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20 March 2014

Sam Haddad
Director-General
Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mark Brown (Senior Planner)

Dear Mark

**SECTION 75W TO MP10_0229
461 CAPTAIN COOK DRIVE, WOOLLOOWARE**

We write to you regarding the Section 75W Modification to the Concept Plan Approval (MP 10_0229) for the mixed use development at 461 Captain Cook Drive, Woollooware (Woollooware Bay Town Centre). On behalf of Bluestone Capital Ventures No. 1 Pty Ltd (Bluestone) we provide the following response to considerations raised by Sutherland Shire Council (Council) in their correspondence dated 5 March 2014.

Outdoor Deck Area

Council has commented that they are unable to comment on the increase in permissible deck area as no plans have been provided. New plans illustrating the increased deck area will be provided as part of a future section 75W modification to the Retail/Club Project Approval (MP10_0230), at which time it is assumed that Council will be consulted. The additional deck area will involve the extension of the approved deck, enhancing the amenity of this space.

Stage 1 Residential Precinct DA Condition 29 - ESD

Council has raised concern that there could be a potential conflict between the provision of a communal area on the roof of Building F and the requirements of Condition 29 of the Stage 1 Residential Precinct DA Approval. Arup has undertaken a review of the Ecologically Sustainable Development (ESD) measures provided in Condition 29 and confirmed that the intent of the measures are still able to be achieved. A modification to Condition 29 will be sought as part of a future Section 96 application to Council to clarify the wording of the measures, and ensure that the provision of the communal area on Building F does not impede the ability of the proposal to comply with the condition.

Furthermore, it is emphasised that this Section 75W seeks only to allow for the provision of this rooftop area, facilitating the future approval of the use. The detailed approval of the communal area will be at the discretion of Council as part of a future Section 96 application. As such, it is considered that the ability of the proposal to comply with Condition 29 is a matter to be addressed in the future section 96 at the discretion of Council.

Amendments to Building E1 and G

No objection has been raised by Council regarding the amendments to Buildings E1 and G, providing that amenity considerations are addressed in future applications. This is noted and it is confirmed that future detailed Development Applications will explore how amenity will be maximised in terms of solar access, ventilation and any other considerations.

Modifications of Conditions 2, 3 and 17 in Schedule 3

Council has suggested that the proposed amendment to Conditions 2, 3 and 17 in Schedule 3 of the Concept Plan Approval should not be adopted. The addition of the phrase, 'where appropriate' in these conditions is designed to ensure that any person reviewing the Concept Plan Approval understands that Council has the ability to apply environmental assessment requirements at their discretion. It is not considered that the provision of this phrase, or any similar phrase, would impact on the ability of environmental assessment requirements to be imposed. In effect, the provision of this phrase will ensure clarity when comprehending the conditions and will not have any detrimental impact on the application of the conditions.

Council's suggested phrase, 'where deemed appropriate by Council', is generally supported, but it is considered more appropriate that 'Council' be amended to 'Consent Authority', in light of Planning & Infrastructure's role in the assessment of the Retail/Club Project Application.

We trust the considerations of Council have been addressed by the above information and the modification can proceed to approval. Should you have any queries about this matter, please do not hesitate to contact me at bhoskins@jbaurban.com.au or on 9956 6962.

Yours faithfully



Brendan Hoskins
Urban Planner