

Report to the Sydney Central City Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

THE SITE: 9 Old Glenhaven Road, Glenhaven, Lot 100 DP 1230439. A site inspection of the land was undertaken by the regional team on 8 December 2017.

APPLICANT: The applicant is Innovative Planning Solutions on behalf of the landowner, CCR Interiors Pty Ltd.

The application form (**Attachment B1**) for a site compatibility certificate (SCC) was lodged with the Department of Planning and Environment on 6 June 2017. The Department requested further information and a revised report (**Attachment B2**) was received on 9 November 2017.

PROPOSAL: The proposal is for a maximum of 140 dwellings as an extension to the existing Living Choice Glenhaven Retirement Village (245 dwellings) located adjacent to the site at 15 Old Glenhaven Road.

The proposed development includes a combination seniors housing types as prescribed by the Seniors Housing SEPP including 68 single-storey villas and 56 two-storey units with a basement (Figure 1). Whilst only 124 dwellings are proposed, a maximum of 140 dwellings is sought as the design and layout may change during the development assessment process. Living Choice Australia operates the adjoining Glenhaven Retirement Village and it is anticipated that it will manage this proposed facility as well.



Figure 1: Proposed development (source: Development Concept).

The following additional supporting documentation was provided with the application:

- Application form(**Attachment B1**)
- Application report(**Attachment B2**)
- Survey plan(**Attachment B3**)
- Services context plan.....(**Attachment B4**)
- Development concept plans.....(**Attachment B5**)
- LEP zoning map extract.....(**Attachment B6**)
- Council pre-lodgement minutes(**Attachment B7**)
- Ecological memorandum(**Attachment B8**)
- Bushfire memorandum.....(**Attachment B9**)
- Engineering assessment.....(**Attachment B10**)
- Living Choice letter(**Attachment B11**)

LGA: The Hills Shire Council

PERMISSIBILITY STATEMENT: Clause 4(1) of the SEPP requires the site to adjoin land zoned primarily for urban purposes. The site adjoins the Glenfield Retirement Village and is zoned RU6 Transition. However, the site adjoins land zoned R2 Low Density Residential on the southern side of Old Glenhaven Road (Table 1 and Figure 2) and satisfies the requirements of Clause 4.

Clause 4(6) of the Seniors Housing SEPP excludes the SEPP from applying to land which is identified as 'environmentally sensitive'. The north-east portion of the site is mapped on The Hills LEP Biodiversity Map, sheet CL1_023 (Figure 9 below).

The portion of the site mapped on the Biodiversity Map is not defined as 'environmentally sensitive land' under Schedule 1 of the SEPP and therefore it does not exclude this land from the application of the Seniors Housing SEPP.

It should be noted that the proposed concept plans, do not propose to develop the areas identified as environmentally sensitive and they will be retained and managed as an environmental area (**Attachment B5**).

	Zone	Maximum height of buildings	Minimum lot size
Site	RU6 Transition	10m	2ha
Land adjoining the site (South)	R2 Low Density Residential	9m	700m ²
Land surrounding the site (west, north and east)	RU6 Transition	10m	2ha

Table 1: Surrounding land zones and maximum height of buildings controls.

- increased traffic on surrounding local roads;
- bushfire safety and evacuation procedures due to the proximity and encroachment to significant vegetation corridors;
- the distance and accessibility to services from the rear of the site; and
- the dependence on a local centre that does not comprise the full range of services.

Council's concerns have been considered and are discussed further below.

SUITABILITY OF THE SITE FOR MORE INTENSIVE DEVELOPMENT: The panel must not issue a certificate unless of the opinion that the site of the proposed development is suitable for more intensive development in accordance with clause 24(2)(a) of the SEPP.

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

A description of the surrounding area is provided in Table 2 and the proposed development concept is illustrated in Figures 3 and 4.

North and east	The site is bound by land zoned RU6 Transition to the north comprising of heavily vegetated areas surrounding Dooral Dooral Creek as well as several large rural residential lots on the periphery of the site.
South	The southern side of Old Glenhaven Road is zoned R2 Low Density Residential and comprises of single and two storey dwellings with a minimum lot size of 7000sqm. The Glenhaven village centre is located 350m from the site comprising of approximately 10 shops, a community centre and playing fields.
West	The west of the site is zoned RU6 Transition with the Glenhaven Retirement Village located directly adjacent to the west. The retirement village wraps around the west and southern boundary of the site and contains predominantly single storey dwellings, recreation facilities and a three storey leisure centre. This proposal seeks to extend the retirement village.

Table 2: Land surrounding the site.

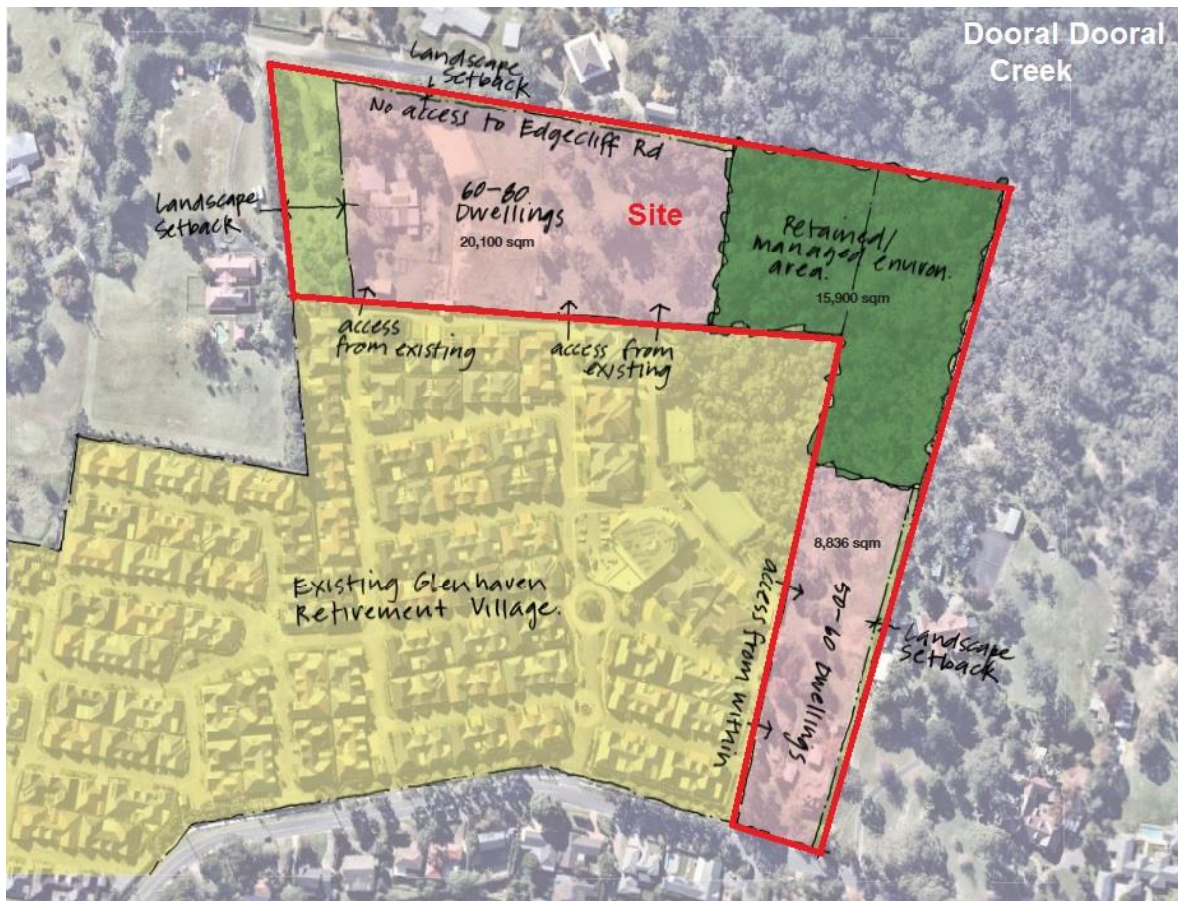


Figure 3: Proposed development on the site (source: Development Concept).

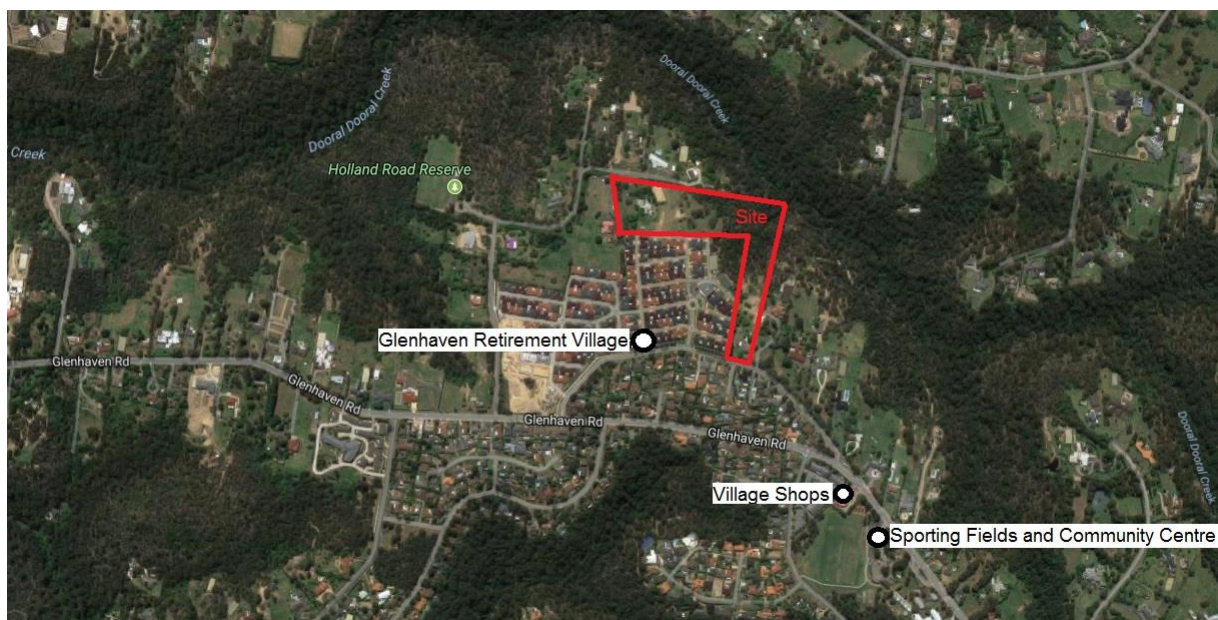


Figure 4: Land surrounding the site (source: Google Maps).

It is considered that the site meets the requirements of clause 24(2)(a) of the SEPP given the site is an extension to the existing low density residential areas to the south.

The site has frontage to Old Glenhaven road and Edgecliff Road. The proposal is over a single allotment with a total site area of approximately 5.2 hectares (**Attachment B3**). The land is currently used for rural residential purposes and adjoins land zoned primarily for urban purposes.

The subject site is within 400m of the Glenhaven local shops as well as local sporting fields and a community centre. Public bus stops are located within 400m of the site, which will enable residents to access extensive services at Rouse Hill Town Centre, Parramatta CBD, Castle Towers and Baulkham Hills Town Centre.

There are no known environmental constraints as per schedule 1 of the SEPP that would preclude the development of the site for the purposes of seniors housing (as discussed later in this report). No issues are identified that would preclude the site from being considered for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES:

The panel must not issue a certificate unless of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and land uses having regard to the following criteria:

1. **The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))**

Bushfire management

As shown in Figure 5, the site is identified as being bushfire prone land in 2012 Council maps. The bushfire memorandum (**Attachment B9**) included a bushfire hazard and asset protection zone assessment in accordance with the Rural Fire Service's *Planning for Bush Fire Protection 2006*.

The assessment concluded that the vegetation on the north-east of the site (and beyond the site) presented a bushfire risk and recommended that vegetation clearing should be avoided on land where there is a slope greater than 18-20 degrees. These areas are shown in purple in Figure 6 below. A proposed asset protection zone (APZ) of a minimum of 100m is recommended between the bushfire prone land and the periphery of the proposed development.

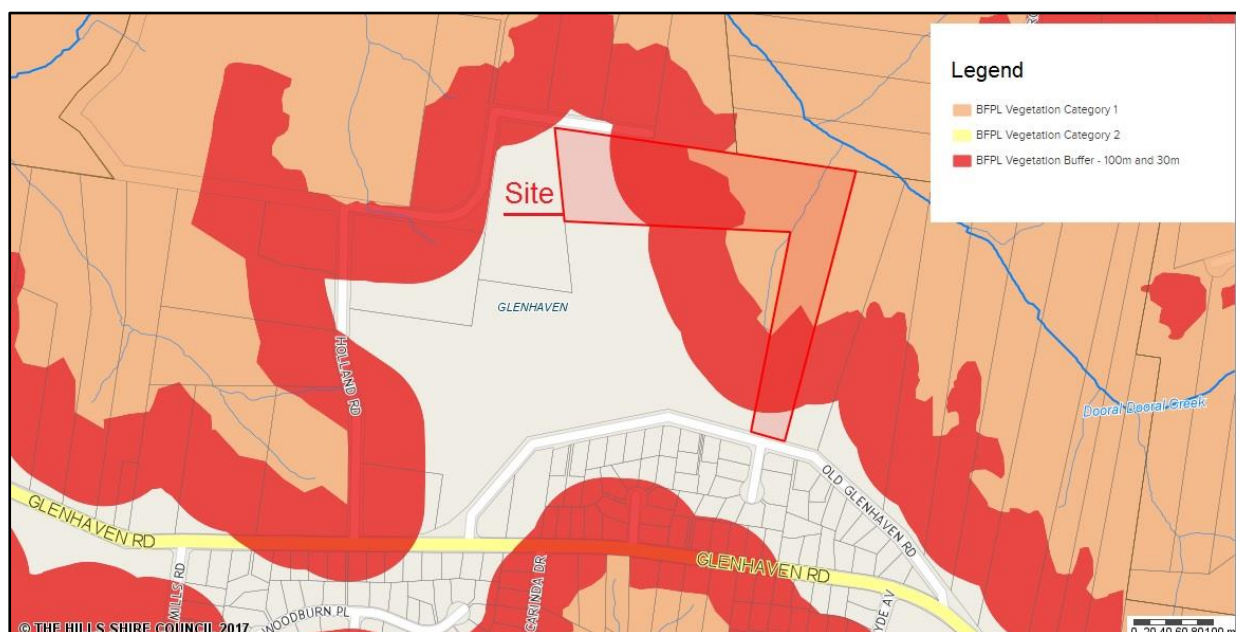


Figure 5: Bushfire-prone land (source: The Hills Shire Council Interactive Maps).

As shown in Figures 6 and 7, the development footprint currently encroaches into the bushfire APZ. The Department notes that built structures will not be possible within the APZ. The proposed development footprint will need to be revised at the development application stage to comply with the required APZ, if a SCC is issued.



Figure 6: Bushfire buffer zone (source: bushfire memorandum).



Figure 7: Concept plan (source: development concept).

Vegetation constraints

The site is constrained by vegetation and parts of the site are identified as 'environmentally sensitive' in the LEP Biodiversity Map. The proposed development will require the removal of native vegetation to accommodate the bushfire APZ as well as the proposed development (Figure 8).

The north-east part of the site is mapped on Council's LEP Biodiversity Map and associated vegetation mapping. The mapping indicates that the area could include the Shale/Sandstone Transition Forest which is listed under state and commonwealth legislation as a critically endangered ecological community (CEEC) and threatened ecological community respectively.

The ecological report prepared to support the application (**Attachment B8**) determined that there were no threatened species on site following a site inspection with Council stating that the Shale/Sandstone Transition Forest was not present on the site. The vegetation on site was indicative of Sandstone Ridgetop Woodland and Sandstone Gully Forest, which are not identified as threatened ecological communities.

The ecological report proposes potential BioBanking offset measures and recommends that a Vegetation Management Plan be prepared as part of the development application. The report also notes that the nature of the vegetation on site is not of such significance that it would preclude the issuing of a SCC. This matter is discussed in more detail below.



Figure 8: Aerial photo of vegetation constraints (source: Nearmap).



Figure 9: LEP Biodiversity Map.

Compatibility with existing and approved land uses

With the exception of land to the south (R2 Low Density Residential), the site is bound by land zoned RU6 Transition to the north, east and west. The objectives of the zone are to:

- protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities;
- minimise conflict between land uses within this zone and adjoining zones; and
- encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.

It is considered that the proposed development will not conflict with any existing or approved land uses, particularly given the existing Glenhaven Retirement Village to the south and west of the site.

It is recommended that further technical studies are undertaken at the development application stage to analyse environmental constraints. This includes establishing the developable area on site in relation to bushfire constraints, slope and the 100m APZ, vegetation clearing limitations and consideration of BioBanking offsets in accordance with state and commonwealth legislation.

It is considered that the inconsistencies mentioned above can be managed during the development application stage and therefore would not preclude the issuing of a SCC.

It is recommended that the SCC include a requirement that any development application needs to comply with the requirements of *Planning for Bush Fire Protection 2006* and identify the developable land having regard to location of APZs. The location of APZs needs to consider slope constraints and offsets required for any clearing of vegetation. Additionally, it is recommended that any development application should identify native vegetation to be conserved, managed and offset and this information should inform the developable area of the proposal.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The area surrounding the site is predominantly residential to the south and west (retirement village) despite being zoned RU6 Transition. It is considered that the site is unlikely to result to rural land uses given the native vegetation on the site, land fragmentation and the encroachment of residential uses.

It is noted that other environmental constraints such as the slope of the land and proximity to Dooral Dooral Creek further constrain the site. It is considered that the proposed development will not preclude any known future use for the land.

In addition, the applicant has indicated that there is significant demand for seniors housing in the area as the adjoining retirement village is 98 percent occupied with 147 clients on the waiting list and another 1,214 interested (**Attachment B11**).

The proposed development is not considered to adversely impact on adjoining development or future uses in the area. It is therefore considered, that the issuing of a SCC would not significantly reduce land used for rural purposes or agricultural land.

3. 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 (clause 25(5)(b)(iii))

Access to utilities

As identified in the Engineering Assessment report prepared to support the application the site is well serviced by utilities including electricity, water and gas, which have capacity to service the proposed development (**Attachment B10**).

The site will be connected to a reticulated water system by extending the connection from the existing retirement village. The sewer network serving the site is proposed to be extended to the adjoining development's Private Pump Station, however will require increased storage capacity which will be determined at the design stage in consultation with Sydney Water.

Access to facilities

Clause 26 of the Seniors Housing SEPP requires consideration to be given to access to a range of facilities and services via accessible pathways. Officers from the Department's regional team conducted a site visit on 8 December 2017, followed by a desktop analysis.

Access to the site will be through the main entrance of the existing Glenhaven Retirement Village, with the proposed development linking to internal roads within the retirement village. There are suitable access pathways from the site through the existing retirement village to the main entrance. The average gradient permitted by the Seniors Housing SEPP is 1:14 (approximately 7%) and Figure 10 shows a lower average gradient of 1:50 (approximately 1.6%) for the site, therefore complying with the requirements of clause 26(2)(a) of the SEPP.

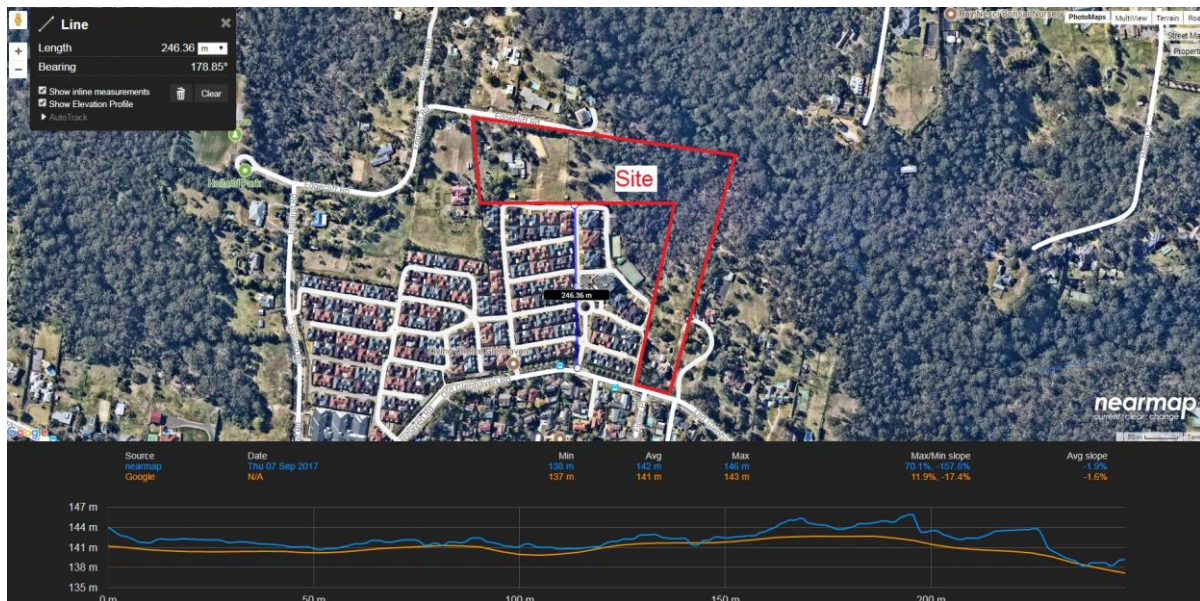


Figure 10: Average gradient less than 1:14 (source: Nearmap).

Bus stops are located at the entrance to the existing retirement village on Old Glenhaven Road, and are within 400m of the rear of the site, meeting clause 26(2)(b) of the SEPP (Figure 11).



Figure 11: The site is 400m from bus stops (source: Nearmap).

The number 603 bus regularly runs between Rouse Hill Town Centre and Parramatta and stops outside of the Glenhaven Retirement Village. The 603 bus route has 20 services a day on weekdays and stops at Castle Towers shopping centre, a large regional shopping centre with more than 300 stores including medical services. This satisfies the services listed in clause 26(1) of the SEPP. Access to public transport is along an accessible pathway as described in clause 26(2) of the SEPP. The bus route also stops at the Glenhaven local shops, Rouse Hill Town Centre and Baulkham Hills centre.

In addition, the existing retirement village has a private bus service that takes residents on shopping trips three times a week. If the proposed development is to be managed and operated by Living Choice Australia, then residents will likely have access to this service.

It is noted that there are accessible pathways with suitable gradient from the site to the village shops 400m away (Figure 12). However, a new pedestrian access from the site to Old Glenhaven Road would be required to be constructed to meet the 400m requirement under the SEPP (Figure 13).



Figure 12: Location to village shops (source: Nearmap).



Figure 13: The site has no formalised footpath fronting Old Glenhaven Road (source: Google Maps).

Road network and parking requirements

The proposed development indicates that additional car parking and associated traffic can be adequately managed by the existing road network as the majority of residents do not drive. It is noted that a traffic impact assessment has not been undertaken. While this does not preclude an SCC for being issued, a traffic impact assessment would be required to support any development application. It is recommended that this be a requirement of the SCC.

It is considered that the site can be connected to the appropriate utility services, is accessible to required facilities and services and there is suitable access to public transport as required by the SEPP.

It is recommended that the SCC should include a requirement for a traffic impact assessment.

4. 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 (clause 25(5)(b)(iv))

The proposed development will not reduce publicly available open space or impact on the provision of land for special uses, satisfying clause 25(5)(b)(iv) of the SEPP.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

Height, bulk, scale and built form

The architectural drawings detail the bulk and scale of the proposed development (**Attachment B5**). The development has been designed to be consistent with the existing retirement village and surrounding residential land to the south, and to minimise the impact on existing surrounding uses. The architectural cross-section concept (Figure 14) indicates that the visual dominance of the proposed development will be minimised to a height of 9m and the visual impact will be restricted due to the topography and a vegetation buffer.

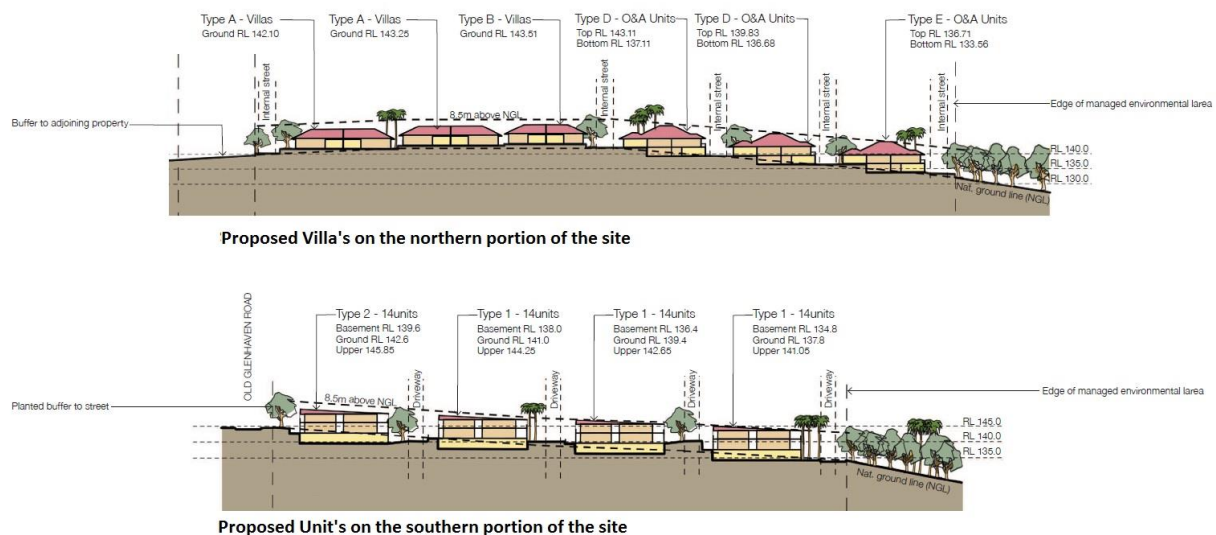


Figure 14: Architectural cross-section concept (source: Development Concept).

The existing residential character of the surrounding area, being the adjacent retirement village, contains single-storey dwellings and a three-storey leisure facility adjacent to the site (Figure 15). The proposed development will be single-storey villas and two-storey units with a basement with a maximum building height less than 9m.



Figure 15: Leisure facility within the existing retirement village
(source: Living Choice website; Google Maps).

Beyond the vegetation to the north and east of the site are single and two-storey dwellings on large rural residential lots. While the proposed development will be denser than these rural residential uses, it will be consistent with the adjacent retirement village comprising of similar bulk and scale and would not have a negative impact on future uses of the land or surrounding uses.

The impact of bulk and scale can be appropriately mitigated through the development application process, which will require a more detailed design.

It is noted, that there are no heritage items adjoining or on the site and therefore there are no heritage related concerns with the proposed development.

Bushland

The existing bushland character to the north and east of the site will generally be maintained as the majority of the proposed development will be on land free of vegetation. Further work is required to determine the location of the appropriate management zones prior to the removal of any vegetation from the site (**Attachment B8**). It is considered that the clearing of vegetation will be further considered as part of a development application.

It is considered that the consent authority is best placed to determine the final development layout, design and number of dwellings including bulk, scale, built form, setbacks, landscape and visual amenity and should not preclude the issuing of a SCC. It is recommended that the SCC include a requirement that the final development layout, design and number of dwellings should be subject to the consent authority being satisfied with the resolution of:

- bulk, scale and built form; and
- setbacks, landscaping, design and visual amenity.

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003* — the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The *Native Vegetation Act 2003* was repealed on 25 August 2017. Current legislation governing the clearing of native vegetation is the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*.

It is noted that the majority of the proposed development will occur on areas within the site that have been cleared of vegetation. However, clearing of native vegetation may

be required to accommodate the proposed development and create an adequate bushfire asset protection zone.

The north-east portion of the site is mapped on Council's LEP biodiversity map. Council's vegetation mapping (2008) indicates that the site contains Shale/Sandstone Transition Forest (Figure 16), which is listed as Critically Endangered Ecological Community under the *Biodiversity Conservation Act 2016* and in the list of Threatened Ecological Communities under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth). Any person proposing to take an action that is likely to have a significant impact on these endangered communities may require approval.

The ecological report (**Attachment B8**) determined that there was no threatened species on site, stating:

The site inspections indicated Shale Sandstone Transition Forest was not present within the study area... During the joint site inspection with The Hills Council Senior Biodiversity Officer on 27 February 2017 it was agreed that the vegetation communities present in the study area were indicative of sandstone ridgetop woodland and sandstone gully forest vegetation communities, and not the Threatened Ecological Community Shale Sandstone Transition Forest as mapped by The Hills Council in 2008.

The ecological report suggests that offsetting may be applied to the site if required. This would be managed through the *Biodiversity Conservation Act 2016*, which outlines the framework for addressing impacts on biodiversity from development and clearing, and establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme.

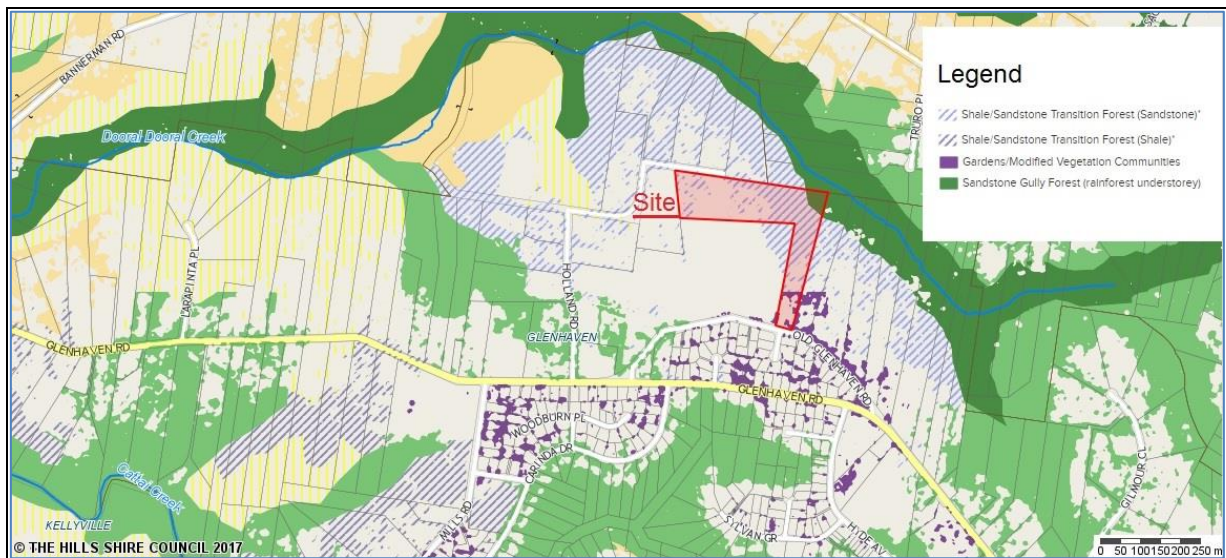


Figure 16: The Hills Shire Council interactive map (source: The Hills Interactive Maps).

It is considered that any clearing of native vegetation and protection of any CEEC can be managed through state and Commonwealth legislation, and the development assessment process. It is recommended that the SCC require the consent authority to be satisfied regarding the resolution of conservation, management, and if required, the offsetting of native vegetation. Additionally, it is recommended that any development application should exclude any portion of land identified as a CEEC.

CONCLUSION

The site adjoins land for urban purposes satisfying the requirements of the Seniors Housing SEPP.

The proposed development will provide The Hills Shire with housing diversity for the needs of seniors housing, and care facilities for those with a disability in the locality where more intensive development is considered appropriate.

The application for a SCC is consistent with clause 25 of the Seniors Housing SEPP and it is considered that housing for seniors or people with disability is a suitable use of the site and compatible with the surrounding land as:

- it will contribute to meet the growing needs for seniors housing in the north-west of Sydney;
- the proposed extension to the existing seniors housing development will not preclude any known future use for the land;
- there are adequate and suitable services and utilities available and located within walking distance to public transport;
- environmental constraints in relation to the clearing of existing native vegetation and protection of CEECs will be protected under the appropriate state and commonwealth legislation;
- a bushfire asset protection zone will be required along the periphery of the proposed development in accordance with the Rural Fire Service's *Planning for Bush Fire Protection 2006*; and
- the proposed development is generally in keeping with the existing surrounding residential developments to the south and the adjoining retirement village.

Council opposes the proposed development because of issues relating to site configuration, expansion onto rural land, built form, traffic, bushfire protection and services available to residents. It is considered that Council will be able to adequately address these concerns during the development application stage, and therefore these concerns should not preclude the issuing of a SCC.

It is recommended that a SCC be issued with requirements to:

- more accurately identify the developable land on the site through the development application stage, particularly in relation to:
 - identifying native vegetation that needs to be conserved, managed and offset;
 - the exclusion of any portion of land containing CEECs, and the conservation and management of native vegetation under the relevant state and commonwealth legislation; and
 - the location of a bushfire asset protection zone in relation to slope constraints;
- require any development application to be supported by a traffic impact assessment; and
- final development layout, design and number of dwellings will be subject to the consent authority being satisfied with the resolution of issues relating to:
 - bulk, scale and built form; and
 - setbacks, landscaping, design and visual amenity.

These matters are to be determined through the assessment of the development application under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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