

Council reference: MP 09_0082 MOD 4

10 June 2020

Lawren Drummond
Planning Officer, Regional Assessments
Planning & Assessment
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Email: www.dpie.nsw.gov.au

**Submission – Addendum to Response to Submissions – Calderwood Concept Plan
(MP 09_0082 MOD 4)**

Dear Lawren

Thank you for the opportunity to comment on the Preferred Project Report and Response to Submissions and now the Addendum to the Response to Submissions for the proposed modification to the Calderwood Concept Plan (MP 09_0082 MOD 4). As with Council's previous submission, this submission was prepared by Council staff and has not been endorsed by the elected Council. Council would again like to acknowledge and express its gratitude for the extension of time granted by the Department of Planning, Industry and Environment (the Department) to prepare and lodge this submission.

As stated in Council's earlier submissions to the proposed modification, Council is the 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, it was imperative that Council forward another well-researched and detailed submission which contains concerns, queries and outstanding issues that Council has identified when assessing the application and its supporting information.

Council officers have now reviewed and carefully assessed the Addendum to the Response to Submissions and have again identified a number of critical matters of concern. Most of these matters were raised in Council's previous correspondence and are discussed in detail in both, Council's detailed assessment and comments (**Attachment 1**) and the revised table summary of the Addendum to the RTS (**Attachment 2**), components of this submission. In this regard Council wishes to advise that it continues to object to the proposed modification in its current form for the following reasons:.

1. Revised Modifications to Conditions of Approval

- A number of revised Conditions refer to documents that may not be satisfactory in their current form.
- The removal of condition B6. Council recommends retention and rewording of particular conditions relating to the Town Centre.
- The proposed rewording of Condition C12(d)(a) needs to ensure certainty of standard and timing of delivery of the upgrade of Calderwood Road required by the condition.

2. Revised Statement of Commitments

The proposed deletion or rewording of a number of Statements of Commitments are not appropriate and are not able to be supported by Council.

The lack of a definition of proponent and the inconsistencies within the Statement of Commitments regarding landowner/applicant or proponent are needed to be resolved.

3. Revised Development Control Strategy

A number of definitions are required to be provided as well as amendments to the laneway provisions.

4. Water cycle & Flood Management StrategyFlood Risk

- Possible impacts on flood behaviour from the construction of the new blade wall near to Djindi Bridge remain unresolved.
- Flooding impact within the CUDP boundary due to the proposed development needs to be addressed.
- Flooding hazard on access roads in the 1% AEP event and PMF storm events. This restricted traffic access on critical roads in the PMF event could result in traffic safety issues.
- Structural soundness of existing buildings where the proposed lots are affected in the PMF event.

Water Sensitive Urban Design

- Inconsistencies exist in reports prepared by Cardno specifying the location of storm water treatment devices when compared to the locations proposed in the Water Cycle Management Study for this MOD4 application, again differing from the recommended locations submitted with a number of current Development Applications.
- The percent imperviousness in residential areas are considered too low and are likely to artificially reduce stormwater treatment required.

Need for flood detention basins

- Inconsistencies relating to detention basins – This matter has come to light following assessment of non-core DA's. The report prepared by JW Prince states that "Detention is not needed to reduce impacts downstream of CUDP as peak discharge flows have not significantly increased as a result of the development." However, detention basins are proposed for some of the Stages of CUDP. It is unclear whether the information from other consultants related with detention basins has been taken into consideration in this report. The management of stormwater requires the integrated design of detention basins and this must include consideration of current applications.

5. Traffic and Transport

Concerns raised previously by Council regarding the assumptions used in modelling have not been adequately addressed.

The standard and timing of the required upgrade of Calderwood Road should form part of Condition C12(d)(a) and the Statement of Commitments.

The upgrade of Calderwood must be carried out prior to occupation of the Town Centre Retail or by the end of year 2027 whichever occurs first. It is to be designed and constructed to a standard equivalent to a collector road adjacent to rural land, including safe pedestrian access and a minimum road reservation width of 22m which is required to resolve critical traffic safety issues.

6. Environment

Council continues to have concerns regarding the ownership and Management of Environmental Lands.

7. Open Space Provision

The proponent has not adequately addressed Council's previous concerns regarding the proximity, adequacy and suitability of the proposed additional open space areas.

The proponent has not addressed the implications of adjusting the provision of additional open space on non-core lands. These lands are not proposed to be developed by the proponent and are not in proximity of the area of increased density.

The implications of the required additional infrastructure on existing and/or future VPA's have not been adequately addressed.

8. Voluntary Planning Agreement/s

No Letter of Offer to enter into a revised VPA has been received by Council. Council has received a notice of intention to enter into negotiations (dated 4 May 2020) but this notice states that it is not a formal letter of offer. Council has also reviewed the proponents' Public benefits letter (dated May 28 2020) submitted to the Department.

The information provided fails to address the implications and co-ordination with regards to non-core lands and the proposed additional infrastructure located on those lands.

It is not possible to determine whether the proposed changes to the VPA arrangements as outlined in the Statement of Commitments are satisfactory to Council. The information provided by the proponent is not sufficient to ensure that the infrastructure needs generated by the additional dwellings will be adequately addressed through any new or revised VPA's.

It should also be demonstrated that all relevant landowners are agreeable to the commitments being made by the proponent on their behalf. The supporting documentation and proposed Statements of Commitments do not acknowledge infrastructure that serves demand across ownership boundaries e.g. community centre, district parks etc.

It is considered the Department should not determine the application until this issue is resolved to the satisfaction of Council. That would require....

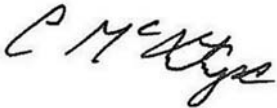
Conclusion

Council officers have undertaken a detailed review and assessment of the relevant documents and have identified a number of remaining critical matters of concern. These matters were mostly raised in previous submissions prepared by Council and are discussed further in this submission (please refer to **Attachments 1 and 2**). As a result, Council continues to object to the proposed modification in its current form.

Council would like to continue to work with the Department as well as the proponent 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.

Should you require further information or clarification of these issues please contact Council's Senior Strategic Planner, Cheryl Lappin on telephone (02) 4221 6127.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C McIntyre', written in a cursive style.

Carey McIntyre
General Manager

Attachment 1- Council's detailed assessment and comments

Attachment 2 - Revised table summary of the Addendum to the RTS