

Modification of Minister's Approval

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

As delegate of the Minister for Planning, we approve the modification of the Development Approval referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.



Mr Peter Duncan AM
Chair of the Commission



Mr Paul Forward
Member of the Commission



Dr Maurice Evans
Member of the Commission

Sydney

18 April 2018

SCHEDULE 1

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

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

- staging of the 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
- subdivision of Lot 11 DP 526492 into two allotments.

Applicant: Bluestone Property Solutions Pty Ltd

Consent Authority: Minister for Planning

The 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 501920)

Modification: **MP 10_0229 MOD 2:** the modification includes:

- establish new building envelopes for residential, hotel and Centre of Excellence uses
- increase of 37,894 m² GFA and 76,125 m² GBA
- provision of car parking and bicycle parking spaces
- amendments to access, landscaping and other minor amendments.

The Development Approval (MP 10_0229) is modified as follows:

SCHEDULE 2 PART A – TERMS OF APPROVAL

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

A1. DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the following development in three stages as described below:

- Stage 1 **Precinct** – neighbourhood retail, medical, and leisure centre, ~~on the eastern car park site and residential masterplanned estate, and~~ redevelopment of the Cronulla Sutherland Leagues Club facilities **on the eastern car park site**;
- Stage 2 **Precinct** – residential masterplanned estate on the western car park and field area;
- Stage 3 **Precinct** – conceptual improvements to playing field facilities, ~~and~~ grandstand extensions **and provision of a Centre of Excellence**.

Concept Plan approval is granted to the following development as described below:

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

- (b) Schedule 2 Part A – Terms of Approval, ToA A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

A2. DEVELOPMENT IN ACCORDANCE WITH 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:

- a)** the Preferred Project Report prepared by JBA Planning dated March 2012 and additional information submitted in May 2012 and in August 2012 ~~and~~
- b)** the **following** Section 75W Modification **Applications**:
 - i)** **MP 10 0229 MOD 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);
 - ii)** ~~the Section 75W to Concept Plan (MP 10_0229) (Modification 4)~~ **MP 10 0229 MOD 4** prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 June 2015, and the Response To Submissions prepared by JBA Urban Planning Consultants dated 12 October 2015, ~~and~~
 - iii)** ~~the Section 75W Modification 3~~ **MP 10 0229 MOD 3** prepared by JBA Planning Consultants Pty Ltd, dated 11 June 2015, and the Response to Submissions prepared by JBA Planning Consultants, dated 30 October 2015, ~~and~~
 - iv)** ~~the Section 75W to Concept Plan (MP 10_0229) (Modification 6) and Project Approval (MP10_0230)~~ **MP 10 0229 MOD 6** 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

v) ~~the Section 75W to Concept Plan (MP 10_0229) (Modification 5) MP 10 0229 MOD 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 date 8 August 2017 and 25 September 2017 and

vi) MP 10 0229 MOD 2 prepared by JBA Urban Planning consultants dated 20 February 2017 as amended by the Response to Submissions and Preferred Project Report prepared by Ethos Urban dated 10 October 2017

c) the following drawings:

Concept Plan Drawings prepared by HDR Rice Daubney Turner.			
Drawing No.	Revision	Name of Plan	Date
<u>S6-A-121-001</u> DA21	<u>T</u> A	Urban Form Control Diagrams – Site Plan	<u>12 July 2017</u> 12/02/16
<u>S6-A-122-002</u> DA22	<u>T</u> A	Urban Form Control Diagrams – Level 1	<u>12 July 2017</u> 12/02/16
<u>S6-A-123-003</u> DA23	<u>T</u> A	Urban Form Control Diagrams – Level 2	<u>12 July 2017</u> 12/02/16
<u>S6-A-124-004</u> DA24	<u>T</u> A	Urban Form Control Diagrams – Level 3	<u>12 July 2017</u> 12/02/16
<u>S6-A-125-005</u> DA25	<u>T</u> A	Urban Form Control Diagrams – Level 4	<u>12 July 2017</u> 12/02/16
<u>S6-A-126-006</u>	<u>T</u>	<u>Urban Form Control Diagrams – Level 5 & 6</u>	<u>12 July 2017</u>
<u>S6-A-127-007</u>	<u>T</u>	<u>Urban Form Control Diagrams – Level 7</u>	<u>12 July 2017</u>
<u>S6-A-128-008</u>	<u>T</u>	<u>Urban Form Control Diagrams – Typical Level</u>	<u>12 July 2017</u>
<u>S6-A-130-009</u>	<u>T</u>	<u>Urban Form Control Diagrams – Roof Level</u>	<u>12 July 2017</u>
<u>S6-A-131-010</u>	<u>R</u>	<u>Urban Form Control Diagrams – North & South Elevations</u>	<u>12 July 2017</u>
<u>S6-A-132-011</u>	<u>R</u>	<u>Urban Form Control Diagrams – East Elevation</u>	<u>12 July 20017</u>
<u>S6-A-133-012</u> DA26	<u>S</u> A	Urban Form Control Diagrams – Sections and Elevations <u>01 & 02</u>	<u>12 July 2017</u> 12/02/16

*** As amended by the requirements of modification B2 below for a 40 m setback and the August 2012 plans for additional parking**

Concept Plan Drawings prepared by Turner & Associates			
Drawing No.	Revision	Name of Plan	Date
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	05/06/15

		Envelope North Elevation – Building B, E & F	
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

Landscape Concept Drawings prepared by Habit 8 and Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
L002*	R	Diagram Plan	03/09/2017
L003*	R	Proposed Planting and Turf Area	03/09/2017
L004*	R	Existing Ausgrid Easement Condition	03/09/2017
L005*	R	Landscape Master Plan	03/09/2017
L006*	R	Illustrative Sections	03/09/2017
L007*	R	Illustrative Sections	03/09/2017
L008*	R	Illustrative Sections/Design Images	03/09/2017
L009*	R	Indicative Planting Strategy Plan	03/09/2017
L0010*	R	Planting Schedule	03/09/2017
L0011*	R	Planting Schedule	03/09/2017
<u>11017 UR-S75W-02</u>	<u>A</u>	<u>Landscape Master Plan</u>	<u>October 2016</u>
<u>11017 UR-S75W-05</u>	<u>A</u>	<u>Landscape Concept Plan I Level 03</u>	<u>October 2016</u>
<u>11017 UR-S75W-07</u>	<u>A</u>	<u>Landscape Concept Plan I Level 04</u>	<u>October 2016</u>
<u>11017 UR-S75W-08</u>	<u>A</u>	<u>Landscape Concept Plan I Level 07</u>	<u>October 2016</u>

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

Landscape Concept Plan Drawings prepared by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
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.

- (c) Schedule 2 Part A – Terms of Approval, ToA A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

A3. MAXIMUM GROSS BUILDING AREA / GROSS FLOOR AREA

The maximum Gross Building Area for the development shall not exceed **176,134 252,259** m² comprising:

- 115,402 m² for the **Stage 2 Residential** Precinct; and
- **60,732 136,857** m² for the **Stage 1 and Stage 3 Retail and Club** Precincts

The maximum Gross Floor Area for the development shall not exceed ~~88,742~~ 126,677 m², comprising:

- 61,370 m² the Stage 2 Residential Precinct; and
- ~~27,412~~ 65,307 m² for the Stage 1 and Stage 3 Retail and Club Precincts.

Residential storage located in a car parking podium level is not to be calculated as Gross Floor Area for the purpose of this Approval.

The maximum area for the outdoor deck for the club shall not exceed 1,827m².

- (d) Schedule 2 Part A – Terms of Approval, ToA A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

A4. CAR PARKING

- (a) The number of car parking spaces to be provided for the development shall comprise:
- (i) a maximum of 883 spaces for the Residential Stage 2 Precinct (excluding any on-street parking within the newly created on-site streets); ~~and~~
 - (ii) a minimum of 770 spaces for the Retail and Club component of the Stage 1 Precinct.
 - (iii) a maximum of 259 spaces for the residential component of the Stage 1 Precinct, unless amended in accordance with Future Environmental Assessment Requirement 6**
 - (iv) a maximum of 91 spaces for the hotel / affordable housing / first home purchaser component of the Stage 1 Precinct**
 - (v) a maximum of 50 spaces for the Centre of Excellence component of the Stage 3 Precinct.**
- (b) Development must comply with the Concept Plan car parking rates identified at Future Environmental Assessment Requirement 6 in the Environmental Assessment prepared by JBA Planning, dated September 2011, as amended by the Preferred Project Report prepared by JBA Planning, dated March 2012, and the supplementary report dated August 2012, and the Section 75W to Concept Plan (MP 10_0229) prepared by JBA Urban Planning Consultants Pty Ltd, dated 11 June 2015, and the Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2015, except where amended by the Modifications in Part B.
- (c) **Future Development Applications shall:**
- (i) demonstrate that car parking within Stages 1 and 3 can be provided for within the maximum car parking figures outlined at Term of Approval A4(a)**
 - (ii) include a projected car parking forecast for each remaining stage of the Stage 1 and Stage 3 Precincts demonstrating that the total maximum car parking provision can be adhered to.**
- (e) Schedule 2 Part A – Terms of Approval is amended by the insertion of the following new ToA A9:

VOLUNTARY PLANNING AGREEMENT

A9. A Voluntary Planning Agreement (VPA) in accordance with the public benefit offer (as summarised below) contained within modification application MP10_0229 MOD 2 between Bluestone Property Solutions (or its nominated entity) and Sutherland Shire Council shall be prepared, publicly exhibited, executed and registered on the title of the land with the Office of Land and Property Information:

- a) contribution of \$1,400,000 to Council for the provision of new bicycle links, including:
 - i) Woolooware Station to Cronulla Centre link
 - ii) connection to the Sutherland to Cronulla Alternative Transport link.
- b) affordable housing and first home buyers initiative, comprising:
 - i) 5% of residential floorspace proposed under this modification to be provided as affordable rental housing (20% discount on market rates) for a period of no less than 10 years
 - ii) reserve 5% of apartments for first home buyers, which can be purchased with a reduced deposit amount of 5%.

The VPA, as executed, must be registered on the title of the land prior to the lodgement of the first residential development application for the Stage 1 Precinct or as otherwise agreed with Sutherland Shire Council.

A copy of the executed VPA shall be submitted to the Secretary.

SCHEDULE 2 PART B – MODIFICATIONS

- (f) Schedule 2 Part B – Modifications is amended by the insertion of the following new Modification B3:

MAXIMUM BUILDING ENVELOPE HEIGHTS

B3 The Stage 1 Concept Plan building envelopes shall be amended in accordance with the Illustrative Floor Plans Roof Level prepared by Turner (Drawing No. S6-A-101-001 Revision G dated 07.02.18) to provide maximum building heights as follows:

- a) Building envelope B – a maximum of 9 storeys shall apply to the proposed part 10 part 11 storey component of the building
- b) Building envelope C – a maximum of 8 storeys
- c) Building envelope D – a maximum of 9 storeys adjacent to the foreshore park and 14 storeys centrally within the site

Amended concept plan drawings shall be submitted to, and approved by, the Secretary prior to the submission of the first development application for the Stage 1 Precinct.

- (g) Schedule 2 Part B – Modifications is amended by the insertion of the following new Modification B4:

LANDSCAPE MASTERPLAN

B4 The Concept Plan landscape masterplan drawings shall be amended to reflect the approved layout of the Urban Form Control Diagrams cited at Term of Approval A2.

The amended concept plan landscape masterplan shall be submitted to, and approved by, the Secretary prior to the determination of the first development application for the Stage 1 Precinct.

**SCHEDULE 3
FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

- (h) Schedule 3 – Future Environmental Assessment Requirements – is amended by the insertion of the following new FEAR 1A:

1A. Future applications for the Stage 1 Precinct shall demonstrate how the development has responded to the Design Guidelines included with modification application MP10 0229 MOD 2.

- (i) Schedule 3 – Future Environmental Assessment Requirements, FEAR 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

2. Future applications for the ~~Retail and Club~~ **Stage 1** Precinct shall ensure that the frontages to Captain Cook Drive, Woollooware Road and the riparian zone are activated at ground level where deemed appropriate by the consent authority and demonstrate sufficient articulation to the satisfaction of the consent authority.

- (j) Schedule 3 – Future Environmental Assessment Requirements – is amended by the insertion of the following new FEAR 2A:

2A. Future applications for the Stage 1 Precinct (where above ground car parking is proposed) shall include a Building Design Visual Assessment. The Assessment shall ensure the facades of any above ground car parking:

- a) **appropriately designed and have an acceptable visual impact**
- b) **include architectural treatments or other methods screen the car parking**
- c) **contribute positively to the overall appearance of the development**
- d) **do not include excessive areas of louvres, solid walls or voids that area detrimental to the overall appearance of the development.**

- (k) Schedule 3 – Future Environmental Assessment Requirements, FEARs 3 and 4 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

3 Future applications for the **Stage 2** Residential Precinct shall ensure that the frontages to Captain Cook Drive, tidal creek adjacent the western grand stand, Solander Fields and the riparian zone are activated at ground level where deemed appropriate by the consent authority, including individual direct street address for all ground floor units, and demonstrate sufficient articulation to the satisfaction of the consent authority.

4 Future applications for the ~~Grandstand~~ **Stage 3** Precinct shall detail the allocation of the gross floor area, including the design and access arrangements consistent with the Concept Plan.

- (l) Schedule 3 – Future Environmental Assessment Requirements, FEAR 5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

RESIDENTIAL AMENITY

5. Future applications for ~~the Residential~~ **Stage 2** Precinct shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 –*

- (m) Schedule 3 – Future Environmental Assessment Requirements – is amended by the insertion of the following new FEAR 5A:

5A. Future applications for Stage 1 Precinct shall demonstrate

- a) **compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the accompanying Apartment Design Guide 2015 (ADG)**
- b) **the 12 m separation distance between buildings within envelopes A and B will not result in adverse amenity impacts. Should this not be adequately demonstrated, the separation distance must be increased to mitigate amenity impacts consistent with the ADG.**

- (n) Schedule 3 – Future Environmental Assessment Requirements – is amended by the insertion of the following new FEAR 5B:

5B. Future applications for the Stage 1 Precinct shall include an assessment of residential access and way finding arrangements, the assessment shall demonstrate that:

- a) **future residents will have direct access from street and podium levels to the residential buildings above the podium**
- b) **the pedestrian routes are clear and easily navigable**
- c) **the pedestrian routes at podium level do not unreasonably divide the podium level communal open space and unreasonably impact its primary function/purpose as communal open space.**

- (o) Schedule 3 – Future Environmental Assessment Requirements, FEAR 6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

CAR PARKING

6. Future applications shall provide the following:
- (a) **Residential Within the Stage 2** Precinct, parking is to be provided at the following rate:
 - (i) 1 space per 1 bedroom apartment;
 - (ii) 1 space per 2 bedroom apartments;
 - (iii) 2 spaces per 3 bedroom apartment;
 - (iv) 1 visitor space per 5 apartments; and
 - (v) 1 space per 30m² of commercial GFA.
 - (b) Within the **Residential Stage 2** Precinct:
 - (i) 50% of the required number of commercial parking spaces must be set aside for commercial parking only;
 - (ii) The remaining 50% of commercial spaces and the residential visitor spaces may be shared and used by either commercial or residential visitors; and
 - (iii) Where the remaining 50% of commercial spaces are shared with residential visitors, the spaces may count towards both the residential visitors and commercial parking requirements set out in (a).
 - (c) ~~Retail and Club Precinct parking and allocation to uses is to be determined following the submission of a Parking Study Within the Stage 1 Precinct parking is to be provided at the following rate:~~
 - (i) **1 space per 1 bedroom apartment;**
 - (ii) **1 space per 2 bedroom apartments;**

- (iii) 2 spaces per 3 bedroom apartment;
- (iv) 1 visitor space per 5 apartments;
- (d) Within the Stage 1 Precinct:
 - (i) residential visitor car parking shall be provided in accordance with the rate set out in 6(c)(iv) and must be set aside for residential visitor parking only. Notwithstanding, where a Shared Car Parking Assessment has been demonstrated that there would be no adverse traffic or car parking impacts:
 1. residential visitor car parking can be provided wholly, or in part, within the retail podium and shared by either commercial or residential visitors
 2. where visitor spaces are shared, the spaces may count towards both the residential and commercial parking requirements
 - (ii) future development applications shall include the provision of an electronic dynamic parking guidance system
- (e) Car parking shall be provided in accordance with the maximum and minimum car parking limits outlined in Term of Approval A4.

- (p) Schedule 3 – Future Environmental Assessment Requirements – is amended by the insertion of the following new FEAR 7A:

BICYCLE PARKING

7A. Future applications shall demonstrate that a minimum of 126 bicycle parking spaces shall be provided within Stage 1, comprising:

- a) 49 bicycle spaces for the retail/club
- b) 77 bicycle spaces for residential apartments.

- (q) Schedule 3 – Future Environmental Assessment Requirements – is amended by the deletion of FEAR 8:

SHUTTLE BUS SERVICE

~~8. Each future application for shall demonstrate that necessary agreements have been made in order to secure the ongoing bus service between the site and nearby railway stations.~~

- (r) Schedule 3 – Future Environmental Assessment Requirements, FEAR 10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN

10. Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include ~~an investigation of car sharing schemes~~ **the preparation of a Travel Demand Study in consultation with TfNSW including the provision of at least four dedicated parking spaces for car-sharing within the Stage 1 Precinct.**

- (s) Schedule 3 – Future Environmental Assessment Requirements – is amended by the insertion of the following new FEAR 14A:

14A. Future applications for the Stage 1 Precinct shall demonstrate that all tree species and at least 80% of understorey species within the landscaping are indigenous, and the planting does not include weed species.

- (t) Schedule 3 – Future Environmental Assessment Requirements, FEAR 24 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

STAGING OF DEVELOPMENT

24. The first application shall provide details of the final form of staging of the development to ensure the orderly and coordinated development of the site. The initial stages of the development should include the construction of the Retail and Club **component of the Stage 1** precinct within the eastern portion of the site.

Each stage described shall provide full details of inclusions in respect of:

- (a) demolition;
- (b) earthworks;
- (c) buildings and all other structures;
- (d) any elements of the overall public domain plan to be dedicated or embellished;
- (e) any site remediation works;
- (f) stormwater management works;
- (g) any vehicular or pedestrian access to the site;
- (h) measures to mitigate and manage nuisance caused by stages under construction to completed stages and clashes between stages including vehicle access, noise, parking and safety; and
- (i) waste and construction management.

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal driveways, paths and car park area.

- (u) Schedule 3 – Future Environmental Assessment Requirements is amended by the insertion of the following new FEAR 30:

TOURIST AND VISITOR ACCOMMODATION

- 39. Future development applications shall outline the mechanism for ensuring the tourist / visitor accommodation is retained for this purpose and not converted for another use.**

**End of Modification
(MP 10_0229 MOD 2)**