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14 June 2019

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

Attention: Mr Anthony Witherdin

Dear Sir,

**RE: CALDERWOOD CONCEPT PLAN (MP 09_0082 MOD 5) - SUBMISSION OF FURTHER
INFORMATION CHANGING SCOPE OF MODIFICATION APPLICATION**

Further to our letter dated 29 March 2019 and following more recent discussions with Shellharbour City Council and the Department, RBWI would like to document a further change in scope with respect to the above modification application concerning Lot 1 DP558196, 81 Escarpment Drive Calderwood, also known as the Blissett Farm.

The amended scope of Mod 5 now seeks to deliver the following outcomes:

- (1). To clarify that the Blissett E3 land is not classified as Environmental Reserve Land (ERL).
- (2). To confirm that the Blissett E3 land is Environmentally Significant Land to be retained in private ownership and that its existing vegetation can be managed consistent with its recommended 'eco low development' land use.
- (3). To remove the open-space/drainage/riparian corridor between the E3 land and Escarpment Drive, and to replace its environmental function with an alternative habitat link between the E3 land and Johnsons Spur, as shown on the amended layout plan that has been prepared in consultation with Council (Attachment A).
- (4). To set the minimum lot size for the E3 land at 1.39 hectares.

The background to the requested scope change is as follows (using the same numbering system as above):

- (1). The Special Subdivision Areas Plan (SSA Plan) under Mod 2 is ambiguous with respect to the Blissett E3 land. The legend on the SSA Plan describes ERL lands as orange coloured areas marked with the letters 'ER'. There are 4 such orange coloured areas marked 'ER1' through 'ER4'. These are the same areas identified as Environmental Reserves via brown hexagons on the Open Space Network included as Figure 7 in the Consolidated Concept Plan (CCP). The Blissett E3 land is also coloured orange on the Special Subdivision Areas Plan which could be taken as suggesting it too is an ERL. It does not however bear the letters 'ER', and instead incorporates the description 'E3', which refers to its zoning rather than a classification as an ERL land. It is noted that the Blissett E3 was not previously classified as an Environmental Reserve in the Approved Concept Plan, and we understand that the

Department is willing to consider modifying the approval to clarify that the SSA Plan approved under Mod 2 did not reclassify the Blissett E3 land as an ERL.

- (2). The Blissett E3 land is shown as Environmentally Significant Land (ESL) by black cross-hatching in Figure 8 of the CCP. It is also described in Appendix H of the CCP which lists the preferred ownership as private and suitable for 'eco low development'. There is contention however that the definition of 'eco low development' within the CCP is unclear, and that any such use would be inconsistent with the objectives of E3 zone which are seen as calling for the complete reforestation of the whole of the area zoned E3. It is requested therefore that Mod 5 supports the preparation of a Vegetation Management Plan (VMP) that is consistent with the 'eco low development' land use recommended in the CCP. The VMP would include restoration to full structure of approximately 1 ha of 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 but which currently comprises mature trees only with a grazed understorey), and clearing and/or managing the remaining 0.4 ha of the E3 land consistent with bushfire risk management recommendations. Such a management proposal is also optimal from the perspective of bushfire management. It avoids the need for extensive APZ's on substantial portions of land zoned R1 within the Blissett Farm, and also avoids impacting houses under construction on lots already sold to retail purchasers in Lendlease's completed Stage 2A adjoining the north-eastern boundary of the site (which would become bushfire affected if the whole of the Blissett E3 land is fully reforested) - thus ensuring consistency with Council's current approval for Stage 2A requiring no APZ or BAL requirements for these homes. Bushfire management aspects of this proposal has been assessed by Peterson Bushfire (Attachment B) and ecological impacts have been assessed by GHD (Attachment C). Based on the impact assessment and assessment of significance included in the GHD report, GHD has found that the proposal is not likely to result in a significant impact on any NSW listed threatened biota or *Matters of National Environmental Significance* (MNES) listed under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). GHD also observes that the proposed restoration of approximately 1-ha area of fully-structured vegetation within the E3 zone would likely provide improved biodiversity and habitat outcomes when compared to maintaining this area as is, with a discontinuous canopy and grazed/mown understorey comprising a mix of native and introduced ground cover species - which was the management condition implicit in the Concept Approval.
- (3). Council has acknowledged that the open-space/drainage/riparian corridor bisecting the site in the Approved Concept Plan is 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 (refer Attachments D and E). In liaison 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 attached amended layout plan (see Attachment A). This involves a reduction in the originally proposed 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 in the Concept Plan Approval. Nevertheless, as consent authority for DA0569/2017 (the development application lodged with Shellharbour City Council for subdivision of the whole of the subject site), Council considers that the proposed alternative ecological connection, whilst delivering equivalent or better environmental benefits than the open-space/riparian corridor, cannot be classified as being 'generally consistent' with the Concept Plan Approval - unless the CPA is appropriately modified.

(4). The Department has previously advised that the Applicant's originally proposed minimum lot size of 4,000 m² for E3 land 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. This is acknowledged and it is now requested that the minimum lot size for the Blissett E3 land be 1.39 ha, rather than 1.40 ha as specified on the SSA Plan issued under Mod 2. The following justification for this slight reduction is offered as follows:

- The DPE has previously supported a 1.0 ha minimum lot size for E3 lands.
- The 1.39 min lot size represents a very small (<1%) variance with respect to the previously approved 1.40 ha.
- The change results in no greater development entitlement.
- There are no significant adverse environmental impacts associated with the change (the degree of ecological impact is identical).
- It is often the case that minimum lot sizes are set at the number below a whole integer (eg. 449 m² instead of 450m², 999m² instead of 1,000m²).
- There is no additional clearing resulting from the proposal which does affect any part of the E3 land that is occupied by the Forest Red Gum/Thin-leaved stringybark grassy woodlands.
- It makes more efficient use of the land without environmental penalty, overcoming the otherwise inconsistent boundary interface of the R1 and E3 land, noting that rectangular boundaries are more efficient with R1 land whereas the E3 land is defined by a curvilinear boundary.

We trust the advice on the application scope changed presented above together with the attached expert reports provides all information necessary for the Department to complete its assessment of the Mod 5 application but would also be pleased to provide any further information that may be of assistance.

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.

We look forward to hearing from you further.

Yours faithfully,

Paul Nichols
Project Manager
RBWI Pty Ltd

Encl:

Attachment A – Drawing No PTN17015-01 1032_V10

Attachment B – Peterson Bushfire, Supplementary Bushfire Report re Management of E3 land

Attachment C – GHD, Clover Hill Subdivision Ecology Assessment, March 2019

Attachment D – GHD, Clover Hill Subdivision - Drainage line assessment, June 2017

Attachment E – DPI Water GTA's