

8 November 2018

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### **Submission - Calderwood Concept Plan (MP 09\_0082 MOD 4)**

Dear Anthony

Thank you for the opportunity to comment on the proposed modification to the Calderwood Concept Plan (MP 09\_0082 MOD 4). The submission has been prepared by Council staff. Time constraints did not allow the submission to be endorsed by the full Council. With that said, Council acknowledges and is grateful for the extension of time granted by the Department to prepare and lodge this submission.

Council is consent authority for future development and subdivision applications as well as custodians of future open space and infrastructure assets. Through careful assessment and planning Council is striving to ensure the creation of a desirable, liveable residential community that is resilient, sustainable and economically viable in the long term.

To ensure the best interests of Council and the community are considered by the assessment officers at the Department of Planning it was imperative that Council forward a well-researched and detailed submission which contains concerns, queries or outstanding issues that Council has identified when assessing the application and its supporting information.

Having reviewed and carefully assessed the application as exhibited Council has identified a number of critical matters of concern. These matters were generally raised during a meeting between Council officers, the assessing officer (Casey Joshua) and yourself on 17 October 2018 and are discussed further in this submission.

The submission has seven main sections. A summary of these sections is contained below.

#### **Land Use Planning**

- 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.

- The proposed modifications to Lendlease's Statement of Commitments cannot be supported in their current form.
- The proposed modification to the Concept Plan Approval further moves the project away from the State Significant Precincts State Environmental Planning Policy (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.
- 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.

### **Water Cycle and Flood Management Strategy**

- 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.
- Some fundamental assumptions contained in the flood modelling are questioned including impervious to non-impervious ratios, which may have an impact on flooding behaviour.
- Changes to road infrastructure, such as bridges, have not been assessed for their potential flooding impacts.
- The proposed modification will result in a substantial increase in storm water treatment devices that Council will be required to manage and maintain.

### **Traffic and Transport**

- 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.
- 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.

### **Environment**

- 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.
- The Proponent has still not identified a clear pathway for the appropriate ongoing sustainable ownership and management of environmental lands
- It is considered that the proposal requires referral to the Commonwealth under the Environmental Protection and Biodiversity Conservation Act.

### **Open Space Provision**

- The proposed quantum, type, location and quality of additional open space and sporting facilities in its current form is unacceptable.

### **Assets and Maintenance**

- The maintenance by Council of the additional infrastructure required as a result of the modification may be financially unsustainable.
- 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.

### **Voluntary Planning Agreement**

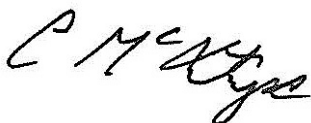
- The existing voluntary planning agreement between Council and Lendlease does not contemplate the magnitude of the proposed changes.
- While Lendlease have indicated their willingness to review the current voluntary planning agreement, Council is currently uncertain as to whether the appropriate type and level of community infrastructure required will be provided for.

Council would like to work with the Department of Planning and Lend Lease during the consideration and assessment of this application to ensure the best possible outcomes for the environment and the future Calderwood community are achieved in this area.

However, in light of the unresolved critical matters and other matters of concern raised in the detailed assessment of this application (see attachment), Council wishes to conclude that it is unable to support the application in its current form.

Should you require further information or clarification of these issues please contact Council's Senior Strategic Planner, Cheryl Lappin on (02) 4221 6128.

Yours sincerely



Carey McIntyre  
**General Manager**

**Attachment: Detailed Assessment and Comments – Calderwood Modification 4**