

Memorandum



To:	Southern Regional Planning Panel Chair
CC:	Lisa Miscamble – General Manager Nancy Sample - Manager Development Assessment Peter Malloy – Senior Town Planner
From:	Geoff King – Director Communities and Place
Subject:	SRPP - Request for further information
Date:	17.05.2022
File Number:	DA 20/0227

Ms Brooks,

We provide the following as a consolidated response to the information requested by DPE Letter (26 April 2022) and by the Record of Briefing (28 April 2022) relating to DA 20/0227.

Many of these issues involve specialised areas, and have been previously considered to some extent by the original assessment (27 August 2019), the supplementary assessment report (13 October 2021).

Given the timeframes, the additional information provided is essentially a summary in most cases of previous assessment processes or expert reports, updated with internal officer feedback.

Council has not had any in depth discussions with DPE regarding the draft Conditions of Consent, nor any written feedback on this issue. It would be appreciated (given Council's current limited resources) if reasonable notice could be provided if further review of these elements is required.

Information requested (DPE letter of 26 April 2022).

The Panel has reviewed the information provided to date and is seeking information from Council on the matters outlined below:

a. The following documents:

- i. Detailed Environmental Site Assessment prepared by Harvest Scientific Services dated 13 October 2020 – **Provided 27/04/22**
- ii. Flooding report referred to in Council's engineering referral. **Provided 27/04/22**
- iii. Integrated Water Cycle Management report prepared by Orion Consulting dated 5 March 2020. **Provided 27/04/22**
- iv. Moss Vale – Traffic Model Audit Report prepared by Transport Modellers Alliance dated January 2021 **Provided 27/04/22**
- v. Agency consultation letters and General Terms of Approval from NRAR (if not already on the ePlanning portal) **Provided 27/04/22**

vi. Revised staging plan provided to Council on 3 December 2021 referenced in the Premise covering letter to the agreement to Council dated 23 February 2022. **Provided 27/04/22**

b. Advice on consultation which was undertaken with local service providers, particular the local energy provider in relation to Section 2.48(1)(d) of SEPP (Transport and Infrastructure) 2021.

Response:

Endeavour Energy were not notified by Council of DA 20/0227, as the assessing officer considered that the proposed development did not trigger Cl. 45 of the Infrastructure SEPP 2007 which was in place at the time of lodgement (2019).

Notwithstanding the above, the applicant (via its consultants) has provided evidence that they have undertaken consultation with Endeavour Energy including:

- Connection service application for the SPS and ISTP
- Certified plans – Electricity Supply for Chelsea Gardens
- Letter of intent Electricity Supply for Chelsea Gardens submitted to EE 21/02/22
- Certified plans - Substation No. 54998 (supply to Sales and Information centre and up to 550 Lots)
- Infrastructure report – which indicates that the 1st feeder work bolsters the local network such that there will be sufficient supply for the 1st 550 Lots in Chelsea Gardens, after which the 2nd feeder work will be required to provide for the remainder of the Chelsea Gardens Development.

Endeavour Energy are aware of the project as a result. Consultation can be expedited or conditioned if required.

c. Schedule of contributions.

Provided 27/04/22. Council generally generates this schedule as a last step in the process, to avoid any confusion about current rates and version control. **The most recent calculation is attached.**

d. Details of Council's consideration (including the documentation/modelling which was reviewed) of the potential traffic generating impacts of the proposed concept plan on the local road network to demonstrate whether or not the local road network is capable of absorbing the traffic generated, including network capacity and current road alignments.

Response

This issue has a long history and involves complex technical modelling assessments. As with the temporary STP, Council has been dependent to a large extent on the specialised skills of agencies and consultants. TfNSW advised on 15 May 2020 that it was satisfied with the microsimulation modelling undertaken using AIMSUN and did not require any further scenarios to be tested using AIMSUN.

The Proposed Local Road Infrastructure (Based on the Cardno AIMSUN modelling) was presented to Council November 2020 and audited by Transport Modellers Alliance (finalised February 2021). The most recent

response from Cardno (11/06/2021) to the audit report by Traffic Modellers Alliance ('TMA') prepared for Council is attached.

The proposed local road works included:

- Summary of local road upgrade proposals (for 9 locations) and the stages when these works would likely be required
- Agreement and concept design to construct a small roundabout at no cost to Council at the Yarrowa Road / Spencer Street / Darran Road intersection.

It was agreed between Council and the applicant mid-2021 that the traffic modelling would be finalised prior to approval of any future subdivision stages.

Council confirmed in October 2021 that the review reaffirmed the ability to deal with the matters raised by the TMA post determination of DA 20/0227 but prior to any approval of future detailed subdivision stages. Council staff suggested that the model be conditioned to be progressively reviewed and updated before each stage to test assumptions against actual data and adjust solutions.

Concept subdivision component conditions include conditions addressing Traffic Impact Assessment reports for the Development Applications for future stages, a Bus Route Strategy Plan for proposed public bus routes within the precinct and its connection to the existing routes in the area, closure of Shelly Road to the Moss Vale Golf Course western boundary, construction of Fitzroy Road and associated drainage works from the intersection of Illawarra Highway and Fitzroy Road to the eastern boundary of Stage 5, and upgrades to the Local Road Network.

The assessment report recommended future development applications for subdivision within the concept residential subdivision component of the site (outside the Stage 1 subdivision area), addressed the local road network, including the performance of / need for upgrade of the following, at the appropriate stage as identified in the Traffic Impact Assessment Report for the whole of the development precinct (included from the original assessment report of 27 August 2019):

- a) The intersection of proposed subdivision road, Villiers Road and Hill Road.
- b) The intersection of proposed subdivision road, Daylesford Drive and Lovelle Street.
- c) The intersection of Lovelle and Spencer Streets.
- d) The intersection of Arthur Street and Mack Street.
- e) The intersection of Mack Street and Kirkham Street.
- f) The intersection of Yarrowa Road and Mt Broughton Road.
- g) Fitzroy Road from Illawarra Highway to the eastern boundary of Stage 5.
- h) Construction / widening of Yarrowa Road from the existing end of kerb and gutter in the vicinity of 35 Yarrowa Road to its intersection with Mt Broughton Road.

These were addressed by the draft conditions of consent.

Further information on this issue was provided in the supplementary assessment report (13 October 2021) which includes Council comment of further information submitted by the applicant (18 August 2021).

These indicate that Council officers have no real concerns regarding the impacts of Stage 1 (with the proposed works). Council's internal traffic engineers commented that a "no risk" conclusion regarding the timing and level of impact on each of the local road network intersections over time would require an updated model. This risk mitigation could be achieved in several ways, including the proposed model review and adjustments at subsequent DA stages.

e. Confirmation of the land ownership arrangements for the provision of the future road which would link the proposed internal road within the subject site to the proposed new roundabout at the intersection for the Illawarra Highway, Fitzroy Rd and Throsby Park Rd under the State VPA.



The proposed road layout is linked to the proposed Illawarra Hwy intersection via current unformed road reservations (Shelley Road and Fitzroy Road). In this context, the risks of achieving the link road appear minimal as land is already reserved for this purpose.

f. Comment on the Applicant’s response to a request for information made 26 April 2022 concerning the future ownership and use of the area of land in the north-east section of proposed Stage 3A within the special character area (Drawing No SK33 dated 30/9/21) labelled “managed lands”.



This is the original drawing which was part of the reported proposal– agreed between the Applicant and Council (dwg SK33), which identifies “managed lands”.



This is the current, amended (and agreed plan). The only fundamental change is the dedication of land for a second reservoir (agreed as part of the water supply strategy), rather than as a residential lot. Council supports this proposal.

g. Confirmation that Council is satisfied the water and sewer servicing strategy for the development (including the ultimate development potential) meets the requirements of clause 2.11 of the Moss Vale Township DCP (Chelsea Gardens Commungie Precinct) and that Scheme Plans for water, sewer and stormwater services meeting the requirements of clause 2.11 of the DCP have been approved by Council.

As set out in the Memo WSC – final agreed information for water and sewer infrastructure delivery - from WSC to DPE 8 April 2022, Council staff have considered these issues at length in consultation with the applicant and the proposed staging. Council confirms that the staging for sewer and water as set out in the agreement and appendices provided meet the requirements of Clause 2.11 of the Moss Vale Township DCP (Chelsea Gardens Commungie Precinct) and address the previous requests for further information.

Information requested (Record of briefing Thursday, 28 April 2022).

Applicant to provide:

1. Technical expert advice on any amendments required to the proposed arrangements for the stage 1 sewer service strategy in light of:
 - a. Limitations identified in the DWA Final Report section 3.1.2
 - b. Change of service provider to True Water Australia from the provider of the Package Wastewater Treatment System Assessment Report (Aerofloat, 2020)
2. Addendum to the Statement of Environmental Effects assessing the impact of any amendments arising from technical advice in point 1 above.

Council to provide:

5. Comment on the material received from the applicant under points 1 and 2, in light of the DWA Final Report section 3.1.2.

Much of the material is complex and technical. It is worth re-stating that Council approved a deferred commencement application for an Interim Wastewater Treatment System (IWTS) on 24 February 2021 (21/0772). The development application was referred to Water NSW for concurrence under Clause 11 of the Sydney Drinking Water Catchment SEPP. Concurrence was received on 10 February 2021, with Water NSW agreeing that Council can grant development consent subject to conditions. The assessment report concluded that the IWTS has a capability of treating sewage flows from up to 385 residential lots with a neutral or beneficial effect on water quality.

In this instance, Council has relied to some extent on the expert reports and the concurrence of Water NSW to assess the IWTS DA, and clearly reached a conclusion as part of that assessment that the IWTS was sufficient to meet the requirements of the initial stage(s), until the upgrades to the Moss Vale STP could be delivered. The change in service provider and the addendum to the Statement of Environmental Effects raise no additional concerns, assuming that the conditions of consent from DA 21/0772 are complied with.

Given this context, Council has no specific issues with the response from the applicant with relation to points 1 and 2.

6. Advice on whether it supports the proposed sewer easement arrangements.

Councils supports this approach, and it is in line with our standard subdivision easements requirements. The proposal for a second easement for developer infrastructure maintenance, with a sunset clause on the transfer of the assets is a pragmatic and practical solution.

Regards

A handwritten signature in black ink, appearing to read 'Geoff King', with a stylized flourish at the end.

Geoff King
Director Communities and Place
17/05/22

