

## Appendix A: Proposed Modifications to Conditions

The modifications described in the Planning Report necessitate amendments to the terms of the Concept Plan Approval. 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 amendments to the proposed conditions resulting from this Response to Submissions letter are shown highlighted in grey.

**Throughout the Concept Approval**, the words "Retail and Club Precinct" should be replaced with the words "Eastern Precinct".

### 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 11 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 the Response to Submissions prepared by JBA Urban Planning Consultants dated 9 June 2015, **and the Section 75W to Concept Plan (MP10\_0229) prepared by JBA dated 13 December 2016, and the Preferred Project Report by Ethos Urban dated 8 August 2017** and the following drawings:

**Delete: Drawings DA21 to DA26 by HDR Rice Daubney**

**Insert: Drawings S6-A-121-001 to S6-A-133-012 by Turner**

Concept Plan Drawings prepared by <del>HDR Rice Daubney</del> Turner & Associates			
Drawing No.	Revision	Name of Plan	Date
<del>DA21</del>	<del>A</del>	<del>Urban Form Control Diagram - Site Plan Roof Level</del>	<del>12/02/2016</del>
<del>DA22</del>	<del>A</del>	<del>Urban Form Control</del>	<del>12/02/2016</del>

**Concept Plan Drawings prepared by ~~HDR Rice Daubney~~ Turner & Associates**

Drawing No.	Revision	Name of Plan	Date
		<del>Diagram - Level 1</del>	
<b>DA23</b>	<b>A</b>	<del>Urban Form Control</del> <del>Diagram - Level 2</del>	12/02/2016
<b>DA24</b>	<b>A</b>	<del>Urban Form Control</del> <del>Diagram - Level 3</del>	12/02/2016
<b>DA25</b>	<b>A</b>	<del>Urban Form Control</del> <del>Diagram - Level 4</del>	12/02/2016
<b>DA26</b>	<b>A</b>	<del>Urban Form Control</del> <del>Diagram - Roof</del>	12/02/2016
<b>S6-A-121-001</b>	<b>T</b>	Urban Form Control Diagrams – Site Plan	12 July 2017
<b>S6-A-122-002</b>	<b>T</b>	Urban Form Control Diagrams – Level 1	12 July 2017
<b>S6-A-123-003</b>	<b>T</b>	Urban Form Control Diagrams – Level 2	12 July 2017
<b>S6-A-124-004</b>	<b>T</b>	Urban Form Control Diagrams – Level 3	12 July 2017
<b>S6-A-125-005</b>	<b>T</b>	Urban Form Control Diagrams – Level 4	12 July 2017
<b>S6-A-126-006</b>	<b>T</b>	Urban Form Control Diagrams- Level 5&6	12 July 2017
<b>S6-A-127-007</b>	<b>T</b>	Urban Form Control Diagrams- Level 7	12 July 2017
<b>S6-A-128-008</b>	<b>T</b>	Urban Form Control Diagrams – Typical Level	12 July 2017
<b>S6-A-130-009</b>	<b>T</b>	Urban Form Control Diagrams – Roof Level	12 July 2017
<b>S6-A-131-010</b>	<b>R</b>	Urban Form Control Diagrams – North & South Elevations	12 July 2017
<b>S6-A-132-011</b>	<b>R</b>	Urban Form Control Diagrams – East Elevation	12 July 2017
<b>S6-A-133-012</b>	<b>S</b>	Urban Form Control Diagrams – Section 01 & Section 02	12 July 2017

**Insert: Landscape Concept Plans prepared by ASPECT Studios, as follows:**

Concept Plan Drawings prepared by ASPECT Studios			
Drawing No.	Revision	Name of Plan	Date
11017 UR-S75W-05	A	Landscape Concept Plan – Level 03	October 2016
11017 UR-S75W-07	A	Landscape Concept Plan – Level 04	October 2016
11017 UR-S75W-08	A	Landscape Concept Plan – Level 07	October 2016

### A3. Maximum Gross Building Area | Gross Floor Area

The maximum Gross Building Area for the development shall not exceed ~~176,134~~ **252,259m<sup>2</sup>**, comprising:

- 115,402m<sup>2</sup> for the Residential Precinct; and
- ~~60,732m<sup>2</sup>~~ **136,857m<sup>2</sup>** for the ~~Retail and Club Eastern~~ Precinct **(including Stadium and Centre of Excellence)**.

The maximum Gross Floor Area for the development shall not exceed ~~88,742m<sup>2</sup>~~ **126,677m<sup>2</sup>**, comprising:

- (a) 61,370m<sup>2</sup> for the Residential Precinct; and
- (b) ~~27,412m<sup>2</sup>~~ **65,307m<sup>2</sup>** for the ~~Retail and Club Eastern~~ Precinct **(including Stadium and Centre of Excellence)**.

The maximum area for the outdoor deck areas shall not exceed 1,827m<sup>2</sup>.

**Reason:** To reflect the amended scheme for the Eastern Precinct as set out in the S75W Modification Application.

### 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 Precinct (excluding any onstreet parking within the newly created on-site streets); and
  - (ii) a minimum of 770 spaces for the ~~Retail and Club Eastern~~ Precinct.
- (c) Development must comply with the Concept Plan car parking rates identified 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 Ltd- dated 11 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) prepared by JBA dated 13 December 2016, and the Preferred Project Report prepared by Ethos Urban dated 8 August 2017** except where amended by the Modifications in Part B.

## Schedule 3– Future Environmental Assessment Requirements

### BUILT FORM

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

### RESIDENTIAL AMENITY

5. Future applications for the Residential Precinct ~~and Eastern Precinct~~ shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying ~~Residential Flat Design Code 2002~~ **Apartment Design Guide 2015**.

### CAR PARKING

6. Future applications shall provide the following:

(a) Residential 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 30m<sup>2</sup> of commercial GFA.

(b) Within the Residential 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 visitor 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 Eastern Precinct:~~

- ~~(i) Residential parking is to be provided in accordance with the rates set out in 6(a) (i-iii).~~
- ~~(ii) A minimum of 770 car parking spaces are to be provided for the retail centre, Leagues Club, tourist and visitor accommodation and residential visitors.~~
- ~~(iii) Distribution and allocation of spaces required in accordance with 6(c)(ii) are to be determined following the submission of a parking study.~~

### TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN

10. Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. **This is to included details of the provision of at least four dedicated parking spaces for car-sharing within the Eastern Precinct. This should include an investigation of car sharing schemes.**

## 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 Eastern** 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.

## TOURIST AND VISITOR ACCOMMODATION

**30. Tourist and visitor accommodation facilities are to be retained for this purpose and are not to be converted for another use.**

## CYCLING INFRASTRUCTURE CONTRIBUTION

**31. Prior to the issue of an Occupation Certificate for any residential development in the Eastern Precinct, a \$1.4 million contribution shall be paid to Sutherland Shire Council for the delivery of local cycling infrastructure improvements within the local area.**

## AFFORDABLE HOUSING INITIATIVE

**32. The Proponent is to include evidence of appropriate mechanisms to ensure the delivery of the Affordable Housing Initiative described in Section 3.1.3 of the Preferred Project Report by Ethos Urban dated 8 August 2017 with any Development Application for residential apartments within the Eastern Precinct.**

## Schedule 5 – Statement of Commitments

Subject	Comments	Approved By	Timing
<b>12. Affordable Housing</b>	<b>Future applications will demonstrate that affordable housing is provided as part of the</b>	<b>Relevant Consent Authority.</b>	<b>Relevant application for development.</b>

	<p><b>residential development in the eastern precinct. This will comprise:</b></p> <ul style="list-style-type: none"> <li>• 5% of approved residential floor space in the eastern precinct as affordable housing, provided in the form of finished dwellings, remaining in private ownership and administered by an approved affordable housing provider for a period of no less than 10 years following occupation; and</li> <li>• 5% of apartments within the eastern precinct will be reserved for first home buyers, which can be purchased with a reduced deposit amount of 5%.</li> </ul>		
<b>13. Cycleway Infrastructure Contribution</b>	<p>A financial contribution of \$1.4 million will be paid to Sutherland Shire Council for the purpose of cycle infrastructure upgrades within the vicinity of Woollooware Bay Town Centre. This contribution is to be paid prior to the issue of any Occupation Certificate for residential dwellings within the eastern precinct.</p>	<b>Relevant Consent Authority.</b>	<p>Prior to the issue of any Occupation Certificate for residential dwellings within the eastern precinct.</p>