

## SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>2018SSH013</b>
<b>DA Number</b>	<b>MA17/0591 of DA16/1068</b>
<b>LGA</b>	<b>Sutherland Shire</b>
<b>Proposed Development</b>	Section 4.55(1A) modification of DA16/1068 - civil engineering modifications, construction staging and materials
<b>Street Address</b>	<b>475A Captain Cook Drive, Woollooware NSW 2230 (Part Lot 3 DP 1218707)</b>
<b>Applicant/Owner</b>	Emily McLaughlin (Bluestone Capital Ventures No.1 Pty Ltd) / Sharks Residential Pty Ltd
<b>Date of DA lodgement</b>	21 December 2017
<b>Number of Submissions</b>	<b>0</b>
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP)</b>	<b>General Development over \$30 million</b>
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> <li>• State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP)</li> <li>• Apartment Design Guide (ADG)</li> <li>• Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)</li> <li>• Sutherland Shire Development Control Plan 2015 (SSDCP 2015)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Calibre Consulting - Calculation Sheet dated 29 January 2018 (Project no.16-000464) JK Geotechnics - Geotechnical Investigations report dated 26 January 2018 (REF: 30738P2rpt)</li> <li>• Calibre Consulting – Sheet Pile Wall Plan &amp; Longitudinal Section Sheet 2 prepared 19 February 2018 (Job No.16/000464 Drawing no.CS3-5-11 Revision C)</li> <li>• Calibre Consulting – Sheet Pile Wall Details prepared 19 February 2018 (Job No.16/000464 Drawing no.CS3-5-12 Revision B)</li> <li>• NSW Department of Primary Industries – Fisheries</li> </ul>
<b>Report prepared by</b>	<b>Gavin Ho – Development Assessment Officer Sutherland Shire Council</b>
<b>Report date</b>	<b>19 March 2018</b>

### Summary of 4.15 matters

Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **EXECUTIVE SUMMARY**

### **REASON FOR REPORT**

This application is referred to the Sydney South Planning Panel (SSPP) as the development is beyond the delegation of Sutherland Shire Council.

Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011 previously excluded regional panels from exercising consent authority functions for modification applications for regional developments subject to section 96 (now clause 4.55) (1) and (1A) of the Act. Under the recent legislative changes adopted on 1 March 2018, clause 21 was amended to remove these exclusions. The application is therefore returned to the SSPP for determination.

### **PROPOSAL**

The application involves modification to Condition numbers 1, 24, 30, 31 and 52. The conditions relate to the stage of construction and the material of the sheet piling wall.

### **THE SITE**

The subject site is identified as Part Lot 3 DP 1218707 (No.475A) Captain Cook Drive, Woollooware and comprises a total land area of 1,684 hectares. Part Lots 1 and 2 contain Stages 1 and 2 of the residential development (Stage 1 having been completed and now occupied and Stage 2 currently under construction).

The Stage 3 site is located on the northern side of Captain Cook drive, directly west of the Southern Cross Stadium (home of the Cronulla Sutherland Rugby League Club) and to the west of Stages 1 and 2. The site was previously utilised as sports playing fields, but currently accommodates the temporary sales suite, construction site compound and storage associated with the construction of the Stage 2 development.

The approved development in DA16/1068 involves the third and final stage of the residential development approved under the Concept Plan (MP10\_0229) by the Planning Assessment Commission (PAC) in 2012. The Stage 3 works include 238 residential dwellings; 4 non-residential tenancies; 319 car parking spaces and required flood mitigation works.

### **ASSESSMENT OFFICER'S RECOMMENDATION**

#### **THAT:**

- A. That pursuant to the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the requested modification to Development Consent No. 16/1068 dated 21 December 2017 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 at Part Lot 3 DP 1218707 (No. 475A) Captain Cook Drive, Woollooware, be supported.

- B. That Development Application No. 16/1068 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 at Part Lot 3 DP 1218707, (No. 475A) Captain Cook Drive, Woollooware, be modified as follows:

**Modify Table in Condition No.1 as follows** (new text in **bold italics**)

<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
<b>Job No.16-000464 CS3-5-12 Revision B</b>	<b>Sheet Pile Wall Details</b>	<b>Calibre Consulting</b>	<b>Prepared 19.02.18</b>
<b>Job No.16-000464 CS3-5-11 Revision C</b>	<b>Sheet Pile Wall Plan &amp; Longitudinal Section Sheet 2</b>	<b>Calibre Consulting</b>	<b>Prepared 19.02.18</b>
<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

**Modify Condition No.24.A as follows** (new text in **bold italics**)

## **24. Drainage Channel Works - 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. ***Apart from the removal of the existing bridge. These bridge removal works must be undertaken in accordance with Condition No.30.*** These ***drainage channel*** works shall also include any plantings within the drainage channel area (i.e. 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 500mm 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 (i.e. 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.

**Modify Condition No.30 as follows:** (deleted text in ~~strike through~~, and new text in **bold italics**)

### **30. Removal of Existing Bridge**

#### **A. ~~Before Works~~ Prior to Occupation Certificate**

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. ***issue of any Occupation Certificate for the Stage***

***3 Residential Development, including any commercial elements contained therein, or the completion of the works relative to the Development Application for the Outside Broadcast Area for the Cronulla Sutherland Sharks Football Club (DA), whichever occurs earlier.***

***Immediately following the removal of the bridge and all support structures associated with it, the sheet piling and all other works relative to the flood mitigation works must be completed in their entirety.***

**Modify Condition No.31 as follows:** (deleted text in ~~strike through~~, and new text in **bold italics**)

### **31. 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 ***Consulting***, (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.

**Modify Condition No.52 (i) as follows:** (deleted text in ~~strike through~~, and new text in **bold italics**)

### **52. 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~~ ***is to be constructed of steel piles epoxy coated and fitted with cathodic protection in accordance with the Geotechnical Investigations report prepared by JK Geotechnics dated 26 January 2018, and the Sheet Pile Wall Plans prepared as by Calibre Consulting dated 19.02.18. The sheet pile wall must be fitted with a head cap.***

## **ASSESSMENT OFFICER'S COMMENTARY**

### **1.0 DESCRIPTION OF PROPOSED MODIFICATION**

An application has been made under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) to modify the terms of Development Consent No. 16/1068.

Council by Development Consent No. 16/1068 issued on 21 December 2017 granted approval 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 on the subject property. A copy of the development consent conditions is contained within Appendix A.

The specific modification sought to the approved development involves:

- Condition No.24:

To assist in the staged construction of the development, Condition no.24 has been modified to allow the removal of the existing bridge to occur *Prior to Occupation Certificate* rather than *Before Works*.

- Condition Nos.30 & 31:

Due to the proposed construction methodology and the relationship of the existing cable and services support structure in servicing the stadium, the proposed change to Condition Nos.30 & 31 will allow the works relating to the removal of the existing bridge and cable and services support structure to occur *Prior to Occupation Certificate*, rather than *Before Works*.

- Condition No.52 (i):

DA16/1068 specified that, *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*. The modification sought to this application is for the sheet pile wall to be constructed of steel piles with epoxy coating and fitted with cathodic protection in accordance with the documentation provided by Calibre Consulting dated 02/02/2018.

### **2.0 APPROVED DEVELOPMENT**

The approved development in DA16/1068 involves the third and final stage of the residential development approved under the Concept Plan (MP10\_0229) by the Planning Assessment Commission (PAC) in 2012. The Stage 3 works include the following:

- The construction of 4 residential flat buildings identified as Buildings A – D comprising 1 x two-storey building, 1 x 6-storey building, 1 x 7-storey building, and 1 x 13-storey building.
- Buildings, A, B and D are typical residential flat buildings of varying heights. Building C comprises 9 terrace houses constructed as part of the podium parking levels, which front the eastern landscaped area and tidal channel;
- Provision of 238 dwellings comprised of;

- 92 x 1 bedroom apartments
- 118 x 2 bedroom apartments
- 28 x 3 bedroom apartments
- Provision of 4 ground level non-residential tenancies,
- Provision of 319 car parking spaces within the two storey podium,
- Provision of an indoor / outdoor recreation area on the roof of Building B comprising a lap pool and other facilities;
- Provision of a community room (or 'Men's Shed') on the Ground Floor level;
- Provision of associated landscaping and public domain works;
- Extension of services and infrastructure as required, including flood mitigation works to the adjacent drainage channel and the construction of a high level emergency evacuation bridge adjacent the eastern side of Building D.

The detailed development assessment report in relation to this development under section 79C of the EP&A Act is attached within Appendix B.

At present stage 3 has not commenced construction.

### **3.0 BACKGROUND**

A history of the development proposal is as follows:

- Concept Plan approval for Major Project No.MP10\_0229, was issued on 27 August 2012 by the NSW Planning Assessment Commission under the provisions of Part 3A of the Environmental Planning and Assessment Act.
- Since the initial approval a total of seven modifications have been lodged.
- Stage 1 of the development (DA13/0270) was determined by the Sydney East Joint Regional Planning Panel on 22 August 2013.
- Stage 2 of the development (DA14/0598) was determined by the Sydney East Joint Regional Planning Panel on 11 December 2014.
- Stage 3 of the development (DA16/1068) was submitted on 19 August 2016. It was determined by the Sydney East Joint Regional Planning Panel on 29 November 2017, and development consent granted on 21 December 2017 subject to suitable conditions of development consent.
- The current modification application was submitted on 21 December 2017.
- A Geotechnical Investigations report for the new sheet pile material was received by Council on 2 March 2018, and structural plans submitted on 6 March 2018.

### **4.0 NATURE OF MODIFICATION SOUGHT**

This application proposes the modification of Development Consent No. 16/1068 pursuant to Section 4.55(1A) of the EP&A Act.

An assessment of the type of modification proposed has been carried out in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000 (EP&AR 2000) and a Section 4.55(1A) is the appropriate type of modification application.

## **5.0 PUBLIC PARTICIPATION**

As the application involves modification under Section 4.55(1A) of the EP&A Act advertising and notification are at Council's discretion. In the case of this application advertising and notification were not required.

## **6.0 STATUTORY CONSIDERATIONS**

The subject land is located within Zone B2 Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a modification to construction staging and materials to DA16/1068 approved shop top housing, is permissible within the zone with development consent from Council.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- 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)

## **7.0 SPECIALIST COMMENTS AND REFERRALS**

The application was referred to the following internal and external specialists for assessment and the following comments were received:

### **7.1 NSW Department of Primary Industries – Fisheries**

The application was referred externally to the NSW Department of Primary Industries – Fisheries. The Department did not raise any objection to the change in the material of the sheet piling from plastic to steel. Therefore the application is considered satisfactory in this regard, subject to the incorporated conditions of development consent.

### **7.2 Development Engineer**

The application was referred internally to Council's Senior Development Engineer to review the proposed modifications sought to this application. The modification to Condition 30 is considered

acceptable and no objection is raised. Modification to Condition 31 is not considered satisfactory and it was agreed that no gap can be left in the sheet piling except below the location of the vehicle/pedestrian bridge. As a result this condition will remain as applied in DA16/1068.

### **7.3 Environmental Science**

The application was referred internally to Council's Environmental Science Unit. No objections are raised with the modification to Condition 52 relating to the material of the sheet pile wall and capping.

## **8.0 ASSESSMENT**

A detailed assessment of the application has been carried out having regard to the Heads of Consideration under Section 79C(1) of the EP&A Act.

The following matters are considered important to this application.

### **8.1 Proposed Modification**

The application required specialist comments from Council's Engineering and Environmental Science units. These comments are detailed above in Section 8 of this report. The proposed modification to Condition 30 and 52 are considered acceptable. Condition 31 is not supported as no gap can be left in the sheet piling except below the location of the vehicle/pedestrian bridge as detailed in Condition 30.

Condition 24, has also been modified to be in accordance with the proposed modification to Condition 30, to allow the removal of the existing bridge to occur *Prior to Occupation Certificate* rather than *Before Works*.

## **9.0 SECTION 94 CONTRIBUTIONS**

S94 contributions were levied on the original DA16/1068, as follows:

- Shire Wide Open Space and Recreation Facilities 2005: \$2,171,350.16
- Community Facilities Shire Wide 2003 Plan: \$358,925.42

The proposed modification does not increase the demand for public facilities and therefore the Section 94 contributions remain unchanged.

## **10.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS**

Section 147 of the EP&A Act requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

## **11.0 CONCLUSION**

The subject land is located within Zone B2 Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a modification to construction

staging and materials to DA16/1068 approved shop top housing, is permissible within the zone with development consent from Council.

This application satisfies the requirement that the development to which the consent as modified relates will remain substantially the same development as that originally granted consent. Further, there is no necessity for consultation with any Minister, public authority or approval body in respect to the modification sought by this application.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the EP&A Act, together with the provisions of SSLEP2015 and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that the Modification Application No.17/0591 can be supported.

#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (GH).