

21 December 2018

Stephen Gardiner
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr Gardiner



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Walker Corporation Presentation – Planning Proposal for Macquariedale Road, Appin (the “Planning Proposal”)

Thank you for the opportunity to re-present the above Planning Proposal to Council on 17 December 2018.

Further to the briefing and Walker letter to Council dated 14 December 2018, we take this opportunity to summarise our responses to each of the resolutions regarding the Planning Proposal made in the Council meeting of 19 November 2018 (using the same headings as set out in the letter from Council to Walker dated 26 November 2018):

Topic	Walker status	Council status	Comments
Draft Voluntary Planning Agreement	✓	✓	Signed VPA has been exhibited and is in force.
Biodiversity-Certification Application	✓	✓	<p>Revised Flora and Fauna Assessments have been provided to Council and we understand this information has been supported by Council’s environment team.</p> <p>Refer Attachment 1 of the 13 December Travers Environmental letter (Annexure 3 of the 14 December 2018 Walker letter which has been re-annexed as Annexure 1 for convenience of reference) which identifies the revised extent of important koala habitat which we have proposed as the new E2 land.</p> <p>The existing Biodiversity Certification report has been accepted by OEH and Council and undergone public exhibition. On the basis that your environmental team and Council support the revised location of the E2 boundary, on approval of the Planning Proposal we will have the Biodiversity Certification report updated for submission to OEH.</p>
Studies reflect maximum lot yield	✓	✓	<p>If all Lots in the R2 zone were 450m², the maximum theoretical number of lots in the developable area would be calculated as follows:</p> <ul style="list-style-type: none">• Total Gross R2 Area = 189,550m²• Less Roads and detention basins = 64,731m²

			<ul style="list-style-type: none"> • Total developable residential Area = 124,819m² • Divided by 450m² per lot = <u>277 Lots</u> <p>The original reports provided to Council with our application allowed for a total lot yield of 300 lots. As a result, the studies / reports provided with our application are appropriate for the Planning Proposal lot yield sought and therefore do not require amendment.</p> <p>To give Council complete certainty, Walker would accept:</p> <ul style="list-style-type: none"> • a yield cap of 220 lots in the LEP amendment for the Planning Proposal; and • an indicative layout plan in a future DCP that delivers no more than 220 lots.
Updating Flora and Fauna Report	✓	✓	<p>Updated Flora and Fauna Assessments have been provided to Council and following our meetings with the Council environmental team we understand this information has been accepted by Council's environment team.</p> <p>The updated information addresses the three key elements set out in your letter dated 26 November 2018, being:</p> <ul style="list-style-type: none"> • Koala sightings in the vicinity of Appin since 2014; • Pregnant Koala sighted on the site shortly before public exhibition of the planning proposal; and • Koala mapping and collaring programme initiated by Council and OEH in 2016.
Flora and Fauna Report to provide clarity on certain matters.	✓	✓	<ul style="list-style-type: none"> • Our ecologist originally concluded that the previously proposed E2 zone was a suitable location. However, we have always tried to work with the Council and meet community and environmental concerns and have therefore proposed an enhanced corridor (refer Attachment 1 of the 13 December Travers Environmental letter which has been re-annexed as Annexure 1 for convenience of reference). The enhanced corridor expands the E2 zone and, importantly, moves the Asset Protection Zone out of the E2 zone into the development area, further reducing impact on potential koala habitat. This represents a further 28% reduction in the impact of the development footprint on important koala habitat area when compared to the previous development footprint. A plan demonstrating this material reduction in impact is set out in Annexure 2. • The land identified for conservation and the land identified to be removed through the biodiversity certification process therefore reflects the constraints and areas of important koala habitat across the site. The enhanced corridor was discussed with Council's environmental team at our meeting of 13 December 2018.

			<ul style="list-style-type: none"> Page 1 of the 13 December Travers Environmental letter (which has been re-annexed as Annexure 1 for convenience of reference) clarifies the issue of Core Koala habitat.
Potential amendments to Planning Proposal and Bio-certification application (if required)	✓	✓	<ul style="list-style-type: none"> On the basis that your environmental team and Council support the revised location of the E2 boundary, on approval of the Planning Proposal we will have the Biodiversity Certification report updated for submission to OEH. The amended Planning Proposal with the revised E2 conservation zone can now be referred to the Department.
Consistency with ILUIP	✓	✓	The Planning Proposal is consistent with the Greater Macarthur Priority Growth Area Interim Land Use and Infrastructure Plan ("ILUIP") in that it is land identified as urban capable land in the ILUIP.

Next steps:

Walker considers there has been significant progress to date with respect to the Planning Proposal. Specifically:

- the benefit to the local community to be delivered under the Voluntary Planning Agreement connected to the Planning Proposal (100% greater than the existing contributions plan);
- the environmental conservation measures to be secured through the proposed E2 zoning which will provide permanent and long lasting Koala protection measures;
- an agreed strategy with regard to the Biodiversity Certification process; and
- the SEPP44 obligation to develop a Koala Plan of Management as part of any future Development Application.

Given the updated information provided and the enhanced environmental outcomes now proposed, Walker considers that the status of each of the resolutions from the 19th November are now resolved and we respectfully request that the Planning Proposal be presented and approved at the February 2019 Council meeting.

Yours sincerely,

Walker Corporation Pty Limited



David Gallant
Chief Operating Officer

ANNEXURE 1 - 13 December 2018 Travers Environmental letter

Thursday, 13 December, 2018
Our Ref: A18WAK02E

Walker Corporation
Level 21, Governor Macquarie Tower
1 Farrer Place Sydney NSW 2000



Dear Gerry,

Re: Confirmation of E2 zone boundary to protect important Koala habitat

Travers bushfire & ecology provide the following responses to the latest questions raised by Council in regard to the extent of core Koala habitat and the functionality of the corridor defined by the proposed E2 zone.

Confirm the land identified for conservation and bio certification is accurate and reflects areas of core koala habitat

Travers bushfire & ecology reiterates that the Koala survey report has classed the site as 'core Koala habitat'. This is a legislative trigger that causes the preparation a Koala Plan of Management (KPOM). The adjustment of the E2 zone boundary on the basis of core Koala habitat designation is not appropriate and not the intention of SEPP44. This is addressed via the existing bio-certification process.

Core Koala Habitat (CKH) is defined under Part 1 Section 4 of the policy as "an area of land with a resident population of Koalas, evidenced by...". Part 2 Section 6 however outlines this land to which the policy applies and is not based on the areas of Koala activity or usable important habitat but rather "land in relation to which a development application has been made and has an area of more than 1 hectare, or has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land."

Therefore CKH is not necessarily the area of core activity or core importance but rather the cadaster land ownership to which the development application is made. Where CKH is identified the proponent then is obligated to provide a suite of management priorities not just within the core activity areas but more so within the proposed development landscape to prevent harm to the local population. This includes speed limits, control of dogs, fencing etc. Therefore the trigger of CKH to provide a management plan is generally more for the non-important habitat areas. The KPOM must be prepared before development consent can be granted.

The attached Important Koala habitat map provides the area that is considered to be important habitat for the protection and maintenance of the existing population within the site.

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For the purposes of this correspondence *Travers bushfire & ecology* confirms that important Koala habitat is to be protected. The KPoM has to identify areas of important habitat for the survival of the existing population. The KPoM is intended to provide an appropriate conservation area for Koala, and stipulate the protection and restoration measures to maintain the quality and connectivity of habitat.

For the purposes of reviewing the location of the E2 Zone boundary, the identification of important Koala habitat is based on the following premises:-

1. That each 'low', 'medium' and 'high' use activity point as identified by the SAT procedure (*Phillips & Callaghan* 2008) applied over the total site to a grid density advised by Stephen Phillips himself, are protected.
2. Other areas of previous use evidenced by a high number of scratches on trees will also be protected.
3. The protection of the connective links that will enable Koalas to continue to move into adjoining areas without being exposed to Dog attack and being forced to travel through urban areas
4. Maintaining sufficient foraging area to support the local population.

I refer to the attached plan of Important Koala habitat that provides the following outcomes as follows:-

- Protection of the recorded activity areas mentioned above and most notably including the high use area within the south-western boundary, the central northern low use area and on Council land adjoining the oval.
- Maintains the minimum width of the current corridor such that the connective link to adjoining lands is not reduced (286m from creek to Councils Oval). In all cases the proposed conservation area exceeds the existing minimum connective width.
- Protects the majority of the preferred foraging vegetation communities that contains Grey Gum. In addition we have protected an additional portion of Forest Red Gum habitat adjacent to the high use Grey Gum area in the south, which showed a high number of Koala scratch marks on just two trees.
- Areas that did not appear to have any evidence of scats or scratches and that has limited connectivity value has been excluded because there is no evidence that the immature or degraded forest red gum stands has high value to the existing Koalas within this site.

The resulting outcome is a boundary line that is indicative of important Koala habitat based on the survey data and analysis within the Koala Survey Report. This results in boundary adjustments beyond what is needed to maintain connectivity in the southern and central development precincts.

Confirm the E2 is in the most suitable location

Travers bushfire & ecology confirms that the boundary of the E2 zone could be enhanced to protect important Koala habitat as show on the attached figure.

Amend the bio certification report to ensure future development does not impact on core koala habitat

The adjustment to Koala protection areas leads cause to update the Biodiversity certification.

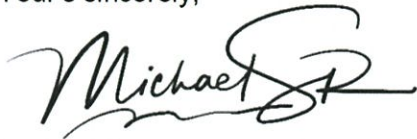
Preparation of the KPoM after certification

Travers bushfire & ecology considers that the KPoM should be prepared for submission with Subdivision DA on the basis of the above information that confirms the area of important Koala habitat.

It is concluded that while the proposed E2 corridor maintains connectivity this could be further enhanced by expanding the boundary to ensure a minimum width of 300 metres (excepting a minor incursion caused by Council's existing Oval) and including additional areas of Forest Red Gum and Grey Gum. This would still allow for development to occur subject to mitigation measures imposed under a future KPoM and would allow the koala corridor to be protected under a conservation management regime.

Should you have any questions relating to this correspondence please do not hesitate to contact the undersigned.

Your's sincerely,

A handwritten signature in black ink, appearing to read 'Michael SR', with a stylized flourish at the end.

Michael Sheather-Reid | *Managing Director*
Accredited Biobanking Assessor (No.204)
BAM Accredited (BAAS17085)

Attachment 1 – Important Koala Habitat



Legend

- Site boundary (Study Area)
- Koala study area
- Available Onsite
- Biodiversity Offset Area
- R2 Low Density Residential
- Future Appin Bypass
- Asset Protection Zone
- Important koala habitat

Vegetation Communities

- Grey Gum / Blackbutt / Rough-barked Apple Forest (SSTF)
- Grey Gum / Blackbutt Forest (SSTF)
- Grey Gum Forest (SSTF)
- Forest Red Gum Forest / Woodland (CPW)
- Forest Red Gum Forest / Woodland (canopy only)(CPW)
- Forest Red Gum / Ironbark Forest (SSTF)

Koala Activity

- K Atlas records**
- K(s) Koala (recorded by scats - March 2018)
- K(s) Koala (recorded by scats - November 2018)
- FRG with "high use" scratches
- FRG with reuse scratches
- Koala habitat restoration area
- High (High/mod activity scats recorded both visits)
- Utilised (Low activity)



PROJECT & MAP REFERENCE
Macquariedale Road, Appin (Rezoning)
A18029_FA003

DATE & ISSUE NUMBER
12/12/2018
Issue 1

SCALE & COORDINATE SYSTEM
1:4,750 @ A3
GDA 1994 MGA Zone 56



0 50 100 m

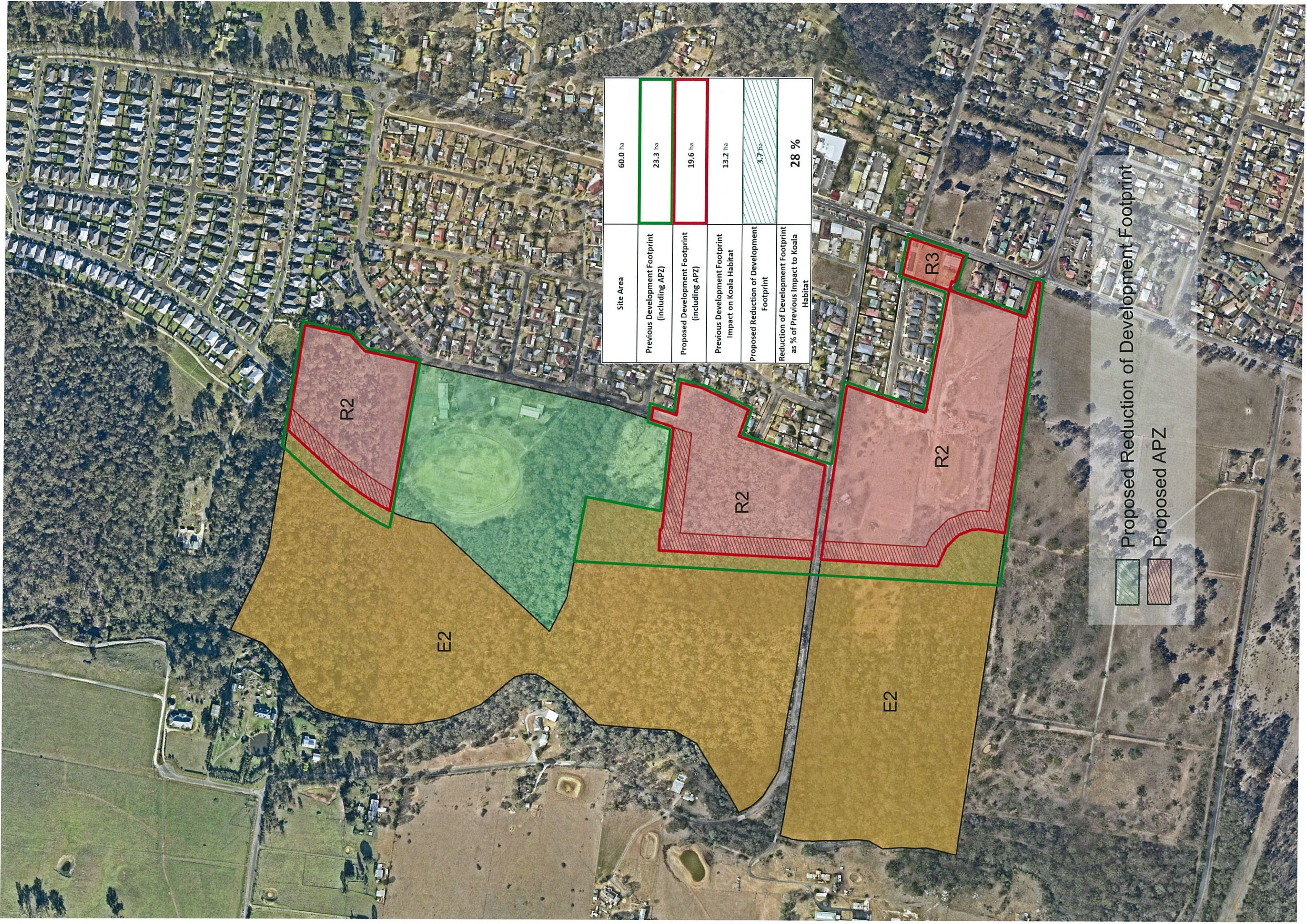
**NSW Office of Environment and Heritage's Atlas of NSW Wildlife, which holds data from a number of custodians
Data obtained 05/04/2018
Aerial source Nearmap

Disclaimer: The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features are to be confirmed by a registered surveyor.

Important Koala Habitat

Document Path: N:\GIS\STOPPAGE\DrawA18029_Macquariedale Road\A18029_F003.mxd

ANNEXURE 2 – Plan showing reduction in development footprint



Site Area	60.0 ha
Previous Development Footprint (including APZ)	23.3 ha
Proposed Development Footprint (including APZ)	19.6 ha
Previous Development Footprint Impact on Koala Habitat	13.2 ha
Proposed Reduction of Development Footprint	3.7 ha
Reduction of Development Footprint as % of Previous Impact to Koala Habitat	28 %

 Proposed Reduction of Development Footprint

 Proposed APZ