

Modification of Project Approval

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Anthony Witherdin
Director
Regional Assessments

Sydney 30 JULY 2018

SCHEDULE 1

Project Approval:	MP 10_0230 granted by the Planning Assessment Commission on 20 August 2013
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:	Woollooware Bay Town Centre Stage 1 including: <ul style="list-style-type: none">• partial demolition of the existing Leagues Club and other structures within the site;• construction of a new retail centre with a full-line supermarket, food retail, mini-major tenancies, specialty retail, dining tenancies and medical and leisure uses;• fitout of Levels 3 and 4 of the existing building for the Leagues Club;• public domain works;• infrastructure works providing access to the site off Captain Cook Drive;• provision of a shuttle bus service and new bus and taxi bays on Captain Cook Drive;• stormwater management and site remediation works;• loading docks and on-site car parking spaces;• development contributions; and• stratum subdivision.
Modification:	MP 10_0230 MOD 4: the modification includes internal and external design amendments to the retail centre and changes to the construction staging of the development.

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 words/numbers as follows:

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 27,412 **28,002m²**;
 - (c) fitout of Levels 3 and 4 of the existing building to 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) s 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.
- (b) Schedule 2 Part A – Term of Approval A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

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;
- (c) Section 75W ~~letter~~ **Modification Application (MP 10 0230 MOD 1)** prepared by JBA dated 16 January 2014 and the additional information dated 29 January 2014;
- (d) Section 75W ~~letter~~ **Modification Application (MP 10 0230 MOD 2)** prepared by JBA Urban Planning Pty Ltd dated 18 July 2014, 22 October 2015 and as amended by letter dated;
- (e) Section 75W report **Modification Application (MP 10 0230 MOD 3)** prepared by JBA Urban Planning Pty Ltd dated 18 February 2016 and the Response to Submissions prepared by JBA Urban Planning Pty dated 9 June 2016
- (f) Section 75W ~~letter~~ **Modification Application (MP 10 0230 MOD 5)** prepared by JBA Urban Planning Consultants Pty Ltd dated 19 December 2016
- (g) **Section 75W Modification Application (MP10 0230 MOD 4) prepared by JBA Urban Planning consultants dated 19 December 2016, and the Response to Submissions prepared by JBA Urban Planning consultants 31 March 2017 and 25 May 2017**
- (h) the following drawings, except for:
 - a. any modifications which are Exempt or Complying Development; and
 - b. otherwise provided by the conditions of this approval.

Architectural (or Design) Drawings prepared by Scott Carver Pty Ltd <u>HDR Rice Daubney</u>			
Drawing No.	Revision	Name of Plan	Date
DA10	<u>BD</u>	Level 1	09/06/16 <u>2/05/18</u>

DA11	<u>BC</u>	Level 2	09/06/16 07/03/17
DA12	<u>C</u>	Level 3	09/06/16
DA13	<u>BC</u>	Level 4	09/06/16 07/03/17
DA14	<u>BC</u>	Roof	09/06/16 07/03/17
DA15	<u>BC</u>	Gross Building Area Plan/Schedule	09/06/16 05/12/16
DA16	<u>BF</u>	Gross Floor Area Plan/Schedule	09/06/16 07/03/17
DA17	<u>BC</u>	South and East Elevations	09/06/16 07/03/17
DA18	<u>BD</u>	North and West Elevations	09/06/16 2/05/18
DA19	<u>BC</u>	North South and East West Sections	09/06/16 07/03/17
DA20	<u>BC</u>	Materials	12/02/16 05/12/16

Architectural Drawings prepared by Turner

Drawing No.	Revision	Name of Plan	Date
14020	<u>D</u>	DA Level 3	19/05/17

Landscape Drawings by ASPECT Studios

Drawing No.	Revision	Name of Plan	Date
11017 S75W-03	C	Landscape Masterplan	February 2016
11017 S75W-04	C	Landscape Sections + Precedents	February 2016
11017 S75W-05	C	Landscape Precedents Captain Cook Drive	February 2016
11017 S75W-06	C	Landscape Concept Plan – Level 03	February 2016
11017 S75W-07	C	Landscape Section – Level 03	February 2016
11017 S75W-08	C	Landscape Concept Plan – Level 04	February 2016
11017 S75W-09	C	Planting Strategy – Environmental Assessment	February 2016

Civil Infrastructure Drawings by AT&L Civil Engineers and Project Managers

Drawing No.	Revision	Name of Plan	Date
C001	A	Cover Sheet and Locality	29/01/2013
C002	A	Notes and Legends	29/01/2013
C005	A	General Arrangement Plan	29/01/2013
C006	A	Typical Road Sections Sheet 1 of 3	29/01/2013
C007	A	Typical Road Sections Sheet 2 of 3	29/01/2013
C008	A	Typical Road Sections Sheet 3 of 3	29/01/2013
C010	A	Roadworks and Stormwater Drainage Plan Sheet 1 of 7	29/01/2013
C011	A	Roadworks and Stormwater Drainage Plan Sheet 2 of 7	29/01/2013

C012	A	Roadworks and Stormwater Drainage Plan Sheet 3 of 7	29/01/2013
C013	A	Roadworks and Stormwater Drainage Plan Sheet 4 of 7	29/01/2013
C014	A	Roadworks and Stormwater Drainage Plan Sheet 5 of 7	29/01/2013
C015	A	Roadworks and Stormwater Drainage Plan Sheet 6 of 7	29/01/2013
C016	A	Roadworks and Stormwater Drainage Plan Sheet 7 of 7	29/01/2013
C080	A	Pavement, Signage and Linemarking Plan Sheet 1 of 3	29/01/2013
C081	A	Pavement, Signage and Linemarking Plan Sheet 2 of 3	29/01/2013
C082	A	Pavement, Signage and Linemarking Plan Sheet 3 of 3	29/01/2013
C090	A	Services and Utilities Coordination Plan Sheet 1 of 7	29/01/2013
C091	A	Services and Utilities Coordination Plan Sheet 2 of 7	29/01/2013
C092	A	Services and Utilities Coordination Plan Sheet 3 of 7	29/01/2013
C093	A	Services and Utilities Coordination Plan Sheet 4 of 7	29/01/2013
C094	A	Services and Utilities Coordination Plan Sheet 5 of 7	29/01/2013
C095	A	Services and Utilities Coordination Plan Sheet 6 of 7	29/01/2013
C096	A	Services and Utilities Coordination Plan Sheet 7 of 7	29/01/2013
C100	A	Erosion and Sediment Control Plan Sheet 1 of 3	29/01/2013
C101	A	Erosion and Sediment Control Plan Sheet 2 of 3	29/01/2013
C102	A	Erosion and Sediment Control Plan Sheet 3 of 3	29/01/2013
C105	A	Erosion and Sediment Control Details	29/01/2013
C130	A	Intersection Vehicle Turn Path Plan Sheet 1 of 2	29/01/2013
C131	A	Intersection Vehicle Turn Path Plan Sheet 2 of 2	29/01/2013
Draft Plans of Stratum Subdivision by Harrison Friedmann & Associates (as submitted 24 February 2016) Plan of Subdivision of lots 1 and 2 in DP 1180482 & Easement over Lot 1 in DP 1180482 Surveyors Ref: 44380DT v18 (Surveyor: David John Tremain)			
Sheet 1 of 7		Plan of Subdivision	31/05/2016
Sheet 2 of 7		Level 1	31/05/2016
Sheet 3 of 7		Level 2	31/05/2016
Sheet 4 of 7		Level 3	31/05/2016
Sheet 5 of 7		Level 4	31/05/2016
Sheet 6 of 7		Level 5	31/05/2016
Sheet 7 of 7		Level 6 and above	31/05/2016

- (c) Schedule 2 Part A – Term of Approval A6 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

A6. LAPSING OF APPROVAL

This approval shall lapse **5 6** years after the date of approval unless the building works associated with the project have physically commenced.

- (d) Schedule 2 Part C – Prior to Issue of a Construction Certificate is amended by the insertion of the following new Condition C1A:

C1A Northern Façade Changes

- (a) **Amended plans providing additional architectural detailing to the upper two levels of the south-eastern portion of the northern façade shall be submitted to and approved by the Secretary prior to the release of the relevant Construction Certificate.**

- (e) Schedule 2 Part C – Prior to Issue of a Construction Certificate is amended by the insertion of the following new Condition C1B:

C1B Architectural Detailing

Amended plans providing additional architectural detailing to the above ground car parking facades along the Captain Cook Drive and Woollooware Bay shall be submitted to and approved by the Secretary prior to the release of the relevant Construction Certificate.

- (f) Schedule 2 Part C – Prior to Issue of a Construction Certificate, Condition C20 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

C20 Active Street Frontages

All ground level (Level 1) tenancies shall be provided with clear and transparent glazed shopfronts for at least 75% of any frontage facing towards a street **or** entry forecourt ~~or towards the Woollooware Bay foreshore~~. Details demonstrating compliance shall be submitted to the Certifying Authority with the application for the Construction Certificate.

- (g) Schedule 2 Part C – Prior to Issue of a Construction Certificate is amended by the insertion of the following new Condition C26:

C26 Staged Construction and Occupation

The development may be carried out in stages with the relevant conditions being satisfied prior to the issue of Construction Certificates for each stage as follows

Phase 1 – Enabling Works and Leagues Club

- **Woollooware Road North extension**
- **Temporary Leagues Club car park and pedestrian access to Leagues Club**
- **Temporary Leagues Club loading dock**
- **Temporary fire access for Leagues Club**
- **Stage 1 internal fitout works to Leagues Club**
- **relocation from Level 1/2 to Level 3/4**
- **Level 3 Club Deck**

Phase 2 – Infrastructure and Retail Centre Construction

- **Construction of new Woollooware Road/ Captain Cook Drive intersection**
- **Temporary vehicular access arrangements for Woollooware Drive North**
- **Upgrades to Captain Cook Drive**
- **Construction of new retail centre, including conversion of existing Level 1 and 2 of Leagues Club building**

Phase 3 – Centre Completion and Foreshore Landscaping

- Completion of Leagues Club and Retail loading docks
- Completion of retail car parking
- Foreshore landscaping works
- Removal of temporary facilities (access, loading dock, pedestrian hoarding etc.)
- Completion of retail centre and tenant fitouts
- Traffic signalisation to be made operational

Phase 4 – Leagues Club – Final Fitout

- Stage 2 internal fitout works to Leagues Club
- final Level 3/4 fitout works

Any reference to ‘A Construction Certificate’ or ‘An Occupation Certificate’ relates to the relevant Construction Certification and/or Occupation Certificate.

- (h) Schedule 2 Part F – Prior to Occupation or Commencement of Use, Condition F12 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

F17. Roads and Maritime Services Requirements

Prior to the issue of an Occupation Certificate, the construction of the intersection at Captain Cook Drive and Woollooware Road ~~and the T intersection associated with the Leagues Club entrance~~ **is** to be completed and operational. The Residential Precinct intersection is to be completed and operational prior to the occupation of the first residential dwelling on the Concept Plan site.

The approved traffic control signals at the Captain Cook Drive entry/exit to the car parking and loading dock areas must be fully operational prior to any use of those car park and loading dock entry/exit points.

End of Modification