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1.0 Introduction

Modification application MP 06_0094 Mod 5 was submitted to the Department of Planning, Industry and Environment (the Department) in October 2018, seeking to facilitate changes to the Sandon Point Concept Plan on the Anglicare (formally Anglican Retirement Villages (ARV)) lands within the Sandon Point Precinct.

The key changes proposed to the Concept Plan were:

- Relocation of the Residential Aged Care Facility (RACF) from the Hilltop Precinct to the Central Precinct and reduction in the number from 120 beds to approximately 80 beds;
- Reduction in the number of Independent Living Units from 250 to approximately 140 units;
- Replacement of three storey apartment buildings and the RACF in the Ocean View and Hilltop Precincts respectively with approximately 55 residential dwellings (including multi dwelling housing / townhouses / terraces / semi-detached dwellings). These will be occupied as either standard residential dwellings or seniors accommodation depending on market feasibility at the time of construction;
- Reduction of the development footprint in the Ocean View Precinct and protection of an Aboriginal Archaeological Site;
- Removal of the vehicular crossing over Cooksons Creek and replacement with a pedestrian board walk;
- Replacement of Asset Protection Zones with Defendable Zones, consistent with those approved under Mod 1 on the Stockland portion of the Approved Concept Plan;
- Introduction of an additional pedestrian crossing from the Central Precinct to the existing paths down to the beach zone;
- Realignment of a small section of Wilkies Walk to facilitate vehicular access to land zoned for residential purposes to the north-east of the site; and
- Amendments to the water management strategy to reflect the revised development and introduction of an acoustic barrier along the western boundary of the site which will also act as a flood barrier.

The 2018 Environmental Assessment Report (EAR) in support of a Section 75W modification to the Sandon Point Concept Plan was publicly exhibited for a period of thirty (30) days inclusive between 15 November 2018 and 14 December 2018. Public exhibition occurred in accordance with the requirements of the EP&A Act.

Forty-seven (47) submissions were received in response to the public exhibition of the EAR, including submissions made by government authorities and the public, as follows:

- Seven (7) submissions were received from government, agencies, and organisations in response to the exhibition of the amended EIS. Specifically, responses were received from:
 - Wollongong City Council;
 - Office of Environment and Heritage;
 - Rural Fire Service;
 - Roads and Maritime Services;
 - Sydney Trains;
 - Sydney Water; and
 - Transport for NSW.
- Forty (40) submissions from members of the public, including:
 - A public petition containing 1,045 signatures; and
 - A public petition containing 522 signatures.

The Applicant, and the specialist consultant team have reviewed and considered the matters raised by the Department, other government agencies and the public submissions. This report sets out the Applicant's response to the key issues raised, details the final project including a number of clarifications and minor revisions to MP 06_0094 Mod 5. A detailed table setting out a response to each of the submissions received is provided at **Appendix A**.

In accordance with the recommendations made in the submissions the different precincts within the site have been renamed as follows:

- Precinct 1 (Central Precinct);
- Precinct 2 (Hilltop Precinct); and
- Precinct 3 (Ocean View Precinct).

The Precincts are referred to as described above from hereon in.

2.0 Department of Planning, Industry and Environment Key Issues

The Department wrote to the Applicant on 11 March 2019 requesting a response to the submissions received from the relevant agencies and general public. It also identified the following key issues to be responded to:

2.1 Land Use

The Department has requested clarification on the future uses intended for the site.

The application as originally submitted sought flexibility in respect of the dwellings proposed in Precincts 2 and 3 such that they could be developed as either standard residential accommodation or seniors accommodation. This was proposed in recognition that the market for seniors housing has changed quite significantly since the original Concept Plan was approved and there is no longer such a high demand for independent living units.

The modification application submitted in October 2018 was accompanied by amended Concept Plans contained within a Design Report. Following receipt of the government agency and public submissions, it was recognised that a number of the issues raised specifically related to the indicative design studies rather than the proposed Concept Plan. For clarity, it was never intended that the indicative designs would be approved. Rather this information was provided to satisfy the SEARs in respect of residential amenity. The indicative designs reflect one potential design outcome only and were provided to demonstrate that a suitable level of amenity could be achieved on the site.

For absolute clarity, any detailed design and building works would be subject to a subsequent Development Application.

Accordingly, the Applicant is seeking to clarify that the scope of the modifications sought for approval relate only to those illustrated on the modified Concept Plans provided at **Appendix B**. It is proposed that the Concept Plans at **Appendix B** be approved and that the additional design information provided at **Appendix C** is provided for information purposes only and to satisfy the SEARs. We believe that this approach is consistent with the Department's RtS comment as set out below:

"Should you wish to pursue a flexible approach to future uses, the Department considers the proposed building envelopes and road layouts should be removed or shown in less detail, to allow a thorough assessment of future buildings at the DA stage, depending on the proposed use".

The level of detail provided on the modified Concept Plans is now consistent with the detail shown on the approved Concept Plans as shown in the comparison of **Figure 1** and **Figure 2** below. The key changes to the Concept Plan design following receipt of the submissions are detailed within **Section 3.0**.

It will therefore be at the detailed design stage where further information will be provided to satisfy the design requirements for either standard residential accommodation or seniors housing (including the design requirements in the Seniors SEPP) depending on the land use proposed.

It is considered retaining a flexible approach is an appropriate approach to take as this is consistent in all residential areas where seniors housing can be provided if dwellings are permissible, provided that the relevant provisions of the Seniors SEPP can be met. Such compliance will be demonstrated at the detailed application stage if relevant.

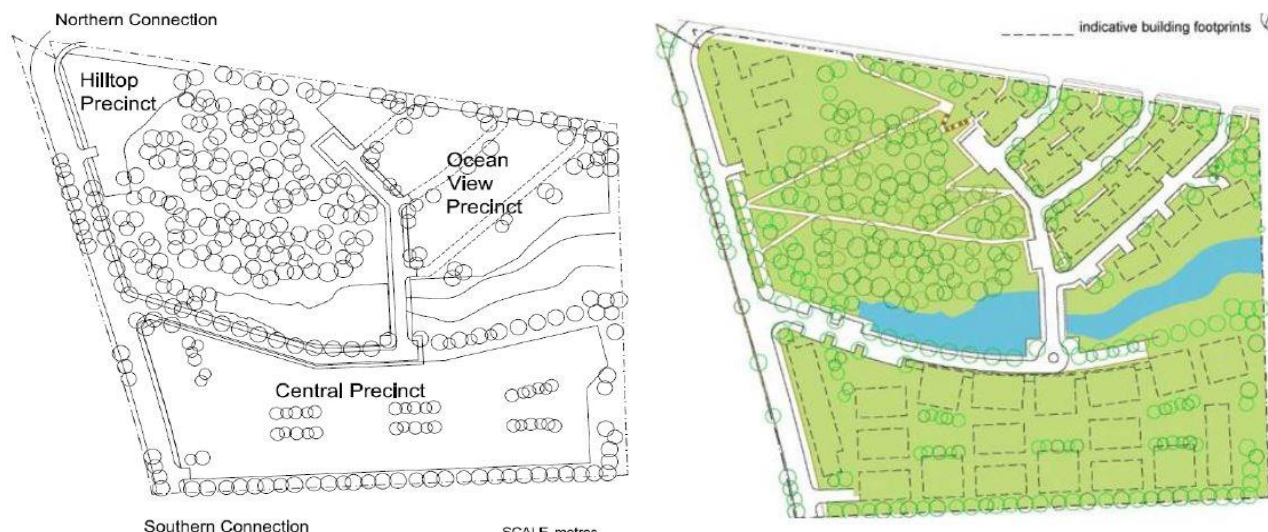


Figure 1: Approved Concept Plans

Source: JSA, NSW Department of Planning and Environment



Figure 2: Proposed modified Concept Plan

Source: JSA

2.2 Density

The Department raised concern with respect to the number of lots proposed along Wilkies and Geraghty Streets. In response to this the Concept Plan has been amended (refer to **Figure 2** and **Appendix B**) such that:

- The number of dwellings in Precincts 2 and 3 has been reduced by three and one respectively, resulting in an overall reduction of dwellings from 55 to 51;
- The number of vehicular crossings providing direct access to dwellings along Geraghty and Wilkies Streets have been significantly reduced thereby reducing the potential for pedestrian/vehicular conflicts and improving pedestrian safety. Access to these dwellings will now be provided from the internal perimeter roads; and
- Cooksons Creek is no longer required to be diverted and views towards the Turpentine Forest are increased.

JSA has prepared a design statement (refer **Appendix C**) which provides the following justification for the proposed design and resultant levels of amenity for future dwellings:

“In relation to the Geraghty Street lots, the building envelope layout has been revised to separate the rear garage from the dwelling massing, providing private open space in the form of a courtyard between the two elements for each townhouse.

*In relation to the Wilkies Street lots, the concern regarding private open space in the front setback is unfounded, due to the topography. The lots are elevated above the street as a consequence of Stockland changing the topography by excavating the road and providing retaining walls at the boundary between the Stockland estate and Precinct 2 (Refer to **Figure 3**). Therefore, with a low fence along the street boundary, the private open spaces along Wilkies Street, which follow the existing topography at a higher level than the road, will have complete privacy from the public domain, while enjoying an outlook and the advantage of solar amenity throughout the day”.*



Figure 3: Northern site boundary fronting Wilkies Street

2.3 Layout

In accordance with the recommendations of the Department, the layout of the development within Precinct 3 has been amended to:

- Remove the proposed dual frontages for lots; and
- Provide a perimeter road with only two intersections at Wilkies Street.

Refer to the amended Concept Plan at **Appendix B** and **Figure 2** above.

2.4 Urban Design

The Department has suggested that the Residential Aged Care Facility be redesigned to remove the proposed above ground parking.

JSA Studio has advised that the reason the parking level in Precinct 1 is partially protruding above ground is to minimise the excavation and disposal of contaminated material from the site. A fully excavated parking level would require the removal and disposal of about three times as much contaminated soil. This was regarded as undesirable from an environmental point of view and consequently a strategy of minimising the excavation and capping and sealing the unexcavated material is proposed. JSA consider this to be a more responsible design approach to the development of the site.

In order to ensure that a suitable urban design outcome is achieved, it is the intention of JSA Studio to build up the existing ground level along the north, west and east edges of the parking platform, such that its presence is fully integrated into the perimeter landscape grades along these edges. This detail would be provided at the detailed development application stage.

Further discussion is provided within the design response at **Appendix C**.

2.5 Flooding and Stormwater

The Department raised concerns regarding the flooding impacts of the proposed sound barrier on the western boundary. In response to this the design has been amended to remove the four southernmost dwellings in Geraghty Street near Cooksons Creek which improves overland flows and a break is now proposed within the acoustic wall to maintain natural water flows across to Cooksons Creek. Cardno has undertaken an updated assessment which is provided at **Appendix E**. The results of that assessment concluded that:

- The proposed development is expected to result in increases in MWSE of generally less than 100mm and up to 1m in limited spots along the Cookson Creek (within the site) in a 100 year ARI design events. No impacts are predicted within the rail corridor and Tramway Creek as a result of the proposed development in a 100 year ARI design event.
- Increases in MWSE of generally up to 100mm and up to 1 m (in some areas) are predicted within Cookson's Creek within the site as a result of the proposed development in PMF. Increase in MWSE of generally less than 100mm (and up to 350mm in localised areas) is anticipated within Tramway Creek as a result of the proposed development (to the south of the proposed site) in PMF. Increases in MWSE of up to 1.5m are expected against the proposed sound barrier wall within the rail corridor. However, these impacts are limited to the drains within the rail corridor with no impacts on the rail formation level in PMF.
- The proposed mitigation schemes investigated in the Cardno study are not anticipated to result in significant impacts downstream of the railway. It was demonstrated that the proposed scheme improved the upstream flooding considerably.

In comparison to the approved Concept Plan, Cardo has determined that there have been improvements to the flood impacts due to letting Cooksons Creek flow in its natural path, rather being diverted along the rail line. Whilst some increases in the flows and water levels in the rail drainage is expected in PMF due to the sound barrier, Cardno conclude that there is no increase in flow velocity which would otherwise have the potential to generate erosion. Cardno has advised that the proposal is not anticipated to create any flood impacts to areas west of the rail line, even in the sensitivity analysis scenarios to occur during the detailed design phase.

Further details are provided in the Revised Flood Impact Assessment at **Appendix E**.

2.6 Aboriginal Cultural Heritage

The Department has suggested that the Aboriginal community consultation process to support the AHIP application should be restarted in accordance with Office of Environment and Heritage (OEH) guidelines and the additional information requested in relation to the Aboriginal Heritage Impact Permit (AHIP) should be provided.

Mary Dallas Consulting Archaeologists (MDCA) has provided a detailed response to the submissions made in respect of Aboriginal Cultural Heritage (refer **Appendix G**). In respect of the consultation undertaken, MDCA notes that consultation has not ceased. MDCA has been in contact with the Illawarra Local Aboriginal Land Council (LALC) and has provided the relevant documentation for review by the newly appointed CEO.

MDCA does not believe the full consultation process needs to be restarted, simply that the current RAPs be given another chance to respond the ACHAR before it is finalised and accompanies the AHIP. It is noted an AHIP will not be issued without an approved DA. Once the DA is approved the ACHAR and AHIP application for the portion of the site to be impacted upon can be submitted to the OEH.

In respect of the AHIP, it is noted that the permit is only required prior to commencement of physical works. The Concept Plan does not approve any physical works. Detailed development applications will need to be submitted in the future and AHIP applications will be made in association with these development applications.

2.7 Biodiversity

The Department has recommended that the species credit calculations should be revised as recommended by the OEH. Cumberland Ecology has provided a detailed response to this submission which is provided at **Appendix H**. In response to this particular issue, Cumberland Ecology advised the following:

“As the OEH submission stated that they were available to discuss matters raised in relation to biodiversity, Cumberland Ecology (Senior Project Manager Gitanjali Katrak) contacted Senior Conservation Planning Office, Calvin Houlison, via phone on 17 May 2019 to confirm that the OEH submission indicated that OEH considered that some species credit species assumed to be onsite in the BDAR were unlikely to occur.

As outlined in the phone discussion, the timeframe for the submission modification did not allow for targeted surveys of candidate species credit species and a conservative approach was taken for assumed presence. As outlined in Section 4.3.4 of the BDAR, any species credit species that could not justifiably be excluded based on current available data, habitat constraints identified for the species in the Threatened Biodiversity Data Collection, mobility of the species, and habitat assessments conducted in accordance with Step 2 and Step 3 of Section 6.4 of the BAM were assumed to be present.

As the current assessment is for a high level concept plan, this species credit species list has been retained for the purposes of the current BDAR as it serves as an indicator of species that may need to be considered for further assessment and targeted survey at future development application stages.

*It should be noted that Cumberland Ecology also conducted further assessments on the predicted ecosystem credit species. This updated assessment is detailed in Section 4.3.3 of the updated BDAR (Refer **Appendix I**). Based on the findings of this assessment, we believe that further consultation with OEH is required to determine exclusion of ecosystem credit species from specific vegetation zones in future assessments at the development application stages as the process for exclusion of ecosystem credit species from ‘best-fit’ PCTs is not clearly outlined within the BAM.*

However, Cumberland Ecology maintain that it is not reasonable to provide offsets up front on the basis of a concept plan that may incur changes between now and the DA stage. The final credit liability for species credit will therefore be assessed as part of future BDARs for the development assessment stages once detailed design is available and further information on the extent of potential impacts on species credit species is available to better guide targeted survey effort for species credit species”.

In responding to the issues raised in the submissions, Cumberland Ecology has also updated the Biodiversity Development Assessment Report (BDAR) which is provided at **Appendix I**. Cumberland Ecology has also updated the Vegetation Management Plan which is provided at **Appendix J**.

2.8 Site Constraints

Both MDCA and Cumberland Ecology have reviewed the potential for construction impacts on the Aboriginal Archaeology and the Turpentine Forest.

In respect of the Aboriginal Archaeological Site it is noted that the revised Concept Plan provides a 12 metre buffer around the archaeological site. In addition to this the lots in close proximity to the Aboriginal buffer zone have been increased in size, thereby increasing the ability for the dwellings on those lots to be further setback from the buffer zone. In addition to these measures, MDCA suggests that the following measures could be implemented during construction works:

- Fencing of sensitive areas during construction;
- Aboriginal Cultural Heritage Inductions;
- Consultation with and monitoring by the ILALC; and
- Preparation of an Aboriginal Heritage Management Plan.

In respect of the Turpentine Forest, Cumberland Ecology have also recommended that a Construction Management Plan be prepared. As a minimum, the CMP will include measures such as appropriate delineation of clearing limits/'No go' zones, sediment fencing, ecological certification of protection measures and ecological supervision of clearing. Further measures to protect the Turpentine forest are outlined in Chapter 4 of the VMP at **Appendix J**.

In addition to the above commitment 46 requires the preparation and submission of construction management plans with the detailed development applications. Amended site sections have been provided at **Appendix F** which show the relationship between the proposed development and the retained features above.

2.9 Level of Detail

As noted previously, much of the information provided with the original EAR was provided to respond to the SEARs but was indicative only of what development might be achieved on the site. In response to this, the information has been separated out into the Concept Plan documents and indicative design material so that the Concept Plan documents can be approved and allow for flexible design outcomes at the detailed design stage.

The revised Concept Plan documents are provided at **Appendix B**.

2.10 Miscellaneous

In respect of the future ownership of the Turpentine Forest, Riparian Corridor and Aboriginal Archaeological site it is proposed that these will be retained in ownership by Anglicare. Anglicare will consult with local Aboriginal groups or other interested local groups to gauge their interest in taking on the ownership of some of these spaces and will separately negotiate with that group in that regard.

JSA Studio has prepared a plan which shows the location of passive open space proposed on the site. Approximately 15,331m² (excluding the Turpentine Forest) is proposed to be provided within the Anglicare site. Refer to **Appendix C**. The strategy for the provision of open space remains consistent with that of the existing approval. If standard residential development is delivered Section 7.11 contributions will be payable. Levies collected by Council under the contributions plan can be pooled towards open space upgrades.

In respect of open space, it is noted that the Department considered this issue in the assessment of the original Concept Plan and came to the following conclusion:

"Council and public submissions raised concern that additional areas of active open space are required to support an increased residential population. The Proponents' in their response to submissions have stated that the proposal will contribute to the provision of 30.4ha of regional open space that will be accessible to the public as stated above. The Department is satisfied that the area of public open space to be provided by the proposal and the existing open space in the local area will accommodate the needs of the future population".

Peterson Bushfire has been in contact with the RFS to clarify the submission that they have made in respect of the proposed development. An email received from the RFS, provided at **Appendix K**, confirms that the RFS accepts a 6 metre wide defendable zone as an appropriate outcome on the site. This is consistent with those approved under Mod 1 on the Stockland portion of the Approved Concept Plan.

3.0 Preferred Project Report

3.1 Key Changes to Application in Response to Submissions

A number of design changes have been made in response to submissions received from government agencies, the public and as a result of further project planning. Accordingly, amended Concept Plans are provided at **Appendix B** and revised urban design report, prepared by JSA, is provided at **Attachment C**. The scope of proposed changes is listed below and the changes that require further discussion are detailed within the following subsections.

- Precinct 1 (Central Precinct)
 - Pedestrian connection to the east deleted
- Precinct 2 (Hilltop Precinct)
 - Four lots deleted in proximity of Cooksons Creek;
 - Rear laneways introduced to allow vehicular access to the rear of the dwellings and reduce vehicular crossovers on Geraghty and Wilkies Streets; and
 - Break proposed in acoustic wall to allow for natural water flows to occur.
- Precinct 3 (Ocean View Precinct)
 - Road network redesigned to comprise a singular ring road;
 - Deletion of cul-de-sac
 - Development situated further away from Aboriginal Archaeology
- Miscellaneous
 - The number of dwellings in Precincts 2 and 3 has been reduced by three and one respectively resulting in an overall reduction of dwellings from 55 to 51;

Table 1 below provides an overview of key development information proposed in the Concept Plan for each of the precincts and provides a numeric comparison of the revised development and the original development.

Table 1: Key modified Concept Plan development information

| Component | Approved | Modified | Change |
|---|---|---|--------------------------|
| Whole Concept Plan | | | |
| Site Area | 81,195m ² | 79,468 m ² | 1,727m ² less |
| Site Coverage | 21.4% | 17.1% | 4.3% less |
| Maximum Building Height | 4 storeys | 3 storeys | 1 storey less |
| Precinct 1 (formally Central Precinct) | | | |
| Land Use | ILU's Community facilities for residents | Residential Aged Care Facility Community facilities for residents ILU's Retail | Modified |
| Maximum Building Height | 11.4m or 3 storeys | 11.4m or 3 storeys | Nil |
| Site Coverage | 11,100m ² | 8,349m ² | 2,751m ² less |
| Precinct 2 (formally Hilltop Precinct) | | | |
| Land Use | Residential Aged Care Facility | Residential dwellings | Modified |
| Maximum Building Height | 12.6m or 3-4 storeys | 2 storeys | 1-2 storeys less |
| Site Coverage | 2,050m ² | 2,328m ² | 278m ² more |
| Precinct 3 (Oceanview Precinct) | | | |
| Land Use | Independent living units Recreation facilities for residents | Residential dwellings | Modified |
| Maximum Building Height | 12.6m or 3 storeys | 2 habitable storeys | 1 storey less |
| Site Coverage | 4,231m ² | 2,931m ² | 1,390m ² less |

3.2 Amended Road Layout and Development Siting

The Department's submission has raised concern with the proposed road layout, noting that it will result in excessive driveway crossings to Wilkies and Geraghty Streets and the narrow lots created will have streetscape presentation and amenity impacts. In response to this, the Concept Plan has been amended to reconfigure the internal road layout within Precinct 2 and Precinct 3 as illustrated at **Figure 3**. Accordingly, the reconfigured road network provides for an alternate future development layout as discussed below.

Road and Pedestrian Footpath Networks

Within Precinct 2, two new internal circulation roads have been provided to the rear of the townhouse rows. Accordingly, this facilitates direct driveway access to the new roads which will enhance the primary streetscape presentation and improve pedestrian safety by minimising driveway crossings to Wilkies and Geraghty Streets. Within Precinct 3, the road reconfiguration has resulted in a single perimeter road with two junctions at Wilkies Street. The amended road network retains the Geraghty Street north south local road and the vehicular access off Sandon Point Drive to the south west corner of the site including a bridge across Tramway Creek. The roads have been designed to provide adequate circulation within and to and from the site and will provide the missing link to the north-south connection through the Concept Plan site.

It is no longer proposed to introduce an additional pedestrian crossing from Precinct 1 to the existing paths down to the beach zone.

Development Siting

The road reconfiguration will facilitate an alternate lot layout within Precinct 2 and Precinct 3. Notwithstanding this, the modification maintains all future development within the approved development footprint which is illustrated at **Figure 2**. For further clarity, amended civil plans, prepared by Cardno (**Appendix F**) demonstrate that the proposed development can be accommodated within the developable footprint without any encroachment of batters or filling within the Turpentine Forest or sensitive Aboriginal Archaeological areas. The detailed design in subsequent Development Applications will be required to demonstrate appropriate streetscape presentation and demonstrate that dwellings receive adequate solar access, privacy and access to private open space.

It is noted that all of the development remains within the approved development footprint as prescribed by the conditions of consent (**Figure 5**).

MP 06_0094 Mod 5 as exhibited



MP 06_0094 Mod 5 as now proposed



Figure 4: Comparison of the Exhibited and Proposed Concept Plans

Source: JSA



Figure 5: Approved Development Footprint

3.3 Revised Description of the Modification

Following the above amendments to the proposal, the description of the proposed modification is revised as outlined below:

- Relocation of the Residential Aged Care Facility (RACF) from the Precinct 2 to Precinct 1 and reduction in the number of beds from 120 beds to approximately 80 beds;
- Reduction in the number of Independent Living Units from 250 to approximately 140 units;
- Replacement of three storey apartment buildings and the RACF in Precincts 3 and 2 respectively with approximately 51 residential dwellings (including multi dwelling housing / townhouses / terraces / semi-detached dwellings). These will be occupied as either standard residential dwellings or seniors accommodation depending on market feasibility at the time of construction;
- Reduction of the development footprint in Precinct 3 and protection of an Aboriginal Archaeological Site;
- Removal of the vehicular crossing over Cooksons Creek and replacement with a pedestrian board walk;
- Replacement of Asset Protection Zones with defendable zones, consistent with those approved under Mod 1 on the Stockland portion of the Approved Concept Plan;
- Realignment of a small section of Wilkies Walk to facilitate vehicular access to land zoned for residential purposes to the north-east of the site; and
- Amendments to the water management strategy to reflect the revised development and introduction of an acoustic barrier along the western boundary of the site which will also act as a flood barrier.

3.4 Revised Conditions

The proposed changes to the conditions of consent are provided in **Table 2**.

Table 2: Proposed amendments to conditions of consent

| Condition Number | Tracked Changes | Reason for Change |
|---|---|---|
| Schedule 1 | | |
| A1 Table | <p>Proponent: Anglican Retirement Villages Anglicare</p> <p>On land comprising: Lot 1 DP 224431 Lot 2 DP 1176767 Lot 2 DP 224431 Lot 3 DP 1176767 Lot 2 DP 595478 Lot 235 DP 1048602 Lot 1 DP 1024490</p> <p>A Concept Plan involving:</p> <ul style="list-style-type: none"> A subdivision to create a combination of residential dwelling allotments and super lots for multi-unit housing; and A residential and retirement development including a Residential Aged Care Facility, independent living units, residential dwellings, communal facilities and services to support the village, access and carparking. | To reflect the updated applicant and site legal description. |
| A2 Approval In Detail | <p>Subject to modifications in Schedule 2 which may reduce the yield of development, concept approval is only to the following development:</p> <p>(1) On Stockland lands...</p> <p>(2) On Anglicare ARV lands,</p> <p>(a) A residential aged care facility of up to 4 storeys containing up to 420 80 beds;</p> <p>(b) A mix of apartment buildings of up to 3 storeys containing up to 250 140 independent living units;</p> <p>(c) Community facilities and services to support residents of the retirement village;</p> <p>(d) Approximately 51 residential dwellings in the form of townhouses/terraces;</p> <p>(e) Access and car parking;</p> <p>(f) Landscaping including rehabilitation of riparian corridors and forest; and</p> <p>(g) Stormwater management and utility services.</p> | To reflect the modified development. |
| A3 Development in Accordance with Plans and Documentation | <p>(1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:</p> <p>(a) ..</p> <p>(b) ...</p> <p>(c) Volume 3: Environmental Assessment Report. Concept Plan Application: Cookson Plibrico Site prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Anglican Retirement Villages dated June 2006. As amended by the Section 75W modification Environmental Assessment Report prepared by Ethos Urban dated August 2018 and Response to Submissions/Preferred Project Report dated May 2019.</p> <p>(2) ...</p> | To refer to the amended application documents. |
| Part C Definitions | ARV Anglicare Land means the land parcels Lot 1 DP22431 and Lot 2 DP22431 Lots 2 and 3 in DP1176767 and listed in Part A of this Schedule | To reflect the updated legal site description. |
| Schedule 2 | | |
| A1 Development Footprint | <p>(1)...</p> <p>(b) a residential and retirement development including a Residential Aged Care Facility, independent living units, communal facilities and services to support the village, access, roads and car parking.</p> <p>(2) The following development may occur on land outside the development footprint shaded grey (including land hatched pink) on the map at (4):</p> <p>(a) On Stockland Lands, Associated works;</p> <p>(b) On ARV Anglicare lands,</p> <p>(i) Landscaping including rehabilitation of riparian corridors and forest; and</p> | To enable the construction of the Geraghty Street extension over Tramway Creek and the construction of a pedestrian bridge over Cooksons Creek. It is noted that roads are permissible within the E2 Environmental Conservation Zone. |

| Condition Number | Tracked Changes | Reason for Change |
|--------------------------------------|--|---|
| | (ii) Stormwater management and utility services; and (iii) pedestrian paths, roads and bridges. | |
| A3 Bushfire Protection Requirements | (a) On ARV Land, to ensure consistency with the Planning for Bushfire Protection Guidelines, all APZs shall be located within the residential zones; (b) On Stockland Land, a corridor of defensible space is to be provided. A 6 metre wide defensible space is to be provided to all riparian corridors and the Turpentine Forest within the R2 zone. | To reflect the revised bushfire management strategy. |
| A4 Built Form Controls | (3) On ARV Anglicare lands: (a) The maximum FSR shall be 0.5:1 and the maximum height shall be 3 storeys; or (b) Subject to demonstrating design excellence consistent with Modification B3 B4 , Schedule 2 of this approval: (i) the maximum FSR shall be 0.7:1, and (ii) the maximum heights for the Residential Aged Care Facility shall be 3-4 storey; and (iii) the maximum height for the Independent Living Units and Community Facilities in Precinct 1 shall be 11.4 metres; and (iv) The maximum height for the Independent Living Units and Recreation Rooms in the Ocean View Precinct shall be 12.6 metres the maximum height of the dwellings within the Ocean View Precinct shall be 12.6 metres. | To reflect the revised building typologies. |
| B1 Aboriginal Cultural Heritage | (1) The ARV Statement of Commitments concerning cultural heritage are to be modified to include measures outlined below. (2) The Proponent shall: (a) Include an appropriately qualified and practising anthropologist as part of any investigations into the potential Aboriginal cultural heritage values of a "Women's Area", and (b) Submit the report by the appropriately qualified and practising anthropologist as part of any future application proposing to develop the ARV lands. | A report was prepared by Dr Janelle White of ACHM in satisfaction of this condition as part of Land and Environment Court Proceedings, refer to Appendix Y of the EAR. |
| B5 Response to Submissions revisions | (2) The Proponents commit to providing a Heritage Interpretation Plan prepared in accordance with the relevant requirements of the Heritage Office and submitted to the Heritage Council for endorsement before the first application for development is approved. | This condition has previously been satisfied, and therefore can be deleted |
| C7 BASIX | Future applications at the detailed design staged lodged by the Proponent for development on the subject site shall be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council. | Proposed amendments to provide more certainty in complying with the condition, and the stage at which the condition is to be satisfied |

3.5 Revised Statement of Commitments

A table outlining the proposed changes to the Statement of Commitments is provided at **Appendix D**.

4.0 Ecologically Sustainable Development

The four principles of ecologically sustainable development have been considered in this project, namely:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

An analysis of these principles follows.

Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

The EAR and additional information provided in this RTS set out the evaluation of environmental impacts of the proposal, providing an assessment based on scientific data and accepted standards and assessment criteria. The EAR submitted and this RTS have not identified any serious threat of irreversible damage to the environment due to a lack of scientific certainty and therefore the precautionary principle is not relevant to the proposal.

Intergenerational Equity

Inter-generational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both the existing and future generations by increasing the diversity of housing supply in order to meet the housing needs of both the current population but also to allow for flexible housing options to enable aging in place and maintaining a sense of community whilst residents age and their needs change.

The modification has integrated short and long-term social, financial and environmental considerations in a cumulative manner so that any foreseeable impacts are not left to be addressed by future generations.

Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration. As demonstrated in the EAR, and **Appendices H** through **J** of this RTS, the proposed modifications will ensure the conservation of flora and fauna communities. The preservation of the major riparian corridors assists in the protection and long term viability of biological diversity within the CUDP.

Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance.

Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

4.1 Suitability of the Site

The original assessment and determination of MP06_00094 found that the site was suitable for the development envisaged under the Concept Plan. The proposed modifications to the Approved Concept Plan are also considered suitable for the site in that:

- is located in an urban area with compatible surrounding land uses;
- is located in an area that requires diverse house stock including seniors housing and private residential dwellings;
- has a high level of residential amenity particularly with district and ocean views and natural landscape features; and
- has existing utility and infrastructure that can be augmented to effectively service the development and the future residents.

Conversely, the proposed modified development is suitable for the site in that:

- the reduced scale and intensity of the development is more compatible with the surrounding low density residential uses;
- it diversifies the housing stock on the site, therefore can better address housing supply issues in the Illawarra region
- it does not extend outside of the approved developable area, therefore the forest and riparian corridor on parts of the site which have value for recreational and biodiversity conservation purposes will still be conserved and rehabilitated;
- it maintains community facilities and ancillary uses to support future residents;
- it maintains appropriate infrastructure provision to ensure that the current and future needs of the local and regional community can be met; and
- it effectively manages environmental impacts both short and long term to minimise risk to the community and ensure the protection of the site sensitives.

4.2 The Public Interest

The proposed modification to the Approved Concept Plan is considered to be in the public interest as it will:

- facilitate a viable development scheme that will rejuvenate a site that currently comprises hazardous and derelict industrial buildings;
- diversify the available housing stock in the Illawarra region;
- preserve additional areas of Aboriginal archaeological sensitivity;
- maintain a compact built form to minimise sprawl and the costs of inefficient growth;
- contribute to the on-going development of a diverse and vibrant residential community;
- directly respond to the market demand for new private residential dwellings within the area; and
- ensure that infrastructure will be delivered to ensure that the requirements of the new population can be met.

5.0 Conclusion

This PPR/RtS addresses the issues raised and additional information requested during the public exhibition of Modification 5 to the approved Sandon Point Concept Plan. A detailed response to submissions is provided at **Appendix A** with further detailed technical advice provided in the relevant technical reports.

In response to the issues raised, the PPR (see **Section 3**) the internal road layout and siting of dwellings has been amended to reduce the number of vehicular crossovers along Geraghty and Wilkies Street. It has also removed the dual frontage lots.

Overall, it is considered that the proposed modifications of the Concept Plan have limited environmental consequences beyond those which have been the subject of assessment under the Approved Concept Plan. Importantly, any limited environmental consequences or impacts associated with the proposed modifications can be appropriately managed and mitigated.

The application will enable Anglicare to better respond to the local housing market and housing demand as result of the greater variety of accommodation choice on the site. The proposal positions the development on the site to better relate to the scale of the surrounding neighbourhood, with the taller elements located in the lower portion of the site and the smaller medium density relocated to the higher northern portion of the site.

Notwithstanding the proposed amendments to reduce density on the site, the development will continue to provide significant public benefits in the form of:

- Retention and rehabilitation of the turpentine forest and Cooksons Creek riparian corridor;
- Retention and protection of significant Aboriginal Archaeology; and
- Completion of the north-south spine of Geraghty Street.

In light of the above merits and the absence of any adverse environmental impacts, the application is recommended for approval.