

3 December 2019
17322

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
320 Pitt Street,
Sydney, NSW, 2000

Dear Mr Betts,

Attention: Emma Butcher, Senior Planning Officer

**Re. Response to Submission 2
MP 06_0094 MOD 5 Modification to Concept Plan (Sandon Point Redevelopment)**

We write on behalf of Anglicare (the Applicant) in relation to MP 06_0094 MOD 5 to the Sandon Point Connect Plan. The 2018 Environmental Assessment Report (EAR) in support of a Section 75W modification to the Sandon Point Concept Plan was publicly exhibited for a period of thirty (30) days inclusive between 15 November 2018 and 14 December 2018. Public exhibition occurred in accordance with the requirements of the EP&A Act.

In total 104 public submissions (including two petitions containing 1,045 signatures and 522 signatures) and 8 local and state government agency submissions were received in response to the public exhibition of the Modification Application. The Applicant submitted a formal Response to Submissions (RTS) including updated Concept Plans in May 2019. Similarly, the RTS was publicly exhibited for a period of thirty (30) days. In total, 27 public submissions and 6 local and state government agency submissions were received in response to the public exhibition of the RTS.

The Applicant and the specialist consultant team have reviewed and considered the matters raised by the Department, other government agencies and the public submissions. This report sets out the Applicant's response to the key issues raised, details the final project including a number of clarifications and minor revisions to MP 06_0094 Mod 5. A detailed table setting out a response to each of the submissions received is provided at **Attachment A**. This letter should be read in conjunction with the Environmental Assessment Report dated 23 October 2018 and the Preferred Project Report dated 29 May 2019 and the following supporting documentation:

- Table of Responses to Submissions prepared by Ethos Urban with input from the specialist consultant team (**Attachment A**);
- Amended Concept Plan Drawings prepared by JSA Studio (**Attachment B**); and
- Amended Flood Impact Assessment and Concept Water Management Strategy prepared by Cardno (**Attachment C**).

Matters for Consideration

Ethos Urban draws the public, the relevant Agencies and the Department to the following points that should be clearly understood prior to reviewing the itemised responses set out at **Attachment A**:

- The context of the application should be considered. Concept Plan MP 06_0094 contains conditions calling upon further detailed environmental studies to be prepared and submitted with subsequent detailed Development Applications, where works and a specific design will be clearly proposed. Agency comments calling for additional information at this stage should not supersede an approved Concept Plan, comprising conditions and commitments the Applicant will abide by in the development of future DA's.
- The site is the subject of an approved Concept Plan which permits residential development within an approved development zone. This modification application is proposing to reduce the density of the level of residential development already approved and proposes to introduce a zone which ensures the protection of an aboriginal archaeological heritage site.

- The program of Aboriginal archaeological test excavations undertaken to investigate areas of Aboriginal Archaeological Sensitivity located within the site was determined under Development Consent No. 2011/1383 granted by the Land and Environment Court on 27th September 2013. The archaeological investigations detailed within Aboriginal Cultural Heritage Report (ACHAR) dated November 2018 have been undertaken in accordance with certain conditions outlined in the Consent issued by the Court and this investigation was found to be an adequate distribution across the Potential Archaeological Deposits to appropriately characterise the site.
- The exhibited ACHAR included detailed site testing to inform the Aboriginal Archaeological zone illustrated on the Concept Plans at **Attachment B**. The zone identifies the specific areas containing higher densities of archaeological evidence and then incorporates a buffer of 12m in accordance with the recommendations contained in the ACHAR. For absolute clarity, the specific areas of high archaeological significance have been identified and are each provided with the 12m buffer as recommended by the ACHAR. As per the ACHAR, any additional buffer will have a negligible impact on the areas of high significance.
- The current zoning under the *State Environmental Planning Policy (State Significant Precincts) 2005* (State Significant Precincts SEPP) permits the proposed land uses. In addition, the modification application:
 - reduces the density of the Residential Aged Care Facility from 120 beds to approximately 80 beds.
 - reduces the density of Independent Living Units from 250 units to approximately 140 units.
 - reduces overall built form site coverage by approximately 4.3%.
- The proposed flood barrier along the western site boundary has been removed and replaced with a swale to capture overland flows entering the western site boundary. Flows within the swale are conveyed to the respective creek outfall via a series of large box culverts placed underneath the swale (refer to **Attachment C**).
- The Applicant is seeking to clarify that the scope of the modifications sought for approval relate only to those illustrated on the modified Concept Plans provided at **Appendix B**. The level of detail provided on the modified Concept Plans is now consistent with the detail shown on the approved Concept Plans. For absolute clarity, any detailed design and building works would be subject to a subsequent Development Applications that will be available for review and public comment in accordance with Council's requirements.

Conclusion

Following on from the feedback received from the relevant government agencies and the general public, the Applicant has responded to the issues raised and has made the required clarifications and minor design amendments to the Concept Plan. We trust this information is sufficient for the Department to finalise its assessment of MP 06_0094 MOD 5 Modification to Concept Plan (Sandon Point Redevelopment).

Yours sincerely,



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