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1 April 2014

Sam Haddad  
Director-General  
Planning and Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2000

Attention: Nicola Chisholm

Dear Mr Haddad

**RESPONSE TO SUBMISSIONS – CLEMTON PARK VILLAGE LOT 31 (SENIORS HOUSING)  
SECTION 75W MODIFICATION APPLICATION TO MP 07\_0106 (MOD 5)**

A Modification to the Clemton Park Village Concept Plan (MP 07\_0106) (Concept Plan (Mod 5)) was submitted to the Minister for Planning and Infrastructure by Bupa Care Services Australia (Bupa) in late November 2013. The Section 75W Report for Concept Plan (Mod 5) was publicly exhibited between 11 December 2013 and 31 January 2014. In response to the public exhibition, it is understood that Planning and Infrastructure has received a number of submissions from the public and Canterbury City Council.

Bupa and its specialist consultant team have reviewed and considered the submissions, as well as the comments made by Planning and Infrastructure in correspondence dated 4 March 2014. In accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979*, this letter sets out Bupa's response to the issues raised. This letter should be read in conjunction with the Section 75W Report dated November 2013 prepared by JBA that was submitted with the Modification, when initially submitted.

Detailed response to the specific issues raised by the public are provided at **Attachment A**. Key issues raised by Council, the Agency and the public are summarised below and addressed in further detail in the attachments.

**Building Setbacks and Southern Boundary**

We note that the proposed setback to Lot 31's southern boundary was raised as a matter of concern in submissions made by residents, particularly as the submitted documentation appeared to be contradictory. We wish to advise that the proposed setback distance is 17.1m. A drawing illustrating the proposed setbacks has been prepared by Group GSA and is provided at **Attachment B**.

It is noted that the Modification also incorrectly referenced 'Reid Avenue' as 'Ridge Street' when describing residences to the south. We wish to clarify that that single reference to Ridge Street on the Modification documentation should be construed to be Reid Avenue.

**Flooding**

In response to the Agency's flooding concerns, Craig and Rhodes has prepared a letter and revised flooding drawings which further explain the basis upon which Craig and Rhodes has concluded that flooding constraints on Lot 31 pose no risk to the proposed modification (provided at **Attachment**

C). Craig and Rhodes has considered the flooding study prepared by Hyder Consulting that was approved under Concept Plan, and confirmed that the proposed modification to the building envelopes on Lot 31 will not have a significant impact on the approved flood levels. In addition, a Flood Emergency and Evacuation Plan has been prepared for the Development Application now lodged with Canterbury Council for Lot 31, which is provided for the Agency's information at **Attachment D**.

#### **Through Site Link**

Canterbury City Council in its submission expressed a desire for a through-site link to be provided through Lot 31. I can advise that Bupa has had several discussions with Australand (as the master developer) of the site, and agreed in-principle that a through site link could be located along the northern edge of Cup and Saucer Creek. The terms under which such a link could be provided include Council assuming ownership of the land and the responsibility of physically providing the pedestrian path and bridge. **Attachment E** provides recent correspondence outlining the negotiations between Bupa and Australand.

#### **Conclusion**

Bupa's response to submissions made during the public exhibition of Concept Plan (Mod 5) addresses the concerns raised during public exhibition and demonstrates that the proposed modification will deliver an enhanced design outcome, minimise environmental impacts on the adjoining properties and deliver a high level of residential amenity to adjoining residential properties to the south.

We trust the above information is sufficient to allow a prompt assessment of the modification. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [sballango@jbaplanning.com.au](mailto:sballango@jbaplanning.com.au).

Yours faithfully



Stephanie Ballango  
Associate