

Modification of Concept Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the concept approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Brendon Roberts
A/Director, Regional Assessments

Sydney

6 March 2020

SCHEDULE 1

Concept Approval: **MP 09_0082** granted by the Minister for Planning on 8 December 2010.

For the following: Concept Plan for a development on approximately 700 hectares for approximately 4,800 dwellings, 50 hectares of mixed use land, open space and land for environmental protection, and associated infrastructure.

Proponent: **Delfin Lend Lease or any party acting on this approval.**

Approval Authority: Minister for Planning

The Land:

| | | |
|------------------|------------------|------------------|
| Lot 4 DP 259137 | Lot 1 DP 259137 | Lot 10 DP 619547 |
| Lot 2 DP 608238 | Lot 22 DP 809156 | Lot 1 DP 996296 |
| Lot 5 DP 259137 | Lot 112 851153 | Lot 2 DP 158998 |
| Lot 1 DP 998349 | Lot 2 DP 259137 | Lot 8 DP 259137 |
| Lot 1 DP 1044038 | Lot 1 DP 608238 | Lot 42 DP 878142 |
| Lot 1 DP 194903 | Lot 6 DP 259137 | Lot 1 DP 195342 |
| Lot 2 DP 2534 | Lot 21 DP 809156 | Lot 1 DP 558196 |
| Lot 3 DP 259137 | | |

Modification: **MP 09_0082 MOD 5** involves the following modifications by RBWI Pty Limited to Lot 1 DP 558196:

- clarification that the E3 zoned land on the modification site is defined as Environmentally Significant Land and not Environmental Reserve Land
- replace an open riparian corridor between the parcel of E3 zoned land on the modification site and Escarpment Drive with a habitat enhancement linkage to Johnson's Spur.

SCHEDULE 2

The approval is modified as follows:

- (a) Schedule 2 Part A – Administrative Terms of Approval, is amended by the insertion of the **bold and underlined** words as follows:

**A2 (a) Development in accordance with Plans and Documentation
(Modification 5)**

- (1) **Further information regarding VMP for E3 land prepared by RBWI Pty Ltd (Clover Hill) dated 30 July 2019**
- (2) **Supplementary bushfire report prepared by Peterson Bushfire Pty Ltd dated 11 March 2019 as amended by further supplementary bushfire report dated 17 July 2019**
- (3) **Plan titled, Amendment Layout Showing Habitat Enhancement Linkage to Johnson's Spur, drawing No. PTN17015-01 1032 Version 12**
- (4) **Plan titled, Special Subdivision Areas – Concept Plan Modification #5 Feb 2020**

- (b) Schedule 2, Part B, Modification B7 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

B7 Riparian and Environmental Reserve Land

The land identified on the Special Subdivision Areas Plan ~~prepared by Lendlease dated October 2017~~ **Feb 2020** (SSA Plan), may be subdivided as follows:

1. Land identified as Environmental Reserve Lands **and/or Environmentally Significant Lands** must not be subdivided so as to create a lot less than the minimum lot size for the Environmental Reserve **and/or Environmentally Significant Lands** as shown on the SSA Plan **(dated Feb 2020)**. Environmental Reserve Lands **and/or Environmentally Significant Lands** may be consolidated into a larger lot.

Note: The purpose of this condition is to ensure that certain land zoned E2 Environmental Conservation and E3 Environmental Management that is to comprise Environmental Reserves **and/or Environmentally Significant Lands** is not subdivided.

2. Land identified as Special Riparian / Environmental Corridor Subdivision Area may be subdivided irrespective of the size of the lots that are created, but only if:
 - a) it is to be subdivided so as to create a single allotment and is consolidated with any other contiguous area of Special Riparian / Environmental Corridor Subdivision Area land;
 - b) land consolidated under this Term shall include a restriction to user pursuant to Section 88D of the Conveyancing Act 1919 to preclude the future subdivision of the land which is inconsistent with the purpose of this Term.

Note: The purpose of this term is to ensure that contiguous areas of Special Riparian / Environmental Corridor Subdivision Area (excluding that required to be dedicated for a public purpose) can be consolidated into a single lot on a stage by stage basis.

3. Land that is not required to be dedicated for public purpose is excluded from the requirements of consolidation under Condition B7 (2)(a). Including but not limited to land for local drainage, local, city wide and district parks and other public open space, roads, pedestrian / cycle ways, utility services or other essential infrastructure.
4. In granting consent to the subdivision of land within the Special Riparian / Environmental Corridor Subdivision Area, the consent authority must take into

consideration the following information that is to be provided as part of any relevant application for subdivision:

- (a) a plan showing whether each of the lots to be created as part of that application is proposed to be retained in public or private ownership, and details of the public purpose of any lands that are proposed to be dedicated to the relevant council;
 - (b) a plan showing the relationship of any lot to be created as part of that application and proposed to be retained in private ownership to the anticipated pattern of future development under the Concept Plan on immediately adjoining land; and
 - (c) whether the permissible uses of any lot to be created comprising Special Riparian / Environmental Corridor Subdivision Area land that is not required to be dedicated for a public purpose is consistent with the objective of protecting the ecological, scientific, cultural or aesthetic values of the land identified on the Special Riparian / Environmental Corridor Subdivision Area Plan.
- (c) Schedule 2, Part C, Future Environmental Assessment Requirement C2 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

C2 Environmentally Sensitive Significant Lands Map

The Environmentally ~~Sensitive~~ **Significant** Lands (ESL) map prepared by Delfin Lend Lease dated February 2010 **2011** shall form part of the Concept Plan approval.

The following requirements apply to development on land identified in the ESL layer:

- 1) Before granting consent, the consent authority must be satisfied the development:
 - would substantially retain existing native vegetation, and
 - would not adversely affect to a significant extent:
 - the ecological value of the existing vegetation, or
 - native fauna
- 2) Before granting consent, the consent authority must consider whether:
 - the locality has high biological diversity
 - the locality contains:
 - a disjunct population of native species or a species that is near the limit of its geographical range, or
 - riparian vegetation, or
 - vegetation associated with wetlands, and
 - the land has connective importance as, or part of, a corridor of native
 - vegetation forming a connection that allows for the potential passage of species of flora or fauna between two or more areas of native vegetation, and
 - vegetation is adequately represented on land in the general locality, and
 - the land is important as a site along a migratory route for wildlife, and
 - the land functions as an important drought refuge for wildlife, and
 - clearing of the land would be likely to contribute significantly to:
 - soil erosion, or
 - salinization of soil or water, or
 - acidification of soil, or
 - landslip, or
 - deterioration in the quality of surface or groundwater, or
 - increased flooding, or
 - there is a need to conserve all or some of the native vegetation because:
 - of its unusually good condition or its significance as a sample of its type, or
 - the development will increase the perimeter of the native vegetation, and so the ratio of the boundary to the area of the native vegetation, making it more vulnerable to negative impacts, or

there is an archaeological site that has Aboriginal heritage significance on the land.

- (d) Schedule 2, Part C, Future Environmental Assessment Requirement C3 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

C3 Ecology and Biodiversity

- 1) Management plans for the Environmental Reserve Lands, **the Environmentally Significant Lands and/or the Habitat Enhancement Link** / Special Riparian / Environmental Corridor Subdivision Area ~~Lands~~ identified in the Special Subdivision Areas Plan (SSA Plan), ~~prepared by Lendlease~~ dated **Feb 2020** ~~October 2017~~, are to be prepared and submitted with each relevant application.

The management plans are to include the ownership arrangements for these lands, and how these ownership arrangements will ensure that the management regimes will be implemented and be on-going.

- 2) Vegetation Management Plans shall be submitted with each development application proposing the subdivision of the Environmental Reserve Lands, **the Environmentally Significant Lands and/or the Habitat Enhancement Link** / Special Riparian / Environmental Corridor Subdivision Area lands identified in the SSA Plan. Each Vegetation Management Plan shall:
- demonstrate how an improvement to aquatic habitat will be achieved (for Mount Marshall Creek and Macquarie Rivulet);
 - demonstrate an improvement to water quality will be achieved;
 - identify the rehabilitation / revegetation works required to maintain the ecological integrity of the Environmental Reserve Lands, **the Environmentally Significant Lands and/or the Habitat Enhancement Link** / Special Riparian / Environmental Corridor Lands. Where such works are required, the Vegetation Management Plan must identify:
 - the methodology for undertaking the rehabilitation /revegetation works;
 - monitoring and performance criteria to measure the success of the rehabilitation /revegetation works;
 - completion criteria for the rehabilitation /revegetation works; and
 - any ongoing monitoring and management measures required to maintain the ecological integrity of the Environmental Reserve Lands, **the Environmentally Significant Lands and/or the Habitat Enhancement Link** / Special Riparian / Environmental Corridor Lands Subdivision Area Lands;
 - demonstrate how the proposal will contribute to fauna and habitat connectivity;
 - provide passive recreation with low environmental impact, where it is available for public use; and
 - demonstrate consistency with the provisions of the relevant Management Plan(s) prepared to satisfy Term C3(1) above.
- 3) Any approved Vegetation Management Plan for land within the **Habitat Enhancement Link** / Special Riparian / Environmental Corridor must be revised and updated with each subdivision application requiring the consolidation of land under Term B7 of this approval.
- 4) Where a Vegetation Management Plan is approved by a consent authority, it shall be implemented in-perpetuity by the owner(s) of the relevant lots within the Special Subdivision Areas.

End of Modification