

Modification of Concept Plan

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

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

Marcus Ray
Group Deputy Secretary
Planning and Assessment

Sydney 2020

SCHEDULE 1

Concept Approval: **06_0094** granted by the Minister for Planning on 21 December 2006

For the following: Concept Plan for Redevelopment of Sandon Point

Proponent: Stockland Developments Pty Ltd
Anglican Community Services

Consent Authority: Minister for Planning

The Land: Lot 2 DP 1176767
Lot 3 DP 1176767
Lot 2 DP 595478
Lot 235 DP 1048602
Lot 1 DP 1024490

Modification: **MP 06_0094 MOD 5:** the modification includes amendments to the Anglicare Lands, including:

- relocation and reduction in beds for the Residential Aged Care Facility
- reduction in the number of Independent Living Units
- introduction of up to 51 new attached or semi-detached dwellings that could be used for either Seniors Living purposes or general residential use
- conservation of an Aboriginal archaeological site
- other associated amendments to road layouts, landscaping, bushfire management and stormwater management.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 1 Part A – Table A1 A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) Anglican Retirement Villages <u>Anglicare Community Services</u> (Level 2, 62 Norwest Boulevard, Baulkham Hills)
Application made to:	Minister for Planning
Major Project Number:	06_0094
On land comprising:	Lot 1 DP 224431 <u>Lot 2 DP 1176767</u> Lot 2 DP 224431 <u>Lot 3 DP 1176767</u> Lot 2 DP 595478 Lot 235 DP 1048602 Lot 1 DP 1024490
Local Government Area:	Wollongong City Council
Approval in summary for:	A Concept Plan involving: <ul style="list-style-type: none"> a subdivision to create a combination of residential detached dwelling allotments and super lots for multi-unit housing; and a <u>residential and</u> retirement development including a Residential Aged Care Facility, independent living units, communal facilities, <u>residential dwellings</u> and services to support the village, access and carparking.
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	7 years from the date of determination

- (b) Schedule 1 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

A2 *Approval in detail*

Subject to modifications in Schedule 2 which may reduce the yield of development, concept approval is only to the following development:

- (1) On Stockland lands,
- (a) Subdivision into a maximum of 180 single dwelling lots (or a maximum 197 single dwelling lots if the apartment superlot is developed for townhouses, not apartments);
 - (b) Subdivision to create 1 super lot to accommodate up to 80 apartments but only if the super lot is not developed for 16 single residential lots in accordance with (1)(a) above;
 - (c) Subdivision of 2 townhouse precincts for up to 25 town houses;
 - (d) Potential for the development of up to a total of 285 dwellings on the proposed lots.
 - (e) Building envelopes for a super lots and 2 townhouse precincts;
 - (f) Preliminary road layout; and
 - (g) Associated works will include:
 - (i) recreation of riparian corridors over Hewitt's and Woodlands Creeks including the restoration and replanting of vegetation;
 - (ii) the construction of water quality ponds and structures;
 - (iii) asset protection zones;
 - (iv) flood mitigation works;
 - (v) roads, bridges and the construction of utility services;
 - (vi) landscaping; and
 - (vii) an amendment to the Vegetation Management Plan for Tramway Creek to extend and rationalise its boundaries to suit the road locations, provide for asset protection zones, and to incorporate the amended location for the road bridge crossing;
- (2) On ARV **Anglicare** lands,
- (a) A residential aged care facility of up to 4 storeys containing up to ~~420~~ **80** beds;
 - (b) A mix of apartment buildings of up to 3 storeys containing up to ~~250~~ **140** independent living units;
 - (c) Community facilities and services to support residents of the retirement village;
 - (d) **Up to 51 residential dwellings in the form of attached dwellings, semi-detached dwellings or dwelling houses**

- (e) Access and car parking;
 - (f) Landscaping including rehabilitation of riparian corridors and forest; and
 - (g) Stormwater management and utility services.
- (c) Schedule 1 Part A – Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

A3 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Volume 1 Overview Report. Concept Plan Application Sandon Point* compiled by HLA-Envirosciences Pty Ltd based on reports prepared by Don Fox Planning Pty Ltd and JBA Urban Planning Consultants Pty Ltd on behalf of Stockland Developments Pty Ltd and Anglican Retirement Villages dated June 2006;
 - (b) *(Volume 2) Environmental Assessment Report: Sandon Point* prepared by Don Fox Planning Pty Ltd on behalf of Stockland Developments Pty Ltd dated June 2006, ~~and~~
 - (c) *Volume 3: Environmental Assessment. Concept Plan Application: Cookson Plibrico Site* prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Anglican Retirement Villages dated June 2006; **and**
 - (d) **Documentation submitted in conjunction with Modification 5, including Section 75W modification Environmental Assessment Report prepared by Ethos Urban dated August 2018 as amended by Response to Submissions/Preferred Project Report dated May 2019, Response to Submissions 2 dated 3 December 2019 and additional information and updated plans provided by email on 17 March 2020.**
 - (2) In the event of any inconsistency between the approved documentation and the modifications of the Concept Plan approval identified in Schedule 2, the modifications of the Concept Plan approval will prevail.
- (d) Schedule 1 Part C – Definitions - is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

~~ARV~~ **Anglicare Land** means the land parcels ~~Lot 1 DP 22431 and Lot 2 DP 22431~~ **Lots 2 and 3 DP 1176767** and listed in Part A of this schedule

- (e) Schedule 2 Part A – Department of Planning’s Modifications – 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 Footprint

- (1) The following development shall be restricted to the development footprint shaded grey on the map at (4) below:
 - (a) a subdivision to create a combination of residential single dwelling lots, 2 townhouse precincts and a super lot for multi-unit housing, including roads; and

- (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.
- (2) The following development may occur on land outside the development footprint shaded grey (including land hatched pink) on the map at (4):
 - (a) On Stockland Lands, Associated works;
 - (b) On ARV **Anglicare** lands,
 - (i) Landscaping including rehabilitation of riparian corridors and forest; and
 - (ii) Stormwater management and utility services
 - (iii) **Pedestrian paths and associated pedestrian bridge and extension of Geraghty Street (and associated bridge on Council land).**
- (3) Development described in (1) may occur on the area hatched pink where the Proponent has addressed the matters in Modification A2, Schedule 2 to the satisfaction of the consent authority.
- (4) For the purposes of this approval, *Development Footprint* is taken to mean those areas shaded grey and hatched pink in the following map.
- (f) Schedule 2 Part A – Department of Planning’s Modifications – A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

A3 *Bushfire Protection Requirements*

- (a) On ARV **Anglicare** Land, **a 6 metre wide defendable space** to ensure consistency with the *Planning for Bushfire Protection Guidelines*, **is to be provided within the R2 zone to the Turpentine Forrest and to all riparian corridors. Subject to approval from RFS, the defendable space adjacent to the riparian corridors may be reduced to 4 metres.** ~~all APZs shall be located within the residential zone;~~
 - (b) On Stockland Land, a corridor of defendable space is to be provided.
- (g) Schedule 2 Part A – Department of Planning’s Modifications – A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

A4 *Built Form Controls*

- (1) The Concept Plan is modified by establishing the built form controls described below:
- (2) On Stockland Lands:
 - (a) All single dwellings on the approved single dwelling lots (referred to in Term of Approval A2(1)(a) at Schedule 1 shall have a maximum FSR of 0.5:1 and a maximum building height of 9 metres.
 - (b) Multi-level apartments shall either:
 - (i) have a maximum FSR of 1.35:1 and maximum height of 3 storeys or,

- (ii) subject to demonstrating design excellence consistent with Modification B4, Part B, Schedule 2 of this approval, a maximum FSR of 1.8:1 (exclusive of roads) and maximum height of 4 storeys.
- (c) Townhouses shall have a maximum FSR of 1:1.
- (3) On ~~ARV~~ **Anglicare** lands:
 - (a) The maximum FSR shall be 0.5:1 **(as measured across all residential zoned land on the Anglicare Lands site)** and the maximum height **in Precinct 1** shall be 3 storeys; or
 - (b) Subject to **development in Precinct 1** demonstrating design excellence consistent with Modification ~~B3~~ **B4**, Part B, Schedule 2 of this approval:
 - (i) the maximum FSR shall be 0.7:1 **(as measured across all residential zoned land on the Anglicare Lands site)**, 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 ~~the Central~~ **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.~~
 - (c) **Development in Precincts 2 and 3 shall have a maximum height of 2 to 3 storeys, subject to being developed in accordance with Design Guidelines consistent with Condition C9, Part C, Schedule 2 of this approval**
- (h) Schedule 2 Part A – Department of Planning’s Modifications – A5 is added as follows:

A5 Development on Anglicare Lands

- (1) **The concept approval as it relates to development on Anglicare Lands is modified (as a result of Mod 5) as follows:**
 - (a) **Details shown on plans that relate to subdivision lot layouts, indicative location of building footprints or future building design do not form part of this approval and these matters are to be determined as part of future development applications.**
 - (b) **The northern boundary of the site along Wilkes Street, east of the Precinct 2 rear lane access road is to include a 4 metre wide landscaped green edge which includes canopy tree planting that would assist with screening views of the site from the north, consistent with the outcomes that could have been achieved under the originally approved scheme. The land is not to form part of any development lot.**
 - (c) **Road layouts or alignment, hardstand areas and pedestrian pathways are approved in principle, but the final design and layout is to be amended as necessary to enable:**
 - (i) **existing trees to be retained along the southern boundary of the site in conjunction with new plantings to provide a landscaped green edge that would screen views of the site from the south, consistent with the outcomes that could have been achieved under the originally approved scheme**

- (ii) roads and paths, including any associated earthworks, to be constructed without adverse impacts on the protected areas of the site, including the Turpentine Forest or the riparian zones
- (iii) as far as possible, the provision of residential allotments that are deep and narrow, rather than wide and shallow to allow for maximisation of private open space at the rear of the dwellings and maximisation of setbacks from the Aboriginal Archaeological site
- (iv) facilitation of the final detailed design of buildings and layouts in Precinct 1, noting the road layout should not impede future building design
- (v) appropriate access to adjoining sites
- (vi) accommodation of waste management vehicles
- (vii) accommodation of level differences

- (i) Schedule 2 Part B – Modifications to the Statement of Commitments – B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struck out words/numbers as follows:

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.~~

- (j) Schedule 2 Part B – Modifications to the Statement of Commitments – B2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struck out words/numbers as follows:

B2 Staging of Development

- (1) The Statements of Commitments covering the staging of development shall be modified to include the following measures below.
- (2) The Proponent on ARV **Anglicare** lands shall submit a staging plan with the first application that:
 - (c) if the Wrexham Road extension proceeds, will confirm the construction of the north-south link road as part of the **first or** second stage of development **within the Anglicare lands.**
 - (d) if the Wrexham Road extension does not proceed, will demonstrate the alternative access arrangements including traffic ameliorative measures and road upgrades via Sturdee Avenue.

- (k) Schedule 2 Part C – Future Applications – C7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

C7 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Where relevant, future applications 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.~~

- (l) Schedule 2 Part C – Future Applications – C8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

C8

As a consequence of a change to the subdivision layout arising from the operation of other modifications to this approval, the town house precincts **within the Stockland Lands** may be amended subject to compliance with a maximum FSR of 1:1 and approval being granted for their location in a subsequent Project approval.

- (m) Schedule 2 Part C – Future Applications – C9 is added as follows:

C9 Design Guidelines for Precincts 2 and 3 of the Anglicare Lands

- (1) **Prior to the lodgement of any development application for land in Precincts 2 or 3, the Proponent is to develop design guidelines in consultation with Council to guide subdivision layout and building design.**
- (2) **Where relevant, the design guidelines are to demonstrate that any subdivision layout would:**
 - (a) **be consistent with the terms of this approval**
 - (b) **allow for no more than 51 dwellings within Precincts 2 and 3**
 - (c) **meet all relevant objectives of the controls in Chapter B2 of Wollongong Development Control Plan 2009**
 - (d) **ensure any roads, access pathways and all associated earthworks could be provided without adverse impacts to protected areas on the site**
 - (e) **as far as possible, enable the provision of residential allotments that are deep and narrow, rather than wide and shallow to allow for maximisation of private open space at the rear of the dwellings and maximisation of setbacks from the Aboriginal Archaeological site**
- (3) **Where relevant, the design guidelines are to ensure that future dwellings would:**
 - (a) **comply with the relevant objectives in Chapter B1 of Wollongong Development Control Plan 2009, or if the dwellings are to be used for Seniors Living Purposes, demonstrate compliance with the Seniors Living SEPP.**

- (b) not be more than three storeys in height and have a front façade that presents as not more than two storeys to the street (with any additional storey set back from the primary front façade)
 - (c) ensure that any building which includes a third storey complies with DCP controls in relation to solar access and provision of private open space as an extension of the living area
 - (d) result in an overall site FSR that complies with the provisions of Schedule 2, Modification A4
- (4) The Guidelines are to be prepared in consultation with Council and to the satisfaction of the Secretary, and all future development is to be designed in accordance with the Guidelines.
- (n) Schedule 2 Part C – Future Applications – C10 is added as follows:

C10 *Waterfront Land*

 - (1) Where relevant, future applications are to demonstrate compliance with the Guidelines for Controlled Activities on Waterfront Land
- (o) Schedule 2 Part C – Future Applications – C11 is added as follows:

C11 *Aboriginal Cultural Heritage*

 - (1) Future applications relating to the Turpentine Forest or Precinct 3 are to be accompanied by an Aboriginal Heritage Management Plan (AHMP). The AHMP is to be developed in consultation with Relevant Aboriginal community and EESG to manage impacts to Aboriginal Cultural heritage values on the site, including values associated with the Turpentine Forest and the area of Aboriginal archaeological sensitivity.
 - (2) The AHMP is to have regard to the findings and recommendations of relevant and available previous Aboriginal Heritage studies and assessments carried out in relation to the site.
- (p) Schedule 2 Part C – Future Applications – C12 is added as follows:

C12 *Use of the Anglicare Lands*

 - (1) Precinct 1 is to be developed for Seniors Living purposes
 - (2) Precincts 2 and 3 may be developed as either a Seniors Living Development or General Residential development, with the proposed use to be identified as part of the first application for development within either precinct
- (q) Schedule 2 Part C – Future Applications – C13 is added as follows:

C13 *Biodiversity within the Anglicare Lands*

Future applications for development within the Anglicare Lands are to be accompanied by a Biodiversity Assessment in accordance with requirements of the Biodiversity Conservation Act 2016.

End of Modification