

Mr Gordon Kirby  
JBA Urban Planning Consultants  
173 Sussex Street  
Sydney NSW 2000

Our ref: MP 10\_0229 Mod 2

Dear Mr Kirby,

**SEARs for proposed modification 2, MP 10\_0229 Woollooware Bay Town Centre**

Please find attached Secretary's environmental assessment requirements (SEARs) for the preparation of an Environmental Assessment (EA) for the above proposed modification to the concept plan (MP10\_0229).

These requirements have been prepared in consultation with relevant public authorities based on the information you have provided to date. Please find attached the public authorities' comments for your information. Please note that the Secretary may alter these requirements at any time.

If you do not lodge a modification application and EA for the development within 2 years, you must consult further with the Secretary in relation to the preparation of the EA.

The Department wishes to emphasise the importance of effective and genuine community consultation where a comprehensive, detailed and genuine community consultation engagement process must be undertaken during the preparation of the EA. This process must ensure that the community is provided with a good understanding of what is proposed, description of any potential impacts and they are actively engaged in issues of concern to them.

Please contact the Department at least two weeks before you propose to submit your DA and EIS. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD/DVD) of the DA and EIS that will be required for reviewing purposes.

If your development is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of the Environment to determine if an approval under the EPBC Act is required (<http://www.environment.gov.au> or 6274 1111).



## Planning & Environment

If you have any questions, please contact Petra Blumkaitis, on (02) 9373 2866 or via email at [petra.blumkaitis@planning.nsw.gov.au](mailto:petra.blumkaitis@planning.nsw.gov.au)

Yours sincerely

 20/10/16

Ben Lusher  
**Director**  
**Key Sites Assessments**  
as delegate for the Secretary

# Secretary's Environmental Assessment Requirements

## Section 75W of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>	MP 10_0229 (MOD 2)
<b>Project</b>	Modification to the concept approval to introduce new building envelopes above the retail/club building (within the eastern precinct) for a mix of uses, including residential and serviced apartments/hotel.
<b>Location</b>	461 Captain Cook Drive, Woollooware
<b>Proponent</b>	Bluestone Capital Ventures No. 1 Pty Ltd and the Cronulla Sutherland Leagues Club
<b>Date issued</b>	20 October 2016
<b>Expiry date</b>	If you do not lodge the Environmental Assessment (EA) within 2 years of the issue of these SEARs, you must consult further with the Secretary in relation to the preparation of the EA.
<b>General Requirements</b>	<p>Notwithstanding the key issues specified below, the EA must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> <li>adequate baseline data;</li> <li>consideration of potential cumulative impacts due to other development in the vicinity; and</li> <li>measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.</li> </ul> <p>The EA must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the EP&amp;A Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived;</li> <li>an estimate of the jobs that will be created by the future development during the construction and operational phases of the development; and</li> <li>certification that the information provided is accurate at the date of preparation.</li> </ul>
<b>Key issues</b>	<p>The EA must address the following specific matters:</p> <p><b>1. Relevant EPIs, policies and guidelines to be addressed</b></p> <p>The EA shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:</p> <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (Infrastructure) 2007;</i></li> <li><i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> and the Apartment Design Guide;</li> <li><i>State Environmental Planning Policy (Building Sustainability Index: Basix) 2004;</i></li> <li><i>NSW State Priorities;</i> and</li> <li><i>Sutherland Shire Local Environmental Plan 2015.</i></li> </ul> <p>The EA shall also address relevant planning provisions, goals and strategic planning objectives in the following:</p>

- A Plan for Growing Sydney;
- NSW Long Term Transport Master Plan;
- Sydney's Bus Future;
- Sydney's Cycling Future;
- Sydney's Walking Future;
- Development Near Rail Corridors and Busy Roads - Interim Guideline;
- Guide to Traffic Generating Developments;
- Guide to Traffic Management – Part 12; Traffic Impacts of Development (AUSTROADS);
- NSW Bicycling Guidelines;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Australian Standard (AS) 2021: 2015 Acoustics – Aircraft noise intrusion – Building siting and construction;
- Our Shire, Our Future - Sutherland Shire Community Strategic Plan; and
- Sutherland Shire Council Development Control Plan.

## **2. Comparison with the concept approval (MP10\_0229)**

The EA shall:

- demonstrate how the proposed modification can be assessed and determined within the scope of Section 75W of the *Environmental Planning and Assessment Act 1979*, and in particular demonstrate and address any environmental impacts beyond those already assessed for the concept approval;
- provide a comparative assessment of the proposed modification against the approved scheme (qualitative and quantitative), including comparison plans clearly identifying the proposed amendments in plan and elevation, and provide a rationale for the amendments and an analysis of benefits / impacts, including measures to mitigate any potential impacts; and
- outline and justify any proposed changes to the existing terms of approval, future assessment requirements and commitments.

## **3. Pre-submission consultation statement**

The EA shall describe the pre-submission consultation and community engagement process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.

## **4. Design excellence, built form and public domain**

The EA shall:

- demonstrate how the proposed modification to the concept plan is capable of achieving design excellence in future detailed applications;
- address the height, bulk and scale of the proposed development within the context of the locality. In particular, detailed envelope/height and contextual studies should be undertaken to ensure the proposal integrates with the local environment, including significant wetlands and the public domain;
- justify that the height, scale and density of the proposed development is informed by a detailed urban design analysis, including consideration of access to public transport for the new residential, serviced apartment and hotel uses;
- include a comparative height study to demonstrate how the proposed building heights relate to the height of the existing, approved and proposed developments in the immediate vicinity of the site, including consideration of solar impacts on nearby properties and public domain areas;
- include a visual and view analysis to and from the site from key vantage points;

including Woollooware Bay, Towra Point Nature Reserve, Captain Cook Drive, the corner of Bate Bay Drive and Sanderson Street and from Woollooware Road;

- include consideration of various options for the siting, orientation and massing of the proposed building envelopes, together with a comparative analysis demonstrating key strengths and weaknesses of each option; and
- address the design quality with specific consideration of the massing, building envelope setback, building articulation, landscape concepts, integration with the street level, safety by design, design of the public domain and integration with existing pedestrian / bicycle connections.

#### **5. Land Use**

The EA shall address the relevant metropolitan and local strategies in relation to the proposed mix of land uses, including justification for the proposed residential, serviced apartments and hotel floor space.

#### **6. Public benefit, contributions and/or Voluntary Planning Agreement**

The EA shall address the provision of public benefit, services and infrastructure in consultation with key stakeholders including Sutherland Shire Council, local community groups and other relevant agencies in consideration of a public benefit offer that is commensurate with the scope of the proposal and that reflects the needs of the community.

The EA shall also provide details of any Voluntary Planning Agreements or other legally binding instrument proposed to facilitate this development as agreed between relevant public authorities and the proponent.

#### **7. Internal residential amenity**

The EA shall:

- demonstrate that the concept proposal is capable of complying with SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide, including justification for any compliance / non-compliance;
- address any impacts associated with the electricity transmission easement and the transmission towers and wires upon future dwellings; and
- address any potential impacts associated with game day events on the proposed residential amenity.

#### **8. Public domain / open space**

The EA shall:

- detail the type, function and character of the various private, communal and public areas associated with the proposed modification. Pedestrian circulation and linkages between each space should also be demonstrated;
- address any public domain improvements, pedestrian linkages and street activation (where proposed as part of the modification);
- demonstrate that the proposal will continue to provide publicly accessible pedestrian and cycle access to Woollooware Bay as identified in the *Sutherland Shire Bicycle Plan*; and
- demonstrate how the design of proposed structures and the treatment of public domain and open spaces will
  - maximize safety and security in accordance with the Crime Prevention Through Environmental Design (CPTED) principles
  - ensure access for people with disabilities
  - minimise potential for vehicle, bicycle and pedestrian conflict

## **9. Transport and accessibility**

The EA shall include a traffic and transport assessment taking into account any changes in relation to:

- current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the surrounding road network;
- details of estimated total daily and peak hour trips likely to be generated by the proposed development, including vehicle, public transport, pedestrian and bicycle trips;
- existing and future performance of key intersections providing access to the site, and any upgrades (roads/intersections) required as a result of the development, supported by appropriate modelling and analysis;
- cumulative impacts of traffic volumes from the proposal, together with existing and approved developments in the area and potential conflict with traffic movements generated by existing uses;
- appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network;
- details of the proposed number of car parking spaces and compliance with appropriate parking codes and justify the amount of car parking provided on the site, including 'game day' parking arrangements,
- details of service vehicle movements and site access arrangements, including vehicle type; and
- measures for residents and visitors to make sustainable transport choices, including measures to:
  - improve public transport use and accessibility (in particular given the site's location in relation to public transport opportunities);
  - integrate with existing pedestrian and bicycle linkages within the area; and
  - implement a new or revised location specific sustainable travel plan.

## **10. Noise and Vibration Assessment**

The EA shall address the issue of noise and vibration impacts and provide detail of how these will be managed and ameliorated during construction and operation of the multiple uses across the full site. An acoustic assessment should be undertaken to identify potential noise conflicts, cumulative impacts and management strategies, to inform and support the proposed land uses.

## **11. Air Quality**

The EA shall:

- document how emissions, odours and dust will be prevented or minimised;
- show compliance with the requirements of the POEO Act and its regulations; and
- show how ambient air quality will be maintained or improved.

## **12. Ecologically Sustainable Development (ESD)**

The EA shall:

- identify how best practice ESD principles will be incorporated in the design of the development, and include innovative and best practice proposals for environmental building performance.

## **13. Drainage and Stormwater**

The EA shall:

- address any potential impacts on the riparian land along the southern shore of Woollooware Bay and the watercourse on the site; and
- provide information on the sewage management arrangements.

	<p><b>14. Flora and Fauna</b> The EA shall:</p> <ul style="list-style-type: none"> <li>• identify and address any potential impacts of the proposed modification on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment, both marine and land, in accordance with the Department of Environment and Climate Change (DECC) 'Threatened Species Assessment Guidelines 2007'. In this regard, the EA shall include a detailed survey (using a variety of survey methods by a suitably qualified person) of the migratory bird habitat, and determine whether and how they are using the site and adjoining areas, and assess any potential impact or threat to the population;</li> <li>• describe mitigation and management options that will be used to prevent, control, abate or minimise identified impacts on Towra Point Aquatic Reserve associated with the proposed modification. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented; and</li> <li>• as the Towra Point Nature Reserve is protected under RAMSAR, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities should be consulted to ascertain whether the proposed development triggers the need for an assessment and approval under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>.</li> </ul> <p><b>15. Utilities</b> The EA shall:</p> <ul style="list-style-type: none"> <li>• document consultation with relevant agencies on the existing capacity and requirements of the development to provide utilities, including any staging of infrastructure works, and</li> <li>• set the potential for the proposal to impact on any water, stormwater or wastewater infrastructure.</li> </ul> <p><b>16. Staging</b> The EA must include details regarding the staging of the proposed development including details of subsequent Project Applications and Construction Staging</p> <p><b>17. Statement of Commitments</b> The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p> <p><b>18. Consultation</b> The EA shall consult with Sydney Airport and detail how aviation safety will be maintained.</p>
<p><b>Plans and Documents</b></p>	<p>The EA must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>EP&amp;A Regulation 2000</i>. Provide these as part of the EA rather than as separate documents.</p> <p>In addition, the EA must include the following:</p> <ul style="list-style-type: none"> <li>• site analysis plan;</li> <li>• site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings;</li> <li>• locality / context plan;</li> </ul>

	<ul style="list-style-type: none"> <li>• building envelopes showing the relationship with proposed and existing buildings in the locality;</li> <li>• architectural drawings (to a usable scale at A3);</li> <li>• plans, elevations, sections and photomontages clearly showing the proposed amendments compared to the concept approval;</li> <li>• schedule of proposed gross floor area per land use;</li> <li>• shadow diagrams;</li> <li>• wind impact assessment;</li> <li>• assessment against SEPP65 and the Apartment Design Guide;</li> <li>• ESD statement;</li> <li>• pre-submission consultation statement;</li> <li>• traffic and parking assessment;</li> <li>• visual and view impact analysis and photomontages;</li> <li>• physical model (should Council require this);</li> <li>• public domain plans, including a landscape master plan; and</li> <li>• geotechnical and structural report.</li> </ul>
<b>Consultation</b>	During the preparation of the EA, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers, and the local community.