

Attachment D: Proposed Modifications to Conditions

The modifications described in the covering letter necessitate amendments to both the Concept Plan and Project Approvals. The following sections set out the recommended modifications to conditions in order to facilitate these amendments.

Words proposed to be deleted are shown in ~~***bold italics strike through***~~ and words to be inserted are shown in ***bold italics***. Further modifications to the conditions since the exhibited version are shaded in grey highlighter.

1.1 Concept Approval MP10_0229

Schedule 2 Part A – Terms of Approval

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 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), and the Section 75W to Concept Plan (MP10_0229) prepared by JBA Urban Planning Consultants Pty Ltd dated 11n June 2015, and the Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2015, ***and the Section 75W to Concept Plan (MP10_0229) and Project Approval (MP10_0230) prepared by JBA Urban Planning Consultants dated 16 February 2016 and additional information provided on 9 June 2016,*** and the following drawings:

Delete: Drawings A121 to A126 by Scott Carver Pty Ltd

Insert:

Concept Plan Drawings prepared by <i>Scott Carver Pty Ltd</i> <i>HDR Rice Daubney</i>			
Drawing No.	Revision	Name of Plan	Date
<i>DA21</i>	<i>A</i>	<i>Urban Form Control Diagram - Site Plan</i>	<i>12/02/2016</i>
<i>DA22</i>	<i>A</i>	<i>Urban Form Control Diagram - Level 1</i>	<i>12/02/2016</i>
<i>DA23</i>	<i>A</i>	<i>Urban Form Control Diagram - Level 2</i>	<i>12/02/2016</i>
<i>DA24</i>	<i>A</i>	<i>Urban Form Control Diagram - Level 3</i>	<i>12/02/2016</i>
<i>DA25</i>	<i>A</i>	<i>Urban Form Control Diagram - Level 4</i>	<i>12/02/2016</i>
<i>DA26</i>	<i>A</i>	<i>Urban Form Control Diagram - Roof</i>	<i>12/02/2016</i>

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

Reason: This condition is proposed to be updated to reflect the amended Concept Plan Drawings which illustrate the modified building envelopes. These plans factor in the modifications required by the conditions.

A3. Maximum Gross Building Area I Gross Floor Area

The maximum Gross Building Area for the development shall not exceed ~~166,393m²~~ **176,134m²**, comprising:

- 115,402m² for the Residential Precinct; and
- ~~50,991m²~~ **60,732m²** for the Retail and Club Precinct.

The maximum Gross Floor Area for the development shall not exceed ~~87,865m²~~ **88,712m²**, comprising:

- 61,370m² for the Residential Precinct; and
- ~~26,495m²~~ **27,412m²** for the Retail and Club Precinct.

The maximum area for the outdoor deck areas shall not exceed ~~1,908m²~~ **1,827m²** comprising:

- ~~1,055m²~~ **1,827m²** for the Club; and
- ~~853m² for the Retail.~~

Reason: To reflect the amended scheme for the Retail and Club Precinct as set out in the S75W Modification Application.

NOTE: Total GFA and GBA numbers have also been updated to take into account the approval of MP10_0229 MOD 3 by the NSW Planning Assessment Commission on 14 March 2016.

1.2 Project Approval MP10_0230

Schedule 2 Part A – Administrative Conditions

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

- (a) partial demolition of the existing Leagues Club and other structures within the site;
- (b) construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, speciality retail, dining tenancies and medical leisure uses with a maximum gross floor area of ~~26,473.5m²~~ **27,412m²**;
- (c) fitout of Levels 3 and 4 of the existing building for the Leagues Club;
- (d) public domain works including new foreshore buffer to Woollooware Bay;
- (e) infrastructure works providing access to the site off Captain Cook Drive (extension and realignment of Woollooware Road, signalisation of Woollooware Road / Captain Cook Drive and two signalised intersections along Captain Cook Drive);
- (f) provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;
- (g) stormwater management (including flood management works) and site remediation works;
- (h) loading docks and 770 on-site car parking spaces;
- (i) development contributions; and
- (j) stratum subdivision.

A2. Terms of Approval

The proponent shall carry out the project in accordance with the following documentation;

- (a) Environmental Assessment (EA) and supporting documents prepared by JBA planning dated March 2013;

- (b) Preferred Project Report and Response to Submissions and supporting documentation prepared by JBA Planning, dated May 2013; and
- (c) Section 75W letter prepared by JBA dated 16 January 2014 and the additional information dated 29 January 2014; ~~and~~
- (d) ***Section 75W report prepared by JBA dated 16 February 2016 and the additional information dated 9 June 2016; and***
- (e) The following drawings, except for:
 - a. Any modifications which are Exempt or Complying Development; and
 - b. Otherwise provided by the condition of this approval.

Delete: Existing table of Architectural Drawings prepared by Scott Carver Pty Ltd.

Insert: The following table of plans

<i>Architectural Drawings prepared by HDR Rice Daubney</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
<i>DA10</i>	<i>B</i>	<i>Level 1</i>	<i>09/06/2016</i>
<i>DA11</i>	<i>B</i>	<i>Level 2</i>	<i>09/06/2016</i>
<i>DA12</i>	<i>C</i>	<i>Level 3</i>	<i>09/06/2016</i>
<i>DA13</i>	<i>B</i>	<i>Level 4</i>	<i>09/06/2016</i>
<i>DA14</i>	<i>B</i>	<i>Roof</i>	<i>09/06/2016</i>
<i>DA15</i>	<i>B</i>	<i>Gross Building Area Plan / Schedule</i>	<i>09/06/2016</i>
<i>DA16</i>	<i>B</i>	<i>Gross Floor Area Plan / Schedule</i>	<i>09/06/2016</i>
<i>DA17</i>	<i>B</i>	<i>South And East Elevations</i>	<i>09/06/2016</i>
<i>DA18</i>	<i>B</i>	<i>North And West Elevations</i>	<i>09/06/2016</i>
<i>DA19</i>	<i>B</i>	<i>North South And East West Sections</i>	<i>09/06/2016</i>
<i>DA20</i>	<i>B</i>	<i>Materials</i>	<i>12/02/2016</i>

Insert: The words 'As amended by:'

Insert: The following table of plans

<i>Landscape Drawings by ASPECT Studios</i>			
<i>11017 S75W - 03</i>	<i>C</i>	<i>Landscape Master Plan</i>	<i>February 2016</i>
<i>11017 S75W - 04</i>	<i>C</i>	<i>Landscape Sections + Precedents</i>	<i>February 2016</i>
<i>11017 S75W - 05</i>	<i>C</i>	<i>Landscape Sections + Precedents</i>	<i>February 2016</i>
<i>11017 S75W - 06</i>	<i>C</i>	<i>Landscape Concept Plan – Level 3</i>	<i>February 2016</i>
<i>11017 S75W - 07</i>	<i>C</i>	<i>Landscape Section – Level 3</i>	<i>February 2016</i>
<i>11017 S75W - 08</i>	<i>C</i>	<i>Landscape Concept Plan – Level 4</i>	<i>November 2015</i>
<i>11017 S75W - 09</i>	<i>C</i>	<i>Planting Strategy</i>	<i>February 2016</i>

Reason: This condition is proposed to be updated to reflect the amended Project Approval Plans in accordance with the amended scheme detailed in the S75W Modification Application.

Schedule 2 Part B – General

B1A. Modifications

~~1. Retail Outlet Level 1~~

~~The retail outlet on Level 1 on the corner of Captain Cook Drive and Woollooware Road North is to be deleted.~~

~~2. Level 2 Northern Staircase Deck Extension~~

~~The deck near the northern staircase on Level 2 at the end of the north-south corridor shall be extended to the boundary of the 40m riparian corridor buffer. Drawings DA011, DA012 and DA 121 are to be updated to reflect the above modifications. A copy of the plans shall be sent to the Director General and the Council for their records.~~

3. Design Requirements

~~Activation of Captain Cook Drive~~

~~There shall be at least two retail outlets on the Captain Cook Drive frontage. One shall be adjacent to the retail entry forecourt. Both shall open off the street frontage and be capable of being used as food outlets. The frontage at/towards the Woollooware Road North corner shall be further activated with a place/s for people to sit and meet designed to be integral with the street elevation and accessible from the adjacent footpath. The paving for the full length of the Captain Cook Drive frontage shall be the same as that used for the retail entry forecourt.~~

~~Drawings DA011, DA 114 and DA 201, DA 211 – 212 are to be updated to reflect the above modifications. A copy of the plans shall be sent to the Director General and the Council for their records.~~

Reason: The modifications to the approved scheme in this condition are reflected/superseded by the amended plans submitted for approval as part of this S75W Modification Application.

C20 Active Street Frontage

~~The retail/medical facility street frontage shall be provided with clear and transparent glazed shopfronts for at least 75% of the shopfront. The other r~~ Retail tenancies with street frontages shall have entrances opening off the street and shall also be provided with clear and transparent glazed shopfronts for at least 75% of the shopfront. Details demonstrating compliance shall be submitted to the Certifying Authority with the application for the Construction Certificate.

Reason: Reflect the amended tenancy configuration.

Schedule 3 – Statement of Commitments

1. Accessibility

~~The recommendations of the Access Review prepared by Morris Goding Accessibility Consultants dated 23 February 2013 shall be incorporated into the design and be provided in the final development.~~

An Accessibility Review will be undertaken by an appropriately qualified consultant to ensure that the proposal satisfies the relevant provisions of the Australian Standards AS1428 'Equal Access' series, the Building Code of Australia (BCA), and ultimately the Commonwealth Disability Discrimination Act (DDA).

Reason: Ensure equitable access is provided throughout the development.

7. Floor Space Allocation

Any Development Application for first fit-out and uses of tenancies within the Retail/Club precinct which varies from the approved use detailed in Architectural Drawings ~~DA041, DA042, DA043 and DA044~~ **DA10 or DA11** will be accompanied by a Traffic Statement which confirms that adequate parking is provided within the precinct to support the alternate use.

Reason: Ensure sufficient parking is provided throughout the development.