

Modification of Concept Approval

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

As delegate of the Minister for Planning, the Independent Planning Commission modifies the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Annelise Tuor
Member of the Commission (Chair)



David Johnson
Member of the Commission

Sydney

27 March 2018

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: Lend Lease Communities (Australia) Limited.

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 996926
Lot 5 DP 259137	Lot 112 851153	Lot 2 DP 158988
Lot 1 DP 998349	Lot 2 DP 259137	Lot 8 DP 259137
Lot 1 DP 1044038	Lot 1 DP 608238	Lot 42 DP 878122
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 2:

- insertion of new Modification B7 to identify requirements for the subdivision of land within the proposed Special Subdivision Area
- modification of Term C3 to require the preparation and implementation of Vegetation Management Plan(s) for lands in the Proposed Open Space Network Map
- insertion of new Term C13 requiring future development applications to demonstrate consistency with the Consolidated Development Control Strategy.

SCHEDULE 2

The approval is modified as follows:

- (a) In Schedule 2, Part B, insert new Modification B7 after Modification B6:

B7 Riparian and Environmental Reserve Land

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

1. Land identified as Environmental Reserve Lands must not be subdivided so as to create a lot less than the minimum lot size for the Environmental Reserve as shown on the SSA Plan. Environmental Reserve Lands may be consolidated into a larger lot.

Note: The purpose of this Term is to ensure that certain land zoned E2 Environmental Conservation and E3 Environmental Management that is to comprise Environmental Reserves is not subdivided.

2. Land identified as Special Riparian / Environmental Corridor Subdivision Area may be subdivided irrespective of the size of the allotment/s 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 land (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 required to be dedicated for a public purpose is excluded from the requirements of consolidation under Term 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;
 - 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.

- (b) Schedule 2, Part C, Term 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 ~~Open Space Corridors and Citywide Bushland, and the Environmental Reserves identified on the 'Proposed Open Space Network' map in Appendix L of the PPR~~ **Environmental Reserve Lands and the Special Riparian/Environmental Corridor Subdivision Area lands identified in the Special Subdivision Areas Plan (SSA Plan) prepared by Lendlease dated 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) The Vegetation Management Plans ~~shall~~ **shall** to be prepared as detailed in Statement of Commitment No. 35 ~~shall apply to the corridors identified in the Proposed Riparian Corridor Network plan and~~ **submitted with each development application proposing the subdivision of the Environmental Reserve Lands or the Special Riparian/Environmental Corridor Subdivision Area lands identified in the SSA Plan. Each Vegetation Management Plan** shall demonstrate that the following will be achieved:
- a) **Demonstrate how an** improvement to aquatic habitat **will be achieved** (for Marshall Mount Creek and Macquarie Rivulet);
 - b) **Demonstrate how an** improvement to water quality **will be achieved**;
 - c) **identify the rehabilitation/revegetation works required to maintain the ecological integrity of the Environmental Reserve Lands or the Special Riparian/Environmental Corridor Subdivision Area lands. Where such works are required, the Vegetation Management Plan must identify:**
 - (i) **the methodology for undertaking the rehabilitation/revegetation works;**
 - (ii) **monitoring and performance criteria to measure the success of the rehabilitation/revegetation works;**
 - (iii) **completion criteria for the revegetation/rehabilitation works; and**
 - (iv) **any on-going monitoring and management measures required to maintain the ecological integrity of the Environmental Reserve Lands or the Special Riparian /Environmental Corridor Subdivision Area lands;**
 - d) **demonstrate how the proposal will** contribute to fauna habitat connectivity; ~~and~~
 - e) provide passive recreation with **a** low environmental impact, where it is available for public use; **and**
 - f) **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 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 SSA Plan.**

(c) Schedule 2, Part C, after Term C12 add new Term C13:

C13 *Consolidated Development Control Strategy*

Future development applications shall demonstrate consistency with the Consolidated Development Control Strategy prepared by JBA Urban Planning and dated March 2018.

End of Modification