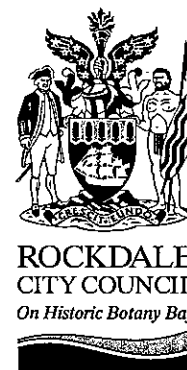


3 February 2012

Our Ref: F09/539
Contact: Suzanne Wren 9562 1750

Michael Kokot
A/Team Leader
Sydney Region East
NSW Department of Planning & Infrastructure
SYDNEY NSW 2000



Attention: Cameron Steuart

Dear Mr Kokot

Re: Application for Site Compatibility Certificate – 50A, 56 & 58 Francis Street, Brighton Le Sands – State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Council received the Site Compatibility Certificate Application Submission prepared by GAT & Associates (December 2011) on 13 January 2012. The subject sites include 50A, 56 & 58 Francis Street Brighton Le Sands and the proposed development is for construction of forty-two (42) dwellings for seniors to reside in.

Council can not support the application for a site compatibility certificate under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for the reasons outlined below.

Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP Seniors Housing")

Council does not believe the site can be developed under the SEPP Seniors Housing because of non-compliance with Sections 4(1) and 4(6) of the SEPP.

- The site does not comply with "Section 4(1) Land to which Policy applies (a) – (b)". The SEPP Seniors Housing states,

"This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

- i. dwelling-houses,*
- ii. residential flat buildings,*
- iii. hospitals,*
- iv. development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*

(b) the land is being use for the purposes of an existing registered club."

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The landuses listed in Section 4(1) (a) of the Seniors Housing SEPP are not permissible in the RE2 Private Recreation zone under RLEP 2011. This is a significant non-compliance as the majority of the subject site, being 4 land parcels known as 50A Francis Street, is zoned RE2 Private Recreation. Furthermore, the subject site is non-compliant with Section 4(1) (b) of the Seniors Housing SEPP as the use of the property as a registered club has ceased. This is stated on page 2 of the Site Compatibility Certificate Application Submission prepared by GAT & Associates, December 2011.

- Under “Section 4(6) Land to which Policy does not apply”, reference is made to “(a) land described in Schedule 1 (Environmentally sensitive land)”. The following is an excerpt from the SEPP Seniors Housing:-

*“Schedule 1 Environmentally sensitive land
Land identified in another environmental planning instrument by any of the following descriptions or by like descriptions that incorporate any of the following words or expressions: (g) floodway”.*

Under Rockdale LEP 2011, the subject sites are identified on the Flood Planning Map – Sheet FLD_004 as “Flood Planning Area”. Council is aware that the site is subject to flooding from an overflow from Muddy Creek as well as overland flows from Francis Avenue that travels along the driveway of the subject site and on to Muddy Creek. Council wishes to note that the letter from Bewsher Consulting dated 28 June 2011 was prepared prior to the RLEP 2011 being notified.

Due to flooding affectation, Council considers the subject sites as “Environmentally sensitive land” as defined under SEPP Seniors Housing and as such is “land to which the policy does not apply”. Council understands that land identified as flood affected is not suitable for the development of seniors housing due to the decreased mobility of seniors and increased risk of flood.

Location of F6 Freeway Corridor

The location of the future F6 Freeway Corridor is currently identified by a road reserve zoned SP2 Infrastructure. It runs directly behind the subject site. Therefore, Council does not believe that the location of the proposal would be suitable. The operation of the corridor would mean dwellings would not enjoy a high level of amenity due to road noise, pollution and safety risk. Furthermore, the loss of sites zoned for recreation adjoining the F6 Freeway Corridor would not be supported as they act as a buffer to established residential development in the surrounding areas.

Loss of Open Space/Recreation land

Council's Open Space and Recreation Strategy 2010 examined current and future supply and demand for open space and recreation facilities across the City of Rockdale. Analysis has identified significant and growing demands for soccer related facilities. Other sporting clubs in the City of Rockdale have adapted to provide recreation facilities that are in demand. The capacity for additional open space to be provided within the Municipality is limited due to existing development patterns. Council believes the Brighton le Sands Bowling Club is of long term value in its current use as a recreation facility and has the ability to become financially viable.

Isolation of 54 Francis Street and sterilization of 52 Francis Street

The proposed development would effectively isolate the property at 54 Francis Street. Further, the property at 52 Francis Street is zoned R3 Medium Density Residential and could be sterilized if the proposed development were to proceed, as the site amalgamations, lot frontage and lot sizes required in Rockdale Development Control Plan 2011 would not be achievable.

Previous Application for Rezoning

It is noted that during the preparation of the Standard Instrument Local Environmental Plan, the applicant approached Council for a rezoning from 6(b) Private Recreation to R3 Medium Density Residential. Council did not support this rezoning for reasons of flood risk, loss of open space and future loss of open space due to the construction of the F6 Freeway corridor.

Site Compatibility Certificate Application documents

The Site Compatibility Certificate Application Submission prepared by GAT and Associates (December 2011) provides justification for the proposed redevelopment for forty-two (42) dwellings based on financial gain. The public interest reasons for the proposed redevelopment on page 16 are not strong and include financial viability which is actually a private interest.

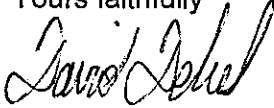
The site area calculation in the Site Compatibility Certificate Application Submission is unclear. The main report identifies the site area of the three subject properties as 10,005m² (page 13), whilst Attachment D states that the site area for 50A Francis Street is 1,940m². As 50A Francis Street is the largest land parcel, it is not clear where the additional 8,065m² comes from. This has implications for the proposed floor space ratio calculation.

The Site Compatibility Certificate Application Submission repeatedly states that the subject site is surrounded by residential development. It should be noted that an RE1 Public Recreation zone flanks the northern, southern and western sides of the site whilst the SP2 Infrastructure zoned land is located directly behind the site, to the west. Areas of R2 Low Density Residential and R3 Medium Density Residential lands are located to the northeast and southeast of the subject site only. The claim that the site is located in proximity to high density residential zones is not supported.

The Site Compatibility Certificate Application Submission has missing documentation. Page 21 makes reference to a compliance table for the proposal regarding the Seniors Housing SEPP being within the report and on Attachment B, however this is not the case. Attachment D provides a Site History for 50A Francis Street only and does not address the other two subject properties, 56 and 58 Francis Street. Figure 1 "Site Location Map" is misleading in that it shows 52 Francis Street as part of the subject site.

If you have any queries please contact Ms Suzanne Wren, Council's Urban Planner on 9562 1750 or by email at swren@rockdale.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Dekel', written in a cursive style.

David Dekel

Manager Urban and Environmental Strategy