

14 October 2019

218314

Mr Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
320 Pitt Street  
Sydney  
NSW 2000

Attn: Amy Watson (Team Leader, Key Sites Assessments)

Dear Amy,

## **Section 75W Modification Application | Correction of Error in Urban Form Control Diagrams Part 3A Concept Plan Approval MP 10\_0229 | Woollooware Bay Town Centre**

We write in response to your email dated 14 October 2019 to confirm that the Department of Planning, Industry and Environment (DPIE) and understand that the Department intends to assess Modification 8 to MP10\_0229 as being of minimal environmental impact.

The modification is submitted pursuant to section 75W and Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (the Transitional Regulation), which permits a concept plan to be modified under section 75W if it is of minimal environmental impact.

The section 75W modification application submitted on 16 September 2019 outlined that the modification to the Building E Urban Form Control Diagram was an omission, with all other documentation submitted with the Concept Plan (Modification 2) showing the inclusion of these levels and including an assessment of the environmental impact of these areas of car parking.

The building envelope now proposed was the intended design for Building E at the time of the approval of MOD 2 and will not result in any additional environmental impacts that have not been considered throughout assessment of the Concept Plan modification. The proposed design allows for the provision of dedicated car parking for the hotel, to address Sutherland Shire Council's request that the hotel have its own parking spaces within the hotel building footprint.

The modification is of minimal environmental impact as:

- The location of the proposed change is not visible from the public domain on Captain Cook Drive and will not result in any adverse impacts. Notwithstanding this, the visual and built form effects of the car parking levels on Level 4 and Level 5 were fully assessed and considered as part of the Response to Submissions and assessments by the Department and IPC, and their omission from the Urban Form Control Diagrams was an error of oversight only.
- The inclusion of these levels does not result in any impacts as the built form is internal and wholly contained within the site. The additional levels are integrated with Building E above and the adjoining Club building, with Sharks Stadium grandstand on Captain Cook Drive predominantly screening Levels 4 and 5 from the public domain.
- FEAR 2A requires car parking to be appropriately designed, include architectural treatments and screening and contribute positively to the overall development. The development application currently under assessment has been design in accordance with these requirements.
- It is consistent with the Indicative Floor Plans and CGIs submitted with Modification 2.
- There is no additional GFA or GBA as a result of the correction to the Urban Form Control Diagrams.

- There is no change to the amount of car parking to be provided in accordance with the maximum number set out in Condition A2.

The proposed modification seeks to correct an error in the Building Envelope Diagrams for Building E on Levels 4 and 5. This error arose as a result of a design change made in the Response to Submissions to address Council's submission on MOD 2 that Building E should have its own allocated parking, however, this change was not appropriately reflected in the final approved building envelope drawings. As the DA for this development is currently under assessment by Council and due to be determined at the 18 December panel meeting, we would appreciate the Department's urgent attention in correcting this issue.

Should you have any queries, please do not hesitate to contact Michael Oliver or Frances Mehrrens via the contact details below.

Yours sincerely,



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