

9 November 2021

218439

Ms Kiersten Fishburn
Planning Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attn: Tahlia Sexton, Planning Officer

Dear Tahlia,

SECTION 75W TO CALDERWOOD CONCEPT PLAN – MP09_0082 (MOD 6)

This Environmental Assessment Report (EAR) has been prepared by Ethos Urban on behalf of Lendlease Communities in respect of a Section 75W modification to MP09_0082, being the approved Calderwood Concept Plan (Approved Concept Plan).

The modification seeks an administrative modification of Condition C14 of the Approved Concept Plan Conditions of Consent relating to the specified timeframe for amendments to the Voluntary Planning Agreement (VPA). This EAR describes and assesses the proposed modification to the Approved Concept Plan (MP09_0082) for the Calderwood Urban Development Project (CUDP).

This application provides background to the Approved Concept Plan and the CUDP, identifies the instrument of approval, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.0 Description of the Proposed Modifications

1.1 Proposed Modification

The modification seeks an administrative alteration of Condition C14 of the Approved Concept Plan Conditions of Consent. It is proposed to make the following change to the condition of consent. Deletions are shown in ~~**bold**~~ **strike-through** and additions in **bold italics**.

C14 State Infrastructure

Within ~~6~~ **12** months of the approval of Modification 4, the existing VPA with the Minister is to be amended to:

- (a) include delivery of a signalised intersection at Illawarra Highway / Tripoli Way / Broughton Avenue, and
- (b) change the timing for delivery of the land for Schools and the size of the land for schools in accordance with the details submitted with Modification 4.

1.2 Reason for Modification

The existing Condition C14 provides a timeframe of 6 months for the VPA to be amended and finalised to reflect the matters within Condition C14 (a) and (b). Due to the administrative process of the amendments to the VPA including obtaining sign off from all relevant parties, the 6 month timeframe as specified in the Approved Concept Plan is not achievable. Accordingly, this modification is seeking an additional 6 months to ensure the VPA can be amended and finalised in accordance with the Conditions of Consent.

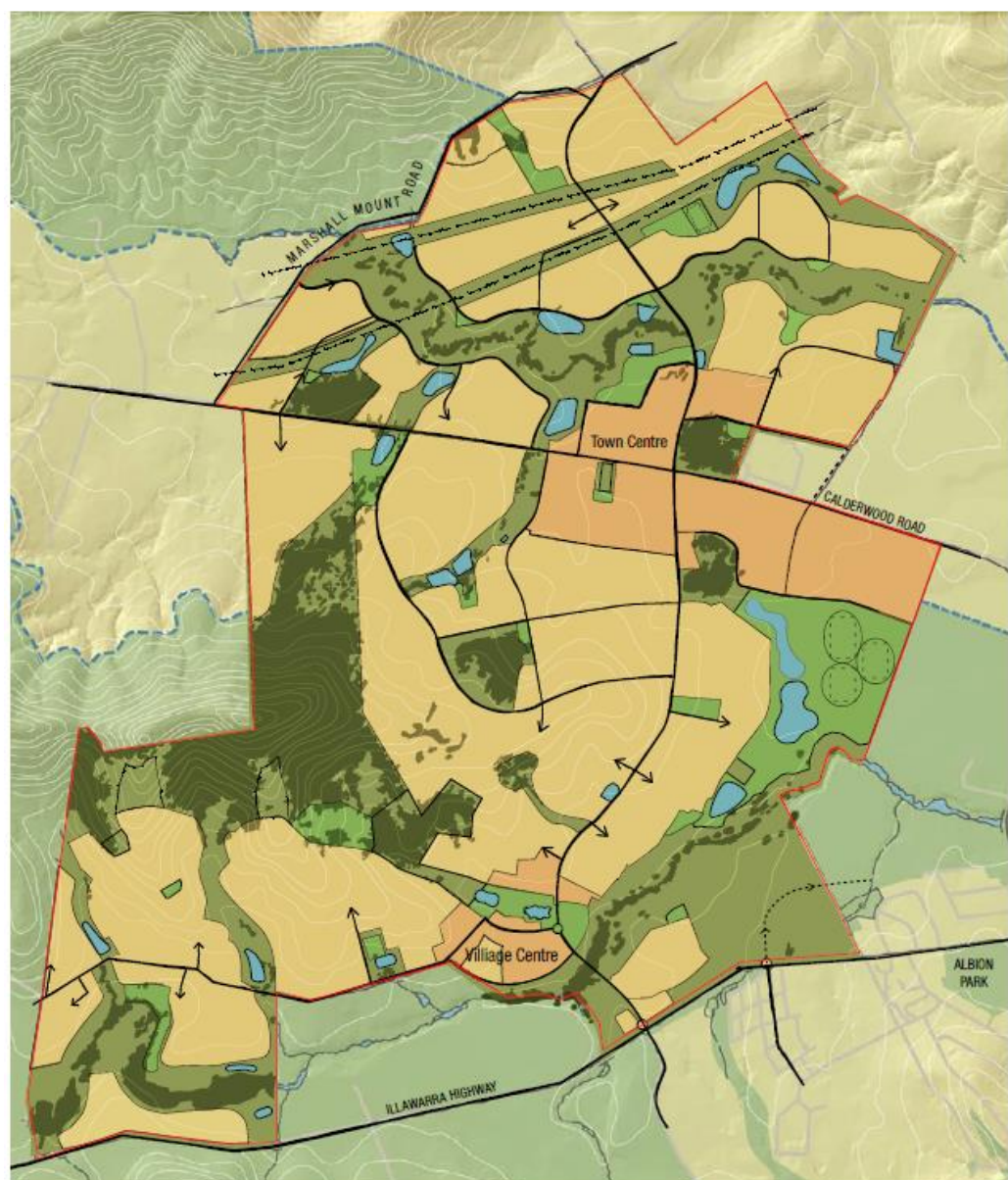
2.0 Background

2.1 Approved Concept Plan

On 8 December 2010 the Minister for Planning determined (with modifications) the Approved Concept Plan. The Approved Concept Plan provides for the development of 700 hectares of land at Calderwood (the project site) for approximately 4,800 dwellings and 50 hectares of mixed use/employment land. The Calderwood Project is to be developed in stages over a 20 year period. An aerial map illustrating the Approved Concept Plan is provided at **Figure 1** below.

The Approved Concept Plan has been successfully modified three times, as described below:

- Modification 1 (withdrawn): modification to Condition C12 Local Infrastructure Contributions to align with the Voluntary Planning Agreement between Lendlease and Shellharbour City Council and to reflect the findings of the Land and Environment Court of NSW (LEC) matter with respect to local contributions to be made to Wollongong City Council.
- Modification 2 (approved on 27 March 2018): Confirmation that no minimum lot size applies to the subdivision of special subdivision areas of the CUDP site, being the riparian/environmental corridors and environmental reserves to enable dedication of public infrastructure to the relevant council in a timely and efficient manner. The Notice of Determination for this modification is provided at Appendix C.
- Modification 3 (withdrawn): amendments to Condition B6 to clarify locational criteria for integrated housing, timing for subdivision of integrated housing and various minor amendments to the DCS.
- Modification 4 (approved on 21 May 2021): increase number of dwellings permitted from approximately 4,800 to approximately 6,000, allowing for reduced residential lot sizes in certain areas, increased open space and community facilities, and other related changes.
- Modification 5 (approved on 6 March 2020): permit subdivision of the land into lots of just over 2000m² size, to permit a residential housing estate on the site, which includes E3 Environmental Management zoned portions.



Concept Plan (MOD 4 PPR)

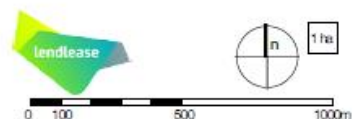


Figure 1 Approved Concept Plan

Source: Consolidated Concept Plan, May 2019

2.2 Approved Stage 1 Project

The Approved Stage 1 Project (MP09_0083) for 320 residential lots, site preparation works, road works and utility provision, landscaping, open space, hydrological works, village centre and advertising structures was approved by the NSW Land & Environment Court under section 75J(1) of the EP&A Act on 23 September 2013. The Approved

Project relates to the first stage of subdivision within the area of land known generally as the Calderwood Urban Development Project. The Approved Stage 1 Project has been modified three times.

2.3 Legislative Context

Following approval of the Concept Plan, on 14 January 2011 Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (now the State Significant Precincts SEPP) was amended to establish zoning and other planning controls for the CUDP.

The Approved Concept Plan comprises the plans, drawings and documents cited by the proponent in its Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the modifications and further assessment requirements set out in Schedule 2 of the Concept Plan notice of determination. A Consolidated Concept Plan was prepared in March 2011 that includes the approved Concept Plan documentation. Together, the planning controls at Schedule 3 of the State Significant Precincts SEPP and the Approved Concept Plan, as modified, establish the statutory planning regime for the development of the CUDP.

As per Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, the CUDP is a transitional Part 3A project, and repealed Part 3A continues to apply. The request to modify MP09_0082 was lodged prior to the 'cut off date' specified in clause 3BA and therefore the Approved Concept Plan can be modified under Section 75W.

3.0 Site analysis

3.1 Site context

The CUDP is located within the Calderwood Valley in the Illawarra Region. It is approximately 700 hectares in area with approximately 107 hectares of land in the Wollongong Local Government Area (LGA) and the balance located within the Shellharbour LGA. The site's regional context is shown at **Figure 2**.

The Calderwood Valley is bounded to the north by Marshall Mount Creek (which forms the boundary between the Shellharbour and Wollongong LGAs), to the south by the Macquarie Rivulet, to the south-west by Johnston's Spur and to the west by the Illawarra Escarpment. Beyond Johnston's Spur to the south is the adjoining Macquarie Rivulet Valley within the suburb of North Macquarie. The project site extends south from the intersection of North Marshall Mount Road and Marshall Mount Road to the Illawarra Highway.

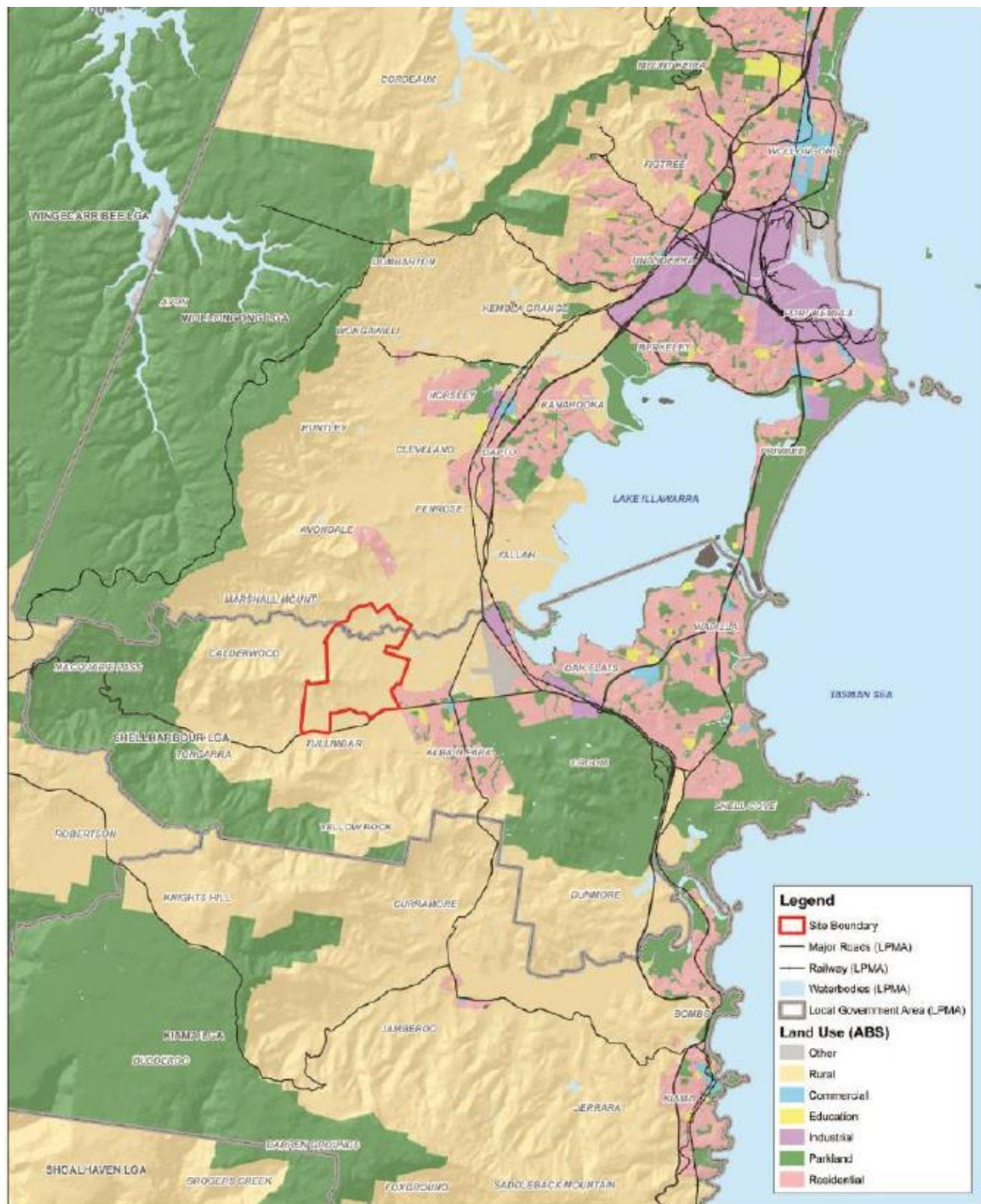


Figure 2 Site Location

Source: Lendlease Communities

3.2 Site Description

The CUDP has a total area of approximately 700 hectares. Delivery of the CUDP has commenced, with the following key elements construction:

- The temporary community centre called 'The Sprout Hub' has been constructed;
- Two local parks: Flame Tree Park and Pine Tree Park have opened in Stage 1; and
- Fig Tree Park is soon to be completed, also in Stage 1;
- Djindi Bridge over the Macquarie Rivulet has been constructed;
- New Route 75 bus service from Shellharbour to Calderwood Valley is operating;
- A new roundabout and entry on the Illawarra Highway has been constructed; and
- Approximately 1,250 dwellings have been approved with approximately 800 dwellings being occupied.

An aerial photo of the project site is at **Figure 3**.

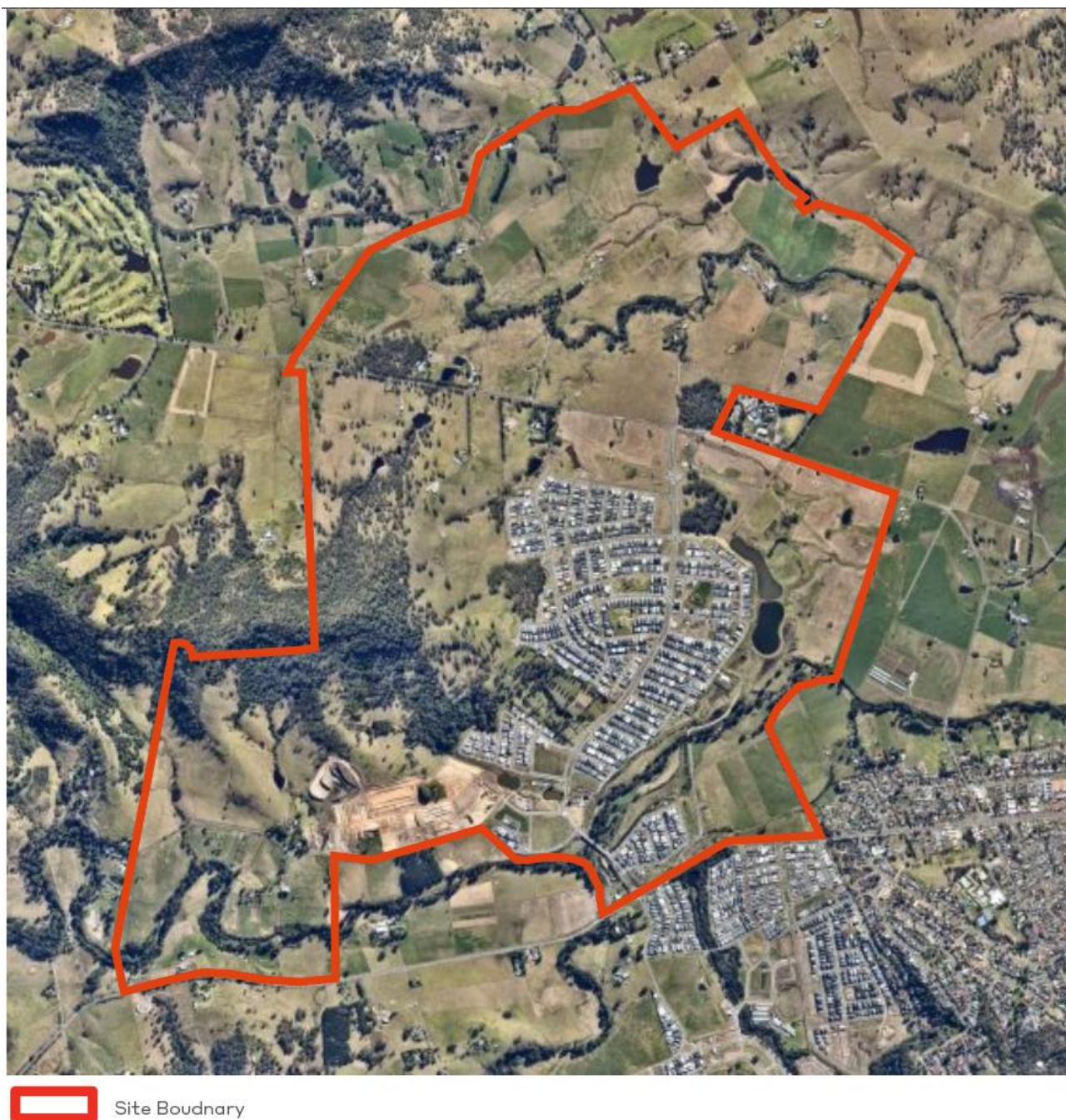


Figure 3 Aerial Photograph

Source: Nearmap / Ethos Urban

3.3 Surrounding Development

Development surrounding the site is still predominantly rural in nature as can be seen in the aerial photograph at **Figure 3**. However, since the concept plan was approved the following development and further planning in the surrounding locality has occurred:

- The first stages of the Tullimbar Development have been constructed to the south of the site – approximately 300 dwellings.
- Stage 5 Yallah Marshall Mount at West Dapto, north of the CUDP, has been rezoned. Approximately 1,000 hectares of land was rezoned from rural to a mix of residential, business, environmental, open space and industrial zones.
- The Tallawarra Concept Plan was approved in May 2013 which provides for the development of approximately 1,000 lots and 200 dwellings in a retirement village. A modification application has been lodged with the Department of Planning and Environment to increase the yield of the development up to a total of 1,480 lots.
- The Albion Park Rail Bypass has been approved by the Department of Planning and Environment (SSI 6878). The project will complete the missing link for a high standard road between Sydney and Bomaderry (just north of Nowra).
- Shellharbour Council has finalised its planning of the Tripoli Way Extension which is the future bypass of Albion Park that runs parallel to Tongarra Road.

4.0 Planning and Environmental Assessment

The assessment has been prepared to address the matters relevant to the proposed modification. The key assessment matters are as follows (as considered in the most recent Modification 4 which introduced the subject Condition C14):

- Density;
- Residential character area;
- Town Centre character;
- Traffic, transport and road infrastructure;
- Flooding;
- Stormwater management and water quality impacts;
- Ecology and biodiversity;
- Open space provision;
- Schools; and
- Economic and social impacts.

The proposed modification is solely administrative and will not have any impacts on the key assessment matters listed above and will not impact the intended outcomes of the Approved Concept Plan. Accordingly, the proposal will ensure the Concept Plan remains consistent with the applicable development standards and planning controls of the relevant Environmental Planning Instruments, policies and guidelines as approved.

The proposed modification to Condition C14 does not amend the agreed items within the VPA. It will allow the VPA to be amended and finalised in the specified timeframe. This will ensure the outcomes of VPA as specified in Condition C14(a) and (b) of the Approved Concept Plan will be delivered.

5.0 Conclusion

This Section 75W Modification Application seeks an administrative modification to Condition C14 of the Approved Concept Plan, relating to the specified timeframe for amendments to the VPA.

The proposed modification will not give rise to any adverse environmental, social, economic, or operational impacts. We therefore request that the Minister or their delegate approve the Modification Application.

We trust the above provides sufficient information to undertake an assessment of the application. Should you have any queries about this matter, please do not hesitate to contact me at ccurtis@ethosurban.com.

Yours sincerely,



Mercedes Janecek
Urbanist, Planning
mjanecek@ethosurban.com



Christopher Curtis
Principal, Planning
Ccurtis@ethosurban.com