



JB/LB
07099
25 August 2016

Mr Anthony Witherden
Acting Director - Modification Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Dear Mr Witherden

MP_2009/82 (MOD 1) - RESPONSE TO SUBMISSIONS CALDERWOOD CONCEPT PLAN

We write on behalf of Lendlease Communities in relation to the proposed Section 75W modification to the Calderwood Concept Plan ("**Mod 1**"). We note that the intention of the modification is to update Condition C12 of the Concept Plan Approval such that it reflects the Voluntary Planning Agreement executed between Shellharbour City Council ("**SCC**") and Lendlease and to also reflect the findings of the Land and Environment Court of NSW ("**LEC**") in relation to Matter No. 10492 of 2012 *Lendlease Communities (Australia) Limited v Minister for Planning and Infrastructure and Ors* (the "**LEC Decision**") with respect to contributions payable to Wollongong City Council ("**WCC**").

1.0 INTRODUCTION AND BACKGROUND

The Calderwood Concept Plan was approved on 8 December 2010. During the consideration of the Concept Plan the Minister for Planning considered in detail a series of Schedules setting out the human services, open space and transport contributions proposed by Lendlease to be made to both SCC and WCC in respect of the Calderwood Urban Development Project (the "**Calderwood Development**").

The Minister subsequently imposed condition C12 on the Concept Plan setting out the general requirements for the contributions to be made by Lendlease towards local infrastructure provision for the whole of the Calderwood Development including community facilities, open space and roads. Schedule I of the final consolidated Concept Plan provides further detail on the final local contributions to be delivered as part of the Calderwood Development.

Following approval of the Concept Plan, Lendlease has sought to negotiate Voluntary Planning Agreements ("**VPA**") with both Councils so as to deliver the local infrastructure for the Calderwood Development. A VPA has been executed with SCC but not with WCC.

In light of the above Lendlease is seeking to obtain greater certainty regarding the contributions payable to WCC in respect of local road infrastructure pursuant to the Concept Plan. Currently Lendlease and WCC vary significantly as to their opinion as to what contributions may be levied – a difference of some \$33 million dollars. If the WCC rate is to be applied this has the potential to significantly affect the affordability for future homeowners in the region.

Following receipt of the submissions regarding Mod 1 made by SCC and WCC, Lendlease met with representatives of both Councils on Monday 25 July 2016. The attendees of those meetings are identified at **Attachment A** to this letter. Our response to the issues raised in those meetings and submissions are set out below. Our response also proposes minor changes to the drafting of proposed new Condition C12 previously proposed as part of Mod 1 and an amendment to the Statement of Commitments. These changes are set out in Section 4 of this letter.

2.0 RESPONSE TO WOLLONGONG CITY COUNCIL SUBMISSION

We understand that WCC's key concerns/comments relating to the modification application are the following:

- a) WCC's continued objection to the Calderwood Development;
- b) The ability of WCC to impose Section 94 contributions;
- c) The contribution amounts and lack of indexation – WCC does not accept five-year-old rates;
- d) That the LEC Decision established contributions payable for Stage 1 of the project only. In relation to WCC, the contributions payable relate to road infrastructure only. Since the court case, WCC has undertaken more infrastructure planning and has costed the road infrastructure required to service not only the Calderwood Development but also the Yallah-Marshall Mount development (Stage 5 of West Dapto) and the broader West Dapto Area. The studies indicate that additional roads are required and have quantified the types of roads and bridges required, having consideration of flooding requirements. WCC consider that if the LEC had access to this information during their consideration of the Stage 1 DA it may have altered its judgement and therefore the amount of contributions payable;
- e) Concern for the ability to levy contributions should the final development exceed 800 lots within the Wollongong LGA; and
- f) Open Space – WCC considers that the values associated with the open space are inflated. It also states that it has never agreed to the areas and that it should be afforded input in relation to the location, size and embellishment of the open space so that WCC can ensure the ongoing maintenance of these spaces.

A response to each of these points is provided below.

a) WCC's continued objection to the Calderwood Development

We understand from the meeting held with WCC that this commentary was provided for the benefit of the Department of Planning and Environment and that WCC does not expect a response from Lendlease on this issue. Nevertheless, the Calderwood Development was approved by way of concept plan and this matter is not relevant to Mod 1.

b) The ability of WCC to impose Section 94 contributions

Lendlease accepts that WCC can levy development contributions in the Wollongong LGA pursuant to a section 94 plan or a VPA and intends to contribute towards local infrastructure required to service the Calderwood Development both in the WCC and SCC LGAs.

However, the draft Section Calderwood 94 Plan ("**Draft Plan**") which has been publicly exhibited by WCC, in our opinion, cannot lawfully be made as it does not meet the requirements of Section 94 of the Environmental Planning and Assessment Act or the Environmental Planning and Assessment Regulation. The Draft Plan fails to demonstrate adequate nexus between the Calderwood Development and the infrastructure to be levied under the Draft Plan. It also fails to explain how the levies are to be apportioned between the Calderwood Development and the broader West Dapto Release Area. Consequently, in our view, the Draft Plan is unreasonable and unlawful. Lendlease has made a detailed submission on the draft plan which is provided at **Attachment B** for the Department's information.

Lendlease maintains that the most appropriate mechanism for local infrastructure contributions in the Wollongong portion of the Calderwood Development would be to through a VPA between Lendlease and WCC (in a similar manner to that which has been done with SCC). In this regard Lendlease reiterates that it would like to establish a good working relation with WCC and negotiate an outcome that is acceptable to both parties.

c) The contribution amounts and lack of indexation

It is the position of Lendlease that the contribution rates would be indexed with the 'Consumer Price Index' ("CPI") from the date of the LEC Decision, being 15 August 2013. This is reflected in the draft condition as proposed in Section 4 of this letter and would be consistent with index rates contained within the SCC VPA and is a readily accessible index as recommended in clause 32(3)(b) of the Regulations.

d) LEC established contributions payable for Stage 1 of the project only

During the consideration of the Stage 1 Project Application the LEC scrutinised all aspects of local contributions payable. This was in the context of the demand generated by the whole of the Calderwood Development and not just Stage 1.

At the time the LEC had reference to the TMAP that had been prepared for the Calderwood Development and outlined the infrastructure that was required to service it. The TMAP was peer reviewed by ARUP and whilst Senior Commissioner Moore and Senior Commissioner O'Neill did not agree with all aspects of the TMAP, they did make comment on which aspects of the TMAP should be accepted and which elements should be designed to the standard requested by WCC at the time of hearing. As a result, it is quite clear what infrastructure is expected to be delivered over the lifetime of the project and to what standard.

Further, the Senior Commissioner and Commissioner made clear in the judgement that the contributions payable should be apportioned across the entire anticipated 4,800 dwelling yield over the life of the Calderwood Development. At paragraph 51 the judgement states:

'...the concept of setting contributions for Stage 1 in a fashion that is constructed to inform the setting of contributions for subsequent stages, provides what we consider to be an appropriate degree of financial predictability for the developer and for the councils.'

We understand that WCC has now undertaken further modelling of the local road infrastructure which is not in the public domain. WCC maintains that additional roads and higher order roads are required to service the Calderwood Development when considered in the context of the West Dapto and Yallah-Marshall Mount release areas (notably Stage 5).

This new infrastructure is not consistent with either the approved Concept Plan or the Stage 1 LEC approval. Cardno has reviewed the additional infrastructure requirements and is of the opinion that the residents of the Calderwood Development are unlikely to use many of the new roads proposed. In particular, residents are unlikely to use New Roads 1 to 3 (inclusive). Further we fail to understand why WCC is proposing a new road which will bypass the new town centre, cross environmentally sensitive land and will not have any development directly fronting the road.

Given nothing has changed in terms of the level of development proposed at Calderwood, we fail to understand how the Calderwood Development generates a demand for the additional and higher order roads over and above those identified in the Concept Plan approval/TMAP. Rather, we believe that it is the development at Yallah-Marshall Mount (Stage 5), which was not previously modelled, as the land had not yet been marked for rezoning, which generates the additional demand and as such the developers of that land should be responsible for delivering the additional cost of the infrastructure.

There are clear guidelines in NSW which provide that development contributions should be based on the key concepts of reasonableness and accountability. To date no information has been provided by WCC to demonstrate that there is a nexus between the Calderwood Development and the additional infrastructure identified over and above that identified in the Calderwood Concept Plan. Further, no information has been provided as to how WCC has apportioned the costs between the Calderwood Development and the broader West Dapto release area.

Without this information we consider it inappropriate and unreasonable to vary the contribution rates and principles established by the LEC Decision and that the changes to Condition C12 and an amendment to the Statement of Commitments as outlined in section 4 of this letter should be made to the Concept Plan.

e) Concern for the ability to levy should the final development exceed 800 lots

Lendlease agrees that any contributions plan or VPA should be flexible and allow for a scenario where more than 800 lots/dwellings are provided. This can be addressed in clear drafting within the relevant contributions plan or VPA. A similar example is already contemplated and provided for in Schedule **clause 4.3(c)** of the SCC VPA.

f) Open Space

Although that WCC's letter makes mention to the open spaces areas to be dedicated to WCC, it is noted that during our meeting with WCC and SCC on 25 July 2016, it was confirmed that this was not their primary concern and that the key point of contention is the infrastructure contributions relating to local road infrastructure.

Notwithstanding the above, during the Stage 1 court case WCC formally accepted that the proposed works in kind identified by Lendlease for open space and community facilities at the Calderwood Development were appropriate and acceptable. It was also accepted that these facilities should be focused near the town centre in the Shellharbour portion of the site. Notwithstanding this, Lendlease commits to work with WCC at the appropriate time when it comes to designing the open space areas that are located in the Wollongong LGA and are to be dedicated to WCC.

3.0 RESPONSE TO SHELLHARBOUR CITY COUNCIL SUBMISSION

Following a meeting between Lendlease and SCC, we understand that SCC's key concern relates to the operation of the existing VPA and ensuring that there are "no unintended consequences" resulting from the proposed modification. SCC's submission made to the Department also outlines the following specific concerns/comments:

- a) The proposed s75W modification is not required as the proposed changes are consistent with the approval. Rather, the details should be included into either a VPA between WCC and Lendlease or into a Section 94 Plan;
- b) A Council can only impose contributions in accordance with a Section 94 or 94A contributions plan or a VPA. The proposed modifications do not overcome this statutory requirement and are therefore unnecessary;
- c) Capacity to amend the VPA - SCC's capacity to adjust the VPA in line with Condition C12 would be thwarted should the proposed modification be approved and the Condition C12 framework removed. It would also unduly restrict the parties to that agreement should they wish to adjust the VPA in the future;
- d) Timing and certainty of Contributions under Condition C12(d) of the Concept Plan Approval - The applicant is not proposing to provide certainty to the contributions required under Condition C12(d) of the Concept Plan Approval, and that the timing and final scope of works remains undetermined. It is considered that modifying Conditions C12(a) to C12(c) in the manner proposed would result in the rationalised framework of the condition becoming disjointed with Condition C12(d); and
- e) Circumventing the public process - Modifying Condition C12 in the manner proposed will also circumvent the public process of determining local infrastructure contributions for the development through the exhibition of a VPA (as suggested by the Statement of Commitment point 5) or the exhibition of a Section 94 Plan.

A response to each of these points is provided over the page.

a) Section 75W modification is not required

Mod 1 seeks to include additional prescriptive detail in Condition C12 in relation to contributions in the Wollongong LGA so as to formalise the guidance provided by the LEC. The modification is required to ensure that the modified Concept Plan approval is clear on its face and that Lendlease and WCC acts within the scope of the LEC's guidance. Mod 1 is also required to ensure that the detail in the condition is consistent with that provided in the SCC VPA.

Further, amendment of the Condition C12 provides certainty for both Lendlease and both WCC and SCC as to what contributions will be delivered under the Concept Plan.

b) Council can only impose contributions in accordance with a Section 94 plan or 94A plan or a VPA
 SCC correctly identifies that a local mechanism by way of a section 94 or 94A plan or VPA is required for WCC to levy development contributions on the Calderwood Development land. However, in the unique circumstances of this project, Lendlease has pursued Mod 1 to ensure certainty as to the scope of the development contributions payable to WCC in light of the long and contentious history between the parties. Our proposed amendments to Condition C12 also aim to remove the inconsistency between Condition C12 and the SCC VPA.

c) Capacity to amend the VPA.

In order to provide SCC with comfort that the SCC VPA can be amended in the future if required without the need for further modification of the Concept Plan, we propose to amend the wording of condition C12 proposed in Mod 1 in the following manner:

The Proponent must comply with all necessary requirements of the Calderwood Voluntary Planning Agreement, as executed on 15 September 2014 between Lend Lease Communities (Australia) Limited and Shellharbour City Council as varied by agreement between the parties from time to time.

d) Timing and certainty of Contributions under Condition C12(d) of the Concept Plan Approval

One of the main purposes of Mod 1 is to clarify the contributions frameworks in relation to the Section 94 local infrastructure contributions payable by Lendlease to SCC and WCC. As the items in Condition C12(d) sit outside of this, no changes are proposed as part of this application. However, to give SCC comfort that the works are being delivered, we can confirm the following:

- No works have occurred to Calderwood Road from the site boundary to Tripoli Way extension (referred to in the TMAP as item 32) and this will form one of the future stages of development. It will be addressed at the relevant DA stage and included in the transport impact assessment;
- In terms of the internal north south sub arterial road, this road is now under construction in the southern reaches of the project to service the approved works within Stages 1 and 2. Works commenced on the internal road link in approximately June 2015 and will continue with each stage of the approval as works progress further north to the town centre. Sections of the sub-arterial road will therefore be built with each corresponding stage. Condition B8 of the Stage 1 Project Approval (MP09_0083) provides further detail with respect to road works; and
- In terms of the upgrade of the intersection of the Illawarra Highway and Yellow Rock Road to provide site access (referred to in the TMAP as 37), these works are now complete. A roundabout was constructed to service this intersection and to provide access to the site. Condition B8 (5) of the Stage 1 Project Approval also addresses this upgrade, requiring that design plans are to be approved by the RMS prior to the commencement of works. A Works Authorisation Deed was executed with the RMS in February 2015 and the roundabout received final design acceptance by RMS in July 2015.

e) Circumventing the Public Process

Lendlease has attempted to negotiate a VPA with WCC for a protracted period and continues to attempt to reach an agreement to facilitate local infrastructure delivery directly with WCC. Mod 1 does not and cannot seek to circumvent the public process of delivering local infrastructure contributions through a VPA or Section 94 Plan.

A VPA with WCC remains Lendlease's preferred method of local contribution delivery and Mod 1 is proposed as a parallel pathway with a VPA with WCC. No public process is proposed to be circumvented. Regardless of whether a Section 94 Plan or VPA is pursued, both documents would be subject to the exhibition process, consistent with the requirements of the *Environmental Planning and Assessment Act 1979* (NSW) the ("Act") and its Regulations (in particular, clauses 28 and 29 of the Regulations).

Further, Mod 1 sets a more prescriptive framework which is consistent with the LEC's guidance and therefore provides greater certainty for Lendlease and WCC as to the quantum and delivery of local infrastructure contributions within the Wollongong LGA. We note that it is within the Minister's express power to impose conditions in relation to local infrastructure contributions (see section 94D of the Act).

4.0 PROPOSED AMENDMENTS TO CONDITION C12 AND STATEMENT OF COMMITMENTS

Taking account of both SCC and WCC's submissions and our responses to those submissions as set out above, it is proposed to delete the existing Condition C12 in its entirety, and replace it with a new Condition C12 as set out below.

As part of a parallel process, Lendlease also seeks to update the Statements of Commitments ("SoCs") to reflect the proposed changes to Condition C12. The proposed Condition C12 and SoCs, as modified by this response, is shown in **bold and underline** as follows:

"C12 Local Infrastructure Contributions

The requirements for local infrastructure shall be generally in accordance with the following:

Contributions to Shellharbour City Council

*The Proponent must comply with all necessary requirements of the Calderwood Voluntary Planning Agreement, as executed on 15 September 2014 between Lend Lease Communities (Australia) Limited and Shellharbour City Council **as varied by agreement between the parties from time to time.***

Contributions to Wollongong City Council

(a) *Open space – the following open space areas are to be provided:*

- *Local Park 1 Embellishment and dedication of a minimum of 0.3 ha of land (in R1 and/or E3 zoned land) comprising:*

Contribution Works:

- *Developer to design and construct item (notional Value \$150,000).*
- *Developer to maintain item for three years following practical completion of item (notional value \$16,000)*

Contribution Land:

- *Development to procure dedication of item to the Council at no cost (notional value \$924,000)*

- *Local Park 2 Embellishment and dedication of a minimum of 0.3 ha of land (in R1 and/or E3 zoned land)*

Contribution Works:

- *Developer to design and construct item (notional Value \$150,000).*
- *Developer to maintain item for three years following practical completion of item (notional value \$16,000)*

Contribution Land:

- *Development to procure dedication of item to the Council at no cost (notional value \$924,000)*

- *Local Park 3 Embellishment and dedication of a minimum of 0.3 ha of land (in R1 and/or E3 zoned land)*

Contribution Works:

- Developer to design and construct item (notional Value \$150,000).
- Developer to maintain item for three years following practical completion of item (notional value \$15,000)
- Contribution Land:
 - Development to procure dedication of item to the Council at no cost (notional value \$924,000)
- District Park D1 Embellishment and dedication of a minimum of 1 ha of land (in R1 and/or E3 zoned land)
 - Contribution Works:
 - Developer to design and construct item (notional Value \$750,000).
 - Developer to maintain item for three years following practical completion of item (notional value \$16,000)
 - Contribution Land:
 - Development to procure dedication of item to the Council at no cost (notional value \$1,383,200,000)
- City Park CW1 (Heritage) Embellishment and dedication of a minimum of 1.3 h of land (in R1 zoned land)
 - Contribution Works:
 - Developer to design and construct item (notional Value \$985,000).
 - Developer to maintain item for three years following practical completion of item (notional value \$46,000)
 - Contribution Land:
 - Development to procure dedication of item to the Council at no cost (notional value \$4,034,800)

(b) Local roads – the following contributions are to be provided:

- Marshall Mount Road (TMAP items 22, 23, 24 and 36 and Section 11 bus stops and bus shelters) contribution amount: \$5,702,400
- Yallah Road contribution amount: \$633,600
- With the total \$6,336,000 to be paid on the basis of four equal payments of \$1,584,000 prior to the release of the relevant residential subdivision certificate for the following:
 - 200th residential lot (as developed in Wollongong LGA) (i.e. 25%);
 - 400th residential lot (i.e. 50%)
 - 600th residential lot (i.e. 75%); and
 - 800th residential lot (i.e. 100%)

Indexation is to be applied annual in accordance with the **Consumer Price** Index for Non Dwelling Building and Construction (CPI), published by the Australian Bureau of Statistics, indexed from 15 August 2013.

- (c) Other Road Works – the following road works are needed to directly access to site and are therefore not to be included in the S94 framework. These will be required as per conditions of approval and the timing will be determined as part of future subdivision approval.
- The upgrade of Calderwood Road from the site boundary to Tripoli Way extension (referred to in the TMAP as 32);
 - Construction of the internal north-south sub arterial road (referred to in the TMAP as 33, 34 & 35);
 - Upgrade of the intersection of the Illawarra Highway and Yellow Rock Road to provide site access (referred to in the TMAP as 37).

It is also proposed to amend the Statement of Commitments by amending Commitment 5 and inserting the following new commitments as shown in the table over the page.

Subject		Commitment	Responsibility/Timing
Local infrastructure Contributions	5	The Proponent will offer to enter into a Voluntary Planning Agreement with <u>Wollongong City Council</u> the relevant Council for the delivery of local infrastructure and facilities for the Calderwood Urban Development Project area. <u>Any VPA with Wollongong City Council is to contemplate local infrastructure contributions to be provided for any additional yield above 4,800 dwellings on a pro-rata basis.</u>	Proponent/Ongoing
<u>Local Infrastructure Contributions – Shellharbour City Council</u>	5A	The Proponent will comply with all necessary requirements of the Calderwood Voluntary Planning Agreement, as executed on 15 September 2014 between Lend Lease Communities (Australia) Limited and Shellharbour City Council as varied by agreement between the parties from time to time.	Proponent/Ongoing
<u>Local Infrastructure Contributions – Wollongong City Council</u>	5B	<p>The following contributions will be paid to Wollongong City Council</p> <p>(a) <u>Open space – the following open space areas are to be provided:</u></p> <ul style="list-style-type: none"> <u>Local Park 1 Embellishment and dedication of a minimum of 0.3 ha of land (in R1 and/or E3 zoned land) comprising:</u> <p><u>Contribution Works:</u></p> <ul style="list-style-type: none"> <u>Developer to design and construct item (notional Value \$150,000).</u> <u>Developer to maintain item for three years following practical completion of item (notional value \$16,000)</u> <p><u>Contribution Land:</u></p> <ul style="list-style-type: none"> <u>Development to procure dedication of item to the Council at no cost (notional value \$924,000)</u> <ul style="list-style-type: none"> <u>Local Park 2 Embellishment and dedication of a minimum of 0.3 ha of land (in R1 and/or E3 zoned land)</u> <p><u>Contribution Works:</u></p> <ul style="list-style-type: none"> <u>Developer to design and construct item (notional Value \$150,000).</u> <u>Developer to maintain item for three years following practical completion of item (notional value \$16,000)</u> <p><u>Contribution Land:</u></p> <ul style="list-style-type: none"> <u>Development to procure dedication of item to the Council at no cost (notional value \$924,000)</u> <ul style="list-style-type: none"> <u>Local Park 3 Embellishment and dedication of a minimum of 0.3 ha of land (in R1 and/or E3 zoned land)</u> <p><u>Contribution Works:</u></p> <ul style="list-style-type: none"> <u>Developer to design and construct item (notional Value \$150,000).</u> <u>Developer to maintain item for three years following practical completion of item (notional value \$15,000)</u> <p><u>Contribution Land:</u></p> <ul style="list-style-type: none"> <u>Development to procure dedication of item to the Council at no cost (notional value \$924,000)</u> <ul style="list-style-type: none"> <u>District Park D1 Embellishment and dedication of a minimum of 1 ha of land (in R1 and/or E3 zoned land)</u> <p><u>Contribution Works:</u></p> <ul style="list-style-type: none"> <u>Developer to design and construct item (notional Value \$750,000).</u> <u>Developer to maintain item for three years following practical completion of item (notional value \$16,000)</u> <p><u>Contribution Land:</u></p> <ul style="list-style-type: none"> <u>Development to procure dedication of item to the Council at no cost (notional value \$1,383,200,000)</u> 	Proponent/As per the commitment or relevant Section 94 Plan/VPA when prepared

		<ul style="list-style-type: none"> • <u>City Park CW1 (Heritage) Embellishment and dedication of a minimum of 1.3 h of land (in R1 zoned land)</u> <p><u>Contribution Works:</u></p> <ul style="list-style-type: none"> - <u>Developer to design and construct item (notional Value \$985,000).</u> - <u>Developer to maintain item for three years following practical completion of item (notional value \$46,000)</u> <p><u>Contribution Land:</u></p> <ul style="list-style-type: none"> - <u>Development to procure dedication of item to the Council at no cost (notional value \$4,034,800)</u> <p>(b) <u>Local roads – the following contributions are to be provided:</u></p> <ul style="list-style-type: none"> - <u>Marshall Mount Road (TMAP items 22, 23, 24 and 36 and Section 11 bus stops and bus shelters) contribution amount: \$5,702,400</u> - <u>Yallah Road contribution amount: \$633,600</u> - <u>With the total \$6,336,000 to be paid on the basis of four equal payments of \$1,584,000 prior to the release of the relevant residential subdivision certificate for the following:</u> - <u>200th residential lot (as developed in Wollongong LGA) (i.e. 25%);</u> - <u>400th residential lot (i.e. 50%)</u> - <u>600th residential lot (i.e. 75%); and</u> - <u>800th residential lot (i.e. 100%)</u> <p><u>Indexation will be applied annual in accordance with the Consumer Price Index for Non Dwelling Building and Construction (CPI), published by the Australian Bureau of Statistics, indexed from 15 August 2013.</u></p>	
<u>Local Infrastructure Contributions – Other Road Works</u>	<u>5C</u>	<p>The following road works will be provided in addition to any section 94 contributions:</p> <ul style="list-style-type: none"> • <u>The upgrade of Calderwood Road from the site boundary to Tripoli Way extension (referred to in the TMAP as 32);</u> • <u>Construction of the internal north-south sub arterial road (referred to in the TMAP as 33, 34 & 35) and;</u> • <u>Upgrade of the intersection of the Illawarra Highway and Yellow Rock Road to provide site access (referred to in the TMAP as 37)</u> 	<u>Proponent/To be provided with the relevant subdivision applications and prior to the completion of the 4,800 dwelling.</u>

5.0 CONCLUSION

Mod 1 seeks to clarify the contributions payable under the Concept Plan. It is proposed to ensure that the Concept Plan is consistent with the VPA executed between Lendlease and SCC. It also seeks to ensure that the Concept Plan reflects the principles established in the LEC Decision in relation to contributions to be delivered by Lendlease to WCC.

This is intended to provide more certainty for all parties involved. It is not the intention of Lendlease to alter or reduce the contributions to be made in relation to the Calderwood Development, as evidenced by the fact that a large number of facilities required to be provided by Lendlease are already under construction and well progressed.

We hope this response assists the Department in assessing the modification application. However, if you would like further information in relation to this matter, please do not hesitate to contact me on 9956 6962 or jbuchanan@jbaurban.com.au.

Yours faithfully



Jennie Buchanan
Associate