



DATE OF DETERMINATION	29 November 2017
PANEL MEMBERS	Bruce McDonald (Acting Chair), Peter Scaysbrook and Steve Simpson
APOLOGIES	Morris lemma; Kent Johns
DECLARATIONS OF INTEREST	Steve Simpson – declared a non-significant interest – he is a member of ‘Sharks’

Public meeting held at Sutherland Shire Council Room 203 and 204, on Wednesday, 29 November 2017 opened at 11.12 am and closed at 12:05 pm.

MATTER DETERMINED

2016SYE090 – DA16/1068 – Sutherland Shire Council: - Construction of 238 dwellings across 4 residential flat buildings, at 475 Captain Cook Drive, Woollooware

PANEL CONSIDERATION AND DECISION

The Panel considered: the matter listed and the material presented at the meeting and the matter observed at the site inspection.

The Panel determined to unanimously approve 2016SYE090 – Sutherland, DA16/1068, Construction of 238 dwellings across 4 residential flat buildings, 475 Captain Cook Drive, Woollooware, subject to conditions recommended within the Council Assessment Report with the addition of the following conditions:

New Condition for foreshore landscaping:

Foreshore Landscaping

A. Prior to Occupation

Prior to the issue of any Occupation Certificate

- i) A Final occupation certificate must be issued for the works within Stages A1 and A2 detailed in DA17/1585 prior to issue of any Occupation Certificate for this development consent (Stage 3 Residential). The landscape works to be completed must include the high level bridge as detailed in condition 31 of this consent.*

This condition should also be read in conjunction with Conditions 22, 28, 29, 30, 31, 33, 35, 38, 39, 40, 41 and any other relevant conditions of this consent.

- ii) A positive covenant under Section 88B of the Conveyancing Act 1919 must be created over Lot 3 DP 1218707 requiring that the landscaping works undertaken within Stage A1 as part of DA17/1585 be maintained in perpetuity.*

B. On-going

The on-going maintenance of the area within Stage A2 will be the responsibility of the relevant owner’s committee for Stage 3 Residential.

New Condition requiring modification to DA14/0598 as follows:

Modification of Development Consent No. DA14/0598

An application is to be made under Section 80A(5) of the Environmental Planning and Assessment Act 1979 requiring that Development Consent No. DA14/0598 is to be modified to require the on-going maintenance of the area within Stage A2 to be the responsibility of the relevant owner's committee for Stage 2 Residential, and this is to be done as follows:

- i) A positive covenant under Section 88B of the Conveyancing Act 1919 must be created over Lot 2 DP 1218707 requiring that the landscaping works undertaken within Stage A2 as part of DA17/1585 be maintained in perpetuity.*

Modified portion of Condition 22 regarding the maintenance of the channel

C. Prior to Occupation

- iv) A positive covenant under Section 88B of the Conveyancing Act 1919 must be created over Lot 3 DP 1218707 requiring that the sheet piling and channel works undertaken as part of this consent be maintained in perpetuity.*

D. Ongoing

The stormwater treatment facility sheet piling and channel shall be maintained in perpetuity by the respective owner's committee's for Stage 3 Residential and be:

- i) Kept clean and free from silt, rubbish and debris.*
- ii) Maintained so that it functions in a safe and efficient manner.*
- iii) Not be altered without the prior written consent 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.*

REASONS FOR THE DECISION

1. The proposed development will add further supply and choice of housing within the Sydney South District and the Sutherland Shire consistently with the previously approved Woolooware Town Centre Concept Plan approved by the Planning Assessment Committee pursuant to Part 3A of the EPA Act then in force and will result in improvements to and provision of public access to the foreshaw.
2. The proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies including SEPP 65 Design Quality of Residential Apartment Development, SEPP 55 – Redemption of Land, SEPP (Infrastructure) 2007.
3. The proposal subject to conditions imposed is consistent with and adequately satisfies the terms of consent of the previously approved Concept Plan including Condition 22 relating to Office of Environment and Heritage requirements.
4. The proposal adequately satisfies the applicable provisions and objectives of Sutherland Shire LEP 2015 and Sutherland Shire DCP 2015 noting that certain provisions of these instruments are overridden by the terms of consent of the Concept Plan

PANEL MEMBERS



Bruce McDonald (Chair)



Steve Simpson



Peter Scraysbrook

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE090 – DA16/1068
2	PROPOSED DEVELOPMENT	Construction and use of 238 dwellings across 4 residential flat buildings including associated podium car parking, communal areas, 4 ground level non-residential tenancies and flood mitigation works and associated landscaping
3	STREET ADDRESS	Part Lot 3 DP 1218707 – 475A Captain Cook Drive, Woollooware
4	APPLICANT/OWNER	Bluestone Capital Ventures No. 1 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) • State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP) • Apartment Design Guide (ADG) • Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) • Sutherland Shire Development Control Plan 2015 (SSDCP 2015)
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 21 November 2017 • Written submissions during public exhibition: (no.) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Matt Cruise ○ On behalf of the council – Amanda Treharne; Carolyn Howel; Mark Adamson
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • – Briefing Meeting 22 November 2016 • – Site Inspection 29 November 2017 • – Final Briefing Meeting 29 November 2017
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to council report