

Environmental Planning and Assessment Act 1979
Determination of Major Project Application No. 08_0096
(File No. S07/01826)

PROJECT APPLICATION FOR
BAYSWOOD RETIREMENT LIVING VILLAGE

I, the Minister for Planning, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, determine the Major Project No. 08_0096 referred to in the attached Schedule 1, by granting approval subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure the orderly development of the Bayswood Retirement Living Village,
- (2) To mitigate and manage environmental impacts of the development, and
- (3) To ensure the ongoing effective management of the development and associated impacts.



The Hon. Kristina Keneally MP
Minister for Planning

Sydney, 28 Jan. 2009

Schedule 1

Part A – Table

Application made by:	Stockland Developments Pty Limited
Application made to:	Minister for Planning
Major Project Number:	08_0096
On land comprising:	Lot 802 DP 1022286
Local Government Area:	Shoalhaven City Council
For the carrying out of:	Bayswood Retirement Living Village
Capital Investment Value	\$54 million
Type of development:	Project approval under Part 3A of the Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act

Part B – Definitions

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979*

Council means Shoalhaven City Council

Department means the Department of Planning or its successors

Director-General means the Director-General of the Department

Environmental Assessment means the document titled *Environmental Assessment Report – Proposed Stockland Bayswood Retirement Living prepared by Don Fox Planning* dated 19 May 2008

Major Project No. 08_0096 means the project described in condition 1.1 of Schedule 2 and accompanying plans and documentation described in condition 1.2 of Schedule 2

Minister means the Minister for Planning

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

Proponent means the person proposing the carry out of development comprising all or part of the project, and includes persons certified by the Minister to be the Proponent

Regulation means the *Environmental Planning and Assessment Regulation 2000*

Preferred Project Report (PPR) means the document titled *Preferred Project Report – Stockland Bayswood Retirement Living prepared by Don Fox Planning* dated 3 October 2008

RTA means the Roads and Traffic Authority of NSW

RLV means Retirement Living Village

Statement of Commitments (SoC) means the Statement of Commitments, as they apply to this project, made by the Proponent

Subject Site means the land identified in Part A of this Schedule

Schedule 2
Conditions of Approval

1. ADMINISTRATIVE CONDITIONS

Development Description

- 1.1 Project approval is granted only the carrying out of the Bayswood Retirement Living Village, comprising:
- (a) site preparation works (including earthworks and vegetation clearing);
 - (b) subdivision to create a 8.73 ha super lot upon which the RLV will be constructed;
 - (c) a total of 166 (attached and detached) dwellings, including 18 dwellings in a two storey residential building with basement car parking;
 - (d) a village centre comprising resident only facilities such as a club lounge, community kitchen, town hall, medical consulting rooms, fitness and leisure facilities, men's shed and craft room;
 - (e) provision of infrastructure for water, sewerage, electricity and telecommunications;
 - (f) water sensitive urban design; and
 - (g) associated works.

Development in accordance with Plans and Documentation

- 1.2 The development shall be in accordance with the following plans and documentation (including any recommendations and Statement of Commitments made therein):
- (a) *Environmental Assessment Report – Proposed Stockland Bayswood Retirement Living* prepared by Don Fox Planning dated 19 May 2008;
 - (b) *Preferred Project Report – Stockland Bayswood Retirement Living* prepared by Don Fox Planning dated 3 October 2008;
 - (c) *Response to Agency and Public Submissions including Revised Statement of Commitments* prepared by Don Fox Planning and dated 3 October 2008;
 - (d) *Final Bayswood Master Plan Layout (drawing no. MP001 Issue P)* dated 17 October 2008; and
 - (e) The conditions of this approval.

Inconsistency between Plans and Documentation

- 1.3 In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval will prevail.

Lapsing of Approval

- 1.4 Pursuant to section 75Y of the Act, the project approval will lapse 5 years after the date on which it is granted unless construction work on the project has commenced.

Prescribed Conditions

- 1.5 The Proponent shall comply with the prescribed conditions of project approval under section 75J(4) of the Act.

2. GENERAL CONDITIONS

Construction Management Plan

- 2.1** A Construction Management Plan (CMP) is to be prepared as outlined in the Proponent's Statement of Commitments and approved by Council or an accredited certifier prior to the issue of the construction certificate. The CMP must also:
- (a) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna,
 - (b) identify trees (as defined in clause 5 of *Shoalhaven Tree Preservation Order 2004*), including species, condition and remedial works, that will be retained on-site and protected during construction work,
 - (c) detail the type and quantities of construction waste and include an estimate of the waste materials that will be re-used or recycled,
 - (d) document the strategies used to ensure efficient use of building material and to minimise waste,
 - (e) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris,
 - (f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the "Blue Book",
 - (g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall be in accordance with the RTA's manual – *Traffic Control at Work Site*, and
 - (h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers.

Construction Access Arrangements

- 2.2** The Proponent shall not use the existing Bayswood Avenue and adjacent residential streets for construction access to the proposed development. Access to the subject site shall be through the intersection of Moona Creek Road with Naval College Road.

Construction Hours

- 2.3** All construction work shall be restricted to the hours of 7:00am to 6:00pm Monday to Friday, and 8:00am to 3:00pm Saturdays. No construction work shall take place on Sundays or public holidays.
- 2.4** Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage.

Site Filling and Disposal

- 2.5** The subject site shall be filled generally in accordance with the Indicative Earthworks Plan and Section contained in Appendix G and H of the Bayswood Retirement Living Services and Infrastructure Report, prepared by Cardno Forbes Rigby, dated April 2008.
- 2.6** The Proponent shall obtain a certificate from a qualified practising engineer confirming the satisfactory compaction of the filling and the suitability of the subject site for the intended purpose prior to commencement of building works.

2.7 Filling is:

- (a) to have a maximum batter of 25% (IV:4H) at any location on the subject site,
- (b) not to encroach onto adjoining land or the Environmental Zone,
- (c) not to cause the diversion of concentrated natural overland stormwater runoff onto adjoining property,
- (d) to be protected against erosion and sedimentation, with measures included in the soil and water management plan, and
- (e) to include adjustment of services (e.g. manholes, inter-allotment drainage etc) in the scope of works.

2.8 All excavated material that is surplus to the needs of the development or the Proponent's surrounding residential subdivision shall be hauled to an approved landfill site or a site that has an approved DA to receive fill. Details of fill storage and/or disposal and haulage routes shall be submitted to Council or an accredited certifier for approval prior to the commencement of fill disposal works.

Excavated material that will be used on site (or at neighbouring sites) shall be suitably stockpiled to avoid environmental impacts (such as dust and erosion).

Foundations for Dwellings

2.9 No dwelling shall be constructed on any allotment that has been filled unless foundations are designed to the soil classification as stipulated in AS2870.

Design Requirements

2.10 Final designs for civil works including stormwater and drainage works, roadways, footpaths and pavements shall be approved by Council or an accredited certifier prior to the issue of the construction certificate. These works shall be designed:

- (a) by a qualified practising civil engineer, and
- (b) in accordance with the relevant requirements of Council, Australian Standards and AUSTROADS (Part 13 and 14).

Landscaping

2.11 Landscaping works for each stage shall be completed prior to the issue of the occupation certificate for each stage of the Bayswood RLV.

2.12 The Proponent shall use plants of local provenance in the landscaping of the Bayswood RLV. All species shall be selected with due regard to the Threatened Species Management Plan (prepared for the concept approval and subsequent Commonwealth EPBC referral).

Pedestrian Connectivity

2.13 The Proponent shall provide a pathway along the northern edge of the RLV site to connect with each of the north-south pathways (located at the rear of the RLV units) and the pedestrian, Rural Fire Service and vehicular access fingers to maximise internal circulation and connectivity, as indicated on the Landscape Master plan, prepared by Lange Design and dated September 2008.

Footpath/Pathway Construction

2.14 A concrete paved footpath shall be constructed for the full frontage of Halloran Avenue and Moona Creek Road in accordance with the Footpath Location Plan. Engineering design plans shall be submitted to and approved by Council or an accredited certifier prior to commencement of works on the subject site and shall incorporate the following:

- (a) footpath levels shall comply with a 3% crossfall from the boundary to top of kerb;

- (b) the level of the footpath shall match existing footpath levels of adjoining frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section shall be suitably designed; and
- (c) kerb pram ramps shall be provided at intersections in accordance with figure 8 of AS1428.1 – 2001 Design for Access and Mobility. Construction standards shall be in accordance with Council's Plan No. G202606A.

Street Lighting

2.15 Street lighting is to be installed in accordance with relevant Australian Standards.

Internal Driveway and Car Parking

2.16 The final design of the internal driveways and car parking areas must comply with the relevant Australian Standards for parking facilities and must be bordered by concrete kerbing or concrete edge strip, except where surface water run-off is concentrated, in which case, concrete kerb and gutter shall be constructed. The work shall comply with Council's Plan No. SC 263710.

Noise Mitigation

2.17 A noise wall shall be constructed along the Moona Creek Road frontage from the south-west corner of the subject site and terminate north of the roundabout with Moona Creek Road and south of the Village Centre Building "A" (Wellness Building).

2.18 The noise wall shall be constructed prior to the occupation of the affected dwellings.

Developer Contributions

2.19 Pursuant to Division 6 of Part 4 of the Act, a monetary contribution shall be paid by the Proponent to Council in accordance with Appendix B of the *Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre* (2006) as amended on October 2006. This shall represent a monetary contribution of:

- a) \$3,440 per Retirement Living Village dwelling (based on an Equivalent Tenement of 0.753); and
- b) \$3,656 being the total amount for item 03 CFAC 0003 (Amendment 67 – Bay and Basin Recreation and Cultural Hall), unless already paid.

The contribution in 2.19a) shall be paid prior to the issue of a construction certificate for each stage of the development and shall be indexed in accordance with Shoalhaven City Council's Section 94 at the time of actual payment. The contribution in 2.19b) shall be paid prior to the issue of the construction certificate for the first stage of the development.

Note: The contribution value identified within condition 2.19a) has been indexed as of 07/08

Installation of Root Barriers

2.20 Root barriers shall be placed between trees and civil infrastructure to protect above or below ground civil infrastructure where deemed appropriate given consideration of the tree species and potential for damage:

- (a) barriers are to be placed between trees and civil infrastructure (as close as possible to the infrastructure) and extend horizontally a minimum distances of half the mature tree drip line and from the surface a minimum of 1.0 metres deep depending on mature root system,
- (b) where rock is encountered within the depth of the proposed planting's root bowl, the rock should be removed to a suitable depth for the proposed planting or substituted with an alternative, more suitable species,
- (c) root barriers may be obtained from any manufacturer and must be equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment.

Damage to Public Assets

2.21 The Proponent shall repair any damage to adjacent kerbs, gutters, footpaths, walkways, carriageways, reserves and the like, that occurs during development works. The Proponent shall undertake a site inspection and document any evidence of damage to public assets prior to commencement of works on the subject site. Failure to adequately identify any existing damage will result in all damage detected by Council after completion of the building works to be repaired at the Proponent's expense.

Easements

2.22 Copies of any instruments under sections 88B or 88E of the *Conveyancing Act 1919* are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, rights of way created or affected by this development, prior to the occupation of the first stage of the RLV.

Requirements of Public Authorities for Connection to Services

2.23 The Proponent shall comply with the requirements of any utility service providers (e.g. Integral Energy, Transgrid, Shoalhaven Water, Telstra etc) in regard to the connection to, relocation and augmentation of the services affected by the construction of the RLV. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent, unless otherwise agreed.