

2018SSH014 - 475B Captain Cook Drive, Woollooware

MA17/0523

ASSESSMENT REPORT APPENDICES

Appendix	A	Approved Conditions of Consent DA14/0598
	B	JRPP Report 2014SYE073
	C	Lower Ground Level Plan

APPROVED CONDITIONS OF MODIFIED CONSENT
Modification Application No. 17/0049

1. Approved Plans and Documents

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

Architectural Plans by Turner			
Drawing No.	Revision	Name of Plan	Date
A-DA-100-020	C	Site Plan/Staging Plan	28.5.14
A-DA-110-001	P	Lower Ground Level	02.12.14
A-DA-110-001	S	Lower Ground Level	10.03.17
A-DA-110-002	T	Upper Ground Level	02.12.14
A-DA-110-002	V	Upper Ground Level	10.03.17
A-DA-110-010	N	Level 1	05.11.14
A-DA-110-020	E	Level 2	22.08.14
A-DA-110-020	N	Level 2	10.03.17
A-DA-110-030	N	Level 3	22.08.14
A-DA-110-030	O	Level 3	10.03.17
A-DA-110-040	M	Level 4	22.08.14
A-DA-110-040	O	Level 4	10.03.17
A-DA-110-050	L	Level 5	22.08.14
A-DA-110-060	L	Level 6	22.08.14
A-DA-110-070	M	Level 7	06.11.14
A-DA-110-070	R	Level 7	10.03.17
A-DA-110-080	E	Level 8	10.11.14
A-DA-110-080 * (see new Condition 1a below)	Q	Level 8	10.03.17
A-DA-110-090	J	Level 9	22.08.14
A-DA-110-090	M	Level 9	10.03.17
A-DA-110-100	J	Level 10	22.08.14
A-DA-110-110	J	Level 11	22.08.14
A-DA-110-120	K	Level 12	06.11.14
A-DA-110-120	O	Level 12	10.03.17
A-DA-110-130	H	Level 13	10.11.14
A-DA-110-130	L	Level 13	10.03.17
A-DA-110-140	G	Roof	06.11.14
A-DA-110-140	K	Roof	10.03.17
A-DA-112-001	B	Adaptable Apartments	29.05.14

A-DA-112-002	B	Adaptable Apartments	29.05.14
A-DA-210-010	E	North Elevation	05.11.14
A-DA-210-010	G	North Elevation	10.03.17
A-DA-210-020	I	South Elevation	05.11.14
A-DA-210-020	K	South Elevation	10.03.17
A-DA-210-030	G	East Elevation	05.11.14
A-DA-210-030	I	East Elevation	10.03.17
A-DA-210-040	G	West Elevation	05.11.14
A-DA-210-040	I	West Elevation	10.03.17
A-DA-310-010	G	Section AA	22.08.14
A-DA-310-010	I	Section A-A	10.03.17
A-DA-310-020	F	Section BB	05.11.14
A-DA-310-020	H	Section BB	10.03.17
A-DA-310-030	F	Section CC	05.11.14
A-DA-310-030	H	Section CC	10.03.17
A-DA-320-010	G	Façade Sections- Section 01	29.05.14
A-DA-320-010	E	Façade Sections – Section 01	10.03.17
A-DA-320-020	G	Façade Sections- Section 02	29.05.14
A-DA-320-020	E	Façade Sections – Section 02	10.03.17
A-DA-320-030	C	Façade Sections- Section 03	29.05.14
Landscape Drawings by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
11017RESDA2-01	A	Residential Site Plan	June 2014
11017RESDA2-02	A	Residential Landscape Plan	June 2014
11017RESDA2-03	A	Residential Landscape Plan	June 2014
11017RESDA2-04	A	Residential Landscape Section and Precedents.	June 2014
11017RESDA2-05	A	Residential Planting Strategy	June 2014
Civil Infrastructure Drawings by AT&L			
Drawing No.	Revision	Name of Plan	Date
DAC01	P2	Notes and Legends	20.03.13
DAC02	P2	Roadworks and Stormwater Drainage Plan- Sheet 1	20.03.13
DAC03	P2	Roadworks and Stormwater Drainage Plan- Sheet 2	20.03.13
DAC05	P2	Road 01 Cross Sections	20.03.13

DAC07	P2	Typical Cross Sections	20.03.13
DAC10	P2	Road 01 Longitudinal Section	20.03.13

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

- a) Removal of the planters within the eastern and westernmost private terraces on Level 8 is not permitted as part of this modification.**

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 and with a minimum of 2 days' notice of such commencement.

Note: This consent does not approve the detailed operation and fitout of the cafe. Separate approvals (except where Exempt and Complying Development applies) must be obtained for the use/fitout.

Note: In accordance with Condition 29 Concept Approval No. MP_0229, the two replacement playing fields shall be completed prior to the commencement of any works relative to the residential component of the Concept Approval.

(Modified – 19 September 2017)

2. Staged Development

A. Staged Development

Under Section 83B of the Environmental Planning and Assessment Act, Development Consent is granted for Stage 2 of the residential development only. Subsequent development applications must be submitted to obtain approval for further stages.

B. Construction Certificate

Notwithstanding any other condition of this consent, the consent permits separate staged Construction Certificates to be issued provided that all conditions of consent relevant to the development incorporated within each of such stages have been complied with prior to the release of the Construction Certificate for that stage.

3. Requirements of Authorities

A. Requirements from Other Authorities

The development must be undertaken in accordance with the requirements of the following authorities:

i. Sydney Water

The works, including the following, shall be designed and constructed as per the Sydney Water letter dated 9 July 2014:

- Water: A 200mm main frontage as specified in the WSA code (Minimum Pipe Size Section 3.1.2/table 3.1). The developer must provide a water servicing concept design at the Section 73 Application stage to enable Sydney Water to determine detailed requirements.
- Wastewater: the wastewater main available for connection is the 225mm main constructed under WO47356. The proposed wastewater infrastructure shall be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
- A Water Servicing Coordinator shall be engaged to obtain a Section 73 Certificate and manage the servicing aspects of the development.

ii. Ausgrid

Electrical supply kiosks shall be designed and constructed as per the requirements of Ausgrid, including any land dedications or access easement/s required by that Authority.

iii. Roads and Maritime Services

- Details of the proposed internal road shall be submitted to Roads and Maritime Services for approval.
- The design drawings and documents relating to any excavation of the site and support structures shall be submitted to Roads and Maritime Services for assessment, in accordance with Technical Direction GTD2012/001.
- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the Roads and Maritime's approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime's Project Engineer, External Works Ph: 88492114 or Fax: 8849 2766.

- All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime.

4. Detailed Flood Mitigation Works Design and Construction

A fully detailed design is to be prepared to achieve the outcomes of the Flood Study shown in at Appendix G of the report prepared by WMA water dated March 2013 and as amended by the letter from AT&L dated 22 August 2014 (Ref: 11-59-10-001_1) and further amended by the Flood Assessment Report and Evacuation Plan for the Residential Site Stage1 and Stage 2 prepared by WMA Water dated 13 October 2014 and the "Staging of Works" proposed in the letter of AT&L dated 18 November 2014 (Ref: 11-59-10-001_2).

The design shall be submitted to Sutherland Shire Council's Director - Shire Infrastructure for approval prior to the commencement of any site works. The design is to include full details of the proposed flood mitigation works required for Stage 2.

No Occupation Certificate shall issued until the Flood Evacuation Route is fully constructed and the Flood Response Plan has been prepared and formally adopted in accordance with the report prepared by WMA Water dated 13 October 2014.

5. High Flood Risk Areas

Footpaths and other publically accessible areas identified in, or immediately adjacent to, high flood risk areas shall be rendered safe by ensuring that the velocity/depth is less than 0.4m or that suitable fencing and warning signs are in place. In high flood risk areas in roads, suitable bollards across the floodway shall be installed to ensure that vehicles are not washed into the floodway or onto pedestrian access.

6. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage 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 two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two 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.

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 multiply bank guarantees to be lodged.

The performance referred to within this condition relates to that of all works undertaken within existing or proposed to be dedicated public areas as part of this consent.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council twelve (12) months after all works relating to this consent have been completed and received a satisfactory Final Inspection. 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.

Notwithstanding the above, the bond required to be secured to Council under Condition 7 of DA13/1270 may be maintained until all works relating to this consent have been completed and received a satisfactory Final Inspection. A new bond of \$100,000 will be payable to Sutherland Shire Council in the event that the previous bond is released or the stage 2 works proceed before the stage 1 works. This new bond must be in place prior to the release of the bond associated with DA13/0270.

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.

7. 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 \$1,483,599.74 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 178 proposed 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.

8. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$245,239.50 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 178 proposed 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

9. Occupation/Use or Works on Public Lands

A. Before Construction

No occupation or works are to be carried out on public land (including any road, footpath, Solander Fields and the adjacent carpark) 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.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier.

10. Design and Construction of Works in Central Road.

The proposed development generates a need for the following works, largely in 'Central Road' and Captain Cook Drive, to be designed and carried out. The design will generally comply with the approved architectural design drawings, except where amended by this Consent and shall address the following;

- i. Establish the property alignment levels and crossing profiles;
- ii. Construct pedestrian footpaths, road pavement and kerb and gutter;
- iii. Construct planter beds/gardens where required;
- iv. Alter / install street signage where required,
Note: Although Central Road is a private road it is defined as a Public Place and shall therefore be signposted to comply with the requirements of the NSW Motor Traffic Regulations.
- v. Install public services infrastructure where required, including telecommunications and cable television conduits;
- vi. Construct stormwater drainage infrastructure;
- vii. Install street trees, together with protective surrounds where required; and
- viii. Ensure there are adequate transitions between newly constructed and existing infrastructure.

A. Before Construction

Establish the property alignment levels and crossing profiles.

B. Before Occupation

All works within the road and the flood evacuation route detailed within the WMA Water report must be completed to the satisfaction of the Supervising Engineer before any occupation of the development:

Certification must be provided from a Registered Surveyor to the effect that 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.

Certification shall be provided from the Supervising Engineer, to the effect that:

- i. All civil engineering 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 any public works, Council's "Specifications for Civil Works associated with Subdivisions and Developments". Prior to any occupation or use of the building the applicant/owner shall submit to Council a copy of the aforementioned letter of certification.
- ii. The construction of the road works, including any drainage system and flood evacuation route for the proposed development, has been carried out generally in accordance with the requirements of the approved drawings, stormwater drainage plans and all relevant Conditions of development consent.

The Supervising Arborist/Landscape Designer/Landscape Architect must certify the street trees are the correct species and were installed in accordance with the Development Consent. Prior to any occupation or use of the building the applicant/owner shall submit to Council a copy of the aforementioned letter of certification.

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 be included with any Occupation Certificate. The Works-As-Executed drawings must also include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:

- i. invert levels,
- ii. surface and pavement levels.

11. Construction Management Plan and Construction Traffic Management Plan

A. Before Commencement of Works including Demolition

The Environmental Management Plan dated February 2013, and Construction Site Management Plan dated 16 April 2014 prepared by Parkview Constructions must be implemented and amendments made prior to release of the Construction Certificate to incorporate the following:

- i. Recommendations from the Gas Management Plan prepared by DLA Environmental dated February 2013 with regard to gas monitoring, WHS procedures for working in gas affected areas and construction management actions;
- ii. Recommendations from the Acid Sulfate Soils Management Plan prepared by DLA Environmental dated February 2013 with regard to construction management;
- iii. Recommendations from the Site Asbestos Management Plan prepared by DLA Environmental dated February 2013 with regard to asbestos monitoring, WHS procedures for working in asbestos contaminated soils and construction management actions.

- iv. Recommendations from the Civil Infrastructure Report prepared by AT&L dated March 2013 with regard to sedimentation and erosion control.

The amended Environmental Management Plan and Construction Site Management Plan must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2006 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i. safe access to and from the site during construction and demolition;
- ii. safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting;
- iii. location of and method of loading and unloading excavation machines, building materials;
- iv. how and where, construction materials, excavated and waste materials will be stored;
- v. methods to prevent material being tracked off the site onto surrounding roadways;
- vi. erosion and sediment control measures surrounding and within the site;
- vii. location and reach of tower cranes;
- viii. location and extent of any required work zones, concrete pump and concrete truck locations within or external to the site;
- ix. location of site management sheds, toilets and the like.

B. Before Construction

Prior to the issue of any Construction Certificate, a Construction Traffic Management Plan shall be prepared by a suitably qualified practitioner in traffic management. The plan shall comply with all relevant standards and industry practices and detail all temporary signposting and linemarking and applicable traffic management devices, traffic signals, traffic co-ordinators and the like. The plan shall be submitted to the Accredited Certifier for inclusion with the Construction Certificate. The Private Certifying Authority must ensure that the plan has been implemented prior to any site works being commenced.

C. During Works

The site, traffic and construction management measures set out in the above plan must remain in place and be maintained throughout the period of works or modified as required by the issue of subsequent plans until the site has been stabilised and landscaped or until those parts of the works detailed on the plans have been completed. Amended plans reflecting any changes in the site plan to suit the construction planning shall be submitted to the aforementioned practitioner, the Accredited Certifier, the PCA and Sutherland Shire Council as required.

12. 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 Civil Assets Unit, 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.

13. Supervising Engineer

A. Before Construction

The applicant must engage an appropriately qualified Supervising Engineer to supervise construction of any:

- i) road works;
- ii) construction/ installation of stormwater drainage;
- iii) rainwater harvesting;
- iv) rainwater reuse facilities;
- v) all other works that may form part of a future subdivision.

B. During Construction

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

- i) Council's current "Specification for Civil Works Associated with Subdivisions and Developments" for works in the public area;
- ii) Any frontage works design approved by Council and/or others;
- iii) All relevant conditions of development consent;
- iv) Any Consent issued under the Roads Act for this development;
- v) Appropriate design parameters in applicable Australian Standards.

C. Before Occupation

The Supervising Engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of this condition and the relative conditions of consent have been met.

14. Car Parking and Access

A. Design

All vehicular access, parking and maneuvering areas including loading areas must be designed and constructed to comply with AS2890.1, AS2890.3, AS2890.2, AS2890.6, and AS4299. The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) An accessible path of travel from all adaptable dwelling parking spaces to the nearest lift lobby is to be provided in accordance with the Requirements of Australian Standard AS4299-1995.
- iii) All parking spaces abutting walls of residential apartments shall be fitted with wheelstops in accordance with Australian Standard AS2890.1.
- iv) All "stacked" parking spaces shall be signposted clearly to delineate the units to which they have been allocated.
- v) Visibility for pedestrians accessing/egressing the garbage storage area shall be provided in accordance with the requirements of Australian Standard AS2890.1-2004 Figure 3.3.
- vi) All storage areas, lift lobbies, plant rooms, maintenance access points and the like having direct access from a vehicle access aisle shall be signposted "No Stopping".
- vii) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct, service conduit or fire extinguisher head, or to the underside of any door including a security door and fittings when those doors are in an open position.
- viii) Any garage must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- ix) The minimum height clearance for all vehicular parking spaces for Adaptable and Disability Parking shall be 2.5m

B. Prior to the Issue of Construction Certificate

Details shall be provided by a qualified traffic engineer certifying that all of the requirements for vehicular access, parking and manoeuvrability for the development are provided as per the requirements of "A" above and are designed and constructed to comply with Australian Standards AS/NZS 2890.1-2004, AS2890.2-2002, AS2890.3, AS/NZS2890. 6 and AS4299.

C. Prior to Occupation

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

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

Residential Dwellings	199 spaces
Residential Visitors	36 35 spaces
Car Wash Bay	1 common space
Retail/Commercial (Cafe)	2 spaces 1 space
Shared visitor / commercial spaces	1 space
Bicycle Parking	53 spaces

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

D. Prior to the release of any Subdivision Certificate

Visitor parking facilities and car wash bays must be designated as common property on any strata plan.

E. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) the car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.
- ii) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles
- iii) any parking nominated as visitor parking or common property must be continually available as common property.

(Modified – 19 September 2017)

15. Drainage Design Requirements

A. Design

A detailed drainage design must be prepared in accordance with Sutherland Shire Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management') "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 and the BASIX Certificate issued against this development.

The design must include;

- i) An Easement to Drain Water through the site and, if required, adjoining downstream properties to the point of discharge at the existing stormwater drainage headwall. The easement width should be sufficient to cater for the modelled overland flows for the 1% AEP event and the velocity/depth must be less than 0.4. Notwithstanding these criteria, the minimum width of the easement shall not be less than 3.0m. The walls or supports of any structure adjoining the easement must be designed to withstand all necessary forces should excavation to the depth of the pipe invert levels be required.

- ii) A detailed drainage design 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, 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 pipeline within the road reserve including 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.
- v) A physical barrier (eg. concrete kerb or earth mound within the landscaping) must be provided around the perimeter of the site to prevent the discharge of surface water flows onto adjoining properties or the road reserve other than to drainage systems constructed as part of this consent.
- vi) Water from pathways and access drives must be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- vii) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect must be incorporated in the submitted drainage plans / details.
- viii) The design floor level, including the level of any opening in the wall adjacent to the drainage easement, must be set 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 drainage swale within the easement within or adjacent to the site and in accordance with the requirements of the flood assessment report undertaken by WMA water. Specific certification from a designer to this effect must be incorporated in the submitted drainage design / details.
- x) 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 underboring techniques to reduce any adverse impact on the root zone of the trees.
- xi) The design drawings are to indicate the alignment, sizes, type, class, grades and lengths of all the pipelines, rainwater tanks, irrigation system, overland flow path within the easement and associated structures,
- xii) The drainage from the western side of the 'central road' carriageway and adjacent footpath areas shall be directed to the Easement to Drain Water.
- xiii) A stormwater treatment measure shall be constructed to service Stage 2.

B. Before Construction

Certification issued by an appropriately accredited person to the effect that the above design requirements have been met must accompany the Construction Certificate.

C. Before Occupation

- i) Evidence that an Easement to Drain Water in favour of Sutherland Shire Council has been created over the site and adjoining properties (under the provisions of Section s.88B of the Conveyancing Act) shall be provided to Sutherland Shire Council. The required easement must be created, or the bond to be paid under Condition 15 of DA13/0270 is to be maintained until the easement is created and evidence of that easement is provided to Council.

A new bond of \$35,000 will be payable to Sutherland Shire Council prior to the issue of any Construction Certificate in the event that the previous bond is required to be released or the stage 2 works proceed before the stage 1 works. This new bond must be in place prior to the release of the bond associated with DA13/0270.

- ii) Certification from a Registered Surveyor shall be provided with the Occupation Certificate 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 or proposed by conditions of this development consent have been provided.
- iii) Certification from the Supervising Engineer shall be provided with the Occupation Certificate, 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.
- iv) 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 the Occupation

Certificate. The Works-As-Executed drawings must also include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:

- a) invert levels,
- b) surface and pavement levels,
- c) floor levels, including adjacent property,
- d) maximum water surface level for a 1% AEP storm event,
- e) 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 required detention facility or stormwater treatment device.

D. Ongoing

The stormwater drainage swale shall be:

- i) Kept clean and free from silt, rubbish and debris.
- ii) Be maintained so that it functions in a safe and efficient manner.
- iii) 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

16. Stormwater Treatment

A. Design

Appropriate stormwater treatment measures, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", and also in compliance with the Residential Civil Infrastructure Report, prepared by AT&L dated March 2013 must be provided as part of the permanent site stormwater (water quality) management system.

Details must accompany the Construction Certificate. The measures must also comply with the requirements of the Lower Georges River Catchment Management Plan.

Separate treatment facilities for the treatment of all stormwater flows originating in Captain Cook Drive shall be employed for the pipeline within the required Easement to Drain Water unless constructed prior as part of the stage 1 works (DA13/0270).

B. Before Construction

Prior to the issue of any Construction Certificate, detailed stormwater, erosion and sediment control plans and maps must be submitted to Sutherland Shire Council's Director Planning and Environment for approval demonstrating the following:

- i) Details of Sediment and Erosion controls that will be implemented during the construction phase to minimise any potential environmental impacts.
- ii) Compliance with the Construction Management Plan submitted to Council, prepared by Parkview Constructions dated 16 April 2014.

C. During Construction

The Stormwater and Erosion Management Plan detailed in the Construction Management Plan prepared by Parkview Constructions, dated 16 April 2014 must be implemented under the supervision of an appropriately qualified environmental consultant.

D. 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.

E. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' specification.

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.

17. 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 8 April 2014 and the Review of Noise, Light and Bird Strike Potential, dated 22 August 2014 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 Review of Noise, Light and Bird Strike Potential, dated 22 August 2014. 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.

18. Public Utilities

This condition is imposed to facilitate the provision of services to the development site 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.

19. Acid Sulfate Soil Management

A. During Works

The Acid Sulfate Soil Management Plan (Stage 2), prepared by DLA Environmental dated February 2013, must be adopted and adhered to for the duration of works. All works must be carried out under the supervision of a suitably qualified environmental scientist.

B. Before Occupation

The supervising environmental scientist must certify in writing that the management of acid sulfate soil was undertaken in accordance with the above plan prior to the issue of any Occupation Certificate.

20. Detailed Landscape Plan - Greenweb Support

A. Design

A detailed landscape plan must be prepared by a qualified landscape designer or Landscape Architect and included as part of the Construction Certificate.

Note: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

The plan must be prepared in accordance with Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 (Landscaping Parts 1-5).

The Detailed Landscape Plan must be based on the Concept Landscape Plan Dwg. No. RES DA2 01-05, Rev A, dated June 2014 and prepared by Aspect Studios and must also include the following:

- i) Provision of at least five (5) small indigenous canopy trees in enlarged planter boxes along the eastern edge of the ground floor gardens in Central Street (Units G.G.01 and G.G.02) to provide connectivity with the podium level plantings;
- ii) The location of pool fencing and gates;

- iii) The communal open space areas including all planter boxes/planting areas on slab must be provided with a water-efficient irrigation system and taps at 25m spacings, connected to a pump and the rainwater tank /OSD tank, to enable effective landscape maintenance;
- iv) A 12 month maintenance programme.

B. Before Construction

The Detailed Landscape Plan required to comply with 'A' above must accompany the documentation forming part of the Construction Certificate.

C. During Construction

During any works the applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee the landscape works. This person must check the landscape construction works at regular intervals and oversee any design changes due to unforeseen circumstances.

If indigenous tree and shrub species are unavailable at the time of planting, alternative species that grow to the same height must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au) and search for Native Plant Selector).

D. Before Occupation

The landscape works must be completed prior to any Occupation Certificate or occupation of the premises. Certification must be provided by a qualified Landscape Designer or Landscape Architect that all landscaping works have been carried out in accordance with 'A' above and that all new indigenous plants on the site and within the road reserve are the correct species.

E. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months or until the trees are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP Chapter 4).

21. Tree Retention and Protection

A. Before Works

Before the commencement of any works on the site a supervising Arborist must be engaged to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 5.

Before the commencement of any works on the site the following trees as marked on Landscape Plan titled Dwg. No. 11017 RES DA2 01-05 (Revision A), prepared by Aspect

Studios, dated June 2014 and Tree Protection Plan contained in Appendix 7 of the Arborist report prepared by Earthscape Horticultural Services (Dwg No, T13-02032 Sheets 7-8, dated 28/03/2013) must be retained and protected:

Tree Nos.	Tree Species (botanical and common name)	Location on site
90-97, 99, 102-105, 108	Mixed <i>Corymbia maculata</i> and <i>Casuarina glauca</i> ,	Western boundary, Solander Fields carpark area (Council land)

The tree protection measures identified in Appendix 2 of the Development Impact Assessment Report prepared by Earthscape Horticultural Services (May 2014) shall be adhered to, in addition to the following:

- i. Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- ii. 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.
- iii. 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.
- iv. Any approved works within this tree protection zone must be under the direction and to the satisfaction of an Arborist.
- 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.

B. During Construction

- i. The tree protection measures detailed in 'A' above must be maintained during construction.
- ii. If the trees 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.

22. Remedial Works

To ensure that any contamination on site is properly remediated and that the site is suitable for the proposed use:

A. Design

The development must be modified as necessary to accommodate the requirements of the

Remedial Action Plan (RAP) prepared by DLA Environmental and dated February 2013, including the Methane Gas Management Plan, Acid Sulphate Soil Management Plan and Asbestos Management Plan included in this report. The RAP is to address the Enviroview Pty Ltd letter dated 4 March 2013 that requires the submission of an amended Gas Management Plan following a resolution of the design construction methods. Any variations to the approved RAP must be approved by an Accredited Site Auditor and the Principal Certifying Authority prior to being undertaken.

B. Before Construction

The remedial works detailed in the approved RAP shall be completed under the supervision of an Accredited Site Auditor prior to the commencement of works associated with the built form of the development approved by this consent.

C. At Completion of Remediation

A Statutory Site Audit Statement prepared by an appropriately qualified person verifying that the site has been fully remediated in accordance with the recommendations of the Remedial Action Plan and the site is suitable for the proposed use, shall be completed and submitted to the PCA and to Sutherland Shire Council within 30 days of the completion of the remedial works.

D. Ongoing

Any ongoing monitoring required by the RAP or Site Audit Statement must be undertaken under the supervision of an appropriately qualified Environmental Scientist. Copies of all monitoring results are to be submitted to Sutherland Shire Council.

Note: Contaminated land involves serious ongoing risk to human and environmental health. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

23. Imported 'Waste Derived' Fill Material

In order to ensure that imported fill is of an acceptable standard for environmental protection purposes:

A. Design

The only waste derived fill material that may be received at the development site must be:

- i) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997).
- ii) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

B. Prior to Commencement / Issue of Construction Certificate

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

24. Disposal of Site Soils

A. During Works

All soils excavated from the subject site are to be classified under the NSW Department of Environment and Climate Change Waste Classification Guidelines (2009). Testing is required prior to off site disposal.

In accordance with DECC Waste Classification Guidelines (2009) materials identified for off site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

B. Prior to Occupation or Commencement of Use

Evidence that the requirements specified in 'A' above have been satisfied must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Environmental Science.

25. Shuttle Bus

A. Before Occupation

A shuttle bus shall be provided to service the development 7 days per week commencing from the issue of the first Occupation Certificate until the day of the first timetabled public bus service stopping at the new bus bays in Captain Cook Drive.

The bus shall operate as described below:

- i. Minimum capacity: 22 seats
- ii. Minimum hours & frequency as follows:

	Monday to Friday				Saturday	Sunday
Time	6am-9am	9am-4pm	4pm-7pm	7pm-9pm	8am-9pm	9am-2pm
Min Frequency	30min	30min	30min	60min	60min	60min

- iii. Set down and pick up points: from the development to Woollooware, Caringbah and Cronulla Railway Stations.
- iv. Link with train timetable: bus services shall align with the train timetable between 6am-8pm Monday to Friday.

26. Environmental Management

A. Before Construction

Prior to the issue of the Construction Certificate, the following information is to be submitted to Sutherland Shire Council's Director Planning and Environment for approval demonstrating that the development has incorporated (including details of how they will be implemented):

- i. The mitigation measures recommended in the Microbat Monitoring Report (prepared by Eco Logical Australia dated 22 August 2014).
- ii. The recommendations and measures of the Review of Noise, Light and Bird Strike Potential (prepared by Eco Logical Australia dated 22 August 2014).
- iii. The recommendations and guidelines proposed in the Vegetation Management Plan (prepared by Eco Logical Australia dated 27 February 2013).

B. During Construction

The works detailed in the above reports must be implemented under the supervision of an appropriately qualified and experienced Environmental Scientist or Ecologist.

C. Before Occupation

A monitoring and reporting framework shall be established which operates until such a time that the above recommendations/mitigation measures have been complied with.

D. Ongoing

Any ongoing monitoring and management must be undertaken under the supervision of an appropriately qualified Environmental Scientist or Ecologist. Copies of all monitoring results are to be submitted to Sutherland Shire Council's Environmental Science Unit.

27. Groundwater Protection

The development must protect the groundwater present in the vicinity of the site including but not limited to the following:

- i. Implementation of the Remedial Action Plan prepared by DLA Environmental dated February 2013 including implementation during and post construction works;
- ii. Implementation of the Acid Sulphate Soil Management Plan prepared by DLA Environmental dated February 2013 during construction works;
- iii. Implementation of the Construction and Management Plan prepared by Parkview Constructions dated April 2014 pre and during construction works; and
- iv. Implementation of the Residential Civil Infrastructure Report prepared by AT&L dated March 2013 during and post construction works.

28. Transmission Lines

A. Before Construction

To ensure construction activity does not place construction workers or the security of the electrical network at risk, access provisions required by Ausgrid shall be addressed regarding the overhead power lines. The following information shall be submitted to Ausgrid prior to the commencement of work:

- i. Restrictions on the proposed use of cranes and other such moveable construction plant near the transmission easement;
- ii. Safe work method statements and a Construction Safety and Environmental Management Plan.

B. Before Occupation

Evidence shall be provided that the recommendations of Magshield Products (Aust.) International Pty Ltd report dated 7 June 2012, as amended by Ausgrid's letter dated 23 September 2014, in relation to EMF mitigation measures, have been implemented prior to the issue of any Occupation Certificate.

29. Ecologically Sustainable Design Measures

A. Before Construction

In accordance with the Ecologically Sustainable Development Report (ARUP, June 2014), 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 at the dedicated rooftop PV panel zones to power services provided within the communal areas.

Details shall be included with the Construction Certificate.

30. Green Travel Plan

A. During Works

A Green Travel Plan shall be prepared and submitted to Sutherland Shire Council's Director - Planning and Environment 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.

31. Car Wash Bay

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 any 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.

32. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The development shall be designed and operated to achieve the measures and recommendations contained in the Waste Management Plan prepared by Leigh Design, dated 3 April 2014.

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

- i. Prior to the issue of a Construction certificate for any works (including excavation), details are to be provided that demonstrate the recommendations included within the Waste Management Plan prepared by Leigh Design dated 3 April 2014 have been incorporated.
- ii. Details of compliance with 'A' above must form part of the documentation accompanying the applications for any Construction Certificate.

C. Before Occupation

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

D. Ongoing

- i. The Waste Management Plan is to be adhered to at all stages of the development.
- ii. All waste and recycling bins must be stored wholly within the approved waste storage area. Immediately prior to pick-up, the bins are to be transported to the garbage holding area (within the loading dock) for collection.
- iii. Waste avoidance, reuse and reduction initiatives shall be developed and promoted to residents as per the sustainability and waste avoidance/reuse/reduction initiatives contained in the Waste Management Plan prepared by Leigh Design, dated 3 April 2014.

33. 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.

34. Noise Control - Residential Air Conditioning Units

To minimise the noise impact on the surrounding environment:

A. Design

The units must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The units must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

35. 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 / or 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.

C. Ongoing

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

36. Noise from Road Traffic

A. Design

To minimise the impact of noise from the adjoining major road corridor on residential occupants the building design must be in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic dated 8 April 2014 and details of the acoustic attenuation treatments of the building to mitigate road noise must accompany the documentation forming part of the Construction Certificate.

B. Before Occupation

Certification from the Acoustic Consultant to the effect that the acoustic treatments to mitigate road noise have been installed must be included with the Occupation Certificate and must include all post construction validation test results.

37. Noise and Vibration Control - Car Park

To minimise noise and vibration from use of any security doors in the car park, such doors must be independently mounted on rubber pads or otherwise installed to prevent vibration noise

transmission through the concrete walls and/or columns.

38. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the 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 any 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.

39. Design Requirements for Disabled Access

A. Design

Details shall be included with the Construction Certificate, demonstrating compliance with the recommendations of the Access Review Report, prepared by Morris-Goding Accessibility Consulting, dated 10 April 2014.

40. 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 36 dwellings and 36 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.

41. 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 architectural plans submitted with the Construction Certificate. This design verification must accompany the application Construction Certificate.

B. Before Occupation

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

42. Certification Requirement of Levels

A. During Construction

At the following stages of construction a Registered Surveyor must provide the Principal Certifying Authority with certification that the stage of structure/ground lines complies with the development consent in respect of levels. :

- i) Prior to the pouring of the two carpark floor slabs, the podium floor slab and the roof slabs and;
- ii) Reinstatement of the external ground lines to the building's perimeter.

B. Before Occupation

The certification referred to above must form part of any Occupation Certificate.

43. Sydney Water - Notice of Requirements

A. Before any Occupation

- i) The Applicant must obtain a Notice of Requirements under the Sydney Water Act 1994, and submit the Notice to the Council.
- ii) A Compliance Certificate under s73 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.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index/ or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. 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.

44. 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.

45. 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

46. 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.

47. 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 1 April 2014.

48. 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 June 2014, 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. **(Deleted – 19 September 2017)**
- 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. Garage doors designed and installed to the Australian Standards with quality locks to individual garages.
- vii. All Graffiti is removed as soon as is practical from the time of reporting.

49. Aboriginal Archaeological Investigation

To ensure the aboriginal heritage is managed appropriately through the development, the recommendations of the La Perouse Local Aboriginal Land Council, dated 15 February 2013 must be implemented, including the following:

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

END OF CONDITIONS

JOINT REGIONAL PLANNING PANEL (SYDNEY EAST REGION)

JRPP No	2014SYE073
DA Number	DA14/0598
Local Government Area	Sutherland Shire
Proposed Development	Stage Two Residential Development comprising 178 Dwellings within Two (2) Residential Flat Buildings (Buildings G & H), Cafe, Construction of Part of the Central Boulevarde, and Associated Works
Street Address	Part Lot 20 DP 529644 - 471 Captain Cook Drive, Woollooware
Applicant/Owner	Bluestone Capital Ventures N1 Unit Trust
Number of Submissions	4
Regional Development Criteria (Schedule 4A of the Act)	3. General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (Major Development) 2005 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 62- Sustainable Infrastructure • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Residential Flat Design Code • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Sutherland Shire Local Environmental Plan 2006 • Draft Sutherland Shire Local Environmental Plan 2013 • Sutherland Shire Development Control Plan 2006 • Council’s Section 94 Contribution Plans for Public Open Space & Community Facilities
List all documents submitted with this report for the panel’s consideration	• Draft Conditions of Consent • Concept Plan Approval (MP10_0299) • Concept Approved Stamped Plans • Modified Concept Plan Approval (MP10_0299 MOD1) • Modified Concept Stamped Plans • Report from Architectural Review Advisory Panel dated 24 June 2014-

	• Office of Environment & Heritage response dated 16 July 2014 • Office of Environment & Heritage response dated 22 September 2014
Recommendation	Approval
Report by	Kylie Rourke, Environmental Assessment Officer - Planner Sutherland Shire Council

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

This development application (DA) is referred to the Joint Regional Planning Panel (JRPP) pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 (the Act) as the development has a capital investment of \$59,189,235.00, which exceeds the \$20,000,000 threshold.

1.2 Proposal

The proposal relates to the second stage of the residential component of the approved Concept Plan for a mixed use development at the Cronulla-Sutherland Sharks site (MP10_0229). The development includes the construction of two residential towers (1 x 15 storey building and 1 x 9 storey building, both over above ground carparks), a cafe, construction of part of the Central Boulevard, and associated works.

1.3 The Site

The site is located off the northern side of Captain Cook Drive and forms the north western portion of the land within the approved ‘Cronulla-Sutherland Sharks Concept Plan’. The overall site adjoins the Woollooware Bay and its wetlands to the north.

1.4 The Issues

The main issues are:

- Consistency with the terms of the Concept Plan, specifically in relation to Office of Environment and Heritage requirements required by condition 22.
- Staging of drainage works.

1.5 Conclusion

Council has assessed the application and the proposed development is considered to be reasonable and worthy of support, subject to conditions of consent.

2.0 DESCRIPTION OF PROPOSAL

The DA seeks approval for:

- Site preparation works, including demolition of minor existing improvements;
- Construction and use of two Residential Flat Buildings (Buildings G and H) over a two storey podium;
- Provision of 178 dwellings comprising 52 x 1 bed, 105 x 2 bed and 21 x 3 bed apartments (see figure 2 below);
- Construction of the northern portion of the Central Boulevard, including 24 visitor parking spaces;
- Provision of 236 car parking spaces within the two storey podium;
- Provision of associated landscaping and public domain works;
- Extension/augmentation of services and infrastructure
- Provision of a commercial tenancy (a café) at the north-eastern corner of Building H. The proposal does not include the fitout or operational details of the cafe, such as hours of operation.

The foreshore landscaping, the eastern drainage channel works and the remaining residential stage (stage 3) will be subject to future development applications as illustrated below:

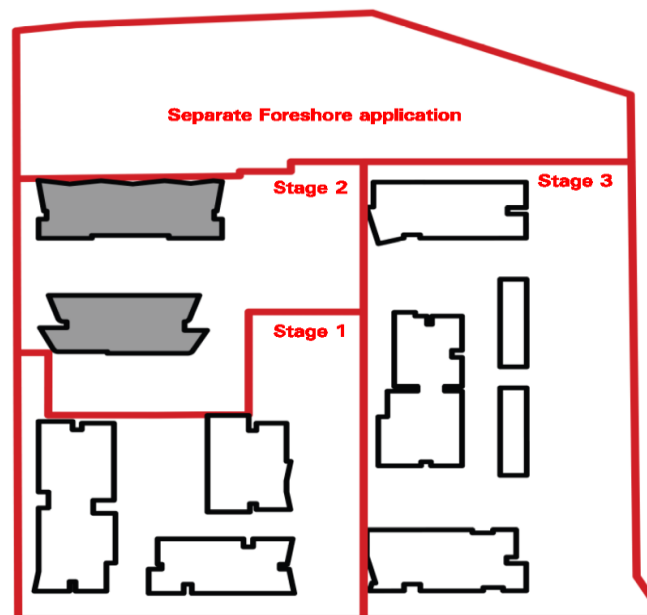


Figure 1- Indicative Staging Plan (source: Applicants SEE)



Figure 2: Computer generated image- western elevation of Building H (left) and Building G (right) (source: Applicants SEE).

3.0 SITE DESCRIPTION AND LOCALITY

The subject site (the site) is located at 471 Captain Cook Drive, Woollooware, and forms part of Lot 20 DP529644. The site has recently been subject to a land subdivision, leading to an alternative street address being allocated to the Lot than was shown for the previous Stage 1 application, referred to as No. 461 Captain Cook Drive.

The site forms a part of the land covered by the Cronulla-Sutherland Sharks Concept Plan (MP10_0229) (the Concept Plan). The overall Concept Plan site has a total area of 10.06 hectares and includes the western playing fields, football stadium, leagues club, and the club's on-ground car park.

The land is situated off the northern side of Captain Cook Drive, a four lane arterial road which provides the primary vehicular access to the site. There is no vehicular access from or via the car park associated with Council's sports fields (Solander Fields), which are located to the west of the site.

'Shark Park' (Remondis Stadium), the home ground of the Cronulla Sutherland Sharks National Rugby League team is located to the east beyond a tidal mangrove lined drainage channel. Directly to the south and on the opposite side of Captain Cook Drive is Woollooware Golf Course (public), and to the south-east of 'Shark Park' is Woollooware High School.



Figure 3: Site's local context.

The land subject to this application is located in the north western quadrant of the recently former western playing fields (Endeavour Fields, owned by the Sharks) and comprises about 20% of the residential component of the concept plan approval, referred to in MP10_0229 as the *residential master planned estate*.

The site is largely turfed, comprising the area of the western most playing field and surrounding open areas, covering a total area of 6,621m². No existing improvements are located on this portion of the overall site, apart from two light poles associated with the playing fields. A stand of trees and a soil berm is located along the western boundary, separating the site from the adjoining Solander playing fields (public).

The immediate context of the site is bound by the Stage 1 residential site to the south, the existing Solander Fields and associated access road and parking spaces to the west, Woollooware Bay to the north and the recently former Endeavour Field No.1 (private) to the east.



Figure 4: Cronulla Sharks Concept Plan and site for stage 2 of the residential works (Source: Applicant's SEE)

Directly adjoining the site to the north is the Woolooware Bay foreshore, which is heavily lined with Mangroves. Woolooware Bay contains an environmentally sensitive area of international significance known as the Towra Point Aquatic Reserve and RAMSAR wetland. It is the largest wetland of its type in the Sydney Basin region and represents vegetation types that are now rare in the area. In August 2011, the boundary of the Towra Point Reserve was extended to include an area of shoreline to the south of the original extent of the wetlands.

Along the northern edge of the site is a 35m wide electricity easement, which contains high transmission 132kV overhead power lines. Support structures are located off site on Solander fields and adjacent to the Fitness First Complex.

The site is within a Greenweb support area and shares a boundary with the Greenweb core area. The land was until recently serviced by Sutherland Shire Council's Recycled Water Scheme Infrastructure.

The site is a landmark site in the Sutherland Shire given its history, proximity to Woolooware Bay and association with the Cronulla-Sutherland Rugby League Club.

4.0 BACKGROUND

A history of the development proposal is as follows:

- On 27 August 2012, the NSW Planning Assessment Commission (PAC) approved concept plan application (MP10_0229) for a retail centre and eight (8) residential apartment buildings, redevelopment of the existing club and upgrade to the Cronulla Sharks Football Stadium (Appendix B & C). The approval issued by the PAC incorporates specific terms of approval, required amendments and future environmental assessment requirements, in addition to the proponent’s statement of commitments. On 14 July 2014 the Department of Planning and Environment (DP&E) approved a modification to the concept plan (MP10_0229MOD1)(Appendix D & E). Importantly to the subject application, the amendment included a modification to the building envelope for building G, and modifications to the future environmental assessment requirements.
- The JRPP determined the first stage of the residential component of the concept plan on 22 August 2013 (2013SYE033). This development comprised the demolition of the existing car park and two playing fields and construction of three residential buildings over a two storey podium containing car parking, commercial and communal facilities.
- The Retail Project Application (MP10_0230), for the club/commercial/retail precinct to the east of the stadium (Stage 1 of the Concept Plan) was approved on 20 August 2013 by the PAC. On 10 February 2014, approval for the modification of this application was granted by DP&E (MP10_0230MOD1). The modifications included amendments to the configuration of the retail and Club development and modifications to the stratum subdivision. At the time of writing, a second modification to the Concept Plan to amend the stratum subdivision plan is currently with the DP&E for assessment (MP10_0230MOD2).
- Approval has been granted, and works have substantially commenced, with regard to the Concept Approval requirement for the relocation of the two sports fields existing on the site (DA13/0926). The new fields have been located at Cronulla High School.
- Currently with Council are two s.96 modification applications to Stage 1 of the residential component. The modifications relate to the timing of drainage requirements, parking amendments and various changes to the residential apartments. The applications are yet to be determined.
- The subject application was submitted on 12 June 2014.
- The application was placed on exhibition and 4 submissions were received. Those submissions were considered by Council’s Submissions Review Panel on 23 July 2014.
- A public Information Session was held on 8 July 2014, two people attended.
- Council officers met with the Applicant and their consultants on various occasions to discuss the proposal, specifically the parking, stormwater and access arrangements.
- Amended plans were lodged on 26 August, and 6, 10 and 13 November 2014.

5.0 ADEQUACY OF APPLICANT’S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable assessment and determination of this application.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006).

Over 800 owners of properties within the broader catchment of North Woollooware and North Caringbah were notified of the application. The application was also advertised in the local press (the *Leader*). A Public Information Session was held on 8 July 2014 and 2 persons attended.

A total of 4 written submissions were received. The submissions raise various issues, including the timing of the development, traffic, environmental implications, parking, out of character and loss of recreation space.

Key issues raised are listed below:

Author’s Address	Date of Letter	Issues
corner Captain Cook Drive & Gannons Road Caringbah	10 July 2014	Road safety- Gannons Road/Captain Cook Drive roundabout during construction.
Taren Point	12 July 2014	Size of development, traffic, parking, proximity to public transport, loss of recreation space, increase in crime.
Cronulla	20 July 2014	Timing of construction of retail element, replacement playing fields, parking, shuttle bus, traffic.
30 Castlewood Ave Woollooware	22 July 2014	Construction of retail element, traffic, environmental requirements.

The issues raised in these submissions are discussed below:

6.1 Road Safety

The impact on the Gannons Road/Captain Cook Drive roundabout was raised as an item of concern by an objector. Council acknowledges that it is important that the construction phase of the project is undertaken in a safe

and considered manner to avoid impacts on the local road network. A condition of consent is recommended to require that a Construction Traffic Management Plan be prepared and adopted.

6.2 Size of Development

The development parameters relating to size have largely been fixed by the concept plan consent, which sets specific building envelopes including the maximum height of each building. As discussed in further detail in the “Assessment” section of this report, the proposal is generally consistent with the concept plan building envelopes.

6.3 Parking, Traffic & Proximity to Public Transport

The majority of objectors were concerned that the proposed development will generate additional traffic, increase demand for on street parking particularly on Sharks home game days, and that the site is not adequately serviced by public transport.

The approval of the use under the concept design and the conditions of that approval that relate to parking and traffic have, in essence, established the degree of parking and traffic impact that will result from the overall development. The parking volume has been provided as per the concept plan requirements and a game day management plan has been submitted to Council. Parking and traffic matters as they relate to the subject application are discussed in further detail below in the “Assessment” section of this report.

6.4 Loss of Recreation Space & timing of field replacement

Objection was raised regarding the loss of public recreation land as a result of the development and the timing of the replacement fields. The Concept Plan essentially has approved the use of the land for the purpose of the subject development. To address the loss of the (privately owned) playing fields, the DP& E applied a condition of consent to the Concept Plan which prevents the construction of the residential component until such time as replacement sports fields have been constructed at an alternative site.

The applicant has addressed this requirement, with an agreement in place with the Department of Education to construct the fields at Cronulla High School. Those fields and ancillary works are currently under construction.

6.5 Property Value

The closest residential property is 380m from the site. Nonetheless, the change in land use and the building envelopes were approved under the Concept Plan. Approval of the detailed design sought by the Stage 2 application is unlikely to result in a tangible impact on land value.

6.6 Crime

One submission raised concern that the proposal would increase crime. There is no correlation between changing the use of land to a residential use and increasing crime. The development incorporates safety and crime mitigation design solutions and measures to minimise crime within and around the

development are also reinforced through the recommended conditions of consent.

6.7 Timing of Construction of the Retail Development

Submissions received indicated that the timing of the construction of the retail element was an item of concern. The basis provided was that the retail portion was indicated as “stage 1” of the concept plan and that this part of the concept plan was required for the development to constitute a “town centre”. The initial approval on the site was the retail/club development, with project approval granted by the PAC on 20 August 2013. Other than a recent ‘turning of the soil’ no work has commenced over the entire Concept Plan site, including the residential component.

6.8 Environmental Requirements

The public submissions raise concerns with the potential environmental impact of the proposal upon Woolloomare Bay, and the Office of Environment and Heritage (OEH) requirements. These matters are considered in further detail in Section 9 (“Specialist Comments and External Referrals”) and Section 10 (“Assessment”) of this report.

6.9 Shuttle Bus

The ongoing operation of the shuttle bus was raised as an item of concern by residents. The provision of an effective and reliable shuttle bus is a key component of ensuring all stages of the development, including stage 2, are accessible by means other than private transportation, given the isolation of the site from existing public transport services. The concept approval reflects this in the conditions of approval that require each future application to demonstrate necessary agreements have been reached in securing the provision of an ongoing and reliable service to the residential precinct.

Evidence was provided as part of Stage 1, and also the subject application demonstrating that an agreement has been reached with the Leagues Club, confirming the provision of a bus to this effect.

7.0 STATUTORY CONSIDERATIONS

Sutherland Shire Local Environmental Plan 2006 (LEP 2006) applies to the site. Under LEP 2006, the stage 2 footprint is contained entirely within Zone 15 - *Private Recreation* land.

The proposed development, being a development for the purpose of a *Mixed Use Premise*, is prohibited in Zone 15.

Notwithstanding this, Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act) states that the provisions of any Environmental Planning Instrument do not have effect to the extent to which they are inconsistent with the terms of the approval of a Concept Plan. On this basis, the proposed land uses are permissible subject to the compliance with the Cronulla Sharks Concept Plan approval. Compliance with the concept

approval is discussed in further detail in the “Assessment” section of this report.

The following Environmental Planning Instruments (EPIs), Draft EPI, Development Control Plan (DCP), Codes and Policies are relevant to this application:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 62- Sustainable Infrastructure
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Residential Flat Design Code
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Local Environmental Plan 2006
- Draft Sutherland Shire Local Environmental Plan 2013
- Sutherland Shire Development Control Plan 2006
- Council’s Section 94 Contribution Plans for Public Open Space & Community Facilities

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

8.1 State Environmental Planning Policy (Major Development) 2005

As discussed in Section 4.0, on 27 August 2012, the Planning Assessment Commission (PAC), as delegate of the Minister for Planning and Infrastructure, approved a Concept Plan for the development.

Part 3A of the Act was repealed in May 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A projects. New State Significant Developments are now assessed under *State Environmental Planning Policy (State and Regional Development) 2011*. The subject DA is not a transitional Part 3A project and does not constitute State Significant Development. Consequently, the proposal is returned to Council for assessment.

Schedule 6A of the EP&A Act contains provisions for the assessment of applications for development to which Part 3A does not continue to apply. Under these provisions, development that is covered by a Concept Plan approved under Part 3A but is subject to assessment under Part 4:

- is taken to be development which may be carried out under Part 4, despite anything to the contrary in an environmental planning instrument;
- must be consistent with any development standard within the terms of the Concept Plan approval;
- must be generally consistent with the terms of approval for the Concept Plan;
- the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Plan.

The consistency of the development with the approved Concept Plan is considered in the “Assessment” section of this report.

8.2 State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requires traffic generating developments be referred to the Roads and Maritime Service (RMS). The RMS provided comments on the proposal, which are discussed in Section 9.1 of this report.

8.3 State Environmental Planning Policy No. 55- Remediation of Land
State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires a consent authority to consider whether the land is contaminated and, if so, whether the land will be remediated before the land is used for the intended purpose.

A Phase 2 Environmental Assessment has been undertaken. The Assessment states that the site will require the issues of methane gas, acid sulphate soils and asbestos to be addressed. A Remediation Action Plan (RAP) has been prepared for the Stage 2 works on the basis of this information which states that the site will be suitable for the proposed use providing the recommendations of the RAP are implemented. The RAP suggests that an on-site capping and containment solution is the most appropriate strategy for the remediation of the site.

A condition of consent has been recommended to ensure the implementation of the RAP and the supporting Acid Sulfate Management Plan, Gas Management Plan and Asbestos Management Plans throughout construction and that a copy of the Site Audit Statement be forwarded to Council prior to the issue of the Construction Certificate. With the implementation of this condition, Council is satisfied that the proposal would be acceptable with regard to the provisions of SEPP 55.

8.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code (RFDC) seek to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is provided below.

Design Quality Principles	Assessment
Principle 1: Context	The proposal involves two separate multi storey residential flat buildings including a two storey podium level comprising parking, a cafe and ground level units. Although completely foreign in its current context, the proposal is in keeping with the desired future character established by the concept plan and Stage 1 approval.
Principle 2: Scale	The proposal involves 1 x 9 and 1 x 15 storey building. The scale of the buildings is considered appropriate when considered in the context of the provision of a new centre. It is also acknowledged that the proposed buildings are in keeping with the height and gross floor area (GFA) parameters approved under the concept plan and are therefore consistent with the desired future character for the Woollooware Bay Town Centre.
Principle 3: Built Form	The proposed built form is in keeping with the concept plan and must therefore be considered consistent with the future character envisaged for the locality in terms of overall building bulk. The proposed built form has been designed to maximise solar access and ventilation.
Principle 4: Density	In general terms the site is large and under-utilised and with the completion of the other elements of the concept approval, will have good access to local shops, facilities and public transport. Regardless, the density of the scheme submitted is consistent with the density permitted by the concept plan, as articulated by the maximum height and GFA. The Department has resolved to treat the site as a ‘dense urban area’ and therefore a lower benchmark has been set in terms of solar access, which is discussed in further detail in the RFDC consideration below. With this in mind, the proposed density is deemed acceptable.
Principle 5: Resource, Energy & Water Efficiency	The proposed development satisfies the minimum BASIX requirements in addition to the following sustainability measures: • The project has integrated Photovoltaic Panels on the roof of building H. • All apartments are supplied with a smart energy meter. • Timber used on the project will be from a recycled source or FSC certified timber. • Drainage swale. Ecologically Sustainable Development requirements are also required by the concept plan conditions. Consistency with these requirements is discussed further in the “Assessment” section of this report.
Principle 6: Landscape	Street tree planting is proposed along the ‘Central Road’ frontage. In addition, a pocket park, and two communal landscaped areas are provided. As discussed below Council’s Landscape Officer recommends a higher proportion of indigenous plantings and the rationalisation of

	the central courtyard paths to improve amenity for residents. A condition of consent is considered capable of addressing these items. With the adoption such a condition, the landscape design would provide a practical and usable space with social opportunities and a high degree of amenity for future residents.
Principle 7: Amenity	The proposal satisfies the ‘rules of thumb’ contained in the Residential Flat Design Code in terms of residential amenity, including minimum areas, solar access and natural cross ventilation.
Principle 8: Safety and Security	The applicant has considered Crime Prevention Through Environmental Design (CPTED) principles in the design of the project, and a CPTED report has been prepared. The development provides increased activation and passive surveillance of the future foreshore park and common spaces across the site. Residential entry and lobby areas are to be secured and well lit. A path along the western boundary connects the development to Captain Cook Drive and will facilitate activity and direct access to the western ground floor units, contributing to safety and security around the site.
Principle 9: Social Dimensions & Housing Affordability	The proposal provides a mix of apartment types, which would encourage diversity in the future occupation of the development in terms of social mix. Affordable housing is not proposed as part of this development however, the mix of apartment types and the inclusion of adaptable apartments have merit. The development includes facilities to encourage social interaction including the construction of two common areas and a pocket park.
Principle 10: Aesthetics	In general terms the building form, proportions and compositional strategies proposed for the development are of a good contemporary standard for buildings of this type.

8.6 Residential Flat Design Code (RFDC) – Detailed Guidelines

The Residential Flat Design Code (RFDC) is akin to a DCP and complements SEPP 65. The Code gives more detailed guidelines in respect of the general design quality principles set out in the SEPP. The RFDC illustrates good practice, though is not a statutory instrument. Its controls are largely replicated in SSDCP 2006 and need not be mentioned twice (a full DCP compliance table is below).

The proposed apartments comply with the minimum internal and open space areas recommended in the RFDC. The Code’s internal circulation, accessibility and adaptability requirements are also satisfied.

The proposal does not comply with the Code’s solar access requirements for the proposed buildings (70% of apartments receiving 3hrs between 9am-3pm at midwinter), but would satisfy the ‘dense urban areas’ requirement of 2hrs midwinter sunlight. In the assessment of the concept, the Department resolved to treat the site as a ‘dense urban area’.

In general, a maximum building depth of 10-18m is recommended under the RFDC. Building G proposes a depth of 18.6-20.4m and Building H proposes a depth of 15-21.7m. Each building provides a stepped façade with large recesses. Each building also meets the minimum solar access and ventilation recommendations. Despite the minor inconsistency with the depths suggested in the RFDC, the proposal will provide a high level of residential amenity, consistent with the objective of the building depth recommendation.

The Code recommends the following building separation distances in order to maximise privacy between residential flat buildings

Buildings between 5 to 8 storeys/up to 25m high:

- 18 metres is required between habitable rooms and balconies;
- 13 metres between habitable rooms/balconies and non-habitable rooms; and
- 9 metres between non-habitable rooms

Buildings of 9 storeys or more/over 25m:

- 24 metres is required between habitable rooms and balconies;
- 18 metres between habitable rooms/balconies and non-habitable rooms; and
- 12 metres between non-habitable rooms.

The development meets the minimum building separation requirements between the two Stage 2 buildings, providing a separation between building G (15 storeys including podium) and Building H (9 storeys including podium) of 21.8m- 26.4m.

The development also meets the minimum separation between the Stage 2 and the approved Stage 1 buildings, providing a separation between Building G and Building F2 (9 storeys including podium) in the adjacent Stage 1 building of approximately 25.77m. The separation between building G and Building E1 (15 storeys including podium) in the adjacent Stage 1 building is 25.75m.

The buildings have been designed to account for the angle of separation between apartments and placement of solid walls and window arrangements to avoid visual access between opposing apartments.

The subject DA is also generally consistent with the Concept Plan building envelopes, which positions buildings G & H with a minimum 22m separation.

8.7 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (the BASIX SEPP) aims to establish a scheme to encourage sustainable residential development across New South Wales. The current sustainability targets of BASIX for residential flat buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of 20% reduction in energy use and a 40% reduction in potable water, as well as minimum performance levels for thermal comfort.

An Ecologically Sustainable Design Report has been prepared by ARUP, and indicates that each of the two residential buildings satisfy the minimum sustainability benchmarks called for by BASIX.

8.8 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there are minimal likely adverse impacts on existing coastal processes anticipated. Furthermore, the proposal is consistent with the provisions of the Concept Plan, which was assessed against GMREP2 before being approved.

Council is of the view that with the implementation of the recommended conditions of consent, the proposal would be consistent with the aims and objectives of GMREP2.

8.9 Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)

The table below details applicable controls within SSLEP 2006. As discussed above, the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Plan. Where the Concept Plan controls override an LEP control, a comment to this effect is included in the “proposed” column of the table.

Clause	Standard	Proposed	Complies?
11	Zone Objectives	The proposal is consistent with objective (c), providing a bulk and scale that supports the introduction of a new centre and that is consistent with the future surrounding urban form established by the Concept Plan.	Yes
19	Biodiversity - Wetlands	Discussed in the “Assessment” section of this report.	Yes
20	Flood Planning- Flood risk to life, property and the environment to be minimised.	Council is satisfied that the recommended conditions of consent would enable the flood risk to life and property associated with the use of land to be minimised.	Yes
22 & 23	Environmental risk- Contaminated Land	Council is satisfied that, with the imposition of a	Yes

	Management & Acid Sulfate Soil	recommended condition regarding the preparation of a Site Audit Statement, the development would be carried out in a manner that minimises the risk to human health and the environment from contamination.	
33	Building Height	These requirements have been set in the concept plan approval.	N/A
35	Building Density		
36	Landscaped Area		
48 & 49	Urban design-general & residential buildings	Proposal demonstrates a high quality design, with private open spaces of sufficient area and dimensions. See discussion under SEPP 65 assessment.	Yes
53	Transport Accessibility, traffic impacts and car parking	Council is satisfied that, with the imposition of recommended conditions, the provisions of Clause 53 is satisfied.	Yes

8.10 Draft Sutherland Shire Local Environmental Plan 2013

DSSLEP 2013 was placed on exhibition on 19 March 2013 and re-exhibited to 1 November 2013. On 10 November Council adopted a final version of Draft SSLEP2013 (DLEP3). The draft plan has since been forwarded to the DP&E for final review. At this stage DLEP3 has limited statutory weight in the assessment of applications; however the proposed development is generally consistent with the draft provisions.

Clause	Provision	Proposed	Complies?
Land use table	Objectives of B2 zone.	The proposal will provide residential dwellings and create an active and attractive public domain with a high quality urban design.	Yes
4.3	Maximum building height 50m	These requirements have been set in the concept plan approval.	N/A
4.4	Maximum floor space ratio 1.5:1		

8.11 Sutherland Shire Development Control Plan 2006 (SSDCP 2006)

The table below details applicable controls within SSDCP 2006. Where the Concept Plan overrides the DCP controls, a note is made in the table under the "proposed" column.

Clause	Standard	Proposed	Complies?
Sutherland Shire Development Control Plan 2006			
Chapter 3: Urban Design			
6	Landform- Natural ground level not to be unduly altered.	No basement proposed - excavation is limited to that required for footings.	Yes
7	Balconies, communal and private open space. Min. 100m ² communal open space provided. Min 12m ² private open space to be provided/unit.	The landscaped podium complies with the minimum size communal area requirements. Each unit has been provided with POS consistent with the min. dimensions and RFDC requirements.	Yes
7	Waste storage area to be provided in convenient location.	A garbage holding area has been provided in lower ground floor level.	Yes
10	6m ³ space set aside exclusively for storage	All units are provided with a utility room or media area which may be used for storage.	Yes
11	Clear, direct and safe pedestrian access must be provided from the street and onsite parking to any public entrance to a building.	Direct entrances into units, and shared lobbies are readily identifiable.	Yes
12	Landscape must include 8m canopy trees. Water efficient irrigation system to be installed.	A condition of consent has been recommended to require additional native plantings and irrigation.	Yes
13	Locate and orientate dwellings to maximise privacy between buildings	Privacy has been maximised by providing screening,	Yes

APPENDIX “B”

	and private open space.	and offsetting windows, while working within the parameters of the concept plan.	
16	Continuous barrier free access incorporated into design.	An Accessibility Report has been provided which indicates the development provides access in accordance with the BCA and DDA.	Yes
17	30% of dwellings to be designed as adaptable housing (53 dwellings)	36 apartments provided (20%).	No - see discussion below.
18	Safety and Security	Proposal incorporates passive surveillance & security access control. CPTED review has been undertaken by NSW Police.	Yes
18.b.5	Swimming pools- safety barrier and signage.	Proposal is capable of compliance.	Yes
Chapter 7: Vehicular Access, Traffic, Parking and Bicycles			
1.b.5	Developments with 10 or more dwellings require one designated carwash Bay. Additional carwash bays are required in development in excess of 30 dwellings at a rate of 1 per 20 dwellings.	1 space provided.	No - see discussion in “Assessment” section.
5.b.2	Bicycle parking shall be provided at the rate of 1 per 5 dwelling units plus 1 visitor space per 10 units- a total of 53 spaces required.	21 spaces provided.	No – Readily addressed by condition.

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

9.1. Sydney Water

Sydney Water has reviewed the proposal and provided details regarding the water and wastewater system requirements to accommodate the additional density proposed by the development. A condition of consent has been recommended to ensure these requirements are addressed as part of the detailed infrastructure design phase.

9.2. Roads and Maritime Services

Roads and Maritime Services (RMS) has provided comment to Council regarding the impact of the development on existing road infrastructure, car parking and road design requirements. The RMS response requested that design detail for the traffic signals at the intersection of the internal road with Captain Cook Drive, the hydraulic calculations of any changes to the stormwater drainage system, and the details of excavation works be forwarded to RMS for assessment.

The submission of a Construction Traffic Management Plan and the design of the parking areas in accordance with AS2890.1-2004 and DA2890.2-2002 was also recommended.

Conditions of consent have been recommended to address the above, with the exception of the submission of the intersection design detail. The access arrangements for the site including the intersection works were approved as part of the retail Project Application approved by DP&E, for which the RMS was consulted. In the opinion of Council, the design and review process for the traffic signals been appropriately addressed as part of this approval.

The RMS also recommended consideration of noise impacts under Clause 102 (3) of the Infrastructure SEPP. The RMS traffic volume map indicates that the section of Captain Cook Drive adjacent where the development is located has an Annual Average Daily Traffic volume of less than 20,000 vehicles. The development therefore does not trigger the need to consider noise mitigation measures under the Infrastructure SEPP. Notwithstanding, in their submission, the applicant has addressed noise impacts in the submitted Acoustic Report (Acoustic Logic, April 2014), which concludes that with the recommended noise attenuation measures, internal noise levels will comply with the relevant Australian Standards.

9.3. NSW Police

The NSW Police advised that the development will result in an increase in activity, both in and around the location. This will subsequently increase the risk of crime, along with increase in crime opportunities and potential offenders within the development and its surrounds. NSW Police have recommended treatment options for consideration in terms of improving Crime

Prevention Through Environmental Design factors such as lighting, access control and way-finding.

Should the application be supported, the Police recommend a condition of consent to address the above through requiring appropriate lighting, CCTV, and security access be installed to the development.

9.4. Ausgrid

Council requested comment from Ausgrid regarding conditions 26-28 of the concept plan approval as these relate to minimising electro-magnetic field (EMF) from the overhead powerlines to the northernmost buildings. Ausgrid has provided Council with confirmation that design work regarding the re-phasing of the powerlines in order to reduce the EMF, is currently underway. This matter is discussed in further detail in the “Assessment” Section of this report.

9.5. Architectural Review Advisory Panel (ARAP)

Council engages an independent panel for the review of large projects. The ARAP considered this application on 24 June 2014. A copy of the ARAP report is attached in Appendix F of this report.

In general terms, ARAP acknowledged the merits of the development, recognising that the buildings are suitable for their context, providing a well handled built form which appears to comply with the concept plan density and building envelope requirements. ARAP was also supportive of the applicant’s commitment to liaising with Council to ensure the design of the public domain elements would permit public access to avoid the feel of a private enclave. ARAP commented that the apartments are generally well designed with the inclusion of two storey units on the western edge effectively activating the (Solander Fields) frontage and screening the two storey carpark.

The Panel provided the following comments to assist in the further refinement of the proposal:

- “Building G is imposing upon the communal pool area to the south, exacerbated by the detailed façade treatment which feels “vertical, solid and heavy”.
- There is an opportunity to “go the extra mile” with environmental initiatives beyond those required by compliance with planning controls and guidelines.
- Further detail should be provided regarding the landscape concept.
- A more legible address should be provided for all apartments entered directly off the streets.
- Further thought should be given to resolution of the northern face of building H to achieve a better sense of autonomy and privacy within each balcony, as well as the desired external architectural effect.
- The two apartments on the podium with private open space adjoining the central boulevard are not satisfactorily integrated with the public open space.”

The lack of architectural diversity amongst the residential buildings and over-

reliance on painted finishes was also raised by the Panel.

In response to the ARAP comments, the applicant provided revised architectural plans and amendments, which include the following:

- Sliding doors replaced with hinged entry doors at the entry from the external terraces into the street level apartments along the eastern and western elevations to provide a more legible entry.
- Units G12.04, G11.05, G10.05 provided with louvers to the west facing windows to provide additional privacy.
- Height of the glazed dividing screens between balconies on the north elevation of Building H extended to meet the underside of the soffit overhead.
- South facing windows to unit H1.01 reconfigured to sliding door suites.
- Increased size of the cafe tenancy.

During the design review process some of the issues raised by ARAP have been addressed, however, the applicant chose not to develop the design to respond to many of the other architectural recommendations made by the Panel. Amongst other things, building G remains an imposing structure as viewed from the communal area and the façade of the building when viewed from the foreshore park remains largely unchanged.

In the context of the SEPP65 considerations, discussed in further detail in part 8 of this report, the proposal has been developed in a competent manner within the constraints set out by the Concept Plan. Although some recommendations of the ARAP were not adopted, it is Council's opinion that overall, the architectural design of the proposal is of a high standard.

9.6. Office of Environment and Heritage

Throughout the various stages of the concept scheme, including responses to the DP&E regarding the Test of Adequacy, draft Environmental Assessment (EA), Concept Application, the OEH indicated that further and more detailed assessments were necessary to determine likely impacts on the adjacent environmentally sensitive areas and habitats.

In the Concept Plan report, the PAC noted the special environmental significance of the site's surrounds and sought to address the limitations of the previous surveys through the imposition of Condition 22 on the Concept Approval. Condition 22 is reproduced below:

Future applications shall demonstrate that Office of Environment and Heritage requirements have been met in relation to:

- (a) a Stormwater Management Plan (SMP) that details how all stormwater runoff will be collected and treated;*
- (b) a Noise Management Plan (NMP) that investigates the likely impacts of construction and ongoing 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 Sulphate Soil Management Plan prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998); and*
- (h) an assessment of Aboriginal heritage.*

OEH also raised a number concerns with regard to the Stage 1 proposal. These matters remained unresolved at the time of the JRPP determination meeting, leading Council to recommend deferral of that application. The JRPP subsequently approved that application, subject to conditions of consent.

With regard to the Stage 2 works, the OEH forwarded two letters of correspondence to Council (Appendix G & H). The original letter, dated 16 July 2014, indicates that the OEH still has concerns regarding the adequacy of environmental assessments provided as part of the application.

At Council’s briefing to the JRPP, the Panel referred to Condition 22 of the Concept Plan. The Panel advised Council that in view of the wording of that condition, OEH should be asked for a clearer statement as to whether the current proposal complied with its requirements or not, and if any conditions, and/or evidence were required to ensure compliance with OEH’s requirements, and that the OEH be asked to advise what those requirements were.

The OEH was requested to provide this statement, and in response, an additional letter dated 21 August 2014, was forwarded to Council by the OEH. In their letter, the OEH advised that the PAC imposed condition 22 on the Concept Plan without the consent of, or consultation with, the OEH, and that the OEH did not have an assessment or approval role in this project. In their response, it was reiterated that the PAC approval did not address all of the OEH’s issues and that OEH remained concerned that additional ecological surveys were required to better assess impacts of the development on national and internationally listed migratory and endangered shorebirds.

The OEH indicated that they remain concerned that the requirements of the Threatened Species Assessment Guidelines had not been met and that the foreshore setback and vegetated riparian buffer were insufficient.

The JRPP Chair was forwarded this response. The Chair advised that under such circumstances, the assessment would need to be carried out by Councils staff, or external experts if necessary. Council has a specialist Environmental Science Unit, and therefore it was determined that the assessment would be undertaken by Council staff.

The applicant also sought comment from DP&E on the intended interpretation of condition 22 (referred to below as FAR22). The following comment was provided:

FAR 22 was included as a result of issues raised by OEH during the consideration of the Concept Plan which are to be addressed in subsequent Development Applications to construct the development. It is not the intent of the FAR to require OEH to signoff the details of FAR 22 and / or confirm whether the information submitted in the subsequent application addresses the FAR. Rather it is for the consent authority to be satisfied that the requirements of the various FARs have been met and that the proposal is consistent with the Concept Approval.

This would appear consistent with the Joint Regional Planning Panels minutes of 22 August 2013 to DA13/0270.

Council reviewed the concept plan requirements and the documents submitted as part of the application in the context of the OEH and DP&E correspondence. Council has determined that the information submitted as part of the development application is satisfactory in addressing condition 22 within the limitations of the Concept Plan Approval.

Further discussion on the specific requirements contained in condition 22 is provided in the ‘Assessment’ section of this report.

9.7. Engineering

Council’s Engineers have undertaken an assessment of the application. Concern was raised with regard to the timing of the drainage and flood mitigation works given the flood and drainage documentation submitted to Council is not specific to the Stage 2 development, but rather the entire Concept Plan site.

Conditions of consent have been recommended, which would ensure that Council has certainty regard to the implementation of flood mitigation works contained in the submitted flood study. Conditions have also been recommended for relatively minor amendments regarding improvements to vehicle manoeuvrability.

Further discussion regarding drainage and flood mitigation works is contained in the “Assessment” section of this report.

9.8. Community Services

The proposal was referred to Council’s Community Services Unit for comment. No objection to the proposal was raised, subject to the imposition of

conditions regarding the implementation of CPTED measures, access provided as per the recommendations of the Accessibility Report, and protection against vandalism. Conditions of consent have been recommended to ensure measures are implemented to address these matters.

9.9. Environmental Science

No objection to the development was raised by Council’s Environmental Scientist subject to the imposition of conditions of consent to ensure the mitigation measures identified in the submitted Environmental Management Plans. A condition of consent has been recommended which requires the recommendations of these reports be adhered to. Further discussion of Council’s review of the environmental assessments required by condition 22 of the Concept Plan is provided in the ‘Assessment’ section of this report.

9.10. Landscaping

Council’s Landscape Architect has undertaken an assessment of the application and has recommended a number of design changes to enable a greater level of amenity in the communal spaces, and to provide consistency with Council’s Greenweb strategy for Greenweb ‘support’ areas. The amendments include:

- Rationalisation of the main path in the central courtyard.
- The provision of additional canopy trees.
- The provision of a water efficient irrigation system.
- Selection of a higher proportion of local tree species.

A condition of consent requiring the modifications be adopted into the detailed landscape plan is capable of addressing the above.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the following matters are considered important to this application.

10.1 Consistency With Concept Plan

The approved Concept Plan includes gross floor area (GFA), gross building area (GBA), building envelopes, maximum height (parapet), maximum height (top of plant), and minimum setbacks for Building G and H. As discussed above, a variation to the maximum height limit and building envelopes was approved by the DP&E in July.

Floor Space

The proposal’s compliance with the GBA and GFA requirements contained in the concept plan is provided below:

	Max Permitted under Concept Plan	Provided by Stage 1	Provided by stage 2	Total Remaining (%)

Gross Building Area - residential precinct	104,419m ²	36,897m ²	27,419m ²	40,103m ² (38%)
Gross Floor Area - residential precinct	58,420m ²	20,173m ²	17,759m ²	20,488m ² (35%)

The proposed buildings are within the residential precinct density controls contained within the concept approval. On completion of the Stage 1 and 2 works, 35% of the overall maximum GFA permitted by the concept plan will be remaining for use for the Stage 3 component.

Building Envelope & Height

Building G and H are within the maximum top of plant height limits established under the concept plan (as modified). Condition A8, imposed as part of the 75W modification, permits “*minor*” variations to the maximum parapet height to facilitate the provision of private/communal open space on rooftop areas or the provision of apartments.

Building H proposes variations to the maximum parapet height, and the applicant seeks to enact the exemptions within condition A8 to permit these variations. The variations comprise stairwell canopies and balustrades beyond the maximum parapet height to facilitate access from four apartments on level 7 below to their private rooftop terraces - see figures 5 & 6 below.

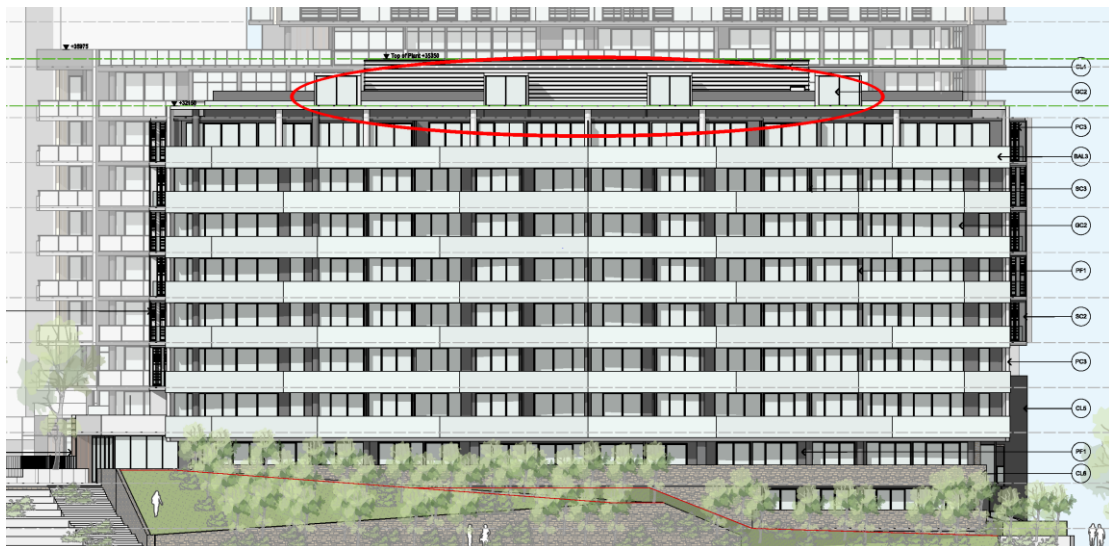


Figure 5: Building H- parapet variations- North Elevation.

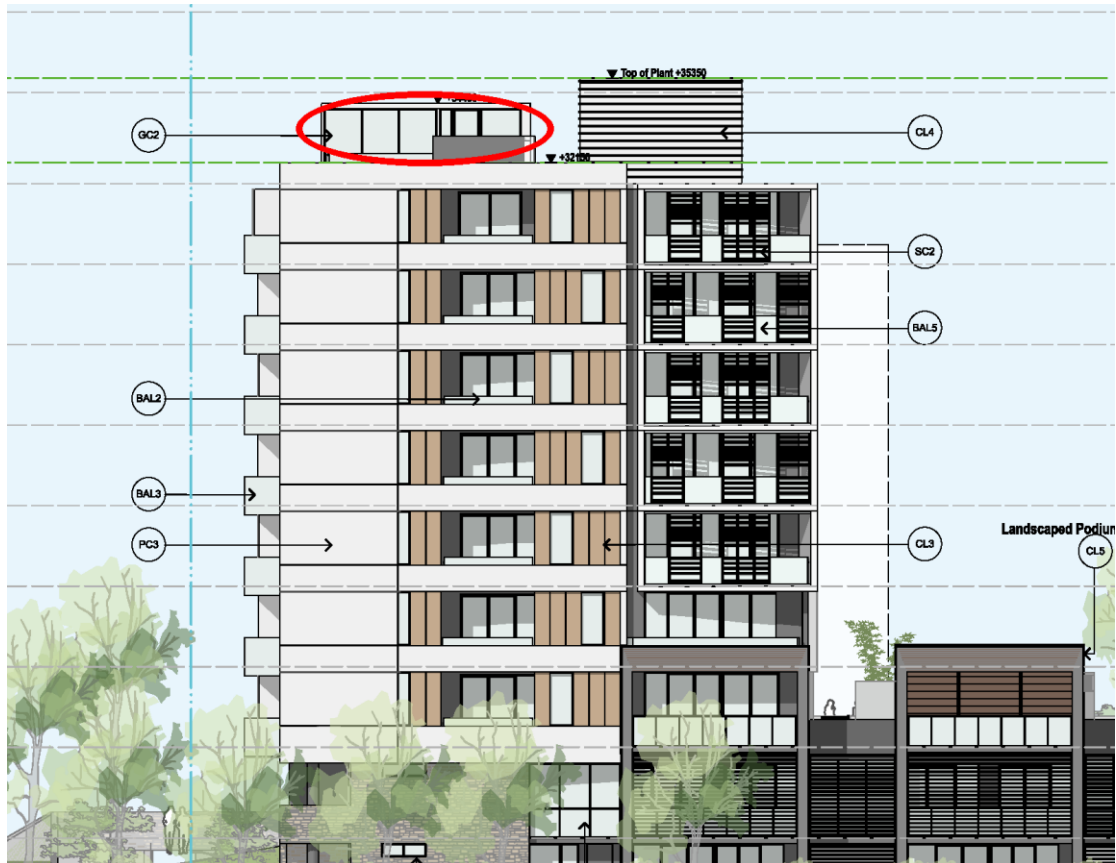


Figure 6: Building H- parapet variation- west elevation.

Condition A8 specifies that when considering if a variation is “*minor*”, the consent authority is to be satisfied that:

- *No portion of the building exceeds the maximum plant height;*
- *The protrusion is well integrated into the design of the building;*
- *Where possible the protrusion is to screen plant material; and*
- *The variation does not result in any adverse environmental impacts; such as significant overshadowing or an adverse visual impact.*

No portion of Building H exceeds the maximum plant height. The stairwell canopies are predominantly glazed, enabling them to integrate into the design of the building without dominating the façade. The position of the canopies will screen the plant room when viewed from the north. Given the location and scale of the protrusions, there will be no additional overshadowing impacts. In the context of the overall building the additional 25m² in area proposed for each canopy is considered minor, and is not considered to result in adverse environmental impacts. The variations are deemed acceptable.

Building floor plate variations

Minor protrusions are proposed within the approved envelope floor plates for both buildings. An example of these variations is illustrated at figure 7 below:

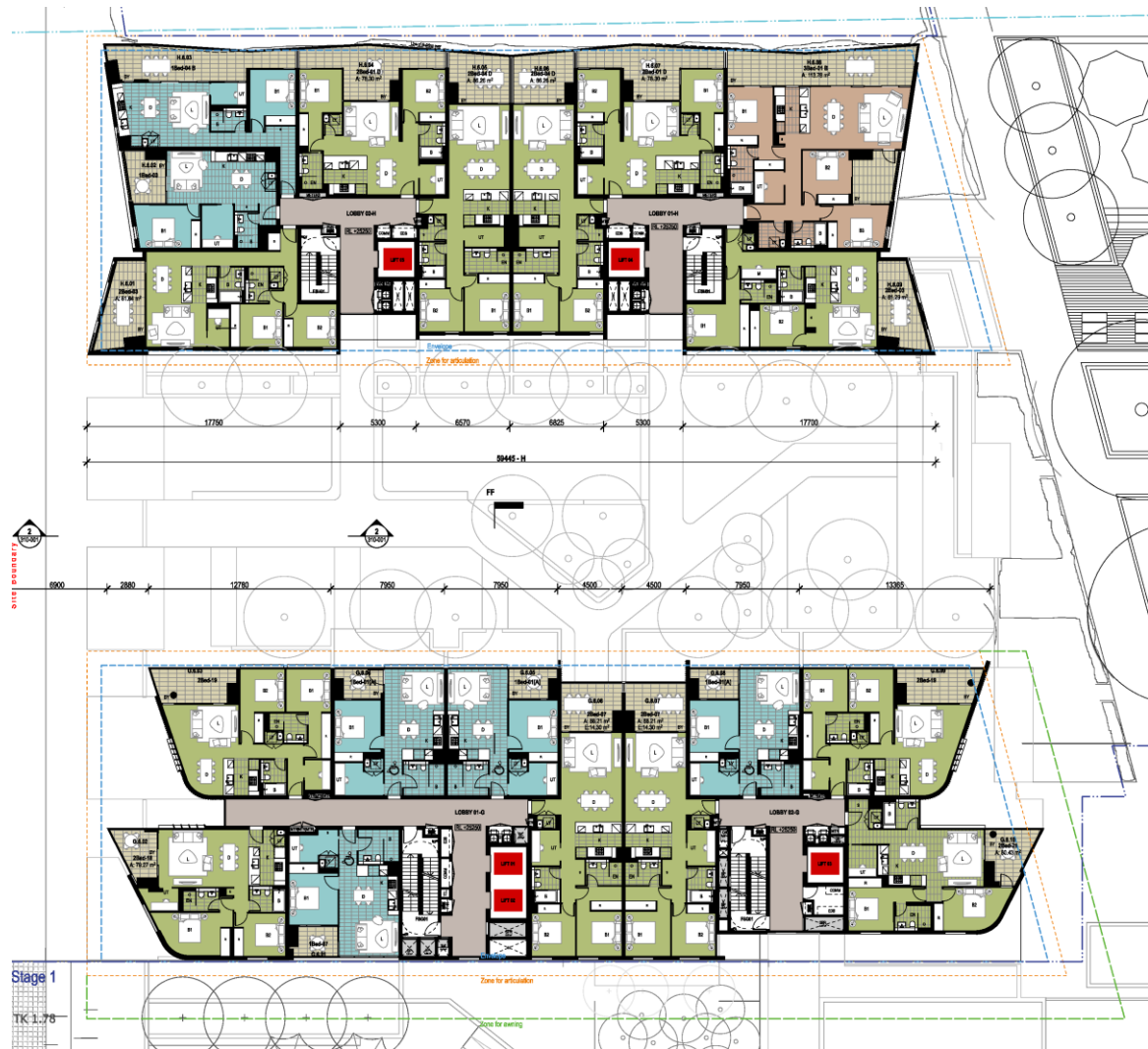


Figure 7: Floor Plate variations to Concept Plan envelopes.

Although both buildings are largely compliant with the building envelopes established under the Concept Plan, as a result of the development of the building designs small portions of the buildings extend beyond the envelope boundaries. Both buildings will be substantially lower in density than that which could be achieved under the Concept Plan if the building envelope was to be literally interpreted.

The protrusions to the envelope are minor, and provide the benefit of increased amenity through improved cross ventilation and solar access and a visually interesting building. The proposal is generally consistent with the building envelopes approved under the Concept Plan and the overriding intent of the control. The minor protrusions to the building envelope are therefore considered acceptable.

10.2 Riparian Setback

The Concept Plan requires a setback of 57m from the boundary of Stage 2 to the Mean High Water Mark (MHW). The Concept Plan also calls for a vegetated riparian buffer corridor of a minimum of 40m in width, applicable to

all works subject to the Concept Plan. A setback of 57m has been provided to the MHW, consistent with the Concept Plan. The subject application enables a 40m vegetated riparian buffer to be honoured, however as discussed above, details regarding the treatment of the foreshore will be subject to a future Development Application.

10.3 Natural Environment Impacts & Condition 22

As discussed in detail above, eight environmental assessment requirements are included within the Concept Plan approval (condition 22). Condition 22 requires additional details to be provided to ensure that the development does not negatively impact upon the flora and fauna of Woollooware Bay. As discussed previously in this report, comments received from the OEH raise issues with the level detail provided by the applicant's environmental reports.

Council acknowledges the importance of the environmental impacts as a result of the development, but also accepts that the DP&E approval of the building envelopes under the Concept Plan has already established a degree of impact that cannot be meaningfully addressed at the detailed design phase.

Notwithstanding this, Council's Environmental Science Unit has responded to each of the items listed in condition 22, in the context of the parameters set by the Concept Plan approved envelopes and the OEH commentary. A detailed response to each matter is provided below.

10.3.1 *Stormwater Quality*

The response from the OEH contends that the Stormwater Management Plan is not a 'standalone' document and that the Residential Civil Infrastructure Report does not detail how improvements in water quality will be achieved.

The applicant has addressed stormwater quality in a number of documents including the Construction Management Plan (Parkview Constructions, 16 April 2014) (CMP) and Residential Civil Infrastructure Report (AT&L, March 2013). Although a 'standalone' Stormwater Management Plan was not submitted, the CMP includes specific details relating to stormwater quality during the construction phase of the development. These include the containment of all site waters on site during construction and landscaping, and their release only when suspended solids are less than 50mg/L in order to avoid pollutants entering the Council's stormwater drainage system.

A condition of consent is capable of ensuring the mitigation measures detailed in these reports to ensure stormwater runoff will be appropriately collected and treated. The design of the stormwater system is discussed in further detail below.

10.3.2 *Mangrove Removal*

The OEH comment to Council raised concern that the Microbat Monitoring Report fails to comment on the removal of the mangroves in the drainage channel. The removal of mangroves and the resultant impact of the removal on fauna is an important consideration, however mangrove removal is not proposed as part of the Stage 2 works.

The intended treatment of the drainage channel does require further assessment in order for Council appropriately assess the impacts, and this assessment will be considered in detail as part of the relevant future Development Application for works to the Foreshore and Drainage Channel.

10.3.3 Noise

The OEH again raised concern that the Noise Management Plan (NMP) is not a ‘standalone’ document and that it is the same report that was submitted to the department as part of the retail application. Clarity on which of the Noise, Light and Bird Strike Potential (NLBSP) Report (Ecological, August 2014) recommendations are being adopted was also raised.

In Council’s opinion, the format of the noise assessment is less relevant than ensuring the pertinent matters have been properly addressed to mitigate noise impacts on fauna.

The NLBSP report includes recommendations that will reduce the impact of the construction and future development on the fauna using the adjacent habitat. The report suggests that the greatest risk of noise impacts on fauna species would be during the construction phase and that construction hours should be restricted to daylight hours so that peak fauna foraging periods are avoided. Avoiding activities within 50m of habitat areas during October to January was also recommended. The OEH has indicated that this recommendation is supported.

Given the Stage 2 development is in close proximity to the mangroves and Woollooware Bay these restricted construction hours are considered relevant, and a condition of consent has been recommended to ensure this mitigation measure is adhered to.

10.3.4 Lighting

The Concept Plan calls for a Lighting Management Plan to demonstrate that the impacts of light spill on threatened fauna is minimised. The applicant has addressed light spill in the NLBSP report. OEH’s criticism was that this report was not ‘standalone’, that it was identical to the version which accompanied Stage 1 and that how the mitigation measures would be implemented was unclear.

As per the noise assessment, light impacts have been assessed as part of the NLBSP report. The report provides that bats can be affected by artificial lighting and provides recommendations for measures to minimise adverse ecological impacts, including the installation of UV filters and hoods to lighting. Given the proximity of the development to the mangrove communities, compliance with these measures will be an important part of the design and ongoing use of the site.

With the implementation of a condition of consent to ensure these measures are adhered to, Council is satisfied that light spill impacts have been addressed as far as practical within the context of the concept plan approval.

10.3.5 Bird Strike

The Concept Plan calls for a Bird Management Plan to investigate the potential for bird strike from reflective surfaces and provide details of measures to minimise the likelihood of bird strike. Similarly to lighting and noise, bird strike has been addressed in the NLBSP report. OEH’s criticism was again that this report was not ‘standalone’, that it was identical to the version which accompanied Stage 1 and that the manner in which the mitigation measures would be implemented was unclear.

The NLSBP report identifies measures to minimise bird strike, including glass treatments and the use of window furnishings. The Concept Pan has approved the envelopes for two residential towers up to 50m in height, within close proximity to known migratory bird roosting habitats. With this Approval, comes an increased risk of bird strike, which will, at this stage of the design process, will be unavoidable. The NLBSP report has identified measures which will minimise these impacts as far as practical with this caveat.

The implementation of the minimisation measures will assist in reducing this impact, and a condition of consent has been imposed to ensure the recommendations of the NLBSP are adhered to. Council considers that under these circumstances, the applicant has addressed bird strike as far as required under the Concept Plan.

10.3.6 Flood Impacts on Towra Point

The Flood Impact Assessment concludes that no increased flooding impacts to Towra Point Nature Reserve are expected as a result of the proposed development. A condition of consent has been recommended to ensure the mitigation measures detailed in the Flood Report are adhered to. With the imposition of this condition, Council is satisfied that the proposal will not result in unreasonable flood impacts on Towra Point Nature Reserve.

10.3.7 Leachate & Acid Sulfate Management

Councils interpretation of condition 22(f) of the Concept Plan is that it requires the address of acid leachates as a result of the presence of Acid Sulfate Soils on the site. Testing undertaken as part of the Acid Sulfate Soils Management Plan (ASSMP) concluded that the site conditions were not indicative of leachate generation. Council is satisfied that mitigation measures contained in the ASSMP and RAP are adequate to ensure acid leachates have been addressed in accordance with the intention of the Concept Plan requirements.

10.3.8 Aboriginal Heritage

An Aboriginal Assessment (Godden Mackay Logan, February 2013) has been submitted to Council. The report concludes that historically, the entire study area would have been covered by mangrove swamps, was located in the inter-tidal area and that the potential for the area to possess intact Aboriginal Archaeological deposits was low to nil. The comment provided by the OEH on this report, was that the investigation was adequate.

Conclusion to Condition 22

The applicant has adequately addressed the environmental assessments required by condition 22, within the constraints of the approved Concept Plan approval.

10.4 Flooding and Stormwater Management

The Applicant has provided flood and drainage documentation, including a Flood Assessment Report (WMA Water, March 2013) for the consideration of Council. Pre- and post-development modelling has been undertaken and Council is generally satisfied with the reports submitted, however, similar to the Stage 1 development, the documents submitted are not specific to the Stage 2 works. It is therefore unclear how the flood mitigation measures will be implemented given the studies and assessments have been undertaken on the assumption that the entire development will be constructed in a single stage.

Council addressed this previously with the Stage 1 application by imposing a condition of consent (condition 5) which requires a detailed flood design to be prepared, consistent with the recommendations of the flood study provided to Council for approval, and prior to the commencement of any works on the site.

The applicant has recently submitted a Section 96 modification (MA14/0253) to condition 5 of the stage 1 consent, which has yet to be determined. Essentially, the modification seeks more flexibility be built into this condition to enable the detailed flood design be based on the submitted flood study recommendations, in addition to, any subsequent flood studies that may be prepared in the future. These studies are proposed to be returned to Council for review and approval.

The justification provided by the applicant was that due to the staged nature of the project that design changes are ongoing, and flexibility in this condition would remove these ongoing modifications in the DA process. The modification also requests that the details be provided to Council prior to above ground site works, to allow preliminary construction works to commence.

Negotiations regarding the specific wording of condition 5 of the stage 1 consent, is still ongoing, and at the time of writing, an agreement between both parties had not been reached. Essentially, Council’s engineers (Shire Infrastructure Division) are hesitant to approve the condition as requested as it would remove the flood considerations from the DA process and enable works to commence without the flood design being finalised. The concern is that outside of the DA process, Council would not have the authority to impose additional conditions or to consider the impact of such measures on the environment or other aspects of the development.

The condition recommended to address this matter on the stage 2 application, reflects the most recent wording accepted by Councils Engineers.

Although it does not accept the degree of flexibility that the Applicant would seek, Council is satisfied that the recommend draft condition provides certainty regarding the environmental impact of the development with regard to flooding.

10.5 Groundwater

The concept approval requires future applications to demonstrate that the development does not impact upon the health of the groundwater dependent ecosystems. The proponent has addressed groundwater contamination in their contamination assessment, which indicates that no significant groundwater contamination was encountered.

Groundwater volume can also affect the freshwater/saltwater interface and impact on non-estuarine wetland and salt marsh communities. However, the concept plan approval, as modified, has approved the footprint of the buildings above a two storey podium. The contamination reports submitted with the concept and Stage 2 development also acknowledge that capping would be used to manage the onsite contaminants.

This method of site remediation will prevent the infiltration of stormwater/rainwater at the site. Infiltration would normally recharge the groundwater. With the impermeable coverage of the site already set, the capacity of the detailed design stages that follow the concept plan are therefore limited in their capacity to address groundwater volumes through recharging the groundwater, by using treated stormwater for example.

Notwithstanding the above, it is Councils opinion that no significant groundwater dependent ecosystems are located in the near vicinity of the site, thus minimising any impacts caused by the reduced infiltration at the site. Groundwater is still present at the site and it is likely that recharge to groundwater will occur in adjacent areas, such as the foreshore landscaped area where capping is not being installed. Council is satisfied that the proposed development for Stage 2 will not result in a significant effect on groundwater dependant ecosystems.

10.6 Bioswale Construction and Tree Protection

The proposal intends to remove of the existing earth mound (berm) along the western side of the site and construct a new Bioswale and pedestrian footpath in its place.

These earthworks are proposed within the tree protection zones and structural root zones of a stand of twenty-two (22) primarily Swamp-Oak and Spotted Gum trees located on Councils property adjacent to the western boundary of the site. The bioswale works therefore have the potential to impact on the survival of these trees.

The submitted arborist report (Earthscape Horticultural services, May 2014) indicates that the degree of impact is dependent on whether the plant roots are located above ground, within the berm. The report provides various tree protection measures including the construction of the footpath using a

permeable material and measures to minimise root disruption during excavation.

It is acknowledged that the Bioswale has been aligned to minimise encroachment to the Tree Protection Zones (TPZ) and the path is intended to be installed above grade to minimise excavation within the TPZ's of nearby trees. With the adoption of the tree protection measures identified in the arborist report, the impacts of the construction of the berm and footpath can be minimised as far as practical. Council has recommended a condition of consent that these measures be adhered to.

10.7 Parking

The proposal includes 178 apartments and 63m² of commercial floor space (café). Parking is provided on site and within the verge of the new boulevard to accommodate a total of 237 vehicles, the majority of which are allocated as resident spaces. Access to the Stage 2 parking area is via the Stage 1 vehicular access point, located adjacent to the southern boundary of the Stage 2 development.

The breakdown of spaces is provided below:

Parking type	Required Under Concept Plan	Provided	Complies?
Residential	199	199	Yes
Commercial	2	2	Yes
Visitor	36	36	Yes
Total parking provision	237	237	Yes

21 bike parking spaces, including 5 wall mount spaces are provided within the upper ground level parking area.

Parking volume

Based on the rates provided in the concept plan, the proposal generates a total minimum requirement of 237 parking spaces. The proposal is fully compliant with this requirement.

Condition A4 of the concept plan also provides ‘maximum’ rates for the development, with a total of 883 spaces permitted for the Residential Precinct. The Stage 1 and Stage 2 developments provide a total of 554 parking spaces, well below the maximum permitted and constitutes 63% of the overall parking provision, which is a reasonable allocation relative to the overall residential component of the concept plan.

Car Wash Bay

One shared car wash bay/visitor parking space is provided on the lower ground floor level. Although Council's DCP requires 8 car wash bays be provided for the development based on Council's DCP, the car wash bays are not required under the concept approval. The proposal is capable of meeting

the key objectives for Council’s DCP controls for parking despite this non-compliance. Given the availability of commercial car wash facilities in the area and the trend of apartment residents using this service in favor of onsite car wash facilities, the omission of these facilities on site is acceptable.

Visitor parking

As per clause B1 of the concept approval and detailed in the table above, the rate for visitor car parking spaces for development in the Residential Precinct is 1 space per five dwellings. With a total of 178 dwellings provided, 36 visitor spaces are required. The proposal provides 12 spaces within the upper ground level, and 24 spaces within the central boulevard.

Bicycle Parking

Council’s DCP requires bicycle parking to be provided at the rate of 1 per 5 dwelling units plus 1 visitor space per 10 units. A requirement for 53 bicycle parking spaces is generated by the development and 21 spaces are provided.

Accommodating the required volume of bicycle parking is an important element of the proposed development, given its location isolated from established public transport facilities and its position adjacent to the existing Council bicycle path. A condition of consent has therefore been recommended to require a minimum of 53 bicycle spaces be provided.

Disabled Parking

A total of 37 disabled parking spaces are provided, including a disabled visitor parking space within the central boulevard.

10.8 Adaptable Housing

Council’s DCP requires 30% of all dwellings (53 units for Stage 2) to be specifically designed to be flexible and easily modified to become ‘Adaptable Housing’ (i.e. housing accessible to occupants and visitors who are or may become frail or have or develop a disability). The rationale behind this requirement is that the number of people in the Sutherland Shire over the age of 55 is above the Sydney average. The provision of adaptable housing units within a development can assist people to live in a dwelling that is suited to their level of ability for longer, which is more cost effective than relocating or retrofitting the building at a later date.

A total of 36 adaptable apartments/parking spaces are proposed, constituting 20% of the total units. 44 units are provided as part of the Stage 1 development, bringing the total volume of adaptable housing provided as part of Stage 1 and 2 to 80 units.

The applicant has justified the 17 unit shortfall by identifying that in the context of the entire residential estate, a total of 120 units will be provided on the completion of Stage 3 works, which is the size of a sizeable retirement village.

It is accepted that 36 units for a single residential flat building development is a substantial quantum of units. In this respect, Council accepts that the proposal is unique, in that the development is of a scale that generates the

requirement for a relatively high volume of adaptable units. Housing will be provided that is designed for easy access and mobility in accordance with the requirements of the Australian Adaptable Housing Standard (AS4299-1995). With the addition of 36 units to the affordable housing stock, improved availability and housing choice will be provided to cater for the needs of the population so that more people are able to live independently.

In Council’s opinion, in the context of the proposal, the provision of 36 adaptable units, in addition to the 44 units provided by Stage 1 and units to be provided as part of Stage 3, the development meets the overriding intent of the DCP requirement for to provide adaptable housing and the variation to the numerical control is acceptable.

10.9 Wind Effects

A wind report has been prepared in conjunction with the application (Windtech, April 2014). The results of the study indicate that the site is generally exposed to relatively strong north-north-easterly and westerly winds, largely due to the close proximity of the site to Woollooware Bay. The report includes several recommendations to ensure acceptable wind conditions in the outdoor trafficable areas within and around the development including:

- Include evergreen trees, capable of growing to a height of 5-6m, along the northern and western frontages of the site. The trees are recommended to have a densely foliating canopy with a diameter in the range of 4-5m.
- Provide screening/ additional planting to the upper ground level footpaths, pocket park and level 1 communal area.
- Provide additional screening to some balconies and retain solid balustrades (as proposed) on the perimeter of all private balcony areas.

A condition of consent has been recommended to ensure the recommendations of the wind report are adopted.

10.10 Transmission Lines

Double Circuit 132 kV overhead transmission lines, owned and operated by Ausgrid traverse the northern portion of the Residential Masterplan site. For the subject application, the works to reduce EMF exposure are particularly relevant to building H, the closest building of the development to the powerlines.

The assessment of the concept scheme addresses EMF exposure to future occupants by the imposition of a condition of consent that requires future applications adopt the mitigation measures identified in the Magshield Products (AUST) International Pty Ltd report (conditions 26-28). Such measures include reversing the phase sequence of the 917 power line, which Ausgrid commented is capable of reducing EMF levels by half in the proposed development area. As above, Ausgrid have confirmed that design work for the rephrasing of 916, which is electrically equivalent to re-phasing 917, is

currently underway, and the applicant has indicated that these works will be completed prior to the construction of the development.

A confirmation letter prepared by Magsheild Products(Aust) International, submitted with the application indicates that providing the recommendations outlined in the report dated 7 June 2012 are implemented, the power frequency electric and magnetic fields will be below than the maximum level of exposure recommended by the national and international standards and guidelines.

A condition of consent has been recommended to reinforce the implementation of the mitigation measures recommended in the Magshield report, including the re-phasing of the power lines, prior to the issue of any Occupation Certificate.

10.11 Shuttle Bus

The operation of the shuttle bus is a key component of ensuring the site is accessible by means other than private transportation, given the isolation of the site from existing public transport services. The concept approval reflects this in the conditions of approval, which require each future application to demonstrate necessary agreements have been reached in securing the provision of an ongoing and reliable service to the residential precinct.

In its assessment of the concept approval, the PAC indicated that a reasonable outcome to ensure certainty regarding the shuttle bus operation would be that the service be the responsibility of the Leagues Club. The PAC also recommended that at a minimum, the shuttle bus should provide services to/from Woollooware Railway Station. Evidence has been provided demonstrating that an agreement has been reached with the Leagues Club, confirming the provision of a bus to this effect.

The minimum bus service level was enforced as a condition of approval for the Stage 1 development, to ensure an effective, reliable bus service that provides confidence for users, particularly commuters is provided.

10.12 Public Domain and Landscaping

Similar to the building form, the public domain treatment has been set by the Concept Plan approval, which requires public domain treatments to be in accordance with the landscape concept plans and pedestrian and cycle linkages to be provided throughout the development. Consistent with the Concept Plan, street plantings are proposed at in the central road, existing trees on the Solander Field frontage are proposed to be retained and a gravel footpath is proposed to provide pedestrian connectivity from Captain Cook Drive to the foreshore.

The proposal differs from the Landscape Concept Plan drawings, providing a communal landscaped podium to the south of Building G in place of an access road. The modified landscape design is however reflected on the modified architectural plans which were approved by DP&E as part of the recent 75W amendment to the Concept Plan (MP10_0229MOD1). The

substitution of a communal landscaped area in this space provides the benefit of an improved relationship to the Level 1 units, and given the consistency with the most recent version of the approved Concept Plans, is supported.

As discussed in Section 9 above, minor amendments are recommended to improve the quality of the central courtyard communal area and to bring the species selection in line with the requirements for sites located in a Greenweb ‘support’ areas. Development in Greenweb support areas should ensure the retention and restoration of areas of habitat and contribute to adjacent key areas of habitat (Greenweb ‘core’ areas) to ensure their long term sustainability. Given the adjacent Greenweb core area is also associated with an internationally significant wetland community; appropriate plant selection is of critical importance.

With the implementation of the recommended conditions, Council is satisfied that the proposal is satisfactory with regard to the terms of the concept approval, and the objectives of Council’s DCP requirements for landscaping and Greenweb sites.

10.13 Active Frontages

The Concept Plan requires future applications for the Residential Precinct to demonstrate that the frontages to Solander Fields, the central boulevard and the riparian zone are activated at ground level. The Concept Plan approval also requires that all ground floor units are provided with individual and direct street access and sufficient articulation.

The approved Concept Plan scheme includes an elevated Central Road and two levels of above ground parking for the Stage 2 buildings. The design of the Stage 2 development provides two storey terraces along the western boundary facing Solander Fields (these have direct access from the terraces to the adjacent public walkway) and apartments at the Upper Ground Floor Level provided with direct access via private courtyards to the central road and adjacent pocket park. A café and pocket park are also provided at the north-east corner of the development, activating the private street and providing a congregation point for residents and visitors.

Due to the topography of the site and level difference with the adjacent foreshore future parklands, the north facing units on the lower ground floor (one only) and upper ground floor units do not have direct pedestrian access to the riparian zone. The riparian zone is activated however, by the presence of the private open space and living areas adjacent to the foreshore parkland for each of the north facing units. The parkland itself (subject to a future DA) is also proposed to be activated by passive and active recreation uses incorporating a cycleway link and a playground. Council is satisfied that the development, and the future uses of the parkland will effectively activate the surrounding public domain as far as practicable within the constraints of the site.

10.14 Travel Access Guide/Green Travel Plan

A Travel Access Guide (TAG) was submitted as part of the Stage 1 development. The Stage 1 approval also included a condition of consent to ensure a Green Travel Plan (GTP) was also provided to Council prior to the issue of any Final Occupation Certificate. No additional information, such as a GTP, has been provided to Council to address the Stage 2 development.

A condition of consent, to the same effect as that imposed on the Stage 1 approval is recommended to ensure that a GTP is prepared for the future users of the Stage 2 development.

10.15 Ecologically Sustainable Development (ESD)

The site is an area of high environmental sensitivity, marked by its proximity to the areas identified as internationally significant RAMSAR wetland at Towra Point. The land is highly visible from Captain Cook Drive and is prominent within the local community given its association with the Cronulla-Sutherland Rugby League Club. The development is also part of a new town centre to be built largely on land that is unencumbered. The DP& E report on the concept plan design included the following comment on ESD:

It is recommended that a future assessment requirement be imposed to require future development applications to incorporate best practice ESD measures.

As a result, the following condition was implemented on the concept approval:

Future applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.

This requirement was also applicable to the Stage 1 development, for which the JRPP imposed a condition of consent which required the following:

- Implementation of energy monitoring systems to enable households to track and reduce energy usage.
- Selection of appropriate and sustainable materials such as FSC-Forestry Stewardship Council certified timber.
- Incorporation of photovoltaic cells to power communal areas, to the maximum extent possible on the proposed roof areas.

The applicant has taken steps to address ESD for the Stage 2 development indicating a commitment to the initiatives required by the Stage 1 consent. The development has dedicated 150m² of rooftop area on both Building G and H for the purpose of PV panels to power the communal areas of the buildings. In addition, the proposal includes a Bioswale along the western boundary to treat stormwater.

The implementation of these measures reasonably addresses the ESD requirements contained in the Concept Plan. A condition of consent is recommended to ensure their implementation.

10.16 Waste Management

Waste shutes are provided for the upper level residents for waste disposal, whilst lower level residents will dispose of waste directly into the waste room on the lower ground level. A commercial waste store for the café is proposed in a room on the upper ground level, adjacent to the café. The waste is proposed to be collected by a private contractor from a garbage holding area adjacent to the loading dock which adjoins the car park driveway off the Central Boulevard (approved as part of Stage 1).

A Waste Management Plan (WMP) has been submitted (Leigh Design, 2014). This provides recommendations and measures to manage waste during the operational phase of Stage 2 of the Residential Precinct. The WMP also provides measures to address sustainability and waste avoidance and improve the amenity of future residents in regards to waste storage, transportation and collection. The measures contained in this report are recommended to be enforced through a condition of consent.

11.0 SECTION 94 CONTRIBUTIONS

In accordance with Council’s development contributions plans, the proposed development generates requirements for Section 94 contributions. The contribution requirements are reflected in the recommended conditions of consent.

Various discussions have been undertaken with the applicant in relation to undertaking “works in kind” in lieu of monetary contributions. While Council is supportive of this arrangement in part, an agreement has not been reached at the time of writing. Regardless, a consent condition has been recommended which would allow for a partial “works in kind” arrangement to be agreed to after the consent is issued.

12.0 DECLARATION OF AFFILIATION

No gifts, donations or political affiliations were declared with the application.

13.0 CONCLUSION

The proposed development is for the second stage of the residential development for the Woollooware Bay Town Centre, including the construction of a two level above ground podium containing car parking, a café, two residential flat buildings containing 178 dwellings, provision of infrastructure and services including access roads, associated landscaping and public domain works at 471 Captain Cook Drive, Woollooware.

The subject land is located within Zone 15 - Private Recreation pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. Under the LEP, the proposal is prohibited in the zone. The approval granted under the Part 3A assessment process effectively overrides the zoning and makes the proposal permissible subject to compliance with the Cronulla Sharks Concept Plan approval.

The proposed development is compliant with the Concept Plan approval. The protrusions beyond to the maximum building height and floor plate are accepted as very minor and are satisfactory with regard to the concept plan considerations.

The OEH was requested to provide clarity on whether the proposal was successful in addressing condition 22 of the Concept Plan. Although a comment to this effect was not provided, commentary on each of the eight future environmental assessment requirements was forwarded for consideration. In lieu of any conclusive recommendation from the OEH, a detailed assessment of the OEH comments in the context of the Concept Plan requirements has been undertaken by Council, as directed by the JRPP. Council’s interpretation of the condition 22 requirements is that each matter has been addressed as far as is practical, within the limitations established by the Concept Plan approval.

In response to public exhibition four submissions were received in objection to the proposal. Key issues arising from the submissions were impacts on the natural environment, traffic and parking, loss of playing fields, contamination, noise & amenity, shuttle bus operation and construction and operational impacts. The matters raised in the objections and as a result of Council’s detailed assessment may be dealt with by design changes or conditions of consent where appropriate and to the extent reasonable given that the building is largely compliant.

The application has been assessed having regard to the terms of the Concept Plan approval, the Heads of Consideration under Section 79C (1) and Schedule 6A of the Environmental Planning and Assessment Act 1979. Following detailed assessment it is considered that Development Application No. DA14/0598 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

- 14.1 That Development Application No. DA14/0598 for is for the second stage of residential development for the Woollooware Bay Town Centre, including the construction of a two (2) level podium containing car parking, a café, two (2) residential flat buildings containing 178 dwellings, provision of infrastructure and services including access roads, associated landscaping and public domain works at 471 Captain Cook Drive, Woollooware be approved, subject to the draft conditions of consent detailed in Appendix “A” of the Report.