

2 July 2019

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### **Calderwood Concept Plan (MP 09\_0082 MOD 5)**

Dear Casey

Thank you for the opportunity to comment on the proponents additional Response to Submissions on the proposed modification to the Calderwood Concept Plan (MP 09\_0082 MOD 5).

Council would like to advise that in addition to the comments contained in this submission it would like those raised in its previous submission dated 18 April 2019 to also be considered as Council is of the opinion that they have not been adequately address by the additional information. In this regard Council wishes to advise that it continues to object to the proposed modification.

Council officers have reviewed the documentation and would like to make the following comments.

The following comments are general comments on the proposed modification.

- a) The proposal for “low eco development” within the E3 zone has not been identified in the exhibited plans or accounted for in the Bushfire report. There is no definition provided for ‘eco low development’. Additionally, APZ requirements have not been addressed in the Bushfire report for the proposed dwelling on the E3 land.
- b) All APZ requirements are required to be identified in the Bushfire plans, which will then inform the ecological report. This would allow a full environmental assessment on the total area of clearing. At present, clearing is proposed in a piecemeal fashion that has not been adequately accounted for in the ecological assessment.
- c) Council have undergone significant ‘in good faith’ negotiations as part of the Development Application assessment with the applicant to provide an appropriate habitat link from the E3 land to Johnston’s Spur in lieu of the riparian corridor identified in the concept plan (see figure 2 below). The proposed clearing of E3 zoned land to allow for “eco low development”, as well as clearing to keep the vegetated area under 1ha (to negate the need for APZ’s) degrades the negotiations council have undertaken in good faith with

the developer to remove the riparian corridor and provide a beneficial outcome to the environment through retaining and enhancing existing vegetation.

- d) Council do not support a separate dwelling in the E3 land (See figure 1 below). Council recommends attaching the E3 land to an R1 zoned lot on the boundary. This may occur through an 88B restriction or lot configuration.
- e) The proposed clearing of vegetation to reduce the vegetated area to less than 1ha (figure 3 & 4 below) to negate the need for APZ's in the residential zoned land, is inconsistent with the Calderwood approval C10 (d) as the vegetation is an endangered ecological community. The concept approval indicates "Asset protection zones are not to be located in areas that have identified threatened species and endangered ecological communities as management objectives will conflict".
- f) The proponent has advised Council that the proposal will be referred to the Department of Environment and Energy for the impact of the proposal on the Commonwealth Environmental Protection Biodiversity Conservation Act Critically Endangered Ecological Community Illawarra and South Coast Lowland Forest Woodland. Due to the uncertainty of the modification, Council is unable to comment on the possible impacts that the referral may present to the proposal.

The following comments relate to the information contained in the correspondence submitted by RBWI Pty Ltd dated 14 June 2019 and re-notified to Council for comment.

Each point below responds to the corresponding number point in that correspondence.

Amended Scope of Mod 5:

1. Council agree that the E3 land the subject of this application may be considered to not be identified as Environmental Reserve Land, and also agree that it is considered to be Environmentally Significant Land (ESL) as described in the JBA State Significant Site Study and Environmental Assessment Report 2010, 4.8- Retention of Vegetation, that provides the fundamental requirement of "retain and appropriately enhance". The GHD ecological report supports this provision by the identification of vegetation community that is listed under the Threatened Species Conservation Act/Biodiversity Conservation Act and the Environment Protection Biodiversity Conservation Act.
2. Council agree that the E3 land should be retained in private ownership. The E3/ESL however must be retained and enhanced, the development of the site and provision of cleared areas to reduce vegetation to less than 1ha compromises the benefit to the environment and community of Calderwood estate.
3. During the assessment of a Development Application for the subdivision of the subject land (which has been running concurrently with the Modification application), Council have negotiated in good faith with the proponent the provision of a biodiversity corridor as opposed to the delivery of a riparian corridor. It is however clear from this modification that the proponent is

seeking approval to effectively erode the benefit to the environment by reducing the minimum lot size of the E3 land and ESL.

4. Council is not supportive of changing the E3 Lot size to 'tidy up' boundaries and reduce split zonings. The road and associated infrastructure should be positioned wholly outside the E3 land.

Background to the requested scope change:

1. It is clear in the Concept Plan that the land is identified as Environmentally Significant Land (ESL) and purpose identified in the JBA State Significant Site Study and Environmental Assessment Report 2010 is to retain and appropriately enhance.
2. Council is supportive of a Vegetation Management Plan (VMP) for the ESL/E3 land and the appropriate enhancement of the lot without excluding areas that are proposed to be removed for the purposes of building envelopes, APZ's etc.
3. See previous comments on the riparian corridor and biodiversity link to Johnston's Spur
4. Council is not supportive of reducing the lot size for E3 zoned land, in this regard the area should be include or be attached to a lot in R1 zoned land to accommodate a dwelling and any ancillary structures. Comments that no further clearing is required to reduce the lot size are incorrect, as further APZ's will be required for the building envelope as identified as Figure 3 in the GHD report.



- [illegible]



- C. The figure below illustrates the proposed reduction of vegetation are in E3 land which is not supported by Council. The intention of reducing the E3 vegetated to less than 1ha is clearly to negate the need for APZ's on neighbouring lots and therefore enable maximum lot yield. This is substantially different to the intention of the concept approval and E3 zoning (as illustrated in the following figure).



Legend

<span style="border: 1px solid yellow; display: inline-block; width: 15px; height: 10px;"></span> Subject Land	<span style="border: 1px solid orange; display: inline-block; width: 15px; height: 10px;"></span> Zone
<span style="background-color: lightgreen; border: 1px solid green; display: inline-block; width: 15px; height: 10px;"></span> E3 Zone to be reforested with fully structured under-story - 9548.77m²	<span style="background-color: orange; border: 1px solid orange; display: inline-block; width: 15px; height: 10px;"></span> E2 Environmental Conservation
<span style="background-color: orange; border: 1px solid orange; display: inline-block; width: 15px; height: 10px;"></span> E3 Zone to be cleared/managed - 4758.27m²	<span style="background-color: yellow; border: 1px solid yellow; display: inline-block; width: 15px; height: 10px;"></span> E3 Environmental Management

Vegetation Formations

Forest



Date: 8/03/2019

0 5 10 20 30 40  
Metres

Figure 2: Proposed Vegetation Management Strategy

Coordinate System: GDA 1994 MGA Zone 56

Imagery: © Neamap

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- D. The below figure illustrates the APZ's required should the E3 land be regenerated as per the concept approval. This is substantially different to the previous figure which indicates the current proposal.



#### Legend

dist\_to\_E3  
Subject Land  
Zone

E2 Environmental Conservation  
E3 Environmental Management

**Vegetation Formations**  
Forest

#### Asset Protection Zone

Asset Protection Zone - 12m  
Asset Protection Zone - 15m  
Asset Protection Zone - 20m  
Asset Protection Zone - 25m



Date: 8/03/2019

0 5 10 20 30 40  
Metres

Figure 1: APZ required to E3 Zone if Unmanaged

Coordinate System: GDA 1994 MGA Zone 56  
Imagery: © Nearmap

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Council would also like to reiterate that it does not support any reduction of the minimum lot size of the E3 land that does not correspond with the area that is zoned E3 in the State Significant Precincts SEPP Part 28 Calderwood Site.

As previously mentioned Council appreciates the continued opportunity to work with the Department of Planning to ensure that the best possible outcomes for the environment and the future Calderwood community are achieved in this area and would like to request a meeting to discuss this application.

Should you require further information or clarification of these issues please contact Council's Senior Strategic Planner, Cheryl Lappin on (02) 4221 6127.

Yours sincerely

Cheryl Lappin  
**Senior Strategic Planner**