Mixed Residential & Retail Development Mod 3

Section 75W Modification Assessment

(MP10 0101 MOD 3)

November 2020

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Title: Mixed Residential and Retail Development Mod 3

Subtitle: MP 10_0101 Mod 3

Cover image: Perspective view of the west stage

Glossary

Abbreviation	Definition
Applicant	Icon Construction Group
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Georges River Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011

1 Introduction

1.1 Background

This report provides an assessment of a request to modify the concept approval for the construction of a mixed-use retail and residential development, MP10_0101, pursuant to Section 75W of the *Environmental Planning and Assessment Act* 1979 (EP&A Act).

The application has been lodged by Icon Construction Group and seeks approval to modify the Concept Approval to:

- increase the maximum gross floor area from 28,474 m^2 to 29,274 m^2;
- reduce the extent of basement levels and changes to car parking;
- reduce the western setback to 37 Treacy Street from 1 m to provide a nil boundary setback
- associated changes to the building envelope, layout and internal configuration.

1.2 The site

The site is 21 - 35 Treacy Street Hurstville. The site is located approximately 300 m from the Hurstville Railway Station within the Georges River Local Government Area (**Figure 1**).

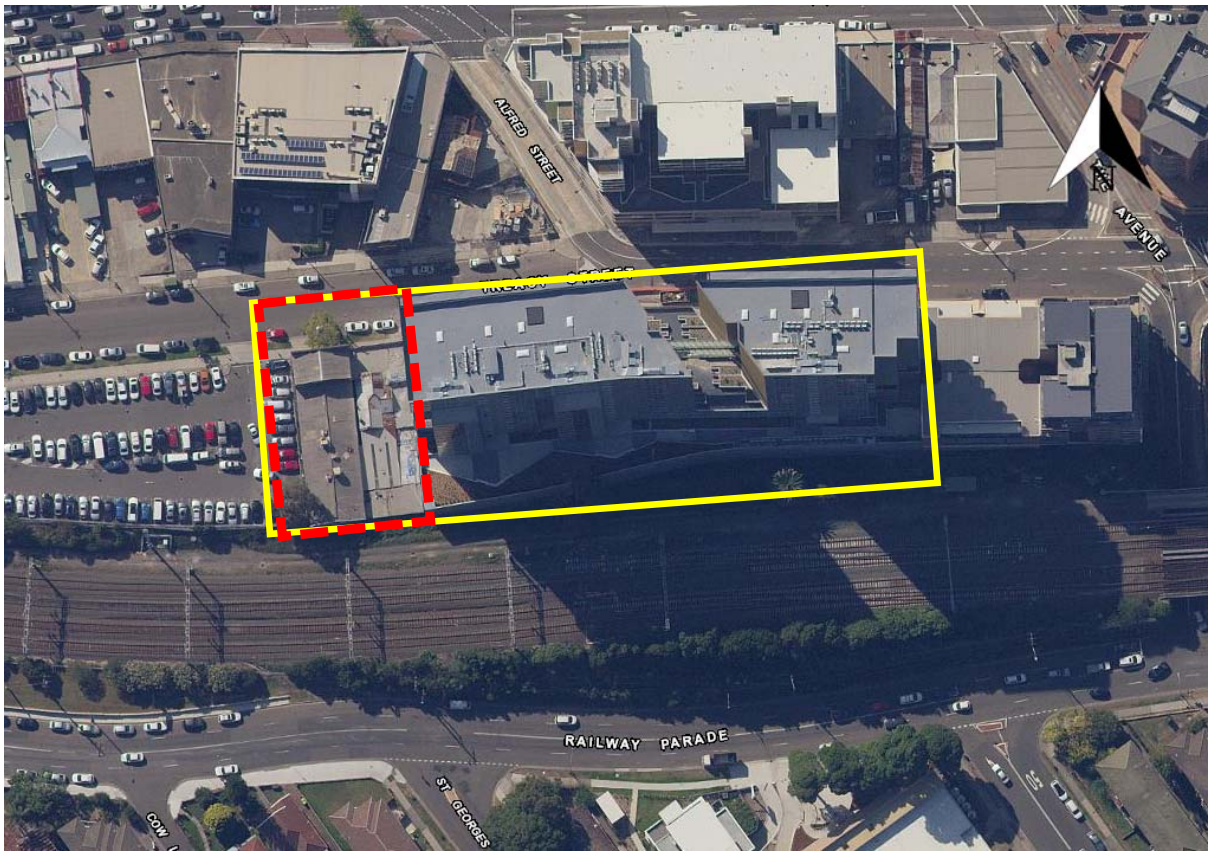

Figure 1 | Aerial view of the site (in yellow) and west stage (in red) (Source: SIX Maps)

1.3 Approval history

On 1 July 2011, the Planning Assessment Commission (PAC) (as delegate to the then Minister for Planning and Infrastructure) approved the concept plan MP10_0101 for mixed use retail and residential development, including basement car parking, public domain improvements to Treacy Street and landscaping (**Figure 2**).

The Concept Approval, as modified, establishes:

- Use of the site for retail and residential purposes and associated car parking
- Indicative building envelope to a maximum height of 55 m (114.6 m AHD)
- A maximum GFA of 28,474 m^2 with 26,775 m^2 of residential space and 1,499 m^2 of retail space
- 200 m^2 of community floor area
- Public domain improvements to Treacy Street
- Landscaping areas.

The consent has been modified once and one modification has been refused (Error! Reference source not found.).

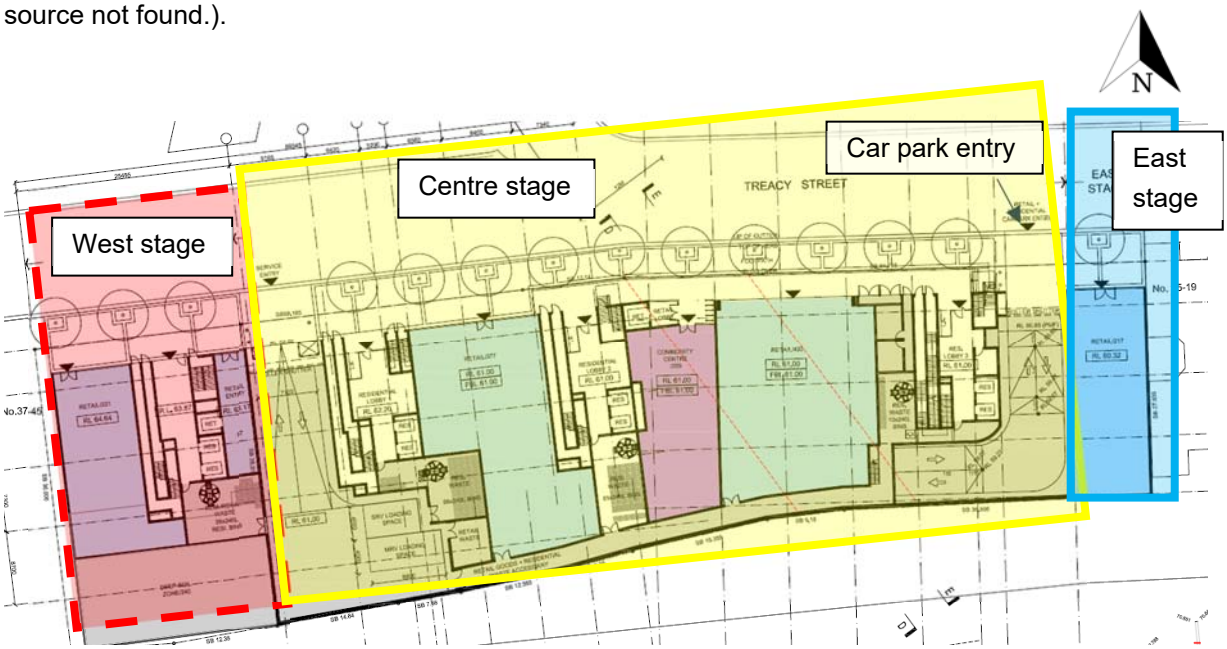

Figure 2 | Ground floor staging plan identifying east (blue), centre (yellow) and west (red) stages as approved by MOD 1

Table 1 | Summary of Concept Plan Modifications

Mod	Summary of Modifications	Approval Authority	Type	Status

MOD 1	Increase the residential GFA to 26,775 m^2, reduce retail space to 1,499 m^2, provision of 200 m^2 of community floor area, removal of maximum number of dwellings, reduction in retail parking, southern building setback condition, staging of development and modification to floor layouts.	Director, Metropolitan and Regional Projects South	75w modification	4 September 2012
MOD 2	Increase in height of Stage 1 from 16 to 19 storeys, a GFA increase to 32,497 m^2, an increase in residential and decrease in retail floor areas, changes to floor levels and car parking, a draft voluntary planning agreement.	Planning Assessment Commission	75w modification	Refused

Hurstville City Council (now part of Georges River Council) approved development applications for the eastern and centre stages as outlined in **Table 2**. These components of the development have been constructed and are occupied.

Table 2 | Summary of Approved DAs

DA / Mod Number	Address	Description	Determination
DA2016/0073	21 Treacy Street	Demolition of existing structures and construction of a 16 storey mixed use development (East stage)	Approved 21 December 2016
DA2014/1066	23-29 Treacy Street	Construction of mixed use development, known as the Imperial Building, comprising retail uses; 227 residential apartments and a maximum building height of 55 metres and basement parking (Centre stage)	Approved 20 May 2015

Georges River Council development application (D/2018/0366)

On 6 September 2018, Georges River Council (Council) received a development application (D/2018/0366) for a 13 storey mixed use building at 33-35 Treacy Street within the West stage. This application is currently under assessment.

2 Proposed modification

2.1 Modification to the Concept Approval

The modification seeks approval to modify the Concept Approval to:

- increase the maximum gross floor area from 28,474 m^2 to 29,274 m^2;
- reduce the extent of basement levels and changes to car parking;
- reduce the western setback to 37 Treacy Street from 1 m to provide a nil boundary setback
- associated changes to the building envelope, layout and internal configuration.

The key components and features of the proposal are summarised in **Table 2**. A link to the application is provided in **Appendix A**.

Table 2 | Main components of the proposal

Component	Description
GFA	• Increase in GFA by 800 m^2 to a maximum of 29,274 m^2 comprising: o An increase in residential GFA by 915 m^2 to a maximum of 27,690 m^2 o A decrease in retail GFA by 115 m^2 to a maximum of 1,384 m^2 • Amend Condition A1 and A5 of the Concept Approval to incorporate the changes to the maximum GFA.
Parking	• Amend Condition A8 to require parking for the west stage to comply with minimum parking requirements as described in the Apartment Design Guide • Deletion of Basement Level 3
Setbacks	• Reduce the western setback from 1 m to permit a nil (zero lot line) setback to the western boundary
Building Envelope and Indicative Layout	• Amend Condition A2 to incorporate concept plans which include a reduction in the extent of basement parking, a zero lot line setback to the western boundary, minor changes to the building envelope and changes to the indicative layout and configuration.

The proposal is shown at **Figure 3** to **4**.

Figure 3 | Approved ground floor (above) and proposed ground floor (below). Retail floor space shown in blue identifies and the approved community centre is shown in purple

Figure 4 | Approved Level 12 with 1 m setback to the western boundary (left) and proposed Level 12 with zero lot line setback to the western boundary, minor amendments to the building envelope and revised concept dwelling layouts (right)

3 Statutory context

3.1 Part 3A transition to State significant development

The concept plan was originally approved under Part 3A of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation), which came into effect on 1 March 2018.

Clause 3BA(5) of the STOP Regulation confirms Concept Plans may continue to be modified under section 75W provided the modification meets at least one of the following requirements:

a) the proposed modification is to correct a minor error, misdescription or miscalculation, or

b) the proposed modification is of minimal environmental impact, or

c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

The Department considers the proposal is substantially the same as the Concept Approval (as modified by MOD 1) as the proposed 2.8% increase in GFA is minor in the context of the approved GFA for the site and no change is proposed to the range of uses or other key elements that define the precinct.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

3.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the approval authority for the modification request. However, the Director, Key Sites Assessments, may determine the request, under delegation dated 9 March 2020, as:

- there are less than 10 public submissions in the nature of objection
- a political disclosure statement has not been made.

3.3 Environmental Planning Instruments

The application has been assessed against the following Environmental Planning Instruments (EPIs):

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land

- Draft Remediation of Land State Environmental Planning Policy
- Draft Environment State Environmental Planning Policy.
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The Department is satisfied the proposed modification does not result in significant changes that would alter the conclusions made as part of the original assessment of the Concept Plan in relation to EPIs or any subsequent replacement EPIs. The Department is also satisfied the proposed modification does not result in any changes that would require any additional assessment under the EPIs that apply to the proposed development.

4 Engagement

4.1 Department's engagement

The application was publicly available on the Department's website and the Department notified the modification request between 28 August 2020 until 10 September 2020 (14 days).

The Department wrote to Georges River Council, Transport for NSW (TfNSW), surrounding landowners and previous submitters and invited submissions in response to the modification request.

In response to the notification the Department received seven submissions, including advice from Council and TfNSW and five submissions (four objections and one comment) from the public, including the two adjoining Owner's Corporations.

A summary of the submissions and the issues raised in the submissions is provided at **Section 4.2**. Copies of the submissions may be viewed at **Appendix A**.

4.2 Summary of submissions

4.2.1 Public Authority submissions

Council reviewed the modification application and provided the following comments:

- DA2018/0366 is currently with Council and is dependent on the outcome of the Department's review of this modification to the Concept Approval
- Council in principle supports for DA2018/0366, subject to approval of and consistency with this modification to the Concept Approval.

Transport for NSW (TfNSW) reviewed the proposal and advised it does not have any concerns or comments.

4.2.1 Public submissions

A total of five public submissions were received in response to the notification of the proposal, including:

- one submission raising concerns with proposed management and mitigation of construction impacts, structural integrity issues resulting from the removal of the basement walls and car park management, proposed strata management, building security and liability for building damages
- one objection on the grounds that the plans do not align with those that informed a purchase decision
- three objections from the Stata Managing Agent on behalf of the Owners Corporations of the adjoining Imperial development raising the following concerns:
    - Structural damage/defects
        - the basement wall opening will impact on the structural integrity of the Imperial
        - the Imperial has significant defects which are currently the subject of legal action
        - the potential for further damage (request to indemnify the Owners Corporations from any damage or loss caused by works associated with the development)
        - impacts on the Imperial's major defect warranty

        - a request for conditions to:
            - prevent the use of hydraulic hammers in order to reduce vibrations
            - require dilapidation reports pre and post works
    - traffic and parking:
        - traffic congestion near the car park entry point
        - pedestrian access and safety concerns
        - request for an updated traffic report including recently occupied developments
        - safety devices to mitigate potential for vehicular accidents
        - impacts on access to existing car parking and any compensation for inconvenience caused.
    - local school capacity
    - public safety and request for additional security cameras.

4.3 Response to submissions

Following the exhibition of the proposal, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in the submissions.

The Proponent provided a Response to Submissions (RtS) (**Appendix A**) on 6 October 2020. The RtS provides additional information and clarification in response to the issues raised in submissions.

The Applicant also provided further information on 29 September and 3 November 2020 including an updated ground floor concept plan, clarification on the removed basement car parking and clarification on the GFA allocation.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application and MOD 1
- all submissions received on the proposal and the Applicant's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department has assessed the proposed modification in **Table 3**.

Table 3 | Summary of other issues raised

Issue	Findings	Recommendations

Increase in residential GFA	• The proposal seeks to increase the residential GFA by 915 m^2 (3.4%).
	• The Proponent notes the additional GFA is sought to accommodate:
	  • reducing the approved setback along the western boundary from 1m to nil to align with the desired future character of the area (538m^2).
	  • the detailed design requirements of the DA currently under assessment with Council including:
	  - enclosing the south facing balconies to create wintergardens as required by Sydney Trains (221 m^2)
	  - the introduction of 'snorkel' windows for secondary bedrooms to improve amenity and solar access (41 m^2)
	• The Department supports the minor increase in GFA as it provides:
	  • a zero lot setback to the western boundary which is consistent with the existing and desired future character of the area as discussed below
	  • a minor increase in floor space to allow Council to consider the inclusion of wintergardens and snorkel windows to improve amenity to future residents within the current DA
	  • an appropriate built form which would not result in any significant visual or amenity impacts beyond those already assessed and approved.
		The Department recommends Conditions A1 and A5 be amended to reflect the increase in GFA.

Reduction in retail GFA	• The proposal seeks to reduce the retail GFA by 115m^2 (8%) by reducing the size of the ground floor tenancies as shown in **Figure 3**.	The Department recommends Conditions A1 be

	• The Department supports the proposed minor reduction in retail GFA as: o it will have no perceptible impact on ground floor activation along Treacy Street as there is a negligible change to the approved active street frontage (**Figure 2**) o it remains consistent with the desired future character and key land use principles for the Hurstville city centre with the Hurstville DCP No 2 by promoting active uses on the ground floor to contribute to the vibrancy of the centre.	amended to reflect the reduced retail GFA.
Nil setback to the western boundary	• The proposal seeks to reduce the western boundary setback, to 37 Treacy Street, from 1 m to nil (zero lot line). • Council did not raise any concerns with the proposed zero lot line. • The Department notes the approved 1 m setback does not serve any urban design or amenity purpose as it provides limited articulation and no window openings. • The Department therefore supports the proposed nil setback as: o it is consistent with the objectives of the ADG which supports a continuous street wall in dense urban areas such as Hurstville city centre o it is consistent with the existing and desired future character of the area which includes development built to the side boundaries along Treacy Street o it aligns with the nil setback of the Concept Approval envelope to the eastern boundary o any future development of 37 Treacy Street (existing Council car park) may similarly provide a nil setback to the side boundary o overshadowing is minimised as the nearest residential properties are south of the railway line o the reduced setback provides a blank wall to the western boundary, and is unlikely to cause any privacy issues, subject to an assessment against ADG in the detailed DA.	No additional conditions or amendments are necessary.
Traffic Impacts	• Public submissions raised concern with local traffic and pedestrian safety, including concern with congestion at the car park entry. Submissions also raised concern that the traffic assessment does not take into consideration impacts from the now occupied centre and east stages known as the 'Imperial Hurstville' mixed use development at the adjoining 21-31 Treacy Street. • In response, the Proponent provided an updated Traffic Impact Assessment (TIA), which considered the east and centre stages of the Imperial development • The TIA concludes the proposal would cause a minor increase in average traffic delays by up to 3 seconds and	No additional conditions or amendments are necessary.

	would not result in any material change to the level of service at the nearby intersections of: o Forest Road, Park Road and Alfred Street o Forest Road and The Avenue, and o Railway Parade and The Avenue. • Council and TfNSW did not raise any traffic concerns. • The Department has carefully considered the concerns raised in submissions, however, is satisfied that the minor increase in GFA is unlikely to result in material traffic or pedestrian safety impacts as: o the level of service at nearby intersections would not change o there is no change to the vehicle entrance location, pedestrian access points or accessibility to public transport o the proposal will result in an overall reduction in car parking provision (refer to discussion below), compared to the Concept Approval, and therefore is unlikely to result in any additional congestion at the car park entry/exit compared to the approved development o Council will consider the design of the basement car park, entry and exit and pedestrian access in accordance with Australian Standards and other relevant requirements as part of its assessment of the DA for the construction of the building. • The Department therefore concludes the traffic impact of the proposal will be minor and acceptable.	
Car parking	• Condition A8 requires residential parking in accordance with the Hurstville City Council DCP No. 2 (being 1 space per 1-2 bed dwelling, 2 spaces per 3 bed dwelling and 1 visitor space per 4 dwellings). • The Proponent seeks to amend the car parking requirements for the final (west) stage of the development in line with the ADG, which recommends that developments within 800m of a railway station provide parking in line with the Guide to Traffic Generating Developments (GTTGD) (being 0.4 spaces per 1 bed dwelling, 0.7 spaces per 2 bed dwelling, 1.2 spaces per 2 bed dwelling and 1 visitor space per 7 dwellings). • The Proponent notes that only three basement levels will be required and therefore seeks to delete the lowest basement level. • Council and TfNSW raised no issue with the proposed amendment to car parking for the final stage of the development. • The Department supports reduced parking within proximity to public transport and other services to discourage the reliance on private vehicles, ease traffic congestion and promote use of public transport, walking and cycling.	The Department recommends Condition A8 be amended to reflect the revised car parking rates for the west stage in accordance with the ADG.

	• The Department considers the lower car parking rate provided by the GTTGC is appropriate as the site is:
	  o located within Hurstville city centre and has excellent access to retail, commercial and transport services
	  o within 500 m walking distance from Hurstville railway station which provides high frequency trains to and from the Sydney CBD and other centres.
	• The Department supports the deletion of one basement level, noting that it will not be required as the overall car parking provision in the west stage will be lower than originally approved.
	• The Department notes that no change is proposed to the car parking provision for the already approved and constructed Stages 1 and 2 of the development. It therefore recommends that Condition A8 is amended to reflect the two parking rates for the respective stages of the development.	

Dwelling and car parking yield	• The Proponent sought to insert a note into Condition A2 and A8 to provide a 'variance' of 5% for unit mix and car parking to allow for flexibility in delivering the final built form. • The Department notes that although the Concept Plans show an indicative apartment and car parking layout, the Concept Approval does not specify a maximum number of apartments or car parking spaces. • The Department is therefore satisfied that the Concept Approval provides sufficient flexibility for Council to approve the final dwelling yield having regard to the maximum GFA and a total car parking provision based on the parking rates set by Condition A8. • The Department therefore does not consider that any amendment to Conditions A2 and A8 are necessary or appropriate.	No additional conditions or amendments are necessary.
Structural and other Construction impacts	• Public submissions raised concerns about construction impacts of the west stage on the already constructed stages of the development (Figure 2). In particular residents were concerned with structural impacts of the opening in the basement, defects in the building, potential for further defects, noise, vibration, dust, footpaths and traffic management during construction. • In response, the Proponent provided an Engineering Report which concluded the basement openings would not compromise the structural integrity of the existing structure. • The Department notes no change is proposed to the nil setback between the western stage and the already constructed centre stage of the development. • The Department considers that the minor modifications proposed as part of this proposal are unlikely to have additional impacts, greater than the current Concept Approval.	No additional conditions or amendments are necessary.

	• The Department is satisfied that construction methodologies, impacts, mitigation and management measures will be appropriately considered by Council in its assessment of the detailed DA for construction of the development.	
Public safety and security	• Public submissions raised concern about building access and security and public safety on the street. • The Department notes no change is proposed to building access and security. The Proponent's Statement of Commitments includes the requirement for a detailed Crime Prevention Through Environmental Design assessment within the future detailed DA. • As the Concept Approval does not give approval for any physical works, the Department is satisfied that Council can appropriately assess the proposal against CTPED principles and the building security considerations in the ADG at the detailed DA stage.	No additional conditions or amendments are necessary.
Local school capacity	• Public submissions raised concern that the local schools do not have sufficient capacity. • The NSW Department of Education is responsible for ensuring adequate capacity of NSW public schools for existing and planned development. • The Department is satisfied that minor increase in residential GFA (3.4%) is unlikely to generate any significant additional demand on the capacity of schools in the area.	No additional conditions or amendments are necessary.

6 Evaluation

The Department has reviewed the proposed modification and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposal is appropriate as:

- it is substantially the same as the Concept Approval (as modified) as the 2.8% increase in GFA is minor in the context of the approved GFA for the site (MOD 1) and no change is proposed to the range of uses or other key elements of the existing approval
- the minor increase in residential GFA will improve the amenity of the building for future residents by allowing Council to consider the inclusion of wintergardens and snorkel windows to improve the functionality, safety/acoustics and solar access of apartments
- the reduced setback to the western boundary (from 1m to nil) is appropriate given the sites location with the Hurstville city centre and the existing and desired future character providing a consistent street wall to Treacy Street
- the minor reduction in retail GFA does not have an overall material impact on the amount of ground level retail activation along Treacy Street
- the reduced car parking for the final stage in line with the GTTGD is appropriate as the site is within 500 m walking distance from Hurstville Railway Station and will reduce the reliance on private vehicles and encourage walking, cycling and use of public transport
- it is unlikely to cause adverse traffic, parking or pedestrian safety impacts as it does not alter the approved vehicle or pedestrian access and proposes reduced car parking rates which will result in an overall lower parking provision than the Concept Approval.

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application MP 10_0101 MOD 3 falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the concept approval MP 10_0101
- **signs** the attached notice of modification (**Appendix H**).

Recommended by:

Marcus Jennejohn
Senior Planning Officer
Key Sites Assessments

Recommended by:

Amy Watson
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

7/12/2020

Anthony Witherdin
Director
Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of documents

The following supporting documents and supporting information to this assessment report can be found on the Major Project's website as follows:

- Modification Report and Response to Submissions

  http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10608

- Submissions

  http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10608

- Associated modifications (MP 10 0101 MOD 1, MOD 2)

Appendix B – Notice of modification

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10608

Appendix C – Community views

Table 4 | Community views and considerations

Issue	Consideration
Structural damage/defects	*Assessment* • The proposal seeks to make minor changes to the building envelope, GFA and deletion of a basement level. No change is proposed to the nil setback between the western stage and the already constructed centre stage of the development or the approved combined basement under the three building envelopes (**Figure 2**). • The Applicant has provided an Engineering Report which concluded the basement openings would not compromise the structural integrity of the existing structure. • The Department is satisfied that the minor modifications proposed as part of this proposal are unlikely to have impacts greater than the approved Concept Plan. *Recommended conditions/Response* • As the Concept Approval does not give approval for any physical works, the Department is satisfied that all necessary structural requirements and measures to protect the adjoining building, including the requirement for pre and post construction dilapidation reports, can be considered by Council in the assessment of the detailed DA for the construction of the development.
Traffic and parking:	*Assessment* • The Proponent's TIA considered the recently occupied developments and concludes the proposed minor increase in GFA will have minimal impacts on traffic generation and that surrounding intersections will continue to operate at a satisfactory level of service. • The proposal seeks to reduce the car parking rate for the west stage of the development and delete a basement level. The proposal is therefore likely to have positive impact on reducing congestion at the basement entry/exit compared to the Concept Approval. • The modification is unlikely to result in pedestrian safety issues as it proposes an overall reduction in car parking and no change to the approved access arrangements, however the requirement for safety devices for vehicles and pedestrians will be considered by Council in the detailed DA. • The proposal does not alter the approved car parking access and will therefore is unlikely to result in any impacts beyond the approved Concept Plan. *Recommended conditions/Response* As the Concept Approval does not give approval for any physical works, the Department is satisfied that the need for further vehicular or pedestrian safety devices and management of the car park can be considered in the detailed DA for construction of the development.

Construction impacts (noise, dust, vibration, foot path, traffic management).	*Assessment* • The proposal seeks to make minor changes to the building envelope, GFA and deletion of a basement. • The Department is satisfied the proposed changes will not have any additional construction impacts compared to the Concept Approval. • The construction methodologies, impacts, mitigation and management measures would be considered by Council in its assessment of the detailed DA for construction of the development. *Recommended conditions/Response* As the Concept Approval does not give approval for any physical works, the Department is satisfied that Council can consider and impose conditions to manage construction impacts on the detailed DA for construction of the development.
Public safety and building security	*Assessment* • The proposal seeks to make minor changes to the building envelope, GFA and deletion of a basement. No change is proposed to building access and security. • The Proponent's Statement of Commitments includes the requirement for a detailed Crime Prevention Through Environmental Design assessment with the future detailed DA. *Recommended conditions/Response* • As the Concept Approval does not give approval for any physical works, the Department is satisfied that Council can assess the detailed DA against CTPED principles and the building security considerations in the ADG.
Local school capacity	*Assessment* • The NSW Department of Education is responsible for ensuring adequate capacity of NSW public schools for existing and planned development. • The minor increase in residential GFA is unlikely to generate an additional demand on the capacity of schools in the area. *Recommended conditions/Response* No additional conditions necessary.
Plans differ from those used to inform a purchase decision	*Assessment* • The Department has assessed the proposal on its merits and concludes it will result in minimal environmental impacts. • The Department has also consulted with neighbouring property owners and considered all issues raised as part of its assessment. *Recommended conditions/Response* • No additional conditions necessary.
Proposed strata management	*Assessment* • Strata management matters are outside the scope of consideration for the proposed modification to the concept approval. *Recommended conditions/Response* • No additional conditions necessary.