

## Revised Modifications to Conditions of Approval

The following conditions are modified as part of this [addendum RTS](#). All other proposed modifications to conditions remain consistent with the EAR [and PPR](#) submitted with Modification 4. The new deletions are shown in **red bold strike-through** and additions in **blue bold italics**. The reason for each change is also provided under each condition.

### Schedule 1 – Part A Project

Approval in summary for: Concept Plan for a development on approximately 700 hectares for approximately **4,800 6,000 principal** dwellings, 50 hectares of mixed use land, open space and land for environmental protections, and associated infrastructure.

Reason: To reflect the proposed increase in dwellings.

### Schedule 2 – Part A – Administrative Terms of Approval

#### Condition A1 – Development Description

(1) Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled “State Significant Site Study and Environmental Assessment Report – Calderwood Urban Development Project” dated March 2010, as amended by the “Preferred Project Report – Calderwood Urban Development Project” dated August 2010, prepared by JBA Urban Planning Consultants and ***Calderwood Concept Plan Environmental Assessment Report prepared by Ethos Urban dated July 2018, as amended by the “Response to Submissions and Preferred Project Report – Calderwood Urban Development Project” dated May 2019***, to facilitate the following development:

- a) Approximately **4,800 6,000 principal** residential dwellings
- b) Approximately 50 hectares of mixed use land ***for including*** a range of retail, commercial, ***residential, education, community*** and light industrial uses
- c) Open space and protection for environmentally significant lands
- d) Internal roads, service infrastructure and community facilities

Reason: To refer to the updated EAR and PPR, and to reflect the proposed increase in dwellings. The modification also seeks to make abundantly clear the range of uses permitted in the mixed use land which were described and described and approved in:

- Section 3.4 of the Consolidated Concept Plan Environmental Assessment Report,
- Sections 3 and 5.8 of the Director-General’s Assessment Report, and
- Condition B6 of the Notice of Determination, and
- are permissible with development consent in the B4 Mixed Use Zone.

The additional uses listed include residential, educational and community uses.

#### Condition A2 – Development in Accordance with Plans and Documentation

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
- “State Significant Site Study and Environmental Assessment Report – Calderwood Urban Development Project” dated March 2010, as amended by the “Preferred Project Report – Calderwood Urban Development Project” dated August 2010, prepared by JBA Urban Planning Consultants, Except ***for as*** otherwise provided by the Department’s modifications of approval set out in Schedule 2, Part B and further assessment requirements set out in Schedule 2, Part C ***and as modified by the Environmental Assessment Report prepared by Ethos Urban dated July 2018, as amended by the “Response to Submissions and Preferred Project Report –***

**Calderwood Urban Development Project” dated May 2019 and the revised Urban Design Report prepared by RPS and dated April 2020.**

- (2) ...
- (3) In accordance with Section 75P(2)(a) of the EP&A Act, where there is an approved Concept Plan, any approval given under Part 4 of the Act by Council, must be **generally** consistent with that Concept Plan.

Reason: To refer to the updated EAR and PPR.

Condition B6 Urban Design

- (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 ***the Development Control Strategy Appendix C 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:
- (a) public parks at least ~~0.3ha~~ **0.2ha** in size **and where the gradient of the site is less than 1 in 10**, or
  - (b) the Town and Village Centres **in the B4 mixed use zone, or**
  - (c) **where the dwellings are within the 800m walking catchment of the Town Centre.**

~~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.~~

**The consent authority may consider issuing a development consent for integrated housing which allows for the issue of a Subdivision Certificate before the construction of the dwellings is complete, subject to the following criteria being imposed as a condition of consent allowing the early release of the subdivision certificate:**

1. **The completion of all civil/ subdivision works to the satisfaction of Council’s Construction Engineer.**
2. **The submission of a valid Section 73 Compliance Certificate issued under the Sydney Water Act 1994 confirming satisfactory arrangements have been made for the provision of water and sewer services.**
3. **The submission of a valid notification of arrangement certificate from Endeavour Energy or other energy provider confirming satisfactory arrangements have been made for the provision of electrical services.**
4. **The submission of a valid telecommunications infrastructure provisioning confirmation certificate from the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of telecommunication services.**
5. **If required by a condition of consent; written confirmation from the relevant consent authority confirming that all applicable developer contributions have been paid. The written confirmation may be in the form of a receipt from Council.**
6. **The creation of a restriction on the title of all incomplete lots/ dwellings prohibiting development aside from the completion of the dwellings in accordance with the issued development consent. Separate development applications for dwellings on the lots created will not be accepted.**
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). ~~Where the dwellings have been partially constructed; the submission of a survey plan prepared by a Registered Surveyor confirming the location of the dwellings in relation to the proposed boundaries demonstrating compliance with the issued development consent.~~**
8. **The payment of a security bond to guarantee the completion of building works. The bond amount will be determined as part of Council’s consideration of the early release application (above).**

**9. The payment of all outstanding Council fees associated with the subdivision component of the development, including a security bond application fee.'**

**Reason:** To provide increased densities (integrated housing and small lot housing on lots less than 300m<sup>2</sup>) 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 VPA 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.

**Condition C5 – Traffic Assessment**

- (1) A detailed traffic assessment for each Stage is to be submitted with the relevant application for subdivision and infrastructure works, with regard to:
  - (a) Identification of the traffic generated by that particular stage of the development, having regard to the ***RTA Guide to Traffic Generating Developments the most recent revision of the WOLSH Tracks model including the revised development yield and corresponding Aimsun microsimulation model (incorporating transport demands extracted from Tracks)***.
  - (b) Existing capacity of surrounding road network and its ability to accommodate the development proposed within the Stage, including consideration of timing of the construction of the F6 extension and Tripoli Way Bypass.
  - (c) Identification of upgrades to the local roads required to accommodate that Stage.

**Reason:** The modelling of the road network is based on this model and it makes sense to model development applications in a consistent manner. Modelling on the basis of the APRB TRACKS trip generation rates better reflects the likely trip generation rates and traffic impacts as it is based on relevant data within the locality as opposed to the generic RTA trip generation rates which apply across all of NSW.

**C8 – Retail Floor Space**

The maximum retail floorspace for the Town and Village Centres shall be as follows:

- a) Village Centre – 5,000m<sup>2</sup>
- b) Town Centre – ~~20,000m<sup>2</sup>~~ **25,000m<sup>2</sup>**

**Reason:** To reflect the proposed increase in retail floor space in the Town Centre.

**~~C9 – Urban Design – Town Centre~~**

**~~Prior to the first application for development in the Town Centre, a strategy is to be developed and submitted to the Department of Planning for approval, to encourage the following:~~**

- ~~a) Minimisation of land use conflicts through distribution of uses including the consideration of noise, odour, air quality, hours of operation, parking and commercial waste.~~
- ~~b) Buildings should address and define streets providing a relatively continuous street frontage for safe and attractive circulation.~~
- ~~c) Maximise active ground floor uses as possible and entrances located directly off the main street.~~
- ~~d) Provide weather protections for pedestrians in public areas in the form of awnings, sails or other climate appropriate methods.~~
- ~~e) The creation of a high quality public domain, including equity of access~~
- ~~f) Appropriate setbacks to the cemetery.~~

**Reason:** - Further design criteria for the Town Centre have been inserted in the DCS which are submitted with the modification application for approval. The requirements of this condition are thus satisfied and it can be deleted.

## Condition C12 – Local Infrastructure Contributions

The requirements for local infrastructure **for all development carried out pursuant to this Concept Plan approval** shall be generally in accordance with the following **or as otherwise agreed with the relevant Council principles**:

- g) Community facilities – the following community facilities ~~as identified Appendix K of the Preferred Project Report~~ are to be provided:
  - a. A temporary community centre (approximately 120-150m<sup>2</sup>)
  - b. A permanent community centre (approximately **1,120m<sup>2</sup>** ~~900m<sup>2</sup>~~), including the dedication of 4,000m<sup>2</sup> land; and
  - c. **Monetary contributions towards library facilities, equivalent to 780m<sup>2</sup> floor space. Branch Library (approximately 626m<sup>2</sup>) adjoining the community centre.**
- h) Open Space – the following open space areas are to be provided:
  - a. A total of approximately **21.84ha** ~~17.36ha~~ of open space (made up of local parks, district parks and city-wide parks); and
  - b. Sports fields/active open space of approximately **21.96ha** ~~15.84ha~~,

Note: the area identified as Johnson's Spur and the ancillary open space areas (made up of drainage reserves and open space corridors reserves) are not to be included in the open space contributions.
- i) Local Roads – contribution towards the following road works are supported. The total cost, apportionment and timing of these works shall be determined in consultation with the Department of Planning, **Industry and Environment**:
  - a. Upgrade of Marshall Mount Road (referred to in the TMAP as 22, 23 & 24);
  - b. Upgrade of Yallah Road from Marshall Mount Road to Haywards Bay Drive (referred to in the TMAP as 25);
  - c. Upgrade to the intersection of Marshall Mount Road and Yallah Road (referred to in the TMAP as 36);
  - d. Construction of the Tripoli Way extension (referred to in the TMAP as 14, 15 & 16);
  - e. The construction of the intersection of Tripoli Way with the Illawarra Highway (referred to in the TMAP 30);
- j) Other Road Works – the following road works are needed to directly access to site and are therefore not to be included in the ~~S94 s 7.11~~ framework. These will be required as per conditions of approval and the timing will be determined as part of future subdivision approval.
  - a. The upgrade of Calderwood Road from the site boundary to Tripoli Way extension (referred to in the TMAP as 32) **to be delivered with the Town Centre Retail**;
  - b. Construction of the internal north-south sub arterial road (referred to in the TMAP as 33, 34 & 35);
  - c. Upgrade of the intersection of the Illawarra Highway and Yellow Rock Road to provide site access (referred to in the TMAP as 37).

Reason: To reflect the additional local contributions to be provided as part of the modified development.