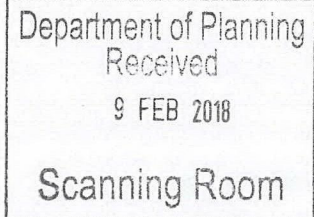


31 January 2018



Mr Terry Doran
Team Leader - Sydney Region West
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Doran,

Site Compatibility Certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Cnr Pembroke Road and Sark Grove, Minto.

Thank you for your letter dated 18 October 2017 seeking Council's comments on the above Site Compatibility Certificate (SCC) application, submitted to the Department of Planning and Environment (DPE) under the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP).

Thank you for the extension of time to make formal comments on the proposal given the broad range of issues associated with the proposed development of the land for seniors housing. In this respect, the following comments are based upon the suite of supplementary reports and documentation received from the Department by email on 10 November 2017.

1. Campbelltown Local Environmental Plan 2015 (CLEP 2015)

Seniors housing is prohibited under CLEP 2015. The concept design plan for seniors housing also appears inconsistent with some prescribed development standards under CLEP 2015 (eg. permissible height).

There are no current plans to amend CLEP 2015 to permit the proposed Seniors Housing Development on the subject land.

2. Access to Support Services

The application relies upon the presence of a bus stop on Townson Ave to comply with the locational requirements of the Seniors SEPP for proximity to services. Concerns are raised that the path of travel from the lower part of the site near Pembroke Road to the nominated bus stop may not be practical for seniors or disabled persons given the extended distance and uphill gradient.

3. Retail Precinct

The proposed retail precinct or 'community hub' appears to be a necessary component of the proposal given the absence of essential support services in close proximity to the site. However, concerns are raised that the scale of retail services proposed, comprising up to 1,000m² of retail floor space, would introduce a significant commercial land use that would potentially exceed the threshold of what may be considered as ancillary and incidental to the provision of Senior Housing under the Seniors SEPP.

For free Interpreting Service, please bring this document to Council or ring the Telephone Interpreter Service 131 450 and ask that they contact your Council.

ARABIC

للحصول على خدمة ترجمة مجانية، يرجى إحضار هذه الوثيقة إلى البلدية أو الاتصال بخدمة الترجمة الهاتفية على الرقم 131 450 وإطلب منهم الاتصال بالبلدية نيابة عنك.

SPANISH

Para contar con los servicios gratuitos de un intérprete, traiga este documento al Municipio o llame al Servicio Telefónico de Intérpretes al 131 450 y pida que contacten a su Municipio.

TAGALOG

Para sa walang bayad na Serbisyo ng Pagsasalín, dalhin ang dokumentong ito sa Konseho o tawagan ang Telephone Interpreting Service sa 131 450 at pakiusapan silang tawagan ang inyong Konseho.

SAMOAN

Mo Auaunaga o Faamatalaupu e le totogiina, faamolemole aumai lenei pepa tusia i le Ofisa o le Malo (Council) poo le vili i le Auaunaga o Faamatalaupu i Telefoni i le 131 450 ma fai i ai ia latou faafesootaia lau Ofisa o le Malo.

HINDI

निम्नलिखित सेवा के लिए, कृपया यह पत्र काउंसिल के पास ले जाएँ या दूरभाष दुभाषिया सेवा को 131 450 पर फोन करें और कहें कि वे आपकी काउंसिल से संपर्क करें।

CHINESE

要獲得免費的傳譯服務，請攜帶本文件到市議會或致電 131 450 電話傳譯服務處，並請他們代您聯絡市議會。

LAO

ເພື່ອໃຫ້ບໍລິການດ້ານການແປສຳລັບບໍລິຫານ, ກະລຸນາ ນຳເອົາເອກະສານນີ້ມາຫາ ດ່ານການແປສຳລັບ ຫຼື ໂທລະສັບ ຫາ ບໍລິຫານ ນາຍພາສາ ຫາງໂທລະສັບ ຕາມນີ້ 131 450 ແລະ ຂໍໃຫ້ພວກເຂົາຕິດຕໍ່ຫ້ອງການພາສາຂອງທ່ານ.

ITALIAN

Per avvalervi di un servizio interpreti gratuito, portate il presente documento al Comune oppure telefonate al Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che vi metta in contatto con il Comune.

GREEK

Για δωρεάν Υπηρεσία Διερμηνέων, παρακαλείσθε να φέρετε αυτό το έγγραφο στη Δημαρχία ή να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων στο 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία σας.

VIETNAMESE

Để nhận được Dịch vụ Thông dịch miễn phí, hãy đem tài liệu này đến Hội đồng Thành phố hoặc gọi đến Dịch vụ Thông dịch qua Điện thoại (TIS) số 131 450 và nhờ họ liên lạc Hội đồng Thành phố của quý vị.

CROATIAN

Za besplatne usluge tumača, molimo donesite ovaj dokument u općinu ili nazovite Telefonsku službu tumača (Telephone Interpreter Service) na 131 450 i zamolite da za Vas nazovu općinu.

POLISH

W celu otrzymania bezpłatnej pomocy ze strony Służby Tłumaczy, prosimy przynieść ten dokument do Rady Miejskiej (Council) lub zadzwonić do Telefonicznej Służby Tłumaczy na numer 131 450 i poprosić o połączenie ze swoją Radą.

FRENCH

Pour un service d'interprétariat gratuit, veuillez apporter ce document à la mairie. Vous pouvez également téléphoner au service d'interprète au 131 450 et lui demander de contacter votre mairie.

BANGLA

বিনামূল্যে দোভাষী সেবা ব্যবস্থার জন্য, দয়া করে এই মালিফাদি বা কাগজপত্র পরিষদে (কাউন্সিল) নিয়ে আসুন অথবা 131 450 নাম্বারে টেলিফোন দোভাষী সেবা ব্যবস্থার ফোন করুন এবং তাদেরকে আপনার পরিষদের (কাউন্সিল) সাথে যোগাযোগ করতে বলুন।

TONGAN

Ki ha NgÇue Fakatonulea ta'etotongi, kÇtaki 'o 'omai e tohi ni ki he Kaunisóló pe telefoni ki he 'Ofisi Fakatonulea Telefonil i he 131 450 'o kole kenau fetu'utaki ki ho'o Kaunisóló.

KHMER

ដើម្បីទទួលបានសេវាបកប្រែឥតគិតថ្លៃ សូមយកឯកសារនេះទៅសាលាសង្កាត់ ឬទូរស័ព្ទទៅកិច្ចបំប្រែភាសាតាមទូរស័ព្ទលេខ 131 450 រួចស្នើសុំឲ្យគេទាក់ទងជាមួយសាលាសង្កាត់របស់លោកអ្នក។

Additionally, concerns are also raised that no economic impact analysis has been undertaken to examine or justify the establishment of a new commercial centre on the land to service the local area.

4. "Residential Care Facility"

The application (SCC Report - Page 19) proposes "serviced self-care housing" to be carried out in combination with a "residential care facility" to comply with Clause 17 of the SEPP. It is therefore requested that any SCC approval should address this statutory provision by requiring a 'residential care facility' to be operational prior to the occupation of serviced self-care housing.

5. Site Contamination / Remediation

The subject application relies upon the following site contamination reports which were undertaken on behalf of the former site owner Endeavour Energy in support of the previous SCC application approved by the DPE in 2016:

- EnRiskS (2015). Quantitative Risk Assessment - Impacted Zone Former Integral Energy Depot, Minto, NSW, dated 20 April 2015
- EnRiskS (2015). Environmental Management Plan - Impacted Zone Former Integral Energy Depot, Sark Grove, Minto, dated 4 May 2015
- Douglas Partners (2015). Non Statutory Site Audit Report - Part of Lot 1 DP 620265, Impacted Zone, Sark Grove and Pembroke Road, Minto, dated 6 May 2015.

These reports have confirmed the presence of groundwater contamination and soil gas concentrations within the portion of the site identified as the 'impacted zone'. The Environmental Management Plan (EMP) and Quantitative Risk Assessment (QRA) are generic in nature, assuming certain development scenarios for the impacted zone including slab on grade construction for future buildings (ie. no basement excavation), and building excavations extending to a maximum depth of 1.5m (page 19 EMP).

The concept design submitted with the current SCC application would appear to be outside the range of development scenarios considered under the abovementioned reports. In particular, buildings 'J' (3 stories) and 'K' (4 stories) intrude into the impacted zone, with Section Plans indicating substantial ground excavation for both buildings to accommodate a basement or sub-surface level.

The current SCC application states that the buildings in the concept plan have a slab of less than 15 metres into the impacted zone and as such is a low and acceptable risk (SCC Report - page 26). This statement of low risk appears to be inconsistent with the development scenarios considered in the EMP and QRA as described above.

Additionally, the auditor (Douglas Partners, Page 33) considers that a further round of soil vapour/ground gas testing should be undertaken prior to completing any revised EMP which takes into account the nature of any proposed development in the Impacted Zone. The auditor further noted that where future development involves deep basement or other (deep) underground structures there is the risk that such excavations or structures may alter the groundwater system (ie flow regime) and therefore change the nature and extent of the 'Impacted Zone'. A revised QRA may also be required to assess the risks for underground structures which may fall outside the current footprint of the Impacted Zone.

For these reasons, Council requests that prior to the determination of the current SCC application, the proponent be requested to update the 2015 contamination assessments to consider the concept design submitted under the current proposal and make appropriate recommendations to address the contamination risk.

6. Compatibility with Surrounding Land Uses

Residential Land Uses

The character statement and strategic justification provided by the proponent has regard to the future desired character of 'R3 Medium Density Residential' zoned land.

All residential land surrounding the subject site is zoned 'R2 Low Density Residential' under CLEP 2015. As such, Council requests that the DPE assesses the compatibility of the proposal with surrounding urban development having regard to the development outcomes permitted and desired in the R2 low density residential zone.

In this respect, concerns are raised that the proposed buildings of 4 and 5 stories in height are potentially incompatible with the surrounding residential area, as these buildings:

- a) are akin to Residential Apartment Buildings, which are prohibited in the R2 zone
- b) are of a scale which is inconsistent with the desired future character for low density residential neighbourhoods (refer Section 3.2 SCDCP 2015)
- c) significantly exceed the 8.5m (2 storey) height limit for surrounding residential development.

Council Depot

Any future development of the site for residential purposes needs to adequately consider and address the potential amenity and acoustic impacts from the adjacent Council Depot. This facility currently operates as the primary Council depot and operates in a 24 hour / 7 day capacity. It is also noted that the State Emergency Service and NSW Rural Fire Brigade also operate from this depot facility.

The continued use of the adjacent depot site is consistent with the current zoning of the land (SP2 – Depot) under CLEP 2015, and provides an important role in servicing the expanding population of the Campbelltown Local Government Area. In this respect, any redevelopment of the subject property for residential purposes should be made on the basis that the use of the Campbelltown Council depot will continue operating.

7. Ecological Issues

The ecological constraints assessment submitted with the application has been prepared on the basis of limited field surveys and is preliminary in nature (SCC Report - page 22). As such, there is general understanding that further ecological investigations would be required to properly inform any future development outcomes.

Notwithstanding these limitations, the ecological report submitted with the current SCC application confirms several endangered ecological communities on the subject land, with approximately 45% of the site comprising areas of 'medium' and 'high' ecological value. Council's general preference would be for any future development of the site to avoid impact on these more sensitive ecological areas.

Whilst the full ecological impacts of future development occurring under the proposed SCC application cannot be assessed at this time, general concerns are raised that the concept design would result in the fragmentation of existing vegetated areas outside the riparian corridor. Long term biodiversity outcomes on the land may also be further comprised by the requirement for all grounds within the subject site outside the riparian zone to be maintained in accordance with the requirements for an Inner Protection Area - Asset Protection Zone (Bushfire Report - page 12).

In order to address these concerns, Council requests that any SCC approved by the DPE clearly specifies areas of the site to be conserved for ecological purposes. In this respect, consideration should

be given to conserving the medium / high ecological value areas in the western part of the site adjacent to the Pembroke Road frontage, so as to provide a continuous vegetation / biodiversity corridor between Pembroke Park and Jersey Park. This outcome would be similar to the ecological conservation measures provided in the development masterplan approved by the DPE under the 2016 SCC approval.

Thank you for the opportunity to provide comments on the subject proposal. Should you have any enquiries please contact Council's Senior Strategic Planner Jeff Burton on 4645 4842.

Yours sincerely



David Smith
Executive Manager Urban Centres