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29 March 2019

Modification Assessments  
Department of Planning and Environment  
GPO Box 39  
**SYDNEY 2001**

**Attention: Mr Anthony Witherdin**

Dear Sir,

**RE: CALDERWOOD URBAN DEVELOPMENT PROJECT - SUBMISSION OF FURTHER INFORMATION  
RELATING TO MODIFICATION 5 TO THE CALDERWOOD CONCEPT PLAN (MP 09\_0082 MOD 5)**

This letter is to confirm the change in scope with respect to the above modification application in relation to the E3 land located within Lot 1 DP558196, 81 Escarpment Drive Calderwood. We have reconsidered the original modification application and are now requesting that Mod 5 instead delivers the following outcomes in relation to the Blissett E3 land:

- To set the minimum lot size for the E3 land at 1.39 hectares.
- To clarify that the E3 land is not classified as Environmental Reserve Land.
- To confirm that the E3 land is Environmentally Sensitive Land to be retained in private ownership and suitable for 'eco low development' land use.

The background to the requested scope change is as follows:

- (1). As consent authority for DA0569/2017 (the development application lodged with Shellharbour City Council for subdivision of the whole of the subject site), Council has acknowledged that whilst the open-space/drainage corridor bisecting the site in the Approved Concept Plan was of limited environmental and hydrological value for the reasons detailed in the documentation accompanying DA0569/2017 and its deletion was supported by DPI-Water in their GTAs, Council nevertheless considers that an alternative ecological connection should be provided in order to demonstrate general consistency with the Concept Plan.
- (2). In discussions with Council, an alternative ecological connection was identified comprising a 'habitat link' between the Blissett E3 land and the Johnsons Spur Conservation Area as shown on the amended layout plan attached. This involved a reduction in the number of lots in the western part of the site and the construction of retaining walls to enable extensive retention of mature trees within the R1 zoned land (including hollow bearing trees) that were originally proposed for removal.
- (3). To strengthen the environmental benefits associated with the habitat link, the Applicant has further proposed to manage the Blissett E3 land consistent with the 'eco low development' land use identified in the Concept Approval and the recommendation that it is to be retained in private ownership. This involves a VMP that sees the retention and reforestation (to

achieve a fully structured understorey) of a 1-ha area within that part of the existing “*Forest Red Gum/ Thin-leaved stringybark grassy woodlands*” that has the greatest concentration of existing trees (in the north-western part of the E3 land), and clearing mostly shelter plantings on the remaining 0.4 ha.

- (4). Such a management proposal is also optimal from the perspective of bushfire management and avoids the need for APZ’s (which would otherwise impact on houses under construction on lots already sold to retail purchasers in Lendlease’s completed Stage 2A which adjoins the north-eastern boundary of the site).
- (5). The modified proposal described above is not compatible with the original proposal to reduce the minimum lot size to 4,000 m<sup>2</sup>.
- (6). The Department has also provided advice that it considered the proposed minimum lot size of 4,000 m<sup>2</sup> lacked consistency with the intent of the original Concept Plan which sought to restrict the density of development within the E3 zone to 1 dwelling/ha, and suggested RBWI reconsider the scope of the Mod 5 application – which has now been done as indicated in the introductory paragraph above.

In relation to the Deed of Sale submitted with the duly completed application form submitted with the original Mod 5 application, which indicated that Mr Blissett had contracted sell the property to RBWI Pty Ltd, we note that the transaction is not yet settled and as such Mr Blissett still owns the property. We have therefore arranged for Mr Blissett to provide an owner’s consent letter which also authorises RBWI to act on his behalf in relation to Mod 5 (copy attached).

We trust the advice regarding changed scope presented above and the attached owner’s consent letter completes all information necessary for the Department to complete its assessment of the Mod 5 application. We understand that once the IPC receives the Department’s recommendations, they will be in touch with Council and the Applicant prior to making their decision.

Given there would still appear to be some doubt in Council’s mind regarding the intent of the Concept Approval as to the management of the E3 land and the difference in management obligations when such land is held in private rather than public ownership, we are concerned this has the potential to create misperceptions over the intent of Mod 5 and would therefore appreciate being able to make a presentation to the IPC. We would be obliged therefore if you would pass on to the IPC our request for the Applicant to make a presentation to the IPC prior to a decision being reached.

If there is anything further you require in preparing the Department’s assessment report, please let us know.

Yours faithfully,



**Paul Nichols**  
Project Manager  
RBWI Pty Ltd