



## **Metropolitan Local Aboriginal Land Council**

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Department of Planning Housing and Infrastructure  
Attention: Stephen Dobbs  
***Via NSW Planning Portal***

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### **State Significant development Uniting Belrose Seniors Housing SSD-71378958**

The Metropolitan Local Aboriginal Land Council (MLALC) appreciates the opportunity to review and comment on Uniting's State Significant Development SSD-71378958.

We are aware of the significant need for quality, fit for purpose aged care in metropolitan Sydney to meet the increasing demand and therefore support Uniting's endeavours in this regard. We do however offer the following specific comments in relation to the interface between this project and our land holdings in Morgan Road, Belrose particularly our Patyegarang site which is immediately adjacent.

### **Construction Management**

#### Sediment and erosion control plan

A sediment and erosion control plan has been recommended as part of this application. MLALC seeks confirmation and clarification that all sediment and erosion control measures will be designed to prevent adverse impacts on adjoining MLALC owned land. We note other documentation includes general management methods including silt fencing, decontamination procedures, and stockpile management, however there are no site-specific measures relating to boundary with MLALC land.

Given the proximity to the culturally and environmentally sensitive nature of the adjoining land, it is critical that tailored sediment and erosion control measures are developed to protect against any off-site construction impacts. It is requested that a detailed site-specific sediment and erosion control plan be prepared to prevent sediment transport, contamination, and water overflow onto MLALC land prior to commencement of works. These controls should include physical barriers, regular monitoring, and clear delineation of all construction boundaries to MLALC land.

#### Remedial Action Plan

The Remedial Action Plan by JK Environments (Appendix P) acknowledges that surface water is expected to infiltrate unpaved areas of the site or flow generally toward the east and southeast, in keeping with the site's topography. This creates a potential risk for groundwater transport of contaminants to adjoining MLALC land. While the RAP states that current data does not indicate a trigger for groundwater remediation until the construction phase, this reactive approach is inadequate given the sensitivity of the receiving environment.

Geotechnical advice should be obtained prior to the commencement of remediation works to assess the stability of adjoining areas, including boundaries with the Patyegarang site. A detailed soil and water management plan should be prepared by the remediation contractor prior to the commencement of works. While the RAP proposes measures such as silt fencing and soil and water disturbance controls at all appropriate locations, these must be clearly mapped and enforced at all site boundaries. Further detail is also required on containment methods in areas unsuitable for excavation, such as Tree Protection Zones and existing structures.

The RAP acknowledges the presence of human and ecological receptors outside the site boundary but fails to describe how potential impacts to these receptors will be assessed and measured. MLALC seeks clarification on these matters and requests that the RAP be revised to include a clear methodology for identifying, monitoring, and mitigating any offsite impacts.

The RAP refers to the Patyegarang site as undeveloped bushland, despite an active planning proposal (PP-2022-3802) which includes future residential development and conservation land. As the adjacent site should not be assumed to remain undeveloped or unmanaged, the RAP should be revised to reflect the current planning context and address potential offsite impacts to future receptors.

## **Traffic and Transport**

### Morgan Road Upgrade

Section 3.2 of the Traffic and Access Impact Assessment confirms the development will utilise existing access points from Morgan Road and formalise internal circulation. The site, identified as Lot 1 in DP1037395, adjoins an unformed public road and references an unnamed road likely forming part of this alignment. Page 26 of the TAlA confirms that access from Morgan Road forms part of the proposed design. However, the application provides no evidence of landowner consent for works on the unformed road. In the absence of such consent, a significant statutory pre-condition to the grant of consent has not been satisfied.

In addition, the documentation does not clearly identify who will fund the proposed upgrade to the intersection / entry point on Morgan Road. As access and internal road works are included within the SSDA, it is assumed these works will be funded by Uniting. We request formal confirmation of this.

### Road Upgrade Standards

The Traffic report does not specify the standard to which the road upgrades will be carried out. Given that the paper road provides access to properties beyond Uniting, it is essential that the upgrade meets an appropriate standard to ensure safe and adequate access for all users. We request clarification on the design standard and specifications for the proposed road works.

### Right of Carriageway

The application does not provide detail regarding a right of carriageway or any legal mechanism securing access along the relevant route. This is integral as the access is a public roadway and provides necessary bushfire egress to the Patyegarang site. A formal right of carriageway must be established and documented to guarantee ongoing lawful access.

## **Bushfire protection**

MLALC notes the difference in approach undertaken by the RFS in relation to this SSDA for a sensitive land use, compared to the on-going discussions being held in relation to the rezoning of the Patyegarang site. For example, a 20m APZ encroachment outside the Uniting site boundary appears to be acceptable in this instance, whereas full APZ compliance has been sought for the Patyegarang site. A secondary access road has been requested for the Patyegarang site, while a single access road appears to be acceptable for the SSDA. Merit-based solutions for slope and vegetation management appear to be supported for the SSDA, whereas strict APZ compliance has been insisted upon for the Patyegarang site.

Additionally, no evacuation modelling was required for the Uniting site, and the RFS appears comfortable to place buildings for senior and less mobile residents within the Flame Zone on the condition they met BAL FZ standards. In contrast, the RFS opposed this approach for the Patyegarang site, despite being able to meet all BAL FZ construction requirements.

## **Consultation**

The Connecting with Country report does not provide any information regarding consultation or engagement with MLALC, both as neighbours and the relevant Local Aboriginal Land Council. This represents a missed opportunity for meaningful collaboration between and input early in the project's development.

While it is noted that a briefing was held on 2 August 2024, attended by the MLALC CEO, Chair, MLALC did not receive any project plans prior to this meeting. As such, any assertion that MLALC was fully supportive or had no suggested changes appears to be a broad interpretation.

We look forward to on-going discussion with Uniting and DPHI around the project specifics.

Yours In Unity,



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