

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 09_0082

CONCEPT PLAN FOR CALDERWOOD

I, the Minister for Planning, having considered the matters in section 75O(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine:

- a) under section 75O(1) of the Act, to approve the Concept Plan for the project as described in Schedule 1, subject to:
 - o the modifications set out in Schedule 2,
 - o the Proponent's Statement of Commitments in Schedule 4,
 - o the Proponent entering into the planning agreement for State infrastructure contributions referred to in the Statement of Commitments in Schedule 4 prior to approval for the project, or any stage of the project, under Part 3A of the Act or under the other provisions of the Act being given.
- b) under section 75P(1)(a) and 752(c) that future development be subject to the requirements set out in Parts A, B and C of Schedule 2.
- c) under section 75P (1)(b) of the Act, approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 of the Act, unless it meets the criteria for Part 3A in Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*.
- d) future development subject to Part 4 of the Act is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the modifications and further assessment requirements in Schedule 2.

The reasons for the further assessment requirements are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) adequately mitigate the environmental impacts of the development;
- (c) reasonably protect the amenity of the local area; and
- (d) protect the public interest.



The Hon Tony Kelly MLC
Minister for Planning

8 DEC 2010

SCHEDULE 1

PART A – PROJECT

Proponent:	Delfin Lend Lease
Application made to:	Minister for Planning
Major Project Number:	09-0082
On land comprising:	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> Lot 4 DP 259137 Lot 2 DP 608238 Lot 5 DP 259 137 Lot 1 DP 998349 Lot 1 DP 1044038 Lot 1 DP 194903 Lot 2 DP 2534 Lot 3 DP 259137 </div> <div style="width: 33%;"> Lot 1 DP 259137 Lot 22 DP 809156 Lot 112 DP 851153 Lot 2 DP 259137 Lot 1 DP 608238 Lot 6 DP 259137 Lot 21 DP 809156 </div> <div style="width: 33%;"> Lot 10 DP 619547 Lot 1 DP 996296 Lot 2 DP 158998 Lot 8 DP 259137 Lot 42 DP 878142 Lot 1 DP 195342 Lot 1 DP 558196 </div> </div>
Local Government Area:	Shellharbour City Council and Wollongong City Council
Approval in summary for:	Concept Plan for a development on approximately 700 hectares for approximately 4800 dwellings, 50 hectares of mixed used land, open space and land for environmental protection, and associated infrastructure.
Capital Investment Value:	\$410 million
Type of development:	Concept Plan approval under Part 3A of the Act.
Determination made on:	
Determination	Concept Plan approval is granted subject to the conditions in Schedule 2 below
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>NSW Environmental Planning and Assessment Act, 1979 (as amended)</i>
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Council	Shellharbour City Council or Wollongong City Council, subject to which Local Government Area the development is located.
Department, the	NSW Department of Planning, or its successors
Director-General, the	Director-General of the Department of Planning (or delegate).
Environmental Assessment (EA)	State Significant Site and Environmental Assessment Report for the Calderwood Urban development Project prepared by JBA Urban Planning Consultants dated March 2010.
Calderwood	Has the same meaning as the land identified in Part A of this schedule.
Minister, the	Minister for Planning
Preferred Project Report (PPR)	Preferred Project Report for the Calderwood Urban development Project prepared by JBA Urban Development Consultants dated August 2010.
Project	Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies.
Proponent	Delfin Lend Lease or any party acting on this approval
Regulation	The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Final Statement of Commitments submitted as part of the PPR.

SCHEDULE 2
MODIFICATIONS TO CONCEPT PLAN
CONCEPT PLAN APPLICATION NO. MP 09-0082

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1 *Development Description*

- (1) Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled "State Significant Site Study and Environmental Assessment Report – Calderwood Urban Development Project" dated March 2010, as amended by the "Preferred Project Report – Calderwood Urban Development Project" dated August 2010, prepared by JBA Planning Consultants to facilitate the following development:
- a) Approximately 4800 residential dwellings
 - b) Approximately 50 hectares of mixed use land for a range of retail, commercial and light industrial uses
 - c) Open space and protection for environmentally significant lands
 - d) Internal roads, service infrastructure and community facilities

A2 *Development in Accordance with Plans and Documentation*

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
- "State Significant Site Study and Environmental Assessment Report – Calderwood Urban Development Project" dated March 2010, as amended by the "Preferred Project Report – Calderwood Urban Development Project" dated August 2010, prepared by JBA Planning Consultants, Except for otherwise provided by the Department's modifications of approval set out in Schedule 2, Part B and further assessment requirements set out in Schedule 2, Part C.
- (2) In the event of any inconsistencies between the modifications of this concept approval and the plans and documentation described in Part A, Schedule 2, the modifications of this concept approval prevail.
- (3) In accordance with Section 75P(2)(a) of the EP and A Act, where there is an approved Concept Plan, any approval given under Part 4 of the Act by Council, must be consistent with that Concept Plan.

A4 *Consolidated Concept Plan*

A consolidated version of the Concept Plan, combining the approved components of the Environmental Assessment, Preferred Project Report, Statement of Commitments, and modifications required by this approval, is to be submitted to the Department within 3 months of the Concept Plan approval.

A5 *Approval authority*

In the event that the Council is the consent authority for any future applications on the site, any reports specified in the Statement of Commitments to be submitted to the Director General for approval, shall be instead be required to be approved by the Council.

A6 *Approvals by the Director General*

If any of the terms of the approval specify that an agreement is to be made between the proponent and a government agency or council, all parties to the agreement are to act reasonably. If no agreement is reached within 3 months of the commencement of negotiations, the issue can be referred to the Director General for a decision. Full details of the discussions and the dispute are to be provided in order for the Director General to make a decision.

A7 *Lapsing of Approval*

Approval of the Concept Plan shall lapse 10 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a development for which concept approval has been given.

PART B MODIFICATIONS TO THE CONCEPT PLAN

B1 *Residential Development in the Flood Plain*

The Concept Plan is to be modified to delete the proposed filling located within the eastern portion of Stage 1 (ie the area between Macquarie Rivulet and Illawarra Highway shown as RU2 zone on the relevant zoning in the Schedule3 of the Major Development SEPP).

B2 *Flood Study*

Prior to the determination of any future development approval on the site, the proponent shall submit an updated Flood Study and Floodplain Risk Management Study which incorporates the following:

- 1) Deletion of the easternmost fill area located between Macquarie Rivulet and Illawarra Highway. The bulk earthworks strategy in the Flood Mitigation Plan shall be amended accordingly.
- 2) Finer representation of minor tributaries.
- 3) An appropriate range of storm durations for the 20% AEP, 1% AEP and PMF events.
- 4) Sensitivity analysis addressing variations in lake level and entrance conditions in Lake Illawarra.
- 5) Existing climate conditions and climate change having regard to DECCW's Draft Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments (October 2009) in the assessment of climate change impacts.
- 6) Compendium of rainfall, streamflow and topographic data and historic flood levels and behaviour for Macquarie Rivulet.

B3 *Part 3A areas*

The 'Part 3A Area' map in Appendix L of the PPR is not approved;

B4 *Albion Park By-pass/Tripoli Way Extension*

The 'Albion Park Bypass/Tripoli Way Extension' report (Appendix F in the PPR) and the corresponding Statement of Commitments (numbered 13 to 17) are not endorsed;

B5 *Open Space*

The location of parks and public open space in the Landscape Open Space Masterplan prepared by Environmental Partnership dated 2 March 2010 is to be considered as indicative locations only and will be subject to further agreement with the relevant Council or other agency regarding the specific location of parks and open space, as part of each staging application.

B6 *Urban Design*

The Development Control Strategy (DCS) is to be amended as follows:

- 7) The 'Residential Character Area' map in Appendix G of the PPR shall be amended to remove the 'Indicative Parkland Nodes';
- 8) Residential lots less than 300m² in area are permitted within the General Residential Area (as outlined in the controls for 'Integrated Housing' in the Residential Development Controls table in Appendix G of the PPR) but only where subdivision of these lots occurs after the construction of dwellings and are located where the dwellings directly adjoin or are located directly opposite the following:

- a) public parks at least 0.3ha in size, or
- b) the Town and Village Centres.

The minimum allotment size can be varied for the subdivision of 'Integrated Housing' under the Exceptions to Development Standards – Other Development clause in the Major Development SEPP.

- 9) The Residential Development Controls table in Appendix G of the PPR shall be amended so that the minimum lot size for Villas be increased to 300m².
- 10) Design controls shall be prepared for secondary dwellings and submitted to the Department of Planning for approval
- 11) Colour palettes for dwellings in areas above RL 50 AHD to be sympathetic to natural vegetation tones to reduce the visual impact of development.

PART C – FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

C1 *Staging Plan*

- (1) A detailed staging plan is to be submitted to the relevant consent authority with each Stage application for subdivision and infrastructure works
- (2) The staging plan shall demonstrate with each application that the proposed stage or precinct represents the orderly and coordinated development such that:
 - a) It may be serviced by existing infrastructure, or is capable of being serviced
 - b) Access for vehicles and pedestrians is available and can be made available
 - c) An update of likely timing of future stages and infrastructure required to support future stages.

C2 *Environmentally Sensitive Lands map*

The Environmentally Sensitive Lands (ESL) map prepared by Delfin Lend Lease dated February 2010 shall form part of the Concept Plan approval.

The following requirements apply to development on land identified on the ESL layer:

- 1) Before granting consent, the consent authority must be satisfied that the development:
 - would substantially retain existing native vegetation, and
 - would not adversely affect to a significant extent:
 - the ecological value of the existing vegetation, or
 - native fauna
- 2) Before granting consent, the consent authority must consider whether;
 - the locality has high biological diversity
 - the locality contains:
 - a disjunct population of native species or a species that is near the limit of its geographical range, or
 - riparian vegetation, or
 - vegetation associated with wetlands, and
 - the land has connective importance as, or as part of, a corridor of native
 - vegetation forming a connection that allows for the potential passage of species of flora or fauna between two or more areas of native vegetation, and
 - the vegetation is adequately represented on land in the general locality, and
 - the land is important as a site along a migratory route for wildlife, and
 - the land functions as an important drought refuge for wildlife, and
 - clearing of the land would be likely to contribute significantly to:
 - soil erosion, or
 - salinisation of soil or water, or
 - acidification of soil, or
 - landslip, or
 - deterioration in the quality of surface or ground water, or
 - increased flooding, or
 - there is any need to conserve all or some of the native vegetation because:
 - of its unusually good condition or its significance as a sample of its type, or
 - the development will increase the perimeter of the native vegetation, and so the ratio of the boundary to the area of the native vegetation, making it more vulnerable to negative impacts, or
 - there is an archaeological site that has Aboriginal heritage significance on the land.

C3 Ecology and Biodiversity

- 1) Management plans for the Open Space Corridors and Citywide Bushland, and Environmental Reserves identified on the 'Proposed Open Space Network' map in Appendix L of the PPR, are to be prepared and submitted with each relevant application.

The management plans are to include the ownership arrangements for these lands, and how these ownership arrangements will ensure that the management regimes will be implemented and be on-going.

- 2) The Vegetation Management Plans to be prepared as detailed in Statement of Commitment No. 35 shall apply to the corridors identified in the Proposed Riparian Corridor Network plan and shall demonstrate that the following will be achieved:
 - a) improvement to aquatic habitat (for Marshall Mount Creek and Macquarie Rivulet);
 - b) improvement to water quality;
 - c) contribute to fauna habitat connectivity; and
 - d) provide passive recreation with low environmental impact, where it is available for public use.

C4 Significant Trees on Heritage sites

An arborist is to be engaged when works may affect significant trees on the heritage sites, to ensure that any impact on the trees will be minimised.

C5 Traffic Assessment

- (1) A detailed traffic assessment for each Stage is to be submitted with the relevant application for subdivision and infrastructure works, with regard to:
 - (a) Identification of the traffic generated by that particular stage of the development, having regard to the RTA Guide to Traffic Generating Developments.
 - (b) Existing capacity of surrounding road network and its ability to accommodate the development proposed within the Stage, including consideration of timing of the construction of the F6 extension and Tripoli Way Bypass.
 - (c) Identification of upgrades to the local roads required to accommodate that stage.
- (2) Detailed design plans for the proposed road works to be undertaken as part of each Stage are to be submitted with the relevant application for subdivision and infrastructure works, including:
 - (a) Plans for the upgrades to be undertaken as works in kind including details of proposed timing/staging for the completion of the works.
 - (b) Plans for proposed internal road and parking arrangements, including number of parking spaces, and details of bicycle and pedestrian facilities.

C6 Bus services

The 'Bus Service' map in Appendix L of the PPR is indicative only. The bus routes shall be determined in consultation with Transport NSW and bus service providers.

C7 *Flooding*

A flood impact statement shall be submitted for any future applications proposing development on flood liable land. The flood impact statement shall include the items in Statements of Commitment Nos. 41 to 44 and address an appropriate range of storm durations for 20% AEP, 1% AEP and PMF events under both existing climate and with climate change and assess changes in flood depths, velocities and discharges.

C8 *Retail Floor Space*

The maximum retail floor space for the Town and Village Centre shall be as follows:

- a) Village Centre – 5,000m²
- b) Town Centre – 20,000m²

C9 *Urban Design - Town Centre*

Prior to first application for development in the Town Centre, a strategy to be developed and submitted to the Department of Planning for approval, to encourage the following:

- Minimisation of land use conflicts through distribution of uses including the consideration of noise, odour, air quality, hours of operation, parking and commercial waste.
- Buildings should address and define streets providing a relatively continuous street frontage for safe and attractive circulation.
- Maximise active ground floor uses as possible and entrances located directly off the main street.
- Provide weather protection for pedestrian in public areas in the form of awnings, sails or other climate appropriate methods.
- The creation of high quality public domain, including equity of access
- Appropriate setbacks to the cemetery

C10 *Bushfire*

The following matters are to be addressed for future applications for development on the site:

- a) Special Fire Protection Purpose developments (including schools, nursing homes, retirement homes and senior living developments) should be limited or excluded from the bushland edges due to evacuation issues
- b) High density development should be avoided on the bushland edge. Dual occupancy and multiple dwelling developments that cannot achieve asset protection zones required by Planning for Bush Fire Protection 2006 will not be supported by the RFS.
- c) Asset protection zones for SFPP developments on bush fire prone land will be greater than those indicated on the Bushfire Asset Protection Zones (APZ) drawing (included with the Preferred Concept Plan Drawings, dated August 2010) which are based on residential distances.
- d) Asset protection zones are not to be located within areas that have identified threatened species and endangered ecological communities as management objectives will conflict.
- e) Demonstrate that the ongoing maintenance of asset protection zones can be maintained over the life of the development without significant enforcement action by authorities, through its design, location and complementary land use strategies. In this respect the RFS recommends asset protection zones being located within individual property boundaries or by infrastructure (roads, managed picnic areas, etc)

- f) Avoid vegetation corridors and remnant patches of bush land which provide a path for bush fire to proposed urban areas (i.e. limit the potential for isolated 'pockets' of residential development within the site). Asset protection zones will be required from any riparian corridors and remnant vegetation
- g) Address the provision of adequate water supply for fire fighting, with respect to the design of the reticulated water supply and the necessity for additional water supplies for fire fighting.
- h) Identify the servicing of the area by emergency services and the need for additional fire stations and emergency services infrastructure.
- i) Consider how access to and egress from bush fire prone areas will be achieved during a bush fire impacting on the site.

C11 Utilities

The 'Overall Sewer Concept Plan' and 'Potable Water Strategy' maps are indicative only. The water and sewer requirements for each future stage shall be determined in consultation with the relevant authority as part of each application for subdivision works.

C12 Local Infrastructure Contributions

The requirements for local infrastructure shall be generally in accordance with the following principles:

- a) Community facilities – the following community facilities as identified in Appendix K of the Preferred are to be provided:
 - A temporary community centre (approximately 120-150m²);
 - A permanent community centre (approximately 900 m²), including the dedication of 4000m² land; and
 - Branch library (approximately 626m²) adjoining the community centre.
- b) Open Space – the following open space areas are to be provided:
 - a total of approximately 17.36ha of open space (made up of local parks, district parks, and citywide parks); and
 - sports fields of approximately 15.84ha.

Note: the area identified as Johnson's Spur and the ancillary open space areas (made up of drainage reserves and open space corridors reserves) are not to be included in the open space contributions.

- c) Local Roads – contribution towards the following road works are supported. The total cost, apportionment and timing of these works shall be determined in consultation with the Department of Planning:
 - Upgrade of Marshall Mount Road (referred to in the TMAP as 22, 23 & 24);
 - Upgrade of Yallah Road from Marshall Mount Road to Haywards Bay Drive (referred to in the TMAP as 25);
 - Upgrade to the intersection of Marshall Mount Road and Yallah Road (referred to in the TMAP as 36);
 - Construction of the Tripoli Way extension (referred to in the TMAP as 14, 15 & 16);
 - The construction of the intersection of Tripoli Way with the Illawarra Highway (referred to in the TMAP 30);

- d) Other Road Works – the following road works are needed to directly access to site and are therefore not to be included in the S94 framework. These will be required as per conditions of approval and the timing will be determined as part of future subdivision approval.
- The upgrade of Calderwood Road from the site boundary to Tripoli Way extension (referred to in the TMAP as 32);
 - Construction of the internal north-south sub arterial road (referred to in the TMAP as 33, 34, & 35);
 - Upgrade of the intersection of the Illawarra Highway and Yellow Rock Road to provide site access (referred to in the TMAP as 37).