

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

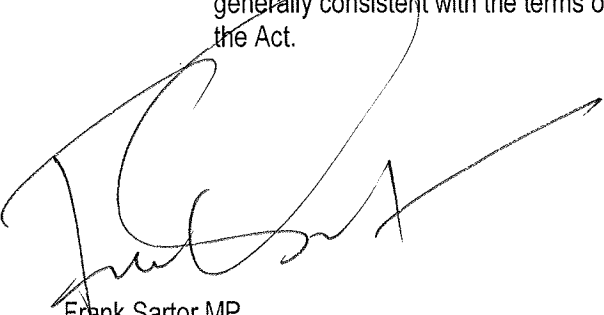
DETERMINATION OF MAJOR PROJECT MP 06_0094

(FILE NO. 9040782)

CONCEPT PLAN FOR REDEVELOPMENT OF SANDON POINT

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

- (a) To grant approval, under section 75O(1) of the Act, the Concept Plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2.
- (b) That approval to carry out the remainder of the project or stages of the projects with a capital investment value:
 - (i) of \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act;
 - (ii) less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act;
- (c) That a development application for the project or that stage of the project under Part 4 is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.



Frank Sartor MP
Minister for Planning

Sydney, 21st Dec 2006

SCHEDULE 1

PART A – APPROVAL

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) Anglican Retirement Villages (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 Lot 2 DP 224431 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 retirement development including a Residential Aged Care Facility, independent living units, communal facilities 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

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 detached dwelling lots;
 - (b) Subdivision to create 1 super lot to accommodate up to 80 apartments;

- (c) Subdivision of 2 super lots 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 the 3 super lots;
 - (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 lands,
- (a) A residential aged care facility of up to 4 storeys containing up to 120 beds;
 - (b) A mix of apartment buildings of up to 3 storeys containing up to 250 independent living units;
 - (c) Community facilities and services to support residents of the retirement village;
 - (d) Access and car parking;
 - (e) Landscaping including rehabilitation of riparian corridors and forest; and
 - (f) Stormwater management and utility services.

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.
- (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.

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Council means Wollongong City Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponents means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

Stockland Land means the land parcels Lot 2 DP 595478, Lot 235 DP 1048602, and Lot 1 DP 1024490 and listed in Part A of this schedule.

ARV Land means the land parcels Lot 1 DP 22431 and Lot 2 DP 22431 and listed in Part A of this schedule

Sandon Point Concept Plan means the project and the accompanying plans and documentation described in Part A, Schedule 1 as modified by Schedule 2.

SCHEDULE 2 – MODIFICATIONS TO THE SANDON POINT CONCEPT PLAN (MP 06_0031)

PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS

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 detached dwelling allotments and super lots for multi-unit housing, including roads; and
 - (b) a 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 lands,
 - (i) Landscaping including rehabilitation of riparian corridors and forest; and
 - (ii) Stormwater management and utility services.
- (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.



A2 Creek design

- (1) The Concept Plan is modified to ensure that the creek design within Sandon Point will be determined by performance criteria that will minimise the risk to life and property from a range of recurrent flood events.
- (2) The performance criteria for creek design are as follows:
 - (a) The low flow channel shall contain a 20 year recurrence flood;
 - (b) The flood waters up to the 20 year recurrence flood will ensure that:
 - (i) creek banks are not significantly scoured or eroded, or
 - (ii) the creek bed is not significantly scoured or eroded, or
 - (iii) there is minimal dislodgement of vegetation located within the creek corridor;
 - (c) Major erosion or channel metamorphosis (that is, no catastrophic failure) does not occur in events rarer than the 20 year recurrence flood;
 - (d) Flow velocities and shear stresses are managed to ensure that there are no increased risks to either the downstream creek corridor or downstream properties from:
 - (i) erosion,
 - (ii) channel metamorphosis, or
 - (iii) flooding.
 - (e) Any WSUDs located adjacent to the creek corridor should not compromise the stability of the creek corridor in flood events up to the 100 year recurrence flood.

A3 Bushfire Protection Requirements

The Concept Plan is modified as follows to ensure consistency with the *Planning for Bushfire Protection Guidelines* all APZs shall be located within the residential zone.

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 shall have a maximum FSR of 0.5:1.
 - (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 B3, 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 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, Part B, 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 the Central Precinct 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.

PART B – MODIFICATIONS TO THE STATEMENT OF COMMITMENTS

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.

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 lands shall submit a staging plan with the first application that:
 - (a) if the Wrexham Road extension proceeds, will confirm the construction of the north-south link road as part of the second stage of development
 - (b) if the Wrexham Road extension does not proceed, will demonstrate the alternative access arrangements including traffic ameliorative measures and road upgrades via Sturdee Avenue.

B3 Design Guidelines on Stockland Lands for Single Dwellings

- (1) The Stockland Statement of Commitments concerning design controls are to be modified to include measures outlined below.
- (2) The Proponent shall include provisions in the Design Guidelines for the Stockland lands that require a landscaped area on each site. The landscaped area is to be no less than 20% of the lot and provided at ground level. Of this landscaped area, no less than 25% is to be a principal area that:
 - (a) is directly accessible from the principal habitable rooms of the dwelling,
 - (b) is located towards the rear of the property,
 - (c) is not enclosed,
 - (d) is not used for any other purpose, such as an off street parking space,
 - (e) has a minimum depth of 4 metres, and
 - (f) is available for deep soil planting.
- (3) The Proponent shall include a provision in the Design Guidelines for the Stockland lands that require an

appropriate level of landscaping (including trees) before occupation of any single dwelling, townhouse or apartment building.

- (4) The Proponent shall include a provision in the Design Guidelines for the Stockland lands that set the maximum FSR for single dwellings as 0.5:1.

B4 Design Excellence

- (1) The Statements of Commitments are to be modified to include measures outlined below.
- (2) The Proponent commits to holding a design excellence competition for any building proposed to take advantage of the maximum FSR and heights permitted by the Sandon Point Concept Plan, as modified.
- (3) The Proponent shall establish a jury panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
 - (d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.
- (4) The Proponent is to submit the report of the jury panel as part of any future application for development.
- (5) For the purposes of this modification, a **jury panel**:
 - (a) means a 5 member panel comprised of appropriately qualified design professionals chaired by a registered architect, and
 - (b) may include an officer of Council.

B5 Response to Submissions revisions

- (1) Only as outlined below, the Statements of Commitments are modified to include amendments to the Statements of Commitments consistent with those offered in the *Response to Submissions: Concept Plan Application, Sandon Point* prepared by Don Fox Planning Pty Ltd on behalf of Stockland Development Pty Ltd and JBA Urban Planning Consultants Pty Ltd on behalf of Anglican Retirement Villages and dated October 2006.
- (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.
- (3) The Proponent on ARV land commits to construct the North-South link as part of the second stage of development.
- (4) The Proponents will provide a sensitivity assessment to confirm flood waters will not impact on areas west of the rail line. The sensitivity analysis is to include (but not be limited to) an assessment of the roughness assumptions on account of vegetation and be provided at the detailed design stage
- (5) The Proponents commit to providing a flood evacuation policy at the detailed stage of development
- (6) The Proponents commit to ensure that flood planning levels are consistent with any requirements of

Council contained within a Policy or planning instrument

- (7) The Proponents commit to undertake water quality monitoring as part of the detailed design stage and provide a quarterly report to Council for the life of the project.
- (8) The Proponents commit to undertaking a Potential Acid Sulphate Soils assessment and, if relevant, preparing an Acid Sulphate Soils Management Plan as part of the detailed design stage
- (9) The Proponents commit to not requiring the provision of on-site detention systems.

PART C – FUTURE APPLICATIONS

C1 Further approvals and the carrying out of works / activities

- (1) This Concept Plan Approval does not permit or allow the Proponent to carry out or commence any work or activity described in Modification A3, Part A of this schedule except as required by Modification (2) below.
- (2) Where future development where the capital investment value does not exceed \$5 million, Council is the consent authority under Part 4 or Part 5 of the Act.
- (3) Where any future development is subject to Part 4 or Part 5 of the Act, the consent authority must only determine future applications for development where they are consistent with the terms of approval of Concept Plan No. 05_0031 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2.

C2 Environmental planning instruments not applying to the Concept Plan

The following environmental planning instruments are not required to be considered by the relevant authority when determining a development application for the project or that stage of the project under Part 4 or Part 5:

- (a) Part 17 of the *Illawarra Regional Environmental Plan No.1*; and
- (b) Part 3 and Part 5 of *State Environmental Planning Policy No.71—Coastal Protection*.

C3 Creeks

Future applications for development of the site lodged by the Proponents shall demonstrate to the satisfaction of the consent authority that the creek design satisfies the performance criteria in Modification A2, Schedule 2.

C4 Stormwater structure, including Water Sensitive Urban Design

Future applications for development of the site lodged by the Proponents' shall demonstrate that:

- (a) the design of stormwater structures, inclusive of Water Sensitive Urban Design systems, are compatible with the ecological function of the riparian areas where they are proposed to be located within the riparian areas of Hewitts Creek, Woodlands Creek, Cooksons Creek, or Tramway Creeks; and
- (b) the Water Sensitive Urban Designs systems will incorporate bypass functions to prevent:
 - (i) settled solids from being resuspended in a flood event; and
 - (ii) habitat located therein from being significantly disturbed.

C5 Bushfire Protection Requirements

Future applications lodged by the Proponent for development on the subject site must be consistent with the *Planning for Bushfire Protection Guidelines*.

C6 Infrastructure – Rail

Future applications lodged by the Proponent for development on the subject site shall:

- (a) Demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for noise and vibration impacts, regardless of whether they are interim or draft.
- (b) Provide a report from a suitably qualified professional concerning the load rating on the Wrexham Road and Sturdee Avenue bridges to ensure their structural adequacy for construction traffic and, where relevant, identify what remedial actions are required to ensure the structural adequacy of the bridges.
- (c) Submit an electrolysis risk assessment prepared by a suitably qualified professional that identifies risk to the development from stray currents and measures that will be undertaken to control that risk.
- (d) Demonstrate that they have a Deed with RailCorp, or are in the process of seeking to enter into a Deed with RailCorp concerning access to the rail corridor for any works, where relevant.
- (e) Demonstrate that a suitable level of consultation with RailCorp has been undertaken.

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

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.