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1 September 2017

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

Attention: Mr Anthony Witherdin

Dear Sir,

**RE: CALDERWOOD URBAN DEVELOPMENT PROJECT
FURTHER RESPONSE TO SUBMISSION RELATING TO THE MODIFICATION TO THE CALDERWOOD
CONCEPT PLAN (MP 09_0082 MOD 2)**

RBWI Pty Ltd has exchanged contracts to purchase the Blissett Farm, 269 North Macquarie Road, North Macquarie, Lot 1 in DP 558196 for the purposes of developing a residential estate.

Whilst the subject site is not part of the specific Lendlease holdings, the Blissett family had been supporters of Lendlease in its Calderwood Valley Project and their farm was also subject to the State Significant Site listing and Major Project Approval under the Calderwood SEPP.

We write on behalf of Mr Kevin Blissett in relation to the proposed Section 75W modification to the Calderwood Concept Plan ("**Mod 2**").

We wish to make further comment on responses to submissions following a Pre-Lodgment Meeting held with Shellharbour City Council on 30 August 2017.

At the Pre-Lodgment Meeting with Council, it was acknowledged in relation to the 1.5 ha parcel of E3 land on the Blissett landholding that, from the perspective of urban design, having one large block surrounded by residential lots is a poor planning outcome, and fails to adequately correspond to the context of the surrounding development.

Notwithstanding, Council officers flagged legal difficulties in preparing a DA under the SEPP itself, presumably clause 18 (1) (3) which requires **any lot** from a subdivision to be not less than the minimum lot size. We had assumed that we complied with such a provision as all of our residential R1 zoned lots would be greater than the 350m² minimum and there is no effective size for the E3 land. Council Officers advised that without a minimum lot size, SLEP 2000 would prevail which prescribes a 40ha minimum for E3 land.

Council officers reiterated the comment made in Council's recent letters to the Department in regard to Mod 2, viz:

- *"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."*

The above argument leads Council Officers to form the conclusion that none of the Blissett farm can be subdivided under the current SEPP/Concept Approval as it would result in the creation of a lot containing E3 land less than the minimum lot size of 40 ha.

This would seem to be an unsatisfactory outcome that would not only frustrate the majority of the remaining Calderwood Project but also, on the face of things, make illegal the existing approvals on the Keyes, Borjeson and Swan properties (which have now been fully built) and, like Blissett, have a variety of both development and conservation zones.

Unlike Lendlease, the Blissetts (and RBWI) do not have any other E2 or E3 land to undertake a similar consolidation as envisaged in Council's consent condition for Lendlease's Stage 2B, thus preventing the delivery of the Approved Concept Plan in regards to the Blissett landholding.

We therefore support the objective of the Mod 2 proposal to address the minimum lot size problem identified at the Pre-Lodgement meeting, *to ensure the orderly, efficient and timely implementation of the development that has been approved under the Calderwood Concept Plan by explicitly providing for the subdivision of certain land comprising riparian / environmental corridors and environmental reserves in order to both create the boundaries of adjacent developable areas.*

We would note however that the E3 land in the Blissett landholding is neither a *riparian/ environmental corridor* or an *environmental reserve*, and therefore we are of the view that the proposed amendment Condition B7 (2) does not appropriately reflect the nature of the E3 land within the Blissett landholding.

The 1.5-ha parcel of E3 land on the Blissett landholding is identified in the figure in Appendix C04 of the Consolidated Concept Plan. There is however no specific designation of the status of this E3 land. With reference to the legend on the figure, the E3 land on the Blissett landholding is not classified as any of the following:

- Open Space and Citywide Bushland
- Rural Landscape/Lifestyle
- Environmental Reserve.

To help clarify the environmental status of the Blissett E3 land, we have arranged for GHD's Principal Environmental Scientist Daniel Williams to conduct a due diligence assessment. The assessment concluded as follows:

The E3 land within the Blissett landholding is"listed as potential passive recreation. It appears that development is permitted, including dwellings, as long as impacts to biodiversity are minimal. In this case I have reviewed the relevant tree plan and marked up locations where I think we could provide dwellings (including their required access) without creating biodiversity impacts. I have considered the fact that our main biodiversity feature in

the E3 is the existence of remnant trees, some with important habitat features such as large hollows. I think that we have the ability here to provide large lots with suitable dwelling locations while maintaining most of this area's biodiversity features. Subdivision here would avoid significant trees etc and we could use things such as Section 88b instruments or similar to protect canopy trees being retained."

GHD further suggested that the approach described above, coupled with a Vegetation Clearance & Fauna Management Plan and measures to address long term ownership/management including edge effects on this relatively small pocket of native vegetation when surrounded by development, would give a suitable platform to proceed with development plans.

We would therefore request the proposed amendment to Condition B7 (2) be changed as per the red font below:

*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 on which the development is proposed is **either** equal to or greater than the relevant contiguous area of land zoned E3 Environmental Management as at March 2017, **or in keeping with an appropriate minimum size that preserves the biodiversity values of the land.***

We appreciate that there may be better ways to achieve the above ends and consequently would much appreciate the opportunity to meet with your Modification Assessments team to discuss Mod 2 in the context of its effects on the Blissett landholding.

Yours faithfully,



Paul Nichols
Project Manager
RBWI Pty Ltd