

Kylie Rourke - 9710 0535

File Ref: DN14/0009

05 March 2014



NSW Department of Planning & Infrastructure

ATTN: Mark Brown

GPO Box 39

SYDNEY NSW 2001

Dear Mr Brown

Subject: Council response to section 75W Request to Modify the Concept Plan Approval for the Woollooware Bay Town Centre (MP 10_0229 MOD 1) at 461 Captain Cook Drive, Woollooware.

Thankyou for the opportunity to make a submission on the above proposal. Council has reviewed the proposal and provides the following comments:

- In the absence of plans indicating the location of the additional Club outdoor deck area, Council is unable to comment on the impacts relating to this amendment.
- Council does not object to the provision of additional communal areas to the development in principle; however enabling the increase in height of Building F to facilitate a rooftop cinema has the capacity to impact on the effectiveness of condition 29 imposed by the Joint Regional Planning Panel (JRPP) for Development Approval (DA13/0270). The condition is reproduced below:

29. Ecologically Sustainable Design Measures

A. Before Construction

The following ESD measures shall be incorporated into the design:

- Implementation of energy monitoring systems to enable each household to track energy usage.*
- Commitment to the use of appropriate and sustainable materials such as FSC- Forestry Stewardship Council certified timber.*
- iii. Incorporation of Photovoltaic Cells to power services provided within the communal areas, to the maximum capacity permitted by the available roof areas.***

Details shall be included with the Construction Certificate

This condition was imposed to address condition 11 of the Department's Concept Approval (MP10_0229) relating to Ecologically Sustainable Development (ESD), given the development made no firm commitment to the

incorporation of any tangible ESD measures. The amendment to the maximum plant height for Building F would facilitate the cinema, the provision of which would reduce the roof area available to accommodate PV cells. Approval of this element of the design should not be granted until alternative, tangible ESD measures are committed to by the proponent that are equal to or greater than in value to the potential PV cells that would have otherwise occupied that space.

- Council raises no objection in principle to minor amendments to buildings E1 and G, provided the buildings are capable of providing units which maximise solar access, ventilation, and general amenity, and that the proposal is capable of compliance with State Environmental Planning Policy 65 (SEPP65).
- In relation to the modification of the Schedule 3 Conditions of Approval, the addition of the terms "where appropriate" is unnecessary, and introduces ambiguity in the application of these conditions. As demonstrated in Council's assessment of the stage 1 residential development, these conditions were applied "where appropriate" regardless of the presence of this specific term, as is the commonsense approach to the application of any condition. Council therefore recommends the amendment to the Schedule 3 conditions 2, 3, and 17 are rejected. Should the amendment proceed despite Council's recommendation, we suggest the proponent's requested amendments are altered to read "*where deemed appropriate by Council*".

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Kylie Rourke on 9710 0535 or email KRourke@ssc.nsw.gov.au.

Yours faithfully



Chris Greig
Manager- Coast Assessment Team
for J W Rayner
General Manager