

9 May 2017

Modification Assessments  
Department of Planning and Environment  
320 Pitt Street SYDNEY 2000  
GPO Box 39  
**SYDNEY 2001**

**Attention: Anthony Witherdin**  
**Natasha Harras**  
**Jane Flanagan**

Dear Sir/Madam

Thank you for the opportunity to comment on the JBA Response to Submissions Letter dated 3 April 2017 and prepared for Lend Lease as part of the S75W to the Calderwood Concept Plan – MP 09\_0082 (MOD 2) Calderwood Urban Development Project.

The following submission has been prepared by Council Officers and has not been adopted by Council.

Shellharbour Council wishes to advise that the proposed changes to the modification and detailed responses to issues raised in our previous correspondence dated 23 December 2016 do not adequately address our concerns. Subsequently, Council does not support the proposed modification and again requests a meeting to discuss the issues raised.

The possible fragmentation of E2 and E3 lands into multiple private ownerships with dwelling entitlements either on the land (E3) or on adjoining consolidated residential land (E2) creates unacceptable ongoing long term maintenance and management concerns for Council. The absence of a minimum lot size whilst enabling flexibility during the staging of the development, fails to ensure any certainty that these areas will not be fragmented into multiple ownerships and subsequently be unable to meet the objectives of the zone and function sustainably.

A more appropriate mechanism to address the certainty sought by Lend Lease may be to modify Part 28 Calderwood site Minimum Lot Size mapping layer of the *State Environmental Planning Policy (State Significant Precincts) 2005* to designate minimum lot sizes based on the known areas of the site zoned E2, E3

and RE1. These can then be factored in to the various stages of the development during the orderly roll out of the subdivision.

Therefore, the following issues and concerns as stated in our previous correspondence remain.

1. There is no proposed change to Cl. 18(4) to Part 28 – Calderwood within *State Environmental Planning Policy (State Significant Precincts) 2005*.

Cl. 18(4) states:

*Despite any other provision of this Part, development consent must not be granted for the subdivision of any land in the Calderwood site if the subdivision would create a lot smaller than the minimum lot size permitted for the land immediately before the commencement of this clause.*

It would appear that this MOD 2 is proposed following a condition of consent that has been imposed on DA663/2015 – Stage 2B requiring the residue lots that are uncoloured on the lot size map be consolidated to achieve 40 hectares' minimum lot size in accordance with SLEP 2000 for subdivision in the Rural 1(a) zone.

It is noted that the applicant does not seek to modify this clause, which appears to prohibit all subdivision less than 40 hectares at Calderwood. It has been used to prevent the fragmentation of the riparian zones and open space networks that are on the Rivulet flood plain.

2. The proposal to have no specific minimum lot sizes is not supported. The applicant should prepare a specific lot size map for all parts of the uncoloured area.
3. Any lot created must
  - a) have no dwelling entitlement.
  - b) have a restriction on title requiring the land be kept in the ownership of Lend Lease unless Council approves the dedication of the land for the purpose of a reserve. This is required to ensure that Statement of Commitment No. 4 is not undermined.

Statement of Commitment No. 4 states:

*The Proponent will dedicate the riparian corridor and adjoining open space/drainage lands identified as Items E2 01, 02 and E2 03, and RE1 01-02, RE1 04, RE1 09, RE112, RE115, RE1 22 and RE1 28 on the Land Ownership Options Plan included at Appendix I of the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated August 2010 to the Department of Lands free of cost and "under reserve" on a stage by stage basis, subject to the*

*agreement of the Department of Lands to take ownership of this land.*

*If the Department of Lands does not agree to take ownership of this land, subject to the underlying land use zone, the Proponent will identify a suitable alternative public or private land ownership option at the relevant subdivision stage. Any land to be transferred into public ownership in accordance with this commitment will be subject to an identified management regime. The land will only be transferred upon completion of any agreed embellishment and a suitable period of maintenance (eg 3 years).*

- c) Any lot created must not be able to be consolidated with any adjoining residential allotment.
- 4. The applicant's justification that it is not practical to consolidate the E2/E3 zoned residues as subdivisions progresses is not substantiated. Specific minimum lot sizes should be implemented for different E2/E3 zoned areas to prevent its fragmentation, and the proposal to permit dwellings and ecotourism on E3 zones that are contiguous is not supported.

The areas that are uncoloured on the lot size map were never intended to be developed, whereas other part of the Concept Plan area specify minimum lot sizes for the E3 zone (shaded maroon and red) and it is those areas that were identified as being permissible for dwellings, B&B and ecotourism only. In this regard B7 should be adjusted as follows:

***Condition B7 – Riparian and Environmental Reserve Land***

*The land identified on the Special Subdivision Area plan prepared by Lendlease and dated November 2016 may be subdivided irrespective of the size of the lots that are created.*

*However, development consent must not be granted for a residential purpose or for an ecotourism facility on land identified on the Special Subdivision Area Plan that is zoned E3 Environmental Management unless the size of the lot is equal to or greater than the relevant contiguous area of land zoned E3 Environmental Management as at November 2016.*

Should you require further information or clarification of these issues or wish to arrange the requested meeting please contact me on 42216127.

Yours sincerely



Cheryl Lappin  
Acting Group Manager City Strategy

