

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.



David Gainsford
**Deputy Secretary Assessment and Systems
Performance
Planning and Assessment**

Sydney Friday 21 May 2021

SCHEDULE 1

Concept Approval: **MP 09_0082** granted by the Minister for Planning on 8 December 2010

For the following: Concept Plan for a development on approximately 700 hectares for approximately 4800 dwellings, 50 hectares of mixed use land, open space and land for environmental protection, and associated infrastructure

Proponent: ~~Delfin Land Lease or any party acting on this approval~~

Consent Authority: Minister for Planning

The Land:

Lot 4 DP 259137	Lot 1 DP 259137	Lot 10 DP 619547
Lot 2 DP 608238	Lot 22 DP 809156	Lot 1 DP 996926
Lot 5 DP 259137	Lot 112 DP 851153	Lot 2 DP 158988
Lot 1 DP 998349	Lot 2 DP 259137	Lot 8 DP 259137
Lot 1 DP 1044038	Lot 1 DP 608238	Lot 42 DP 878122
Lot 1 DP 194903	Lot 6 DP 259137	Lot 1 DP 195342
Lot 2 DP 2534	Lot 21 DP 809156	Lot 1 DP 558196
Lot 3 DP 259137		

To the extent that any allotment identified above as comprising The Land has been sub-divided, then any newly created allotment continues to comprise The Land.

Modification: **MP 09_0082 MOD 4:**

- increase the number of dwellings from 4,800 to 6,000
- allow for reduced residential lot sizes in certain areas
- increased open space and community facilities
- changes to road infrastructure
- changes to dedication of land for schools
- changes to water cycle management
- changes to ESD measures

SCHEDULE 2

The above approval is modified as follows:

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

Act, the	NSW <i>Environmental Planning and Assessment Act, 1979</i> (as amended)
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report <u>as modified by approved modification applications.</u>
Council	Shellharbour City Council or Wollongong City Council, subject to which Local Government Area the development is located.
Department, the Director-General, the	NSW Department of Planning, or its successors Director-General of the Department of Planning (or delegate), <u>or its successors</u>
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 <u>Non-Core Lands</u>	Minister for Planning <u>and Public Spaces</u> <u>The following lands within the site</u> that are not being developed by the Proponent, but by others: <ul style="list-style-type: none"> • <u>128 North Macquarie Road (Lot 100 DP 1251724)</u> • <u>342, 368 and 347 Calderwood Road (Lot 1 DP 608238, Lot 10, DP 619547, Lot 21 DP 809156)</u> • <u>79 and 81 Escarpment Drive (Lot 101 and 102 DP 1249814)</u> • <u>4 North Macquarie Road (Lot 42 DP 878122)</u>
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 Regulation	Delfin Land Lease or Any party acting on this approval The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Final Statement of Commitments submitted as part of the PPR.

- (b) Schedule 2 Part A – Administrative Terms of Approval - Condition 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

- (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 **6000** residential dwellings
 - (b) Approximately 50 hectares of mixed-use land for a range of **residential,** retail, commercial, **community, education** and light industrial uses
 - (c) Open space and protection for environmentally significant lands
 - (d) Internal roads, service infrastructure and community facilities
- (c) Schedule 2 Part A – Administrative Terms of Approval - Condition 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 development shall generally be in accordance with the following plans and documentation (including 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,
 - **MP09 0082 MOD 4 Environmental Assessment report dated 9 August 2018, as amended by the Response to submissions and Preferred Project Report dated 31 May 2019, as amended by the Addendum Response to Submissions dated 5 May 2020, all prepared by Ethos Urban Planning Consultants, as amended by additional information submitted on 17 July 2020, and 27 August 2020 and 26 February 2021 from Lend Lease,**

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 generally consistent with that Concept Plan.
- (d) Schedule 2 Part A – Administrative Terms of Approval - Condition A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

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.

An updated version of the consolidated Concept Plan, combining the updated components approved by Modification 4 and modifications required by this approval, is to be submitted to the Department of Planning, Industry and Environment for approval within 3 months of the approval of Modification 4.

- (e) Schedule 2 Part A – Administrative Terms of Approval - Condition A8 is added by the insertion of the **bold and underlined** words / numbers as follows:

A8 Non-Core Lands

Nothing in the approval of Modification 4 confers any additional responsibilities for infrastructure provision or funding on the non-core lands sites compared to the Concept Approval prior to approval of Modification 4.

- (f) Schedule 2 Part B – Modifications to the Concept Plan - Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

B5 Open Space

The location of parks and public open space in the **Public Domain Report Calderwood Concept Plan MP09 0082 MOD 4 PPR prepared by Taylor Brammer Architects and dated 31 May 2019** ~~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.

- (g) Schedule 2 Part B – Modifications to the Concept Plan - Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

B6 Urban Design and Lot Size

The Development Control Strategy (DCS) **dated July 2020 submitted with the response to request for additional Information dated 17 July 2020** is to be amended as follows **to reflect the following:**

~~7) The 'Residential Character Area' map in Appendix G of the PPR shall be amended to remove the 'Indicative Parkland Nodes'.~~

1. 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~~ **the Development Control Strategy**) but only where **the following requirements are met:** ~~subdivision of these lots occurs after the construction of dwellings and are located where~~

(a) ~~dwellings directly adjoin or are located directly opposite the following~~ **are located:**

i. **directly adjoining or directly opposite** ~~Public parks at least 0.3ha in size,~~ **and where the gradient of the site is less than 1 in 10,**

ii. **directly adjoining or directly opposite** ~~The Town and Village Centres~~ **the B4 Mixed use zone, or**

iii. **within the 800m walking catchment of the Town Centre as depicted in Figure 3 of the Development Control Strategy**

(b) **the adjoining road reserve would deliver pedestrian footpaths on each side of the road that proposes to include smaller lots,**

- (c) the road reserve would provide at least a 3.5 metre wide landscaped verge (including concrete footpath) which will provide a continuous street tree canopy cover along the length of the street
- (d) should the number and extent of driveway crossings be likely to result in the required continuous canopy cover or future health of street trees being compromised, the subdivision must include rear lane access to the proposed lots.
- (e) subdivision of these lots occurs after the construction of dwellings.

2. Laneways are to include kerb and guttering.

~~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 the development.~~
- (h) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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 for future stages and infrastructure required to support future stages.
- (3) Subject to adequate servicing and access as required above, the staging and delivery of development on the non-core lands sites is not to be tied to any infrastructure required to be delivered outside of the non-core lands sites, or any requirements for satisfactory arrangements arising from Modification 4.**

Any contributions or infrastructure to be provided on the non-core lands is to be provided in conjunction with the development of those sites and is not required to be provided any earlier.

- (i) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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 **the most recent revision of the WOLSH Tracks model including the revised development yield and corresponding Aimsun microsimulation model (incorporating transport demands extracted from Tracks) for the 2036 traffic design year.**
 - (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 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 kinds 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.

- (j) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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

The minimum retail floor space for the Town and Village Centre combined shall be 21,400 m²

- (k) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

C9 Urban Design – Town Centre

Prior to **any consent for the first application for development in the Town Centre (any land within the B4 Mixed Use Zone identified as being part of the Town Centre under the original approval, and excluding the Education Precinct as approved), a the Development Control** strategy to **must** be developed **updated in consultation**

with Shellharbour City Council and submitted to the Department of Planning for approval, to include a Masterplan for the development of the Town Centre Core (as identified in the documentation submitted with Modification 4) that includes:
encourage the following

- (a) Provision of retail floor space being delivered within the Town Centre Core to achieve the requirements of FEAR C8
 - (b) Approximately 20,000m² of other commercial floor space
 - (c) Approximately 1,120 m² community floor space
 - (d) The proposed location of residential uses within the Town Centre Core
 - (e) Associated car parking necessary to support all land uses
 - (f) Key pedestrian areas, including plaza and open space and active street frontages, including a key plaza or private open space area that is at least 1000m² in area
 - (g) Vehicle and pedestrian circulation arrangements, including public transport infrastructure such as location of bus stops and car share spaces, and consideration of the 'Movement and Place framework' to ensure the needs of different customer groups (pedestrians, cyclists, public transport users and private vehicle drivers) are appropriately prioritized
 - (h) Appropriate staging of the Town Centre Core to ensure delivery of retail and commercial services to the Calderwood population as it grows
 - (i) Built form controls that would ensure high quality built form outcomes, appropriate ground floor uses, active street frontages and weather protection along all key pedestrian routes, and high quality public domain outcomes
 - (j) Suitable interface treatments between the Town Centre Core and Town Centre residential areas and the cemetery.
- ~~• 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.~~
- (l) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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 ~~are identified in Appendix K of the Preferred~~ are to be provided:

- i. A temporary community centre (approximately 120 -150m²)
 - ii. A permanent community centre (approximately ~~900m²~~ **1,120m²**), including the dedication of 4000m² land; and
 - iii. ~~Branch library (approximately 626m²) adjoining the community centre~~
Monetary Contributions towards library facilities, equivalent to 780m² floor space.
- b) Open Space – the following open space areas are to be provided:
- i. A total of approximately ~~17.36~~ **21.84** ha of open space (made up of local parks, district parks, and citywide parks); and
 - ii. Sports fields of approximately ~~15.84~~ **21.96** ha.

All additional open space required as a result of Modification 4 is to be provided on the core lands, unless otherwise agreed with the relevant Council.

Note: the area identified as Johnson's Spur and the ancillary open space area (made up of drainage reserves and open space corridor 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:
- i. Upgrade of Marshall Mount Road (referred to in the TMAP as 22, 23 & 24);
 - ii. Upgrade of Yallah Road from Marshall Mount Road to Haywards Bay Drive (referred to in the TMAP as 25);
 - iii. Upgrade to the intersection of Marshall Mount Road and Yallah Road (referred to in the TMAP as 36);
 - iv. Construction of the Tripoli Way extension (referred to in the TMAP as 14, 15 & 16) **as amended by modification 4 including a signalised intersection at Calderwood Road.**
 - v. ~~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~~ **the** site and are therefore not to be included in the S7.11 framework. These will be required as per conditions of approval and the timing will be determined as part of future subdivision approval.
- i. The upgrade of Calderwood Road from the **CUDP approved eastern** site boundary to Tripoli Way extension (referred to in the TMAP as 32) **to be delivered prior to occupation of any development in the Town Centre core or by the end of 2027, whichever occurs first, or as otherwise agreed with Shellharbour City Council.**

The upgrade shall be generally in accordance with the following concept design plans:

- (a) **Drawing Number 82015040-54-SK90 Revision 4, titled 'Calderwood Road Bridge Concept Layout Plan and Sections', dated 12/02/2021.**

- (b) Drawing Number 82015040-54-SK91 Revision 2, titled 'Typical Road Sections Option 4 – 12m Carriageway', dated 12/02/2021.
 - (c) Drawing Number 82015040-54-SK92 Revision 2, titled 'Calderwood Road Concept Layout, Sheet 1 of 2, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (d) Drawing Number 82015040-54-SK93 Revision 2, titled 'Calderwood Road Concept Layout, Sheet 2 of 2, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (e) Drawing Number 82015040-54-SK94 Revision 2, titled 'Calderwood Road Concept Longsections, Sheet 1 of 3, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (f) Drawing Number 82015040-54-SK95 Revision 2, titled 'Calderwood Road Concept Longsections, Sheet 2 of 3, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (g) Drawing Number 82015040-54-SK96 Revision 2, titled 'Calderwood Road Concept Longsections, Sheet 3 of 3, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (h) Drawing Number 82015040-54-SK97 Revision 2, titled 'Calderwood Road Concept Cross Sections, Sheet 1 of 6, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (i) Drawing Number 82015040-54-SK98 Revision 2, titled 'Calderwood Road Concept Cross Sections, Sheet 2 of 6, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (j) Drawing Number 82015040-54-SK99 Revision 2, titled 'Calderwood Road Concept Cross Sections, Sheet 3 of 6, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (k) Drawing Number 82015040-54-SK100 Revision 2, titled 'Calderwood Road Concept Cross Sections, Sheet 4 of 6, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (l) Drawing Number 82015040-54-SK101 Revision 2, titled 'Calderwood Road Concept Cross Sections, Sheet 5 of 6, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (m) Drawing Number 82015040-54-SK102 Revision 2, titled 'Calderwood Road Concept Cross Sections, Sheet 6 of 6, Option 4 – 12m Carriageway', dated 12/02/2021.
 - (n) Drawing Number 82015040-54-SK103 Revision 3, titled 'Land Acquisition Concept Layout Plan, Sheet 1 of 2, Option 4 – 12m Carriageway', dated 19/02/2021.
 - (o) Drawing Number 82015040-54-SK104 Revision 3, titled 'Land Acquisition Concept Layout Plan, Sheet 2 of 2, Option 4 – 12m Carriageway', dated 19/02/2021.
- ii. Construction of the internal north-south sub arterial road (referred to in the TMAP as 33, 34 & 35). The design of the connections with Marshall Mount Road and North Marshall Mount Road shall be generally in accordance with the details provided in Modification 4, but with the design amended as necessary to demonstrate:
- (a) the two intersections would be sufficiently separated to ensure no adverse operational impacts as a result of queuing, having regard to the likely final design of both the intersections following full development of the West Dapto Urban release area; and
 - (b) the design of the road reserve (to be dedicated to Council) is to include sufficient land as necessary to deliver the long-term intersection upgrades considered in (a) above
 - (c) the North Marshall Road intersection is to be designed to avoid or minimise impacts to the heritage listed former Marshall Mount Public School

- iii. Upgrade of the intersection of the Illawarra Highway and Yellow Rock Road to provide site access (referred to in the TMAP as 37).

With regard to (c) (i–iii) above, prior to any development within the Wollongong LGA, the Proponent is to consult with Wollongong City Council regarding the need to update the existing VPA to reflect a correct apportionment of costs for road infrastructure works being funded by the VPA, having regard to the additional dwellings provided on the Calderwood site under Modification 4. Should a new or updated VPA be required, Satisfactory arrangements must be in place prior to the determination of the first DA within the Wollongong LGA.

Satisfactory arrangements are to be made with Shellharbour City Council for the provision of the additional infrastructure required by Modification 4 as set out in condition C12 (a)(ii–iii), (b) and (c)(iv), prior to the issue of an occupation certificate for the 2000th dwelling (or if the issue of an occupation certificate for the 2000th dwelling occurs on Non-Core Lands, prior to the issue of an occupation certificate for the next dwelling delivered on core land) or prior to 2023 (whichever occurs first).

Note: For the avoidance of doubt, local infrastructure contributions under condition C12 apply to all land within the Concept Plan area.

- (m) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C13 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

C13 Consolidated Development Control Strategy

Future development applications shall demonstrate consistency with the Consolidated Development Control Strategy prepared by JBA Urban Planning and dated February 2018. **required by Condition B6 (and as amended by Condition C9).**

- (n) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C14 is added by the insertion of the **bold and underlined** words / numbers as follows:

C14 State Infrastructure

Within 6 months of the approval of Modification 4, the existing VPA with the Minister is to be amended to:

- (a) **include delivery of a signalised intersection at Illawarra Highway / Tripoli Way / Broughton Avenue, and**
(b) **Change the timing for delivery of the land for Schools and the size of the land for schools in accordance with the details submitted with Modification 4.**

- (o) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C15 is added by the insertion of the **bold and underlined** words / numbers as follows:

C15 Flood Free Access

Within 6 months of the approval of Modification 4, the Proponent is to submit to Shellharbour City Council a development application for construction of an appropriate engineering solution to ensure flood free access is provided to all

completed / constructed bridges and major spine roads in accordance with the intentions of Commitment No 41.

The proposal is to be designed to ensure it achieves the required flood mitigation without resulting in other unacceptable adverse impacts

The works are to be completed within 6 months of approval of the development application.

- (p) Schedule 2 Part C – Further Environmental Assessment Requirements - FEAR C16 is added by the insertion of the **bold and underlined** words / numbers as follows:

C16 Safety in the PMF

Future applications which create lots that would be affected by flooding in the Probable Maximum Flood (PMF) are to demonstrate that the lots would include measures to ensure adequate shelter in place arrangements, including floor levels above the PMF and structural soundness of buildings having regard to the potential flooding regime. Applications must also demonstrate that the subdivision design would enable access by emergency vehicles as appropriate.

End of Modification