



Ms Anna Johnston  
A/Team Leader, Strategic Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Johnston

Thank you for the opportunity to comment on the concept plan (MP10\_0118), stage 1 project application (MP10\_0119), and proposed identification of the site as a State Significant Site under the *State Environmental Planning Policy (major development) 2005*.

I understand that the concept plan (MP10\_0118) and stage 1 project application (MP10\_0119) are projects for which approval is being sought under Part 3A of the NSW *Environmental Planning and Assessment Act 1997* (EPA Act). If approved, they will fall within the class of actions contained in Schedule 3 of the Conservation Agreement for which further approval under Part 9 of the EPBC Act is not required.

I also note that the *State Environmental Planning Policy (Major Development) 2005* can be regarded as an applicable environmental planning instrument under the EPA Act for the purposes of it being within the scope of the class of actions in Schedule 3 (a) of the Conservation Agreement for which further approval under Part 9 of the EPBC Act is not required.

I understand there are no proposed changes to the open space areas and that other relevant changes are:

- an adjustment to the Regional Park boundary that results in the inclusion of 1,650m<sup>2</sup> of 'A' class CPW vegetation at the expense of 1,247m<sup>2</sup> of 'C' class CPW;
- small scale temporary disturbance of 1,100m<sup>2</sup> of 'A' class CPW that will be fully revegetated; and
- the remediation action plan to deal with contaminated sites will impact 1.4ha of 'A' class CPW that is young regrowth that will be fully revegetated.

The department accepts the conclusion of the EcoLogical Australia assessment report that the requirements of the EPBC Act Conservation Agreement are met or exceeded. However, as previously discussed, the above proposed border changes, if they proceed, will need to be reflected in an amendment to the Conservation Agreement pursuant to clauses 7(a), 9 and 12. Please do not hesitate to contact Ross Rowe (02 6274 9947) or the undersigned (02 6274 1861) if you need further information.

Yours sincerely

Steve Mercer  
Director  
Strategic Approvals East

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