

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Keiran Thomas
Director
Regional Assessments

Sydney

6 September 2024

SCHEDULE 1

Development consent:	MP 06_0183 granted by the then Deputy Director-General of Development Assessment & Systems Performance on 4 September 2011
For the following:	Concept Approval for a mixed use residential / tourist development
Applicant:	Salamander Properties Pty Ltd
Consent Authority:	Minister for Planning
The Land:	147 Soldiers Point Road (Lot 31 DP 529002)
Modification:	<p>MP 06_0183 MOD 4: the modification includes amendments to the hotel and commercial development, including:</p> <ul style="list-style-type: none">• revise the mix of land uses, by decreasing the hotel rooms (from 90 to 85) and residential apartments (from 98 to 77)• reduction in the total number of buildings to 5 (previously approved 6 buildings)• reconfigure building footprints while maintaining the same gross floor area of 19600m² as approved under MOD 2• reconfigure building heights across the site whilst maintaining the approved maximum building height of RL36.10 at the top of the roof• additional building height of 0.5m above the roof level to provide for lift overruns and plant which were previously not captured under MOD 2. The proposed maximum building height is RL36.60

- increase total car parking spaces by 10 spaces, to provide 320 spaces, with dedication of 9 additional car parking spaces for patron parking (total 59 spaces)
- provision of dedicated 'drop-off' zone at the entrance of the hotel at the ground level
- minor revisions to vehicle access and pedestrian pathways on site to reflect new site layout
- reduction in total number of trees removed by two (2) (from 28 to 26)

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 ~~struck-out~~ words / numbers as follows:

A1 Development description

Concept approval is granted to the development as described below;

- (a) use of the site for residential and tourist purposes;
- (b) indicative building envelopes for ~~8 6~~ **5** separate buildings comprising:
- i. Building A containing ~~serviced apartments, café, gym and storage hotel rooms, restaurant, cafe and gym/spa, maximum 5-7~~ **6** storeys and 4 **2** basement levels **for hotel use**;
 - ii. Building B containing ~~serviced apartments, games, spa and back of house permanent residential apartments and back of house, maximum 7-8~~ **4** storeys and 4 **2** basement levels **for hotel use**;
 - iii. Building ~~C/D~~ containing ~~lounge bar, conference rooms, restaurant and retail bar, permanent residential apartments, maximum 3~~ **6** storeys and 1 basement level **for residential use**;
 - iv. Building ~~D/E~~ comprising reception, permanent residential apartments, maximum 4-5 **6** storeys and 1 basement level **for residential use**;
 - v. ~~Building E comprising reception and hotel rooms, maximum 4 storeys;~~
 - vi. Building F/G comprising bar, conference room and hotel rooms, maximum 5 storeys **and 1 basement level**;
 - vii. ~~Building G comprising hotel rooms, maximum 5 storeys;~~
 - viii. ~~Building H comprising permanent residential apartments, maximum of 5 storeys and 4-2 basement levels;~~
 - ix. Total ~~275-310~~ **320** parking spaces over 4-5 **6** levels, including coach/minibus/cycling parking and service vehicle areas;
 - x. vehicular and pedestrian access; and
- (c) total gross floor area (GFA) of 19,600sqm, being an overall FSR of 1.6:1; and
- (d) internal roads, pedestrian and cycle pathways and parking infrastructure.
- (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 struck out words / numbers as follows:

A2 Development in accordance with Plans and Documentation

(1) The approval shall be generally in accordance with MP06_0183 and with the Environmental Assessment, except where amended by the Preferred Project Report & Response to Submissions, and the following drawings prepared by Daryl Jackson Robin Dyke Architects, and

(2) Section 75W Modification Application to Modify Concept Plan MP06_0183 for a Mixed Use Residential/Tourist Development (MOD ~~2~~ **4**) dated ~~November 2021~~ **January 2024**, ~~Response to Submissions dated 29 March 2022, Additional Information dated 22 April 2022 and 10 May 2022~~ and the following drawings:

Concept Plans by Daryl Jackson Robin Dyke Architects <u>Bates Smart Architects Pty Ltd</u>			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
SK-000	1	Cover Sheet and Site Plan	27/03/2022

<u>P01.100</u>	<u>4</u>	<u>Landscape Plan</u>	<u>6 November 2023</u>
SK-001	B	Demolition Plan	22/12/2010
SK-099	G	Basement	27/03/2022
<u>P03.B01</u>	<u>4</u>	<u>Basement Plan 01</u>	<u>6 November 2023</u>
<u>P03.B02</u>	<u>4</u>	<u>Basement Plan 02</u>	<u>6 November 2023</u>
SK-101	C-J	Level 1 Ground	20/06/2011
<u>P03.000</u>	<u>4</u>	Level Plan RL 8.00 <u>Ground Level Plan</u>	9/05/2022 <u>6 November 2023</u>
SK-102	C-J	Level 2 1 Plan RL	20/06/2011
<u>P03.001</u>	<u>4</u>	12.00 <u>Level 01 Plan</u>	27/03/2022 <u>6 November 2023</u>
SK-103	B-J	Level 3 2 Plan RL	22/12/2010
<u>P03.002</u>	<u>4</u>	15.00 <u>Level 02 Plan</u>	27/03/2022 <u>6 November 2023</u>
SK-104	B-I	Level 4 3 Plan RL	19/01/2011
<u>P03.003</u>	<u>4</u>	18.00 <u>Level 03 Plan</u>	27/03/2022 <u>6 November 2023</u>
SK-105	B-I	Level 5 4 Plan RL	22/12/2010
<u>P03.004</u>	<u>4</u>	21.00 <u>Level 04 Plan</u>	27/03/2022 <u>6 November 2023</u>
SK-106	C-I	Roof Level 5 Plan	20/06/2011
<u>P03.005</u>	<u>4</u>	RL 24.00 <u>Level 05 Plan</u>	27/03/2022 <u>6 November 2023</u>
<u>P03.006</u>	<u>4</u>	<u>Level 06 Plan</u>	<u>6 November 2023</u>
<u>P03.007</u>	<u>4</u>	<u>Level 07 Plan</u>	<u>6 November 2023</u>
<u>P03.008</u>	<u>4</u>	<u>Level 08 Plan</u>	<u>6 November 2023</u>
<u>P03.100</u>	<u>4</u>	<u>Level 09 Plan</u>	<u>6 November 2023</u>
SK-107	C-J	Elevations – Sheet	20/06/2011
<u>P09.100</u>	<u>3</u>	01 Roof Plan <u>Sections Sheet 01 & 02</u>	27/03/2022 <u>6 November 2023</u>
SK-201	C-J	Elevations Sheet 02	20/06/2011
<u>P09.101</u>	<u>3</u>	04 <u>Sections Sheet 03</u>	27/03/2022 <u>6 November 2023</u>
SK-202	J	Elevations Sheet 02	27/03/2022
<u>P09.102</u>	<u>3</u>	<u>Sections Sheet 04 & 05</u>	<u>6 November 2023</u>
SK-251	C-K	Sections Sheet 01	20/06/2011
<u>P09.000</u>	<u>2</u>	<u>Elevations Sheet – Soldiers Point Road & East</u>	27/03/2022 <u>6 July 2023</u>
SK-L01	C-F	Landscape Plan	20/06/2011
<u>P09.001</u>	<u>2</u>	<u>Elevations Sheet – North & South</u>	27/03/2022 <u>6 July 2023</u>
SK-MD01	A-H	Movement Diagram	22/12/2010
<u>P01.200</u>	<u>4</u>	Vehicles - <u>Vehicular</u>	27/03/2022 <u>6 November 2023</u>
SK-MD02	A-H	Movement Diagram	22/12/2010
<u>P01.300</u>	<u>4</u>	Pedestrian and Cycle	27/03/2022 <u>6 November 2023</u>

(c) Schedule 3 – Future Environmental Assessment Requirement 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

2 Traffic, parking and access

The first future application for a building shall be accompanied by a Traffic and Pedestrian Management Plan providing for:

- a) A total number of ~~275-310~~ **320** on-site car space. Of these, ~~75-50~~ **59** spaces at ground level **Basement 01** designed for use by lounge bar/café and restaurant and retail patrons **using the publicly accessible facilities.**
- b) Minimisation of internal conflict points between Soldiers Point Road, the port cochere, internal driveways, pedestrians, cycle movement and the car park.
- c) Internal access to loading and unloading areas, logical access to all relevant buildings for service and delivery vehicles; and resolution of any conflict points with other vehicles, pedestrians and cyclists.
- d) Allocation of spaces between the residential flat building **uses** and tourist **hotel** uses.
- e) Details for lawful access to the residential flat building **uses** and associated parking area to reflect future land titling arrangements.
- f) **Details of the 24/7 access arrangements for the 59 spaces provided within Basement 01 for patrons using the publicly accessible facilities.**

(d) Schedule 3 – Future Environmental Assessment Requirement 7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

7 Retention of reserve trees

Future applications shall demonstrate to the satisfaction of the consent authority that all existing trees (including emergent trees) shown to be protected on approved drawing 'SK-0010, described as 'Demolition Plan' SK-L01 dated 27/03/2022 **P01.100 dated 6 November 2023** will not be adversely impacted by their proposed works.

Should any hollow bearing trees need to be removed, a management plan is to be developed addressing what will happen to the displaced fauna and submitted to Council for approval.

(e) Schedule 3 – Future Environmental Assessment Requirement 13 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

13 Bushfire

- a) ~~The first application for the first building shall be accompanied by evidence that a legally formed easement has been created over the Asset Protection Zone (APZ) on adjoining land to ensure that the APZ is maintained in perpetuity, together with the adjoining land owner's consent.~~
- b) ~~If future environmental assessment requirement 13(a) cannot be met, future applications shall include further details of the development's compliance with the requirements of 'Planning for Bushfire Protection 2006' such as the introduction of higher construction standards in accordance with AS3959 for relevant buildings.~~
- c) ~~Future applications must demonstrate that the NSW Fire Brigade emergency vehicles can adequately access the site, buildings and structures in the event of an emergency via the internal perimeter access road.~~

Future applications must demonstrate that all recommendations of the ~~Bushfire Addendum-Response to Public submissions to MP06_0183 MOD 2~~ **Bush Fire Response to MOD 4**, prepared by BEMC dated ~~22 February 2022~~ **5 December 2023** have been incorporated into the development.

(f) Schedule 3 – Future Environmental Assessment Requirement 15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

15 Building Design

Future application shall demonstrate compliance with the provisions of the State Environmental Planning Policy ~~65–Design Quality of Residential Flat Development (SEPP 65)~~ **(Housing) 2021** and the accompanying ~~Residential Flat Design Code 2002 Apartment Design Guide 2015~~ and that highlight windows (or other measures to increase solar access) are provided to the hotel rooms along the eastern façade of Building F/G.

SCHEDULE 4

REVISED STATEMENT OF COMMITMENTS

Source: ~~PPR dated February 2011~~

Section 75W Modification Application to Modify Concept Plan MP06_0183 for a Mixed Use Residential/Tourist Development (MOD 2 **4**) dated ~~November 2021~~ **January 2024**

Prepared by: ~~SAKE Development Pty Ltd and Daryl Jackson Robin Dyke Architects Pty Ltd~~
Milestone (AUST) Pty Limited

**End of modification
(MP 06_0183 MOD 4)**