



JOHNSON PROPERTY GROUP
Creating living communities

4 February 2009

The Director General
Department of Planning
GPO Box 39
Sydney NSW 2001

ATTENTION: EMMA HITCHENS

Dear Ms Hitchens,

RE: MP 07_0147 – North Cooranbong Concept Plan Approval – Additional Modification Request

In addition to our letters of 18 December 2008 and 9 January 2009 requesting modifications to the Concept Plan approval conditions, I also write with reference to Condition 3.7 – Riparian Zones.

As you are aware, Council are currently assessing our subdivision development application for the first 80 residential lots off Avondale Road. There is some confusion regarding the application of Condition 3.7. It is Council's opinion that any "blue line" shown on the 1:25,000 topographic map is a Core Riparian zone and watercourse (as they define from your condition), whether or not the "blue line" is within land approved under the Concept Plan for development, and therefore subjected to the setbacks this condition imposes.

It is our opinion that the Core Riparian zones referred to in this condition relates to the land defined as 7(1) Conservation (Primary) zoned land. From our perspective, the agreement on the conservation v development footprint took into consideration, amongst other things, the issue of site watercourses. The result was that the major watercourses were protected by the 7(1) zoning with some of the minor watercourses being available for development, subject to demonstration that downstream impacts were not increased. We understood that if land was approved for development under the Concept Plan, then it could be developed to its full potential.

We now feel that Council are double dipping and wanting more land set aside for conservation as a result of their interpretation of Condition 3.7, despite us demonstrating that downstream impacts will not be increased.

The implications of Council's interpretation means that there is further land, approved as development land under the Concept Plan approval, that will not be approved under Part 4 for residential development and therefore further reduce the yield whilst increasing the per lot contribution rates.

I therefore propose, as an amendment to the Concept Plan Approval, the following replacement wording for Condition 3.7:

In relation to land zoned 7(1) Conservation (Primary), any subdivision plan should achieve the following minimum Core Riparian Zones:

- Minimum of 10m for any intermittently flowing 1st order watercourse;
- 20m for any permanently flowing 1st order watercourse or any 2nd order watercourse;
- 20-40m (merit based assessment) for any 3rd order or greater watercourse

Should you require further information, feel free to contact Keith Johnson (0412 089 888) or myself (0438 800 092).

Yours sincerely

Bryan Garland
Senior Development Manager

Cc: Michael File (Department of Planning)