

17 July 2020

DPIE Request for Additional Information (26 June 2020)	Lendlease Response
Water Cycle Management	
<p>DPIE request clarification regarding the flooding impacts of the proposal. The additional flooding assessment is based on the new flood modelling but there is no clear comparison between the flooding impacts of the approved density (4,800 dwellings), versus the impacts of the proposed (6,000 dwellings).</p> <p>Could you please provide a comparative map(s) showing the flood depth and flood difference between the approved density development scenario (if fully developed with 4,800 dwellings as well as other commercial / community uses etc) and proposed density scenario (with the additional 1,200 dwellings / changes to schools etc). This would help clarify what the impacts of the proposed modification are.</p> <p>As part of this, we request the table on page 35 of Appendix F - Updated Water Cycle Management Post Exhibition Report provided with the RtS, be updated to provide the impervious areas for the approved development (4,800 dwellings) and the proposed (6,000 dwellings). Please also demonstrate any changes to the expected extent / depth of fill required in order to mitigate the flooding impacts / facilitate the change from 4,800 dwellings to 6,000 dwellings.</p>	<p>A response regarding water cycle management has been prepared by JWP and has been submitted under separate cover.</p>
1. <u>Intersection Upgrades</u>	
<ul style="list-style-type: none"> As indicated in your 'Public Benefits Letter' dated 28 May 2020, Lendlease (LL) proposes to enter into an amended or supplementary VPA with Shellharbour City Council (SCC) to accommodate the proposed increase in density of the subject site. This includes additional contributions for the upgrade of the Calderwood Road/Tripoli Way intersection from a roundabout to a signalised intersection. 	<p>Noted.</p>
<ul style="list-style-type: none"> The Department understands that the Illawarra Highway/Broughton Avenue intersection also needs to be upgraded from a roundabout to a signalised intersection. Please provide information and justification on how that upgrade will be funded or delivered. 	<p>Lendlease currently pays monetary contributions for the upgrades of roads in accordance with the State VPA. It is noted that Lendlease has already paid contributions for approximately 1,300 dwellings or approximately a quarter of the</p>

	<p>contributions payable under the current VPA. It is proposed to deliver the upgraded intersection in the same manner by way of an amendment to the existing VPA.</p> <p>In respect of delivering the works, the current VPA allows for either the payment of a monetary contribution or delivery of the works in kind under clause 6 Schedule 4 of the State VPA if both parties are agreeable.</p> <p>Lendlease would be willing to consider the delivery of the intersection as works in kind as part of the upgrade of Calderwood Road, subject to confirmation from the Department that Calderwood Road is to be upgraded as a 2 lane road, 3.5m wide and sealed shoulder in line with TMAP recommendation 32 and generally within the existing road reserve of 15.2m, and to be undertaken prior to release of a subdivision certificate for 5,281st lot (as indicated as appropriate timing in the TfNSW submission in Attachment 2).</p> <p>See also Cardno's letter of 10/7/20 in relation to the suitability of Calderwood Road upgrade as a 2 way, 2 land road configuration.</p> <p>Cardno has been working to revise the design such that the intersection is located within land owned by Lendlease and therefore does not require land owned by another party to be delivered. Please refer to the revised design prepared by Cardno provided as a separate attachment.</p>
<ul style="list-style-type: none"> The Department also notes the existing VPA between LL and the Minister for Planning and Public Spaces contains a rate for transport contributions that is based on an amount per hectare of net developable area. Please provide further information on how transport contributions will be increased to take into account the proposed additional 1,200 dwellings. 	<p>The only additional state infrastructure required to accommodate the proposed 1,200 dwellings is the upgrade of the Illawarra Highway/Broughton Avenue connection This can be addressed by way of an amendment to the existing State VPA to either:</p> <ul style="list-style-type: none"> Require a monetary contribution equivalent to the cost difference between the construction of a round about versus a signalised intersection, or For Lendlease to deliver the works in kind, subject to reaching agreement that Calderwood Road is upgraded as a two lane road. <p>It is noted that the upgrade is only required to be delivered prior to the 5,281 dwelling as per TfNSW submission. This could also be addressed in the amended VPA.</p>
2. Local VPA	
<ul style="list-style-type: none"> Once finalised with Council, the Department requests that LL provide a final letter of offer to Council to enter into an amended or supplementary VPA, consistent with the public benefits letter dated 28 May 2020. A copy of this offer must be provided to the Department. 	<p>Lendlease is preparing this letter and it will be submitted under separate cover.</p>

<ul style="list-style-type: none"> In the Addendum RtS, LL request a condition which requires LL to demonstrate that suitable arrangements are in place for contributions prior to the issue of a subdivision certificate for the 4,801st lot. The Department notes however that the proposed amendments to local infrastructure would affect development in SCC in the shorter term, including delivery of larger / new parks immediately and a larger community centre prior to the 3,000th dwelling. The Department therefore considers that the delivery of necessary infrastructure would likely be required well before the 4,801st lot. Further clarification regarding the staging of the development and associated delivery of infrastructure is sought. 	<p>The proposed modification generates the need for the following additional local infrastructure:</p> <ul style="list-style-type: none"> 10.6 hectares of open space in total across LGAs – the final location of the additional open space is to be consistent with the public domain plan in the Mod 4 application, the timing of delivery of the open space could also be addressed as part of the VPA negotiations. For example, the additional sports fields could form an additional stage to the delivery of that infrastructure or where local parks are to be delivered, the additional area is delivered at the same time as that park. Additional 220m² of community centre – Regarding the timing of delivery of the additional community space, this could be delivered at the same time as is currently required or as a later staged component. This could be discussed and agreed with Shellharbour Council as part of the VPA negotiations. Monetary contributions towards library facilities in Shellharbour – to be paid prior to the issue of a subdivision certificate as per the existing agreement. <p>There is also a requirement of the concept plan (condition C1) which requires a staging plan to be submitted with each application. This could further demonstrate that adequate local infrastructure is to be provided with each application and also provide indicative staging of future stages and provision of local infrastructure.</p>
<ul style="list-style-type: none"> The Department requests clarification on the obligations of the non-core landowners under the existing VPA. Specifically, what arrangements exist to ensure contributions are made and whether these would change under a proposed new or amended VPA. 	<p>As the Department is aware, any development consent that is granted for the subject site must be generally consistent with the terms of the approval of the Concept Plan.</p> <p>The non-core landowners are acting on the Concept Plan approval by lodging subdivision applications under Part 4 of the Act, and any resulting consents are therefore subject to the above requirement.</p> <p>The terms of approval of the Concept Plan relevantly include Condition C12 regarding local infrastructure contributions (i.e. community facilities, open space and local /other roads) and Statement of Commitment (SoC) No. 5 which requires the relevant landowners to enter into VPAs with the local Councils for the delivery of local infrastructure and facilities.</p> <p>The non-core landowners cannot rely on Lendlease to provide contributions on their behalf for the delivery of local infrastructure and facilities attributable to their respective proposed developments as this is not consistent with the current condition C12 of the Concept Plan nor is it reasonable. This is a matter for the non-core landowners to address with</p>

	<p>the relevant Councils.</p> <p>We understand, however, that the non-core landowners have executed VPAs with Wollongong Council and the Minister for Planning and that they are in ongoing discussions with SCC regarding the terms of proposed VPAs for the delivery of local infrastructure and facilities attributable to their respective proposed developments.</p>
3. <u>Public domain/open space</u>	
<p>Appendix M of the RtS shows some of the additional open space is proposed to be located within two of the non-core landholdings (NCLs) (Parks DP2, DP5/LP13, LP7). The Department seeks confirmation that these landowners have agreed to provide the additional open space. It should be noted that the 8F designation was introduced to resolve issues of landowners' consent where proposed changes to an approval do not directly affect other multiple landowners. However, direct changes to land not under the ownership of LL cannot be determined without the consent of the relevant landowner.</p>	<p>The Clause 8F Designation states that it is in respect of the project the subject of "Concept Approval for Calderwood (MP 09_0082) approved by the then Minister for Planning on 8 December 2010, and as subsequently modified". That approval (as originally granted and subsequently modified) relates to the whole of the Calderwood project site, not just the land owned by Lendlease. Accordingly, any application to modify that approval is subject to the Clause 8F Designation regardless of whether it affects land owned by Lendlease or others. In accordance with former Clause 8F, all that Lendlease is required to do from an owner's consent perspective for any modification application is to "give notice of the application... at any time before the application is made" (see clause 8F(3)(d)). Lendlease has complied with that requirement.</p> <p>It is noted that all of the open space shown with the Mod 4 documents is consistent with the open space proposed in each of the non-core landowner's development applications lodged with Shellharbour. Further we note that none of the submissions made by the non-core landowners objected to the location of the open space.</p> <p>Finally it is noted that notwithstanding the additional open space shown within the non-core landowners properties, they all still rely on the open space being provided by Lendlease, particularly in relation to active open space, to achieve the minimum provision rate of 1.83 hectares per 1,000 people.</p>
4. <u>Town Centre</u>	
<p>As justification for the modification partially relies on the amenity provided to the additional dwellings by the Town Centre, the Department seeks clarification on the minimum amount of retail floor space proposed in the Town Centre. It is the Department's view that between 20,000m² and 25,000m² of retail floor space should be provided.</p>	<p>Amenity in the town centre is not simply provided by the residential development component, but the mix of uses including the open space, public domain, the community centre and education precinct, together with the retail/commercial uses. The town centre will integrate with the open space network including the city wide park and the riparian corridor to the north. It will connect the pedestrian and cycle</p>

	<p>network and provide a transport hub.</p> <p>The Consolidated Concept Plan (March 2011) stipulates a maximum 20,000sqm of retail floor space in the town centre. It is not Lendlease's intention to define a minimum amount of retail floor space as the town centre is likely to be delivered in stages, with staging of the town centre addressed in both the updated Development Control Strategy (March 2020) and the updated Urban Design Report (April 2020).</p> <p>As any development must be generally consistent with the Concept Plan approval as required by Clause 3B(2)(a) and (f) of Schedule 2 of the EP&A (Savings, Transitional and Other Provisions) Regulation 2017, we consider this requirement is adequate to ensure future delivery of the town centre, as these provisions gives effect to the approved concept plan.</p> <p>Additionally, it would not be in the best interests in the current economic climate to impose further restrictions for development in the town centre as inherent flexibility is required to respond to market demand and the economic climate. Notwithstanding, if the Department seeks to introduce a minimum amount of retail floor space requirement in the town centre, it must be mindful that the town centre is likely to be delivered in economically viable stages.</p> <p>It is noted that Lendlease is no longer proposing to amend the maximum amount of retail floor space in the town centre and that it will now remain at a maximum of 20,000m².</p>
5. Mapping/Plans	
In the main 'Concept Plan' map, there are two additional 'orange coloured' 'Town and Village Centres: one on the Illawarra Highway and one on Marshall Mount Road. These appear to be mapping errors and should be removed.	Agreed, we note these are mapping errors. See updated 'Concept Plan' attached. Note however that the area on the Illawarra Highway is zoned B4
In the 'Residential Character Area' map the area coloured orange for town and village centre should be updated to reflect the zone boundaries. The Department considers this will reduce ambiguity and ensure consistency with Table 2 in the DCS – that the Town and Village Centre Development is to apply only to the B4 zone, rather than a general area near the B4 zone.	Agreed. – see updated plan attached.

6. Development control strategy (DCS)	
The Department requests the following amendments to the DCS:	
<ul style="list-style-type: none"> The 'Residential Character Area' map in the DCS should be updated as above. 	This change has been made as requested. See updated plan and DCS attached.
<ul style="list-style-type: none"> Figure 4 should be deleted. It contains indicative information that is not assessed or approved and is not required. 	This change has been made as requested. See updated DCS attached. Note, Lendlease included this in response to an earlier DPIE request to demonstrate where on site the location criteria integrated DA solutions were permitted.
<ul style="list-style-type: none"> In Section 1.3, the second paragraph should be deleted and replaced with something along the lines of: <i>'Location Criteria for small lot integrated housing within the General Residential Neighbourhood includes:</i> <i>(a) Sites directly opposite public parks at least 0.2ha in size and where the gradient of the site is less than 1 in 10, or</i> <i>(b) Sites within 800m walking catchment of the Town Centre as shown in Figure 3'</i> 	This change has been made as requested, refer to updated DCS attached.
In Table 2 Column 1, Typical Building Heights: delete the information in brackets; then after 'LC:1 – 3 storeys' add 'subject to the Maximum Building Heights identified in the SEPP'.	This change has been made as requested. See updated DCS attached.
Section 1.4: Subdivision Pathways should be deleted. The Department considers all subdivision is to be in accordance with the SEPP and Condition B6. Additional pathways are not supported.	This change has been made as requested. See updated DCS attached.
Please ensure the list of dwelling types in Section 1B / Table 5 / Appendix C all match up and are consistent as there are different names used (e.g. 'Courtyard' dwellings used in Section 1B / table, but no longer used in Appendix C).	The DCS has now reviewed the tables and dwelling layouts in Appendix C such that they are now consistent.
Tables 5 and 6: reductions in minimum lot sizes for Standard Residential Allotments below 300m ² are not supported and should be changed. The Department considers lots less than 300m ² are to be created as integrated development only. The lot sizes for Villas and Smart lots are to be updated accordingly and can still be delivered as Integrated Housing (i.e. the orange columns). Note 'n' Table 5 and notes 'e' and 'f' in Table 6 should be deleted. Appendix C should be updated to reflect the above changes.	These changes have been made as requested. See updated DCS attached.
Section 1.6.8: Solar Access: the proposed control for integrated development is not supported and should be deleted. The Department requires the retention of 3 hours of solar access to the private open space for integrated development.	This change has been made as requested. See updated DCS attached.