

The Hills LEP 2012 - Additional permitted use at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven (9 dwellings)

Proposal Title : **The Hills LEP 2012 - Additional permitted use at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven (9 dwellings)**

Proposal Summary : **The Planning Proposal seeks to amend Schedule 1 of The Hills Local Environmental Plan 2012 to include seniors housing as an additional permitted use for land at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven.**

PP Number : **PP_2017_THILL_005_00** Dop File No : **17/08170**

Proposal Details

Date Planning Proposal Received : **07-Jun-2017** LGA covered : **The Hills Shire**

Region : **Metro(Parra)** RPA : **The Hills Shire Council**

State Electorate : **HORNSBY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **434 Old Northern Road**

Suburb : **Glenhaven** City : Postcode : **2156**

Land Parcel : **Lot 1 DP369807**

Street : **2 and 2a Fullers Road**

Suburb : **Glenhaven** City : Postcode : **2156**

Land Parcel : **Lots 1 and 2 SP46522**

DoP Planning Officer Contact Details

Contact Name : **Sebastian Tauni**

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RPA Contact Details

Contact Name : **Brent Woodhams**

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to the communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Political Donations Disclosure Statement

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

• A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the Planning Proposal is to facilitate a seniors housing development of up to nine self-care units on the site at 434 Old Northern Road, 2 and 2a Fullers Road, Glenhaven (refer to p.3).**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal seeks to amend The Hills Local Environmental Plan 2012 as follows:**
• **Amend Schedule 1 to include Seniors Housing as an additional permitted use capped at nine (9) self-care units; and**
• **Identify the site on the Additional Permitted Uses Map.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **2.1 Environment Protection Zones**
6.3 Site Specific Provisions

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 19—Bushland in Urban Areas**
SEPP (Housing for Seniors or People with a Disability) 2004

e) List any other matters that need to be considered : **Based on the information provided in the Planning Proposal, the proposal is consistent with all relevant SEPPs and Section 117 Directions, except as follows:**

DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

The Planning Proposal intends to provide for an increase in residential density in a location with proximity to Sydney Blue Gum High Forest and a creek line.

In its current form the Planning Proposal is inconsistent with the Direction as it does not contain provisions that will prevent a reduction in the environmental protection standards that apply to the land.

Council intends to update its Development Control Plan (DCP) with site specific development standards for maximum site coverage (60%) and deep-soil planting (30%).

On this basis, it is recommended that the proposal's inconsistency with Direction 2.1 is of minor significance.

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The Planning Proposal is contains a site specific planning control to permit seniors housing on the site within the existing E4 Environmental Living zone. As such it is inconsistent with Direction 6.3 as it imposes development requirements in addition to those already contained in that zone.

As the proposed site specific provision is intended to support the objectives of the existing zones, the Department is satisfied that the inconsistency is of minor significance.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO 19 — BUSHLAND IN URBAN AREAS

As the site is located within an environmental corridor, SEPP 19 is considered to apply.

The general aim of SEPP 19 is to protect and preserve bushland within the urban areas because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

Retaining the E4 Environmental Living zone on the site and providing site specific controls within The Hills DCP Part B Section 2 – Residential will require future development on the site to be consistent with the following specific aims of the SEPP:

- To protect the remnants of plant communities which were once characteristic of land now within an urban area;
- To retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term;
- To protect rare and endangered flora and fauna species;
- To protect wildlife corridors and vegetation links with other nearby bushland;
- To protect bushland for its scenic values, and to retain the unique visual identity of the landscape;
- To maintain bushland in locations which are readily accessible to the community; and
- To promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

Retaining the E4 zone on the site will maintain the environmental corridor that it is a part of. In addition, site specific development controls will ensure that future development on the site is consistent with the aims of SEPP 19 and that the wildlife corridor, significant vegetation and endangered species in the vicinity are not impacted as a result of the development.

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

As the E4 Environmental Living zone is proposed to be retained, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 does not apply to the site. Development on the site will be guided through a site specific section in Part B Section 2 of The Hills DCP 2012.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

It is considered that Council has provided adequate mapping to identify the site and Council's intentions for the site.

Diagrams are included in the Planning Proposal as follows:

- location map (Figure 1)
- existing zoning map (Figure 3)
- Proposed Additional Permitted Uses map (p. 11)

These maps are considered suitable for community consultation purposes provided the

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following is addressed:

- adjust Figure 3 so that it appears to be in scale with the Proposed Additional Permitted Uses map

Prior to finalisation of the Planning Proposal, Council will be required to prepare the proposed maps in a form that is consistent with the Department's Standard technical requirements for LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Given the nature of the Planning Proposal, the Department considers that a 28 day community consultation period is appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **October 2012**

Comments in relation to Principal LEP : **The Hills Local Environmental Plan 2012 was made on October 2012**

The Planning Proposal intends to amend the The Hills Local Environmental Plan 2012, principally by inserting an additional permitted use clause in Schedule 1 for particular land. While the Standard Instrument Local Environmental Plans are intended to be map based planning instruments, the inclusion of additional permitted uses is not uncommon in standard instrument Local Environmental Plans.

This proposal is consistent with the standard instrument, and The Hills Local Environmental Plan 2012.

Assessment Criteria

Need for planning proposal :

The Planning Proposal is considered to be the best way to achieve the intended outcomes for the site.

The Planning Proposal does not seek to alter the existing zone or the the SP2 road corridor zone adjoining the site.

Retaining the E4 Environmental Living zone and pursuing an amendment which identifies seniors housing as an additional permitted use would enable the existing land zoning and objectives to continue to apply, whilst still allowing for the development outcome sought by the proponent.

The amendment is also supported by a draft Development Control Plan which addresses streetscape and character, access, building setbacks, site coverage, building height, private open space, solar access and parking, given that State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 will not apply.

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The Planning Proposal is consistent with Action 2.1.1: Accelerate housing supply and local housing choice of A Plan for Growing Sydney as it would facilitate a seniors housing development outcome in the form of townhouses that contributes to housing diversity and offers a low maintenance alternative to existing low density residential development, while offering more space than apartments.

Notwithstanding the need for seniors housing, the Planning Proposals meets the aims of Direction 4.1: Protect our natural environment and biodiversity by balancing urban growth with the need to protect high conservation value areas. This is achieved by strategically managing biodiversity as housing and economic development occurs, rather than through site-by-site decision making.

DRAFT NORTH DISTRICT PLAN

The actions of the draft North District Plan which relate to the proposal are:

- Action L3: Councils to increase housing capacity across the District;
- Action L4: Encourage housing diversity.

The Planning Proposal addresses the need for additional housing stock and services that allow the population to age in place and would enable the provision of a range of housing options for seniors and people with a disability. Accordingly, the Planning Proposal is considered to be consistent with the objectives of the draft Plan to support planning for adaptable housing and aged care.

In addition, by preserving the land zoning, and larger minimum lot size requirements, the Planning Proposal is consistent with Sustainability Priority 7 of the draft Plan which aims to improve protection of ridgelines and scenic areas using planning controls by limiting the scale of development permissible in the area.

THE HILLS FUTURE COMMUNITY STRATEGIC PLAN

The Hills Future Community Strategic Plan articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The Planning Proposal is consistent with the outcomes and strategies of The Hills Future as it would contribute to housing diversity and would accommodate for an ageing population in an area with little self-care seniors housing options.

LOCAL STRATEGY

The Residential Direction of The Hills Local Strategy 2010 aims to accommodate an ageing population in well located areas supported by services and facilities. With an increasing number of seniors and people with a disability in the area, it is reasonable to consider appropriate locations for seniors housing development and provide more housing choice.

Whilst seniors housing developments located in close proximity to local centres are preferred, the proximity of the site to public transport services makes it an acceptable location for this type of development. The nine (9) self-care units are therefore considered suitable in that locality.

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SIMILAR PLANNING PROPOSALS IN THE AREA

522 Windsor Road, Baulkham Hills

Planning Proposal to facilitate development of a seniors housing complex comprising 120 residential aged care beds and 70 independent living units via an additional permitted uses clause and a appropriate floor space ratio. A Gateway determination was issued on 21 March 2017 and the Planning Proposal is currently with the RPA for implementation.

Circa Precinct - 26-30 Norbrik Drive, Bella Vista

The Planning Proposal seeks to facilitate development of a retirement precinct comprising independent living units and a residential aged care facility via an additional permitted uses clause. The Planning Proposal was notified on 10 February 2017.

Environmental social
economic impacts :

Environmental, Social and Economic Impacts

The concept plan for the subject site demonstrates that the site can be potentially developed for low scale (2 storey) medium density residential development, while minimising environmental impact and impacts on adjoining properties.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **6 months** Delegation : **RPA**
LEP :

Public Authority **Family and Community Services - Ageing Disability and Home Care**
Consultation - 56(2)(d) **NSW Rural Fire Service**
Transport for NSW
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

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Document File Name	DocumentType Name	Is Public
1 - Cover Letter - s56 Fullers Road Glenhaven.pdf	Proposal Covering Letter	No
2 - Planning Proposal.pdf	Proposal	No
3- Council Agenda and Minute - 23 May 2017.pdf	Proposal	No
4 - Proponent's Planning Proposal 434 Old Northern Rd & 2,2A Fuller Rd Glenorie.pdf	Proposal	No
5 - Draft The Hills DCP Prt B Section 2 - Residential.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.1 Environment Protection Zones
6.3 Site Specific Provisions**

Additional Information : **DELEGATION OF THE GREATER SYDNEY COMMISSION'S PLAN MAKING FUNCTIONS**
Given the nature of the Planning Proposal it is recommended that the Commission's plan making powers be issued to Council in this instance.

CONSISTENCY WITH SECTION 117 DIRECTIONS

It is recommended that the Director, Sydney Region West, as delegate of the Secretary, agree that the inconsistency with the following Section 117 Directions are of minor significance: 2.1 Environment Protection Zone; 3.1 Residential Zones; 3.4 Integrating Land Use and Transport; 6.1 Approval and Referral Requirements; and 6.3 Site Specific Provisions.

RECOMMENDATION

It is recommended the Planning Proposal proceed, subject to the following conditions:1.
Prior to undertaking community consultation, Council is required to:

a) The existing rezoning map (Figure 3 of page 6) of the Planning Proposal is to be amended to a scale that is consistent with the Proposed Additional Permitted Uses map (page 11 of the Planning Proposal).

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- a) the Planning Proposal must be made publicly available for a minimum of 28 days; and
- b) As relevant planning authority, Council must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of Section 117 Directions and State Environmental Planning Policies:

- Transport for NSW – Roads and Maritime Services;
- Transport for NSW; and
- Family and Community Services - Ageing Disability and Home Care.; and

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment.

Should the public authorities require any additional information, or specify any additional matters to be addressed, the Planning Proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated Planning Proposal.

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4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

5. The timeframe for completing the amending Local Environmental Plan is to be six months from the week following the date of the Gateway determination.

Supporting Reasons :

Signature: _____



Printed Name: _____

Adrian Holmgren

Date: _____

3/7/17