



2 May 2013

Calderwood Stage 1 Project Application

The PAC determined to refuse the subdivision application of Calderwood Stage 1 on 17 April 2012. The reasons for the refusal are detailed in Schedule 2, Appendix 2 of the Determination Report (Attachment 1).

Although the Department recommended the application to be approved subject to conditions, there were issues of concern to the PAC, particularly flooding. The PAC had requested clarification and additional information from the proponent, Lend Lease, and the Department prior to its determination. The PAC had considered the additional information provided by both parties at the time. However, its review concluded that the additional information had not adequately addressed its concerns, particularly in relation to flooding. The application was determined based on the information available at the time.

Lend Lease (the proponent) lodged an appeal to the Land and Environment Court against the Commission's determination. The application is now in the hands of the Court which will determine whether the application should be approved based on the information **available now**.

The PAC has engaged Mr Drew Bewsher (flood expert) and Ms Clare Brown (planning expert) to provide expert evidence to assist the court process. Following consultation with the Office of Environment and Heritage, Mr Bewsher recommended certain requirements to be included in the draft Development Control Guide (similar to a DCP) and conditions to be imposed to ensure the issue of flooding is properly addressed if the application were to be approved. The draft Development Control Guide and the recommended conditions are with the Court.

The PAC has carefully considered the advice from its experts (see attachments 2 to 4) and the information that is now available through the court process. The new information includes modification to the proposed subdivision layout to ensure no off-site flood impact, the preparation of a detailed Development Control Guide and appropriate section 94 contribution to address the demand on services and infrastructure as a result of the development. Whilst the PAC's determination has not been reversed, it considers the totality of the new information that is available now will adequately address its concerns in refusing the application in April 2012.

Attachment 1 – PAC's reasons for refusal of the Application in April 2012

Attachment 2 - Memo dated 24 February 2013 from Ms Clare Brown (APP) to Mrs Paula Poon (PAC Secretariat) Re Calderwood Stage 1 Project Application

Attachment 3 – Letter dated 3 March 2013 from Mr Drew Bewsher to Mrs Paula Poon Re Hydrology and Flooding Advice

Attachment 4 – Draft diagram indicating expected floodway widening to address flooding issue (A detailed modified subdivision plan, as submitted by Lend Lease, is under consideration by the Court.)

Enquiry: Mrs Paula Poon
Phone: (02) 9383 2101
Email: paula.poon@planning.nsw.gov.au