

# S.75W Modification to Calderwood Concept Plan, “Blissett Landholding”, Clover Hill Estate



**Prepared by RBWI Pty Ltd**  
**Clover Hill Estate**  
**28/02/2018**



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All corres to Project Manager  
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28 February 2018

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

**Attention: Mr Anthony Witherdin**

Dear Sir/Madam,

**RE: APPLICATION UNDER S.75W EPAA TO MODIFY CALDERWOOD URBAN DEVELOPMENT PROJECT (MP 09\_0082) CONCEPT PLAN TO ALLOW SUBDIVISION OF E3 LAND ON LOT 1 IN DP 558196.**

RBWI Pty Ltd is pleased to submit this application under S.75W EPAA to modify the Calderwood Urban Development Project Concept Plan (MP09\_0082) (the Approved Concept Plan). RBWI is currently in the progress of developing a residential housing estate on land it owns under contract being the Blissett Farm, 81 Escarpment Drive (formerly 269 North Macquarie Road), Calderwood, Lot 1 in DP 558196. A development application for same has been made with Shellharbour Council which has been the subject of ongoing discussions with the Department (DA-0569/2017).

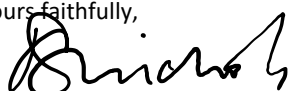
This Modification application seeks to permit the subdivision of the E3 Environmental Conservation Area into five large >2,000m<sup>2</sup> 'environmental lifestyle' lots each with a building envelope for a 'dwelling house' and 'secondary dwelling' – uses currently permissible uses under the current Calderwood SEPP.

The enclosed S.75W Modification describes:

- The background to the proposal
- The subject site
- The current planning controls as they affect the subject site
- The environmental characteristics of the E3 patch on site
- The likely outcome if the current controls continue
- The proposal subject to this S.75W Modification
- The differences between this proposal and Modification 2 being proposed by Lendlease
- Likely impacts of this modification
- Conclusions.

We look forward to your consideration of our Modification in the context of its effects on the Blissett landholding.

Yours faithfully,



**Paul Nichols**  
Project Manager  
RBWI Pty Ltd

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# 1 Introduction

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*This section includes a brief site history, sets the context for the Clover Hill Estate, outlines the consultation undertaken and introduces the study team.*

## 1.1 Background

RBWI has lodged a Statement of Environmental Effects (SEE) to support the Development Application (DA-0569/2017) for 81 Escarpment Drive, formerly 269 North Macquarie Road, (Lot 1 in DP 558196) Calderwood, commonly referred to as "Blissett's Farm" for determination by Shellharbour City Council.

Blissett's Farm is part of the Calderwood Urban Release Area and as such is part of the approved Part 3A Major Project Concept Plan for the development. The Part 3A approved Concept Plan includes approximately 4,800 dwellings and 50 hectares of mixed use / employment land to be used for a range of retail, commercial, business and light industrial uses. The approved development includes an open space master plan, riparian corridor network and the retention of land with identified significant or contributory biodiversity for environmental conservation and / or environmental management purposes.

For the purposes of this report, the project has been named "Clover Hill Estate" and will comprise 141 conventional residential lots, one homestead lot, and one environmental reserve lot as well as the associated civil infrastructure works required to support the residential development.

The proposed residential development has been designed in the context of the Approved Calderwood Concept Plan; and in conjunction with State Environmental Planning Policy (State Significant Precincts) 2005.

## 1.2 Subject Site

Clover Hill Estate is immediately next to Stage 2A currently being developed by Lendlease, and is located approximately 1 km from the township of Albion Park.

The site is rectangular in shape with boundary dimensions of approximately 237m (frontage) x 440m (depth) resulting in an area of just over 10.1 hectares. As depicted in Figure 1-1 below, land to the north and East of Clover Hill Estate has almost been entirely developed as part of the Calderwood Valley Project. Land to the south and west will likely follow suit (with the DA to the south currently under assessment by Council) resulting in the Clover Hill Estate being virtually surrounded by residential development.

## 1.3 Consultation

RBWI has continued the cooperative approach with Lendlease regarding boundary conditions between Clover Hill Estate and adjoining Lendlease stages that are yet to be developed.





**Figure 1-1 Recent Aerial Photograph of Clover Hill Estate (October 2017)**

Representatives from RBWI attended a pre-lodgement meeting with Council on 30 August 2017 which has been followed up with by several phone and e-mail conversations. At the pre-lodgement meeting, Council officers suggested that the developer address a few matters concerning the proposal. The specific matter relevant to this S.75W Modification, is the minimum lot size applicable to the E3 land in the Blissett landholding.

In regards the minimum lot size in the E3 land, the Applicant proffered that 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. It was suggested that it was in the best interests of all parties to subdivide the lot into defined 'environmental living' or 'custodian lots' of say 1,500m<sup>2</sup> with defined building envelopes whereby the land could be adequately managed by private landowners who would see value in purchase and would add value to the rest of the estate.

The applicant's position is that the proposal complies with the 350m<sup>2</sup> minimum lot size for the R1 zoned lots and there is no effective size for the E3 land which permits a wide range of land uses such as dwelling houses (and other associated residential uses such as bed and breakfast accommodation, home businesses, home industries, home based child care etc) and also for some limited commercial activity in the form of eco-tourism facilities and subdivision types (i.e. community and strata tile). This is supported by Legal Advice by Accredited Planning Lawyer Alex Kelly of PDC Lawyers.

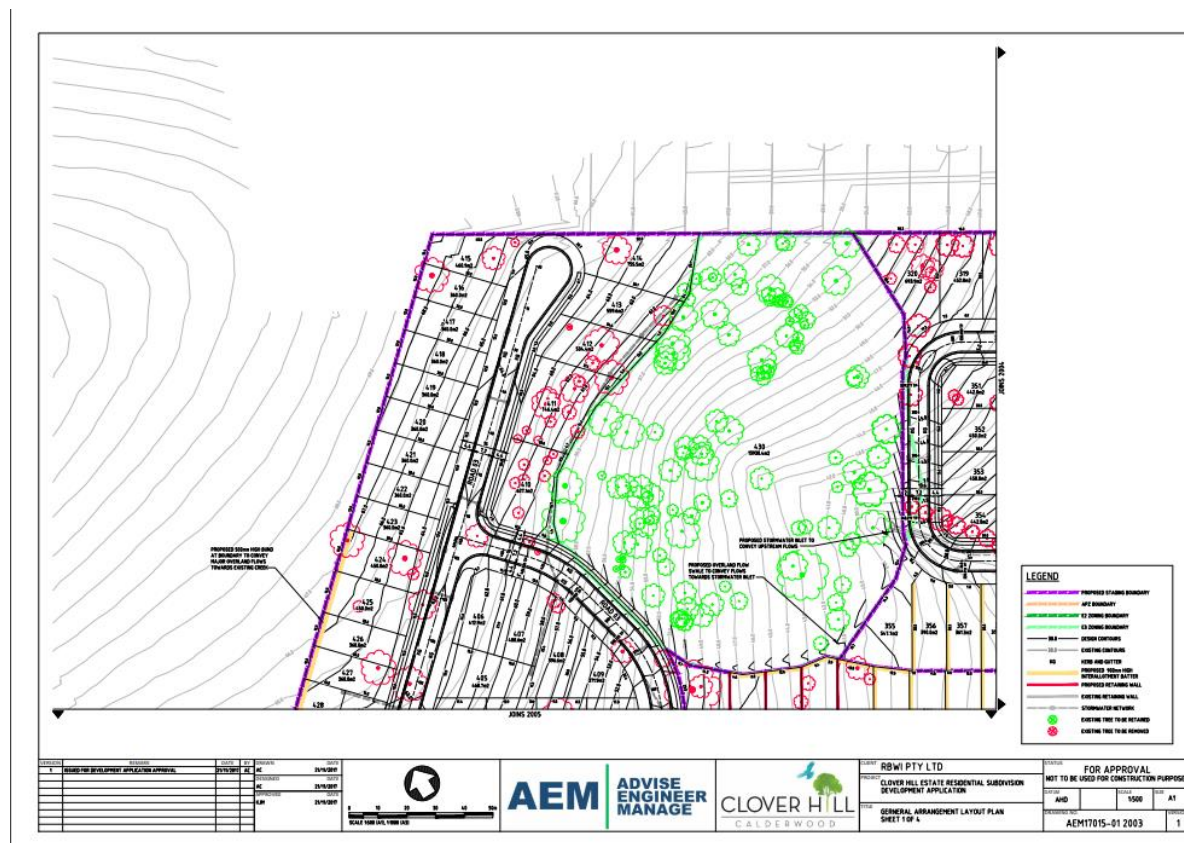
Council has a different position in that they believe that they could not legally consider any use clause 18 (1) (3) of the SEPP itself requires any lot from a subdivision to be not less than the minimum lot size of the earlier planning scheme i.e. SLEP 2000 which stipulated a 40ha minimum. Council Officers postulated that on this basis, 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. Such a position seems irrational given the approval of the Calderwood Concept Plan and

Project Application and recent development applications for earlier stages that have a variety of development and conservation zones like the Blissett property.

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 development application of the subdivision of Clover Hill Estate is currently under assessment and proposes only one single lot (i.e. no subdivision) within the E3 lands as per the extract below.



## 1.4 Proposed S.75W Modification

Notwithstanding the above, RBWI believes the only way it can realistically develop its E3 lands is to lodge a S.75W Modification to the Calderwood Concept Plan to permit subdivision of such land into large 'environmental lifestyle' lots of say >2,000m<sup>2</sup> parcels. RBWI believes this approach is supported by technical ecological and planning advice, and provides the best long-term management solution. The merits of the Modification are set out in the following chapters.

## **1.5 Study Team**

RBWI has sought advice (where relevant) from the following project managers, civil engineers and ecologists to assist them plan, design, document the Modification:

- Project Management – Paul Nichols
- Civil Engineering – AEM Pty Ltd
- Drainage Line Assessment – GHD Pty Ltd
- Biodiversity Management/Vegetation Clearance and Fauna Management Plan – GHD Pty Ltd and
- Water Cycle Management – Rienco Pty Ltd.

## 2 Current Planning Controls as they relate to the Blissett Holding

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*This section summarises the findings of the Calderwood Urban Development Project insofar as it relates to the subject site and in particular this proposed to S.75W Modification.*

### 2.1 Approved Concept Plan

The Minister for Planning determined the Calderwood Urban Development Project Concept Plan MP09 \_0082 on 08 December 2010 which includes "Clover Hill Estate" (see **Figure 2 - 1**) below.

The Part 3A approved Concept Plan provides for 4,800 dwellings and 50 hectares of mixed use / employment land to be used for a range of retail, commercial, business and light industrial uses. The approved development includes an open space master plan, riparian corridor network and the retention of land with identified significant or contributory biodiversity for environmental conservation and / or environmental management purposes.

The relevant planning controls are set under State Environmental Planning Policy (State Significant Precincts) 2005, which is a recognised Environmental Planning Instrument under the EPA.

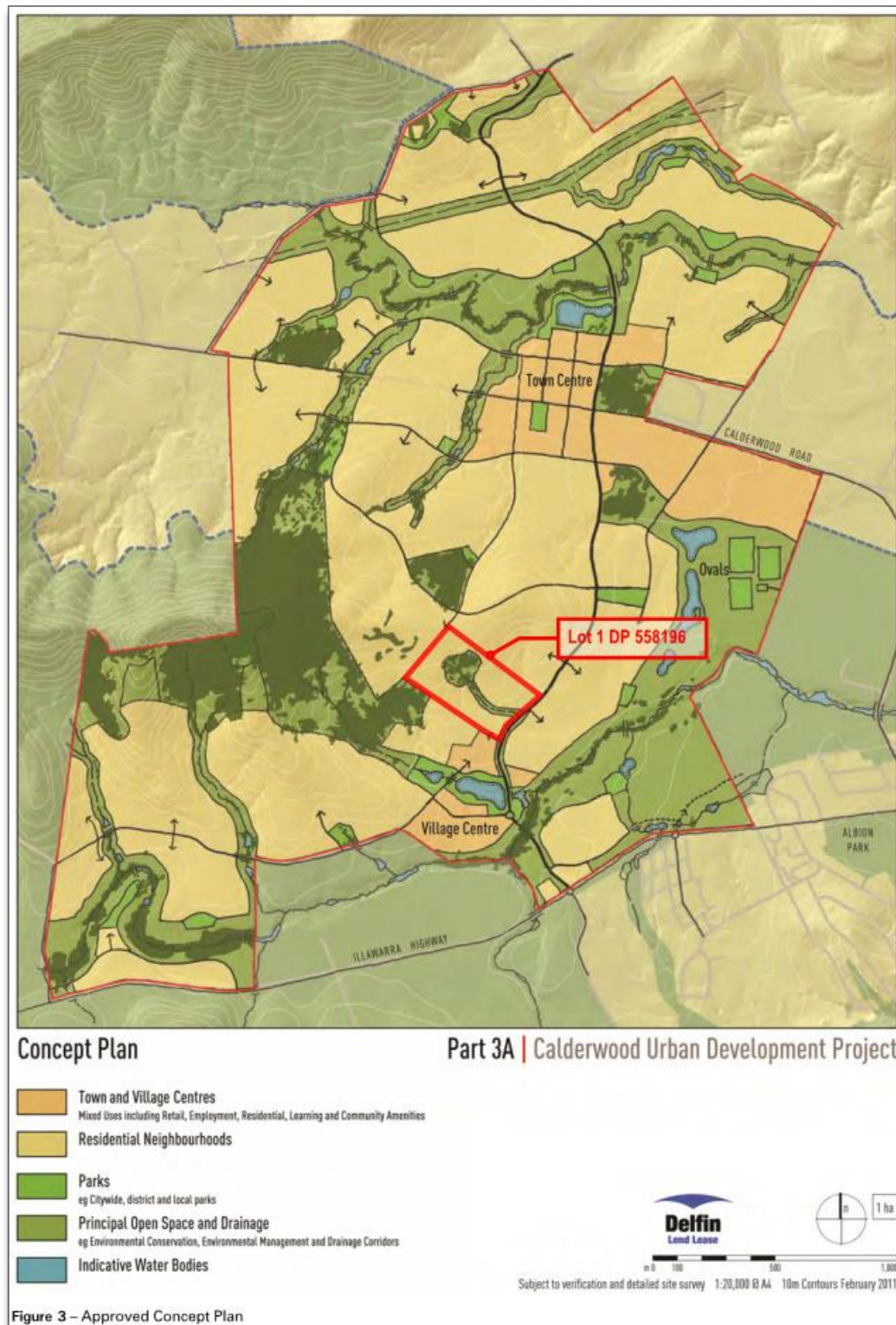
### 2.2 Land Zoning

The Land Zoning Map (illustrated in **Figure 2-2** below) prescribes a R1 General Residential zone across most of Clover Hill Estate with a small portion (approximately 1.4 ha) of E3 Environmental Management as a result of the existing tree cover.

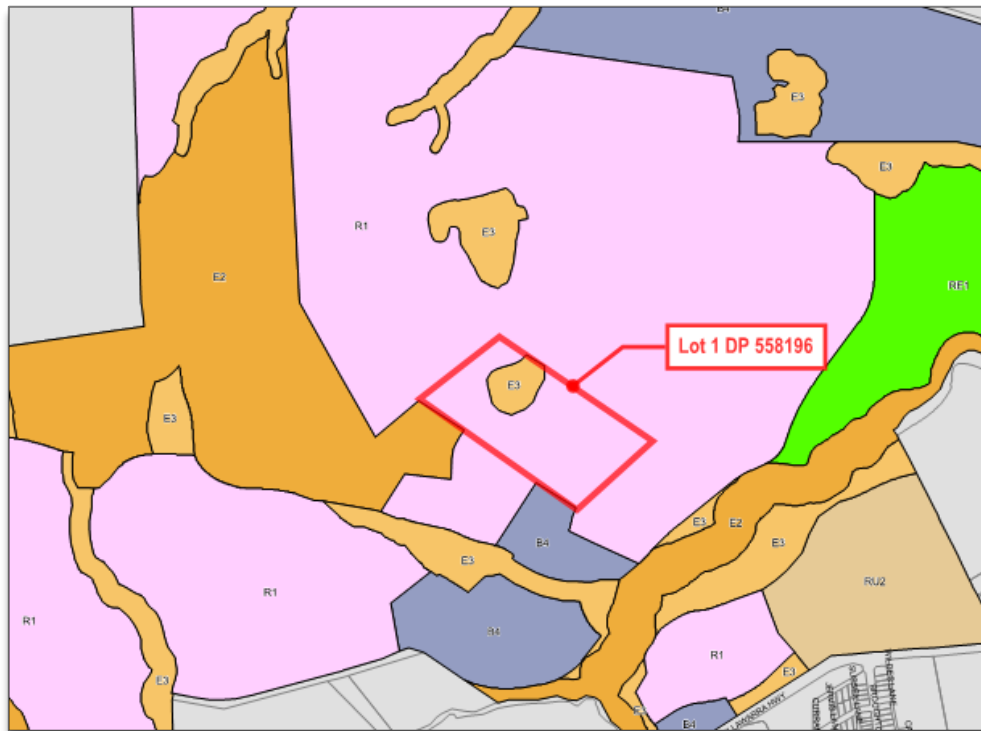
### 2.3 Lot Size

The Lot Size Map (illustrated in **Figure 2-3** below) confirms that the minimum lot size for the R1 General Residential Zones is 300m<sup>2</sup>, whilst the E3 is currently undefined.





**Figure 2-1 Calderwood Concept Plan Approval - Clover Hill Estate**



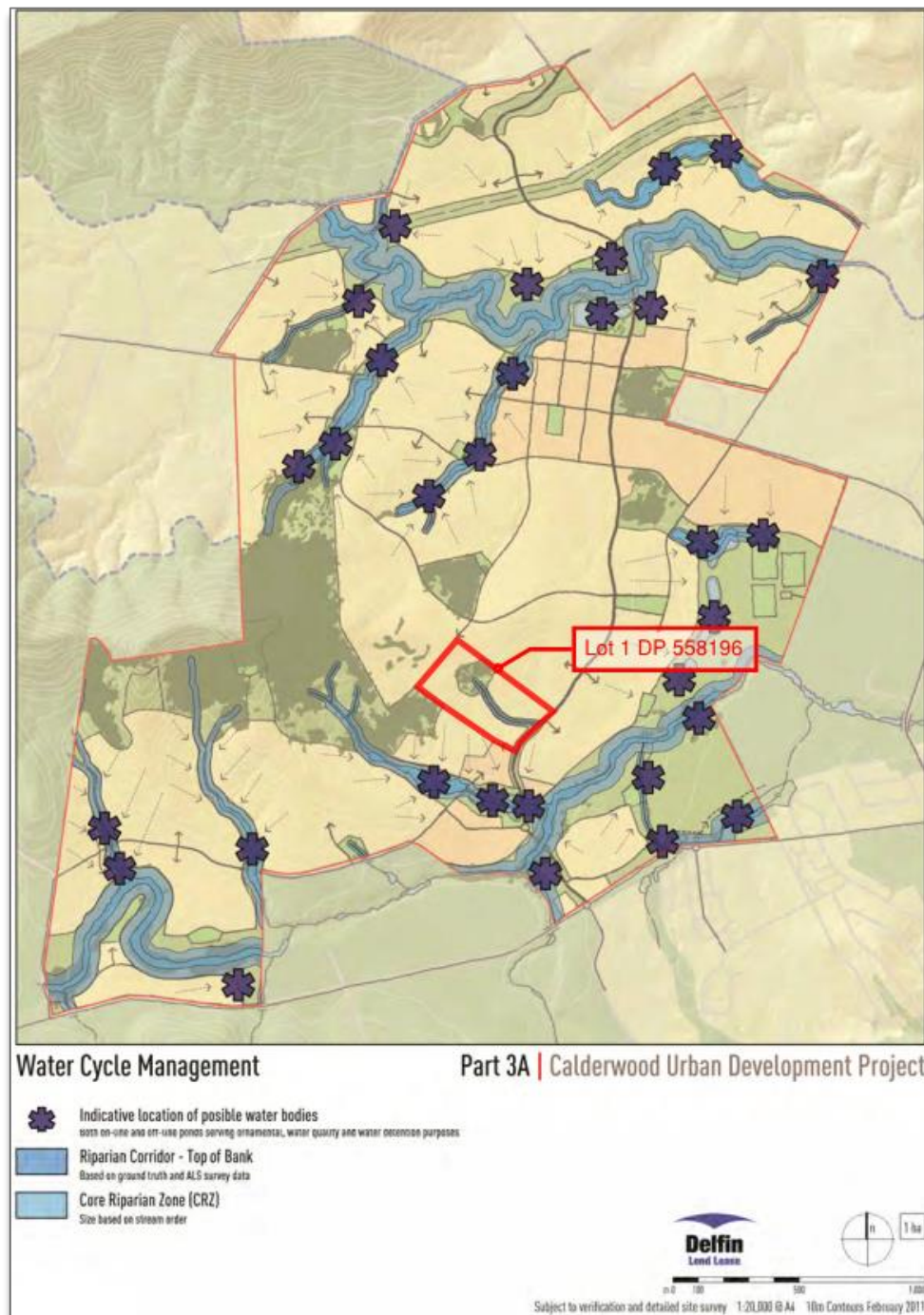
**Figure 2-2 State Environmental Planning Policy (Major Development) 2005  
Calderwood Land Zoning Map – Clover Hill Estate**



**Figure 2-3 State Environmental Planning Policy (Major Development) 2005  
Calderwood Lot Size Map – Clover Hill Estate**

## 2.4 Water Cycle

The Approved Concept Plan prescribes that water quality basins are to be located in parks and environmental reserves to minimise ongoing maintenance and enhance public open space. With reference to **Figure 2-4** below, the Proposed Water Cycle Management for Clover Hill Estate is generally constant with those provisions in that no water bodies for water quality and detention are being proposed for the development.



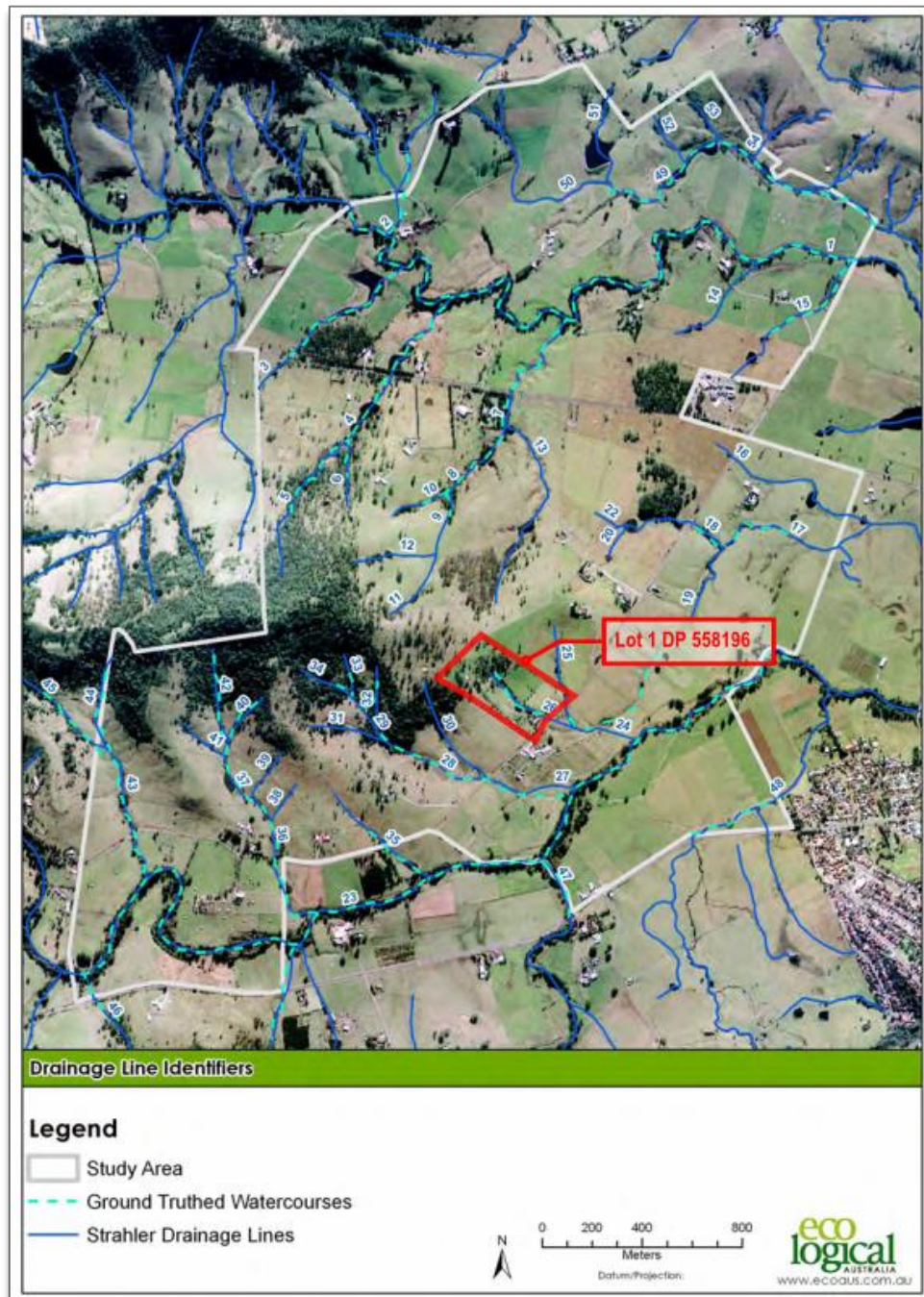
**Figure 2-4 Approved Concept Plan Water Cycle Management – Clover Hill Estate**



## 2.5 Riparian

The Concept Plan identified a small tributary to Macquarie Rivulet as an ephemeral first-order stream – named Strahler Line 26 with a similar first order tributary stream (Strahler Line 25) in Lendlease's adjoining Stage 2A (**Figure 2-5** below).

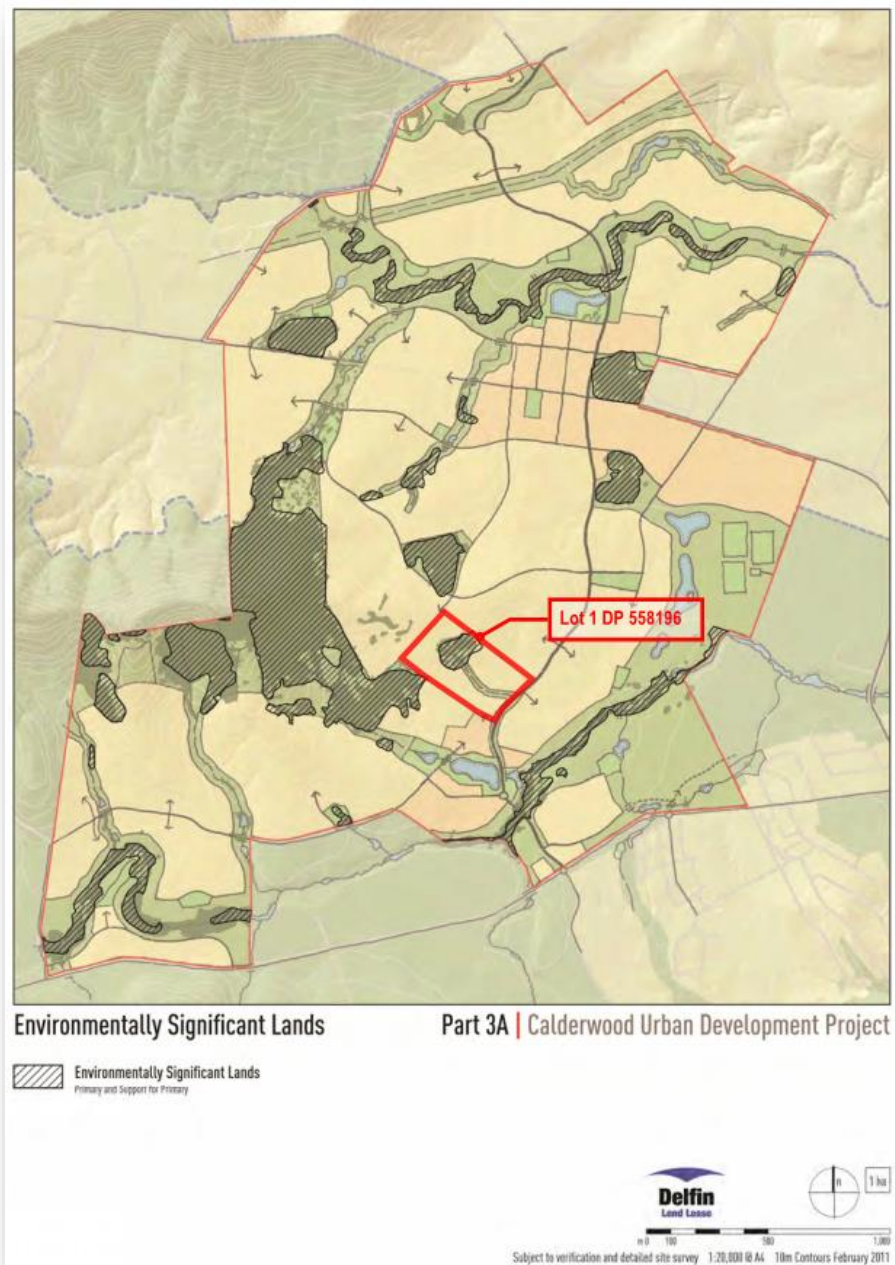
Strahler Line 24, the second order stream into which lines 25 and 26 feed, is now deleted and or piped extending some 250 meters downstream to Macquarie Rivulet. Strahler Line 25 has also been under-grounded as part of current subdivision development works on Lendlease's adjoining property to the north-east.



**Figure 2-5 Approved Concept Plan Riparian Classifications Including Reaches Approved to be Removed (Eco Logical Australia) – Clover Hill Estate**

## 2.6 Ecology

The Concept Plan identified a clump of remnant trees with in Clover Hill Estate as being 'environmentally significant lands'. This clump of trees is delineated in the Approved Concept Plan (see **Figure 2-6** below). Whilst not being significant enough to warrant inclusion into the proposed publicly-owned Johnson's Spur Conservation Area, the treed areas on the subject site were proposed to be preserved as a passive recreation and were subsequently rezoned as E3 land.

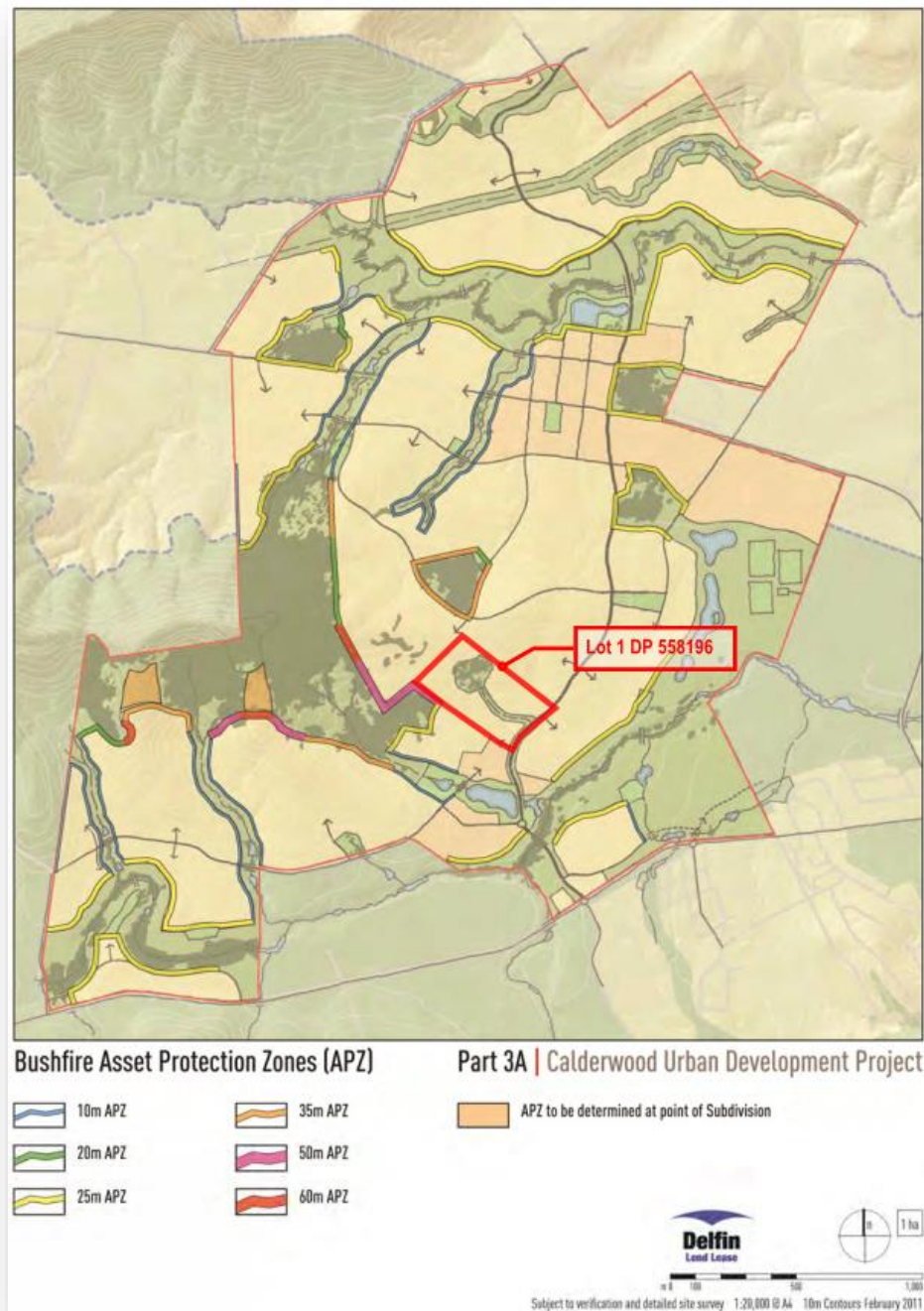


**Figure 2-6 Approved Concept Plan Environmentally Significant Lands – Clover Hill Estate**



## 2.7 Bushfire

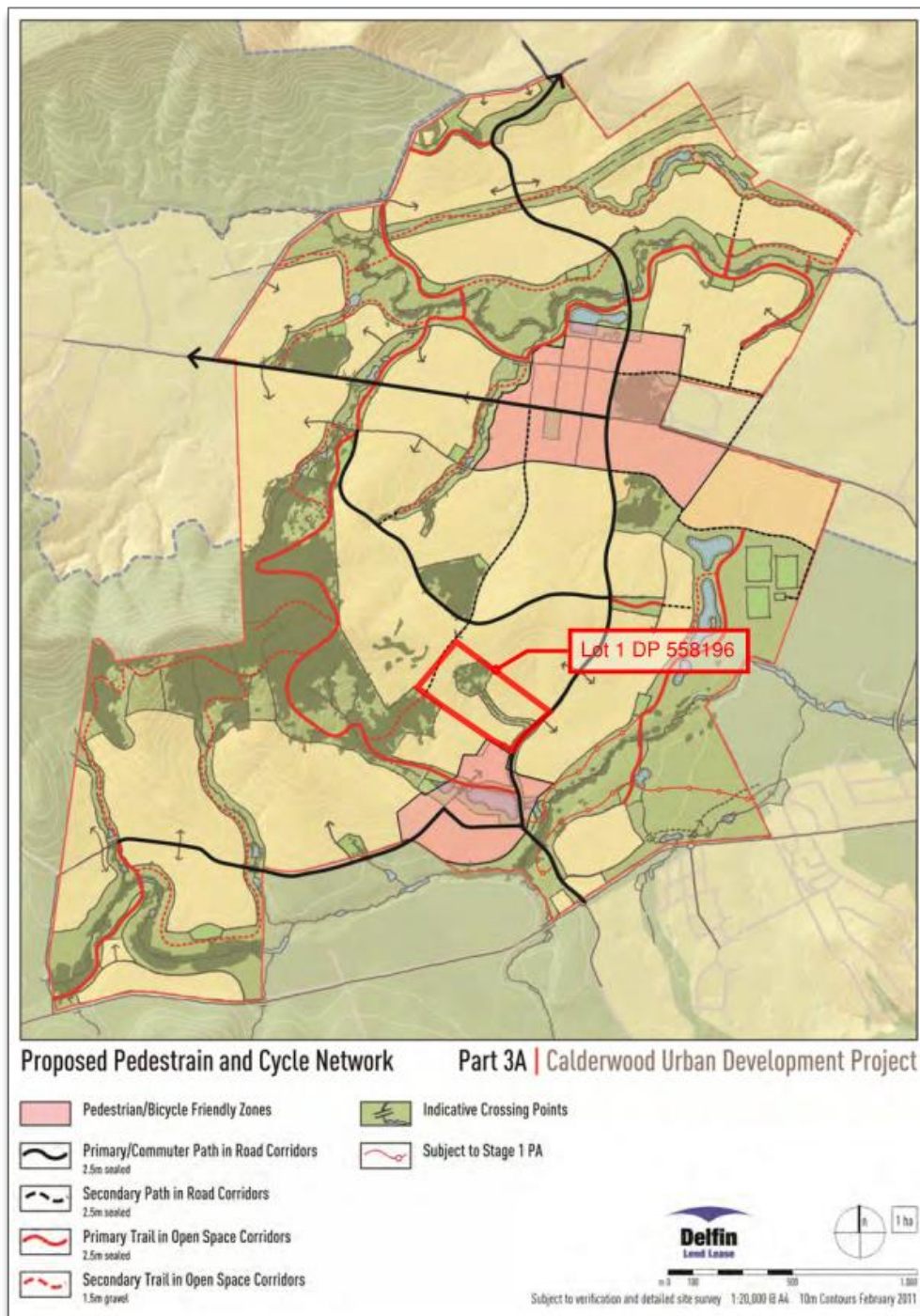
The Concept Plan identified a bushfire threat associated with the Conservation Area commonly referred to as Johnson's Spur to the west of the site. A 50m Asset Protection Zone (APZ) has been prescribed for this western boundary as the Approved Concept Plan (**Figure 2-7** below).



**Figure 2-7 Approved Concept Plan Bushfire Asset Protection Zones (APZ) – Clover Hill Estate**

## 2.8 Pedestrian & Cycle Network

The Approved Concept Plan (**Figure 2-8** below) indicates a link between the northern corner of the Clover Hill estate through to the Johnson's Spur Conservation Area.



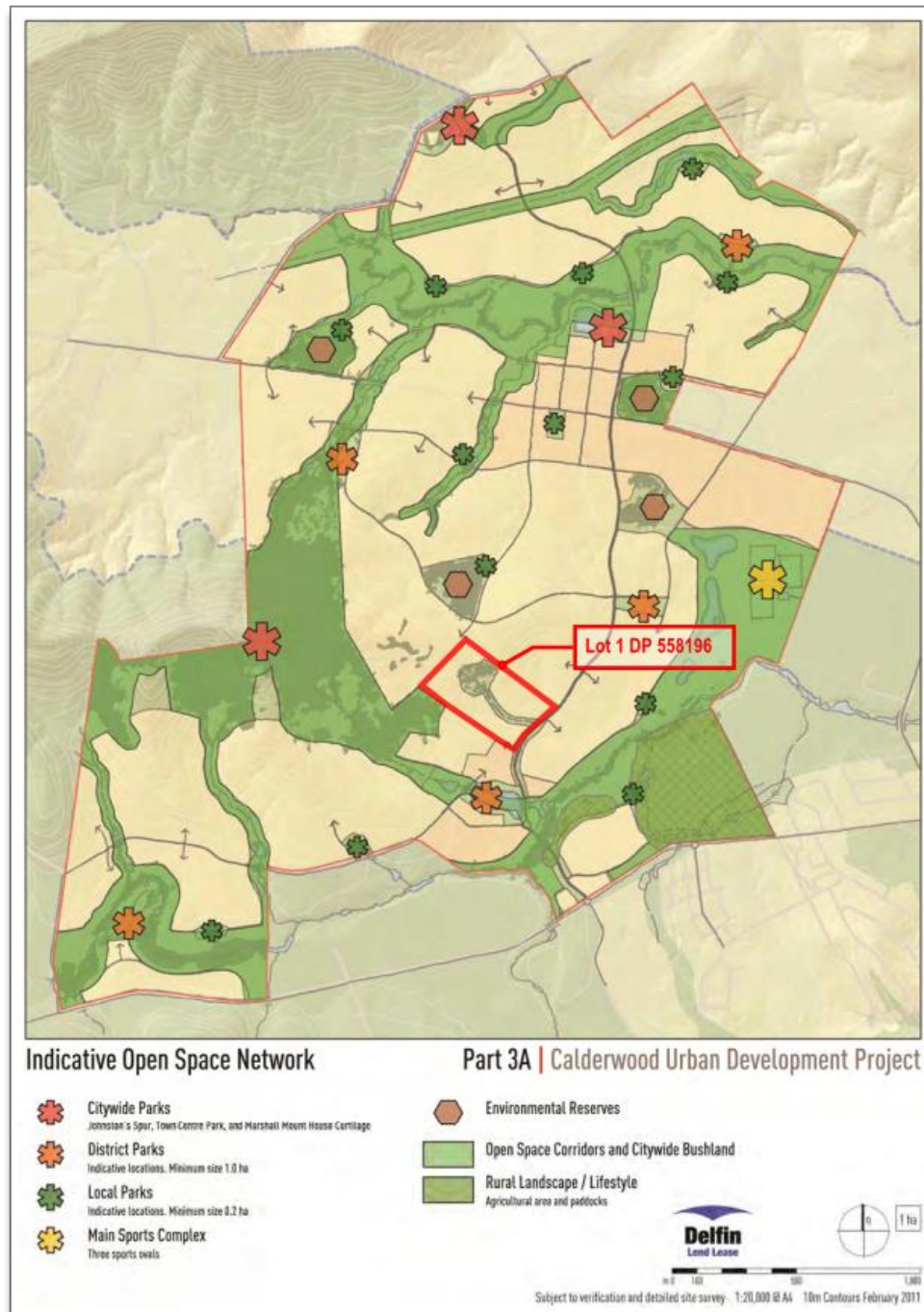
**Figure 2-8 Approved Concept Plan - Proposed Pedestrian and Cycle Network – Clover Hill Estate**

Considering that the trail networks are still very much in the conceptual planning stages, and to be consistent with Lendlease's development plans (which close off public access to the north-eastern boundary of the Clover Hill Estate), we have excluded the 2.5m wide sealed secondary path/ road corridor from our development proposal with the understanding that the trail will connect to the north of our site within Lendlease's development area.



## 2.9 Open Space Network

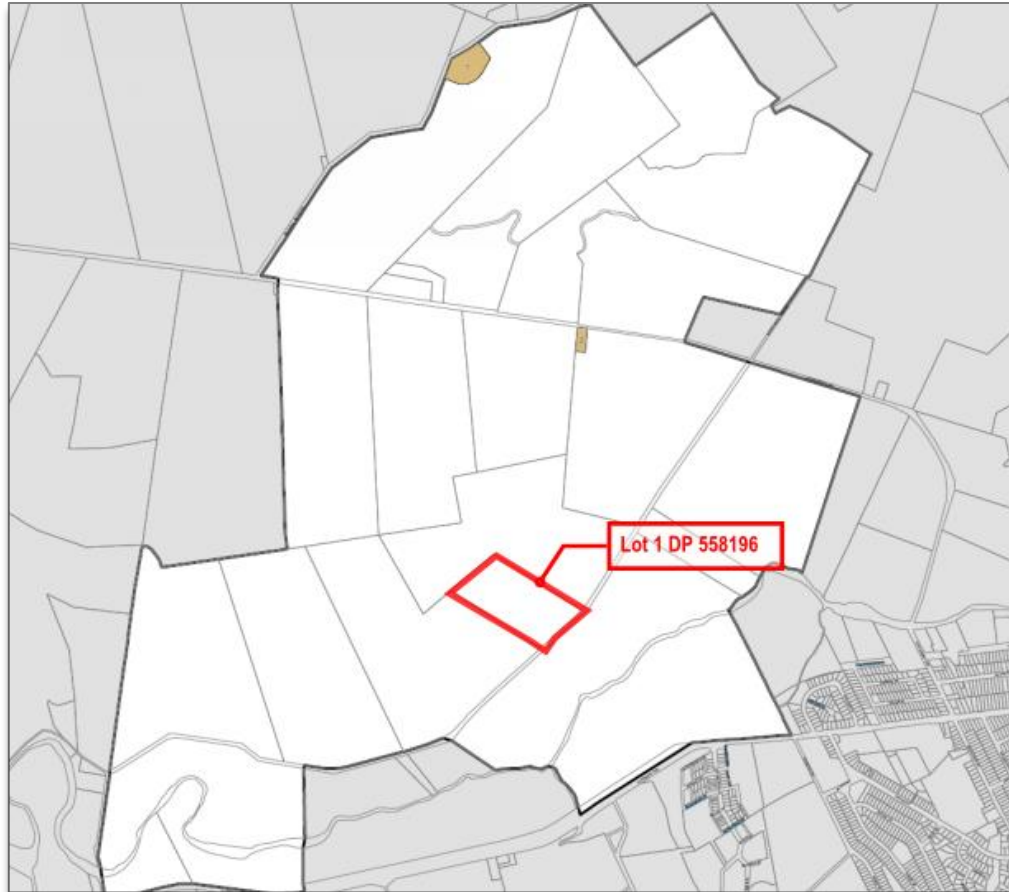
The approved concept plan open space network master plan nominates various parks, sports complexes, environmental reserves, open space corridors/city wide bushland, and rural landscape/lifestyle. With reference to the Approved Concept Plan (**Figure 2-13** below) With reference to the legend on the plan that there is no land within Clover Hill that is classified as either *parks* (which are designated by large coloured asterisks), *environmental reserves* (designated by brown hexagons) or '*Open Space Corridors and City-Wide Bushland*' (designated by apple green colouring).



**Figure 2-9 Approved Concept Plan Open Space Masterplan – Clover Hill Estate**

## 2.10 European and Aboriginal Heritage

The Concept Plan found no items of heritage significance have been identified within Clover Hill Estate, see **Figure 2-10** below.



**Figure 2-10 State Environmental Planning Policy (Major Development) 2005 Calderwood Heritage Map – Clover Hill Estate**

Austral Archaeology (2010) prepared an Aboriginal Archaeological and Cultural Heritage Assessment as part of the Concept Plan Application. No Aboriginal Heritage Management Information System (AHIMS) sites have been identified within Clover Hill Estate.

As part of DA preparation for the Clover Hill Estate RBWI commissioned Kelleher Nightingale Consulting (KNC) to more closely assess the potential harm to Aboriginal cultural heritage as the result of the proposed Clover Hill Development. During this assessment one potential archaeological site containing Aboriginal objects was identified within the development application area and will be impacted by the proposed works. Consequently, Stage 3 of Clover Hill Estate will require an Aboriginal Heritage Impact Permit (AHIP) prior to any impact. The remaining stages do not have archaeological potential and do not require an AHIP to facilitate development.

## **2.11 Summary of Controls**

Having regard to the above analysis, the following conclusions can be drawn with regards to the small 1.5 ha parcel of E3 land located in the centre of the Blissett landholding:

- It is separated from other such conservation lands
- It is not part of the larger Johnsons Spur conservation area
- It is not classified in the CP as Open Space, Citywide Bushland, Rural Landscape/Lifestyle or Environmental Reserve
- It will soon be completely surrounded by conventional houses thus negating any opportunity to link it to adjoining reserves
- It is not classified as being fire prone, European or Aboriginal heritage significance
- It is not proposed to be transferred to Council and/or other public land managers and
- Its long-term ownership and management regime is unclear.

It does seem this land has been forgotten by the planning process.



## 3 S.75W Modification No.2 by Lendlease

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### 3.1 Overview of Modification 2 by Lendlease

We note that Lendlease has applied for a Modification 2 to address the minimum lot size problem:

*"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...To ensure the Approved Concept Plan can be delivered and provides clarity with respect to the minimum lot size provision for certain lands."*

The overriding purpose of this Modification is to facilitate a change in land ownership, ostensibly from the private developer (Lendlease or its landowner clients) to the relevant public land manager (i.e. Shellharbour City Council, Wollongong City Council, Department of Lands/Bio Bank/Trust). This seems to be an odd position to have to apply a S.75W Mod to a fundamental element of the Concept Plan that has been approved by the Minister.

Such lands are local parks, riparian corridors, water quality basins as depicted on the Preferred Open Space Ownership Plan included in the Preferred Project Report (PPR) below. The Blisset land is the distinctive "E3-09" purple path in the middle of the map on the following page – which is the subject of more detailed discussion below.

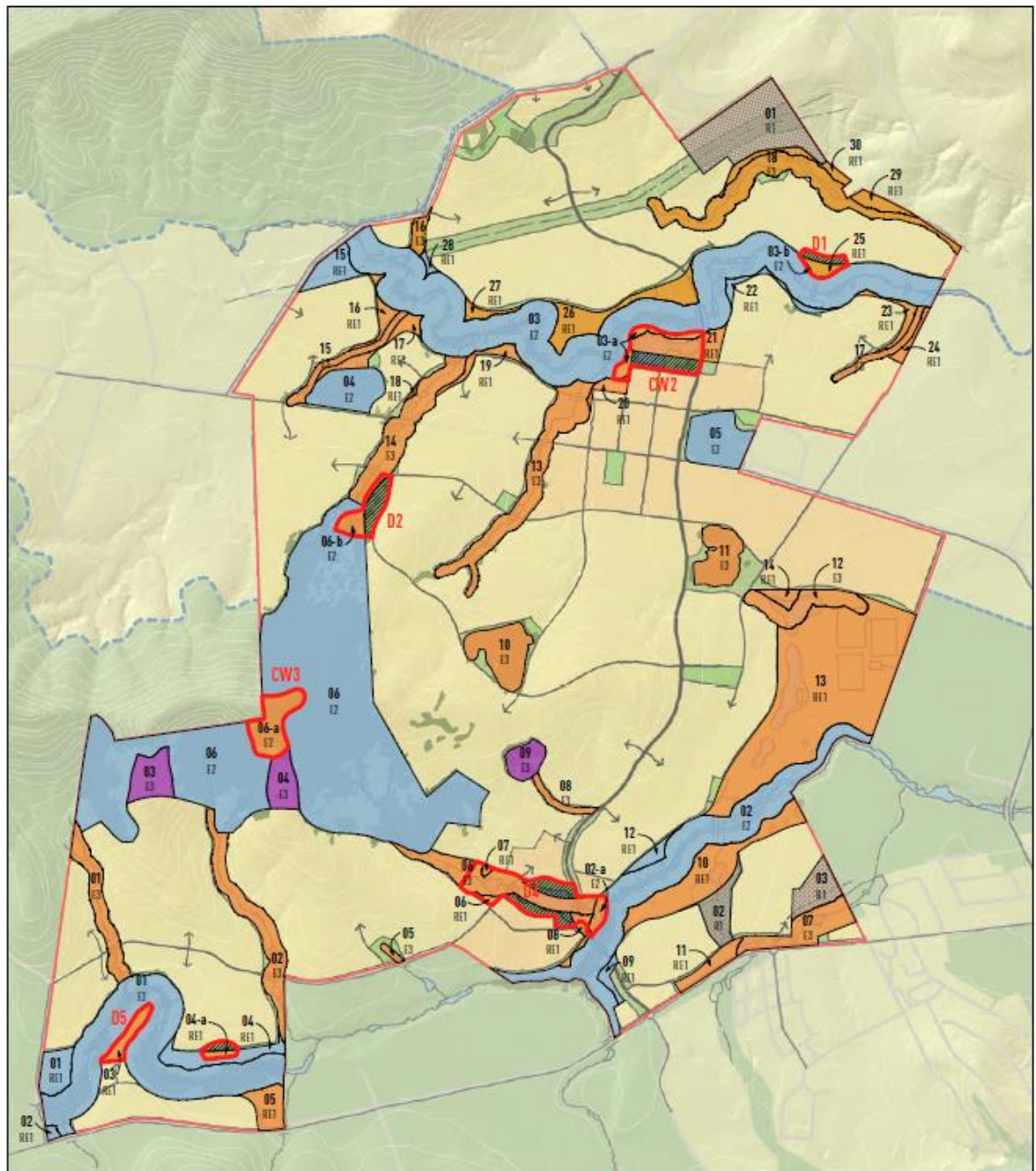
The PPR includes a detailed analysis of the intended purpose / use of each of the areas of land proposed for inclusion in the RE1 Public Recreation Zone below.

*"This analysis identifies, for each element of open space, drainage and riparian land within the site, the intended / required purpose of the land in accordance with the following categories:*

- *Higher order park*
- *Local park*
- *Paths*
- *Water Sensitive Urban Design*
- *Water bodies*
- *Riparian drainage and*
- *Environmental / conservation.*

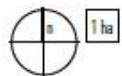
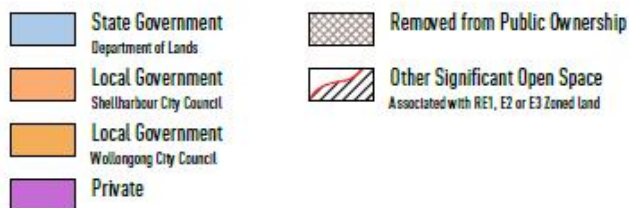
*Under this proposal, a total of 55.7 of land is proposed to be zoned RE1. This includes 7.8 ha of district parks, 15.98 ha of sports grounds, 6.42 ha of citywide parks and approximately 25 ha of open space corridors that are located generally adjacent to riparian CRZs and which perform a dual drainage and open space function. Of the 25 hectares of open space corridors, approximately 4.7 ha comprise recreational pathways and the remaining provides dual use open space and WSUD drainage land."*

Oddly there is little mention of conservation outcomes effected by the Modification as such matters are addressed in separate documents like a Vegetation Management Plan (VMP).



### Preferred Open Space Ownership

### Part 3A | Calderwood Urban Development Project



Subject to verification and detailed site survey 1:20,000 13 A4 10m Contours August 2010

Land Ownership Options																		
Area					Purpose							Ownership Options				Preferred Ownership		
Zoning	Number	Location	Area (ha)	Open Space Code/s	Higher Order Park	Local Park	Parks	WSPD	Water Bodies	Drainage (Hgsa 0)	ESL	State	UA	Private	Trust	Key	Owner	Justification
E2	01	Macquarie Rivulet	14.5	C16													Dept. of Lands / Bio Bank / Trust	Current owner for portion
E2	02	Macquarie Rivulet	14.5	C12 C13													Dept. of Lands / Bio Bank / Trust	Current owner for portion
E2	02-a	Macquarie Rivulet	0.5	D4													SCC	Drainage, District Park & Water Quality
E2	03	Marshall Mount Creek	33.6	D1 L2 L4 C5 C6													Dept. of Lands / Bio Bank / Trust	Current owner for portion
E2	03-a	Marshall Mount Creek	0.9	DW2													SCC	Drainage, Citywide Park & Water Quality
E2	03-b	Marshall Mount Creek	0.1	D1													SCC	District Park
E2	04	Ecological Reserve	3.4	ER1													Dept. of Lands / Bio Bank / Trust	Ecological Value
E2	05	Ecological Reserve	4.2	ER2													Dept. of Lands / Bio Bank / Trust	Ecological Value
E2	06	Johnston's Spur	99.6	CB1 CB2													Dept. of Lands / Bio Bank / Trust	Ecological Value
E2	06-a	Johnston's Spur	2.6	DW3													SCC	Citywide Park
E2	06-b	Johnston's Spur	0.7	D2													SCC	Drainage, District Park & Water Quality
E3	01	Drainage Line	2.9	C16													SCC	Drainage
E3	02	Drainage Line	4.4	C17													SCC	Drainage
E3	03		2.2														Go low impact development	Ecological Value
E3	04		1.8														Go low impact development	Ecological Value
E3	05	Drainage Line	0.2	L12													SCC	Drainage
E3	06	Drainage Line	4.4	CB1 D4													SCC	Drainage
E3	07	Harleton Creek	3.1	C14													SCC	Drainage
E3	08	Drainage Line	0.7	C11													SCC	Drainage
E3	09	Vegetation	1.4	C11													Go low impact development	Ecological Value
E3	10	Vegetation	4.2	ER3 L10													SCC	Ecological Value
E3	11	Vegetation	2.7	ER4													SCC	Ecological Value
E3	12	Drainage Line	2.8	S1 C12													SCC	Drainage
E3	13	Drainage Line	6.2	L7 C10													SCC	Drainage, Local Park & Water Quality
E3	14	Drainage Line	4.8	CB1 D2 C9													SCC	Drainage
E3	15	Drainage Line	1.4	C8													SCC	Drainage, Local Park & Water Quality
E3	16	Drainage Line	0.6	C2													WCC	Drainage
E3	17	Drainage Line	1.0	L4 C7													SCC	Drainage, Local Park & Water Quality
E3	18	Drainage Line	16.3	L1 C3													WCC	Drainage
RE1	01	Macquarie Rivulet	1.6	C16													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	02	Macquarie Rivulet	0.2	C16													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	03	Macquarie Rivulet	1.0	D6													SCC	District Park
RE1	04	Macquarie Rivulet	1.9	C16													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	04-a	Macquarie Rivulet	0.3	L13													SCC	Local Park & Water Quality
RE1	05	Macquarie Rivulet	1.6	C16													SCC	Drainage
RE1	06	VC District Park	0.2	D4													SCC	District Park
RE1	07	VC District Park	0.1	D4													SCC	District Park
RE1	08	Macquarie Rivulet	0.6	D4 C12													SCC	District Park and Drainage
RE1	09	Yellow Rock Creek	0.5	C13													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	10	Macquarie Rivulet	8.9	L8 C13													SCC	Local Park & Water Quality
RE1	11	Harleton Creek	2.0	C14													SCC	Drainage
RE1	12	Macquarie Rivulet	0.6	C12													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	13	Sports Ovals	23.4	L11 S1 C12													SCC	Local Park & Water Quality
RE1	14	Sports Ovals	0.6	C12													SCC	District Park
RE1	15	Marshall Mount Creek	1.6	C6													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	16	Marshall Mount Creek	0.7	C6 C8													SCC	Local Park & Water Quality
RE1	17	Marshall Mount Creek	1.2	L9 C8													SCC	Local Park & Water Quality
RE1	18		0.1	C9													SCC	Drainage
RE1	19	Marshall Mount Creek	0.8	C9 C6													SCC	Contributes to Creek Corridor
RE1	20		0.6	C10													SCC	Contributes to Creek Corridor
RE1	21	Marshall Mount Creek	2.5	DW2 C6													SCC	District Park
RE1	22	Marshall Mount Creek	0.7	L4 C6													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	23	Marshall Mount Creek	0.6	C6 C7													SCC	Drainage and Water Quality
RE1	24		0.4	C7													SCC	Drainage and Water Quality
RE1	25		0.5	D1													WCC	District Park
RE1	26		3.5	L3 C5													WCC	Local Park & Water Quality
RE1	27		0.5	L4 C5													WCC	Local Park & Water Quality
RE1	28		0.2	C2 C5													Dept. of Lands / Bio Bank / Trust	Contributes to Creek Corridor
RE1	29		0.8	C4													WCC	Drainage and Water Quality
RE1	30		1.1	C4													WCC	Drainage and Water Quality
R1	01		7.8	C4													Private	
R1	02		1.9	C4													Private and SHC	Subject to APB Study
R1	03		3.9	C4													Private and SHC	Subject to APB Study

### 3.2 Shellharbour Council's Position on Modification No. 2

Much of the discussion in Modification 2 concerns a 'trade off' as envisaged in Shellharbour City Council's consent condition for Lendlease's Stage 2B (DA663/2015) 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) zones. Council's objective here is clearly stated in their objection to Mod 2 which is to prevent the fragmentation of the riparian zones and open space networks that are on the Rivulet flood plain.

Council's submission also draws attention to Statement of Commitment No. 4 in the PPR which 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."*

These matters are as yet unresolved, particularly with regards to the final ownership and management of Johnsons Spur, and are the subject of further consideration. We note the Department are in the midst of preparing a report which will likely be determined by the Planning Assessment Commission (PAC).

### 3.3 Fundamental Differences of the Blissett "E3 Lands"

There are some fundamental differences between the Blissett E3 land and the rest of the Calderwood 'non-urban' lands which are subject of the Lendlease Mod 2.

1. The Blissett E3 is entirely cut off from other environmental lands that are the subject of the Calderwood Concept Plan. Other environmental lands are contiguous with a creek or bushland reserve.
2. The Blissett E3 will soon be entirely surrounded by urban development. The current proposal has a perimeter road around the reserve which is consistent with best practice urban design.
3. The Blissett E3 land is not identified as *Open Space and Citywide Bushland* in Appendix C04 of the Consolidated Concept Plan.
4. The Blissett E3 land is not identified as *Rural Landscape/Lifestyle* in Appendix C04 of the Consolidated Concept Plan.
5. The Blissett E3 land is not identified as *Environmental Reserve* in Appendix C04 of the Consolidated Concept Plan
6. The Blissett E3 land is neither a *riparian/ environmental corridor* or an *environmental reserve*, and so amendment Condition B7 (2) does not directly in this regard.
7. The Blissett E3 land is small at only 1.5-ha which is less a third of the size recommended in the Bio-Banking Assessment (4.0ha) for the long-term viability of an isolated bushland parcel.

8. Unlike Lendlease however, the Blissetts (and RBWI) do not have any other E2 or E3 land to undertake a similar global trade-off with other lands.
9. The Blissett E3 land, marked as the distinctive "E3-09" purple patch in the middle of the Proposed Open Space Ownership Map above is one of only 3 privately held parcels in the entire Calderwood Concept Plan.
10. Appendix I of the PPR lists the preferred ownership as private and suitable for 'eco low development'.
11. The land is not classified as being fire prone, European or Aboriginal heritage significance.
12. The land has low ecological significant per advice from Dan Williams Principal Environmental Scientist/ NSW Leader BioBanking from GHD (see below).
13. The possibility that the Blissett E3 land would be transferred to a public land manger is improbable.

On this basis, it would appear that the Blissett E3 land has been not been adequately considered in the current (or proposed) planning process for the Calderwood lands. There is not one block of land in the entire Calderwood Concept Plan that exhibits similar characteristics.



## 4 Proposed Development and Required S.75W Modification

### 4.1 Range of Options

The only realistic option available to RBWI is some form of private ownership of the Blissett E3 land. The challenge however is to find the appropriate level of development that best reflects the characteristics of the site, its long-term management and the broader goals of the Calderwood Urban Concept Plan.

There is no disagreement that dwelling houses (along with other uses such as environmental facilities, community facilities, kiosks, parklands) are permissible in the E3 zone under the Calderwood SEPP, so the options available to RBWI are subdivisions of differing lot sizes and numbers as outlined in the following table:

**Table 4-1 Proposed 'Environmental Lifestyle' Lot Number and Yields**

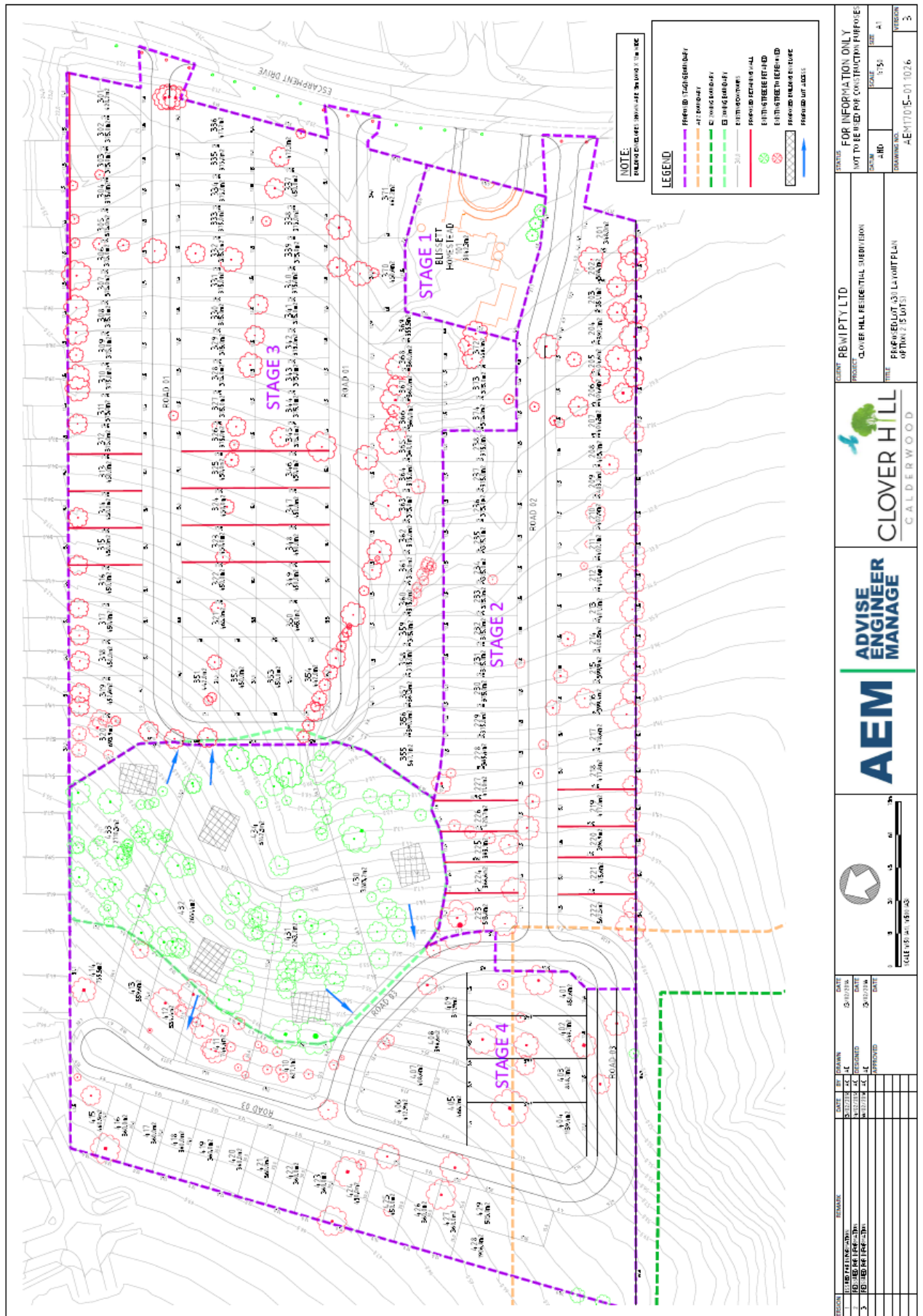
	Number of Lots	Lot Sizes	Comments
<b>Option 1</b>	0	NA	The E3 land would be apportioned to one existing dwelling located in the adjacent R2 residential zone. This would place onerous restrictions on the private landowner to maintain the parcel of land.
<b>Option 2</b>	1	1.5ha	The E3 land would be subdivided into one large contiguous parcel with a nominated building envelope for one dwelling house and a secondary dwelling within the overall curtilage.
<b>Option 3</b>	3	Average 5,000m <sup>2</sup>	The E3 land would be subdivided into 3 large parcels with a defined building envelope on each lot, access would be gained from three corners or the perimeter to maintain privacy. Suggested building controls and fencing guidelines (i.e. post and rail style). Much of the land is not visible from the dwelling leading to potential for mis-management
<b>Option 4</b>	5	Typ. 2,500m <sup>2</sup> -	As per Option 3 but slightly smaller lot sizes and slightly larger yield. The lots are more manageable and identifiable as being owned by the occupants of the dwelling. Building controls would continue to apply.
<b>Option 5</b>	10	Typ. 1,000m <sup>2</sup> and 2,000m <sup>2</sup>	Considerably more lots and the development takes on a more large-lot residential appearance. Indicative building envelopes of 15m x 15m = 225m <sup>2</sup> demonstrate that the development can occur without removal of significant trees.

### 4.2 Preferred Option

Of the options available to RBWI, Option 4 is the most appropriate. It presents sufficiently large enough lots to be attractive to purchasers without the impost of significant maintenance. The typ. 2,500m<sup>2</sup> lots are lots are identifiable as being owned by the occupants of the occupants of the dwelling which will reinforce a sense of duty when it comes to management of the remnant bushland. Management costs would be affordable within a typical family budget.

From an urban design perspective, the lots sit better with residential lots opposite in their scale and character. Building controls (if considered necessary) would apply and cover fencing and building typologies.

A concept design of the preferred option is included below.



### 4.3 Likely Impacts of the Preferred Option

The likely impacts of the preferred option are as follows

- **Ecology** – RBWI previously engaged GHD to provide advice with respect to the NSW Threatened Species Conservation Act 1995 (TSCA) notwithstanding such matters were dealt with under the Major Projects SEPP. GHD note that the TSC Act is not a 'listed item' requiring consideration associated with future DAs (ref. pp 39 of Eco Logical Australia report). GHD have provided a Vegetation Clearing and Fauna Management Plan includes pre-clearance surveys, supervision during clearing, fauna management as well as protocols should any fauna be encountered during clearing and the post clearing survey.

GHD make note that dwelling houses are permitted provided impacts to biodiversity are minimal. Dan Williams GHD's Principal Environmental Scientist/ NSW Leader BioBanking has reviewed the relevant tree plan and provided advice as to where dwellings (including their required access) could be sited without creating biodiversity impacts. This is on the basis that the main biodiversity feature in the E3 land is the existence of remnant trees, some with important habitat features such as large hollows.

Large lots could be provided 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. When coupled with the Vegetation Clearance and Fauna Management Plan, would provide a suitable basis for development. Further enhancements could be made with regards to long-term ownership/management, edge effects on this small pocket of native vegetation when surrounded by development.

- **Drainage** – DPI Water has already issued GTAs for the piping of the watercourse immediately downstream of the E3 land. This was granted on the basis that the the watercourse have been modified by the construction of on-line farm dams and exhibits minimal existing vegetation. This action is consistent with actions further downstream by Lendlease who have removed or piped similar watercourse in other urban releases at Calderwood. Specialist assessment has found that the development of Clover Hill Estate is consistent with the earlier Calderwood Concept Plan.
- **Bushfire/Geotechnical/PASS** – the land is not mapped as containing any of these environmental hazards nor is expected to present any risk to future occupants.
- **Heritage** – the subject site is unlikely to contain items of Aboriginal or European Heritage on the basis of previous investigations.
- **Management Responsibility (Finance and Resources)** – there would be no impact on existing public land managers as all lands would be retained in private ownership.
- **Services** – there would be no additional impact as all lots can and will be fully serviced by utilities being provided within Clover Hill Estate.
- **Roads and Access** – all lots are fully accessed from existing roads. The impact of five additional dwellings is well within the carrying capacity of the local road network.
- **Strategic Context** – the consideration of this modification does not in any way undermine the integrity or roll out of the Calderwood Concept Plan. The subdivision and dedication of land for public purposes and the establishment of the boundaries of

the developable lands will continue on a stage by stage basis over the 20+ year life of the Project at the time of each subdivision development application, as is relevant. This has already occurred with the Stage 1 Project Application approved by the NSW Land and Environment Court and also the initial stages of residential development that have been approved by Shellharbour City Council. The modification does not change, in any material way, the approved dwelling yield of the Project and does not give rise to any change to the environmental outcomes for riparian and environmental lands as otherwise envisaged and approved by the Concept Plan.

- **Precedent** – the unique characteristics of the Blissett property have been spelt out in detail above. On this basis, it is highly unlikely that this approval would create a precedent for the Department and/or Council.

#### 4.4 S.75W Modification to the Calderwood Concept Plan

The proposed development could be undertaken by either a variation to the minimum allotment size for the E3 parcel on the Blissett land only (say min 2,000m<sup>2</sup>) or by an approval to the Calderwood Concept Plan itself.

There is no need to change other controls such as permissible land uses which remain unchanged. There is no change to the proposed classification of such land, designation as approved riparian / environmental corridors and environmental reserves or permissible land uses.

It is also not necessary to include a new provision in the SEPP specifying the subdivision requirements for the riparian / environmental corridors and environmental reserves land shown on a 'Special Subdivision Area' plan to be included in the Concept Plan. This is an overkill for such a small parcel of land.

Condition A1(1) of the Concept Plan determination states that approval is granted to the carrying out of development necessary to facilitate (amongst other things) open space and protection for environmentally significant lands. This could remain as is.

The Approved Concept Plan includes the retention, future use and management of riparian corridors that perform a significant drainage and flooding function in accordance with a Riparian Corridor Network. The Approved Concept Plan also includes the retention and protection of land with identified significant or contributory biodiversity for environmental conservation and / or environmental management purposes, in accordance with an approved Indicative Open Space Network that identifies open space corridors and environmental reserves.

RBWI would welcome the opportunity of discussing the appropriate planning mechanism with the Department.

## 5 Conclusions

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*This section draws the necessary conclusions from the major findings of this report.*

RBWI is currently in the progress of developing a residential housing estate on land it owns under contract being the Blissett Farm, 81 Escarpment Drive, Calderwood, being Lot 1 in DP 558196. A development application for same has been made with Shellharbour Council which has been the subject of ongoing discussions with the Department (DA-0569/2017).

Development within the E2/E3 areas of Calderwood has been the subject of ongoing discussions between Lendlease, the Department and Council. This is manifest in Modification 2 which is currently before the Department. Modification 2 does not reflect the unique circumstances affecting the Blissett E3 land on the basis that that:

- It is separated from other such conservation lands and will in time be completely surrounded by residential development thus negating any opportunity to link it to adjoining reserves
- It is not classified in the Concept Plan as Open Space, Citywide Bushland, Rural Landscape/Lifestyle or Environmental Reserve
- It is not classified as being fire prone, European or Aboriginal heritage significance
- It is not proposed to be transferred to Council and/or other public land managers and
- Its long-term ownership and management regime is unclear.
- It is only small at 1.5-ha which is less a third of the size recommended in the Bio-Banking Assessment (4.0ha) for the long-term viability of an isolated bushland parcel and is of low ecological significance.
- It is one of only 3 privately held parcels in the entire Calderwood Concept Plan.

On this basis, it would appear that the Blissett E3 land has been not been adequately considered in the current (or proposed) planning process for the Calderwood lands. There is not one block of land in the entire Calderwood Concept Plan that exhibits similar characteristics.

The only realistic option available to RBWI is some form of private ownership of the Blissett E3 land. The challenge however is to find the appropriate level of development that best reflects the characteristics of the site, its long-term management and the broader goals of the Calderwood Urban Concept Plan. There is no disagreement that dwelling houses (along with other uses such as environmental facilities, community facilities, kiosks, parklands) are permissible in the E3 zone under the Calderwood SEPP, so the options available to RBWI are subdivisions of differing lot sizes.

Of the options available to RBWI, Option 4 (typ. 2,500m<sup>2</sup> lots) is the most appropriate development as it presents sufficiently large enough lots to be attractive to purchasers without the impost of significant maintenance. From an urban design perspective, the lots sit better with residential lots opposite in their scale and character. The likely impacts of this proposal are minimal having regard to ecology, drainage, hazards, management, access and services. The uniqueness of the Blissett E3 will ensure that no precedent will be set in its approval.

The planning mechanism to achieve this proposal are varied and could include either a variation to the minimum allotment size for the E3 parcel on the Blissett land only (say min 2,000m<sup>2</sup>) or by an approval to the Calderwood Concept Plan itself.