

Council Reference: (MP 09_0082 MOD 5)

30 August 2019

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Calderwood Concept Plan (MP 09_0082 MOD 5)

Dear Casey

Thank you for the opportunity to comment on the proponent's additional Response to Submissions (dated 30 July 2019) on the proposed modification to the Calderwood Concept Plan (MP 09_0082 MOD 5).

The comments contained in this submission refer directly to the revised scope of the modification as specified in correspondence submitted to the Department by the proponent and dated 14 June 2019. This submission now supersedes all previous submissions made by Council.

Scope of Modification Request by Applicant

In this regard the proponent has requested the following:

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.*

Council's Interpretation of Requested Modification

Council has considered the revised scope and interprets that the application is to modify the following components of the existing Concept Approval.

- A. Special Subdivision Map:
 - i. create new classification and colour for Blissett E3 land which is currently identified as Environmental Reserve Land by its colour and the Key on the Map.
 - ii. Reduce the area specified on the Special Subdivision Map from 1.4ha to 1.39ha.
- B. Condition B7: The new classification will then need to be inserted into a modified condition B7 as it relates to the Minimum Lot Size indicated on the Special Subdivision Map.
- C. Condition C3: If the Blissett E3 land is reclassified and is no longer referred to Environmental Reserve Lands, Condition C3 will no longer apply to the land.
- D. Open-space/ Drainage/ Riparian Corridor Concept Approval Maps: These Maps will need to be amended to remove the existing riparian corridor and create a new category of Habitat Link in the location nominated by the proponent.

Implications of Requested Modification

Council has identified a number of implications that it believes will result from the proposed modifications and has provided comments on each of these below:

- a. Discrepancy between the SEPP zone and Minimum Lot Size Maps and Concept Approval (Special Subdivision Map): Currently the Blissett E3 land is indicated as zoned E3 on the zone map and is also coloured white on the minimum lot size map in the SEPP.

As a result of MOD 2 (which removed the imposition under the SEPP of the areas coloured white needing to revert back to a 40ha minimum lot size by introducing a Special Subdivision Map into the Concept Approval), the Blissett E3 land in its entirety (4.1ha) was mapped and included in condition B7 and C3 of the Concept Approval.

If the proposed modification to the Special Subdivision Map to reduce the Minimum lot size to 1.39ha occurs and the SEPP is not also modified, part of the E3 land will not have a minimum lot size specified in the Concept Approval. Therefore the area will subsequently revert back to the SEPP as a white area and a 40ha min lot size would apply under the SEPP.

Council Comment: The proponent has stated that the reasoning behind the request for the reduction in the minimum lot size specified on the existing Special Subdivision Map is to enable the location of roads within the existing E3 land. In this regard, the subdivision layout will not form part of the Concept Approval and there is currently opportunity for a subdivision design, which does not assume roads within the E3 Zoned land to be considered by the consent authority.

Council is also concerned about the strip that will revert back to the SEPP Minimum Lot Size Map. The concern is the possible requirement for a 40ha min lot size which is unable to be complied with.

- b. Modification to the Concept Approval maps to indicate a habitat link and possibly a modification to C2, C3 and Commitment 35 will be required.

Council Comment: Council supports in principle the inclusion of a habitat link in lieu of a riparian corridor on the Concept Approval Maps and any modification to C2, C3 and commitment 35 requiring a VMP over the Habitat Link. However, as this has not been specifically outlined in any documentation exhibited, Council requests the opportunity to review any proposal to modify the Concept Approval in this way.

- c. Level of detail necessary in a VMP as a result of the proposed modifications: The existing Concept Approval has two mechanisms within it which require the preparation of a VMP over certain land when that land forms part of a stage of development. The first is Condition C3 which relates to Environmental Reserve Lands and Special Riparian/ Environmental Corridor Subdivision lands as identified on the Special Subdivision Map; and, the second is Commitment 35 which relates to land identified as Environmental Sensitive Land on the Concept Approval Map.

Condition C3 specifies the requirements for both Management Plans and Vegetation Management Plans for those lands affected by the condition, whereas Commitment 35 is less prescriptive and requires the preparation of a VMP on Land identified as ESL.

It may be assumed as a result of the proponent's request to not have the land identified as Environmental Reserve Land, that the expectation of the proponent is that C3 will not apply to the land.

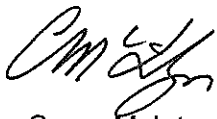
Council Comment: Council is of the opinion that the requirement to provide and implement a VMP under commitment 35 will be satisfactory for this land.

- d. The entire Blissett E3 land is currently identified as ESL in the Concept Approval. The proponent has not requested an amendment to the ESL Map.

It is noted that the proponent continues to make reference to 'eco low development'. As previously stated Council considers it inappropriate to use this term as it is not a defined use in either the Concept Approval Documents or the State Significant Precincts SEPP Part 28 Calderwood Site.

Thank you for your consideration of Council's submission. If you require additional detail, please contact Cheryl Lappin on telephone (02) 4221 6127

Yours sincerely



Carey McIntyre
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