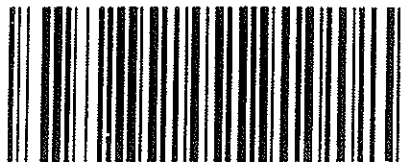




Our Ref: PL10/0117
 Contact: Schandel Jefferys
 Telephone: (02) 4732 8125



PCU030719

14 February 2012

Mr Peter Goth
 Regional Director
 Sydney West Region
 Locked Bag 5020
 PARRAMATTA NSW 2124

Department of Planning
 Received
 15 FEB 2012
 Scanning Room

Dear Mr Goth

Site Compatibility Certificate
183-197 Boronia Road North St Marys
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Further to Council's letter of 3 February 2012 regarding the notice of intention to carry out development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the following additional comments are provided for your consideration.

In summary, the current application does not provide sufficient information to allow an assessment of its consistency with the specific provisions of the SEPP. Until additional information addressing these matters is provided, a Site Compatibility Certificate should not be issued.

Extract from the SEPP - (5) The Director-General must not issue a site compatibility certificate unless the Director-General:

(a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and

(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

The Natural Environment: The Site is located in an area at risk from flooding during a 1% Annual Exceedance Probability flood event. The flood risk information available to Council indicates that the likely flood water level for the Site during such an event is 26.00 metres AHD. Whilst a detailed report on flood risk has been provided in support of the application, and goes onto identify and propose mitigation for the impact of the development on flood risk elsewhere, it does not address the provision of a safe and effective evacuation route. The application also fails to demonstrate any level of consultation with the State Emergency Service.

Existing and Approved Uses in the Vicinity: The land immediately to the west of the Site is occupied by a *food and drink premises*. Whilst the application notes the presence of this adjacent land

use and states that the location of less-sensitive aspects of the proposed development will be located in the vicinity, the application makes no assessment of any potential land use conflicts. There is unlikely to be any land use conflict between the proposed development and the low density residential development adjoining the Site's eastern and southern boundaries.

Extract from SEPP - (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,

The *Metropolitan Plan for Sydney 2036* is the State Government's contemporary strategic land use planning document. The application does not assess the consistency of the proposed development with this document.

Council has received an initial Gateway Determination from the Director-General for its Comprehensive Standard Instrument Template Local Environmental Plan. This Planning Proposal indicates the translation of the current zones applying to the site (under the provisions of *IDO 81* and *Penrith LEP 1998 (Urban lands)*) to *R2 Low Density Residential* and *B1 Neighbourhood Centre*.

The *B1 Neighbourhood Centre* zone provides for a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. The *R2 Low Density Residential* zone provides for the housing needs of the community within a low density residential environment. The development proposed in the application is inconsistent with the current and proposed zone objectives and will prevent the future planned uses of the Site from occurring.

Extract from SEPP - (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

The application does not provide an assessment of its consistency with Clause 26, namely the services and infrastructure required to meet the demands of the residents of the proposed development and the specific access requirements set out in this clause. Instead, the application makes a statement that access to such services by the residents will not be required.

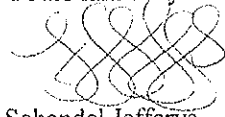
A preliminary assessment indicates that the services located at Park Lawn Place, St Marys are approximately 1.5km from the Site (more than the required 400metres). However, this centre does not provide the full range of services listed in the relevant provision of the SEPP. Alternatively, the full range of services provided by St Marys Town Centre is over 2km away.

Extract from SEPP - (iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,

The site is not currently zoned open space or special uses.

If you require any further assistance regarding the attached advice please contact me on (02) 4732 8125.

Yours faithfully



Schandel Jefferys
Principal Planner