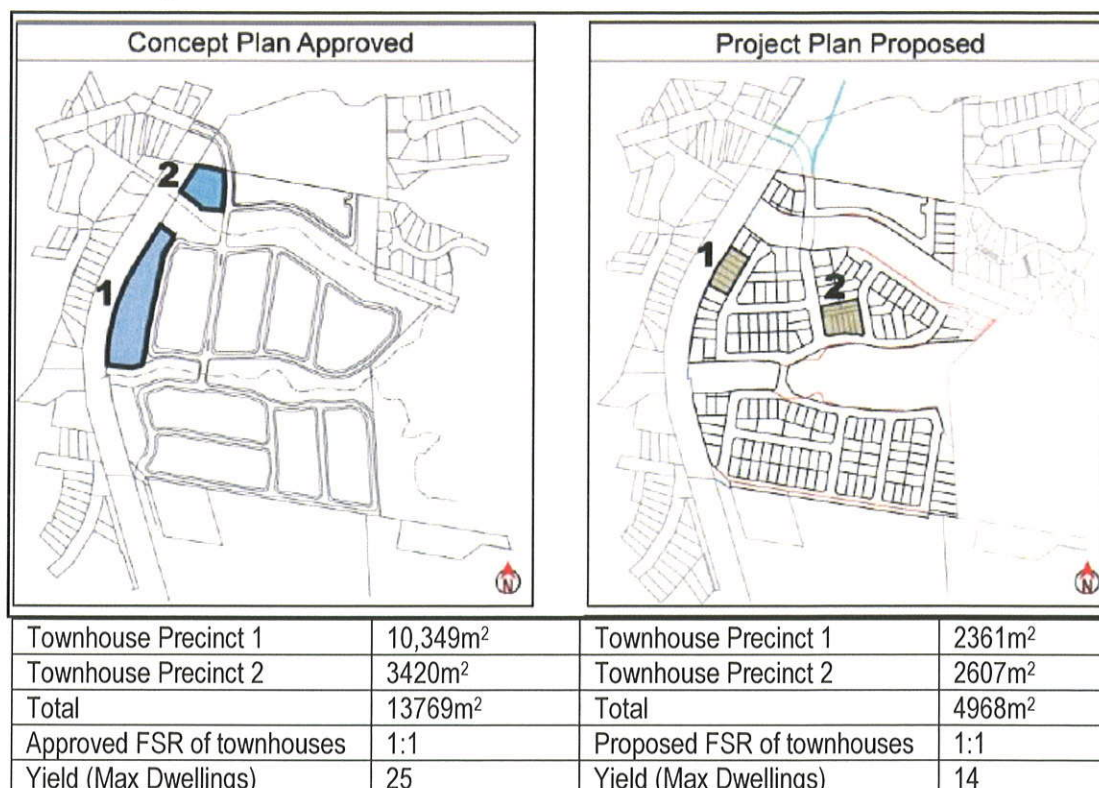


## 6. MODIFICATIONS TO THE CONCEPT PLAN (75W OF EP&A ACT)

As part of the Environmental Assessment (EA) submitted by the Proponent, a list of modifications to the Sandon Point Concept Plan (MP07\_0094) is requested in order to correct errors or inconsistencies within the Concept Plan approval and also allow for a revised location for the proposed townhouse lots (see pages 11-17 of the EA in **Appendix B**). The Department has also considered some minor amendments to the Concept Plan approval to correct further errors or inconsistencies. They are considered as follows:

### 6.1.1 Townhouse Lot Location

The townhouse lots are proposed to be reduced in number and their location revised from that outlined in the Concept Plan as illustrated in **Figure 17** below.



**Figure 15.** *Proposed location of townhouse lots – note that the Concept Plan subdivision layout is 'proposed' not 'approved' as the development footprint was reduced as a modification of the approval*

The proposed 'Precinct 2' of 8 townhouses is in an area outside of the indicative areas for townhouse super lots as outlined in the Concept Plan application and an amendment to the Concept Plan approval is therefore required. The Proponent states that the revised location of these townhouse sites is a response to the reduced development footprint required by Modification A1 of the Concept Plan Approval and is still consistent with the intent of the approval in terms of providing a mix of housing types.

In order to ensure that future approvals for housing development within the new townhouse precincts can be obtained with an FSR of 1:1, a modification to the Concept Plan approval is considered appropriate (refer below). The Department is satisfied the proposed townhouse lots are in an appropriate location and are consistent with the intent of the Concept Plan to provide a mix of housing types. The reduction in the total number of townhouse lots will also result in less impact (particularly traffic) than the approved Concept Plan.

### 6.1.2 'Future Applications'

#### Amendment to Schedule 2 Part C – Addition of Modification C8

The proposed additional Modification C8 is as follows:

***As a consequence of a change to the subdivision layout arising from the operation of other modifications to this approval, the town house precincts may be amended subject to compliance with a maximum FSR of 1:1 and approval being granted for their location in a subsequent Project Application.***

The Department was concerned that the future development of the townhouse lots no longer part of a super lot may be undertaken on an individual basis which may not result in appropriate development.

The Proponent has outlined that these lots are intended to be developed as either pairs of dwellings or as the whole of each parcel designated for townhouses. The Department is satisfied with this approach as it will ensure that the lots are designed with regard to the streetscape and surrounding properties and will result in a cohesive form for these dwellings that have smaller lots and higher permissible FSR than the prevailing neighbourhood.

The Department recommends that a condition of approval be added to the current Project Application approval to require townhouse lots to be designed in multiples of at least two dwellings.

### 6.1.3 'Approval in Detail'

#### Amendment to Schedule 1 Part A – Modification A2 (1)(a)

This Modification proposes to replace the phrase "detached dwelling lots" with "single dwelling houses" to allow for attached houses or terrace style housing, namely the townhouse sites now that they are no longer part of a super lot.

The proposed amendment to Modification A2 (1)(a) is as follows:

*(a) Subdivision into a maximum of 180 ~~detached dwelling lots~~ **single dwelling houses**;*

The Department is satisfied that this minor change is acceptable as it would be consistent with the Concept Plan approval in terms of providing a mix of housing types and will provide the flexibility for the Proponent to provide for some semi-detached dwellings where appropriate. The Department, however, recommends that the wording be changed to 'single dwelling lots' as this is what the subdivision is creating, rather than 'houses'. Therefore the recommended amendment is as follows:

*(a) Subdivision into a maximum of 180 ~~detached dwelling lots~~ **single dwelling lots**;*

#### Amendment to Schedule 1 Part A – Modification A2 (1)(c) and (e)

The Department recommends amending the wording of 2 modifications to reflect the change from townhouse 'super lots' to townhouse 'precincts' as referred to in 6.1.1.

The proposed amendment to Modification A2 (1)(c) is as follows:

*(c) Subdivision of 2 ~~super-lots~~ **town house precincts** for up to 25 town houses;*

The proposed amendment to Modification A2 (1)(e) is as follows:

*(e) Building envelopes for ~~the 3 super-lots~~ **a super lot and 2 townhouse precincts**;*

Amending the above also requires the amendment of another modification as follows:

### 'Development Footprint'

#### Amendment to Schedule 2 Part A – Modification A1 (1)(a)

The proposed amendment to Modification A1 (1)(a) is as follows:

*(a) a subdivision to create a combination of residential ~~detached dwelling allotments~~ **single dwelling lots, townhouse precincts** and ~~a super lots-for multi-unit housing, including roads; and~~*

### 6.1.4 'Bushfire Protection Requirements'

#### Amendment to Schedule 2 Part A – Modification A3

This Modification relates partly to an inconsistency in the approval and partly to a change in wording.

The proposed amendment to Modification A3 is as follows:

*The Concept Plan is modified as follows:*

*(a) On ARV Land, to ensure consistency with the Planning for Bushfire Protection Guidelines, all APZs shall be located within the residential zone;*

**(b) On Stockland Land, a corridor of defensible space is to be provided.**

The inconsistency in the approval is that the modification in Schedule 2 Part A – A1 'Development Footprint' allows for Asset Protection Zones (APZs) on land outside the development footprint, but modification A3 restricts APZs to within the residential zone to ensure consistency with the *Planning for Bushfire Protection Guidelines*.

The wording change is requested as APZs are not required by the Rural Fire Service (RFS). The RFS has recommended the provision of 'defensible space' as discussed in **Section 5**.

The Department is satisfied that given the land is not mapped as bushfire prone, the *Planning for Bushfire Guidelines* do not apply. Consequently, the requirements to locate APZs within the residential zone do not apply. The Department is further satisfied that the proposed 'defensible spaces' as recommended by the RFS can be located in areas outside the development footprint, in keeping with the intent of the modification A1.

The Department considers the proposed amendment acceptable.

**6.1.5 'Built Form Controls'**

**Amendment to Schedule 2 Part A – Modification A4 (2)(b)(ii)**

This Modification proposes to correct a typographical error in this modification. The reference to Modification 'B3' should read 'B4' which is the Design Excellence Clause that this modification refers to. The proposed amendment to the Modification is as follows;

- (ii) *subject to demonstrating design excellence consistent with Modification B3 **B4**, Part B, Schedule 2 of this approval, a maximum FSR of 1.8:1 (exclusive of roads) and maximum height of 4 storeys.*

The Department is satisfied that this minor change is acceptable.

**6.1.6 'Design Guidelines on Stockland Lands for Single Dwellings'**

**Amendment to Schedule 2 Part B – Modification B3 (2)(b)**

The modification in question required the Design Guidelines to be prepared by the Proponent at Project Application stage to include certain requirements regarding landscaping. The proposed modification seeks to allow for flexibility in determining the location of landscaped areas to provide for the maximisation of solar access to internal living areas.

The Department is not satisfied that this amendment is necessary, as the requirement of the modification is that no less than 25% of the required landscape area is to be 'towards the rear of the property'. Flexibility is therefore available for the remaining 75% of landscaped area.

Further to this, the Department has released the NSW Housing Code since the lodging of this application, which covers much of the aspects of the draft Design Guidelines submitted for complying development and outlines requirements for landscaped areas. For a development to be considered under the Housing Code, a lot must have a landscaped area of between 20% and 45%, depending on the area of the lot, with a minimum of 24m<sup>2</sup> of principal private open space.

As outlined in the letter titled "*Sandon Point Project Application Consolidated Response to Agency Submissions*" (dated 21 May 2009) the Proponent stated that:

*"It is preferable for the NSW Housing Code to be applied to the proposed development as opposed to the originally proposed Design Guidelines and Complying Development Controls".*

The Department is satisfied that the NSW Housing Code (Part 3 of the SEPP (Exempt and Complying Development Codes) 2008) will provide for appropriate development outcomes for complying development compared to these as originally proposed in the Design Guidelines. The Department recommends a condition of approval be added to the Project Application in this regard.

The Department, therefore, will not be approving the proposed Design Guidelines submitted as part of the EA and proposes that the modification be deleted from the Concept Plan Approval.

**6.1.7 'Response to Submissions revisions'**

**Amendment to Schedule 2 Part B – Modification B5 (3)**

The Proponent seeks to re-word the following modification to clarify the timing and location of the construction of the North-South link on ARV land. The proposed amendment to Modification B5 (3) is as follows:

~~The Proponent on ARV land commits to construct the North-South link as part of the second stage of development that part of the North-South link within ARV land including the bridge over Tramway Creek as part of the second stage of the development on the ARV land.~~

The Department considers that this amendment is not necessary as the intent of the modification is clear as originally stated and does not relate directly to this current project application being aligned with the works on ARV land subject of a separate Project Application.

#### 6.1.8 'Response to Submissions revisions'

##### Amendment to Schedule 2 Part B – Modification B5 (7)

This Modification proposes to amend the duration for water quality monitoring in order to define 'the life of the project' and limit the extent to which the Proponent commits to undertake the monitoring to 2 years.

The Department considers that the intent of this amendment is reasonable in principle. However, it is recommended that the modification be consistent with the recommended condition of approval from Wollongong City Council for the Project Application that states the monitoring be undertaken until 80% of construction is complete in the catchment area of the creeks.

The proposed amendment to Modification B5 (7) is as follows:

*The Proponents commit to undertake water quality monitoring as part of the detailed design stage and provide a quarterly report to Council **until such time as the construction (including dwellings) in 80% of the catchment area of the creeks within the proposed subdivision are complete** for the life of the project.*

#### 6.1.9 'Response to Submissions revisions'

##### Amendment to Schedule 2 Part B – Modification B5 (8)

This Modification proposes to amend the timing of the preparation of an Acid Sulphate Soils Management Plan, if one is warranted, from the detailed design stage to the Construction Certificate stage.

The Department considers that this amendment is not necessary. However, a modification to this Project Plan Approval is recommended to ensure that the recommended further testing is undertaken and, if relevant, an Acid Sulphate Soils Management Plan be prepared prior to the issue of a Construction Certificate.

#### 6.1.10 'Further approvals and the carrying out of works / activities'

##### Amendment to Schedule 2 Part C – Modification C1 (3)

This Modification is necessary to correct a typographical error. The proposed amendment to Modification C1 (3) is as follows:

- (3) *Where any future development is subject to Part 4 or Part 5 of the EP&A Act, the consent authority must only determine future applications for development where they are consistent with the terms of the approval of Concept Plan No. 05\_0034 **MP06\_0094** as described in Part A Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2*

#### 6.1.11 Modification to the Statement of Commitments

The Statement of Commitments submitted by the Proponent for the Concept Plan is proposed to be amended.

1. Amendment to the timing of the provision of details of any further geotechnical investigations so that if this is required, it is not required to be provided until Construction Certificate stage.

The Department considers this amendment to be reasonable and further recommends adding a modification of approval to the Project Application approval regarding further geotechnical investigations.

2. Amendment to the wording of the Bushfire Risk commitment. Namely to replace the words 'Asset Protection Zones' with 'Defendable Spaces' and outline the location of these defendable spaces and their general arrangement. It further amends the timing of the provision of details so that they are confirmed on the Construction Certificate drawings.

The Department considers this amendment to be reasonable for reasons outlined in **Section 5**.

3. Deletion of two Statements of Commitment which were imposed in error and are not able to be undertaken by the Proponent – namely the preparation of an Open Space Management Plan by Council and Plan of Management for the future Regional Park regarding access to the Sydney Water pump station for Maintenance.

The Department considers this amendment to be acceptable.

The Department is satisfied that the variations found to be acceptable are consistent with the Concept Plan Approval and recommend approval under section 75W of the EP&A Act 1979.

## 7. CONSULTATION AND ISSUES RAISED

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### 7.1 PUBLIC EXHIBITION DETAILS

The Major Project Application was exhibited in two separate 30 day exhibition periods. The first from 18 October 2007 until 16 November 2007 and the second from 4 June 2008 until 7 July 2008. The EA was made available to the public via the Department's website and in the Department's Information Centre, the Department's Wollongong Regional Office and at Wollongong City Council offices. The second exhibition was held in conjunction with a re-exhibition of an updated Concept Plan application following the Land and Environment Court decision to overturn the Minister's original approval. This updated Concept Plan application was subsequently withdrawn when the Court of Appeal overturned the Land and Environment Court's decision.

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the EP&A Act. Adjoining land owners and relevant agencies were notified of the exhibition and invited to make submissions.

### 7.2 SUBMISSIONS RECEIVED

#### 7.2.1 Exhibition 1

During the first exhibition period (2007), the Department received a total of 17 submissions. 11 submissions were received from the public (including 1 from a community representative group) and 6 submissions from Government authorities being:

- The Heritage office - NSW Department of Planning,
- NSW Department of Primary Industries,
- Wollongong City Council,
- NSW Department of Natural Resources,
- NSW Department of Water and Energy, and
- NSW Department of Environment and Conservation.

#### 7.2.2 Exhibition 2

During the second exhibition period (2008), the Department received a total of 67 submissions. 61 submissions were received from the public (including 6 from community representative groups and 34 form letters) and 6 submissions from government authorities being:

- Wollongong City Council
- NSW Rural Fire Service,
- State Emergency Service (SES),
- NSW Department of Environment and Climate Change,
- NSW Department of Primary Industries, and
- Roads and Traffic Authority (RTA)

A summary of all 2008 submissions received can be found in **Appendix C**. The proponent responded to these submissions (and those from 2007 where they were different) on 3 November 2008 and the proponent's response to submissions is in **Appendix D**.

### 7.3 SUBMISSIONS FROM PUBLIC AUTHORITIES

#### 7.3.1 2008 Exhibition

The EA was exhibited between 4 June 2008 until 7 July 2008 in conjunction with an updated Concept Plan. The 2008 submissions from public authorities are summarised below with further details available at **Appendix C**.

#### Wollongong City Council

The Council are supportive of the development in principle but had concerns regarding several issues and recommended conditions be imposed regarding:

- Engineering and infrastructure provision;
- acoustic treatments on those lots affected by rail related noise and vibration,
- the proposed bridge structure and pedestrian cycleway,
- requirement to send water quality, stormwater and VMP monitoring reports to Council,
- disabled parking,
- detailed stormwater and drainage design and installation of sediment traps; and
- other development related conditions.

Council states that further investigation of the sites Aboriginal significance must be conducted prior to development works occurring. They suggest that recommendations from the Preliminary Aboriginal report and Cumberland Ecology report be adopted as conditions of consent.



Council also raises concerns that the channel design is not adequate and that the flood study does not address several important issues (see **Appendix C**). Council are further concerned at the reduction in affordable housing in modifying the super lots and prefer limited or no use of battle-axe lots for safety. They also believe there will be adverse traffic and road safety impacts. Council disagree that there will be minimal traffic impacts on Point Street and coastal roads to the south and were concerned about traffic speeds and construction traffic utilising the 'underpass' road.

**Department Comment:**

The Department is satisfied that the proponent has addressed the issues of rail noise and vibration, pedestrian /cycleway provision, water quality, storm water and VMP monitoring reports and disabled parking in the Consolidated Response to Agency and Public Submissions (**Appendix D**). The provision of bioswales, pocket wetlands, enhanced habitat values and a water quality testing regime are proposed by the Proponent in line with the DCP requirements.

The Department recommends that the measures proposed in the *Construction and Railway Noise and Vibration Assessment* (Wilkinson Murray May 2007 in the Proponent's EA **Appendix B**), such as the construction of a noise barrier in conjunction with acoustic treatment of dwellings, be included as conditions of approval.

The relating to Aboriginal heritage generally relate to the ARV site, however the Department will ensure that appropriate investigation is undertaken prior to and during construction as per the recommendation found in the '*Desktop Assessment of Archaeological Potential*' (see Appendix S in the Proponent's EA at **Appendix B**) through a proposed condition of approval.

The issues surrounding channel design and flooding have been reviewed and the proponent has undertaken a re-design of the channels to ensure geomorphological processes are taken into account as outlined in the '*Sandon Point Flood Study Addendum No 1*' (Cardno Forbes Rigby 18 May 2009) (**Appendix E**). This re-design did not affect the development layout and subdivision pattern. The Department is satisfied that the amended creek designs and mitigation measures are considered appropriate to ensure the development is unlikely to be adversely affected by flooding during the design 100 year ARI flood event

Traffic and road safety impacts have been considered and the RTA has provided conditions of approval to ensure these issues are addressed.

**NSW Rural Fire Service (RFS)**

The RFS raises no objections to the proposal in relation to bush fire issues.

**State Emergency Services (SES)**

The SES raised issues regarding flood evacuation and isolation risk and the need to address climate change impacts in more detail.

**Department Comment:**

The Department is satisfied that the proponent has addressed the issues of flood evacuation, isolation risk and risk creep due to climate change as outlined in the '*Consolidated Response to Agency and Public Submissions*' (**Appendix D**). A condition of consent will require the provision of details of the flood evacuation route for the site.

**Department of Environment and Climate Change (DECC)**

DECC raised concerns regarding flood risk and riparian management matters. They recommended that the Department of Planning ensure that a flood impact assessment is undertaken and that bio-retention ponds be located outside the riparian corridors due to the presence of endangered ecological communities and potential Aboriginal cultural heritage values.

**Department Comment:**

The Department has reviewed the flooding and climate change studies and assessments as recommended. The Proponent has since addressed the issues raised as outlined in the '*Consolidated Response to Agency and Public Submissions*' (**Appendix D**) and the '*Sandon Point Flood Study Addendum No 1*' (Cardno Forbes Rigby 18 May 2009) (**Appendix E**). Based on independent advice, the Department is satisfied that the amended creek designs and mitigation measures are considered appropriate to ensure the development is unlikely to be adversely affected by flooding or impacts of climate change on sea level rise or rainfall intensity during the design 100 year ARI flood event.

The location of the bio-retention ponds within the riparian corridors are consistent with the Concept Plan approval, however, the Department recommends a condition of consent be included to ensure the location of the ponds do not adversely affect endangered ecological communities present at the site.

#### **NSW Department of Primary Industries (DPI)**

DPI recommend that pocket wetlands or bio-retention ponds be located outside the riparian buffer zones. They further recommend that approval include a requirement for Best Management Practice regarding erosion and sediment control during construction.

##### **Department Comment:**

The Department is satisfied that the location of the bio-retention ponds within the riparian corridors is consistent with the Concept Plan Approval and that the issue of Best Management Practice has been addressed as outlined in the 'Consolidated Response to Agency and Public Submissions' (**Appendix D**). However, a condition of approval is recommended in the approval to ensure the location of ponds do not adversely affect endangered ecological communities present at the site and that erosion and sediment control measures are implemented.

#### **Roads and Traffic Authority (RTA)**

The RTA raised concerns regarding road safety and traffic efficiency for development accessing the Princes Highway via Sturdee Road or Beattie Ave and recommends that access is limited to Point Street and Wrexham Road.

The RTA recommend a number of conditions regarding the upgrade Lawrence Hargrave Drive and Wrexham Road to provide additional capacity and address safety concerns.

##### **Department Comment:**

The Department is satisfied that the RTA's issues have been addressed by imposing their suggested conditions. The Conditions will provide for the upgrade of Lawrence Hargrave Drive and Wrexham Road to provide additional capacity and ensure safe vehicle movements. This issue has been discussed further in **Section 5** of this report.

#### **7.3.2 2007 Exhibition**

The EA was first exhibited from 18 October 2007 until 16 November 2007. The **2007** submissions from public authorities are summarised below and further detail can be found in the Proponent's consolidated response to submissions at **Appendix D**.

#### **Heritage Office, Department of Planning**

The Heritage Office believes that the measures proposed are generally appropriate for the identified significance and nature of the non-Indigenous heritage resource within the project area. A condition of approval is recommended to be added to strengthen the cultural heritage commitments of the Proponent.

##### **Department Comment:**

The Department considered the use of the suggested condition of approval in relation to cultural heritage commitments and incorporated them where appropriate.

#### **NSW Department of Primary Industries**

The DPI submission was repeated in the 2008 submission as outlined above.

#### **Wollongong City Council (Council)**

Council's submission contains comments as repeated in the 2008 submission above. It further suggested conditions of approval.

##### **Department Comment:**

The Department has considered the use of the suggested conditions of approval provided by the Council and has included the conditions where relevant in the Project Application approval.

#### **NSW Department of Natural Resources (DNR)**

DNR re-iterated their position provided in their letter forwarded to the Department as part of the Concept Plan (MP06\_0094) consultation (dated 4/12/06) in which they provide 'in-principle' support for the future development of the Sandon Point site where such a development is undertaken in a manner that recognises the ecological significance and



functioning of the of the riparian corridors and appropriately accommodates flood risk. They provided a report outlining measures to consider in the development of the riparian corridors and in the management of flood risk.

**Department Comment:**

The Department is satisfied that the Proponent has addressed these issues as outlined in the 'Consolidated Response to Agency and Public Submissions' (**Appendix D**) and the 'Sandon Point Flood Study Addendum No 1' (Cardno Forbes Rigby 18 May 2009) (**Appendix E**) as discussed earlier in this report.

**NSW Department of Water and Energy (DWE)**

DWE was concerned that the proposal did not align with previous advice regarding riparian corridors given by Department of Natural Resources (DNR) in 2006.

**Department Comment:**

The Department is satisfied that the Proponent has addressed these issues as outlined in the 'Consolidated Response to Agency and Public Submissions' (**Appendix D**) as discussed earlier in this report.

**NSW Department of Environment and Conservation (DEC)**

DEC raised concerns regarding the proposed widths of the riparian corridors, adherence to the regional riparian corridor planning objectives, the level of recognition as to the regional significance of the creek systems, the adequacy of the flood modelling and reporting and the confusing and lacking information regarding stormwater management issues.

**Department Comment:**

The Department is satisfied that the proponent has addressed these issues as outlined in the 'Consolidated Response to Agency and Public Submissions' (**Appendix D**) and the subsequent letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" (dated 21 May 2009) (**Appendix E**). Based on independent advice, the Department is satisfied that the amended creek designs and mitigation measures are considered appropriate to ensure the development is unlikely to be adversely affected by flooding or impacts of climate change on sea level rise or rainfall intensity during the design 100 year ARI flood event. This issue has been discussed in further detail in **Section 5** of the report.

## **7.4 PUBLIC SUBMISSIONS**

The submissions from the public are summarised below with further details available at **Appendix C**. There were 11 submissions in Exhibition 1 and 61 in Exhibition 2 to the Environmental Assessment. It should be noted that many of the submissions in Exhibition 2 related primarily to the Concept Plan re-exhibition regarding the development of the site as a whole, rather than issues relating to the project application specifically.

Several representative and community groups made submissions on behalf of members including:

- Wadi Wadi Coomaditchie Aboriginal Corporation
- Northern Illawarra Residents Action Group (NIRAG)
- Cooksons Landcare Group
- Illawarra Local Aboriginal Land Council
- Thirroul Action Group
- North Illawarra Reconciliation and Treaty Group
- Illawarra Escarpment Coalition
- Nature Conservation Council of NSW

The remaining public submissions from individuals included 33 pro-forma submissions as well as individual submissions. There were 2 public submissions in support of the Concept Plan proposal, namely in regards to the aged care development on the ARV site.

The majority of public submissions were objections to the development of the site and the following concerns were raised:

- Aboriginal heritage
- Public open space
- Flora and fauna conservation and biodiversity
- EEC Mapping
- Drainage and erosion
- Traffic impacts
- Flooding and climate change impacts
- ESD Principles
- Provision of regional park and loss of public reserve
- Vegetation management
- Preservation of forest and protection zone around it
- Infrastructure provision

- Overdevelopment of site and density
- Commission of Inquiry recommendations ignored
- Visual impact
- Acoustic barrier effect on rail noise to the west

**Department Comment:**

The Department is satisfied that all relevant issues raised by public submissions have been addressed as outlined in the *Consolidated Response to Agency and Public Submissions* (**Appendix D**) and the letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" (dated 21 May 2009) (**Appendix E**).

In particular, the issues surrounding flooding and climate change, which have been a major concern for members of the public, have been carefully considered by the Department. SKM was engaged to review the documents submitted by the Proponent, which resulted in recommendations to amend the creek designs to ensure the development and surrounds are not adversely affected by flooding or climate change impacts, as discussed earlier in this report.

The majority of submissions received related to the Concept Plan and the development of the site as a whole and there were limited comments directly related to the current Project Application.

## **8. CONCLUSION**

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The Department has assessed the EA and the letter titled "Sandon Point Project Application Consolidated Response to Agency Submissions" (dated 21 May 2009) including the 'Sandon Point Flood Study Addendum No 1' (Cardno Forbes Rigby 18 May 2009) and considered the submissions in response to the proposal. The key issues raised in submissions relate to flooding and climate change impacts, aboriginal heritage, public open space, traffic impacts and ESD principles.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment Report, Statement of Commitments and the Department's recommended conditions of consent, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development.

The Project Application has demonstrated consistency with the Concept Plan approval for the site and has given adequate consideration to the site's capability to accommodate this type of development. The Department recommends that the project be approved, subject to conditions.

## 9. RECOMMENDATION

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It is recommended that the Minister:

- (A) **Consider** the findings and recommendations of this Report; and
- (B) **Approve** the modification to the approved Concept Plan, under Section 75W of the *Environmental Planning and Assessment Act, 1979* and **Sign** the attached Instrument of Modification (**Tag B**).
- (C) **Approve** the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to modifications of the project and conditions and **sign** the Determination of the Major Project instrument (**Tag C**).

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