

# Modification of Concept Approval

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

As delegate of the Minister for Planning, the Independent Planning Commission modifies the approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Mr. David Johnson  
**Member of the Commission (Chair)**

Sydney

23 March 2018

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### SCHEDULE 1

**Development Approval:** **MP 10\_0229** granted by the Planning Assessment Commission on 27 August 2012

**Proponent** Bluestone Capital Ventures No. 1 Pty Ltd

**Approval Authority:** Minister for Planning

**Land:** 461 Captain Cook Drive, Woollooware  
(Lot 11 DP 526492, Lot 20 DP 529644, Lot 21 DP 529644, Lot 1 DP 711486 and Lot 1 DP 501920)

**For the following:** Concept Plan for a mixed-use development at the Cronulla Sharks site, including:

- staging of proposal into three stages;
- use of the site for a mixed-use development with associated public open space;
- indicative building envelopes for the residential and retail / club precinct;
- ground and above ground car parking;
- road works to support the development;
- public pedestrian and cycle paths / boardwalks;
- landscaping areas throughout the site;
- sales and marketing facilities, including display units, etc; and
- subdivision of Lot 11 DP 526492 into two allotments.

**Modification:** **MP 10\_0229 MOD 5:** the modification includes amendments to the Landscape Concept Plan and Condition B2 to incorporate non-riparian uses within the required vegetated riparian buffer corridor and to exclude Family Hill from the riparian corridor.

## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Term of Approval A1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

### **A2. DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION**

The approval shall be generally in accordance with MP 10 0229 and the Environmental Assessment, prepared by JBA Planning dated September 2011, except where amended by the Preferred Project Report prepared by JBA Planning dated March 2012 and additional information submitted in May 2012 and in August 2012 and the Section 75W Modification 1 prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 February 2014 (as amended on 27 February 2014, 20 March 2014 and 16 May 2014), the Section 75W to Concept Plan (MP10\_0229) **(Modification 4)** prepared by JBA Urban Planning Consultants Pty Ltd dated 11th June 2015 and the Response To Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2015, and the Section 75W Modification 3 prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 June 2015, and the Response to Submissions prepared by JBA Urban Planning Consultants, dated 30 October 2015, the Section 75W to Concept Plan (MP10\_0229) **(Modification 6)** and Project Approval (MP10\_0230) prepared by JBA Urban Planning consultants dated 16 February 2016, and the Response to Submissions prepared by JBA Urban Planning consultants dated 9 June 2016, **and the Section 75W to Concept Plan (MP 10 0229) (Modification 5) prepared by JBA Urban Planning Consultants Pty Ltd, dated November 2015, the Response to Submissions Report prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2016, 22 May 2017 and 31 July 2017 and Ethos Urban dated 8 August 2017 and 25 September 2017 and the** following drawings:

<b>Concept Plan Drawings prepared by HDR Rice Daubney</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA21	A	Urban Form Control Diagram – Site Plan	12/02/16
DA22	A	Urban Form Control Diagram – Level 1	12/02/16
DA23	A	Urban Form Control Diagram – Level 2	12/02/16
DA24	A	Urban Form Control Diagram – Level 3	12/02/16
DA25	A	Urban Form Control Diagram – Level 4	12/02/16
DA26	A	Urban Form Control Diagram – Sections and Elevations	12/02/16

<b>Concept Plan Drawings prepared by Turner &amp; Associates</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A003	G	Envelope Diagram Lower Ground 02-01	28/08/15
A004	J	Envelope Diagram Typical Level	28/08/15
A005	I	Envelope Diagram Upper Level	25/06/15
A006	J	Envelope Diagram Roof Level	25/06/15
A025	F	Envelope West Elevation – Building A, B, C & D Envelope East Elevation – Building E, G & H	25/06/15
A026	E	Envelope South Elevation – Building C & B Envelope North Elevation – Building B, E & F	05/06/15

A027	D	Envelope South Elevation – Building A, E & F Envelope North Elevation – Building D & H	12/05/14
A028	F	Envelope West Elevation – Building F, G & H Envelope East Elevation – Building A, B, C & D	05/06/15

<b>Landscape Concept Drawings prepared by <del>Aspect Studios</del> <u>Habit 8</u></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<del>11017-EA-01*</del>	<del>B</del>	<del>Site Context</del>	<del>March 12</del>
<del>11017-EA-02*</del>	<del>B</del>	<del>Landscape Concept Plan</del>	<del>March 12</del>
<del>11017-EA-03*</del>	<del>D</del>	<del>Landscape Sections and Precedents</del>	<del>March 12</del>
<del>11017-EA-04*</del>	<del>B</del>	<del>Landscape Sections and Precedents</del>	<del>March 12</del>
<del>11017-EA-05*</del>	<del>B</del>	<del>Landscape Sections and Precedents</del>	<del>March 12</del>
<del>11017-EA-06*</del>	<del>B</del>	<del>Landscape Sections and Precedents</del>	<del>March 12</del>
<del>11017-EA-07*</del>	<del>C</del>	<del>Planting Strategy</del>	<del>May 12</del>
<u>L002*</u>	<u>R</u>	<u>Diagram Plan</u>	<u>03/09/17</u>
<u>L003*</u>	<u>R</u>	<u>Proposed Planting and Turf Area</u>	<u>03/09/17</u>
<u>L004*</u>	<u>R</u>	<u>Existing Ausgrid Easement Condition</u>	<u>03/09/17</u>
<u>L005*</u>	<u>R</u>	<u>Landscape Master Plan</u>	<u>03/09/17</u>
<u>L006*</u>	<u>R</u>	<u>Illustrative Sections</u>	<u>03/09/17</u>
<u>L007*</u>	<u>R</u>	<u>Illustrative Sections</u>	<u>03/09/17</u>
<u>L008*</u>	<u>R</u>	<u>Illustrative Sections/Design Images</u>	<u>03/09/17</u>
<u>L009*</u>	<u>R</u>	<u>Indicative Planting Strategy Plan</u>	<u>03/09/17</u>
<u>L010*</u>	<u>R</u>	<u>Planting Schedule</u>	<u>03/09/17</u>
<u>L011*</u>	<u>R</u>	<u>Planting Schedule</u>	<u>03/09/17</u>

\* As amended by the requirements of modification B2 below for a 40 m setback

<b>Subdivision Plan prepared by Harrison Friedmann &amp; Associates Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
41127DT	2	Plan of Proposed Subdivision of Lot 11 in DP 526492	03/08/11

Except for as modified by the following pursuant to Section 75O(4) of the Act

- (b) Schedule 2 Part B – Modification B2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

## **B2. RIPARIAN SETBACK**

The vegetated riparian buffer corridor, to be provided along the foreshore, must be a minimum of 40 metres wide, except for the 70 metres stretch adjacent to the retail loading dock, where the vegetated riparian buffer corridor must be a minimum of 35 metres wide. **The vegetated riparian buffer corridor is to be maintained, and provided generally in accordance with the landscape plans approved in term of approval A1, with the following modifications:**

- a) **The turf area in the western precinct to the north of the residential precinct is not approved. This area shall be deleted from the plans and replaced with riparian plantings.**

- b) The non-riparian landscaping adjacent to the retail entry is to be deleted and replaced with riparian plantings in conjunction with a connecting path from the retail entry to the shared pedestrian pathway and cycleway. A small area of native turf is to be provided on either side of the pathway to delineate the entry.
- c) The shared pedestrian pathway and cycleway, viewing platforms on Family Hill, and emergency vehicle access are approved in the outer vegetated riparian zone (VRZ) subject to offsetting in accordance with the NOW Guidelines. Final details are to be provided as part of any future development application.
- d) Crane pads for maintenance of electrical transmission lines and vehicular access to the crane pads may be provided in accordance with the approved landscape plans only within the outer VRZ, subject to the Proponent demonstrating that Ausgrid requires the pads and access, and that the pads and access have been designed to minimise impacts to the riparian zone. Details are to be provided as part of any future development application. Should appropriate evidence not be provided, the pads and access are to be deleted and replaced with riparian plantings. The provision of any crane pads shall be offset in accordance with the NOW Guidelines.
- e) Landform changes and plantings are to be designed to ensure the riparian corridor will:
  - maximise saltmarsh planting, in consultation with Department of Primary Industries requirements,
  - provide a gradual landform slope as far as possible,
  - retain the existing mean high-water mark and prevent sediment shall not be removed, and
  - retain existing mangrove and riparian vegetation.Sections showing landform changes and the planting strategy and planting schedule are to be updated as necessary.
- f) The vegetation management plan shall be updated to reflect the changes to the landscape scheme. The management plan should include details about how riparian planting will be maintained and managed once planted and the development is operational.

Modified landscape plans to reflect the above requirements are to be submitted in conjunction with any future development application or modification incorporating landscape works within the riparian buffer corridor.

- (c) Schedule 2 Part B –is amended by the insertion of the following new modification:

#### **B5. PLAYGROUND LOCATION**

The Proponent shall investigate alternative sites for the proposed playground. The playground must be located away from transmission lines, outside the riparian corridor and in a more publicly visible/accessible location.

Modified plans and supporting information (including an options analysis) demonstrating the most appropriate location for the playground, , shall be submitted to and approved by the Secretary prior to the determination of the first development application for the Stage 1 Precinct.

- (d) Schedule 2 Part C – Future Environmental Assessment Requirement 14 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out~~ words/numbers as follows:

#### **PUBLIC DOMAIN AND LANDSCAPING**

- 14. Future applications shall provide public domain treatments and landscaping generally in accordance with the **approved** landscape concept plans submitted with the PPR and

prepared by Aspect Studios **as modified by condition B2**. This shall include details of the function and use of each landscaped area.

**The proposed pedestrian bridge connecting Stage A2 with Stage B is to be included as part of Stage A2.**

- (e) Schedule 2 Part C – Future Environmental Assessment Requirement 20 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out~~ words/numbers as follows:

#### **DEPARTMENT OF PRIMARY INDUSTRIES (FISHERIES)**

20. Future applications shall demonstrate that Department of Primary Industries (Fisheries) requirements have been met in relation to:
- (a) mangroves not being harmed in upgrading the existing mangrove boardwalk;
  - (b) the foreshore boardwalk being set back from the crown of mangrove trees so that maintenance trimming for safety purposes will be not required over time;
  - ~~(c) the proposed seawall being designed according to the principles in the 'Environmentally Friendly Seawall Guidelines' produced by the former Department of Environment and Climate Change and Sydney Metropolitan Catchment Management Authority.~~

**End of Modification**