

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems & Approvals

SUBJECT: MODIFICATION REQUEST, PROJECT APPROVAL FOR BAYSWOOD RETIREMENT LIVING VILLAGE (MP08 0096 MOD 1)

1. PURPOSE

To determine a modification request to extend the lapsing date of the project approval for the Bayswood Retirement Living Village from 28 January 2014 to 28 January 2017.

This amendment is sought as physical commencement of the development of the site cannot commence within the current lapsing period due to the recent sale of the site from Stockland to Wakefield Ashurst Development Pty Limited, which is not due to settle until June 2014.

2. MODIFICATION DESCRIPTION

On 2 December 2013 Don Fox Planning Consultants, on behalf of the Proponent, Wakefield Ashurst Developments Pty Limited, submitted a request to modify the Part 3A project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Proponent seeks to amend Condition 1.4 - Lapsing of Approval, to extend the current lapse date of the project approval for a further three years. At present the project approval is liable to lapse after five years from the date of determination (28 January 2014) unless construction has commenced on the project.

The modification seeks to amend the wording of Condition 1.4 as follows:

Lapsing of Approval

1.4 Pursuant to section 75Y of the Act, the project approval will lapse ~~5-years~~ 8 years after the date on which it is granted unless construction work on the project has commenced.

This request, if approved, would extend the lapse date to 28 January 2017. No other modifications are proposed.

3. THE SITE

The Vincentia Coastal Village and District Centre site (VCV & DC) is 127 hectares (ha) of land located on the northern intersection of Jervis Bay Road (Naval College Road) and The Wool Road, Vincentia. The site is within the Shoalhaven City Council Local Government Area, approximately half way between Nowra and Ulladulla.

The site is located approximately two kilometres south-west of the existing Vincentia Township, and is bound by the Jervis Bay National Park to the west, Jervis Bay National Park Wetlands to the north, The Wool Road to the east and Naval College Road to the south as shown in **Figure 1**.

The Bayswood Retirement Living Village (Bayswood RLV) is within the VCV & DC and has a total area of around 8.73 ha.

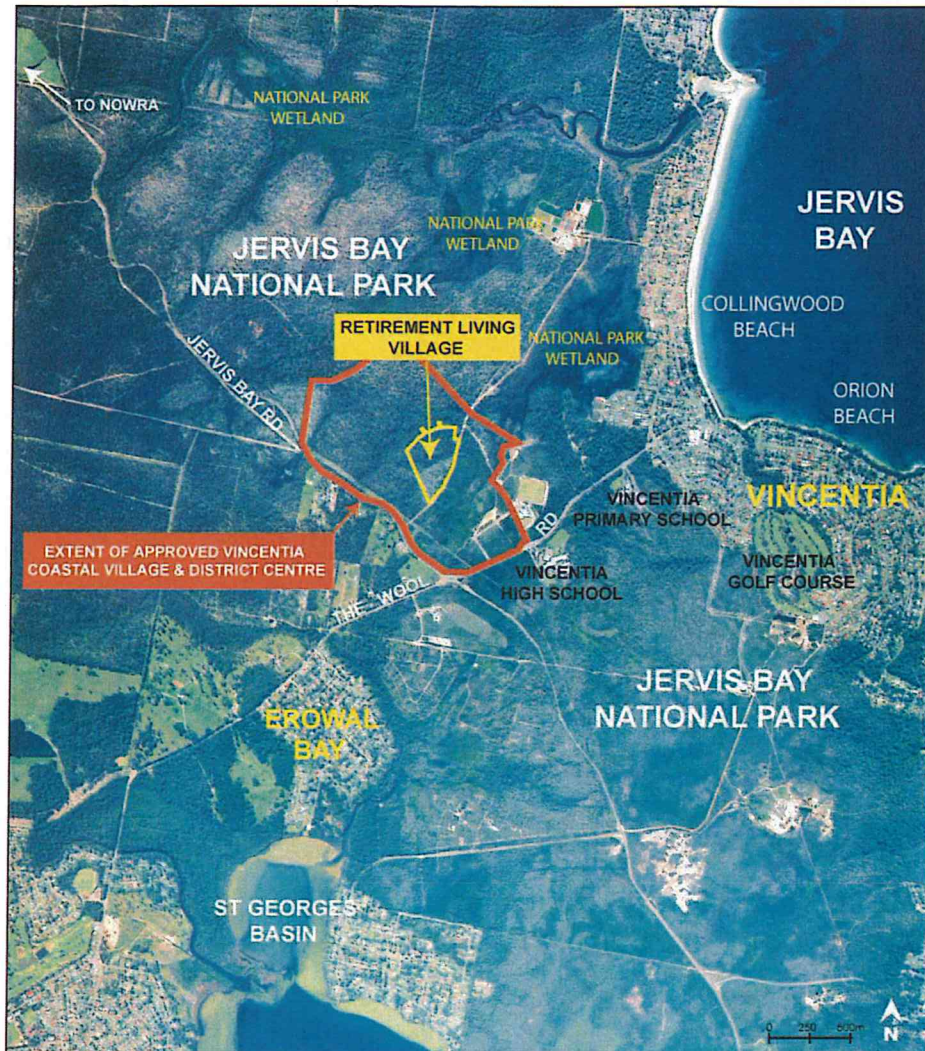


Figure 1: Site Context

4. PREVIOUS APPROVALS

On 25 January 2007, the then Minister for Planning granted concept plan approval (MP06_0060) for the VCV & DC comprising:

- 604 lot residential subdivision;
- Residential development for an adaptable housing area; and
- Commercial development being a district town centre and display village.

The concept plan has been modified on 13 occasions, however none of these have amended the original terms of the concept approval that relate to the adaptable housing area, the subject of this modification request.

On 26 November 2008, the then Minister for Planning granted project approval for residential housing for the adaptable housing area, Bayswood RLV (MP08_0096). The approval provided for:

- Site preparation works;
- Subdivision to create a 8.73 hectare super lot;
- A total of 166 attached and detached dwellings, including 18 dwellings in a two storey residential building with basement car parking;
- A village centre comprising resident only facilities;
- Provision of infrastructure for water, sewerage, electricity and telecommunications;
- Water sensitive urban design; and
- Associated works.

5. MODIFICATION JUSTIFICATION

The construction of Bayswood RLV has been delayed due to the sale of the site from Stockland to Wakefield Ashurst Development Pty Limited. The sale is due to settle in June 2014, which is after the lapsing date of the project approval. Another separate approval could be sought, but this would require further documentation and assessment of a project which has been determined appropriate for the site. Consequently, this could result in a lost opportunity for aged housing in the area.

The aged housing and facilities to be provided in the Bayswood RLV was identified as important development in the original project approval (MP 08_0096) as it met the growing demand for appropriately designed, well located, accessible and affordable aged housing in the Shoalhaven area. Whilst this project was approved five years ago, the current modification proposal indicates that the demand for aged housing still exists in the Shoalhaven area.

Furthermore, the Proponent indicates that whilst Bayswood RLV is not dependent upon the DC, the delayed construction of the DC has been a contributing factor to the timing of the retirement living village. As such, a three year extension of the project approval would provide the developers with the opportunity to review the timing of the project delivery to reflect economic viability, which could be encouraged by the construction of the DC.

6. CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation 2000, the modification request was made publically available on the department's website. The department also notified Shoalhaven City Council of the application. Due to the minor nature of the modification request, the modification was not exhibited by any other means.

The department received a submission from council which raised no objection to the modification. No submissions were received from the general public.

7. DELEGATED AUTHORITY

On 14 September 2011 the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where:

- (a) the relevant local council has not made an objections, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 10 public submissions in the nature of objections.

No objection was received from council, no political disclosure statement was made and there were no public submissions. Therefore, the Director may determine the modification request under delegated authority.

8. KEY ISSUES

8.1 Lapsing date

The Proponent is seeking to extend the lapse date of the project approval for a further three years. This would result in the project approval lapsing on 28 January 2017.

The Proponent has highlighted three main reasons to support the modification:

- Construction cannot commence before the project approval lapses due to the recent sale of the Bayswood RLV site;
- Bayswood RLV is a significant development as it will provide seniors housing in the area within close proximity to services and shops provided in the DC; and

The three year extension of the project approval will allow the developer to review the timing of project to be economically viable. The construction of the RLV may be encouraged by the construction and availability of shops and services in the nearby DC.

The department concurs with the Proponents arguments outlined above. In particular seniors housing within close proximity to services and shops in the DC was acknowledged as an important development for the area in the original project approval (MP08_0096).

It is also noted that Shoalhaven City Council raised no concerns to the extension of the project approval for a further three years.

Considering the above, the department is satisfied that the request for a three year extension of the project approval is reasonable given the recent sale of the site and that the need for the retirement living village remains current in the area.

The department also notes that there are no other changes to the approval in this modification so approval would merely allow an extension of time for the development of this site.

9. RECOMMENDATION

It is RECOMMENDED that the A/Director:

- note the information provided in this briefing;
- approve the modification request, and
- sign the attached modifying instrument (**Tag A**).

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