

# Shellharbour City Council

## Covering Letter

Issue Raised	Comment/Design Response	SCC Response to Response
<b>Land Use Planning</b>		
It is considered that there is no planning justification for the proposed modification. It is not required to meet identified housing supply shortages or deficiencies in housing mix within the local government area or region.	<p>Several justifications for the increased density are included in both the EAR and the Social and Economic Impact Assessment.</p> <p>Based on 2016 Census data, the average rental paid for a 3-bedroom house increased by 25% between 2011 and 2016 (for both LGAs). Even more concerning, NSW Government data indicates that rental growth for 2-bed units continued at 6% in both LGAs during 2017. This modification can also assist the local housing market by providing forms of housing that are more affordable, thereby reducing pressure on rental accommodation. The proposed amendment would allow for a larger number of properties that are attractive to investors, in the form of small lot detached homes and apartments, with density located close to the town centre.</p> <p>Calderwood building approvals have accounted for approximately 40% of additional supply of new detached houses when stock is available. It will continue to play a vital role in the provision of housing in satisfaction of the estimated demand of 1,200 dwellings per year required in the Wollongong and Shellharbour Local Government Areas as outlined in the Illawarra-Shoalhaven Regional Strategy. The proposed increase in dwelling yield will contribute to long-term relief from persistent under-supply of greenfield and infill housing supply. This is particularly true in the next ten – fifteen years where additional density can be delivered in the CUDP whilst other major projects in the West Dapto Urban Release Area seek the relevant planning approvals and implement the infrastructure required to service that development.</p>	<p>The proponent has attempted to address this issue by looking at their contribution to housing supply, mix and affordability for the region. The proponent says that there is a short to medium term regional under supply due to take up rates at West Dapto. There is certainly no housing supply issue in the Shellharbour Local Government Area that the modification needs to address. In the medium to long term, there is no identified housing supply issue that has to be addressed for the region. Monitoring by the Illawarra Shoalhaven Urban Development Program should be referred to in this regard.</p> <p>While this ultimately a matter for the Department, Council maintains its concerns to the increase in development yields while ever the proponent cannot adequately provide the infrastructure needed to support the increased population. In this respect, Council still maintains that on this basis, there is no planning justification for the proposed modification.</p>
The proposed modification to the Concept Plan Approval further moves the project away from the State Significant Precincts State Environmental Planning Policy	Clause 3B(2)(a) and (f) of Schedule 2 of the EP&A (Savings, Transitional and Other Provisions)	The additional information the proponent has provided does not adequately address the

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(SEPP) under which the land was zoned for urban development. There will be inconsistencies between the concept plan and the SEPP which will create confusion and derogate the zonings and planning provisions in the SEPP.	Regulation 2017 give effect to the approved concept plan. This provision provides that the concept plan prevails over any inconsistency between the concept plan and an environmental planning instrument.	issue. Council maintains its concerns as outlined in the initial response.
The proposed modification creates uncertainty in the assessment of major development applications currently before Council for subdivisions in Calderwood. These include development applications for subdivision on land not controlled by Lendlease but are affected by the proposed changes.	No impact to current DAs. Mod 4 to the Concept Plan has no status or effect until determined. The Concept Plan is proposed to be amended to reflect the DAs that have been lodged by the non-core landowners.	
<b>Traffic and Transport</b>		
Some fundamental assumptions and outputs of the traffic modelling are questioned and it is considered that the impacts of the proposed modification on the road network are considerably understated.	Refer to the traffic response prepared by Cardno at <b>Appendix I</b> .	<p>In addition to the following comments please also please refer to Attachment 2 for a detailed assessment of Appendix H</p> <p>The Secretary's Environmental Assessment Requirements (SEARs) for Calderwood Concept Plan MP 09-0082 MOD 4 were issued on 1 February 2018. In relation to the transport and accessibility the SEARs required a revised traffic and transport impact assessment which in part required the following</p> <p>an assessment of the impacts on the existing and approved future road network and infrastructure, and use of the Austroads Guidelines to identify mitigation measures.</p> <p>Roads assessed must include, but not limited to, the Illawarra Highway, Princes Highway/Southern Freeway, Tongarra Road, Marshall Mount Road, Yallah Road, the Southern Freeway Corridor between Yallah and Oak Flats <b>and the Albion Park Rail Bypass Project</b></p> <p>The Response to the Secretary's Environmental Assessment Requirements – Traffic and Transport Report (dated 30 May 2019) indicates the following</p> <p><i>The other minor difference is observed at Albion Park Rail Bypass central interchange (northbound direction). The modelling plots indicate the corridor capacity is not exceeded at this location.</i></p> <p><i>As highlighted in the figures below, no substantial change in V/C ratio was observed</i></p>
The timing and funding of significant road upgrades is a major concern		
The impacts on major transport upgrades such as the design of the Albion Park Bypass (Tripoli Way) is a major concern		

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		<p><i>in the PM peak due to increased CUDP yield except for minor changes at Tongarra Road.</i></p> <p>In terms of addressing the SEARs this is a vague and qualitative statement which fails to quantify or discuss the impacts. The findings do not specifically recommend that any treatment measures are required, however this is at odds with Section 3.2 <i>Infrastructure for Existing Approval</i> which identifies the following upgrade measures to provide a direct connection between Tripoli Way and the Motorway for access to and from the south. It is noted that Upgrades 4 and 5 are no longer feasible in the form identified in the report and following diagram due to changes with the Albion Park Rail Bypass design. However this is not discussed in the report nor are any alternative treatment measures discussed.</p> <p>This demonstrates a major shortcoming of the report and identifies the need for further investigation and assessment on how Upgrades 4 and 5 will be addressed. In this regard the Roads and Maritime Services, Transport for NSW and Council are currently involved in the Albion Park Movement and Place Study which is examining this matter. As such Council requests that the approval of MOD 4 be placed on hold until the Albion Park Movement and Place Study is completed to allow TMAP to be updated accordingly.</p>
<b>Open Space Provision</b>		
The proposed quantum, type, location and quality of additional open space and sporting facilities in its current form is unacceptable	Lendlease has met with Council in respect of the proposed open space and has incorporated a number of amendments into the proposed open space plan to address Council's concerns, including the relocation of the local park (L14) in Stage 5 to make this park more central and accessible. The proposed additional sports fields in the south have also been removed in response to Council's concerns. The majority of the proposed open space and sporting facilities are consistent with the approved Concept Plan.	<p>The proponent has not demonstrated that the type, location and quality of the additional open space is acceptable to meet the additional demand created through the increased dwelling yield.</p> <p>The additional open space to be provided has been achieved by adding small amounts of additional land to existing identified open space which does not equate to better open space outcomes for the community.</p>

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	<p>The revised open space plans are provided at <b>Appendix J</b>.</p>	<p>Some of the additional open space is proposed to be added to existing parks that have either been dedicated to Council or have development approval for the creation of the lots and their embellishment. It is not clear how the integration of the additional land it is to be achieved.</p> <p>The useability of the revised Sports Fields SP2 in meeting the sporting needs of the community is questionable.</p>
<b>Environment</b>		
<p>The Proponent for the proposed modification has not appropriately addressed the environmental impacts of the proposed changes, especially riparian corridors, threatened endangered communities, and threatened flora and fauna.</p>	<p>Eco Logical undertook an assessment of the 2010 lot layout and the new 2018 lot layout to determine whether any additional impacts on threatened ecological values would be likely. The assessment determined that there would be no additional impacts on riparian corridors, threatened endangered communities, and threatened flora and fauna due to the increase in yield. This was based on examining the change in footprint, the likely indirect impacts and assessing against any mapped riparian corridors, threatened endangered communities and threatened flora and fauna.</p>	<p>The statement in the Ecological Report dated August 2018 in the Executive Summary states, "this report considered potential <u>additional</u> impacts to threatened ecological communities, flora fauna and migratory species listed under the Biodiversity Conservation Act and the Environmental Protection and Biodiversity Conservation Act either known or likely to occur in the study area.</p> <p>This a fundamental flaw in the assessment of EEC/CEEC and threatened/endangered species that has been disregarded in the response to submissions.</p>
<p>The Proponent has still not identified a clear pathway for the appropriate ongoing sustainable ownership and management of environmental lands</p>	<p>Lendlease is still working to find a suitable solution to the ongoing ownership and management of environmental lands. The solution will be presented to Council in due course.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>It is considered that the proposal requires referral to the Commonwealth under the Environmental Protection and Biodiversity Conservation Act.</p>	<p>Commonwealth matters are a separate jurisdiction and Lendlease is making its own assessment consistent with the guidelines.</p>	<p>The statement in the Ecological Report dated August 2018 in the Executive Summary states, "this report considered potential <u>additional</u> impacts to threatened ecological communities, flora fauna and migratory species listed under the Biodiversity Conservation Act and the Environmental Protection and Biodiversity Conservation Act either known or likely to occur in the study area.</p> <p>The failure to revisit and assess the project as a whole is considered to be a fundamental flaw in the assessment of EEC/CEEC and threatened/endangered species that has been disregarded in the response to submissions.</p>

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<b>Water Cycle and Flood Management Strategy</b>		
The proposed modification has potential flooding impacts for areas already subdivided within the project area (roads and private property) as well as land downstream from the project area.	There are no additional flood impacts as a result of Mod 4. Refer to the JWP report at <b>Appendix F</b> .	Council has reviewed the JWP Report and wishes to offer the following comments:
Some fundamental assumptions contained in the flood modelling are questioned including impervious to non-impervious ratios, which may have an impact on flooding behaviour.	Refer to detailed response letter prepared by JWP at <b>Appendix F</b> . It is noted that Cardno has peer reviewed the flood assessment and concurs with its conclusions and recommendations (see <b>Appendix G</b> ).	<ul style="list-style-type: none"> <li>-Council maintains that the adopted fraction impervious percentage of 50- 60% used for residential areas is too low.</li> </ul>
Changes to road infrastructure, such as bridges, have not been assessed for their potential flooding impacts.	Changes have been assessed as part of the revised WCFM report refer to <b>Appendix F</b> .	<ul style="list-style-type: none"> <li>- In response to Chapter 8 of the JWP Report- Council refutes the statement made by JWP re notes and quotes claimed to be made by Council regarding the existing developed areas and what would be considered acceptable flood impacts.</li> </ul>
The proposed modification will result in a substantial increase in storm water treatment devices that Council will be required to manage and maintain.	Proposed MOD 4 results in 28 stormwater treatment devices which is a decrease from 31 devices approved as part of the Original Concept Plan.	<ul style="list-style-type: none"> <li>- HPC TUFLOW model was used - was a check done to confirm that flood levels produced by the HPC were equivalent to the CPU model results?</li> <li>- Why was the previous Reinco models Manning's n roughness schemetisation utilised instead of the schemetistaion adopted as part of Councils adopted flood model (ie WMA Water Model)? This has the potential to impact the results significantly.</li> <li>- Calderwood road - more information is required. The current road has a very low flood immunity and if this flood immunity is proposed to remain the same post CUPD MOD4, it will present a significant flood hazard for the new community as people may become stranded on the road during a flood as there are flood islands that currently occur on the road.</li> <li>- North Macquire road/illawarra hwy intersection - The road layout plan indicates this will be a designated access point to the CUDP, however this is via an existing flooded causeway. The Flood mitigation plan needs to identify a road bridge here to address this access issue if is indeed intended to be an access point, as the Illawarra Hwy has a low flood immunity and cannot be relied upon for reliable access during a flood.</li> </ul>

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		<p>- Local PMF assessment – Council would like the Department to consider incorporating the minimum subcatchment sizes proposed as part of the updated WCMP into a new flood risk statement of commitment.</p> <p>- Notwithstanding the above it is recommended that the DOPI&amp;E only consider approval of the MOD4 subject to an MOU or additional statement of commitment that lendlease will gain approval and construct the 620mm blade wall adjacent to Djindy Bridge and associated flood mitigation required as proposed in the updated Water Cycle Management Plan.</p>
<b>Assets and Maintenance</b>		
The maintenance by Council of the additional infrastructure required as a result of the modification may be financially unsustainable.	The additional population will pay additional rates which will contribute towards the ongoing maintenance of the open space provided. Development applications will be lodged for the new parks and Council will be able to have input into the embellishment of the parks such that they are able to influence the ongoing maintenance requirements of such spaces.	The additional information the proponent has provided does not adequately address the issue. Council does not agree that the additional rate funding will be adequate to maintain the additional infrastructure proposed in the modifications and maintains its concerns as outlined in the initial response.
The apportionment of costs for the development of the additional infrastructure outside of the project area is unresolved and in its current form is unacceptable.	Any additional infrastructure required as a result of the proposed modification is either provided for in the modification application or will be addressed separately in VPA negotiations. Lendlease is satisfied that adequate provision will be made for any additional infrastructure.	<p>Council is yet to receive a draft revised VPA for review and as such is not able to determine the extent to which external infrastructure requirements have been satisfactorily addressed.</p> <p>As this external infrastructure will impact on the broader community the proponent should provide sufficient information to enable Council to be certain it has been adequately addressed</p>
<b>Voluntary Planning Agreement</b>		
The existing voluntary planning agreement between Council and Lendlease does not contemplate the magnitude of the proposed changes.	A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover.	No letter of offer to enter into a new VPA has been submitted to Council by Lendlease
While Lendlease have indicated their willingness to review the current voluntary planning agreement, Council is currently uncertain as to whether the appropriate type and level of community infrastructure required will be	Refer to <b>Section 2.1.7</b> and <b>Appendix M</b> of the RTS/PPR report.	The proponent is yet to submit a draft revised VPA or define the total dwelling yield. The introduction of the term "principle dwelling" into

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provided for.		the description of development without clarification of the dwelling types this will exclude makes it difficult to properly address the infrastructure required
<b>Statement of Commitments</b>		
The proposed modifications to Lendlease's Statement of Commitments cannot be supported in their current form.	The majority of the proposed modifications seek to update the reference to the revised documents but do not seek to change the intention of the commitment.	The additional information the proponent has provided does not adequately address the issue. Council does not agree that the proposed modifications are administrative only and maintains its concerns as outlined in the initial response.
<b>Land Use Planning</b>		
<p>1.1 Justification</p> <p>Council does not consider that the proposed modifications are justifiable on planning grounds. The application is supported by an Environmental Assessment Report (EA) prepared by Ethos Planning.</p> <p>Council Officers have reviewed this report and would like to make the following comments:</p> <p>a) The EA supporting the application states:  <i>There are two main reasons for Lendlease proposing to modify the Approved Concept Plan. The first is to enable the delivery of more housing to meet strong demand for new housing in the Wollongong and Shellharbour council areas. The second is to enable Lendlease to continue to deliver more diverse housing types and houses on a greater range of lot sizes, to respond to changing homebuyer preferences and assist with easing housing affordability pressures that are particularly acute in the Illawarra. The increased residential capacity will also ensure that the existing area of urban zoned land at Calderwood is efficiently used for the continued supply of a range of housing types.</i></p> <p>With regards to enabling the delivery of more housing to meet strong demand for new housing in the Wollongong and Shellharbour council areas. Council does not believe that the increase in dwellings is necessary to meet the demand for housing from a strategic regional planning perspective. This is supported by the Illawarra/Shoalhaven Regional Plan which states:  <i>"The major regional release areas of West Lake Illawarra and Nowra-Bomaderry will continue to be the long term focus for Greenfield housing in the region. Other established and smaller release areas will add to the diversity of supply such as Shell Cove, Tullimbar, Haywards Bay, South Kiama, West Culburra, Vincentia, Sussex Inlet, Manyana and Milton-Ulladulla. West Lake Illawarra and Nowra- Bomaderry alone have a combined capacity of 37,600 lots, representing a 30- to 40-year supply of housing. This means that Wollongong, Shellharbour and Shoalhaven Councils have the capacity to meet their projected housing needs for Greenfield land supply well beyond 2036."</i></p>	<p>The EAR as submitted has adequately addressed the Illawarra/Shoalhaven Regional Plan. Calderwood is identified within the plan as one of the key opportunities for new homes within the Illawarra. The outlook for the next ten years is not expected to be as strong and, as the property cycle weakens, supply is expected to drop well below the target average of 1,200 dwellings per annum for the combined Shellharbour and Wollongong region. The proposed increase in project yield will be critical to achieving the Strategy target in the next ten-fifteen years.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>

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<p>The EA also states that:  <i>the shortages of housing supply across the Illawarra region remain in place, particularly for new small lot detached houses that represent affordable price points. The proposed amendment in project yield will contribute to long-term relief from persistent undersupply of Greenfield and infill housing supply. This is particularly true in the next ten – fifteen years where additional density can be delivered in the CUDP whilst other major projects in the West Dapto Urban Release Area seek the relevant planning approvals and implement the infrastructure required to service that development.</i></p> <p>Council does not agree with this position.</p>		
<p>The Illawarra-Shoalhaven 2017 Monitoring Report, 813 Greenfield dwellings were approved in the 2016- 17 year and 2,482 dwellings were supplied in the 2016/17 year. Greenfield housing supply has increased every year over the last five years. As new developments come online in West Dapto, Tullimbar, Shell Cove, Haywards Bay, South Kiama, West Culburra, Vincentia, Sussex Inlet, Manyana and Milton-Ulladulla this is likely to far exceed the requirements for housing. The Implementation plan, when discussing West Dapto, states that “an additional 2,496 lots are now zoned and service ready for development”.</p>		<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>Shellharbour City Council's LEP provides flexibility in the residential zones in the existing parts of the LGA that have suitable infrastructure and facilities which are well established. The R2 Low Density Residential zone within the Shellharbour LEP 2013 permits both dual occupancies and multi-dwelling housing developments. As a result of the flexible zoning and large residential blocks in established residential areas, which are close to facilities including rail transport to Sydney, there have been a large number of dual occupancies, secondary dwellings and multi-dwelling housing developments constructed in recent years. This increase is already providing a range of housing types and lot sizes to meet market demand.</p>	<p>The proposed modification to the approved Concept Plan is consistent with these principles and establishes locational requirements to ensure that additional density will achieve a high level of residential amenity and be provided in walking distance to key services.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>Shellharbour City Council's current population is predicted to grow from 70,511 (2016) to 87,200 (2036) and 50% of the working population work outside of our Local Government Area. Increasing the population in an area which is poorly serviced by public transport will place an unreasonable impact on the local and regional road network as people will need to travel to their place of employment. The Proponent is proposing an increase in the maximum amount of retail floor space but it has been in ongoing discussions with Council about the provision of mixed use or retail space within the village centre. The Proponent has not proposed any mixed use development within the currently approved village centre, which was to be developed at an early stage, and continues to provide residential development (only) within this space. The village centre was to incorporate a range of “retail, commercial, business, light industrial, education, entertainment, civic, community, recreation, residential, tourist and visitor accommodation and mixed use employment”. The</p>	<p>The proposed modification does not change the approved Concept Plan requirement that the Village Centre will contain a maximum 5,000sqm of retail floor space and approximately 1,000sqm of mixed use floor space.</p> <p>The detailed use of both the town and village centres will be the subject of separate future development consent. We anticipate that the village centre will contain:</p> <ul style="list-style-type: none"> <li>• A supermarket</li> <li>• Child care centre</li> </ul>	<p>The PPR proposes re-definition of Town and Village Centre. These centres currently correlate with the B4 Mixed Use zoned land in the SEPP and equate to approx. 50 ha. The Proposed modification, PPR and response to submissions all now refer to the Town and Village Centres as the areas of B4 land nominated for retail uses only. This is a major change to the Concept Approval as the intended employment lands are proposed to now be utilised for higher density residential uses. This change of definition affects the proposed delivery of a number of pieces of infrastructure which have current delivery</p>



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<p>environmental arguments that formed part of the concept plan were that “the project makes special provision for home based businesses and working from home .... this will reduce car dependency and trip generation rates”. The village centre was to be “located in an early stage of the project to provide a ready supply of local retail and basic temporary community needs”.</p> <p>The concern from Council’s point of view is that Lendlease appear to be diluting the character and range of uses within the village centre. Council is concerned that, to date, Council has not been presented with an up-to-date plan for the village centre and over time with each approval, there will ultimately be a reduction in the opportunities to provide a village centre. Council is concerned that the village centre will end up being a small-scale supermarket surrounded by residential uses. However, the Proponent is putting forward an argument for increased density based on the presumption that people will be able to work from home or be within walking distance of a range of facilities and uses. However, the Proponent is proposing to remove these live/work options around the village centre. The DAs that are being lodged or pre-DA meetings being lodged with Council are not matching the concept plan.</p>	<ul style="list-style-type: none"> <li>• Specialty shops and services</li> </ul> <p>It is noted that a critical mass of residential development is required before retail becomes viable in the village centre.</p> <p>We note that in response to issues raised in other submissions, the locational criteria for increased density on sites within 400m of the Village Centres has been removed from this application such that increased density is no longer proposed on land within 400m of the Village Centre.</p> <p>Lendlease has also delivered adjacent to the village centre the 37 home display village, the temporary community facility and the Sprout and part of the 3.8 hectare district park (D4).</p>	<p>times directly related to the delivery of the currently defined Village and Town Centres. (eg improvement of Calderwood Rd, outside of the project area)</p>
<p>b) The EA supporting the application states:</p> <p><i>“There is no change proposed to the minimum lot sizes prescribed by the SSP SEPP, Condition B6 and as already prescribed by the DCS.”</i></p> <p>This is not correct. The proposal seeks to amend the criteria for integrated and small lot housing. Condition B6 of the concept plan approval states:</p> <p><i>8) Residential lots less than 300m<sup>2</sup> in area are permitted within the General Residential Area (as outlined in the controls for ‘Integrated Housing’ in the Residential Development Controls table in Appendix G of the PPR) but only where subdivision of these lots occurs after the construction of dwellings and are located where the dwellings directly adjoin or are located directly opposite the following:</i></p> <p><i>a) public parks at least 0.3ha in size, or</i></p> <p><i>b) the Town and Village Centres.</i></p> <p><i>The minimum allotment size can be varied for the subdivision of ‘Integrated Housing’ under the Exceptions to Development Standards – Other Development clause in the Major Development SEPP.</i> The proposed modification seeks to make integrated and small lot housing permissible on land being within 800m of the Town Centre and 400m of the Village Centre and also to reduce the public park component to 0.2ha. Therefore, small lot housing may be proposed on a lot 400m away from what may end up being just a small</p>	<p>The minimum lot size is not proposed to be changed. This remains at 300m<sup>2</sup> in the general residential locations.</p> <p>The modification has been amended and the locational criteria for increased density on sites within 400m of the Village Centres has been removed from this application.</p> <p>The proposed modifications to Condition B6 are detailed in Section 3.3 of the Response to Submissions Report. The amendments proposed in respect of the subdivision of integrated housing are consistent with those occurring within the Sydney Growth Centres.</p>	<p>The removal of the locational criteria for increased density on sites within 400m of the Village Centres is noted.</p> <p>However, Council remains concerned that the proposed condition will lead to fragmented ownership of integrated housing projects and the conflicts that may arise as a result. It is recommended that the Department explore the success or implications arising of this approach where it has been applied in other Greenfield Areas. With that having been said, and given the reasoning put forward by the proponent for the proposed modification to condition B6, to ensure certainty of compliance with the Development Approval, Council would like to recommend that Proposed B6 Clause (8) 7 be amended to the following wording:</p> <p>7. The submission of a survey plan prepared by a Registered Surveyor confirming the location of the dwellings in relation to the proposed subdivision boundaries demonstrating compliance with the issued development consent. All dwellings subject to the Development Approval must be at least partially constructed (whether that be</p>

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<p>scale supermarket. This proposed change to the minimum lot sizes should be rejected.</p>		<p>construction of walls to 1 metre, or all boundary walls to be constructed).</p> <p>With regards to Point 5 Condition B6 (8) Council suggests that the condition be amended to include that written confirmation as to payment of developer contributions may also be provided by the Applicant/owner in the form of a receipt.</p>
<p>c) The EA supporting the application states:</p> <p><i>"The proposed amendment would allow for a larger number of properties that are attractive to investors, in the form of small lot detached homes and apartments, with density located close to the town centre. This housing would be ideal as a mode for rental properties, to meet the needs of tenants who qualify for rental assistance under FACS social housing programs."</i></p> <p>Council's concern, as raised earlier, is that the Proponent has been diluting the village centre and may do the same with the town centre, whenever this comes on-line. Currently there is no identified timeline for the establishment of the town centre. The potential for dense low rental housing in an area with potentially limited or non-existent retail or community facilities is a major concern for Council.</p>	<p>No modifications to the village centre are proposed as part of this application.</p> <p>It is noted that an Expression of Interest for the Village Centre was released in late 2018 and a due diligence period is underway with a preferred tenderer.</p> <p>Development applications will be lodged in due course for this development.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>d) The EA supporting the application states:</p> <p><i>"No changes are proposed that would directly affect lots that have already been subdivided and sold, or those stages with current subdivision development applications (either under assessment by Council or approved)."</i></p> <p>It is unclear how the Proponent has made this assumption. The modified concept plan seeks to create new housing options, smaller lots within 400m walking distance to the village centre and also to create different open space requirements within areas which have already been considered by Council.</p>	<p>On reflection this statement should have been made in respect of the lots being delivered by Lendlease.</p> <p>The Concept Plan has been updated to reflect the subdivision layouts as proposed by the non-core landowners.</p> <p>The locational criteria in respect of the village centre is no longer part of the modification application.</p>	<p>Noted</p>
<p>e) The EA supporting the application states:"</p> <p><i>No substantive changes are proposed to the Approved Concept Plan in respect of approved land uses, the urban structure of the development, the road and pedestrian network within the site, the overall range of minimum lot sizes/dwelling types/lot types to be provided, nor the scope of environmental protection outcomes for the land including the quantum and configuration of riparian and environmental corridor and environmental reserve lands."</i></p>	<p>MOD 4 does not incorporate any proposed zoning amendments. B4 Mixed Use zone permits low to medium density residential that ensures vibrant and accessible Town and Village Centres. The Calderwood Valley Urban Design Study demonstrates the potential Town Centre development options as the central focus of Calderwood Valley. A radius of 800m is generally accepted as being within ten-minutes</p>	<p>The PPR proposes re-definition of Town and Village Centre. These centres currently correlate with the B4 Mixed Use zoned land in the SEPP and equate to approx. 50 ha. The Proposed modification, PPR and response to submissions all now refer to the Town and Village Centres as the areas of B4 land nominated for retail uses only. This is a major change to the Concept Approval as the intended employment lands are proposed to</p>

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<p>Council disagrees with this conclusion. The proposal seeks to create new “land use” concepts such as “village centre – residential” and “town centre – residential”. In essence, what is proposed is a change from the B4 Mixed Use zone to an R3 Medium Density Residential zone. The proposal no longer seeks to create a mix of land use types in these areas, but rather a higher density of residential accommodation. The proposal includes circles on a map to show a 400m radius (village centre) and 800m radius (town centre) walking distance. However, no consideration has been given to the topography in these areas.</p>	<p>walking distance of the centre and placing additional density within walking distance of a Town Centre is a well-established urban design principle. A walkable neighbourhood encourages healthy, active lifestyles and is more likely to result in higher levels of use of sustainable (active) forms of transport such as walking, cycling and use of public transport.</p> <p>Land within the 800m radius of the Town Centre is generally flat and not impacted by significant barriers to pedestrian movement. RPS has undertaken a pedshed analysis which has demonstrated areas within 800m walking distance to the Town Centre. This is presented in the Updated Urban Design Report at <b>Appendix C</b>.</p> <p>The 400m radius has been deleted from the village centre.</p>	<p>now be utilised for higher density residential uses. This change of definition affects the proposed delivery of a number of pieces of infrastructure which have current delivery times directly related to the delivery of the currently defined Village and Town Centres. (eg improvement of Calderwood Rd, outside of the project area)</p>
<p>f) The proposal seeks to increase the size of the community facility and provide this in the town centre on a site “that is accessible and visually prominent”. This is supported by Council. However, given that there is no timing around the delivery of the town centre and the community facility will need to be delivered when the 3000th dwelling has a construction certificate or 12 months after the issue of a subdivision certificate (whichever comes first). The community facility may be delivered on an isolated site which is not a good community outcome. Greater clarity and commitment must be given on the timing and delivery by the town centre.</p>	<p>The timing for the delivery of the Community Centre remains consistent with the original approval of the Concept Plan.</p> <p>Lendlease has relocated the community centre to the corner site at the intersection with Escarpment Drive and Calderwood Road near the education precinct, as discussed with Council.</p> <p>At this stage, the town centre is likely to be delivered around 2025.</p>	<p>Council continues to seek clarification that the proponent anticipates that the town centre will be delivered at the completion of the 3000<sup>th</sup> dwelling. Is the delivery of the 3000<sup>th</sup> dwelling anticipated to occur around 2025?</p>
<p>g) It is unclear how the Department of Education has agreed to the reduction in the school site from 3ha to 2ha and also how the timing being delayed will impact upon traffic during peak hours as people will be travelling outside of the precinct for drop off/pick up. Careful consideration needs to be given to the reduction in space for the school to ensure that this reduction is not reliant on other space within the precinct to provide satisfactory services (e.g. public open space areas, etc.).</p>	<p>The submission made by the Department of Education, in relation to MOD4 supports this proposed modification, and states:</p> <p><i>“The department requests that the delivery of land for the schools remain linked to the number of residential allotments released, and not be tied to a specific year. It is acknowledged that in previous discussions with the proponent it was indicated that the new high school may be delivered in or near 2031, however our more recent assessment suggests that it is more prudent to retain the “trigger” based on the number of lots released, but to revise the milestone for school land dedication to 4,500</i></p>	<p>The response given by the proponent does not address Council’s concerns regarding the proposed reduction in area of the proposed school site.</p>

Issue Raised	Comment/Design Response	SCC Response to Response
	<i>allotments. This approach allows the site to be acquired with sufficient time for planning and delivery of the high school in response to population growth and demand for government high school teaching space in the wider locality."</i>	
<p>1.2 Conditions of Approval</p> <p>The following comments specifically relate to the proposed and suggested conditions of the Concept Plan Approval.</p> <p>a) The Proponent is seeking to amend Condition A1 of the Concept Plan approval (on pages 38 and 39 of the Environmental Assessment report) to ensure that residential land uses are identified in the range of permissible uses in the mixed use areas. It is clearly acknowledged by Council that the residential uses are permissible in the mixed use areas. What is not clear is that the Proponent intends to use mixed use areas for increased residential density without providing other uses within these areas. It is not clear how an increase in residential density, at the expense of other land uses (e.g. retail, commercial, etc.) is to be supported without placing pressure on other infrastructure (e.g. road network, community facilities, etc.).</p>	<p>Proposed modifications to Condition A1 (b) are to clearly articulate that mixed use areas can contain a mix of uses and are not exclusive to employment uses. This is consistent with the land uses permissible and the objectives of the B4 Mixed Use Zone.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>b) The Proponent is not proposing to amend Condition A2 (3) of the concept plan approval which requires any approval given by Council under Part 4 of the Act "must be consistent with that concept plan". This should be changed given that this is not a requirement of the Act which only specifies that "a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan". The suggested amendment is made in order to reduce confusion.</p>	<p>This condition is now proposed to be amended as suggested.</p>	<p>Noted</p>
<p>c) Condition A4 will need to be amended but has not been referred to by the Proponent. An updated concept plan will be required which takes into consideration all of the amendments proposed under MOD 4.</p>	<p>Not required. This condition has been satisfied previously. All amendments made in MOD 4 are consolidated within the application.</p>	<p>A revised consolidated modified approval should be required as condition of any Approval.</p>
<p>d) No changes are proposed to Condition A5 of the concept plan approval. This condition should be modified to refer to the Landscape Master Plan prepared by Taylor Brammer as this is the further agreement that was arranged after the concept plan was approved.</p>	<p>Not required, Condition A5 relates to the approval authority for documentation required to be prepared and approved in the Statement of Commitments.</p>	<p>Noted</p>
<p>e) The reasoning for the amendment to Condition B6, as stated on page 40 of the EA:</p> <p><i>i. "To provide increased densities (integrated housing and small lot housing on lots less than 300m2) in appropriate/strategic locations and to allow for subdivision certificates to be issued before the completion of dwellings. The amendment to the minimum park size is proposed to reflect the executed agreement with SCC. To make clear that the development standard in respect of minimum lot size is contained in the Concept Plan and a variation request is not required in respect of the minimum lot size control if the development application complies with the development standard contained in condition B6."</i></p>	<p>The early release of the subdivision certificate assists in reducing the construction costs of the dwellings and therefore increases housing affordability.</p> <p>There is criteria contained within condition B6 which gives certainty to Council that an acceptable amenity and urban design outcome will be achieved notwithstanding the early release of the subdivision certificate. It is noted that the Council is still able to apply</p>	<p>Council is concerned that the proposed condition will lead to fragmented ownership of integrated housing projects and the conflicts that may arise as a result. It is recommended that the Department explore the success or implications arising of this approach where it has been applied in other Greenfield Areas. With that having been said and given the reasoning put forward by the proponent for the proposed modification to condition B6, to ensure certainty of compliance with the Development Approval, Council would like to</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>It is unclear why Council should consider a subdivision certificate before the dwellings are complete. There is no justification provided for this change or why increased density should be considered within 400 metres of a village centre and 800 metres of a town centre. It is unclear where those distances have come from or where they are measured from as the Proponent is proposing parts of the village centre and parts of the town centre only include exclusively residential development.</p>	<p>discretion in the application of this element of the draft condition.</p>	<p>recommend that Proposed B6 Clause (8) 7 be amended to the following wording:</p> <p>7. The submission of a survey plan prepared by a Registered Surveyor confirming the location of the dwellings in relation to the proposed subdivision boundaries demonstrating compliance with the issued development consent. All dwellings subject to the Development Approval must be at least partially constructed (whether that be construction of walls to 1 metre, or all boundary walls to be constructed).</p> <p>With regards to Point 5 Condition B6 (8) Council suggests that the condition be amended to include that written confirmation as to payment of developer contributions may also be provided by the Applicant/owner in the form of a receipt.</p>
<p>f) The Proponent proposes the deletion of the words in Condition B6 which currently states:</p> <p><i>“The minimum allotment size can be varied for the subdivision of ‘Integrated Housing’ under the Exceptions to Development Standards – Other Development clause in the Major Development SEPP.”</i></p> <p>It is acknowledged that Clause 3B(2)(f) of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 states:</p> <p><i>ii. “the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan”,</i></p> <p>However, it is not in the community's best interests to create a situation where the control in a State Environmental Planning Policy no longer continues to apply because a Concept Plan contains separate controls, this only creates confusion. The SEPP should be modified to remove this inconsistency</p>	<p>It is not considered appropriate to modify the SEPP in this instance.</p> <p>If a development proposal satisfies the criteria contained within condition B6 then it is considered a waiver under SEPP 1 is not required. The proposed amendment seeks to clarify this.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>g) It is unclear how the Department of Education has agreed to the reduction in the school site from 3ha to 2ha and also how the timing being delayed will impact upon traffic during peak hours as people will be travelling outside of the precinct for drop off/pick up. Careful consideration needs to be given to the reduction in space for the school to ensure that this reduction is not reliant on other space</p>	<p>The submission made by the Department of Education, in relation to MOD4 supports this proposed modification, and states:</p> <p><i>“The department requests that the delivery of land for the schools remain linked to the number</i></p>	<p>The Department of Education advice relates to the High School site and does not refer to the reduction in area of the 2<sup>nd</sup> primary school site. The additional information the proponent has provided does not adequately address the</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>within the precinct to provide satisfactory services (e.g. public open space areas, etc.).</p>	<p><i>of residential allotments released, and not be tied to a specific year. It is acknowledged that in previous discussions with the proponent it was indicated that the new high school may be delivered in or near 2031, however our more recent assessment suggests that it is more prudent to retain the "trigger" based on the number of lots released, but to revise the milestone for school land dedication to 4,500 allotments. This approach allows the site to be acquired with sufficient time for planning and delivery of the high school in response to population growth and demand for government high school teaching space in the wider locality."</i></p>	<p>issue. Therefore, Council maintains its concerns as outlined in the initial response.</p>
<p>It is acknowledged that Clause 3B(2)(f) of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 states:</p> <p><i>ii. "the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan",</i></p> <p>However, it is not in the community's best interests to create a situation where the control in a State Environmental Planning Policy no longer continues to apply because a Concept Plan contains separate controls, this only creates confusion. The SEPP should be modified to remove this inconsistency.</p>		<p>The proponent has not provided any additional information to address this issue. Council maintains its concerns as outlined in its initial response. The resultant inconsistencies between the Concept Approval and the SEPP continues to be a concern to Council.</p>
<p>g) No changes are proposed by the Proponent in relation to secondary dwellings, with Condition B6(10) stating:</p> <p><i>10) Design controls shall be prepared for secondary dwellings and submitted to the Department of Planning for approval</i></p> <p>The controls relating to secondary dwellings need to be carefully considered and controlled.</p> <p>An example of what could happen is provided below. In Stage 3B South, the majority of which is within 400m of the village centre (a part of this stage is within the village centre but is proposed to only be used for residential purposes), the average lot size proposed is 412m<sup>2</sup>. Twenty-eight (28) of the 102 residential allotments have an area of between 400 and 500metres<sup>2</sup>.</p> <p>Pursuant to the amended Condition B6, each of these 28 lots could be further subdivided for the purposes of integrated housing or a dual occupancy. Using a conservative measure of 2 dwellings on each of the 28 lots, the dwelling density could go from 28 dwellings to 56 dwellings, just on the 400 to 500</p>	<p>The DCS has been amended such that secondary dwellings are now only permitted on lots greater than 450m<sup>2</sup>, this is consistent with the Affordable Rental Housing SEPP.</p>	<p>Noted and please refer to the attached submission letter to see further concerns that Council now have with the proposed introduction of the term 'principle dwelling.</p>



Issue Raised	Comment/Design Response	SCC Response to Response
<p>metres<sup>2</sup> lots within Stage 3B South. If each of the lots above the 400m<sup>2</sup> have dual occupancy proposed, this would increase the project dwelling total from 42 dwellings (one on each lot) to 84 dwellings. Combined with the 60 dwellings on the lots 300 to 400m<sup>2</sup> this is already 144 dwellings. Then there is the super lot which has an area of 1,626.4m<sup>2</sup> and then the B4 zoned lot which has an area of 18,249.8m<sup>2</sup>. It is likely that the 156 anticipated dwellings will be far exceeded under the proposed controls.</p> <p>Secondary dwellings and the possibility of further subdivision of lots within the approved/proposed subdivisions requires careful consideration as it is likely that with the change in controls the anticipated dwellings numbers are incorrect.</p>		
<p>h) It is questioned whether Condition C12(c) needs to still require consultation with the Department of Planning. Voluntary Planning Agreements (with each Council and the State Government) will need to be in place for the provision of local roads. If VPAs are in place is there a continuing need to consult with the Department?</p>	<p>Given the history of negotiations between Lendlease and Council on this site, it is preferred that the Department continues to be involved in these discussions.</p>	<p>The proponent has not provided any additional information to address this issue. Council maintains its concerns as outlined in its initial response. It should be noted that the Department has not offered any comment when consulted on these issues to date.</p>
<p>1.3 Statement of Commitments</p> <p>The following comments specifically relate to the proposed amendments to the Statement of Commitments of the Concept Plan Approval.</p> <p>a) General comment – the appendices referenced in the tracked changes document in the modification application need to be checked as some of them appear to be incorrect;</p>	<p>Revised Statement of Commitments is submitted at <b>Appendix L</b> of the RTS which contain updated references.</p>	<p>Noted</p>
<p>b) Commitment 2 – Council have not agreed to take ownership of the Johnston's Spur Area. Therefore this matter remains unresolved. However, an alternate wording for Commitment 2 is as follows:</p> <p><i>The Proponent will dedicate that part of the Johnston's Spur conservation area identified as Item E2 06 on the Land Ownership Options Plan included at Appendix H of the Consolidated Concept Plan prepared by JBA dated March 2011 (previously referenced as Appendix I of the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated August 2010) to the Department of Lands or relevant local council and "under reserve" on a stage by stage basis, subject to the negotiation and agreement of the Department of Lands or relevant Council to take ownership of this land.</i></p> <p><i>If the Department of Lands or Council does not agree to take ownership of this land, the Proponent will identify a suitable alternative public or private land ownership option at the relevant subdivision stage. Any land to be transferred into public ownership in accordance with this commitment will be subject to an identified management regime. The land will only be transferred upon completion of any agreed implementation of a Vegetation Management Plan or other embellishment and a suitable period of maintenance (eg 5 years).</i></p>	<p>Lendlease is still working to find a suitable solution to the ongoing ownership and management of environmental lands. The solution will be presented to Council in due course.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>c) Commitment 3 – A new land ownership map should be prepared to accompany MOD 4. The ownership map should only show land that is proposed to be dedicated back to Council and the remainder should be private ownership (i.e. all of the riparian corridors should be shown as purple and not orange or light blue). Also, the colours used should be easier to identify between Shellharbour City Council and Wollongong City Council. These lands will stay in private ownership until or unless agreements are made so the ownership map should show purple (private) unless it relates to a park or a wetland which is required for local drainage.</p> <p>Council have not agreed to take ownership of environmental reserves. Therefore this matter remains unresolved. However an alternative wording for Commitment 3 is as follows:</p> <p><i>The Proponent will dedicate the environmental reserves identified as Items E2 04 and E2 05 on the Land Ownership Options Plan included at Appendix H of the Consolidated Concept Plan prepared by JBA dated March 2011 (previously referenced as Appendix I of the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated August 2010) to the Department of Lands or the relevant local council and “under reserve” on a stage by stage basis, subject to the negotiation and agreement of the Department of Lands or relevant Council to take ownership of this land.</i></p> <p><i>If the Department of Lands or Council does not agree to take ownership of this land, the Proponent will identify a suitable alternative public or private land ownership option at the relevant subdivision stage. Any land to be transferred into public ownership in accordance with this commitment will be subject to an identified management regime. The land will only be transferred upon completion of any agreed implementation of a Vegetation Management Plan or other embellishment and a suitable period of maintenance (eg 5 years).</i></p>	<p>Not required. The proposed modifications to this commitment only allows for the potential future transfer of this land to Council in addition to the Department of Lands as currently approved.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>d) Commitment 4 – As per the comment above – this should remain purple as the Proponent has had 8 years to arrange a separate ownership arrangement and this should stay purple (private) until such an agreement is in place. Council have not agreed to take ownership of riparian corridors. However an alternative wording for Commitment 4 is as follows:</p> <p><i>The Proponent will dedicate the riparian corridor and adjoining open space/drainage lands identified as Items E2 01, 02 and E2 03, and RE1 01-02, RE1 04, RE1 09, RE1 12, RE1 15, RE1 22 and RE1 28 on the Land Ownership Options Plan included at Appendix H of the Consolidated Concept Plan prepared by JBA dated March 2011 (previously referenced as Appendix I of the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated August 2010) prepared by JBA Urban Planning Consultants Pty Ltd dated August 2010 to the Department of Lands or relevant local council and “under reserve” on a stage by stage basis, subject to the negotiation and agreement of the Department of Lands or relevant Council to take ownership of this land.</i></p>	<p>Not required. The proposed modifications to this commitment only allows for the potential future transfer of this land to Council in addition to the Department of Lands as currently approved.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>



Issue Raised	Comment/Design Response	SCC Response to Response
<p><i>If the Department of Lands or relevant local council does not agree to take ownership of this land, subject to the underlying land use zone, the Proponent will identify a suitable alternative public or private land ownership option at the relevant subdivision stage. Any land to be transferred into public ownership in accordance with this commitment will be subject to an identified management regime. The land will only be transferred upon completion of any agreed implementation of a Vegetation Management Plan or other embellishment and a suitable period of maintenance (eg 5 years).</i></p>		
<p>e) Commitment 5 – The proposed changes to the commitment are not accepted by Council as they are part of a wider unresolved issue relating to the application of the VPA and the appropriate provision of community infrastructure. The Department should not determine the application until this issue is resolved to the satisfaction of Council.</p>	<p>The proposed amendments to Commitment 5 only relate to the inclusion of non- core landowners.</p>	<p>The proponent has not provided any additional information to address this issue. Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which addresses the Non-Core Lands issue has not been received by Council.</p>
<p>f) Commitment 6 – Council is currently not in a position to agree with Appendix J as it relates to unsettled issues of open space provisions, embellishment and delivery. The Department should not determine the application until this issue is resolved to the satisfaction of Council.</p> <p>g) Commitment 7 – Council is currently not in a position to agree with Appendix J as it relates to unsettled issues relating to the provision of community infrastructure.</p> <p>h) Commitment 8 – Council is currently not in a position to agree with Appendix J as it relates to unsettled issues relating to the provision of community infrastructure.</p> <p>i) Commitment 9 – Council is currently not in a position to agree with Appendix J as it relates to unsettled issues relating to the provision of community infrastructure.</p> <p>j) Commitment 19 – The proposed changes to the commitment cannot be accepted as Council has not approved the modified DCS.</p> <p>k) Commitment 20 – The proposed changes to the commitment cannot be accepted as Council has not approved the modified DCS.</p> <p>l) Commitment 21 – The proposed changes to the commitment cannot be accepted as Council has not approved the modified DCS.</p>	<p>The proposed modification to this commitment only relates to the update of documentation associated with the Concept Plan and the inclusion of non-core landowners. These changes are administrative in nature only.</p>	<p>The proponent has not provided any additional information to address this issue. Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which addresses the Non-Core Lands issue has not been received by Council.</p>
<p>m) Commitment 23 – These measures should be consolidated so readers of the document don't need to look through the old documents to find what the Proponent is required to do.</p>	<p>The proposed modification to this commitment only relates to the update of documentation associated with the Concept Plan. These changes are administrative in nature only.</p>	<p>The proponent has not provided any additional information to address this issue. Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which addresses the Non-Core Lands issue has not been received by Council.</p>

Issue Raised	Comment/Design Response	SCC Response to Response
n) Commitment 24 – It is unclear how this be achieved. It is also unclear what “community” this will this apply to. The Proponent has provided a list of initiatives they will be “investigating” but there is no specificity in regards to outcomes. It is also unclear as to whether the star rating applies to the entire precinct or just that part which is constructed after the MOD 4 application is determined.	<p>The Calderwood Valley has achieved a 6-star Green Star Communities Rating and the certificate is appended at <b>Appendix O</b>.</p> <p>All commitments and obligations made in respect of the GreenStar ratings have been made by Lendlease and imposed on Lendlease Communities land. There is no obligation placed on any of the non-core landowners, although it is assumed in the Green Star submissions that Concept Plan sustainability, liveability and urban design requirements are being met by each landowner/developer. We note that the residents who reside within the non-core landholdings will benefit from the initiatives delivered through the environmental rating tool.</p>	A coordinated approach to achieving the commitment across the entirety of the Project Area should be submitted for assessment.
o) Commitment 27 – It is unclear whether best practice measures include the adoption of technologies to reduce the demand or need for servicing.	This is not required as the project has achieved certification as 6-star Green Star Communities Rating.	The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.
p) Commitment 28 – Proposed to be deleted. This commitment must remain as it refers specifically to Environmentally Significant Lands, which are not referred to in the Condition C3 of the Concept Plan.	Commitment is not proposed to be deleted. The proposed modification to this commitment only relates to the update of documentation associated with the Concept Plan. These changes are administrative in nature only.	Noted
q) Commitment 35 – Proposed to be deleted. This commitment must remain as it refers specifically to Environmentally Significant Lands, which are not referred to in the Condition C3 of the Concept Plan.	The revised statement of commitment proposes to retain Commitment 35 following commentary from agencies including Shellharbour Council. The revised commitment states that vegetation management plans shall be submitted at each relevant application stage for lands identified on the Special Subdivision Area map (SSA map) (Lendlease 2017). The SSA map is generally consistent with the areas of ESL originally mapped within the approved concept plan. The SSA map is largely consistent with the riparian corridor network within the approved concept plan.	It is noted that the revised commitment in Appendix L (dated May 2019) refers to <i>land that has been identified as Concept Plan Environmentally Significant Land and within the Core Riparian Zones shown on the Concept Plan Riparian Corridor Network at Appendix B of the Response to Submissions prepared by Ethos Urban dated 31 May 2019</i> , not <i>lands identified on the Special Subdivision Area map (SSA map) (Lendlease 2017)</i> . To ensure consistency Council supports the current wording in Appendix L 9dated May 2019).
r) Commitment 37 – Refers to surveying for the Illawarra Greenhood Orchid which is proposed to be deleted as surveys have been conducted. As the project spans 20 years, surveys conducted at the start of the project are no longer valid. Surveys must be conducted as required at each stage of the development and the commitment must remain.	<p>Eco Logical Australia has conducted full surveys of all areas of potential habitat for <i>Pterostylis gibbosa</i>. Surveys were undertaken when the species was known to be in flower. Survey effort is as follows:</p> <ul style="list-style-type: none"> <li>• September 2012 across all patches of good</li> </ul>	Council notes that Commitment 37 is now proposed to be retained.

Issue Raised	Comment/Design Response	SCC Response to Response
	<p>quality Illawarra and South Coast Lowland Forest and Woodland consistent with the SoC</p> <ul style="list-style-type: none"> <li>• October 2016 across all boundaries of ESL Land</li> <li>• December 2016 across all patches of potential habitat within Stage 3C.</li> </ul> <p>The remaining stages that have not been developed do not contain potential habitat for this species and would not require survey consistent with Statement of Commitment 37. This commitment has been fully adhered to and does not require further action.</p>	
<p>The following comments relate to existing statement of commitments that are not proposed to be amended by the proposed modification but should be considered by the Department:</p> <ul style="list-style-type: none"> <li>• Commitment 25 – This should be expanded as it is difficult to measure at the subdivision stage as it is difficult to measure compliance with this commitment;</li> <li>• Commitment 26 – Dwellings can be subject to CDCs – BASIX is not relevant at the subdivision stage – is this commitment really necessary?</li> <li>• Commitments 29 and 30 – The commitments should detail what a “riparian corridor” actually means – it should be provided in accordance with the relevant guidelines produced by NRAR. This includes planting.</li> <li>• Commitment 47 – is this required at the DA stage or CC stage?</li> </ul>	<p>No modifications required or proposed.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<b>Water Cycle and Flood Management Strategy</b>		
<p>a) A new flood model – as part of this Mod 4, Lendlease has engaged a new flood consultant to review the flood modelling undertaken as part of the previous approvals. This new modelling is based on Council's Flood Study (adopted in 2017). Lendlease's consultant J. Windum Prince has incorporated as-constructed aspects of the Calderwood development into the model. It is evident from the model results that various points in the statement of commitments are now shown to be inconsistent with respect to flood risk and management of that risk.(e.g. Commitment 41). Specifically, the bridge over the rivulet built as part of stage 1 was intended to be designed such that it would provide flood free access. However, the new modelling indicates that this is not the case (see image below).</p> <p>Council believes that Lendlease must address this issue and provide details regarding what remedial works they propose to undertake in the floodplain to ensure that the flood free access can be met and that all commitments in the statement of commitments are being satisfied. Furthermore, Council is now</p>	<p>A detailed response to these items has been provided by JPW at <b>Appendix F</b>.</p>	<p>The following are comments in response to Appendix F:</p> <ul style="list-style-type: none"> <li>- Council still maintains that the adopted fraction impervious percentage of 50- 60% used for residential areas is too low.</li> <li>- Chapter 8 - Council refute the statement made by JWP re notes and quotes claimed to have been made by Council regarding the existing developed areas and what would be considered acceptable flood impacts.</li> <li>- HPC TUFLOW model was used - was a check done to confirm that flood levels produced by</li> </ul>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>examining what notations it should be placing on planning certificates whilst this issue is being resolved. This may include placing a notation on those properties that are now identified as flood prone that under the original Flood Management Strategy were not flood affected.</p> <p>b) Flood Impacts – It is evident from the flood maps that there may be significant and far reaching flood impacts in some areas downstream of the development.</p> <p>c) The Rienco Flood Model – The MOD 4 application proposes to be informed by the new flood modelling (which is based on Council's Adopted Flood Study model). Council is unclear about what this means for the developers within the non-core lands that are currently seeking DA approval for applications that are based on the previous Rienco/Cardno modelling. Are these developers expected to abort all work done using the Rienco model and use only the new JW Prince model that is based on Council adopted flood study? The possible implications of developments currently being assessed should be addressed prior to the determination of the modification to the Concept Plan approval.</p> <p>d) The Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions is referenced in the Watercycle and Flood Management Strategy and has been recommended by EPA/OEH. The report incorrectly states that <i>performed for the Lake Illawarra catchment and did not indicate expectations that the proponent would develop or apply such a framework to the CUDP."</i></p> <p>Shellharbour and Wollongong Council are working together with OEH to have the Risk based Framework implemented as part of the Draft Lake Illawarra Coastal Management Program (CMP). The Department needs to consider how the Risk Based Framework will be enforced when the Lake Illawarra CMP is approved by the Minister.</p> <p>e) It's unclear whether Council can reasonably manage the large increase in Stormwater treatment devices that will be handed over to Council as a result of the MOD4. (proposed total of 27 wetlands which is an increase of 15 wetlands compared to the existing approval) It is likely to have a large impact on Council ability to be Fit For the Future. Comments from the EPA suggest options for ongoing maintenance of stormwater improvement measures should be investigated, however the report provides no suggested solutions other than Council to manage.</p> <p>f) The assumed fraction impervious for residential areas appears to be too low (50-60%) Councils experience in Calderwood is that Residential areas typically have a fraction impervious of 70-80%. This would impact the Stormwater Quality Modelling performed as part of this report.</p> <p>g) Although Council has licenced our adopted Macquarie Rivulet Flood Model to JW Prince for the purpose of undertaking this exercise, Council has had no assurance that there has been any quality assurance checks as to the updates</p>		<p>the hPC were equivalent to the CPU model results?</p> <p>- Why was the previous Reinco models Manning's n roughness schematisation utilised instead of the schemetistaion adopted as part of COuncils adopted flood model (ie WMA Water Model)? This has the potential to impact the results significantly.</p> <p>- Calderwood road - more information is required. The current road has a very low flood immunity and if this flood immunity is proposed to remain the same post CUPD MOD4, it will present a significant flood hazard for the new community as people may become stranded on the road during a flood as there are flood islands that currently occur on the road.</p> <p>- North Macquire road/ Illawarra Hwy intersection - The road layout plan indicates this will be a designated access point to the CUDP, however this is via an existing flooded causeway. The Flood mitigation plan needs to identify a road bridge here to address this access issue if is indeed intended to be an access point, as the Illawarra Hwy has a low flood immunity and cannot be relied upon for reliable access during a flood.</p> <p>- Local PMF assessment – it is recommended that the minimum subcatchment sizes proposed as part of the updated WCMP be a new flood risk statement of commitment?</p> <p>- Notwithstanding the above it is recommended that the Department only consider approval of the MOD4 subject to an MOU or additional statement of commitment that the proponent will gain approval and construct the 620mm blade wall adjacent to Djindy Bridge as well as any associated flood mitigation required as proposed in the updated Water Cycle Management Plan.</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>made and any changes made to the model to support this application. It is suggested that a quality assurance check be performed by a peer reviewer to ensure that any changes made to the model are in accordance with industry standards and the TUFLOW user manual and guidelines.</p> <p>h) The flood modelling submitted with the MOD4 does not include any changes to Calderwood Road in terms of alignment (Horizontal and vertical) and form. However, other documentation within the MOD4 indicates that Calderwood road is required to be upgraded to accommodate the new development intensity. Council's knowledge of flooding and the floodplain attributes within Macquarie Rivulet means we have significant concern regarding the impacts detrimental upstream flood impacts that would occur if this road was required to be modified. As a large length of the road currently acts as a significant hydraulic structure, any raising of the road would have a significant and widespread backwater effect and impact on properties outside of the CUDP. This impact must be quantified and additional information can demonstrate how or if those impacts can be managed prior to any determination of this application.</p> <p>i) There is little detail in the report about how flood risk above the 1% AEP will be managed and how risk to life is to be mitigated. In this regard, the question arises, will dwellings be subject to unacceptable flood hazard in extreme events and, will they</p> <p>j) There appears to be a real opportunity to incorporate Stormwater Harvesting and reuse within the development area, as there are a number of nearby potential users of harvested stormwater for irrigation (eg. Sports fields, schools etc.) This would result in a significant reduction in nutrient load and have a positive impact on the receiving waters including Lake Illawarra.</p>		<p># Sentence unfinished in Point i)</p>
<b>Traffic and Transport</b>		
<p>a) The Traffic and Transport Report (T&amp;TR) for Mod 4 uses land use projections for the TRACKS modelling which is consistent with the agreed residential and employment forecasts used in the Albion Park Rail Bypass – Addendum Traffic and Transport Assessment Report September 2017.</p> <p>It is noted that the T&amp;TR is using vehicle trip generation rates that are consistent with those previously used by Cardno in their modelling for other stages in Calderwood. The T&amp;TR indicates that an additional 1645 trips will be generated in the peak hour of which 1316 will be by vehicles. However the actual trips generated in the AM and PM peaks is well below what is expected for an additional 1700 dwellings.</p> <p>Figure 4-10 and Figure 4-11 in the T&amp;TR show that in the AM peak only an additional 525 vehicles are added to the external road network and in the PM peak only an additional 614 vehicles. This is in stark contrast to the Traffic Report submitted with the Stage 1 application (Cardno – 4 March 2010) which indicates that the proposed 442 dwellings would result in an additional 497</p>	<p>A detailed response to these items has been prepared by Cardno at <b>Appendix H</b></p>	<p>In addition to the following comments please also please refer to Attachment 2 for a detailed assessment of Appendix H</p> <p>The Secretary's Environmental Assessment Requirements (SEARs) for Calderwood Concept Plan MP 09-0082 MOD 4 were issued on 1 February 2018. In relation to the transport and accessibility the SEARs required a revised traffic and transport impact assessment which in part required the following</p> <p>an assessment of the impacts on the existing and approved future road network and infrastructure, and use of the Austroads Guidelines to identify mitigation measures.</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>vehicles in the AM peak and 519 vehicles in the PM peak on the external road network. On that basis more than half of the claimed vehicle trips are missing from the traffic modelling projections in the T&amp;TR.</p> <p>The traffic modelling results appear erroneous and should be reviewed and rerun. One of the most questionable claims of the traffic modelling results shown in Figure 4-11 is that in the AM peak the proposed development of an additional 1700 dwellings will only result in an additional 40 vehicle using the M1, north of Fowlers Road Dapto which is roughly only 3% of the total trips generated. This is contrary to the, Census Journey to Work data provided in the Traffic Impact Assessment Report (Cardno 11 April 2017) submitted with Calderwood Stage 3C which indicated that 40.2% of trips generated using the external road network should be using this section of the M1. Additionally that report indicates 57.8% of external trips would use the Princes Highway south of Tongarra Road (or Albion Park Rail Bypass when completed) yet Figure 4-11 shows only an additional 34 vehicles using this route which represents again only about 3% of the total trips generated. These results question the credibility of the traffic modelling conducted for the T&amp;TR.</p> <p>b) The T&amp;TR indicates that the only necessary network upgrades required are the provision of 4 travelling lanes on Calderwood Road and the installation of traffic signals at the intersection of Calderwood Road and Tripoli Way in place of a roundabout. Again this is in stark contrast the Traffic Impact Assessment Report (Cardno 11 April 2017) submitted with Calderwood Stage 3C which identified that the intersection of Tongarra Road, Calderwood Road and Macquarie Street needed to be upgraded. The report draws the following conclusion.</p> <p><i>The Illawarra Highway / Calderwood Road / Macquarie Street will require optimisation of its existing phasing sequence and upgrades to the intersection configuration to accommodate the additional traffic generated by the CUDP Stage 3C development.</i></p> <p>c) The T&amp;TR also indicates that an upgrade of the Illawarra Highway, Yellow Rock and Escarpment Drive intersection is not required. Again this is in stark contrast to Traffic Report (prepared by Cardno 12 July 2018) in support of a proposal for the development of an additional 275 lots in Tullimbar which indicated.</p> <p><i>By 2026 and with all the Tullimbar development in place, the intersections of Illawarra Highway / Yellow Rock Road and Tongarra Road / Broughton Avenue will fail. SIDRA results indicate that both intersections will be overcapacity and oversaturated, operating at a level of service of F in both peak periods.</i></p> <p>d) Whilst not directly related to the T&amp;TR, Mod 4 does not propose alternative access arrangements in place of the existing Illawarra Highway and North Macquarie Road intersection. A recent assessment in conjunction with a development application for non-core land in the CDUP identified that the existing junction could not be upgraded to meet the necessary AUSTROAD</p>		<p>Roads assessed must include, but not limited to, the Illawarra Highway, Princes Highway/Southern Freeway, Tongarra Road, Marshall Mount Road, Yallah Road, the Southern Freeway Corridor between Yallah and Oak Flats <b>and the Albion Park Rail Bypass Project</b></p> <p>The Response to the Secretary's Environmental Assessment Requirements – Traffic and Transport Report (dated 30 May 2019) indicates the following</p> <p><i>The other minor difference is observed at Albion Park Rail Bypass central interchange (northbound direction). The modelling plots indicate the corridor capacity is not exceeded at this location.</i></p> <p><i>As highlighted in the figures below, no substantial change in V/C ratio was observed in the PM peak due to increased CUDP yield except for minor changes at Tongarra Road.</i></p> <p>In terms of addressing the SEARs this is a vague and qualitative statement which fails to quantify or discuss the impacts. The findings do not specifically recommend that any treatment measures are required, however this is at odds with Section 3.2 <i>Infrastructure for Existing Approval</i> which identifies the following upgrade measures to provide a direct connection between Tripoli Way and the Motorway for access to and from the south. It is noted that Upgrades 4 and 5 are no longer feasible in the form identified in the report and following diagram due to changes with the Albion Park Rail Bypass design. However this is not discussed in the report nor are any alternative treatment measures discussed.</p> <p>This demonstrates a major shortcoming of the report and identifies the need for further investigation and assessment on how Upgrades 4 and 5 will be addressed. In this regard the Roads and Maritime Services,</p>



Issue Raised	Comment/Design Response	SCC Response to Response
<p>alignment and sight distance design criteria. In the assessment of Mod 4 an alternative the Illawarra Highway and North Macquarie access point needs to be investigated and an alternative solution found.</p> <p>e) Council is of the opinion that details of the required upgrade of the following intersections must be provided prior to any determination of the application</p> <p>i) Tongarra Road, Calderwood Road and Macquarie Street intersection ii) The Illawarra Highway, Yellow Rock and Escarpment Drive intersection.</p> <p>f) The illustrated additional collector road between the Broughton Avenue and Escarpment Drive roundabouts has not been mentioned in any document.</p> <p>g) There is also no mention of the required North Macquarie Road / Illawarra Highway intersection upgrade, which has been determined during the assessment of current development applications.</p>		<p>Transport for NSW and Council are currently involved in the Albion Park Movement and Place Study which is examining this matter. As such Council requests that the approval of MOD 4 be placed on hold until the Albion Park Movement and Place Study is completed to allow TMAP to be updated accordingly.</p>
<b>Environment</b>		
<p>4.1 General Comments:</p> <p>a) The Biodiversity Report prepared by Ecological states that 'Significant impacts on Illawarra and South Coast Lowland Forest and Woodland are unlikely'. Full surveys detailing the extent of EPBC Act listed matters are required to support this statement and to Council's knowledge they have not been conducted.</p> <p>It is proposed to remove over 11 hectares of potential Illawarra and South Coast Lowland Forest and Woodland and cause habitat disturbance to both The Australian Painted Snipe and Swift Parrot. Referral to the Commonwealth regarding EPBC is required as these species have been listed since the original concept plan. EPBC listing is retrospective and impacts on Matters of National Environmental Significance must be considered prior to any works commencing.</p>	<p>A detailed response to these items has been prepared by Ecological and is submitted at <b>Appendix K</b></p> <p>Additional information, including explanatory diagrams, is submitted in the updated Calderwood Valley Public Domain Report and Open Space Plan at <b>Appendix J</b></p>	<p>The proponent has not addressed the concern regarding the need to liaise with the Office of Environment and Heritage to provide an offset strategy and the significance of the listing as Critically Endangered Ecological Community under the Federal legislation as part of the Secretary's Environmental Assessment.</p> <p>It appears that the proponent has not involved the DPIE (formally OEH) in creating an offset strategy as required under the DGR's other than providing indicative offsetting credits.</p> <p>In the Environmental Assessment Report from Ethos Urban dated 9 August 2018, Mitigation measures recommended in respect to biodiversity are:</p> <ul style="list-style-type: none"> <li>• New comment to be inserted which requires the preparation of a Construction and Environmental Management Plan to be submitted with each application to address issues of sediment run-off, dust, noise and vibration impacts.</li> <li>• Future development applications are required to be accompanied by a Biodiversity Assessment Report</li> </ul>

Issue Raised	Comment/Design Response	SCC Response to Response
		<p>carried out in accordance with the BC Act.</p> <p>The first measure is a standard Condition for a subdivision DA and the second is a requirement under the EP&amp;A Act. These measures are considered to be unsatisfactory..</p> <p>In regards to biodiversity and further assessment as provided in the Ecological statement responding to SCC, Ecological dismiss the requirement to further assess biodiversity issues by stating that no further clearing will be required and providing indicative credit value of offsetting requirements. There is no indication that any further field studies have been undertaken, relying on assessment at DA stage. This is considered inappropriate and short sighted for a Major Project on a State Significant Site.</p> <p>The Secretary's Environmental Assessment Requirements dated 1 February 2018 provided-</p> <p>Point 7- Biodiversity:</p> <ul style="list-style-type: none"> <li>• Provide an updated assessment of the biodiversity impacts associated with the proposal (particularly impacts on Endangered Ecological Communities located on site) and provide a description of the proposed actions to avoid, minimise potential impacts. For unavoidable impacts, an appropriate offset strategy shall be prepared (in consultation with OEH).</li> <li>• Assess any additional impacts of the proposal on groundwater dependent ecosystems.</li> </ul> <p>The statement in the Ecological Report dated August 2018 in the Executive Summary states, "this report considered potential <u>additional</u> impacts to threatened ecological communities, flora fauna and migratory species listed under the Biodiversity Conservation Act and the Environmental</p>



Issue Raised	Comment/Design Response	SCC Response to Response
		Protection and Biodiversity Conservation Act either known or likely to occur in the study area. The failure to revisit and assess the project as a whole is considered to be a fundamental flaw in the assessment of EEC/CEEC and threatened/endangered species that has been disregarded in the response to submissions.
b) An assessment of the impact of the proposal on DPI Fisheries mapped key fish habitat of Marshall Mount Creek, Macquarie Rivulet and Lake Illawarra is required in accordance with the Policy and guidelines for fish habitat - conservation and management (DPI, 2013) in the Ecological (2018) report.		The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.
c) A number of Statements of Commitment are proposed to be changed which will have negative impacts on the long term management of significant biodiversity at the site. Details on changes and their impacts are provided earlier in this submission.	Changes to commitments 35 and 37 are no longer proposed	Noted
<p>d) Impacts on Riparian corridors and ESL by the increasing of flood mitigation has not been adequately assessed. Areas proposed for regrading- decreased elevation, adjacent to ESL require further assessment for impacts on ESL and biodiversity of Riparian River Oak Forest.</p> <p>The removal of Stream Reach 15 has not been addressed. The Proponent states that there is no modification to the Concept Plan Approval Riparian Corridor Network. This is incorrect. The removal of Stream Reach 15 must be included in the Riparian Corridor Network and an updated Riparian Consistency report is required.</p>	Removal of Stream 15 has been considered by Ecological. Refer <b>Appendix K</b>	It is noted that only a small section of Stream Reach 15 is proposed to be removed.
<p>e) Public Domain Report, New Open Space areas. Figure 4 Calderwood Open Space Design Analysis (MOD 4):</p> <p>CW3- has been moved into Citywide Bushland (from the 2011 Landscape Masterplan), this area is unsuitable for Open Space- Passive due to the steepness of the terrain</p> <p>CW3- extension- Part of Johnson's Spur is proposed to be changed to open space from ESL and E2, E3 to passive open space. This is conflicts with the objectives of ESL and the zoning. The altered management regime to accommodate passive open space requires environmental assessment. The SOC's require Vegetation Management Plans (VMP's) to regenerate these areas, the objectives of which would be inconsistent should the area be passive open space. Additionally, a number of areas have approved VMP's, which are currently being implemented. A change in land use would conflict with the objectives of the VMP's.</p>	<p>e) The relocation of Citywide Park has been endorsed by Shellharbour City Council and the new location has been included in the updated Landscape Masterplan as part of the SHCC VPA, and is reflected in the Public Domain Report Appendix J.</p> <p>CW3 was relocated in recognition that the original approved location of the park was inappropriate due to the sensitive nature of that part of the site, and the fact that it was remote from residential areas with poor accessibility. The Citywide Park 3 desired character and embellishment as defined in the approved Calderwood Valley Landscape Masterplan is focussed on environmental values, rehabilitation and a passive recreation trail head that better suits the new location as agreed with Shellharbour City Council.</p>	The suitability and management of the CW3 area will need to be assessed in more detail before the nominated area is confirmed. Agreement of the revised area occurred as part of a better outcomes negotiation and arrangement as part of the Lendlease VPA. The revised location was agreed to subject to the suitability of the site to accommodate the desired outcomes of the Landscape Masterplan

Issue Raised	Comment/Design Response	SCC Response to Response
<p>D4- Non-core Land. This District Park is located in a Riparian Corridor, Evidence as to how this land use aligns to riparian corridor objectives is required.</p> <p>CW2 is located in a water body (see Figure 6- Watercycle Management), which is not consistent with the requirements of passive open space.</p> <p>Link D4 to L11- this is a steep embankment leading to flood runners and unsuitable for passive open space.</p> <p>No areas of ESL should be utilised as public open space. Further assessment is required for any proposed creek/rivulet crossings.</p> <p>It is recommended that further consultation on suitable passive open space locations be undertaken with Council</p>	<p>D4 is not located on Non-Core land, it is located just North of the Village Centre.</p> <p>Linear park links are not incorporated into open space calculations.</p> <p>None of the proposed additional open space is located within the environmentally sensitive lands, the proposed parks have been sited where they will provide a high level of amenity to residents with good accessibility. In respect of existing approved open space, it is noted that there are two parks which are located within environmentally sensitive land. These are City wide Park 3 and Local Park 12. It is proposed to move Local Park 12 slightly north as part of MOD 4, to be located outside of the environmentally sensitive lands.</p>	<p>The reference to D4 in Councils submission should have read D5.</p> <p>Noted</p>
<p>f) Water Cycle and Flood Management Strategy – further detail is required on the level of cut and fill that is required in order to make a full assessment of the impacts on both Groundwater Dependent Ecosystems and wider biodiversity.</p> <p>Water quality targets outlined in the Risk Based Framework for Water Quality issued by the Office of Environment and Heritage, as included in the Illawarra Shoalhaven Regional Plan must be addressed. Not all ESL has been included in Figure 3 of the Water Cycle and Flood Management Strategy prepared by J Wydham Prince. This figure states it is for Marshall Mount Creek, however it covers the whole of the Concept Plan area including Macquarie Rivulet so all ESL should be illustrated.</p>	<p>Lendlease has undertaken consultation with SHCC and provide a modified response to alleviate councils concerns in the Public Domain Report in Appendix J.</p> <p>JWP has prepared cut and fill details.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>g) Concept Plan:</p> <ul style="list-style-type: none"> <li>The proposal intends to remove the green corridor along North Macquarie Road between the Clover Hill development and Stage 3B south. No justification as to the removal is provided in documentation.</li> <li>The proposal increases the width of Calderwood Road from 2 to 4 lanes. No environmental assessment on the impact of this has been conducted.</li> <li>Sports fields &amp; Detention basin – Stage 1. Conflicting land uses are illustrated on various plans. Clarification is sought on the exact proposal in this location.</li> <li>Riparian Corridor SP1 south of Town Centre – School/Residential East. Concept Plan does not illustrate a riparian corridor to the north of proposed sports fields. It is not clear how sports fields can be accommodated in this area. The riparian corridor will be required to be regenerated in accordance with SOC requirements. The riparian corridor must be illustrated on all Concept Plans.</li> </ul>	<p>A detailed response to these items has been prepared by Ecological and is submitted at <b>Appendix K</b>.</p> <p>Calderwood will now remain at 2 lanes. No additional environmental assessment is required.</p> <p>Additional information, including explanatory diagrams, is submitted in the updated Calderwood Valley Public Domain Report and Open Space Plan at <b>Appendix J</b>.</p> <p>Sportsfields and Detention Basin: Lendlease has met with Council in respect of the proposed open space and has incorporated amendments to the proposed open space plan to address Council's concerns. The proposed additional sports fields in the south near stage 1A have also been removed in response to Council's concerns. The majority of the proposed open space and sporting facilities are consistent with the approved Concept Plan including the Sports Fields SP1.</p> <p>The revised open space plans are provided at <b>Appendix J</b>.</p>	<p>The Sports Fields SP2 initially proposed adjacent to Stage 1A have been relocated as requested, however the size of the relocated fields is considered too small to adequately cater for the active recreational needs of the community. This will result in undue pressure being placed on existing fields</p>
<p>h) Development Control Strategy:</p> <ul style="list-style-type: none"> <li>Bush Edge Buffer - Proposed to delete Benching is to be minimised with homes built with consideration of the terrain and alter the minimum lot size amendments. Benching in the bush edge buffer will deteriorate the intention of the buffer and lead to poor biodiversity outcomes. A reduction in lot size in E3 &amp; E2 land will deteriorate the intention of the zoning.</li> <li>Green Star Rating - The SOC is proposed to be amended to remove reference to a Solar Farm and Co/tri generation, with the proposal now to achieve a 5/6 star green star rating. Comprehensive information should be included as to how the town centre will achieve this rating.</li> </ul>	<p>The provisions relating to benching are proposed to be retained in the DCS and additional design provisions are included in Section 1.6 of the document.</p> <p>Refer to <b>Section 2.1.11</b> and <b>Appendix O</b> of the RTS for information on the Green Star rating.</p>	Noted
<p>i) Comparison of the proposed modification to existing concept plans is difficult as lines on maps do not match up – new concept plans cover different areas and are not the same scale as old plans. It is difficult to make comparisons where in discrepancies occur. Maps also have various colours missing or incorrect keys.</p>	<p>A comparison between the approved and proposed concept plans is provided at Appendix B of the RTS.</p>	Noted
<p>j) It is not clear how non-core land impacts have been considered in the amended</p>	<p>Refer to Section 2.1.8 of the RTS Report by Ethos</p>	<p>The incorporation of the layout of the proposed development of the non-core lands which are</p>

Issue Raised	Comment/Design Response	SCC Response to Response
proposal.	Urban.	the subject of undetermined Development Applications is not appropriate. Current compliance with the existing concept approval of these applications is not a consideration for this modification.
<b>Open Space Provision</b>		
<p>5.1 General Comments:</p> <p>a) The proposal modification generates the requirement to provide additional open space. There is a concern that the Proponent has not adequately demonstrated how an additional 14.2ha of both active and passive open space should be and could be incorporated into zones that are zoned for other uses such as environmental and rural zones. In its current form, the modification application appears to be proposing more open space than is needed and is not designated RE1 zoned land. This will place an additional burden on Shellharbour Council with the potential uptake of additional land identified for active and open space, particularly if it were to be located on E3 Environmental Zoned land.</p> <p>b) The Calderwood Development Lands have been zoned in accordance with studies that demonstrated justification for those appropriate zones as part of the original application. While there may be circumstances where environmental zones and rural zones may be suitable for recreational uses, to place the whole required amount of open space for the proposal in lands not zoned for recreation is not considered best practice. It has also not been adequately demonstrated by the Proponent that it is appropriate in this specific circumstance.</p> <p>c) As per the Shellharbour Open space, Recreation and Community Facilities Needs Study Report (2010). Council generally does not count environmental reserves, ancillary reserves (ie, Linear Links) towards the provision of open space as it may not provide any recreational value.</p>	<p>None of the proposed additional open space is located within environmentally sensitive lands, the proposed parks have been sited where they will provide a high level of amenity to residents with good accessibility.</p> <p>Additional information, including explanatory diagrams, is submitted in the updated Calderwood Valley Public Domain Report and Open Space Plan at <b>Appendix J</b>. These diagrams will assist in delineating between approved/delivered open space and the proposed additional areas of open space to be provided as part of MOD 4. The proposed modification, with the reduced yield, requires the provision of an additional 10.61 ha of additional open space (split approximately 50/50 for active and passive). This will increase the overall provision requirement of open space from 33.2ha in the concept plan approval (condition C12) up to a total of 43.81ha.</p>	<p>Although the revised open space provides sufficient additional land to meet the numerical standards that apply, this has been achieved by adding small areas to existing identified parks. In this instance compliance with the numerical standards does not equate to better open space outcomes to the community.</p> <p>The proponent is now seeking to have certain dwelling forms excluded from the dwelling count for the purposes of this proposal and they have also been excluded from the open space calculations. The proponent should demonstrate how this additional demand from uncounted dwellings can be accommodated. Local Park L6 – this additional open space is tacked onto the existing historical cemetery. It needs to be demonstrated how this is an appropriate location and will serve additional demand for useable open space</p> <p>Local Park L14 The slope analysis in Appendix C indicated it is outside the required slope gradient of 1:10 or less. This needs to be addressed if this land is to be included in the open space count for the revised development</p> <p>It is noted that the water quality basin has been included in the Local Park L12 which is contrary to the current development consent and means that the level of provision is overstated.</p>
<p>d) The Calderwood Site zoning layer in the SEPP should be updated to adequately identify the open space allocation, the Proponent should also demonstrate that the additional 14.2ha of suggested additional land contains an acceptable level of purpose for recreational users or standards of provision. In this regard, it is considered that the provision of open space could be in a less environmental significant zone such as Residential. The existing Landscape master plan should be reviewed and indicate suitable</p>	<p>We disagree. As the location of open space may change during the detailed subdivision design we believe that it is better to leave the controls as they are currently drafted such that a flexible outcome can be achieved at the DA stage over the life of the project. The Landscape Masterplan will be updated to reflect MOD4</p>	<p>The proponent has not satisfactorily addressed the ability of the open space to provide an acceptable level of purpose of recreational users</p>

Issue Raised	Comment/Design Response	SCC Response to Response
embellishment.	proposed open space structure.	
e) There is an additional 0.4173ha of additional passive open space identified to be provided in Local Park 11 and Local Park 8. These parks have already been delivered. The Proponent should be required to demonstrate how these parks can be increased in size when they already take up the land that was required for open space. The Proponent should also address what implications this may have in regards to the existing VPA between Council and Lendlease.	A plan demonstrating the location of delivered and approved open space, in relation to the proposed additional open space is included in the Open Space Plans at <b>Appendix J. Section 2.1.4</b> of the RTS provides further detail.	The plan referred to shows the location of the additional land but does not demonstrate how this additional land will be incorporated in to the design/layout of the existing park. This issue has not been adequately addressed
f) Proposed additional open space that is located within the non-core lands (Local Park 13, Local Park 7, District Park 2 and District Park 5). The proponent should be required to demonstrate how they can provide certainty with regards to the provision of the land on the non-core land site, particularly when the increase in lot yield is proposed on the Lendlease land.	The open space shown on the non-core lands is consistent with that proposed in the various development applications by the non-cores..	Although there is some open space located within the non-core lands in the Concept Approval, the proponent is seeking to extend this land to meet the additional demand they are created on land that is not in the non-core lands. The proponent will need to demonstrate that this additional land will be provided as it is outside of their control as they do not own the land nor do they have current development rights over that land.
g) The location of the parks listed below vary between the existing approved concept plan and the proposed MOD 4. The Modification is also inconsistent with following current development applications being assessed by Council. a. Local Park 7 – DA No 290/2018 b. Local Park 12 – DA No 167/2017 (Stage 3C) c. Local Park 13 – DA No 577/2017 d. District Park 2 – DA 290/2018 e. District Park 5 – DA 577/2017 The proponent should be required to explain why some of the locations of parks have been slightly moved and how this actually benefits the development and the land it has been moved to.	Local parks 7, 13, 2 and 5 are all proposed on non-core land. The areas shown on the modified concept plan are consistent with the development applications that have been lodged.  The park in stage 3C was relocated to move it outside of ESL.	Noted
h) Comparison of approved Concept Plan and proposed modified Concept Plan Pg 6 Indicative Open Space Network. Typo – refers to CW Park 4 when it should be CW Park 3.	Refer to updated plans at Appendix J.	Noted
5.2 Existing Sports Ground SP1 and proposed Sports Ground SP2 The application proposes additional active open space in the existing SP1 Sports Fields by encroaching into the land zoned E3 to the west. This poses the question about suitability of land for a district sporting field, as it would appear that the proposed SP2 is insufficient in area for a sports field in accordance with the requirements of the Open Space, Recreation and Community Needs study 2010 (the study) of 1.7ha per 1000 people. Further, Council taking on the future management of E3 land is not supported.	There is no change to the current sports fields noted as SP1. The SHCC VPA notes facilities to include that ornamental and water quality lakes, retention of vegetation where appropriate, landscaping and tree planting. Land noted as E3 zone to the west of the proposed sporting fields is not included in open space calculations.	The relocation of Sports Fields SP2 is noted however the usability of this land for active recreational purposes eg organised sports is questionable due to its size
The study also requires that sports fields require appropriate design, solar orientation, wind protection, desire lines and safety/traffic implications, useability, and maintenance. Other considerations include parking, amenities, all-inclusive, gradient, flooding requirements. The Proponent must demonstrate the reasoning	The previously proposed additional sports fields near Stage 1A have now been removed.  The VPA states that this park will contain sports	Noted. Concerns remain about the useability of the relocated sports field SP2

Issue Raised	Comment/Design Response	SCC Response to Response
<p>and benefits of including E3 zones land in a sports field site, as well as how the proposed sports fields in SP2 can meet the requirements ie, flooding. The current bulk earth works DA being assessed by Council indicated a detention basin in the location of the proposed additional sports fields, The Proponent should be required to demonstrate that these use are co compatible</p>	<p>fields, playground and other appropriate supporting infrastructure as well as ornamental and water quality lakes, retention of existing vegetation where appropriate, landscaping and tree planting where appropriate so as to respond to the different characteristics of the park.</p>	
<p>5.5 Calculations</p> <p>Based on an additional population of 4,350 persons equating to 12.3105ha of Open Space (2.83ha per 1000 people).</p> <p>Current split of active = 15.84ha Current split of passive = 17.36ha</p> <p>45.5ha / 2 = 22.75ha</p> <p>Therefore using the 50/50 would mean 6.91ha active open space 5.39 for passive open space</p> <p>The mod is proposing 6.7707ha for the sporting field (active) The mod is proposing 7.445ha for passive open space</p> <p>This seems under the requirement for active and over the requirement for passive open Space.</p>	<p>The calculations, are based on a dwelling density of 2.58 persons per dwelling. This equates to an additional population of approximately 3,100 people, not 4,350 people. The proposed modification, with the reduced yield, requires the provision of an additional 10.61 ha of additional open space (split approximately 50/50 for active and passive). This will increase the overall provision requirement of open space from 33.2ha approved (condition C12) in the original concept plan up to a total of 43.81ha.</p> <p>Sections 2.1.4 and 2.1.7 of the RTS provide further detail.</p>	<p>Noted</p>
<p>Areas required under the Shellharbour Open space, Recreation and Community Facilities needs study are:</p> <p>2.83 ha per 1000 people for open space equating to;</p> <p>0.33 ha per 1000 people for local parks = 1.44ha 0.5 ha per 1000 people for district parks = 2.175ha 0.3 ha per 1000 people for city wide = 1.31ha 1.7 ha per 1000 people for sporting grounds = 7.395ha</p> <p>Given the inconsistencies shown above the Proponent should be required to confirm the methods used to determine the areas specified within the application.</p>	<p>Refer to <b>Appendix M</b> of the RTS/PPR. The formulas have been provided in the Elton Consulting Reports at Appendix S to the EAR.</p>	<p>Noted</p>
<p><b>Assets and Maintenance</b></p>		

Issue Raised	Comment/Design Response	SCC Response to Response
<p>6.1 Necessary Additional Road Upgrades Required</p> <p>Based on the revised traffic modelling, the following additional road upgrades are considered necessary to mitigate the impacts of the CUDP Yield Review:</p> <ul style="list-style-type: none"> <li>- Widen Calderwood Road from two lanes to four lanes between Tripoli Way and the eastern boundary of the CUDP. It is recommended that the Calderwood Road upgrade is completed on the opening of the town centre (retail) and completion of the Tripoli Way bypass, which is anticipated to occur around 2026-2028.</li> <li>- Upgrade Illawarra Highway / Broughton Avenue from roundabout to signalised intersection.</li> <li>- Upgrade Calderwood Road / Tripoli Way from roundabout to signalised intersection. (Cardno, 2018)</li> </ul>	<p>Only the intersection upgrades are required. With the reduction of additional dwellings (ie only a total of 6,000 principal dwellings) Calderwood Road is able to remain at a two lane two way road width. See <b>Appendix H</b>.</p>	<p>Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2.</p>
<p>Further to these upgrades, Council believe that the following are as a result of the yield increase, and disagree with some of the findings of the modification. Council would like to work with the Department as well as Lendlease to ensure that all requirements as a result of the modification are fully met, and that fairness is ensured to all parties including the residents of Shellharbour. Noted within the EA is that Lendlease will negotiate with Council in good faith, Council believes given the above discrepancies, these negotiations must be completed and agreed to prior to any approval of the modification.</p>	<p>Noted.</p>	<p>Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.</p>
<p>a) Calderwood Road</p> <p>The need to upgrade to four lane is more than just widening of the road within the confines of the existing road reserve and will require realignment and land acquisitions. This is especially pertinent at the location of the bridge over the Macquarie Rivulet. As the bridge needs to be widened, to reinstate on the current angle would create an unsafe bend immediately South of the bridge. As a flow-on effect, the intersection with Tripoli Way may need to be relocated westward, and require signalisation of the Calderwood Road and Tripoli Way intersection earlier than both adopted and draft Council concepts designs. This is especially problematic as it will require further multiple land acquisitions and costly redesign of Tripoli Way. These changes are not recognised within the findings of the Traffic and Transport assessment undertaken, or the Environmental Assessment (EA) for the modification.</p>	<p>See previous comment, Calderwood Road is no longer required to be widened to a four lane road, and as such the bridge over the Macquarie Rivulet is not required to be widened. Refer to Cardno's response at <b>Appendix H</b>.</p>	<p>Council maintains its concerns as outlined in its initial response. Please refer to the detailed supporting information found in Attachment 2.</p>
<p>b) Tripoli Way</p> <p>Tripoli Way will require four lanes for the full length by 2026-28 based on the Traffic and Transport Report. It is unclear whether, if this assumption was not made, could suitable performance of the local traffic network be achieved. This is different to the original TMAP with regards to timing, as well as previous Council concept designs. The statement "the design of Tripoli Way (Albion Park bypass) is consistent with Council's current preferred configuration" is</p>	<p>Refer to Detailed response to submissions – Traffic and Transport at <b>Appendix H</b>.</p>	<p>Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2.</p>



Issue Raised	Comment/Design Response	SCC Response to Response
incorrect. The original 2007 Albion Park Traffic Study assumed one lane in each direction, and since that time, Council has not endorsed any concept to the contrary. Council can provide a timeline of the Tripoli Way Design if required. The latest concept plans currently being developed in conjunction with Cardno, also only cater for four lanes East of Calderwood road, yet the four lane requirement were only identified due to updated modelling from Cardno, for both Calderwood Concept Approval and the SPIR model, in lieu of widening Tongarra Rd identified within the APTS. Prior to this, endorsed plans from Council were for two lanes only.		
Based on the most recent draft concept plans developed for Council by Cardno in 2017, Tripoli Way only required two lanes (one each way) for the section between the Illawarra Highway and Calderwood Road. Contained within the Traffic and Transport Report is the assumption of four lanes for this section. This has major implications for possible land acquisitions, land contributions, and the construction cost of Tripoli Way. Council is willing to share these models with the Department to confirm the discrepancy.	Refer to Detailed response to submissions – Traffic and Transport at Appendix H.	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2.
To construct four lanes on this section would materially alter the alignment and width of the proposed land to be contributed as part of the existing VPA. Currently a 50m corridor has been nominated, however this may need to be widened in the order of 10-20m to accommodate the extra width. Furthermore, it requires compulsory land acquisitions of private land to Lot: 1 DP: 559819. It is unclear as to how this would be enabled and whether it would add further costs to Council to undertake.	Calderwood Road is no longer required to be widened to a four lane road. Refer to Detailed response to submissions – Traffic and Transport at Appendix H.	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2.
c) Update of the Voluntary Planning Agreement In general, Lendlease propose to update the VPA, and Council support this to achieve a fair and equitable outcome. Though in the Environmental Assessment it is undefined as to the exact changes that will happen, simply that "Lendlease will negotiate in good faith with Shellharbour Council to deliver these works to coincide with opening of retail component of the Calderwood Town Centre and Tripoli Way works" – Appendix J – Updated Schedule of Local Contributions.	A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover.	Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.
The current VPA determined a contribution amount for Tripoli Way. This was based on the findings of the Stage One court approval, and apportionment within the TMAP. Council believe contributions should be calculated and determined prior to the approval to specify the true contributions required as a result of the modification. This should include provisions for widening of Tripoli Way to four lanes, relocation of the Tripoli Way and Calderwood Road intersections, and costs associated with extra widening into private lands.	Noted. Lendlease has made provision for road upgrades in the modification application where appropriate. A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover.	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.
d) Contribution towards maintenance costs: Any proposed revised or new VPA must contain provisions for maintenance of the surrounding local road network as a result of the increase. An agreement outside of the VPA was previously reached with Lendlease regarding the maintenance of Calderwood Road from the development to the intersection with Tripoli Way, this has now ceased. Until such time as Calderwood Road is widened and Tripoli Way is constructed, Council believe that the developers of	Lendlease has made provision for road upgrades in the modification application where appropriate. A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover.	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.



Issue Raised	Comment/Design Response	SCC Response to Response
the land should contribute to the local road maintenance associated with the increase in traffic and particularly additional truck movements. This is also true for the extra open spaces, reserves, wetlands and stormwater infrastructure associated with the modification.		
e) Greater Certainty Required on the Design of Calderwood Road and Tripoli Way as a result of the Modification Yield Increase Council believes that there needs to be certainty of the design of Calderwood Road and Tripoli Way to better assess the impacts of the modification. This would enable Council to progress further with the design of Tripoli Way and avoid costly redesign. Council has already spent significant amounts of public funds on the design of Tripoli Way, as well as previously engaged in land acquisitions that may now be inadequate and require further negotiations as a result of the modification. Furthermore, the delays to the project as a result of the modification and redesigns caused by the upgrades required are future costs not recognised within the EA.	Refer to Detailed response to submissions – Traffic and Transport at Appendix H.	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.
f) Proposed Mechanisms for Land Acquisitions Council would like to see greater certainty of the proposed mechanism for land acquisition for the required upgrades. It is well established within the EA and Traffic and Transport Report that land acquisitions are required:  <i>“It is recommended to upgrade Calderwood Road section between Tripoli Way and eastern boundary to a four-lane road, two in each direction. The profile and crosssection of this road is yet to be determined. It may be desirable to reduce the overall carriageway width on the widened section of Calderwood Road to limit third party land acquisition.” (Cardno, 2018)</i>	Calderwood Road is no longer required to be widened to a four lane road.	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.
Council questions the mechanisms for undertaking this. Should negotiations with adjoining landowners fail, Lendlease will be unable to undertake the required upgrades. Council have previously commence negotiations with adjoining landowners who have been reluctant to provide land. It is assumed that Council must undertake the land acquisitions as its role as the Local Roads Authority, therefore Council would requires recognition of all associated costs. These costs must be identified, and an agreement with Council in place prior to any approval, and must borne by the developers of the land. How this will be achieved must also be addressed prior to determination of the modification application.	Calderwood Road is no longer required to be widened to a four lane road. Refer to Detailed response to submissions – Traffic and Transport at <b>Appendix H</b> .	Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.
6.2 Suitability and Maintenance of proposed dedicated lands: a) It is understood that the additional proposed sports field adjacent to Stage 1A will be dual purpose, for use as infrastructure and as active open space. This area is currently under DA assessment for use as a water detention basin. Council is concerned about numerous issues associated with the dual purpose use such as: i. Flood immunity	The sports fields in Stage 1 are now deleted and the active open space is now provided elsewhere in the precinct.	Noted

Issue Raised	Comment/Design Response	SCC Response to Response
<p>ii. Damage caused by flooding events</p> <p>iii. Ongoing clean-up maintenance following significant flooding events The additional proposed area adjacent to the original sports field is not considered appropriate for use as active open space due to a high embankment, steep slopes, flood affectation, intense landscaping requirements and substantial maintenance costs.</p>		
b) The future land ownership proposal for the CW 3 extension, new linear parks and link between D4 and L11 is unclear. There are issues such as flooding and intense vegetation management associated with these parks which may lead to high maintenance costs for either Council if they were to become the future owners.	The linear connections have now been deleted and no extension is proposed to CW3.	Noted
c) The proposed linear parks may have implications relating to flooding through the riparian lands due to obstruction and decreased roughness factors.	The linear parks have been deleted.	Noted
d) The extension of SP1 adjacent to Stage 2C was formerly classified as an E3 zone and may not be appropriate for use as passive open space.	SP1 was already approved as being partially located within the E3 zone. The additional open space is proposed outside of the E3 zone. The VPA states that this park will contain ornamental and water quality lakes, retention of existing vegetation where appropriate, landscaping and tree planting where appropriate so as to respond to the different characteristics of the park.	Noted
e) Although located within the WCC LGA, residents of the SCC LGA have voiced concerned about parks being located underneath powerlines due to potential health risks. The re-location of District Park 1 and Local Park 3 to within the overhead powerline easement requires further assessment	None of the proposed open space is located under the powerlines.	Noted
<b>Voluntary Planning Agreement</b>		
<p>7.1 General comments</p> <p>The proposed modification involves a significant intensification of the development, which can only be supported if there is sufficient assurance that the extra dwellings are accompanied by appropriate local infrastructure. At this stage, Council does not have this assurance. Whilst the assessment report submitted by Lendlease includes a number of recommendations to amend the Planning Agreement with Council, these have not been discussed or presented to Council and therefore Council cannot advise that it is satisfied that the proposed additional infrastructure will be adequate.</p>	A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover	The proponent has not provided any additional information to address this issue. Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.
Therefore, Council is of the opinion that if the Department were of a mind to approve the proposed modification that any approval for the modification be withheld pending further discussions with Lendlease about the matters to be included in the VPA. In particular it is recommended that approval should not be granted until either a Deed of Variation to the VPA has been exhibited or a formal Letter of Offer has been submitted and agreed to by Council and has been exhibited to seek community feedback.	A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover	Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.

Issue Raised	Comment/Design Response	SCC Response to Response
<p>7.2 The Need for a Formal letter of Offer</p> <p>As noted above the proposed modification involves a significant intensification of the development to which the executed VPA applies. A Deed of Variation (DoV) to the existing VPA will be needed. The EA states (pge 71) that a letter of offer will be provided and which would detail the amendments to be made to the VPA. It is however important that the letter and any amendments to the Draft VPA be fully resolved and agreed to before any approval is given to the modification. Whilst the EA includes an Appendix (Appendix J – Updated Schedule of local Contributions) which provides some information about the additional local infrastructure that will be provided, this needs to be filled out with a lot more detail before it can form the basis of a Letter of Offer for the DoV. This will require significant negotiations with Lendlease to resolve the infrastructure that is needed to support the development.</p>	<p>A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover</p>	<p>Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.</p>
<p>7.4 Open Space Additional open space will be required for the development. It is essential that the land provided be unencumbered and fit for purpose. A revision of the Landscape Masterplan, which currently forms part of the existing VPA between Council and Lendlease, must be included in any letter of offer to amend the VPA. The revised Landscape Masterplan must demonstrate how the proposed areas are fit for purpose.</p>	<p>A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover.</p>	<p>Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.</p>
<p>a) The proposed additional open space is largely made up of 'linear parks' that provide linkages across riparian corridors. Some of these cross through identified environmentally sensitive lands. Lendlease should be required to demonstrate the facilities they will be providing in these areas and how they can be achieved based on the constraints on the land.</p>	<p>All the linkages across the riparian corridors have been removed, with the exception of those across the Mount Marshall Creek which are already approved in the Concept Plan. Refer to Section 3.9.2 of the consolidated concept plan and figure 13.</p>	<p>Noted</p>
<p>b) There is a significant expansion of City-Wide Park 3 (CW3), which is located at Johnson's Spur. In accordance with the Better Outcomes Clause contained in the existing VPA, Lendlease and Council agreed to a reduction of facilities to be provided at this City Wide Park and a transfer of funds that were allocated for those facilities to the more central and accessible District Park 4. It was agreed that due to the remote location, this park would be embellished to a lower level than other citywide parks as it would not receive the same level of use. It is also noted that the area into which it will be extended has substantial tree cover and has been identified as environmentally sensitive – Lendlease would need to demonstrate what they intend doing with this area and how this will provide acceptable recreation opportunities whilst protecting the environment.</p>	<p>Lendlease is no longer proposing to expand CW3.</p>	<p>Noted</p>
<p>c) The proposed additional sports field has limited useability as it is remote from current approved sports fields and may be significantly affected by flooding. It will also require its own amenities and car parking which is an ongoing maintenance liability.</p>	<p>The additional sports field has been relocated from the Stage 1A area.</p>	<p>Noted</p>
<p>d) It is also noted that car parking has been removed from the list of embellishment for district parks. This is not acceptable due to the catchment of such a facility.</p>	<p>This was not proposed to be modified and is still contained within the requirements of the Shellharbour VPA.</p>	<p>Noted</p>

Issue Raised	Comment/Design Response	SCC Response to Response
<p>7.5 Social Infrastructure Additional social infrastructure will be required for the development. The extent of what is required is set out in Appendix S. The works proposed include an expansion of the onsite multipurpose community facility and a further increase of the floor space for Albion Park Library. As both these will be Council assets it is important that the extent of what is being proposed and whether it can be contained within existing sites etc should be discussed with Council. To date, no such discussions have taken place.</p>	<p>A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover.</p>	<p>Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.</p>
<p>7.6 Road and Traffic Upgrades: An updated traffic assessment of the increase dwelling yield prepared by Cardno finds that the following additional road upgrades will be required as an outcome of the increased yields from the development: a) Widening of Calderwood Rd from two lanes to four lanes between Tripoli way and the eastern boundary of the CUDP b) Upgrade the Illawarra highway/Broughton Ave from roundabout to a signalised intersection c) Upgrade Calderwood Rd/Tripoli Way from roundabout to a signalised intersection including upgrade of the bridge over Macquarie Rivulet</p>	<p>Calderwood Road is no longer required to be widened to a four lane road. In relation to other road upgrades which are required as a result of the proposed modification, Lendlease has made adequate provision for this in the modification application and a letter of offer to amend the current VPA or to enter into a new VPA will be submitted to Council under separate cover to address these items.</p>	<p>Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.</p>
<p>It is also understood that some of the road upgrades will occur on land located outside the existing road alignment and may require acquisition. This should be at the expense of Lendlease and the lands required for acquisition should be identified and included in the VPA.</p> <p>It is understood that Lendlease will construct the roadworks. However, the timing of all roadworks needs to be resolved as presently it is only vaguely specified. The roadworks need to be done before the nominated stage of the development has been completed.</p>	<p>Calderwood Road is no longer required to be widened to a four lane road. . A letter proposing entering into a new VPA in respect of additional contributions as a result of the modification application will be submitted to Council under separate cover</p>	<p>Council maintains its concerns as outlined in its initial response. Please refer to the detailed assessment and supporting information found in Attachment 2. In addition, a letter of offer to enter into a new VPA has not been received by Council.</p>
<p>7.7 Drainage Water Quality and Flooding Clarification is needed whether the water management strategy (quantity and quality) involves dedication to Council of any structures or the land on which they are located. If so they need to be identified and included in the VPA.</p> <p>If there are any such structures to be dedicated then as was mentioned in the previous section, they will impose a long-term maintenance liability on Council. The inclusion of a maintenance contribution in the VPA must be considered.</p>	<p>Water quality measures will continue to be addressed and managed at the detailed development application stage. There is no need to include these facilities in the VPA.</p>	<p>The additional information the proponent has provided does not adequately address the issue. Council maintains its concerns as outlined in the initial response.</p>
<p>7.8 Non-Core Lands Currently there is ambiguity about how the non-core landowners are able to contribute to the local infrastructure requirements. This is a major issue and must be resolved prior to any determination of the application to modify the Concept Plan Approval.</p>	<p>Agreed. Lendlease considers that all non-core landowners should enter into VPAs with the appropriate consent authorities to contribute to the delivery of local and state infrastructure.</p>	<p>Council maintains its concerns as outlined in its initial response. A letter of offer to enter into a new VPA which also addresses the Non-Core Land issues has not been received by Council.</p>