

22 September 2017

Director Modification Assessments
Anthony Witherdin
GPO Box 39
SYDNEY NSW 2001
REFERENCE: DA 172-7-2005 MOD4

Dear Director

I wish to comment on the Notice of Modification Residential Subdivision at Bayridge Estate, Batemans Bay.

The original development application was for the Canberra Investment Corporation Ltd who in 2002 announced (Batemans Bay Post) they planned to make application for a 400+ residential development on what was Lot 2 Kings Highway (DP865527). Up until that time the local community was of the belief that the land was approved for rural subdivision (1 - 2 hectares) with approximately 80 lots.

After extensive community lobbying and as a result of the clear-felling scar that formed the Long Beach Estate, which at the time could be visible from Batemans Bay, the original application was modified and reduced to 203 lots. While concerned, we agreed to accept the Department of Infrastructure, Planning and Natural Resources decision.

Cynically, in my letter 21 January 2004 objecting to the modification of the Subdivision I noted the intention was to subdivide the two existing lots into three, and in doing so I believed it would allow two of the three lots (Lots 1 and 3) to be no longer subject to State Environmental Policy 14 (Wetland) and 71 (Sensitive Coastal Location). Under the proposed modification only a small amount of Lot 2 would be still affected by these policies. I noted at the time that this would open the way for further redevelopment in the future. I believed that if the original subdivision was allowed to proceed then a subsequent development application would be lodged for a residential development on Lot 1 (which has happened) with Modification Applications for Lot 3 and Lot 2 as the potential arises (now being lodged).

Well, thirteen years later the future has arrived with the new modification now seeking an additional 48 lots in the Subdivision. More importantly it doubles the number of Lots backing my property from two to four. These were originally Lot 409 - 3340m² and Lot 410 - 3990m². The proposal is to reduce the four Lots 612, 613, 614 and 615 to below 2000m² (no Lot sizes indicated on Drawing 23-11848-C001 but the application talks about a minimum lot size of 1500m²).

The land is covered in an assortment of native eucalypts and under forest shrubs and grasses and as such requires extensive clearing for the four proposed buildings (see the Bushfire Protection Assessment). This will significantly impact on my property with increase in dust (due to the clearing the native bushland and exposing the fragile shale soils).

Having lived in the vicinity for 22 years we have been increasingly inundated with displaced injured wildlife as a result of such clearing for houses and infrastructure associated with the Bayridge Estate at the end of Clyde Road, Stage One development and the earthworks for the infrastructure for the subsequent stages.

Most importantly the Modification will directly impact on the wildlife that inhabits the watercourse that neighbours our block and the proposed lots 609, 610, 611, 612, 613, 614, 615 and 616. These include feathertail and yellow-bellied gliders who have been displaced and subsequently attacked by domestic animals and native predators due to loss of habitat and feeding areas.

Of particular concern are a number of endangered red-tailed black cockatoos that breed along the water course at the bottom of my and my neighbour's blocks and will be directly impacted by the increased housing density. These cockatoos have nested in this area since at least 1993 that I know of, and if not longer.

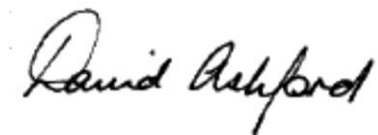
As stated in the application the development "lies in the footprint of the existing approved development". But the impact on their neighbours in Clyde Road will be significantly increased with the number of Lots backing on to existing properties increasing from 7 to 11, and in the case of my property doubling.

Most of the Bayridge Estate is bounded by Kings Highway and Princes Highway and have no near neighbours, except those in Clyde Road. I would therefore suggest an amendment to the application that would not allow any increase in Lots that back onto existing properties in Clyde Road.

I would of course prefer that the original agreed development plan be not modified and that there is no increase in the number of Lots from 155 to 203.

I would appreciate that these concerns be considered when reaching a decision about this Modification as I am extremely concerned of the potential outcome of this Subdivision.

Yours sincerely

A handwritten signature in black ink, reading "David Ashford". The signature is written in a cursive, flowing style.

David Ashford
M 0418462692