

Ms Fiona Gibson
Planner – Modification Assessments, Planning Services
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref:
File:
Date:

Z16/213114
MP-2009/82/A
21 September 2016

Dear Ms Gibson

RESPONSE TO SUBMISSION RELATING TO THE MODIFICATION TO THE CALDERWOOD CONCEPT PLAN (MP 09_0082 MOD 1)

Thank you for providing Council with the opportunity to respond to the letter prepared by JBA on behalf of Lend Lease ("JBA letter").

Council notes the issues raised in the JBA letter. However, they do not address Council's key concerns in relation to the payment of appropriate contributions for the required upgrade of the road network within the Wollongong Local Government Area (LGA).

The Part 3A Concept Approval determined a contribution was appropriate for the upgrade of local roads in the Wollongong LGA. The Land and Environment Court determined a price for these upgrades for Stage 1A only and did so in the absence of detailed information relating to local infrastructure planning such as future of Yallah-Marshall Mount/Stage 5 as an Urban Release Area, flooding information for Duck Creek and concept designs for Yallah Road and Marshall Mount Road.

As the NSW Department of Planning & Environment is aware, clause 12 Local Infrastructure Contributions of the Concept Plan Approval relevantly states:

"The requirement for local infrastructure shall be generally in accordance with the following principles:

- c) Local Roads – contribution towards the following roads works are supported. The total cost, apportionment and timing of these works shall be determined in consultation with the Department of Planning:*
 - Upgrade of Marshall Mount Road (referred to in TMAP as 22,23 and 24)*
 - Upgrade OF Yallah Road from Marshall Mount Road to Haywards Bay Drive (referred to in the TMAP as 25)".*

The JBA letter seeks to assert that the decision of the Land and Environment Court in relation to Stage 1 represents some final determination of the future contribution amount for, presently, Wollongong City Council, over the life of this overall project.

Such an assertion is unsustainable in a context where the Land and Environment Court also determined, at a portion of the judgment subsequent to that excerpted in the JBA letter, that the contributions for Stage 1 "are expected to have some influence in forming contributions that may arise for future stages, *that will very much depend, amongst other things, by what further contribution plans may be developed by either Council through the statutory contribution planning system.*" (Paragraph 75 of the Judgment, emphasis added).

In that regard, Council is well advanced on finalising a Contributions Plan that will indeed levy contributions for the required road network that will ultimately service this overall project. As part of that work, Council has invested significant effort into planning for the future growth in Yallah-Marshall Mount and determining appropriate contributions. Council has prepared detailed concept designs and a Quantity Surveyor has prepared cost for upgrades to Yallah Road and Marshall Mount Road and the Local Road to south of Marshall Mount Road.

Council has also calculated, using the WOLSH TRACKS model, the appropriate amount of contribution based on traffic movement and volumes generated proportionally by both Yallah-Marshall Mount and Calderwood Release Area to determine the split on costs. West Dapto Section 94 Development Contribution Plan and the Draft Calderwood Release Area Section 94 Contribution Plan include the relevant share of the total costs. Council notes that the TRACKS model is used by Roads and Maritime Services and regional councils for significant transport infrastructure planning.

Council has also noted the issues raised by Lend Lease in relation to the earlier version of the draft Contributions Plan, and believes it has responded appropriately. That will become evident when the revised Contributions Plan is placed back on exhibition, which is pending the outcome of the West Dapto Section 94 Development Contribution Plan review by IPART as it contains the relevant roads referred to in Yallah-Marshall Mount/Stage 5.

The outcome of the IPART review is expected to be published early October 2016. Council has received preliminary advice from IPART indicating the removal of one local road in Stage 5 (Yallah-Marshall Mount). Council will incorporate IPART's recommendations. This will impact both the West Dapto Section 94 Development Contribution Plan and the Calderwood Section 94 Development Contribution Plan. Council expects to re-exhibit the updated Plan in late October 2016 – incorporating any changes recommended by IPART.

Council remains committed to continuing to discuss with Lend Lease the appropriateness of proposed contributions required to meet the demand generated by their overall project. However, a modification in the terms now sought by Lend Lease to the Concept Plan Approval will create a significant funding shortfall that cannot and will not be made up by Council.

Council also takes this opportunity to highlight that significant infrastructure that supports both West Dapto and Calderwood Release Areas such as the Yallah Road interchange is yet to be appropriately funded. This interchange has been designed by the Roads and Maritime Services as part of the proposed Albion Park Bypass. However, the draft 2010 SIC does not include the provision of the Yallah Road connection. This connection is not included in either of the Local Contribution Plans and yet it is required to service both West Dapto and Calderwood Release Areas as it connects to the State road network. Resolution of this key issue is important for West Dapto, Yallah-Marshall Mount and Calderwood.

Please contact me should you require further information.

This letter is authorised by

Andrew Carfield

Director Planning & Environment – Future City and Neighbourhoods

Wollongong City Council

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