
CONSOLIDATED INSTRUMENT FOR INFORMATION

I, the Minister for Planning, under the Environmental Planning and Assessment Act 1979 ("the Act") determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the modifications set out in Schedule 2;
- (b) the environmental assessment requirements for subsequent project or development applications associated with the Concept Plan as set out in Schedule 2;
- (c) that any development or activity associated with the approved Concept Plan be subject to Part 4 (with Council as the consent authority) or Part 5 of the Act, whichever is applicable, unless the development is, in the opinion of the Minister, development of a kind that is described in the State Environmental Planning Policy (Major Development) 2005;
- (d) that any development associated with the Concept Plan is not integrated development under section 91 of the Act.

'Concept Approval Determination' is amended to reflect the following:

(modified by Section 75W modification MOD 2 approved on 23/10/2009)

I, the Minister for Planning, under the Environmental Planning and Assessment Act 1979 ("the Act") determine:

- (a) to approve the Concept Plan referred to in Schedule 1, ~~subject to the modifications set out in Schedule 2;~~ **subject to:**
 - i. **the modifications set out in Schedule 2; and**
 - ii. **the proponent entering into the planning agreement referred to in the Statement of Commitments dated 27 October 2008.**
- (b) the environmental assessment requirements for subsequent project or development applications associated with the Concept Plan as set out in Schedule 2;
- (c) that any development or activity associated with the approved Concept Plan be subject to Part 4 (with Council as the consent authority) or Part 5 of the Act, whichever is applicable, unless the development is, in the opinion of the Minister, development of a kind that is described in the State Environmental Planning Policy (Major Development) 2005;
- (d) that any development associated with the Concept Plan is not integrated development under section 91 of the Act.

SCHEDULE 1

Application No: 07_0147

Proponent: Johnson Property Group Pty Ltd

Approval Authority: Minister for Planning

Land: Allotments at North Cooranbong in the Lake Macquarie Local Government Area as follows: Lot 1 DP 595941, Lot 11 DP 129156, Lot 12 DP 129157, Lot 20 DP 129159, Lot 1-13 DP 7352, Lot 1-8 and 10 Section 6 DP 3353, Lot 1 DP 825266,

Lot 34 DP 736908, Lot 2 DP 517245, Lot 1 DP 170378, Part Lot 15 DP 182756, Lot 212 DP 1037011, Lot 1 DP 348173, Lot 219 DP 755218, Lot 1 DP 329367, Lot 1 DP 301305, Lot 13 DP 129157, Lot 1-2 DP 346776, Lot 21 DP 129159, Lot 1 DP 360725, Lot 1 DP 363639, Lot 3 DP 1029952, Lot 2 DP 663728, Unformed road continuing from Alton Road

Concept Plan:

Concept Plan for the **North Cooranbong Residential Estate**, comprising 200.43ha for residential development, 2.75ha for commercial development, 17.70ha for schools (existing and proposed), 15.25ha for public open space/recreation and community facilities and 119.13ha for environmental conservation.

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SCHEDULE 2

DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Council	Lake Macquarie City Council
DECC	Department of Environment and Climate Change
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate)
DWE	Department of Water and Energy
EA	<i>Part 3A Environmental Assessment Report & Concept Plan North Cooranbong (Volume 1 – 3)</i> prepared by HDB Town Planning & Design for Johnson Property Group dated March – June 2008
Minister, the	Minister for Planning
Proponent	Johnson Property Group Pty Ltd
PPR	<i>Preferred Project Report for North Cooranbong</i> , prepared by HDB Town Planning & Design for Johnson Property Group dated 27 October 2008
Site	Land to which Concept Plan Application 07_0147 applies
Terms of Approval	The Minister's terms of approval for the Concept Plan

1. ADMINISTRATIVE TERMS OF APPROVAL

Terms of Concept Approval

- 1.1 The Proponent shall carry out the concept plan generally in accordance with the:
- Concept Plan Application 07_0147;
 - Part 3A Environmental Assessment Report & Concept Plan North Cooranbong (Volume 1 – 3)* prepared by HDB Town Planning & Design for Johnson Property Group dated March – June 2008;
 - Preferred Project Report for North Cooranbong*, prepared by HDB Town Planning & Design for Johnson Property Group dated 27 October 2008;
 - the terms and modifications of this approval.
- 1.2 In the event of an inconsistency between:
- the terms/modifications of this approval and any document listed from 1.1(a) to 1.1(c) inclusive, the terms/modifications of this approval shall prevail to the extent of the inconsistency; and
 - any document listed from 1.1(a) to 1.1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Limits of Approval

- 1.3 This concept approval shall lapse five years after the date on which it is granted, unless an application is submitted to carry out a project or development for which concept approval has been given.
- 1.4 To avoid any doubt, this concept approval does not permit the construction of any aspect of the proposal which will be subject to separate project approvals.

Determination of Future Applications

- 1.5 The determination of future applications for development on the Site under Part 4 of the Act is to be generally consistent with the terms of this approval.

2. MODIFICATIONS TO THE CONCEPT

Design Guidelines

- 2.1 Approval is not provided for the proposed Development Control Plan or Design Guidelines part of this application (Appendix S in the Environmental Assessment dated March – June 2008 and Commitment 19 in the Statement of Commitments in the Preferred Project Report dated 27 October 2008).
- 2.2 The proposed Development Control Plan shall be replaced with Design Guidelines to be developed for future development in the North Cooranbong Residential Estate. The Design Guidelines should include a statement on the desired future character of the area and guidelines for:
- subdivision pattern and development staging
 - site coverage
 - urban design
 - setbacks and building height
 - building design/character and external finishes
 - appropriate construction types/methods
 - water sensitive urban design (including proposal for dual reticulation)
- Specific controls should also be included in the relevant precinct guidelines for:
- mine subsidence
 - land contamination
 - bushfire protection
 - appropriate setback buffers to the adjoining Onley State Forest
 - Local Park South fronting 3 roads
- 2.3 The Design Guidelines are to be prepared in consultation with and approved by Council prior to the issue of the first consent by Council for development under this concept plan approval. If Council fails to approve the Design Guidelines within 2 months of lodgement for approval they are to be submitted for approval to the Director-General of the Department of Planning.

3. FURTHER ASSESSMENT REQUIREMENTS

Local Park South

- 3.1 The applicable subdivision application must provide Local Park South with 3 road frontages.

Stormwater

- 3.2 All stormwater works shall be designed in consultation with and to the satisfaction of Council.
- 3.3 No stormwater may be discharged to a natural watercourse unless there is no negative impact on baseline water quality.
- 3.4 Detailed flood modelling assessment shall be submitted with each precinct subdivision application. The model shall identify the areas of the site that are affected by flooding in the 100 year storm event.
- 3.5 All stormwater treatment basins and stormwater management controls shall be located above the 100 year flood level.
- 3.6 Stormwater quality shall generally meet the requirements set out in Table 1.2 of Australian Runoff Quality – A Guide to Water Sensitive Urban Design, Engineers Australia, 2006. All stormwater quality treatment controls shall be designed in accordance with the requirements of the above manual.

Riparian Zones

3.7 Any subdivision plan should achieve the following minimum Core Riparian Zones:

- Minimum of 10m for any intermittently flowing 1st order watercourse
- 20m for any permanently flowing 1st order watercourse or any 2nd order watercourse
- 20m – 40m (merit based assessment) for any 3rd order or greater watercourse

Variation to the minimum widths may be considered by the Consent Authority following a merit assessment of the importance and riparian functionality of the watercourse, the site and the long-term use of the land in accordance with the Department of Water and Energy's Guidelines for controlled activities Riparian Corridors February 2008.

Contamination

3.8 The first application for subdivision creating residential lots on an allotment of the site identified as 'Potential Site Contamination' within the Douglas Partners Reports reference 31720 and dated 11 December 2001, 24 July 2002, 23 October 2003 and 7 March 2005 must be accompanied by a Stage Two detailed site contamination assessment in accordance with SEPP 55 (and associated guidelines).

All subdivision applications are to demonstrate compliance with the provisions of State Environmental Planning Policy No. 55 – Remediation of Land.

Geotechnical

3.9 Erosion and sediment control plans to be submitted in accordance with Statement of Commitment 6 must be prepared in accordance with the requirements of *Managing Urban Stormwater* dated 2004 and published by Landcom.

3.10 Any development application for land within the Department of Land's Acid Sulphate Planning Maps shall be accompanied by an Acid Sulphate Soil Management Plan.

Mine Subsidence

3.11 Any development of land within the West Lake Mine Subsidence District must be referred for approval by the Mine Subsidence Board and conform to Mine Subsidence parameters.

Bushfire Protection

3.12 Proposed perimeter road and building alignments must achieve the minimum Assess Protection Zone (APZ) contained in *Planning for Bushfire Protection 2006* published by NSW Rural Fire Service. Where no perimeter road is provided the APZ must be achieved within lot boundaries.

Onley State Forest

3.13 Where residential development is to adjoin the Onley State Forest a perimeter road and setback consistent with any setback specified in the Design Guidelines required under 2.2 of this Instrument must be provided.

Aboriginal Heritage

3.14 An Aboriginal Cultural Assessment must be prepared and approved by Council prior to any works taking place for any development proposed within the area designated "Further Investigation Required" in the Archaeological Survey and Constraints Study dated July 1st 2003.

3.15 If aboriginal cultural objects are uncovered due to development activities, all works must halt in the immediate area. A suitably qualified archaeologist, Aboriginal community representative and DECC must be contacted to determine the significance of the find(s).

Advisory Note: The gazetted SEPP Amendment contains provisions requiring that satisfactory arrangements are made for the provision of designated state infrastructure prior to subdivision consent being issued for the land. The Department of Planning will consider the executed regional VPA as satisfactory arrangements.
