, serviced apartment/hotel and additional community uses to complement the retail and club facilities already approved.
- include indicative building envelopes above the retail/club building for:
 - 1 x serviced apartment/hotel building;
 - 3 x residential flat buildings and a small number of terraces with 222 dwellings and associated amenities;
 - landscaped podium with private communal open space;
 - additional car parking.
- provide indicative building envelopes and land use for a Sharks Centre of Excellence adjoining the western grandstand.
- increase the total maximum GFA and GBA to reflect the additional proposed uses;
- increase the number of car parking spaces within the eastern precinct from 770 spaces to approximately 1,080 spaces.
- amend the landscape master plan to incorporate new landscaping on the eastern podium rooftop areas and identifying opportunities for feature landscaping to break up building massing and provide a more attractive centre.

Figure 3 below illustrates the indicative proposed building envelopes for the eastern precinct. Indicative architectural drawings prepared Turner Studios illustrating the proposed layout of the modified centre have been provided for information purposes (see Attachment B).



Figure 3 – Indicative building envelopes (Note: all building heights expressed as storeys and include podium height)
Source: Turner Studios



Figure 4 – Sketch image of Sharks Centre of Excellence (located to west of the stadium adjacent Captain Cook Drive)
Source: Turner Studios

3.0 PLANNING CONTEXT

3.1 Environmental Planning and Assessment Act 1979

The Woolloomare Bay Town Centre Concept Plan was approved under Part 3A of the EP&A Act, which has since been repealed. As such, the proposed modification is subject to assessment in accordance with the Transitional Part 3A provisions included in Schedule 6A of the Act. Under Schedule 6A, a Concept Plan approved under Part 3A may continue to be modified in accordance with the provisions of S75W of the Act.

The proposed modification is consistent with the objects of the Act as follows:

- provides for improvements to the town centre that will not result in any adverse environmental impacts and will promote the social and economic welfare by providing for additional housing to meet local demand and increased employment
- promotes the orderly and economic use of land by providing additional land uses to meet community needs in a location that has been established as a new centre and which will be provided with adequate infrastructure to support growth;
- provides a new Centre of Excellence associated with the football club's operations, providing additional employment and flow-on economic benefits to the Sutherland Shire;
- does not result in any adverse impacts on significant flora, fauna and ecological communities located in the broader vicinity of the site;
- supports the principles of ecologically sustainable development by ensuring development minimises energy and water consumption and provides services and housing to meet the needs of future generations;
- increases housing diversity and supply to meet local demand, thereby contributing to the ability of local residents to access suitable and appropriately-priced housing; and
- supports involvement by Sutherland Shire Council, stakeholders and the broader community in the planning process through upfront community consultation which has informed the proposal.

3.2 Sutherland Shire Local Planning Policies

Since the approval of the Concept Plan in August 2012 Sutherland Shire Council's new comprehensive local environmental plan, the Sutherland LEP 2015, has come into force. The Sutherland LEP reflects the establishment of Woolloomare Bay Town Centre as a new centre within the Shire, rezoning the site from the previous private recreation zoning to the B2 Local Centre zone with development standards generally reflecting the current Concept Plan Approval. Within the B2 zone, 'shop-top housing', 'residential flat buildings' and 'tourist and visitor accommodation' are all proposed to be permissible with development consent.

Detailed compliance with Sutherland's local controls would be addressed in the S75W modification application and as part of future detailed planning applications.

3.3 Other Planning Policies

In addition to the above, the following policies apply to the site and will need to be considered as part of the modification application:

- Infrastructure SEPP
- Major Development SEPP
- SEPP 65 – Design Quality of Residential Flat Buildings
- SEPP 56 – Remediation of Land

4.0 CONSULTATION

The Cronulla Sutherland Leagues Club and their development partner, Capital Bluestone, have consulted widely and comprehensively throughout the project's planning phases. Over 250 stakeholder meetings, drop-in evenings and information sessions have been held in relation to the project, keeping the community informed and providing numerous opportunities for input from the community.

A number of the comments and suggestions arising from previous consultation have informed this proposed modification, particularly in regard to:

- comments made by Sutherland Shire Council during the Concept Plan assessment phase regarding the ability of the centre to grow and evolve with a more diverse mix of uses within the eastern precinct;
- queries from Department officers during the Concept Plan assessment phase regarding the ability to incorporate residential within the eastern precinct;
- comments made by the PAC in its determination report for the Concept Plan regarding the role, functionality and future design of the centre;
- feedback received from local business and tourism operators regarding the limited availability of tourist and visitor accommodation in the area, for both holiday and business travel; and
- information provided by potential and actual purchasers of residential apartments and business owners who have expressed interest in establishing operations within the town centre.

Engagement in relation to the Stage 4 Hotel/Residential modification has been undertaken by the Woolloomare Bay Town Centre project team over nearly two years. Councillors of Sutherland Shire Council were briefed about the proposed modification at their meeting on 26 November 2014, with a further presentation to Council on 18 May 2015. Following this briefing, evening drop-in sessions were held for members of the Cronulla Sutherland Leagues Club (as the land owner) and for those who have already purchased residential apartments in the western precinct of Woolloomare Bay Town Centre to brief them about the modification. The local State parliamentary representative, Mark Speakman MP has also been briefed.

The feedback received from these briefings informed design development and modifications to both the approved Retail/Club podium and the proposed residential and hotel components of the proposal. New architects were appointed to progress major aesthetic and functional improvements to the Retail/Club podium building, which were approved by the Department in August 2016. Substantial changes have been made to the proposed residential building envelopes in order to increase view lines between buildings, reduce visual bulk and increase the articulation of the overall building form within the centre.

It is proposed that further consultation would be undertaken through the application preparation and assessment phases to further engage with the local community.

5.0 PROJECT JUSTIFICATION

5.1 Consistency with strategic planning policies

NSW 2021 State Plan

NSW 2021 (the State Plan) sets out the strategic framework for all government decision-making in NSW. The proposed modification is consistent with a number of the goals and targets of the State Plan, in particular:

- increasing utilisation of public transport by concentrating new housing in close proximity to regular, well-connected services;
- increasing walking and cycling;

- encouraging job growth through the introduction of new hotel/serviced apartment and function centre spaces; and
- providing new opportunities for cultural participation through the provision of at least 500m² of community space for cultural presentations, art exhibitions and the like.

A Plan for Growing Sydney

A Plan for Growing Sydney is the new strategic vision for Sydney's metropolitan area over the next 20 years. Recognising the challenge of accommodating an additional 1.6 million people in Sydney by 2031, requiring 854,000 new homes and 685,000 new jobs, the plan sets out the broad vision and principles to guide this growth. Importantly, this will require more diverse housing choices throughout Sydney. The fastest growing household types will be single-parent families, couples and lone person households, who typically prefer smaller housing typologies with low maintenance and good amenity. Already, strong demand from local Sutherland Shire residents for new apartments at Wooloware Bay Town Centre has demonstrated the underlying demand for more diverse housing options in the area, with approximately 80% of purchasers living in or in the immediate vicinity of the Shire.

A regular shuttle bus service will commence with the first occupation of apartments at Wooloware Bay, providing direct linkages to Caringbah, Cronulla and Wooloware train stations and centres. As development of the centre progresses, this will transition to a full public bus service by July 2017, and additional uses within the centre will further increase utilisation of this service. Providing new housing in locations that maximise utilisation of transport services is consistent with a number of reoccurring themes in the metropolitan plan.

Wooloware Bay Town Centre will provide a range of retail, leisure, medical, entertainment and recreational opportunities to residents of both the new development and the surrounding area. A Plan for Growing Sydney continues long-standing government policy to concentrate new density within existing centres and corridors. This modification presents an opportunity to provide additional uses that will further strengthen the centre, as well as additional residential dwellings that will allow more people to benefit from the high level of amenity resulting from living close to these uses.

Along with a need to provide additional housing, there is also a need to promote employment and economic growth to support a larger city. For the South Subregion, the metropolitan plan identifies a need to support employment activities at Taren Point and to increase opportunities for expansion of the visitor economy. The proposed hotel/serviced apartment feature of this modification has the potential to support both of these objectives, providing accommodation to support business travel, sports tourism and general tourism.

NSW Visitor Economy Industry Action Plan

The NSW Visitor Economy Industry Action plan encourages the strategic growth in the physical capacity and supply of tourist and visitor accommodation throughout Sydney and NSW. Capitalising on opportunities presented by sporting events (such as the NRL competition matches held at Sharks Stadium) and provide flow-on benefits to local economies. Sutherland Shire has a wealth of natural and cultural visitor destinations, however, limited supply and choice in tourist and visitor accommodation options currently limits the attractiveness of the area compared to other locations in Sydney.

5.2 Strengthened and improved town centre

Active and successful centres involve a mixture of uses that complement each other and sustain activity throughout the day. Whilst this is already achieved through the approved retail, club facilities and medical centre, there is an opportunity to create a more dynamic centre with a wider range of uses.

The integration of uses within the centre was raised as an issue at a number of stages during the Concept Plan assessment process by a number of key planning authorities:

- Sutherland Shire Council's submissions on the Concept Plan raised concerns with their characterisation of the town centre as separate retail and residential precincts without integration. It identified good town centres as having "an urban character where a mix of commercial and residential uses interact with the public domain to produce a vibrant place".
- During the assessment phase building heights within the western precinct were reduced to alleviate built form concerns, resulting in the reduction of approximately 100 dwellings. At the time, the Department suggested the possibility of these dwellings being transferred to the eastern precinct, however, this was not possible at the time due to the extended time required to undertake additional design and environmental studies and to re-exhibit the modified proposal.
- The PAC concluded that whilst the location of the stadium presents challenges in terms of establishing links and connections between the eastern and western precincts, planning and design ingenuity could be used to overcome these and further take advantage of the site's setting.

The establishment of a new town centre within the Sutherland Shire is a unique opportunity, and it is vital that the opportunities presented by this development are fully realised. The Department and the PAC ultimately agreed that the fundamental structure of the town centre was sound and that design issues could be resolved as part of later stages. Providing additional land uses within the eastern precinct offers the chance to deliver a more comprehensive town centre that capitalises on the close proximity to retail, medical and recreational services, maximises public transport utilisation and takes advantage of the high level of amenity arising from the centre's location adjacent to Woollooware Bay. The proposed modifications are the result of a comprehensive design review to ensure that the functionality and urban design of the Woollooware Bay Town Centre is optimised, and are based on feedback from a wide range of stakeholders.

5.3 Local housing supply and diversity

As noted in Section 5.1 above, Sydney must plan for significant population growth over the coming decades. The Department's 2016 population forecasts indicate that Sutherland Shire will need to accommodate 40,150 additional people requiring 19,500 new dwellings between 2011 and 2036. The projected population growth equates to a predicted need for approximately 780 additional dwellings per year. This is significantly higher than the rate of housing development in Sutherland Shire over the past decade – on average only 380 new dwellings were constructed per annum between 2004 and 2016 (financial years). In light of the additional projected housing demand, as well as the strong demand by Sutherland Shire residents for new housing at Woollooware Bay, it is considered that the addition of housing within the eastern precinct presents a good opportunity to meet some of this demand in a location that is within a centre and suitable for additional housing.

5.4 Social and economic benefits

The proposed modification seeks to build upon the social and economic benefits that will be provided by the approved Woollooware Bay Town Centre in the following ways:

- New Centres of Excellence that will modernise existing administration facilities, attract additional sports and health-related business and sports tourism to Sutherland Shire.
- Provide new tourist and visitor accommodation within the Sutherland Shire, increasing opportunities for tourism to the local area as well as opportunities to capture additional economic benefits from visitors to NRL games.
- Increase the supply of tourist and visitor accommodation available for use by local businesses, particularly in the Taren Point area. Enabling interstate and overseas staff to stay in close proximity to businesses in these areas improves productivity, reduces costs and keeps jobs in Sutherland Shire.
- Increase housing supply to meet growing local demand, with a range of typologies that increase diversity in the local area. Increased housing will be particularly beneficial for young people

looking to stay or move back to the Shire as well as older down-sizers looking for housing with good amenity and close access to services.

- Increased patronage of the new local bus service, increasing viability and the potential for greater service frequencies.

6.5 Community Benefits

The Wooluware Bay Town Centre project supports a number of significant community benefits which are being delivered on-site, in the immediate surrounds and throughout the broader community by both Capital Bluestone and the Cronulla Sutherland Leagues Club. These community benefits include new facilities and services delivered directly by the development, the augmentation and expansion of existing services already being delivered by the development partners, and an increased capacity for the Cronulla Sutherland Leagues Club to continue investing in the local community into the future. Some of the key community benefits associated with the project include:

- Completion of the Cronulla High School playing fields upgrade, with the new clubhouse already completed and in use
- Provision of a new foreshore playground designed in accordance with the Touched By Olivia Foundation to provide an accessible and inclusive children's play area
- Providing 350m² of flexible community space within the Retail/Club precinct that will be fitted out with Wi-Fi, IT and operable walls to maximise the ability for multiple uses. The intention is that a flexible space could be utilised by a range of organisations to deliver learning, health and wellbeing programs as well as opportunities for much needed space for the promotion local arts, artists and cultural works. Conversations with Sutherland Shire Council and a range of groups to best identify how the space can be shared and best activated.
- Significant community involvement by the Club and Capital Bluestone, including sponsoring of community sports, arts and youth activities.
- Involvement in collaboration with local schools and environmental groups to design school based education programs that nurture a connection to the local environment and help develop a connection to this unique environment amongst our young locals
- Bike and car share schemes are being explored to benefit this location and others in the Shire to promote non-car travel options.
- Hospitality Training and Management work opportunities are being explored for the site capitalising on the entertainment and tourism hub being created
- Increasing the percentage of adaptable apartments within Stage 4 residential component from the mandated 20% to 30% for the new 222 apartments, increasing the diversity of housing suitable for persons with special physical requirements.
- Inclusion of a new child care centre within the retail centre and resident's Men's Shed within the western precinct (subject to separate approvals).
- Construction employment throughout the duration of the project, including Parkview's Indigenous Employment Policy and opportunities for local apprenticeships, and flow-on economic benefits to local suppliers and support businesses.
- Ongoing employment within the approved retail centre and the upgraded Cronulla Sutherland Leagues Club.

The proponent will consider to work with Council and the community to identify opportunities to maximise the public benefits of the proposed modifications within the context of the overall approval.

6.0 OVERVIEW OF LIKELY ENVIRONMENTAL AND PLANNING ISSUES

Based on our preliminary environmental assessment, Table 1 below summarises the expected key environmental assessment issues that will need to be considered as part of the future DA. Attachment A to this letter lists the specialist studies and assessments that would accompany the S75W Modification Application. A preliminary assessment of the key issues is contained in the following sections, and will be elaborated upon in the S75W Modification Planning Report.

Table 1 – Summary of key assessment issues

Issue	Proposed Assessment Issues
Built Form and Urban Environment	<ul style="list-style-type: none"> Provide indicative floor plans of all development components, including retail, club, hotel/serviced apartments, residential and Sharks Centre of Excellence. Provide ground floor and public domain plans illustrating indicative landscape treatments, pedestrian flows, entrances, amenities etc. Comprehensively address the potential built form and amenity issues arising at a level of detail commensurate with the scope of the Concept Plan through an update to the urban design studies Provide comparison photographs from key views identified for the approved Concept Plan application. Assess potential overshadowing impacts on surrounding land.
Internal Residential Amenity	<ul style="list-style-type: none"> Provide indicative residential floor plans to allow an understanding of functionality and amenity. Consider the key design principles and amenity guidelines outlined in SEPP 65 and the Residential Flat Design Code, as well as proposed amendments to these documents, to ensure that compliance can be achieved through detailed design.
Planning Approvals Pathway	<ul style="list-style-type: none"> Detail approvals pathway for future detailed planning applications, including treatment of existing Stage 1 Club/Retail Project Application MP10_0290.
Social and Economic Impacts	<ul style="list-style-type: none"> Assess demand and need for the proposed hotel/serviced apartments. Update the Social Impact Assessment conducted as part of the original Concept Plan application.
Transport, Traffic and Parking	<ul style="list-style-type: none"> Assess the predicted traffic generation associated with the proposed modification and the consequent demand for parking within the town centre.
Major Event Management	<ul style="list-style-type: none"> Demonstrate how town centre amendments and additional uses would be managed during major events.
Community Consultation	<ul style="list-style-type: none"> Outline community consultation undertaken to date and outcomes of this, as well as further consultation proposed.
Biodiversity, Flora and Fauna	<ul style="list-style-type: none"> Assessment of the potential impacts of the proposed development on adjacent wetlands, including on both flora and fauna.
Other Issues	<ul style="list-style-type: none"> Ecologically Sustainable Development Measures Stormwater, water quality and flooding Infrastructure and servicing Acoustic impacts Electromagnetic radiation Structural considerations Development contributions

6.1 Built Form and Urban Environment

The Concept Approval for the eastern precinct of the Woollooware Bay Town Centre provided for a parapet level for the main retail centre of approximately 14 metres (4-5 typical storeys) above ground level, with 8 residential towers within the western precinct with building heights of up to 15 storeys (including podium). The proposed modification would provide for three new residential buildings of 11-16 storey (including podium) within the eastern precinct, with significantly greater building separation, building articulation and landscaping treatment within this precinct.

The proposed residential buildings will support significant architectural and landscaping improvements to the façade and upper levels of the approved retail/Club building. Whilst the main facades are architecturally treated, the approved building would be constructed of a concrete panelling system and the upper level of the building would be entirely comprised of open car parking, resulting in a highly urbanised design outcome. The ability to cap the approved building

with a landscaped podium, and the introduction of new landscaping and improved activation of the facades, represents a significant opportunity that is supported by the addition of the residential components.



Figure 5 – Indicative photomontage of amended development from Captain Cook Drive

Whilst the proposed development will result in the introduction of additional building height within the eastern precinct, it is considered that the substantial architectural improvements to the façade and public domain result in an overall positive effect on the urban design outcome for the Woollooware Bay Town Centre. The increase in building height is sufficiently distant from residential areas in the vicinity of the town centre that no overshadowing or significant visual impacts are expected as a result of the proposed modification, and is befitting the nature of the site as an identified centre. Views from Captain Cook Drive and Woollooware Road are expected to be significantly improved as a result of the design improvements, and the presentation of building forms to the street will be consistent with the western precinct in concentrating height toward the northern edge. A full revision of the original visual impact study undertaken for the Concept Plan application taking into account the proposed buildings will accompany this S75W Modification Application.



Figure 6 – Indicative photomontage looking north along Woollooware Road

6.2 Transport, Parking and Access

The approval of the Concept Plan has catalysed planning to bring new public transport to Woollooware Bay. Transport for NSW has recently committed to the commencement of a new public bus Route 985 connecting Woollooware Bay to Miranda and Cronulla, with services to commence services during 2017. This is a significant public benefit facilitated by the project, bringing additional public transport to a previously un-serviced area to the benefit of the broader surrounding community. This service will be strengthened by increased patronage from the proposed modification. In the interim period between the first occupation of dwellings in late-2016, a shuttle bus service will also be implemented by the proponent to connect to key local centres and transport nodes. These improvements in terms of connectivity present an opportunity to provide additional housing within a town centre which is highly accessible by non-car modes of travel.

The Concept Approval provides for two signalised intersections providing direct access to the eastern precinct, comprising the upgrade of the Woollooware Road/ Captain Cook Drive intersection and a new access point from Captain Cook Drive. Preliminary traffic studies indicate that additional traffic associated with the new land uses can be readily accommodated within the approved intersections and will not result in any adverse effects on the local road network. The revision of the NSW Road and Maritime Service's traffic generation guidelines since the approval of the Concept Plan also reflect decreased private vehicle usage and greater multi-purpose trips and non-car travel.

Residential car parking will be provided in accordance with the parking rates established in the Concept Approval, whilst visitor parking and parking for the hotel/serviced apartments and function centres will be provided to meet assessed demand.

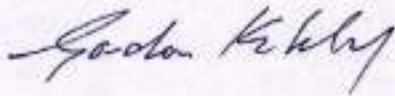
New car share spaces not currently required within the Retail/Club precinct will also be provided for use by residents, employees, visitors and the general public, promoting reduced car-ownership and increased non-car travel within Sutherland Shire.

7.0 CONCLUSION

The purpose of this letter is to request the SEARS for the preparation of an S75W Modification Application to the Woollooware Bay Town Centre Concept Plan Approval (MP10-0229).

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue SEARS for the preparation of the S75W Modification Application. Should you have any queries about this matter, please do not hesitate to contact Michael Oliver or myself on 9956 6962 or at gkirkby@jbaurban.com.au.

Yours faithfully,



Gordon Kirkby
Director

Attachments:

- Attachment A – Indicative schedule of technical and specialist studies
- Attachment B – Director General's Assessment Requirements for Concept Plan MP10-0229
- Attachment C – Indicative Concept Plan Modification drawings prepared by Turners Associates

ATTACHMENT A: INDICATIVE SCHEDULE OF TECHNICAL AND SPECIALIST STUDIES

- Updated Master Plan Report
- Amended Concept Plan Envelope Drawings
- Amended Landscape Concept Plan and Design Report
- Indicative Architectural Plans
- Indicative Retail Plans
- Indicative Staging Plan
- Architectural Design Statement
- SEPP 65 + Design Verification Statement
- Shadow Diagrams
- Visual Impact Assessment
- Traffic Management and Accessibility Plan
- Electromagnetic Radiation Statement
- Social Impact Assessment
- Community Consultation Report
- Updated Stormwater, Flooding and Servicing Report
- ESD Report
- Noise Impact Assessment
- Ecological Assessment
- Structural Statement

Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@dpi.nsw.gov.au

Our ref: 10 ERM2017/0019
Our file:
Your ref: DA2016/1068

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

Attention: Amanda Treharne

19 October 2017

Dear Madam

Re: Integrated Development Referral – Amended General Terms of Approval
Dev Ref: DA2016/1068

Description of proposed activity: Construction and use of 238 dwellings across 4 residential flat building carparking landscaping

Site location: 475 Captain Cook Drive Woollooware

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's amended General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

“The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council”.

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Jeremy Morice
Water Regulation Officer
Water Regulatory Operations, Metro
NSW Department of Primary Industries – DPI Water

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	475 Captain Cook Drive Woollooware	
DA Number:	DA2016/1068	
LGA:	Sutherland Shire Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2016/1068 and provided by Council:</p> <ul style="list-style-type: none">(i) Civil and Drainage Plans(ii) Flood Study(iii) Vegetation Management Plan <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) Construction Civil and Drainage Plans(ii) Soil and Water Management Plan(ii) Detailed Bridge Design Plans	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.</p> <ul style="list-style-type: none">(i) Vegetation Management Plans(ii) Riparian Corridors(iii) Instream works(iv) Outlet structures	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>	
Rehabilitation and maintenance		
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.</p>	

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | e

water.enquiries@dpi.nsw.gov.au

Template Ref: CAA04 Version 1.1 – June 2015

Number	Condition	File No:
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	
Reporting requirements		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
Security deposits		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
Access-ways		
10	N/A	
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
Bridge, causeway, culverts, and crossing		
12-13	N/A	
Disposal		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
Drainage and Stormwater		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
Erosion control		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
Excavation		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
19-21	N/A	
River bed and bank protection		
22	N/A	
23	The consent holder must establish a riparian corridor along the watercourse in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		

TELEPHONE: (02) 8569 6584
EMAIL: easement@ausgrid.com.au
REFERENCE: TRIM 2012/43273/49

ATTN: Amanda Treharne
LOCKED BAG 17
SUTHERLAND
NSW 1499

570 George Street
Sydney NSW 2000
All mail to GPO Box 4009
Sydney NSW 2001
T +61 2 131 525
F +61 2 9269 2830
www.ausgrid.com.au

Re: DA16/1068 - 475 Captain Cook Drive, Woollooware - Construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies

I refer to Sutherland Shire Council development application DA16/1068.

This letter is Ausgrid's response under clause 45(2) of the State Environmental planning Policy (Infrastructure) 2007.

The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

With Regard to: Construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies at 475 Captain Cook Drive, Woollooware

- Site Plans - Drawing No: A-DA-100-010 (16/8/16)
- DA Plans Level 1 Drawing No: A-DA-110-010 (16/08/16)

Ausgrid consents to the above mentioned development subject to the following conditions:-

The conditions imposed on the Concept Plan will still be imposed for Stage 3 Residential Application. Future DA for Foreshore Park will require crucial assessment from Ausgrid as the proposed location is within Ausgrid's easement.

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Captain Cook Drive and Proposed Foreshore Park area

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given the locating and operations of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in Captain Cook Drive

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Please do not hesitate to contact David Su on Ph: (02) 8569 6584 (please quote our ref: Trim 2012/43273/49) should you require any further information.

Yours Sincerely, David



David Su
Asset Protection Officer
Ausgrid - Network Operations
Ph: (02) 8569 6584



25 January 2017

Our Reference: SYD16/01759

Council Ref: DA16/1068

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

Attention: Amanda Treharne

Dear Sir/Madam,

**PROPOSED FOUR (4) RESIDENTIAL FLAT BUILDINGS
475 CAPTAIN COOK DRIVE, WOOLLOOWARE**

Reference is made to Council's letter dated 30 August 2016, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed development application as all traffic related issues were dealt with as part of the Concept Approval.

Roads and Maritime reiterates that the requirements for the future development of the neighbourhood retail centre shall comply with the Concept Approval M/P 10_0229 Schedule 5 Statement of Commitments 3 – Traffic Management in relation to installation/relocation of traffic signals.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah on telephone 8849 2076 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely,

Edmond Platon
A/Senior Land Use Planner
Network Sydney South Precinct

Our Ref: C17/368

Your Ref: DA16/1068

4 September 2017

Sutherland Shire Council
(Attn: Amanda Treharne)
Locked Bag 17
SUTHERLAND NSW 1499

Dear Ms Treharne,

Proposal: IDA referral for construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, landscaping and communal areas and 4 ground level non-residential tenancies

Property: 475 Captain Cook Drive, Woollooware

Thank you for your referral of 21 December 2016 and additional information received 10 March 2017 and 29 August 2017 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

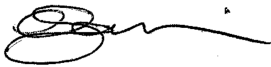
DPI Fisheries has reviewed the proposal in light of those provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.91A(3) of the *Environmental Planning and Assessment Act 1979*, any consent issued by Council must be consistent with these GTAs.

1. A Controlled Activities Approval (CAA) under the *Water Management Act* should be obtained from DPI Water for these works. If DPI Water has determined that a CAA is not triggered in this instance, then the proponent must apply for and obtain a Part 7 permit under the FM Act from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>;
2. The proponent must apply for and obtain a Part 7 permit to harm marine vegetation under the FM Act from DPI Fisheries **prior to any works on site**. Permit application forms are available from the DPI Fisheries website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>;
3. Environmental safeguards are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. An additional silt curtain is required downstream of the works and across the drainage channel as a further safeguard to turbid plumes entering Woollooware Bay. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and
4. The exposed surface of the excavated bench within the drainage channel is to be stabilised with a fibrous matting through which mangrove seedlings are to be planted where the water level is adequate for mangrove growth.

This comment applies only for works to the channel and does not apply to works or revegetation above the sheet piled wall. Any revegetation works above the sheet piled wall are currently the subject of a separate concept plan modification application, which has not been approved.

If Council, members of the Independent Assessment Panel or the proponent require any further information, please do not hesitate to contact me on 4222 8342.

Yours sincerely,



Carla Ganassin

Fisheries Manager, Aquatic Ecosystems

Consistency with Concept Approval

CONSISTENCY WITH CONCEPT APPROVAL MP10_0222 (Inclusive of Modifications 1 – 6)		
SCHEDULE 2 - TERMS OF APPROVAL PART A -	COMMENT	COMPLIES
A1 DEVELOPMENT DESCRIPTION Concept Plan approval is granted to the development in three stages as described below: <ul style="list-style-type: none"> • Stage 1 – neighbourhood retail, medical, and leisure centre on the eastern car park site and redevelopment of the Cronulla Sutherland Leagues Club facilities; • Stage 2 – residential masterplanned estate on the western car park and field area; • Stage 3 – conceptual improvements to playing field facilities and grandstand extensions. Concept Plan approval is granted to the following development as described below: <ul style="list-style-type: none"> a) use of the site for a mixed use development with associated public open space; b) indicative building envelopes for the residential and retail / Club precinct; c) ground and above ground car parking; d) road works to support the development; e) public pedestrian and cycle paths / boardwalks; f) landscaping areas throughout the site; g) sales and marketing facilities including display units etc. h) subdivision of Lot 11 DP 526492. subject to compliance with the modifications of this approval.	The Stage 3 development is generally consistent with the description of the Concept Approval.	Yes- refer assessment
A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION The development shall be generally in accordance with MP10_0229 and the Environmental Assessment, prepared by JBA Planning dated September 2011 except where amended by the Preferred Project Report prepared by JBA Planning dated March 2012 and additional information submitted in May 2012, and the relevant drawings, except for as modified by the following conditions pursuant to Section 75O(4) of the Act.	The application proposes works to be undertaken in accordance with the measures and reports identified in the statement of commitments and generally in accordance with the approved plans. Further discussion in relation to consistency with the Concept Plans is provided in the assessment component of this report.	Yes
A3 MAXIMUM GROSS BUILDING AREA / GROSS FLOOR AREA (MP10_0229 MOD		

<p>6 & MP10_2330 MOD 3) The maximum Gross Building Area for the development shall not exceed 176,134m² comprising:</p> <ul style="list-style-type: none"> • 115,402m² for the Residential Precinct; and • 60,732m² for the Retail and Club Precinct <p>The maximum Gross Floor Area for the development shall not exceed 88,712m², comprising:</p> <ul style="list-style-type: none"> • 61,370m² for the Residential Precinct; and • 27,412m² for the Retail and Club Precinct. <p>The maximum area for the outdoor deck areas shall not exceed 1,908m², comprising:</p> <ul style="list-style-type: none"> • 1,055m² for the Club; and • 853m² for the Retail. 	<p>The proposal is consistent with the maximum GBA and GFA requirements resulting in a development with considerably less GBA and minutely less GFA than the maximum permitted.</p>	<p>Yes</p>
<p>A4 CAR PARKING</p> <p>(a) The number of car parking spaces to be provided for the development shall comprise:</p> <p>(i) A maximum of 883 spaces for the Residential Precinct (excluding any on-street parking within the newly created on-site streets); and</p> <p>(j) A minimum of 770 spaces for the Retail and Club Precinct.</p> <p>(b) Development must comply with the Concept Plan car parking rates identified in the Environmental Assessment prepared by JBA Planning, dated September 2011, AS amended by the Preferred Project Report prepared by JBA Planning, dated March 2012 and the supplementary report dated August 2012, except where amended by modifications in part B.</p>	<p>The overall development results in 860 car parking spaces (inclusive of street parking on Foreshore Boulevard). This is less than the maximum permitted but compliant with the parking rates per unit / visitors and commercial as set out in Condition 6 and Term of Approval B1.</p>	<p>Yes - refer assessment</p>
<p>A5 SHUTTLE BUS SERVICE</p> <p>The Proponent together with the Club must ensure the site is serviced by a regular bus to Woollooware railway station from the commencement of operation of the first development under the Concept Plan.</p>	<p>The applicant was committed to the provision of a shuttle bus service that was intended to operate in a loop system from the WBTC to Woollooware Station, Cronulla Beach, Cronulla Station and Caringbah Station. Shortly after the Occupation Certificate was issued for Stage 1 Residential (in November 2016) a public bus service (985) was extended past the frontage of the site to provide a loop from Caringbah to Cronulla. The loop does not incorporate Woollooware Station which is discussed further in the Assessment Section of the report.</p>	<p>Yes / No</p>

A6 LAPSING OF APPROVAL Approval of the Concept Plan shall lapse 5 years after the determination date shown above on this instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.	The Concept Plan has and is being given effect to with Stage 1 Residential complete and Stage 2 underway.	Yes- refer assessment
A7. INCONSISTENCY BETWEEN DOCUMENTATION In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.	The proposal is consistent with the Concept Plan approval as modified. See Assessment Section of the report.	Yes
SCHEDULE 2 - TERMS OF APPROVAL PART B - MODIFICATIONS	COMMENT	COMPLIES
B1 CAR PARKING The rate for visitor car parking spaces in the Residential Precinct shall be modified to 1 space per 5 dwellings (as amended by MP10_0229 MOD 4)	Proposal complies with MOD 4 parking amendments	Yes - Generally consistent
B2 RIPARIAN SETBACK The vegetated riparian buffer corridor, to be provided along the foreshore, must be a minimum of 40 metres wide, except for the 70 metres stretch adjacent to the retail loading dock, where the vegetated riparian buffer corridor must be a minimum of 35 metres wide.	The proposal does not result in any change to the required riparian setback. This area will be the subject of a separate DA.	Yes
SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS		
BUILT FORM 1. Future applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the buildings and a range of high quality materials and finishes. 2. Future applications for the Retail and Club Precinct shall ensure that the frontages to Captain Cook Drive, Woollooware Road and the riparian zone are activated at ground level and demonstrate sufficient articulation to the satisfaction of the consent authority. 3. Future applications for the Residential Precinct shall ensure that the frontages to Captain Cook Drive, tidal creek adjacent the western grandstand, Solander Fields and the riparian zone are activated at ground level, including individual direct street access to	Architectural comments included in the Assessment Section of the report above. Not relevant to this application. The building is sufficiently articulated – see Assessment Section of report	Yes N/A Yes

the satisfaction of the consent authority.		
4. Future applications for the Grandstand Precinct shall detail the allocation of the gross floor area, including the design and access arrangements consistent with the Concept Plan.	Not relevant to this application.	N/A
RESIDENTIAL AMENITY 5. Future applications for the Residential Precinct shall demonstrate compliance with the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying residential Flat Design Guide.	The proposal complies with SEPP 65 and the ADG.	Yes
CAR PARKING 6. Future applications shall provide the following: (a) Residential Precinct Parking is to be provided at the following rate: (i) 1 space per 1 bedroom apartment; (ii) 1 space per 2 bedroom apartments; (iii) 2 spaces per 3 bedroom apartment; (iv) 1 visitor space per 5 apartments; and* (v) 1 space per 30m ² of commercial GFA*. (b) Retail and Club Precinct parking and allocation to uses are to be determined following the submission of a parking study. * As amended by MP10_0229 MOD 4	Parking provision is compliant with MOD 5 – refer to Assessment section of the report. N/A	Yes N/A
SHUTTLE BUS SERVICE Each future application shall demonstrate that necessary agreements have been made in order to secure the on-going bus service between the site and the nearby railway stations	The applicant was committed to the provision of a shuttle bus service that was intended to operate in a loop system from the WBTC to Woollooware Station, Cronulla Beach, Cronulla Station and Caringbah Station. Shortly after the Occupation Certificate was issued for Stage 1 Residential (in November 2016) a public bus service (985) was extended past the frontage of the site to provide a loop from Caringbah to Cronulla.	Yes
ROADS AND MARITIME SERVICES 9. The first future application subject to the Concept Plan shall demonstrate that agreement has been reached between the Roads and Maritime Services and the proponent in regards to: (a) Provision of access to the site off Captain Cook Drive. (b) Details of a pedestrian fence within the median along Captain Cook Drive, between Gannons Road and Woollooware Road.	The access to the site off Captain Cook Drive via Foreshore Boulevard was constructed as part of the Stage 1 and Stage 2 development applications. In terms of (b) the median fencing on Captain Cook Drive has already been constructed. In terms of part (c) this pathway is proposed to be delivered under the foreshore landscape DA (yet to be lodged with Council).	Yes

(c) provision of a shared pathway along the northern perimeter to provide a linkage between the existing shared path, by running along the mangroves, and the new access road feeding to the proposed signalised intersection of Captain Cook Drive and Woollooware Road.		
TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN 10. Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include an investigation of car sharing schemes.	A TAG has been submitted with the application and will form part of the approval with a condition of consent included in Appendix A.	Yes
ECOLOGICALLY SUSTAINABLE DEVELOPMENT 11. Future applications shall demonstrate the incorporation of ESD principles in the design, construction and on-going operational phases of the development, including the selection of fabric and materials, water conservation and management indicatives', and energy efficiency and renewable energy initiatives.	The application has been reviewed by Council staff and architectural review panel and suitable ESD principles have been incorporated into the design, construction and ongoing operation phases of the development. Suitable conditions are to be placed on the development consent.	Yes
CONSTRUCTION AND OPERATIONAL IMPACTS 12. Future applications shall demonstrate that acoustic and vibration treatments to be implemented have regard to the recommendations of the Noise Impact Assessment prepared by Acoustic Logic, dated 29 July 2011.	A Noise Impact Assessment prepared by Acoustic Logic has been submitted with the application and is satisfactory.	Yes
SECTION 94 CONTRIBUTIONS 13. Future applications shall demonstrate development contributions to be paid to Council towards the provision or improvement of public amenities and services and will be required as a condition of consent for each detailed stage of the development. The amount of the contribution will be determined in accordance with the requirements of the Contributions Plans current at the time of approval.	Section 94 contributions will be imposed as conditions of consent and required to be paid prior to issue of the Construction Certificate.	Yes
PUBLIC DOMAIN AND LANDSCAPING 14. Future applications shall provide public domain treatments and landscaping generally in accordance with the landscape concept plans submitted with the PRR and prepared by Aspect Studios. This shall include details of the function and use of each landscaped area. 15. Future applications shall demonstrate those treatments and planting within riparian zones along Woollooware Bay and the tidal creek. 16. Future applications shall demonstrate how the development provides pedestrian and cycle linkages throughout the development, suitable for use by persons with disabilities,	Public domain treatment and general landscaping of communal open space areas on the podium are satisfactory subject to conditions. Remaining public domain works outside the subject site are intended to be delivered under a separate DA. A separate DA is proposed to be lodged by the applicant for the majority of the foreshore works. Council is requiring the works adjacent the Stage 3 development (including the tidal channel) to be delivered as part of the subject DA. This will address pedestrian and cycle paths. Refer to the Assessment	Yes Yes / No

and in accordance with relevant Australian Standards.	section of the report above.	
17. Future applications shall demonstrate the treatment of the boulevard within the Residential Precinct to ensure that this area is activated throughout the day.	Stage 3 incorporates residential apartments directly accessible via Foreshore Boulevard as well as the entry lobbies for Building B. Public domain treatment of this area should ensure high levels of pedestrian movement.	Yes
18. Future applications for the shopping centre must demonstrate that shopping trolleys and litter would be contained within the site and managed to prevent impacts to the riparian vegetation and the environment generally.	N/A	N/A
GROUNDWATER 19. Future applications are to demonstrate that the development does not impact upon the health of the groundwater dependent ecosystems.	Proposal is satisfactory subject to conditions.	Yes
CONTAMINATION 20. Future applications shall address any potential contamination on the site and implement the recommendation of the Environmental Investigation Services report, dated 30 June 2011, including: <ul style="list-style-type: none"> (a) The site being capped and the development constructed on piles, with excavation / disturbance kept to a minimum to avoid potential mobilisation of any contaminants in the landfill; (b) Suitable measures being taken to protect the buildings from methane gas and that the Office of Environment and Heritage licensed site auditor agree with these measures; (c) A Remedial Action Plan (RAP) be prepared that addresses all remedial work necessary to make the site suitable for the proposed development including capping requirements; (d) No groundwater is extracted for use on the development; (e) Suitable management plans are prepared to address any contingencies that may arise; and (f) An Environmental Management Plan (EMP) is prepared and is noted on the land title. 	The proposal is satisfactory subject to compliance with the RAP and site auditor requirements. Refer to the Assessment section of the report above.	Yes
DEPARTMENT OF PRIMARY INDUSTRIES (FISHERIES) 21. Future applications shall demonstrate that Department of Primary Industries (Fisheries) requirements have been met in relation to: <ul style="list-style-type: none"> (h) mangroves not being harmed in upgrading the existing mangrove boardwalk; (i) the foreshore boardwalk being setback from the crown of mangrove trees so that maintenance trimming for safety purposes will not be required over time; 	No mangroves are proposed to be removed as a result of the flood mitigation excavation works to the tidal channel. DPI Fisheries and Water has provided GTA's under s91A. The applicant will be required to obtain an Activity Approval from both departments once development consent is issued.	Yes

<p>(j) the proposed seawall being designed according to the principles in the “Environmentally Friendly Seawall Guidelines” produced by the former Department of Environment and Climate Change and Sydney Metropolitan Catchment Management Authority”.</p>	<p>The foreshore boardwalk or seawalls do not form part of this application.</p>	
<p>OFFICE OF ENVIRONMENT AND HERITAGE</p> <p>22. Future applications shall demonstrate that Office of Environment and Heritage requirements have been met in relation to:</p> <ul style="list-style-type: none"> (a) A Stormwater Management Plan (SMP) that details how all stormwater run-off will be collected and treated; (b) A Noise Management Plan (NMP) that investigates the likely impacts of construction and on-going operational noise on fauna using the adjacent estuarine areas as habitat; (c) A Lighting Management Plan (LMP) that minimises the impacts of light spill on threatened fauna using the adjacent estuarine areas as roosting and foraging habitat; (d) A Bird Management Plan (BMP) that investigates the potential for bird strike from reflective surfaces associated with the development and provides details of the construction materials and design methods that will be used to avoid or minimise the likelihood of bird strike; (e) A flood study that details potential impacts on Towra Point Nature Reserve in the event of a flood and includes strategies for preventing impacts; (f) A leachate management plan to ensure that no leachate from the landfill on the site is exported to the Towra Point Nature Reserve; (g) An Acid Sulfate Soil Management Plan prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulfate Soil Management Advisory Committee, 1998; and (h) An assessment of Aboriginal heritage. 	<p>A detailed assessment of the OE&H requirements is contained in the Assessment Section of the report above.</p>	<p>Yes</p>
<p>SYDNEY WATER</p> <p>23. Future applications shall address Sydney Water requirements in relation to:</p> <ul style="list-style-type: none"> (a) The required upsizing of the existing 150mm drinking water main to a 200mm main from the existing 375mm main on the corner of Kurnell Road and Hume Road; (b) The required upsizing of the existing 225mm wastewater main to a 300mm main in Captain Cook Drive, will require an extension of at least one metre inside the property boundary; and (c) The submission of an application, should the development generate trade wastewater, to discharge trade wastewater to the sewage system before business activities commence. 	<p>Council referred correspondence to Sydney Water and followed up with telephone calls but was unable to receive a response. A condition is imposed requiring compliance with the Concept Plan condition and a similar condition to that imposed on the Stage 2 residential development application.</p>	<p>Yes</p>