

## Response to Submissions (MP 06\_0094 Mod 5)

The following table includes a response to the full text of submissions provided by or on behalf of State and local government agencies. For completeness, the full text of each submission is provided in the left-hand column, accompanied by the proponent's corresponding response in the right-hand column. The Proponent's responses have been informed by input by the expert consultant team and should be read in conjunction with the publicly exhibited Environmental Assessment Report and accompanying technical reports, as well as the Preferred Project Report dated 29 May 2019.

### 1.0 Agency Submissions

	Key Issue	Response	Reference
<b>NSW Department of Planning, Industry and Environment</b>			
<b>1. DPIE – Natural Resource Access Regulator</b>			
DPE 1A	The Statement of Commitments should be revised to ensure the following: <ul style="list-style-type: none"> <li>A remediation plan should be developed for Tramway Creek, Slackys Creek and Woodfords Creek. It should follow the procedure set out in 'A Rehabilitation Manual for Australian Streams (Co Operative Research Centre for Catchment Hydrology – Land and Water Resources Research and Development Corporation Canberra 2000)'.</li> </ul>	It is noted that none of the creeks referenced are located on the site. The Vegetation Management Plan (VMP) prepared by Cumberland dated May 2019 provides a guide for the management of the vegetation to be retained and enhanced within Cookson's Creek as the only creek present within the site boundary. These management procedures will be further developed and refined as the detailed design phase. It is at this stage that the most accurate management procedures can be developed in conjunction with a detailed design.	
<b>2. Proposed Residential Use</b>			
DPE 2A	Confirmation of how Condition A4 would be modified to reflect the proposed development parameters for each precinct and land use is required. The proposed wording permits a maximum height of 3 storeys for all precincts, which contradicts the proposal for standard residential development within Precincts 2 and 3 to be a maximum of 2 storeys.	<p>The existing wording is still technically correct and requires no change. The standard residential development within Precincts 2 and 3 will only contain two storey dwellings, and in some cases will include a basement garage. In this regard the proposal does not exceed a maximum height of 3 storeys for all precincts.</p> <p>However, in order to give more certainty in relation to the type of development delivered on the site, the following wording of the condition is suggested:</p> <p>(3) On <del>ARV</del> <b>Anglicare</b> lands:</p> <p>(a) The maximum FSR shall be 0.5:1 and the maximum height shall be 3 storeys; or</p> <p>(b) Subject to demonstrating design excellence consistent with Modification <del>B3-B4</del>, Schedule 2 of this approval:</p> <p>(i) the maximum FSR shall be 0.7:1, and</p> <p>(ii) the maximum heights for the Residential Aged Care Facility shall be 3-4 storey; and</p>	

Key Issue		Response	Reference
		(iii) the maximum height for the Independent Living Units and Community Facilities in the Central Precinct shall be 11.4 metres; and (iv) The maximum height <del>for the Independent Living Units and Recreation Rooms in the Ocean View Precinct shall be 12.6 metres</del> <b>of the dwellings within the Ocean View Precinct shall be two storeys, three storeys may be permitted if a basement garage is required due to the topography of the site. The overall maximum height limit shall be 12.6m.</b>	
<b>3. Flooding and Stormwater</b>			
DPE 3A	The flood modelling is required to be amended, as outlined by Council and OEH, to assess the impacts associated with the modification on adjoining properties and the rail corridor.	Flood modelling has been updated to ensure the impacts to the adjoining property and rail corridor is mitigated.	<b>Attachment C</b> Flood Impact Assessment Report
DPE 3B	The area adjacent to Geraghty Street (where four lots were removed) must be redesigned to maintain the watercourse channel through this part of the site.	The design has been updated to remove fill in this area in order to maintain the watercourse alignment.	<b>Attachment C</b> Drawing 82018138-001-SK010
DPE 3C	The concept stormwater plan must demonstrate that a culvert would be provided beneath the proposed road to maintain flows	A 3 x 3000 x 1500 RCBC has been proposed underneath the internal road to maintain the watercourse alignment and provides 100 year ARI immunity on the road.	<b>Attachment C</b> Drawing 82018138-001-SK009
DPE 3D	The concept stormwater plan includes future works outside the site within the adjoining land (Lot 500 DP 1161858). Owners consent and evidence of an agreement for an easement to drain water over the adjoining land is required	Refer to the Land Owners Designation prepared by the Department dated 24 October 2017. Lot 500 DP 1161858 is within the broader Sandon Point Concept Plan site, as such the Land Owners Designation is sufficient for the purposes of this Concept Plan Modification. Additional land owners consent will be sought for the detailed stormwater works on this site and an easement will be obtained at the appropriate time. It is noted that no physical works are proposed as part of the Concept Plan.	Land Owners Designation 24 October 2017
DPE 3F	The proposed road off Wilkies Street (between Wakefield Street and Craven Street) is in conflict with an existing stormwater pit. The concept stormwater plan is required to be modified to show a new replacement pit that would be constructed as part of future development.	The updated concept stormwater plan shows proposed pits locations to replace the all existing pits in conflict with the proposed road (i.e. between Wakefield Street and Craven Street, and south of Panmills Drive).	<b>Attachment C</b> Drawing 82018138-001-SK009
<b>4. Water Quality and Contamination</b>			
DPE 4A	Confirmation that the future development (noting the potential change of use and location of building envelopes) would not result in unacceptable water quality impacts, given the presence of coastal wetlands within the site is required. This should include the establishment of water quality objectives (in consultation with Council), details of how water quality objectives and targets are consistent with the Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, and details of how the proposed stormwater measures would achieve these objectives	Cardno has established the water quality objectives for the modification application in the previous submission (refer Section 6.1 of the Flood Impact Assessment report). The proposed water quality treatment targets were established for the long-term operational treatment of stormwater runoff from the development site. These objectives should not be used for other environmental management strategies such as soil contamination and the protection of groundwater and coastal wetland environments.	

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		<p>Cardno note that the stormwater runoff from the proposed development will not worsen the quality of runoff discharging from the former brick refractory site as the pollutant loading from a residential land use type is overall cleaner than an industrial land use type. Based on this information, the water quality objectives Cardno have established in Section 6.1 is the most suitable management strategy for the proposed site compared to other available performance criteria such as the Neutral or Beneficial Effect on Water Quality (NorBE), and it aligns with the stormwater quality performance targets specified in Chapter E15 of the Wollongong City Council DCP (2009).</p> <p>It is further noted that there are conditions of consent and statements of commitment which already address the issue of water quality. These will inform the progression of the detailed designs in subsequent Development Applications where detailed works are proposed.</p>	
DPE 4B	The Department is awaiting advice from EPA regarding contamination and will advise if any further information is required at this stage, once this advice has been received	EPA's feedback was issued to The Applicant on 13 November 2019 and a response is provided within 'EPA' section of the table below.	
<b>5. Aboriginal Cultural Heritage</b>			
DPE 5A	<p>The Department requires the following information to make a proper assessment of the proposed changes to the Concept Plan:</p> <ul style="list-style-type: none"> <li>- Further details about how future construction impacts on the Turpentine Forest and Aboriginal Archaeological site can be appropriately managed or avoided, noting the altered building footprints and additional internal roads</li> </ul>	<p>The modification application does not propose any increase to the development footprint as approved in condition A1. Rather, a reduction of the development footprint is proposed to ensure the ongoing protection of the Aboriginal Relics identified on the site.</p> <p>The context of this application should be considered. It is noted that the Concept Plan does not propose any physical works and that this level of information would usually be provided once the detailed design of the development is known. A commitment has been made (commitment 46) has been made to provide construction management details with the relevant detailed applications.</p> <p>Further to the above, commitments have been made (commitment 15 &amp; 16) to engage a suitably qualified archaeologist to oversee the relevant works and to obtain the relevant excavation permits.</p> <p>This comment should not supersede approved commitments.</p>	
DPE 5B	<ul style="list-style-type: none"> <li>- An assessment of how indirect impacts (associated with the proposed standard residential development) on the Turpentine Forest and Aboriginal Archaeological site can be managed to avoid harming the Aboriginal cultural values of the site. The assessment should address issues such as increased recreational use of these spaces as well as the use of adjoining private open space and include proposed management and mitigation measures.</li> </ul>	<p>As per the above response, no change is proposed to this aspect of the existing Concept Plan approval. The Turpentine Forest was to be used as a recreational space by both the residents of the site and neighbouring residential landowners as publicly accessible open space. Any change or increase in use of the space by the standard residential dwellings is likely to be mitigated by the overall reduction in density proposed on the site.</p> <p>A separate application will be required for the construction of walkways in the like and at that time a Plan of Management could be prepared for the ongoing maintenance of accessways through the forest.</p>	

Key Issue		Response	Reference
DPE 5C	<ul style="list-style-type: none"> <li>the Aboriginal Cultural Heritage Assessment should be updated to include the portion of land on which Tramway Creek is located (Lot 500 DP 1161858)</li> </ul>	<p>Lot 500 DP 1161858 is not within the development site, however the north south Tramway Creek crossing is proposed to be designed and delivered at a subsequent DA stage in accordance with commitment 27.</p> <p>It is noted that this road link was considered and approved as part of the Concept Plan. The modification application does not seek to alter the location of this road link, as such in approving the Concept Plan, the Department has considered that the link has an acceptable Aboriginal cultural heritage impact.</p>	
<b>6. Landowner's Consent</b>			
DPE 6A	The Department notes that the land on which Tramway Creek is located has been transferred to Council. Council's landowner's consent is therefore required. The Department also requires landowner's consent for the ARV portion of the land.	Refer to the Land Owners Designation prepared by the Department dated 24 October 2017. Lot 500 DP 1161858 is within the broader Sandon Point Concept Plan site, as such the Land Owners Designation is sufficient for the purposes of this Concept Plan Modification. Additional land owners consent will be sought to facilitate the detailed stormwater works on this site.	Land Owners Designation 24 October 2017
<b>Wollongong City Council</b>			
<b>1. Transfer of Planning Provisions</b>			
WCC 1A	<p>Please refer to Council's submission of 18 December 2018 which remains relevant:</p> <ul style="list-style-type: none"> <li>In general, the zoning, height and FSR provisions of the Anglicare land between the SEPP and WLEP2009 are the same. This means that except for the existence of the concept plan the subject proposal would be out of character with the existing built form surrounding the Anglicare land. It is also noted that the approved concept plan was intended for seniors living consisting of independent living units (ILU) and residential aged care facility (RACF). This differs from the subject proposal for being a combination of residential dwellings (multi dwelling, townhouses, terraces and semi-detached), ILU and RACF.</li> </ul>	<p>The previous response is maintained, as set out below.</p> <p>The Concept Plan was approved in accordance with <i>State Environmental Planning Policy (State Significant Precincts)</i> and the provisions relating to the site remain within this SEPP. Notwithstanding the transfer of the provisions to the LEP, the Concept Plan would continue to apply and prevail.</p> <p>The proposed modifications to Concept Plan arise from a review that Anglicare has undertaken of the market for seniors housing in the Bulli area. This research has revealed that there has been a constant supply of new seniors housing in the locality since 2006, therefore demand for this type of housing has decreased. Further the provision of such a large number of Independent Living Units is likely to be unsustainable in the Bulli context and as such a greater mix of housing types is now proposed.</p> <p>The proposed amendment will reduce density on the site and result in a residential typology in the northern part of the site that is more akin to the development constructed on the northern side of Wilkies Road and relocates the higher density apartments and RACF to the southern part of the site where they will have lesser impact due to the topography of the site.</p>	

	Key Issue	Response	Reference
WCC 1B	<ul style="list-style-type: none"> <li>Although the current and future zoning would permit multi dwelling housing, ILU and the RACF, Council remains concerned whether this is suitable or appropriate having regard to Section 79C of the Act.</li> </ul>	<p>As Council has noted, the current zoning permits the proposed land uses. In addition, the modification application:</p> <ul style="list-style-type: none"> <li>Has reduced the density of the RACF from 120 beds to approximately 80 beds.</li> <li>Has reduced the density of ILU's from 250 to approximately 140 units.</li> <li>Reduces overall built form site coverage by 4.3%.</li> </ul> <p>As such it is clear that the proposal represents a decrease in residential density from the approved Concept Plan. In addition, the change in residential accommodation typologies from residential flat buildings containing ILU's with townhouses more appropriately responds to the scale and density of the dwellings delivered under the <u>same</u> Concept Plan Approval to the north within the Stockland lands.</p>	
WCC 1C	<ul style="list-style-type: none"> <li>The majority of the land has been developed in accordance with the approved Concept plan. Single residential dwellings and dual occupancy development of one and two stories are the only building types and forms. The subject proposal is a departure from this and the multi dwelling housing, ILU and RACF in the manner proposed would not be consistent with the character and scale of existing or development expected by the community. This is mostly evident in the proposed floor areas and heights as compared to the two storey height and floor space approved thus far.</li> </ul>	<p>The Applicant does not support this statement. As identified above, it is firmly maintained that the modification application represents a reduction in development density, and a replacement of higher scale and intensity residential flat buildings with lower scale townhouses. The location and scale of the townhouses will provide an appropriate built form transition from the RACF and ILU's located at the south of the site to the freestanding dwellings to the north within the Stockland lands.</p> <p>It is also noted that the Concept Plan approval originally allowed for the construction of townhouses on the Stockland land with a much higher FSR of 1:1 (refer condition A4).</p>	
<b>2. North/south Link Road and bridge over Tramway Creek</b>			
WCC 2A	<p>The land on which Tramway Creek is located was transferred to Council in February 2019. It is now imperative that the construction and initial maintenance of the bridge be undertaken by Anglicare with the consent of Council and any approval incorporate conditions requiring this as per the statement of commitments. It will be essential that the developer negotiates with Council's Property Division to allow for the construction of the road link.</p>	<p>The modification application maintains the provision of this bridge and this is reflected in the Statement of Commitments. The detailed design and delivery of the bridge will be negotiated with Council at the detailed DA stage where the bridge is proposed to be delivered.</p>	

Key Issue		Response	Reference
<b>3. Ongoing management of Turpentine Forest</b>			
WCC 3A	<p>Please refer to Councils submission of 18 December 2018. Council will not accept ownership of the forest.</p>	<p>The Applicant is not proposing that Council takes ownership of the Turpentine Forest. <b>Section 2.9</b> of the PPR noted the following:</p> <p><i>In respect of the future ownership of the Turpentine Forest, Riparian Corridor and Aboriginal Archaeological site it is proposed that these will be retained in ownership by Anglicare. Anglicare will consult with local Aboriginal groups or other interested local groups to gauge their interest in taking on the ownership of some of these spaces and will separately negotiate with that group in that regard.</i></p> <p>This response is maintained.</p>	
<b>4. Character/scale of the development</b>			
WCC 4A	<p>The following additional comments are made in relation to each of the proposed precincts:</p> <p><b>Precinct 2:</b></p> <p>Please refer to Councils submission of 18 December 2018 which remains relevant. The new rear lane access and car parking bays is a positive outcome which will allow access and servicing via the rear. However, no clarification has been provided as to whether the dwellings will be occupied by either standard residential dwellings or senior accommodation.</p>	<p>A detailed design is not proposed as part of this modification application. Subsequent detailed DA's will clearly illustrate what typology is proposed and will be informed by the planning controls relating to either seniors housing or standard residential accommodation. For clarity, detailed designs were not prepared for the approved Concept Plan, as such they have not been prepared prematurely with this application.</p>	
WCC 4B	<p>Given proposed transfer of planning provisions, the housing in this precinct would need to comply with the requirements of Chapter B1 of Wollongong DCP 2009</p>	<p>It is maintained that the Wollongong Local Environmental Plan and Development Control Plan do not apply to the site and are not relevant to the assessment of this Modification Application, as no detailed design is proposed. Notwithstanding this, all subsequent detailed Development Applications relating to residential housing will be informed by the Chapter B1 of Wollongong DCP 2009 and other applicable environmental planning instruments.</p>	
WCC 4C	<p><b>Precinct 3:</b></p> <p>Please refer to Councils submission of 18 December 2018 which remains relevant. The new road arrangement is a positive outcome which will allow for more efficient access and servicing.</p>	<p>Noted.</p>	

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WCC 4D	Careful consideration should be given to the proximity of the south eastern section of this precinct abutting the aboriginal archaeological site.	<p>Refer to the Aboriginal Cultural Heritage Assessment Report (ACHAR) that included detailed site testing to inform the Aboriginal Archaeological zone identified on the Concept Plans. 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. Specifically, the ACHAR notes that:</p> <p><i>“The majority of the stone pieces (27/37 or 70%) documented in the archaeological test excavations were retrieved from just four pits along the eastern and southern boundary of the site. The remainder of the Sturdee Avenue OC1 site consists of a relatively sparse distribution and low density of archaeological evidence. The entirety of the Sturdee Avenue OC1 site <b>does not warrant preservation on archaeological grounds</b>. Instead, it is considered appropriate to preserve the majority of the archaeological evidence from the site within a conservation area along its eastern and southern ends <b>inclusive of a buffer zone of 12m</b>. In accordance with this conclusion Anglicare have also altered the building layout in the Ocean View precinct by changing the orientation and number of the nearest house lots to accommodate this buffer”.</i></p> <p>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 and as identified on the Concept Plans at <b>Appendix B</b>. Any additional buffer will have a positive impact on the areas of high significance.</p>	
WCC 4E	Given proposed transfer of planning provisions, the housing in this precinct would need to comply with the requirements of Chapter B1 of Wollongong DCP 2009.	It is maintained that the Wollongong Local Environmental Plan and Development Control Plan do not apply to the site and are not relevant to the assessment of this modification application, as no detailed design is proposed. Notwithstanding this, all subsequent detailed Development Applications relating to residential housing will be informed by the Chapter B1 of Wollongong DCP 2009.	
WCC 4D	<b>Precinct 1:</b> Please refer to Councils submission of 18 December 2018 which remains relevant. Compliance with SEPP 65 and accompanying ADG should be undertaken along with a detailed site analysis as required under the ADG.	JSA Supplementary Design Report submitted with the original RTS confirms that the development is capable of achieving compliance with the ADG key Design Criteria set out under Part 3 and Part 4. It is noted that the detailed design of the apartment buildings will be the subject of separate Development Applications and that these will provide detailed layouts of the apartment buildings and will be accompanied by a robust assessment against the design criteria contained within the ADG.	

	Key Issue	Response	Reference
<b>5. Heritage</b>			
WCC 5A	<p><b>Please refer to Councils submission of 18 December 2018 which remains relevant but are updated as follows:</b></p> <p>Council supports the proposed preparation of an Aboriginal Heritage Management Plan but it is noted that this plan should inform the development process and be prepared to support the progression of plans, rather than to support a finalised arrangement.</p>	The detailed design will be informed by the ACHAR.	
WCC 5B	<p>Council notes that the OEH raised in their submission the need for the Community Consultation process to be recommenced to satisfy the requirements of the OEH Consultation Guidelines. Council notes that the advertisement of the project to potential Aboriginal groups interested in the project was undertaken in 2014 and that Aboriginal community involvement has been very limited.</p>	<p>Mary Dallas Consulting Archaeologists (MCDA) has reviewed OEH's response and noted the following:</p> <p><i>'OEH are incorrect in their assumption that the consultation was limited. It was done according to the OEH guidelines with selected RAPS and in field representatives. This has been continuous, including additional consultation with the organisations as management positions changed.eg., Two successive LALC chairman and a CEO were provided debriefing and additional reports. Additional Aboriginal community involvement has been organised through a series of history and anthropological consultancies concerning the purported 'Women's site' and resource zones. Eg McIntyre; Waters; and, AHMS'.</i></p>	
WCC 5C	<p>It is also noted that there appear to be significant gaps in the consultation log well beyond the 6-month period allowed for under the OEH guidelines. Council feels that notification of a project 5 years ago to register RAPS for the project is not satisfactory. Many local groups have had significant changes in leadership, membership and interest since this time, and many of the RAPS are no longer the appropriate contact points.</p>	<p>Refer to the response to OEH 5B above. This was reported on in the initial survey report, excavation under Land and Environment Court (LEC) Directions outlined within the ACHAR dated November 2018.</p>	
WCC 5D	<p>Council encourages the department to insist on revised consultation including a new registration of RAPS in accordance with OEH's request. This is to ensure appropriate and full consultation with the local community. It is noted that the current reporting, including the 25 May 2019 letter from Mary Dallas places significant evidence on the "archaeological significance" of the site</p>	<p>Mary Dallas Consulting Archaeologists has reviewed OEH's response and noted the following:</p> <p><i>'The artefact scatter has not been assessed as significant, rather a very diffuse density of artefacts across a limited area. The study recommended the preservation of a portion of the site containing the highest densities [still &lt;10 artefacts] and an AHIP for the portions containing isolated items. Refer to the response to WCC 5E below'.</i></p>	

	Key Issue	Response	Reference
WCC 5E	It is Council's view that the "Cultural Significance" of the site to the local community is of equal or greater importance to the community and that this cultural significance must be fully and adequately considered in finalising the assessment. The satisfaction of OEH's consultation requirements in accordance with the guidelines is an essential step in ensuring the cultural significance of the site, and the impacts of the development on this cultural significance are adequately considered	<i>'The cultural significance of the site has been assessed by specialist's in Aboriginal history, Anthropology and archaeology as directed by the LEC. MDCA summarised these as part of the Archaeological study. Council should consider these other studies as paramount in the assessment of cultural significance'.</i>	
WCC 5F	Council notes that the 6m "defendable buffer zone" presented in the concept plan presents a significant reduction on the previous 20m buffer zone to the heritage listed "Turpentine Forest" compared to the previously approved concept plan.	The land is not identified as being bushfire prone and a 20m APZ is not required. The amendments proposed are consistent with the treatment of vegetation elsewhere within the Concept Plan and have been supported by the RFS.	
WCC 5G	Little justification in terms of heritage impacts and impacts on the Aboriginal Cultural Significance of the Turpentine forest have been discussed or considered. This matter requires further consideration and exploration.	The Applicant does not support this statement. The proposal seeks to reduce the development footprint and also contains a level of assessment appropriate for the Concept Plan stage where no detailed works are being proposed. These assessments will be embellished to guide subsequent detailed designs. Further, the modification is actually improving the measures proposed to protect Aboriginal Archaeological relics.	
WCC 5H	It is noted that in response to WCC 4H, no adequate justification for the variation to lot depths has been provided. Providing for compliant lot depths will lessen the potential construction impacts on the archaeological site. Council has also requested further information regarding grades and levels and constructability of access roads within Precinct 3. It appears that no response to this request in WCC 5D has been provided.	The lot depths shown are indicatively only. The detailed design of the subdivision layout will be provided in subsequent development applications and will be designed in consideration of the relevant site constraints.	
WCC 5I	Council remains of the view that the boundary of the Aboriginal Archaeological Deposit proposed to be retained has an insufficient curtilage and development buffer to allow for adequate conservation during the construction and implementation of the proposed development layout. Further consideration should be given to the constructability of the adjacent development zones, the volumes of fill required, and the practical impacts on the archaeological and cultural significance of this area in the construction and post development outcome of the development.	Refer to the ACHAR dated November 2018 that included detailed site testing to inform the Aboriginal Archaeological zone. 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. Specifically, the ACHAR notes that:  <i>"The majority of the stone pieces (27/37 or 70%) documented in the archaeological test excavations were retrieved from just four pits along the eastern and southern boundary of the site. The remainder of the Sturdee Avenue OC1 site consists of a relatively sparse distribution and low density of archaeological evidence. The entirety of the Sturdee Avenue OC1 site <b>does not warrant preservation on archaeological grounds</b>. Instead, it is considered appropriate to preserve the majority of the archaeological evidence from the site within a conservation area along its eastern and southern ends <b>inclusive of a buffer zone of 12m</b>. In accordance with this</i>	

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		<p><i>conclusion Anglicare have also altered the building layout in the Ocean View precinct by changing the orientation and number of the nearest house lots to accommodate this buffer”.</i></p> <p>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 and as identified on the Concept Plans at <b>Attachment A</b>.</p> <p>Further construction methodology details can be provided at the detailed application stage, where a design has evolved, and a contractor can provide expert advice. It is premature to engage a contractor where only a concept plan has been developed. Further to this, commitments have been made (commitment 15 &amp; 16) to engage a suitably qualified archaeologist to oversee the relevant works and to obtain the relevant excavation permits.</p>	
WCC 5J	Whilst the preparation of an Aboriginal Heritage Management Plan offers some potential to address and mitigate the Aboriginal heritage impacts of the development, serious consideration must be given to the reduction of impacts to ensure a culturally sensitive and archaeologically appropriate outcome.	The context of the application should be considered here. The site is the subject of an approved Concept Plan which permits residential development within an approved development zone. This application is proposing to reduce the density of the level of residential development already approved and proposes to introduce a zone which proposes protection of aboriginal archaeological heritage. The proposed modified development will therefore result in an improved outcome in respect of the management of Aboriginal Heritage than that which is currently approved.	
WCC 5K	Council asks that the requirement for an Aboriginal Heritage Management Plan includes requirements that any land proposed to be handed to Council (with exception to the Turpentine forest) under the plans is included in the Aboriginal Heritage Management Plan and that the future maintenance, management and upkeep of these lands is carefully considered and explored in the plan. This should also provide a mechanism for any necessary future approvals which may be required under the NPW Act 1974.	This information can be provided as requested at the detailed design stage for the relevant portions of the site.	
WCC 5L	As the land on which Tramway Creek is located was transferred to Council in February 2019 a mechanism for thorough assessment of the environmental and heritage impacts of the proposed road and bridge construction will need to be considered in finalising the approvals. It is anticipated that an Aboriginal heritage impact permit may be required to allow for the construction of the road and bridge.	<p>The subject land is not within the development site; however the north south Tramway Creek crossing is proposed to be designed and delivered at a subsequent DA stage in accordance with commitment 27.</p> <p>It is noted that this road link was considered and approved as part of the Concept Plan. The modification application does not seek to alter the location of this road link, as such in approving the Concept Plan, the Department has considered that the link has an acceptable Aboriginal cultural heritage impact.</p>	

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	The current reporting and environmental assessments do not appear to include this land area and have not considered the impacts of the road construction. This matter requires further consideration.		
<b>6. Stormwater</b>			
WCC 6A	<p><i>The proposed concept layout requires filling and re-aligning of an existing watercourse channel and culvert (i.e. upper portion of Cookson's Creek) to facilitate the southern-most four units of the Hilltop Precinct. This proposal is contrary to Section 10.3.7 of Chapter E14 of the Wollongong DCP2009. Also, the proposal to re-align a watercourse/culvert/overflow path with a near 90 degree bend is considered contrary to good floodplain management practice. These four units need to be removed from the proposal in order to maintain the existing watercourse and negate the need for any watercourse filling/realignment.</i></p> <p>Comment: The 4 dwellings previously proposed over the alignment of this watercourse have been removed from the proposal. However, the cut/fill plan by Cardno still indicates filling over the alignment of this existing watercourse, and the landscape concept plan indicates an 'ornamental lawn' over the location of the existing watercourse channel. The design needs to be amended to maintain the watercourse channel through this location. A culvert will need to be provided beneath the proposed road to maintain flows in the watercourse.</p>	The design has been updated to remove fill in this area in order to maintain the watercourse alignment. A 3x 3000 x 1500 RCBC is proposed underneath the road to maintain the watercourse alignment and provides 100 year ARI immunity on the road.	<b>Attachment B</b>  Plans 82018138-001-SK009 and 82018138-001-SK010
WCC 6B	<p><i>The proposal includes filling and a sound/flood barrier along the western boundary of the property, which will obstruct overland flows and floodwater flows entering the site. This outcome is also evidenced by the submitted flood modelling, which shows significant flood level increases on the adjoining land as a result of the design. This proposal is contrary to Performance Criteria 6.4.2(d) of Chapter E13 and Section 11.3.17 of Chapter E14 of the Wollongong DCP2009. The concept plan and flood modelling needs to be amended to demonstrate acceptance of overland flows and floodwater flows onto the site in a way that replicates existing conditions, and management of these flows in a way that ensures no diversion of floodwater and no increase in flooding elsewhere. It appears that engineered measures will be required within the site to accept and</i></p>	The proposed flood barrier 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. The proposed scenario flood model was updated to account for these changes.	<b>Attachment B</b> Flood Impact Assessment report

	Key Issue	Response	Reference
	<p><i>convey the contributing flows, and adequate space will need to be set aside in the concept plan to facilitate these measures.</i></p> <p>Comment: This matter has not been addressed. The response by Cardno in relation to this matter has been reviewed and is noted. However, the response does not resolve the matter. The above requirements need to be addressed.</p>		
WCC 6C	<p><i>The concept stormwater plan includes works outside the site within the adjoining land (Lot 500 DP 1161858). Owners consent and an easement to drain water over the adjoining land (in accordance with Section 11.3.6 of Chapter E14 of the Wollongong DCP2009) would be required to facilitate this work</i></p> <p>Comment: Not addressed. The plans still show works and a stormwater outlet onto the adjoining land. This matter remains outstanding.</p>	Refer to the Land Owners Designation prepared by the Department dated 24 October 2017. Lot 500 DP 1161858 is within the broader Sandon Point Concept Plan site, as such the Land Owners Designation is sufficient for the purposes of this Concept Plan Modification. Additional land owners consent will be sought to facilitate the detailed stormwater works on this site.	Land Owners Designation  24 October 2017
WCC 6D	<p><i>The proposed road off Wilkies St (between Wakefield St and Craven St) is in conflict with an existing stormwater pit. The existing system will need to be modified and a new pit will need to be constructed by the developer as part of the works, to ensure design function of the system is maintained.</i></p> <p>Comment: Not addressed. The proposed road is still in conflict with an existing pit.</p>	The stormwater concept plan has been updated to show proposed pits locations to replace all existing pits in conflict with the proposed road (i.e. between Wakefield St and Craven St, and south of Panmills Dr).	<b>Attachment B</b> Plan 82018138-001-SK009
WCC 6E	<p><i>It is unclear why On-site Stormwater Detention (OSD) is proposed. As the site is located within an OSD concession zone and runoff from the site discharges directly to receiving waters without passing through intervening property, OSD is not required for this development.</i></p> <p>Comment: This matter has been addressed. OSD has been removed from the proposal</p>	Noted.	

Key Issue		Response	Reference
WCC 6F	<p><i>Some of the text on the stormwater concept plan is corrupted/missing. See the note relating to installation of a drainage new culvert (purple line). An amended version with complete text labels is required to enable a full assessment.</i></p> <p>Comment: Matter addressed.</p>	Noted.	
<b>7. Traffic</b>			
WCC 7A	Please refer to Councils submission of 18 December 2018 which remains relevant. In particular, the proposed redesign has removed the multiple driveway access points across the existing Wilkies Street shared path and future Geraghty Street shared path which will improve pedestrian, cyclist and vehicular safety.	Noted and agreed.	
WCC 7B	The swept paths of a 12.5 metre large rigid vehicle demonstrate that the proposed road layout can accommodate large delivery and emergency vehicles. It should be noted that waste vehicles are less than 12.5 metres in length, so the proposed layout has been sufficiently designed to accommodate all large vehicles likely to enter the development	Noted and agreed.	
WCC 7C	The development must ensure that off-street car parking is provided for residents as per the car parking rates in Schedule 1 of Chapter E3 of the DCP based on the GFA of the dwellings. Car parking for visitors must also be provided at a rate of 0.2 spaces per dwelling	The modified Concept Plan demonstrates that parking provision with future detailed designs can comply with the rates set out within Schedule 1 of Chapter E3 of the DCP. Again, this is a detailed design issue to be resolved in the detailed development applications.	
WCC 7D	The use of the carriageway for parallel parking to meet the above DCP visitor parking requirements is not supported. Casual/overflow parking may occur within the carriageway; but shall be in addition to any visitor car parking required under the DCP.	No parallel parking spaces within the road carriageway have been proposed. In any case, the modified Concept Plan demonstrates that parking provision with future detailed designs can comply with the rates set out within Schedule 1 of Chapter E3 of the DCP.	
<b>8. Landscape</b>			
WCC 8A	There are 227 trees proposed for removal on the site in order to accommodate the various built forms and the associated infrastructure. The tree removal is the result of the cut and fill but allows for the retention of the remnant Turpentine Forest. The other trees proposed for removal are predominantly composed of Eucalyptus species.	Noted.	

	Key Issue	Response	Reference
WCC 8B	The site is constrained by topography, existing vegetation and indigenous heritage. Notwithstanding these constraints, the revised design is supported in principle as the layout addresses access and movement, amenity, heritage and retention of the remnant Turpentine forest.	Noted.	
<b>9. Environment</b>			
WCC 9A	Biodiversity and Riparian Matters: Of particular note is the preliminary status of the BDAR and VMP and the assurance that they will be finalised at future detailed planning and design stages.	Cumberland Ecology has reviewed Council's comments and provides the following responses:  <i>BDARs are to be conducted at detailed planning and design stages as recommended in the current preliminary BDAR. The current high-level Vegetation Management Plan (VMP) is also to be updated as required based on detailed planning and design.</i>	
WCC 9B	The response from Cumberland Ecology is noted, specifically that fine scale impacts and the BDAR will be finalised at future detailed design and DA stages.	Noted.	
WCC 9C	The response from RFS demonstrates that they are supportive of the 6m defendable space. As the Natural Resources Access Register (NRAR) have not raised any concerns with the preliminary VMP, it is considered satisfactory as a high level document, with a detailed VMP to be prepared and submitted at future detailed design and DA stages.	Noted. VMP will be updated as required and submitted with future detailed design/DA stages.	
WCC 9D	Council maintains the position that PCT Coastal Freshwater Lagoons of the Sydney Basin Bioregion and South East Coast Corner Bioregion (PCT781) corresponding to the Biodiversity Conservation Act 2019 (BC Act) threatened ecological community (TEC) Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Coast Bioregions is present on the subject site and adjoining areas. Figure 4.3 of the updated BDAR (Cumberland Ecology, May 2019) shows a lack of on ground survey and assessment in locations currently mapped as Coastal Freshwater Lagoon in the Illawarra Plant Community Type Vegetation Map, 2016. VIS_ID 4678 by OEH (2016), and in and around the boundaries of the plant communities, particularly in the south and south-east areas of the site. Accordingly, further detail and justification is required in this regard.	<i>'Cumberland Ecology maintains that the PCT 781 - Coastal Freshwater Lagoons of the Sydney Basin Bioregion and South East Coast Corner Bioregion (which conforms to the BC Act listing of the Threatened Ecological Community (TEC) Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Coast Bioregions) is not present within the subject land i.e the area subject to the BDAR assessment or within the Anglicare Property but is limited to adjoining areas.</i>  <i>Figure 4.3 of the updated BDAR shows the plot locations and tracks of surveys for BAM specific surveys conducted in June 2018. However, as mentioned in Section 3.2.2. of the BDAR, prior surveys (using older BBAM methodology) were conducted in August 2017. It is acknowledged that these 2017 survey tracks are not indicated in Figure 4.3 and therefore have been provided in the attached Figure CEco1. As seen in Figure CEco1, the south and south-east areas of the Anglicare property were ground-truthed across the 2017 and 2018 surveys. The extent of access was limited by the existing fence-line so photographs of vegetation were taken at the fenceline and cross-examined against aerial imagery. Observations were also made from publicly accessible lands outside of the Anglicare property.</i>	

Key Issue	Response	Reference
	<p><i>The extent of PCT 781 within the Anglicare Property as per the Illawarra Plant Community Type Vegetation Map, 2016. VIS_ID 4678 is shown in attached Figure CEco2. PCT 781 as per VIS_ID 4678 is limited to the eastern parts of Cooksons Creek and the south-eastern corner of the Anglicare property and is largely contained within the E2 zone. The E2 zone does not form part of the area assessed under the BDAR but is addressed in the VMP.</i></p> <p><i>A review of prior mapping reports determined that the specific polygon for PCT781 in VIS_ID 4678 remains unchanged from that of the mapped polygon of 'Floodplain Wetland' in the Native Vegetation of the Illawarra Escarpment and Coastal Plain (2014) (VIS_ID 3778) and in the vegetation mapping of the Illawarra Escarpment and Coastal Plain prepared by NSW NPWS (2002). This indicates that the mapped extent of PCT781 as per VIS_ID 4678 is based on prior broadscale mapping for the 2002 NPWS report rather than ground-truthing of vegetation condition.</i></p> <p><i>As outlined in the BDAR and previous responses, this mapping has been updated/refined by Cumberland Ecology through multiple site-specific surveys between 2004 and 2018 that found the extent and/or types of communities within the Anglicare property differed from that of the broad scale Illawarra mapping.</i></p> <p><i>The surveys conducted by Cumberland Ecology in 2018 determined that lack of management had resulted in significant levels of degradation and weed infestations within the wetland areas compared to findings of previous surveys. The only native species recorded in the wetland areas of the Anglicare property comprised scattered occurrences of Typha orientalis. While this species is listed as a diagnostic species in the Final Determination of the Freshwater Wetlands EEC, it is also a widespread ubiquitous species that can grow in heavily disturbed areas, including irrigation channels and drains and is considered to be a weed requiring control when growth interferes with flows of natural watercourses (Botanic Gardens Trust, 2019; DPI, 2019). Furthermore, as seen in Photograph 4.8 of the BDAR, the wetland areas of Cooksons Creek are so heavily infested by Ageratina adenophora (Crofton Weed) that the wetland vegetation, in its current form, cannot be considered to conform to a native vegetation unit. Therefore, due to the highly degraded condition of the wetland vegetation, the vegetation along Cooksons Creek has been mapped as Exotic Vegetation.</i></p> <p><i>The extent of PCT 781 as per VIS_ID 4678 in the south-east corner of the Anglicare Property largely occurs within the E2 zone and is addressed in the VMP.</i></p>	

	Key Issue	Response	Reference
		<p>A review of site photographs taken in the south-east corner during the 2017 surveys confirmed the presence of a large band of exotic vegetation dominated by Lantana and Crofton weed before transitioning into wetland areas outside of the Anglicare property. Examination of aerial imagery determined that this band of exotic vegetation is clearly visible as a bright green band between the planted vegetation/Acacia regrowth along the fenceline and wetland areas beyond the Anglicare property. Therefore, these areas have been mapped as Exotic Vegetation.</p> <p>Although the areas of PCT 781 as per the VIS_ID 4678 mapping within the E2 zone have been mapped as exotic to reflect current conditions, these areas are proposed to be rehabilitated to Freshwater Wetland with Swamp Oak TEC on the upper banks'.</p>	
WCC 9E	<p>The updated BDAR states "As the concept of non-aligned/planted PCTs and adjustment to determine credit liability is currently still being addressed by OEH, options for adjustment of values are not available. However OEH have acknowledged that an adjustment to discount for Acacia longifolia ssp sophorae values is "ecologically sensible" (Appendix E). Accordingly, it is considered that some adjustment to on-ground plot data to determine credit liability in future BDARs for the development application stages is warranted". This is noted and considered satisfactory at this concept stage, with clarification and finalisation at the detailed design and DA stage, following input from OEH</p>	<p>'Noted. Consultation with OEH (now Environment, Energy and Science group or EES) can be commenced to resolve the adjustment of on-ground data for credit liability for future DA stages'.</p>	
WCC 9F	<p>The response from RFS demonstrates that they are supportive of the 6m defendable space. – As the NRAR have not raised any concerns with the preliminary VMP, it is considered satisfactory as a high level document, with a detailed VMP to be prepared and submitted at future detailed design and DA stages.</p>	<p>Noted. VMP will be updated as required and submitted with future detailed design/DA stages.</p>	
WCC 9G	<p>The SEARs (February, 2018) specifically called for "Item 11 – Contamination – Provide a revised Remediation Action Plan in accordance with SEPP 55 - Remediation of Land." It is noted that an amended RAP has not been completed as per the SEARs, only an Environmental Site Assessment has been provided.</p>	<p>The SEAR's do not supersede the existing Concept Plan approval which contains a commitment to conduct further environmental assessment of soil contamination and Remediation Action Plan, if required. In accordance with Condition 43, this will be prepared as part of any future detailed design Development Application (if applicable) when actual works and detailed designs are proposed.</p>	

	Key Issue	Response	Reference
WCC 9H	Further, as outlined in Councils previous submission, the Department of Planning and Environment should consider SEPP 55 (SEPP Contaminated Land) and WDCP 2009 Chapter E-20 Contaminated Land Management. In doing so, the applicant is required to submit a NSW EPA accredited site auditor's Interim Advice Letter stating that site auditor will be overseeing the site assessment, remediation and validation so that the land is suitable for the proposed future development. Further, upon completion of remediation and validation, the auditor will issue a Site Auditor's Statement (SAS) and Site Auditor's Report (SAR) to the Department prepared under the CLM Act 1997 confirming that site is suitable for the proposed development. The assurance by the applicant that "This detail will be provided with the detailed development application for Precinct 1. As no physical works are proposed under the Concept Plan this information is not required at this time" is inconsistent with the requirements of the SEARs	<p>The Applicant is supportive of preparing the required environmental investigations and executing any recommendations when actual works and detailed designs are proposed. Provisions of these studies now is premature given that the land already has approval for residential use and no physical works are proposed as part of the concept plan.</p> <p>It is also noted that the SEARs refer to the submission of a 'revised Remediation Action Plan'. However, a Remediation Action Plan was not prepared for the original Concept Plan, rather a commitment was made (43) to undertake further testing and preparation of a RAP as part of further detailed applications. This approach is maintained in the current modification application.</p>	
<b>Office of Environment and Heritage</b>			
<b>1. Aboriginal Cultural Heritage</b>			
OEH 1A	<p>Aboriginal community consultation:</p> <p>In relation to point 1B of the RtS, MDCA (2019) respond that consultation has been continuous. If so, evidence of continuous consultation with all Registered Aboriginal Parties (RAPs) must be provided with subsequent AHIP applications or requests for General Terms of Approval (GTA). Consultation with the Illawarra LALC is reported by MDCA (2019). We support this consultation, however, it does not address the requirements of clause 80C of the National Parks and Wildlife Regulation 2009. There appears to have been a break in contact with the RAPs between 2015 and 2018. OEH guidelines suggest that breaks in contact of over 6 months may not constitute continuous consultation. If there has been a substantial break in contact then the applicant is required to restart the consultation process. Each AHIP application or request for GTAs must be able to demonstrate continuous consultation harm Aboriginal objects unless an applicable AHIP has been issued. The applicant must allow appropriate time and resources to prepare AHIP applications</p>	Refer to response to WCC 5B above.	

	Key Issue	Response	Reference
OEH 1B	<p><b>AHIP requirements:</b></p> <p>We note that AHIP applications will be linked to future development applications. No ground disturbance, including for geological testing, vegetation management or services installation may occur that is likely to harm Aboriginal objects unless an applicable AHIP has been issued. The applicant must allow appropriate time and resources to prepare AHIP applications.</p> <p>As per our previous comments, where a development application is being assessed as integrated development for the purposes of s90 of the NPW Act, we will require all the information necessary to support an AHIP application to be provided with the request for GTAs.</p>	Noted.	
OEH 1C	<p><b>Proposed site protection measures:</b></p> <p>We reiterate our previous recommendation that an Aboriginal Heritage Management Plan (AHMP) is prepared, which we note is supported by the RtS and MDCA (2019). The AHMP must be prepared in consultation with the RAPs and OEH. The RtS does not address our comment regarding indirect Aboriginal heritage impacts through increased recreational use of the conservation and open space areas. However, this also can be managed through the recommended AHMP.</p>	Noted.	
OEH 1D	<p>We support the proposed fencing measures recommended by MDCA (2019) to protect the part of site 52-2- 4239 intended to be conserved. The fencing should ideally be outside the extent of the archaeological site. Where the fencing is likely to harm subsurface Aboriginal objects it will need to be covered by an AHIP.</p>	Noted.	
OEH 1E	<p>The MDCA (2019) response does not include measures to protect the Turpentine Forest. However, we consider this can be adequately addressed through the AHMP (as per point 8 of the RtS). The AHMP should be used to support an AHIP application for management works of the open spaces.</p>	Noted.	
OEH 1F	<p>We support the suggestion that houses adjacent to the Aboriginal Archaeological Site are set back from the lot. However, the RtS (Ethos Urban 2019, p.9) does not provide a process or mechanism to ensure this will happen. There are also other residential factors such as installing swimming pools and landscaping that may have an equal or greater impact on archaeological deposits than house construction. The value and enforceability of this site protection measure needs additional consideration.</p>	Anglicare supports the provision of a covenant on the individual land titles (subject to subdivision) maintaining the setback and restricting disturbance such as swimming pool installation and landscaping.	

	Key Issue	Response	Reference
OEH 1G	<p><b>Vegetation management plan</b></p> <p>The Vegetation Management Plan prepared by Cumberland Ecology (CE 2019) must be integrated with the Aboriginal cultural heritage assessment and AHMP in relation to protecting the Aboriginal heritage values of the Turpentine Forest and other open space areas. For example, construction of the path referred at the Turpentine Forest (CE 2019, p.4.3) and manual weeding (CE 2019, p.5.3) must consider Aboriginal heritage impacts, must involve Aboriginal community consultation and are likely to require an AHIP. We suggest the assessment of Aboriginal heritage is considered with reference to the VMP schedule of timing and responsibilities (CE 2019, pp.8.1-8.3).</p>	<p>The current VMP has been prepared to address ecological requirements only. However, as the current VMP comprises a high-level guidance document only and is to be updated as required at detailed planning/design stages, subsequent VMPs can be updated as required to incorporate heritage management measures recommended by the heritage consultant following preparation of the AHMP.</p>	
OEH 1H	<p><b>Adequacy of the archaeological test excavations</b></p> <p>MDCA (2019) has not addressed our comments regarding the extent of the archaeological test excavations. We reiterate that the AHIP application must demonstrate that the test excavation program has been adequate, or additional archaeological test excavation will be required. If not resolved at the Modification stage, there is a risk that the applicant may apply to OEH for an AHIP and then be required to complete additional archaeological excavations before that application can be properly considered.</p> <p>We also suggest MDCA consider whether the proposed works will also harm any Aboriginal objects outside site 52-2-4239. For example, the site boundary currently on AHIMS for site 52-2-2143 is close to the southern boundary of the Anglicare land and appears to be an arbitrary boundary rather than reflecting the actual extent of Aboriginal objects. We suggest the applicant obtain a copy of the AHIMS site card for site 52-2-2143 to inform the assessment moving forward. Our request for additional information on the 'historical test trench' and our recommendations for updates to the ACAHR have also not been addressed.</p>	<p>We refer to the Aboriginal Cultural Heritage Assessment Report (ACHAR) submitted with the modification application. The program of Aboriginal archaeological test excavations undertaken to investigate an area 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 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 characterise the site. The specific conditions are outlined as follows:</p> <ul style="list-style-type: none"> <li>- Condition 1.1: which required the works to be generally consistent with various documents submitted as part of the development application, including "that all archaeological works be consistent with the letter from Mary Dallas Consulting Archaeologists to Norton Rose dated 29/5/13."</li> <li>- Condition 2.5: Aboriginal Archaeological Requirements - Prior to undertaking any works which may harm or desecrate an Aboriginal object as defined in the National Parks and Wildlife Act 1974, the Applicant shall obtain an Aboriginal Heritage Impact Permit under s90 of the National Parks and Wildlife Act 1974.</li> </ul> <p>In addition, Condition 2.4 outlined requirements for the historical archaeological investigations which were undertaken concurrently with the Aboriginal archaeological investigations detailed in the ACHAR submitted with the modification application.</p> <p>If the OEH and the Department remains unsatisfied with the approach, we suggest a suitable time is arranged to meet to discuss this issue further.</p>	

	Key Issue	Response	Reference
<b>2. Floodplain Risk Management</b>			
OEH 2A	<p>The revised Flood Impact Assessment provided by Cardno (2019) as part of the Response to Submission (RtS) includes a modified layout, which removes the diversion of Cooksons Creek and reduces flood impacts. However, some key concerns previously raised have not been addressed.</p> <p>Although reduced, significant flood impacts remain on the adjacent rail corridor as a result of the proposed development. This includes flood level increases of up to 1.5m in the PMF. Flood mapping provided in Appendix C identifies off-site flood impacts in the 1% Annual Exceedance Probability (AEP) event in the rail corridor, which is contrary to the report (section 5.7) which states that no impacts are predicted within the rail corridor for this event. The report should clearly establish all off-site impacts and strategies to manage them, including whether impacted land owners are agreeable to unmitigated flood impacts.</p> <p>Additional modelling undertaken indicates that benefits of the flood mitigation measures recommended in Hewitts Creek Floodplain Management Plan (FRMP, 2002) are maintained in the proposed development scenario. However, it is unclear which flood event has been modelled, noting that the range of all possible floods including the 1% AEP and PMF events should be assessed. Clarification should be obtained from council with regard to consistency and implications of the proposal to their Floodplain Risk Management Plan.</p>	<p>Flood impacts on the rail corridor have been mitigated by removing the sound barrier proposed in the previous submission. Additionally, the proposed upgrade to the existing 675mm diameter culvert under Geraghty Street has been increased to eliminate any offsite impacts predicted in the previous submission.</p> <p>Flood maps provided in this submission demonstrates that all off-site impacts are completely mitigated on the adjacent rail corridor up to the PMF event due to this change. A swale combined with a series of box culverts have been proposed in place of the noise barrier to convey upslope catchment flows towards its respective creek outfall.</p> <p>The modelled scheme was simulated with the 1% AEP event and shows consistent outcomes to the PMF event. A flood map showing both modelled events are included in Appendix C of the updated Flood Impacts Assessment report.</p>	<b>Attachment C</b> Flood Impact Assessment Report and Plan 82018138-001-SK009
<b>3. Waterway Health</b>			
OEH 3A	<p>The RtS does not address comments relating to soil and groundwater contamination for the southern precinct of the site. The environmental site assessment (EIS, 2018) in support of the proposal concluded that further sampling and analysis is necessary to characterise the potential extent of soil and groundwater contamination associated with historical land-use. Assessing contamination in the southern precinct will verify the extent of potential contamination and guide the development of any necessary remediation and monitoring actions required for the proposed development.</p> <p>We recommend that the you seek additional contamination information from EPA for this proposal. Resolving the concerns relating to contamination will ensure that appropriate environmental management strategies are developed and implemented with the aim of protecting local groundwater and coastal wetland environments. Characterising contamination will also facilitate an assessment of the suitability of the revised development footprint for its proposed use and satisfy the relevant</p>	<p>The existing Concept Plan approval contains a commitment to conduct further environmental assessment of soil contamination and Remediation Action Plan, if required. In accordance with condition 43, this will be prepared as part of any future detailed design development application (if applicable) when actual works and detailed designs are proposed. Once the extent of contamination and any remedial works are known, they can inform the detailed stormwater management plans, as set out within commitment 4.</p>	

	Key Issue	Response	Reference
	Secretary's Environmental Assessment Requirements relating to assessing impacts to surface and groundwater.	We note that the proposal is contained within the approved developable area illustrated on the approved Concept Plans.	
<b>4. Biodiversity</b>			
OEH 4A	The biodiversity issues raised in our initial response, have largely not been addressed in the RtS. The recommendation of the biodiversity consultant is to address any identified issues as part of future detailed development applications. The Department may want to reconsider the original comments when addressing the RtS documentation or alternatively, allow the details to be addressed at subsequent development application stages.	Cumberland Ecology maintains that detailed designs are required to fully assess the biodiversity issues raised in the initial OEH response. Therefore, as per the OEH suggestion, we are agreeable to the Department considering the issues and allowing details to be addressed at subsequent development application stages.	
<b>Roads and Maritime Services</b>			
RMS 1C	As previously stated in our letter dated 12 December 2019, RMS believes the provision of the North-South road link is a vital part of the proposal. RMS notes this link still forms part of the proposal and on this basis, has no further comments at this stage.	Noted and agreed.	
<b>NSW Rural Fire Service</b>			
RFS 1A	The NSW RFS notes that the land is not mapped as bushfire prone land by Wollongong City Council	Noted and agreed.	
RFS 1B	The NSW RFS has no objection to the modification proposal and recommends that items 25 and 26 of the proposed Statement of Commitments be incorporated in the MOD 5 Concept Plan approval	Noted and agreed.	
<b>EPA</b>			
EPA 1A	<p>The EPA agrees with the OEH comments that the RTS does not appear to address comments relating to contamination.</p> <p>The advice in our recent letter to you dated 30 September 2019 (our reference DOC18/631997-4) was provided to assist DPIE (Planning) on this issue.</p> <p>The EPA provided comments on the environmental site assessment (July 2018) in a previous letter dated 31 August 2018 (our reference DOC18/631997-1)</p> <p>See attachment A of our recent letter. (note: extracts included below)</p>	<p>Agency comments do not supersede an approved Concept Plan which includes conditions and commitments to ensure the site is appropriately treated to ensure all future uses are suitable for the site.</p> <p>In accordance with commitment 43, future detailed applications will be submitted with detailed investigations and Remediation Action Plans, if required, confirming how the site is to be remediated to be suitable for future residential uses.</p>	

	Key Issue	Response	Reference
EPA 1B	<p><b>DE0006 Section 73 Certificate</b></p> <p>106. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e-developer" icon or telephone 13 20 92.</p> <p><b>Reason:</b> To ensure the requirements of Sydney Water have been complied with.</p>	Noted. This is considered an appropriate condition to be included on any consent for a DA proposing detailed designs.	
EPA 1C	<ul style="list-style-type: none"> <li>The following guidance, as relevant, should be considered, when assessing contamination at the site: <ul style="list-style-type: none"> <li>NSW EPA Sampling Design Guidelines: <a href="http://www.epa.nsw.gov.au/resources/clm/95059smpgdline.pdf">www.epa.nsw.gov.au/resources/clm/95059smpgdline.pdf</a></li> <li>Guidelines for the NSW Site Auditor Scheme (3<sup>rd</sup> edition) 2017 <a href="https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition">https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition</a></li> <li>Guidelines for Consultants Reporting on Contaminated Sites, 2011 <a href="http://www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf">www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf</a></li> <li>The National Environment Protection (Assessment of Contamination) Measures 2013 as amended.</li> </ul> </li> </ul>	Noted. These documents will inform subsequent DA's, in accordance with the commitment 43.	
EPA 1D	The processes outlined in <i>State Environmental Planning Policy 55 - Remediation of Land (SEPP55)</i> be followed and documented, to assess the suitability of the land and any remediation required in relation to the proposed use.	Noted. These documents will inform subsequent DA's, in accordance with the commitment 43.	
EPA 1E	If the planning proposal is approved, any proposed development should not result in a change of risk in relation to any pre-existing contamination on the site, so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under Section 6(2) of Contaminated Land Management Act (CLM) 1997].	Noted.	
EPA 1F	The EPA should be notified under Section 60 of the CLM Act for any contamination identified which meets the triggers in the <i>Guidelines for the Duty to Report Contamination</i> <a href="http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf">www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf</a>	Noted.	
EPA 1G	EPA recommends use of "certified consultants". Please note that the EPA's Contaminated Land Consultant Certification Policy ( <a href="http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en">http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en</a> ) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.	Noted.	
EPA 2A	<p><b>Waste:</b></p> <p>The environmental outcome of the project should be to ensure:</p> <ul style="list-style-type: none"> <li>the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.</li> <li>land pollution is prevented.</li> <li>the beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so.</li> <li>no waste disposal occurs on site.</li> </ul>	Noted.	

Key Issue		Response	Reference
EPA 2B	<p>The EPA provides the following advice:</p> <ul style="list-style-type: none"> <li>Any waste generated at the site should be assessed, classified and managed in accordance with the EPA Waste Classification Guidelines. See: <a href="https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste">https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste</a></li> <li>Where waste is identified (for example contaminated soil), the proposed methodology for handling, removing and disposing of any material generated should be detailed. The storage, disposal and transport of any wastes must be undertaken in accordance with the Protection of the Environment Operations (Waste) Regulation 2005.</li> </ul>	Noted.	
EPA 3A	<p>Additional Comments:</p> <p>The EPA recommends that the proponent should engage a site auditor accredited under the CLM Act. Accredited site auditors can be engaged to: independently review reports to ensure that the methods and interpretation of data are consistent with EPA guidance documents, and prepare a Site Audit Statement that confirms the suitability of the site for the intended land use etc</p>	Noted.	
EPA 3B	<p>The proponent should consider the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 ((EPA, 2015), to determine if contamination at the site triggers the requirement to notify the site to the EPA under s60 of the CLM Act.</p>	Noted.	
EPA 3C	<p>The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site, so as to result in significant contamination [note: that this would render the proponent the 'person responsible' for the contamination under Section 6(2) of CLM Act.</p>	Noted.	
EPA 3D	<p>Site investigation reports and Remedial Action Plans (if required) must be prepared by a suitably qualified and experienced person, in accordance with guidelines made or approved under Section 105 of the Contaminated Land Management Act 1997 (CLM Act). Please note that the EPA's Contaminated Land Consultant Certification Policy (<a href="http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en">http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en</a>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry</p>	<p>In accordance with commitment 43, future detailed applications will be submitted with detailed investigations and Remediation Action Plans, if required, confirming how the site is to be remediated to be suitable for future residential uses.</p>	

## 2.0 Public Submissions

The following table includes a response to the submissions provided by the public. In total 27 public submissions were received in response to the public exhibition of MP 06\_0094 Mod 5. The key issues identified have been categorised in the following table accompanied by the proponent's corresponding response in the right-hand column. The proponent's responses have been informed by input by the expert consultant team and should be read in conjunction with the publicly exhibited Environmental Assessment Report and accompanying technical reports, as well as the Preferred Project Report to which this document is appended.

Issues raised	No. Submissions	Comment/Design Response
<b>Traffic and Vehicle/Pedestrian Access</b>		
2 new loops roads along Wikies Street should be blocked and reinstated to pathways. Reduce number of roads crossing to 1 only along Wilkies to improve safety for pedestrians, cyclists and children	2	<p>The proposal has significantly reduced the number of vehicle crossings along Wilkies Street. Three crossings are considered a balanced outcome between maximising pedestrian safety and maintaining adequate access and circulation to the Precinct 2 and Precinct 3.</p> <p>It is also noted that RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.</p>
There is restricted access for services i.e. Fire bridge, garbage and transport vehicles	1	RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
Sun will impede north bound traffic leave ocean view precinct	1	RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
Parking assessment does not consider cars being parked in Brickworks Ave	1	Th traffic and parking impact assessment addresses vehicle traffic generation and parking demand in relation to the concept plan proposal. Brickworks Avenue is well beyond the site to the north.
Ocean View precinct roads are not perpendicular to Wilkies St which will reduce visibility of drivers	1	RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
Inadequate off-street parking causing extra vehicles parked on streets	3	Parking will be delivered under future Development Applications. Parking provision will be in accordance with either the Seniors SEPP or Council's DCP, whichever is the relevant control to each DA.

Issues raised	No. Submissions	Comment/Design Response
Wilkie St must be assessed as part of any traffic management assessment considering it is used for access from every single proposed townhouse and therefore it is false to claim <i>'it is not within the subject site'</i> .	5	The Environmental Assessment Report (EAR) was accompanied by a Traffic Impact Assessment prepared by Transport and Traffic Planning Associates (TTPA). TTPA has undertaken a comparison of the approved and proposed schemes and the modified development has the potential to generate an additional 13 vehicle trips per hour (VTPH) in the AM peak and an additional 7VTPH in the PM peak. TTPA conclude that this very minor increase in generated traffic would be quite imperceptible when it is distributed in 2 directions along Geraghty Street and that the proposed development could be accommodated without adverse impact.  RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
Main arterial roads of Geraghty St should service the new residential development rather than Wilkie St. Currently Precinct 2 will be serviced by the narrow roads through Wilkie St which will increase traffic congestion on the tiny Wilkie St.	17	
Wilkie St is too narrow to support large vehicles and will cause traffic and is dangerous to the community and detrimental to the amenity. Wilkie St should be widened.	15	
Added crossovers on Wilkie Walk compromise safety of pedestrian and cyclists.	5	The proposal has significantly reduced the number of vehicle crossings along Wilkie Street. Three crossings is considered a balanced outcome between maximising pedestrian safety and maintaining adequate access and circulation to the Precinct 2 and Precinct 3.
Remove the 3 east/west townhouses facing Wilkie St in Precinct 2 and design an internal east/west road to service the townhouses to retain currently Wilkie St with no street crossings	8	The proposal has significantly reduced the number of vehicle crossings along Wilkie Street. Three crossings is considered a balanced outcome between maximising pedestrian safety and maintaining adequate access and circulation to the Precinct 2 and Precinct 3.
Construction bridged over Tramway Creek to alleviate traffic concerns	5	The Modification Application maintains the provision of this bridge and this is reflected in the Statement of Commitments. The detailed design and delivery of the bridge will be negotiated with Council at the detailed DA stage where the bridge is proposed to be delivered.
Traffic report is inaccurate as it does not consider impact on Craven St, Panmills Dr and Wakefield St because most likely traffic will run onto Craven and Wakefield Streets to and from the north.	1	RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
The statement that <i>"it is also pertinent that the most direct access route to/from the 'estate' is in fact provided via the Princes Highway – Point Road – Geraghty Road route which does not require residents/visitors to travel through the residential roads to the north in order to access the Princes Highway"</i> assumes that traffic is heading "to/from" Wollongong and ignores that for many journeys Thirroul shopping centre, beaches or train station would make Wrexham Road the most direct access route.	1	

Issues raised	No. Submissions	Comment/Design Response
The claim (Page 4) that “ <i>On balance, the reduced development yield will result in reduced traffic generation outcome, thus lower traffic impact on the road network</i> ” is unsubstantiated and strongly disputed. Terraces/townhouse dwellings are likely to have two vehicles per residence and also will potentially make more trips per day than for the original aged facility and have more visitor parking requirements.	1	The Environmental Assessment Report (EAR) was accompanied by a Traffic Impact Assessment prepared by Transport and Traffic Planning Associates (TTPA). TTPA has undertaken a comparison of the approved and proposed schemes and the modified development has the potential to generate an additional 13 vehicle trips per hour (VTPH) in the AM peak and an additional 7VTPH in the PM peak. TTPA conclude that this very minor increase in generated traffic would be quite imperceptible when it is distributed in 2 directions along Geraghty Street and that the proposed development could be accommodated without adverse impact.
Panmills Street and the two streets connecting Wilkies Street to Panmills Street will inevitably be used by ARV traffic travelling north to connect to Brickworks Avenue. Craven and Wakefield Street are narrow streets, only designed to give access and parking for the houses in those streets. Through traffic as a result of the change in the ARV design will be a safety risk which has been ignored in the traffic report and must be addressed.	1	RMS has reviewed the modified proposal and has not raised a similar concerns. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
With increasing gridlock situations on Lawrence Hargrave Drive, especially on weekends, there is a concern that, even though it is longer than the main road, this will be an attractive bypass with an in-creased risk of accidents (vehicle, bicycle and pedestrian). A speed limit of 40kmh is required with signage and road markings to make it safe for bicycles, and aged and young pedestrians.	2	RMS has reviewed the modified proposal and has not raised a similar concern. RMS conclude that no objection is raised subject to compliance with the recommended conditions and provision of the North-South road link, as committed to by Anglicare.
The rail bridge at the top of Wilkies St and Beattie St Bulli is a pedestrian bridge and cannot be used for vehicular traffic.	1	The modification application does not seek to convert this bridge to accommodate vehicles.
<b>Dwelling Yield</b>		
Development should be considered as a new proposal given significant change in use of land from aged care to residential sub-division in Precinct 2 and 3.	5	<p>The proposal has been appropriately submitted as a Section 75W Modification Application, consistent with the approval pathway for previous modifications to the Sandon Point Concept Plan.</p> <p>For absolute clarity, the current zoning permits the proposed land uses. In addition, the modification application:</p> <ul style="list-style-type: none"> <li>• Has reduced the density of the RACF from 120 beds to approximately 80 beds.</li> <li>• Has reduced the density of ILU's from 250 to approximately 140 units.</li> <li>• Reduces overall built form site coverage by 4.3%.</li> </ul> <p>As such it is abundantly clear that the proposal represents a decrease in residential density from the approved Concept Plan. In addition, the change in residential accommodation typologies from residential flat buildings containing ILU's with townhouses more appropriately responds to the scale and density of the dwellings delivered under the same Concept Plan Approval to the north within the Stockland lands.</p>

Issues raised	No. Submissions	Comment/Design Response
Incorrect number of townhouses quoted. It would be 61.	2	<p>The reference design illustrates 51 townhouses, which is correct. Notwithstanding this, 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 <b>Attachment A</b>.</p> <p>It is proposed that the Concept Plans at <b>Appendix B</b> be approved. The additional design information provided by JSA submitted with the previous RTS was for information purposes only and to satisfy the SEARs. The final dwelling number will be resolved as part of a subsequent detailed development application submitted to Wollongong City Council for assessment.</p>
Lot sizes should be increased to reflect minimum size of in the local area.	4	<p>The indicative layout proposes lots ranging in size between 166m<sup>2</sup> and 447m<sup>2</sup>. It is noted however, that there is no minimum or maximum lot size prescribed in either the State Significant Precincts SEPP or the approved Concept Plan. Lot sizes will be resolved in future detailed Development Applications.</p>
We believe a review of recent multi dwelling sites in the Bulli/Thirroul area approved by Wollongong city Council will show an average size above 250 m <sup>2</sup> . Yet these new dwellings are on the edge of both towns. Facilities normally associated with such compact dwellings, such as public transport, shops, banks are a considerable distance away. We believe the average lot size is well below the local standard acceptable for such a prime beach side location. Therefore, we believe the minimum lot size needs to be increased to, at least, 30% average lot size increase with a corresponding 30% decrease in the number of town houses using the same space and not 8% as proposed.	1	
The developer should not be vague about future land use because Precinct 2 and 3 indicate a 2-story construction which is not feasible for seniors living	2	<p>The level of detail submitted is consistent with the level of detail shown on the approved Concept Plans, as discussed at <b>Section 2.1</b> of the Preferred Project Report dated 29 May 2019. It will therefore be at the detailed design stage where further information will be provided to satisfy the design requirements for either standard residential accommodation or seniors housing (including the design requirements in the Seniors SEPP) depending on the land use proposed.</p>
<b>Ecology and Biodiversity</b>		
Objection of residential lots being within the 6m defendable zone of Turpentine Forest.	10	<p>We refer to Peterson Bushfire's RTS cover letter dated 23 May 2019 and the response from the Rural Fire Service (RFS) dated 18 July 2019. The RFS supports the proposed 6m defendable zone. In addition, the defendable zone strategy is consistent with the defendable zone strategy approved under Mod 1 to MP06-0094 in relation to the Stockland lands. The modified proposal can be wholly contained within the approved developable footprint. The modification application maintains a commitment to retain and rehabilitate the Turpentine Forest as well as the riparian corridor and wetland within the site. These existing natural features will be embellished with a comprehensive landscape plan to maintain the natural landscaped character of the area.</p>

Issues raised	No. Submissions	Comment/Design Response
<p>Objection to reduced buffer protection zone from 20m in the 2006 approved concept plan to 6m.</p> <p>In Ethos Urban Proposed Amendments to Statement of Commitments dated 31.5.2019, Point 17, the provision of 20 metre setbacks from the forest for development. However, in Point 18, they 'will ensure that a 20 metre wide riparian corridor is incorporated on either side of the centreline of Cooksons Creek'. This surely is evidence that a perimeter of no less than 20 metres is imperative to protect the flora and fauna around Cooksons Creek and evidence that a 20 metre perimeter is imperative to protect the Heritage listed turpentine forest and to protect the flora and fauna which inhabit this Heritage listed remnant Turpentine forest.</p>	18	The 20m was identified as an Asset Protection Zone (APZ) in relation to bushfire protection and was not created or approved as heritage curtilage. As confirmed in the Rural Fire Service (RFS) response dated 18 July 2019, the 6m defendable zone is supported.
Turpentine Forest will be detrimentally impacted during construction	2	The modified proposal can be wholly contained within the approved developable footprint. The modification application maintains a commitment to retain and rehabilitate the Turpentine Forest as well as the riparian corridor and wetland within the site. These existing natural features will be embellished with a comprehensive landscape plan to maintain the natural landscaped character of the area.
Townhouses in Anglicare housing development must be reduced to ensure no adverse impacts occur on Turpentine Forest and Aboriginal heritage	3	<p>The modified proposal has reduced the development footprint in the Precinct 3 to protect the Aboriginal Archaeological Sites. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared by MDCA and provided with the EAR. Within the ACHAR, MDCA has determined that that a sufficient buffer is proposed to ensure the protection of the retained archaeological artefacts. We also refer to the RtS, that notes that the proposed modification will reduce the overall level of harm to Aboriginal objects.</p>
Precinct 2, 2B service road encroaches on the 6m buffer zone adjacent to Turpentine Forest.	2	Roads are permitted to form part of a defendable zone, and the proposal excludes all dwellings from the 6m zone. As confirmed in the Rural Fire Service (RFS) response dated 18 July 2019, the 6m defendable zone is supported.
<b>Built form and Density</b>		
Built form and density is out of character with existing homes and out of context with the area.	20	<p>It was not the intent of the Concept Plan approval to facilitate development on the Anglicare site that is entirely consistent with low scale residential development within the local area including the McCauley Beach Estate. For absolute clarity, the current zoning permits the proposed land uses. In addition, the Modification Application:</p> <ul style="list-style-type: none"> <li>• Has reduced the density of the RACF from 120 beds to approximately 80 beds.</li> <li>• Has reduced the density of ILU's from 250 to approximately 140 units.</li> <li>• Reduces overall built form site coverage by 4.3%.</li> </ul>

Issues raised	No. Submissions	Comment/Design Response
		The proposal does not seek to exceed the site's maximum height or FSR controls and all the proposed land uses are permissible with consent under the State Significant Precincts SEPP. In addition, the modified concept will facilitate a more appropriate transition in scale from the low-density dwellings to the north across the site to the RACF and residential flat buildings located at the south of the site. In this regard, the scale and density of the modified proposal is considered appropriate for the area.
Should be zoned R3	3	The proposal does not seek to change the site's zoning under the State Significant Precincts SEPP.
All lots in Precinct 2 contain dual roads frontages as the rear of these properties back onto either Wilkies St or Geraghty St. This creates adverse visual impact on the current streetscape and is against public interest.	7	The detailed design of the townhouses will ensure an appropriate streetscape presentation is achieved. The detailed design will be submitted to Wollongong City Council and will be placed on public exhibition, where comments on the detailed design and streetscape presentation can be made.
There should be open space for good architectural design	4	The proposal only results in 17.1% site covered, a 4.3% improvement from the approved Concept Plan. In this regard, and as reflected on the modified Concept Plan, a significant portion of the site has been dedicated as open space and natural vegetation and landscaping.
Desire to see a 3D diagram of view impact from other side of the train tracks	1	3D Diagrams are limited to those provided in the exhibited design reports.
Request for a noise assessment be made to test the amplification of train noise on other side of the track caused by constructing wall	1	Flood impacts on the rail corridor have been mitigated by removing the sound barrier proposed in the previous submission.
Developer should install perimeter landscaping such as trees and greenery to reduce the impact of high screening and fencing	5	Key natural landscapes are retained such as the Turpentine Forest and will be embellished with comprehensive landscaping as indicated on the Landscape Concept Plan dated May 2019.
Define the process to remove asbestos from the derelict factory in accordance with the safe remove of asbestos code of practice under section 274 of the Work Health and Safety Act	1	This has been detailed within the early works development application (DA-2019-1210) submitted to Wollongong Council on 25 October 2019.
There should be a corner block of land within the development for commercial use for purpose of a corner store. This will reduce traffic.	1	Commercial development is not permissible on site under the State Significant Precincts SEPP.
<b>Construction impacts</b>		
The wall will increase train sound and request that construction materials used be sound absorbent.	1	The proposed flood barrier 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. The proposed scenario flood model was updated to account for these changes.
Question whether resident gets a say in the colour of wall that will be in their view. Desire to see colour of wall blend with nature as much as possible.	1	
Question on what happens if home is adversely impacted by increased noise and vibrations caused by new wall structure.	1	