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Department of Planning  
Received  
1 NOV 2018  
Scanning Room



Minto Planning Services  
Town Planning Consultants

31<sup>st</sup> October 2018

Department of Planning & Environment  
GPO Box 39  
SYDNEY 2001

Attention: Ann-Maree Carruthers

Dear Ann-Maree

**SITE COMPATIBILITY CERTIFICATE - HOUSING FOR SENIORS OR PEOPLE  
WITH A DISABILITY  
GLENHAVEN GARDENS - 140-146 GLENHAVEN ROAD, GLENHAVEN  
REF. NO 15/09805**

I refer to the subject property and to the accompanying Site Compatibility Certificate dated 29<sup>th</sup> April 2016.

As previously discussed a Development Application (DA 64/2018/HC) was submitted to The Hills Shire Council in response to that Certificate. Unfortunately, the application was not determined prior to the expiration of that Certificate resulting in the Council resolving to refuse consent to the Application as per the attached Notice of Determination.

Accordingly, application is hereby made as per the attached documentation for the issuing of a new Site Compatibility Certificate for the subject site and proposed development.

It is advised that the application relates to the same development for which the original SCC was issued and for which development Application was made and subsequently refused.

In support of this application it is emphasised that the proposed 12 independent living units are proposed in association with an existing residential aged care facility. Importantly it is noted that this relationship will provide residents with access to all of the required services without placing a demand on existing external services and requirements.

Your favourable support of this application would therefore be appreciated.

It is requested that should you have any queries regarding this matter that you do not hesitate to contact me to discuss.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'A. Minto', with a stylized flourish at the end.

Andrew Minto  
DIRECTOR





## Planning

### SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 DIRECTOR-GENERAL'S SITE COMPATIBILITY CERTIFICATE APPLICATION

Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Site compatibility application no. \_\_\_\_\_

#### LODGE

##### Instructions to users

This application form is to be completed if you wish to apply to the Director-General of the Department of Planning for a site compatibility certificate under Chapter 3, Part 1A of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP).

A site compatibility certificate is required under section 50(2A) of the Environmental Planning and Assessment Regulation 2000 to accompany development applications for certain proposed developments under the SEPP. The types of development applications to which the Regulation applies are listed in clause 24 of the SEPP.

Before lodging this application, it is recommended that you consult with the Department of Planning concerning your development proposal, including whether a site compatibility certificate is required and what application fee will apply.

To ensure that your application is accepted, you must:

- complete **all** parts of this form, and
- submit **all** relevant information required by this form, and
- provide **3 copies** of this form and attached documentation,
- provide form and documentation in **electronic format** (e.g. CD-ROM).

NB: The Department of Planning may request further information if your application is incomplete or inadequate.

All applications **must be lodged** with the Director-General, by courier or mail. Applications can be lodged with the relevant regional office of the NSW Department of Planning. Please refer to [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) for contact details.

#### PART A — APPLICANT AND SITE DETAILS

##### A1 APPLICANT FOR THE SITE COMPATIBILITY CERTIFICATE

Company/organisation/agency

CHRISTIAN BROTHERS COMMUNITY SERVICES

☐ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

C/- GLENDINNING MINTO

Family name

+ ASSOC. P/L.

Street address

Unit/street no.

P.O. BOX

Street name

225

Suburb or town

THORNLEIGH

State

NSW

Postcode

2120

Postal address  
(or mark 'as  
above')

PO Box or Bag

Suburb or town

State

Postcode

Daytime telephone

9875 4788

Fax

Email

andrew@gnaplaning.com.au

Mobile

##### A2 SITE AND PROPOSED DEVELOPMENT DETAILS

Identify the land you propose to develop and for which you seek the Director-General's site compatibility certificate.

NAME OF PROPOSAL

GLENHAVEN GARDENS

STREET ADDRESS

Unit/street no.

140 - 146

Suburb, town or locality

GLENHAVEN

Street or property name

GLENHAVEN ROAD

Postcode

2156

Local government area

THE HILLS



## NAME OF PROPERTY

GLENHAVEN GARDENS

## REAL PROPERTY DESCRIPTION

LOT 102 DP 1205322



Attach—map and detailed description of land.

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands. Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma to distinguish between each real property description.

DESCRIPTION OF PROPOSED DEVELOPMENT (as it is to appear on the Director-General's certificate) Refer to the proposed site layout by title or drawing number to enable reference in the certificate.

EXPANSION OF EXISTING AGED CARE FACILITY AT 140-146  
GLENHAVEN ROAD, GLENHAVEN AND INVOLVING THE  
CONSTRUCTION OF 12 X SINGLE STOREY VILLAS



Attach—copy of proposed site layout.

**PART B — PROPOSAL'S CONSISTENCY WITH THE SEPP****B1 THE PROPOSED SITE**

Answer the following questions to identify whether the SEPP applies to the land you propose to develop.

1.1. Is the subject site land zoned primarily for urban purposes?

☐ Yes ☒ No

OR

1.2. Is the subject site land adjoining land zoned primarily for urban purposes?

☒ Yes ☐ No



Attach—copy of zoning extract or other evidence of zoning.

If you have answered **no** to **both** questions 1.1 and 1.2, then the SEPP does not apply to the land and a site compatibility certificate will not be issued.

1.3. Are dwelling houses, residential flat buildings, hospitals or special uses permitted on the site?

☒ Yes ☐ No



Attach—copy of development control table.

OR

1.4. Is the land being used for the purposes of an existing registered club?

☐ Yes ☒ No

If you have answered **no** to **both** questions 1.3 and 1.4, then the SEPP does not apply to the land and a site compatibility certificate will not be issued.

1.5. Is the subject site excluded from the application of the SEPP under clause 4(6)—Land to which Policy does not apply?

- Environmentally sensitive land (Schedule 1). ☐ Yes ☒ No
- Land that is zoned for industrial purposes (except Warringah LGA). ☐ Yes ☒ No
- Land in Warringah LGA located in localities identified in clause 4(6)(c) of the SEPP. ☐ Yes ☒ No
- Land to which Sydney Regional Environmental Plan No. 17—Kurnell Peninsula (1989) applies. ☐ Yes ☒ No

If you have answered **yes** to **any** subsection in question 1.5, then the SEPP does not apply to the land and a site compatibility certificate will not be issued.

**SECTION B1 — SUMMARY CHECK**

Continue to fill out this application form **only** if you have answered:

- ☒ Yes to questions 1.1 and 1.2, **and**
- ☒ Yes to questions 1.3 and 1.4, **and**
- ☒ No to **all** subsections in question 1.5.

If you have satisfied the Summary Check—**proceed to Section B2.**

**B2 SITE COMPATIBILITY CERTIFICATE REQUIRED FOR CERTAIN DEVELOPMENT APPLICATIONS**

Identify the reason why you need to apply for a Director-General's site compatibility certificate.

- 2.1. Is the proposed development for the purpose of seniors housing permissible with consent on the land under the zoning of an environmental planning instrument? (See clause 24 [1A].) ☐ Yes ☒ No
- 2.2. Is the proposed development staged development of a kind saved under the savings provisions of the SEPP? (See clause 53.) ☐ Yes ☒ No

If you have answered YES to **either** question 2.1 or question 2.2 your proposal does not require a site compatibility certificate. You can submit your application directly to the relevant local council.

2.3. A site compatibility certificate is required because: (see clause 24[1])

- ☒ the land adjoins land zoned primarily for urban purposes ☒ Yes ☐ No
- ☐ the land is within a zone that is identified as 'special uses' (other than land on which hospitals are permitted) ☐ Yes ☒ No
- ☐ the land is used for the purposes of an existing registered club ☐ Yes ☒ No
- ☐ the proposed development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45. ☐ Yes ☒ No

If you have answered NO to **all** subsections in question 2.3, your proposal does not require a site compatibility certificate.

**SECTION B2 — SUMMARY CHECK**

Continue to fill out the application form **only** if you have answered:

- ☒ No to **both** question 2.1 and question 2.2, and  
☒ Yes to **any** subsection in question 2.3 above.

If you have satisfied the Summary Check—**proceed to Section B3.**

**B3 TYPES OF SENIORS HOUSING**

Does the proposed development include any of the following?

If yes, please indicate in the appropriate space/s provided the number of beds or dwellings that are proposed

- ☐ A residential care facility ☐ Yes ☒ No  Beds
- ☐ A hostel ☐ Yes ☒ No  Dwellings
- ☐ Infill self-care housing (urban only and not dual occupancy) ☐ Yes ☒ No  Dwellings
- ☒ Serviced self-care housing ☒ Yes ☐ No  Dwellings
- ☐ A combination of these ☐ Yes ☐ No  Beds  Dwellings

If you answered **yes** to serviced self-care housing—**proceed to Section B4.** Otherwise—**proceed to Part C.**

**B4 'GATEWAY' FOR SERVICED SELF-CARE HOUSING ON LAND ADJOINING URBAN LAND**

If the proposed development includes serviced self-care housing on land adjoining land zoned primarily for urban purposes, will the housing be provided:

- ☒ for people with a disability? ☒ Yes ☐ No
- ☒ in combination with a residential care facility? ☒ Yes ☐ No
- ☒ as a retirement village within the meaning of the *Retirement Villages Act 1999*? ☒ Yes ☐ No


If you answered **no** to **all** questions in Section B4, it is unlikely that the proposal will satisfy the council when you submit a development application (see clause 17[2] of the SEPP) and also unlikely that a site compatibility certificate would be issued.




**PART C — SITE COMPATIBILITY OF THE PROPOSED DEVELOPMENT**

In this Part, please **attach** documentation to describe the development proposal, its context and strategic justification.


**C1 DEVELOPMENT PROPOSAL INFORMATION****1. CONTEXT**

-  The context for development can be presented through photos, maps at an appropriate scale and written evidence.
- Location, zoning of the site and representation of surrounding uses
  - Description of surrounding environment:
    - built form
    - potential land use conflicts
    - natural environment (including known significant environmental values and resources or hazards)
  - Access to services and facilities and access (clause 26):
    - accessibility and interrelationships with the surrounding area—transport infrastructure and services, accessible pedestrian routes
    - location and description of available shops, banks and other retail and commercial services, community services and recreational facilities, medical facilities
  - Open space and special use provisions (if relevant)
  - Agricultural capability of the site and adjoining land if the proposal affects land not zoned primarily for urban purposes
  - Type, values and significance of native vegetation on site, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003. (nb: separate Guideline available for further information)


**2. PROPOSAL**

-  The proposal can be presented through photos, maps and written evidence
- Description of the proposal including the type(s) of seniors housing proposed including numbers of beds/units, community facilities and any ancillary development
  - Site description—natural elements of the site (including known hazards and constraints)
  - Building envelope—footprint and height relative to adjoining development/uses and indicative layout of proposed uses in relation to adjoining development/uses
  - proposed extent of native vegetation clearing, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003

**3. STRATEGIC JUSTIFICATION**


-  Brief description of the proposed development—10 pages limit
- Relationship with regional and local strategies
  - Public interest reasons for applying for seniors housing in this locality
  - Adequacy of services and infrastructure to meet demand

**4. PRE-LODGE MENT CONSULTATION WITH THE CONSENT AUTHORITY (COUNCIL) AND INFRASTRUCTURE/SERVICE PROVIDERS**

-  Attach evidence of pre-lodgement consultation
- Evidence of consultation
  - Description of and response to issues raised in consultation

Note: Pre-lodgement discussion with the council and with agencies such as the Roads and Traffic Authority, Rural Fire Service and providers of infrastructure and services such as health, community, transport, electricity, water, and sewerage infrastructure and services, will assist in preparation and assessment of your application.

**C2 STATEMENT ADDRESSING SEPP SITE COMPATIBILITY CRITERIA**

 Applicants should provide a statement demonstrating whether the site is suitable for more intensive development and is development for the purposes of seniors housing of the kind proposed in the application compatible with the surrounding environment, having regard to (at least) the following matters for consideration outlined under clause 25(5)(b) of the SEPP:

1. THE NATURAL ENVIRONMENT (INCLUDING KNOWN SIGNIFICANT ENVIRONMENTAL VALUES, RESOURCES, OR HAZARDS), AND THE EXISTING USES AND APPROVED USES OF LAND IN THE VICINITY OF THE PROPOSED DEVELOPMENT.

*\* REFER TO ATTACHED PLANNING REPORT*

2. THE IMPACT THAT THE PROPOSED DEVELOPMENT IS LIKELY TO HAVE ON THE USES THAT ARE LIKELY TO BE THE FUTURE USES OF THE LAND IN THE VICINITY OF THE DEVELOPMENT.

AS ABOVE

3. THE SERVICES AND INFRASTRUCTURE THAT ARE OR WILL BE AVAILABLE TO MEET THE DEMANDS ARISING FROM THE DEVELOPMENT (PARTICULARLY, RETAIL, COMMUNITY, MEDICAL, AND TRANSPORT SERVICES HAVING REGARD TO THE LOCATION AND ACCESS REQUIREMENTS SET OUT IN CLAUSE 26 OF THE SEPP) AND ANY PROPOSED FINANCIAL ARRANGEMENTS FOR INFRASTRUCTURE PROVISION.

AS ABOVE

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 OR SPECIAL USES IN THE VICINITY OF THE DEVELOPMENT.

AS ABOVE

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.

AS ABOVE

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 (NB: THIS CRITERIA DOES NOT APPLY TO LAND IN URBAN LOCAL GOVERNMENT AREAS OR URBAN ZONES LISTED UNDER SCHEDULE 1 OF THE NATIVE VEGETATION ACT 2003).

AS ABOVE

### 03 ADDITIONAL COMMENTS

—



NSW DEPARTMENT OF PLANNING

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004  
DIRECTOR-GENERAL'S SITE COMPATIBILITY CERTIFICATE APPLICATION**PART D - CHECKLIST, PAYMENT AND SIGNATURES****D1 APPLICATION CHECKLIST**

Please check that you have provided all the information required for your application.

I have completed all sections of this application form.

☒ Yes ☐ No

I have attached supporting information. If yes, please check boxes below, as relevant.

☒ Yes ☐ No

- Map and detailed description of land
- A copy of proposed site layout
- A copy of zoning extract or other evidence
- A copy of development control table
- Proposal information - context, proposal and strategic justification
- Additional information or statements against site compatibility criteria (optional)

☒  
☒  
☒  
☒  
☒  
☒

I have addressed the following SEPP site compatibility matters in section C2 of the form.

☒ Yes ☐ No

1. Existing environment and approved uses
2. Impact on future uses
3. Availability of services and infrastructure
4. Impact on open space and special uses provision
5. Impact of the bulk and scale of the proposal
6. Impact on conservation and management of native vegetation

☒  
☒  
☒  
☒  
☒  
☒

I have provided three hard copies of this form and all relevant supporting information

☒ Yes ☐ No

I have provided the application form and supporting information in electronic format

☒ Yes ☐ No

I have enclosed the application fee (see below for details)

☒ Yes ☐ No**D2 APPLICATION FEE**

You are required to pay a fee for the assessment of an application for the Director General's certificate for site compatibility. This fee is based on the estimated number of beds of the SEPP Seniors Housing Facility. The Department may require that you pay a proportion of the total fee with this application. You should consult with the Department before lodging this application to determine the proportion to be paid. The maximum fee payable is \$5000.

Number of beds or dwellings

12 DWELLINGS

Estimated project cost

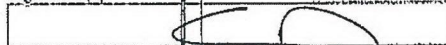
\$2.5 million

**D3 CERTIFICATE APPLICATION AUTHORIZATION**

By signing below, I/we hereby:

- apply, subject to satisfying the relevant requirements under State Environmental Planning Policy ((Housing for Seniors or Persons with a Disability) 2004 for a Director-General's site compatibility application pursuant to clause 50(2A) of the Environmental Planning and Assessment Regulation 2000
- provide a description of the proposed seniors housing development and address all matters required by the Director-General pursuant to clause 25(5)(b) of the State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004
- declare that all information contained within this application is accurate at the time of signing.

Signature(s)



Name(s)

A. M. N. D.

In what capacity are you signing if you are not the owner of the land

TOWN PLANNER

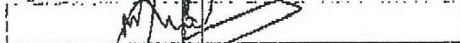
Date

11/6/15

**D4 LANDOWNER'S CONSENT**

As the owner(s) of the land for which the proposed seniors' housing development is located and in signing below, I/we hereby agree to the lodgement of an application for a Director-General's site compatibility certificate.

Signature



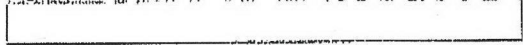
Name

MARTIN A. WATKINS

Date

26 May 2015

Signature



Name

GENERAL MANAGER  
CHRISTIAN BRETHREN COMMUNITY  
SERVICES



## Planning & Environment

Glendinning Minto Pty Ltd  
PO Box 225  
Thornleigh NSW 2150

Our Ref: 15/09805

Attention: Mr Andrew Minto

Dear Mr Minto

**Determination of application for a site compatibility certificate for 140-146  
Glenhaven Road - *State Environmental Planning Policy (Housing for Seniors  
or People with a Disability) 2004***

I refer to your application for a site compatibility certificate under clause 25(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in relation to 140-146 Glenhaven Road, Glenhaven.

As delegate of the Secretary of the Department of Planning and Environment, I have determined the application under clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* by issuing a site compatibility certificate. I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Catherine Van Laeren, Director, Sydney West Region of the Department on 9860 1520.

Yours sincerely

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

29/04/2016

Encl: Site Compatibility Certificate



**State Environmental Planning Policy (Housing for Seniors or People with a Disability)  
2004**

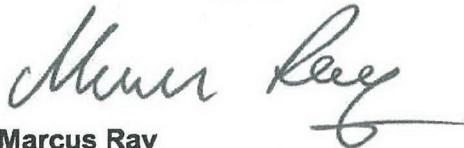
**Certificate of Site Compatibility**

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I, the Deputy Secretary, Planning Services as a Delegate of the Secretary of the Department of Planning and Environment determine the application made by Glendinning Minto Pty Ltd on behalf of Christian Brethren Community Services on 16 June 2015 by issuing this certificate under clause 25(4)(a) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b).



**Marcus Ray  
Deputy Secretary  
Planning Services**

Date certificate issued: *29 April 2016*

**Please note:** This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

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**SCHEDULE 1**

**Site description:** 140-146 Glenhaven Road, Glenhaven, Lot 102 DP 1205322

**Local Governmental Area:** The Hills Shire Council

**Project description:** expansion of the existing aged care facility involving the construction of approximately 12 additional independent living units (villas).

**SCHEDULE 2**

**Application made by:** Glendinning Minto Pty Ltd on behalf of Christian Brethren Community Services

**Requirements imposed on determination:**

Nil



**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**  
3 Columbia Court, Norwest NSW 2153  
PO Box 7064, Norwest 2153  
ABN 25 034 494 656 | DX 9966 Norwest

20 September, 2018

Christian Brethren Community Services  
C/- Minto Planning Services Pty Ltd  
PO Box 225  
THORNLEIGH NSW 2120

Ref No.64/2018/HC  
DAU: 18 September 2018

Dear Sir/Madam

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**  
**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by The Hills Shire Council of the Development Application described below.

<b>APPLICANT:</b>	Christian Brethren Community Services
<b>OWNER:</b>	Christian Brethren Community Services
<b>PROPERTY:</b>	Lot 102 DP 1205322 Glenhaven Gardens Retirement Village, 1A Mills Road, GLENHAVEN NSW 2156
<b>DEVELOPMENT:</b>	A Seniors Living Development consisting of 12 x 3 bedroom Serviced Self Care Single Storey Villas. A two lot Torrens Title Subdivision to separate the existing dwelling from the Glenhaven Gardens Retirement Village.
<b>DECISION:</b>	Refusal
<b>ENDORSED DATE OF REFUSAL:</b>	18 September, 2018

The Development Application has been refused on the following grounds:

1. The proposed development does not adequately address the provisions of Clause 24 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in that a current site compatibility certificate has not been provided and Council, as the consent authority, is not able to grant consent for the development.  
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)



2. The proposed development does not have adequate regard to the Design Principles in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in that the bulk, scale and built form of the development is not compatible with the surrounding large lot low density rural residential development on the north, west and south of the site.  
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)
3. The proposed development is inconsistent with the strategic planning instrument, Central City District Plan Planning Priority C18 which limits urban development within the Metropolitan Rural Area.  
(Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979).
4. The proposed built form is inconsistent with the environment of the surrounding rural area (Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979).
5. The proposed modification is not in the public interest as a result of its departure from the requirements under SEPP (Housing for Seniors or People with a Disability) 2004, inconsistency with the Central City District Plan and submissions received.  
(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979).

#### **Right of Review**

Section 8.2 of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000.

Section 8.2(2) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) A Complying Development Certificate,
- b) Designated Development,
- c) Crown Development (referred to in Division 4.6).

Section 8.3(2) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination or decision:

- a) After the period within which any appeal may be made to the Court has expired if no appeal was made, or
- b) After the Court has disposed of an appeal against the determination or decision.

#### **Right of Appeal**

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court within six (6) months of the endorsed date of determination.

Should you require any further information please contact Cynthia Dugan on 9843 0334

Yours faithfully



Paul Osborne

**MANAGER-DEVELOPMENT ASSESSMENT**

#### **ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION**

## **ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION**

### **PUBLIC NOTIFICATION OF THE DETERMINATION PURSUANT TO ITEM 20(2) (c) AND (d) OF SCHEDULE 1 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

#### **DECISION:**

REFUSAL

#### **DATE OF THE DECISION:**

18 September 2018

#### **REASONS FOR THE DECISION:**

The Development Application has been assessed against the relevant heads of consideration under the following requirements:

- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- Central City District Plan
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No. 55 Remediation of Land
- The Hills Local Environmental Plan 2012
- The Hills Development Control Plan 2012

and is considered unsatisfactory for the reasons outlined in the Notice of Determination.

#### **HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION:**

1. The Development Application was notified in accordance with Section 3.2 and 3.3 of The Hills Shire Development Control Plan 2012 Part A Introduction which outlines the advertising and notification procedure pathways for various forms of development. Three submissions were received during the notification period.
2. Submissions received during the notification period have been considered in the assessment of the Development Application pursuant to Section 4.15(d) of the Act and issues raised warrant refusal of the application.
3. The Development Application has been assessed having regard to Section 4.15(e) of the Act taking into consideration the public interest.





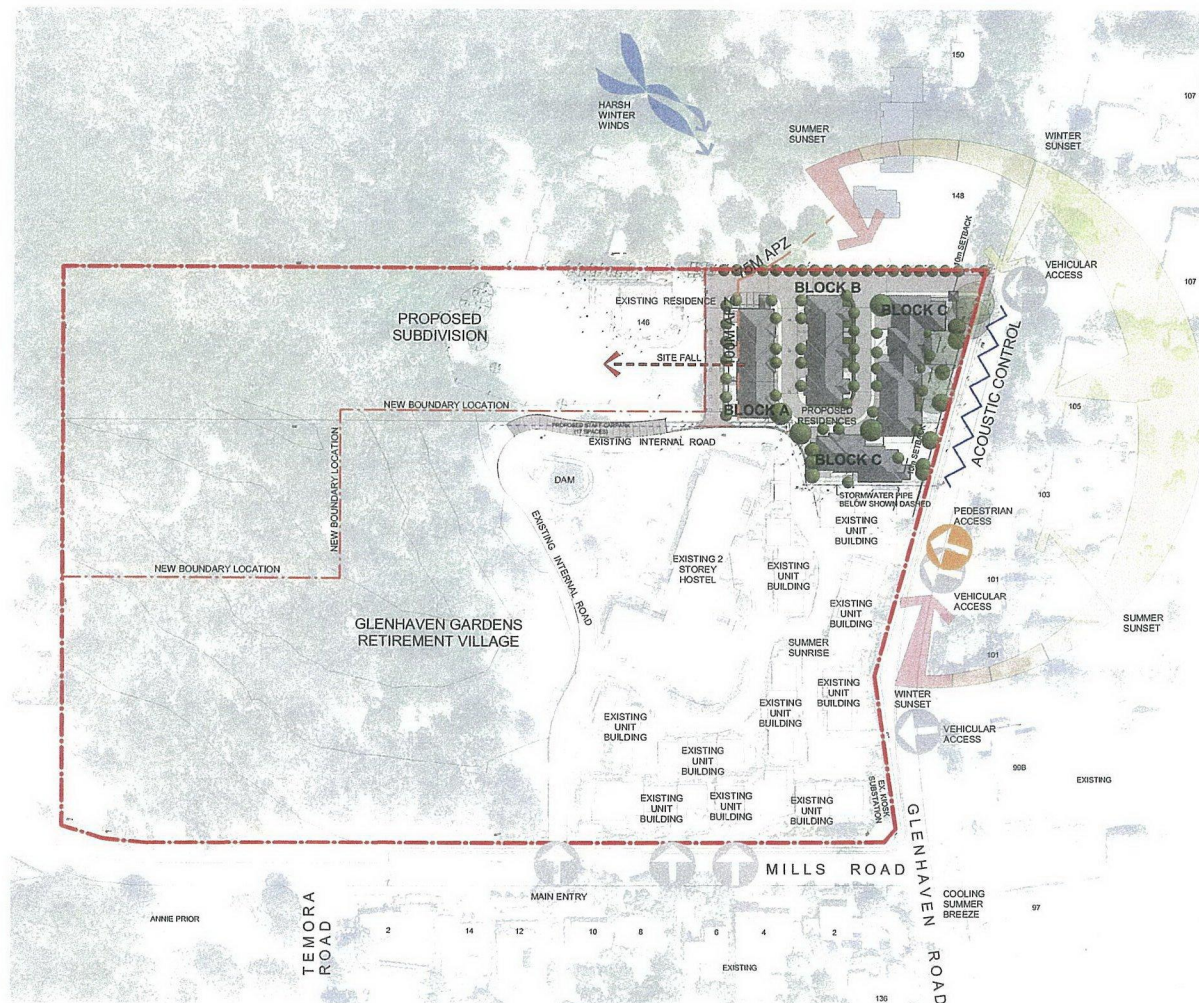
Architectural Drawing Schedule		
Sheet Number	Sheet Name	Current Revision
00	COVER SHEET	1
01	SITE ANALYSIS PLAN	1
02	SITE PLAN	2
03	GROUND FLOOR PLAN	3
04	ROOF PLAN	2
05	ELEVATIONS	2
06	SECTIONS	2
07	SHADOW DIAGRAMS	1
08	FINISHES BOARD	1
09	Schedule Control Plan	1
10	PERSPECTIVES	1

# GLENHAVEN GARDENS

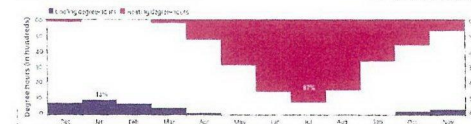
BLOCKS A,B,C+D

DEVELOPMENT APPLICATION  
DECEMBER 2017

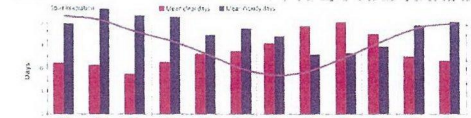




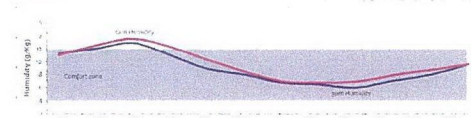
# HEATING AND COOLING DEGREE HOURS



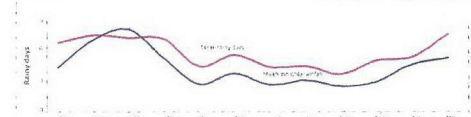
# SKY CONDITIONS



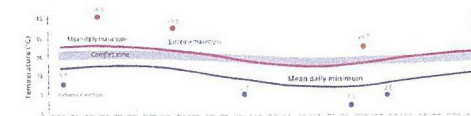
# HUMIDITY



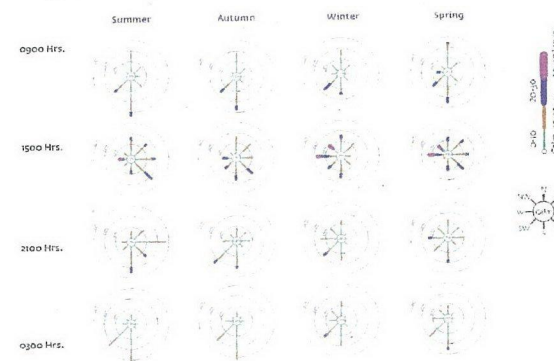
# RAINFALL



# AIR TEMPERATURE



# WIND



1 Site Analysis Plan  
1:1000

DEVELOPMENT  
APPLICATION

Drawing Title  
SITE ANALYSIS PLAN

Project  
GLENHAVEN GARDENS  
at  
140-148 Glenhaven Road, Glenhaven  
for  
Christian Brethren Community Services

Architect  
NBRSARCHITECTURE.  
Sydney  
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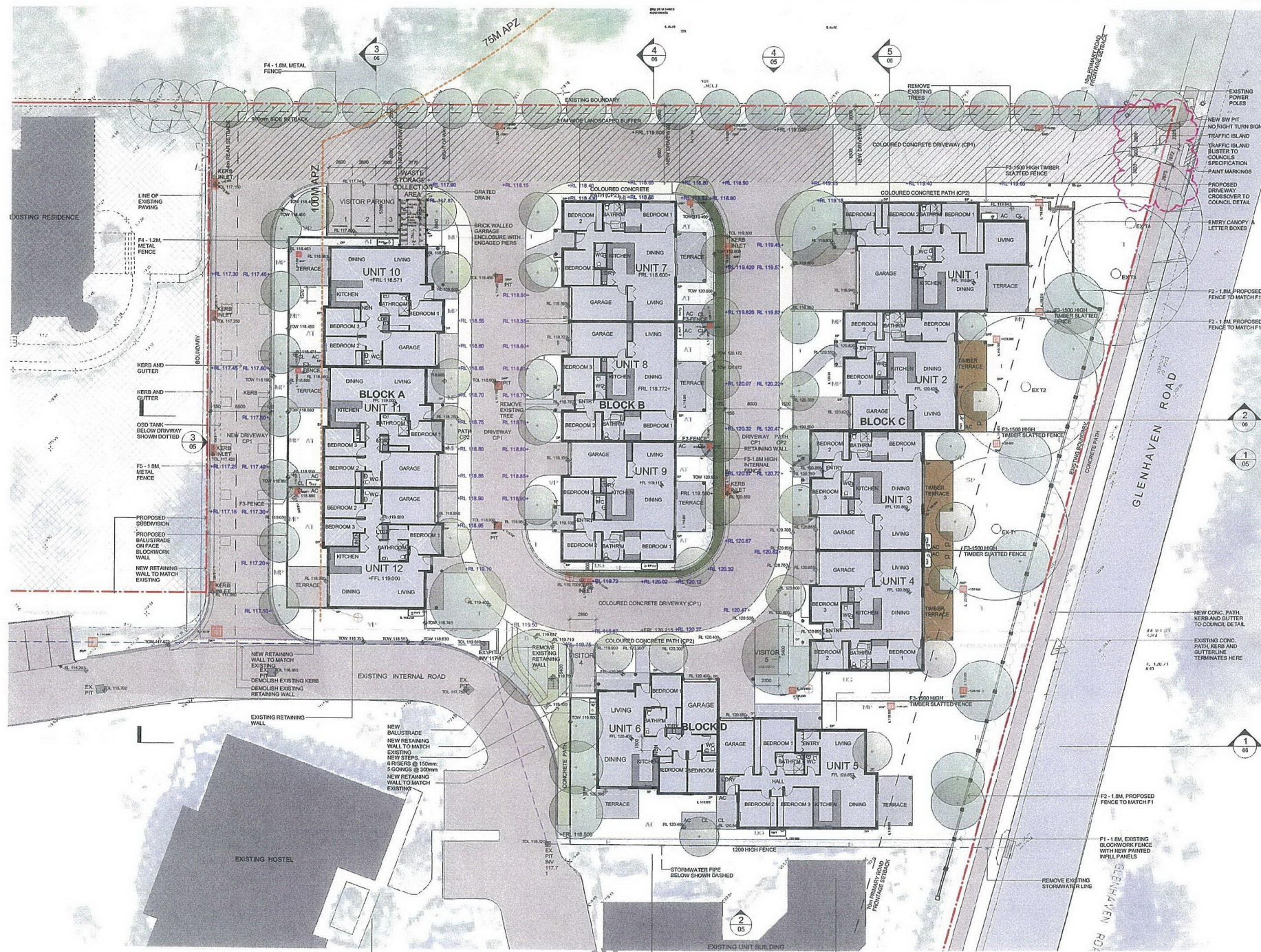
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Scale 100@A1 or 200@A3  
Drawing Reference  
13253-DA-01  
Revision  
1











**WASTE STORAGE & COLLECTION AREA**

RECYCLABLES = 7 x 240L BINS = 1680L  
 GENERAL WASTE = 4 x 240L BINS = 960L  
 GREEN WASTE = 5 x 240L BINS = 1200L

Issue	No.	Date	Description	Check
1	06/05/2017	Development Application	JV	
2	20/05/2017	Basic specification block	JV	
3	21/12/2017	U12 RL's, waste storage, Visitor Parking	JV	
4	21/5/18	Power poles, Traffic Island Water added	JV	
		Driveway Dimension Adjusted	JRK	

**DEVELOPMENT APPLICATION**

Drawing Title  
GROUND FLOOR PLAN

Project  
GLENHAVEN GARDENS

at  
140-146 Glenhaven Road, Glenhaven

for  
Christian Brethren Community Services

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Homestead Architects - Geoffrey Brown 3705, Andrew Duffie 5702, Gary Holdren 5255  
 AIN 16 002 247 555

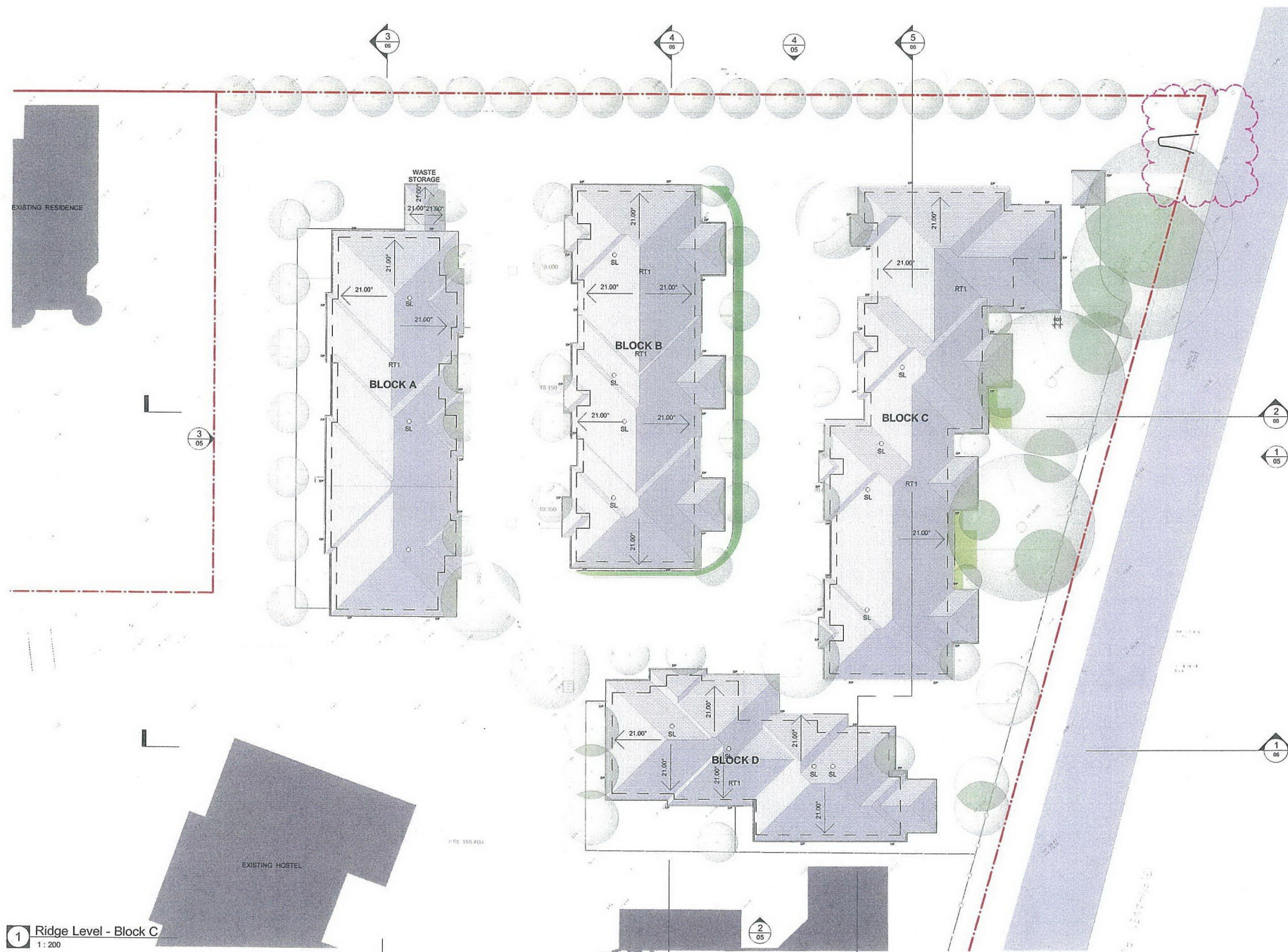
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Drawing Reference  
13253-DA-03

Revision  
4





1 Ridge Level - Block C  
1: 200

Issue	No.	Date	Description	Chd
1	05/06/2017	Development Application	JV	
2	21/12/2017	U12 RL's, waste storage, Visitor Parking, Power poles, Traffic Island added	JV	

DEVELOPMENT  
APPLICATION

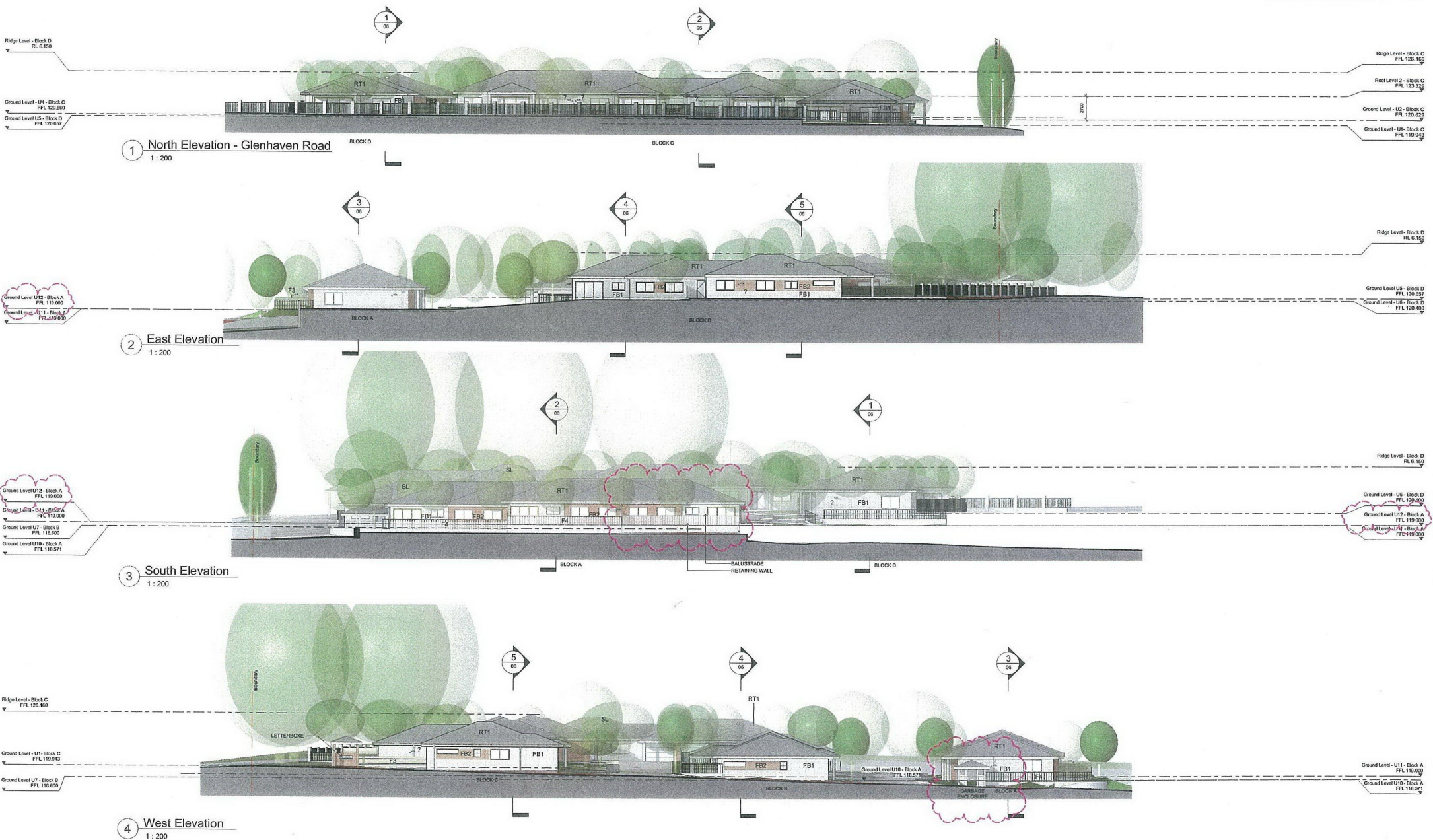
EXISTING UNIT BUILDING  
Drawing Title  
ROOF PLAN

Project  
GLENHAVEN GARDENS  
at  
140-146 Glenhaven Road, Glenhaven  
for  
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Drawing Reference  
13253-DA-04  
Revision  
2





ISSUE	No.	Date	Description	Chkd
1	05/05/2017	Development Application	JV	
2	21/12/2017	U12 R.L.s, waste storage, Visitor Parking, Power poles, Traffic Island blaster added	JV	

- CP1 - Concrete Paving, pigment CCS 'breakdowns'
- CP2 - Concrete Paving, pigment '...
- FB1 - Face Brick BROWN, BRICK GRAYMENTAL SILVER
- FB2 - Face Brick Fawn, BROWN BRICK GERTRUDIS BROWN
- F1 - Existing black perforated fence along all low height grey blockwork, between blockwork gates
- P2 - Fences, Blockwork Piers, to match existing with Textured Painted Acoustic Panel wall, Colour 'TEC'
- F3 - 1200 High timber slatted fences
- F4 - 1200 High pool fence Block
- F5 - 1000 High metal fence
- GUT1WD1 - Gutters/Downpipes, Colorbond 'Gully'
- RT1 - Roof Tile, Monitor 'Schöckh'
- RS - Roller shutter, Colorbond 'Gully'
- WT1 - Windows, Powdercoat Dulux Durability Magnolia.

DEVELOPMENT  
APPLICATION

Drawing Title  
ELEVATIONS

Project  
GLENHAVEN GARDENS  
at  
140-146 Glenhaven Road, Glenhaven  
for  
Christian Brethren Community Services

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Drawing Reference 13253-DA-05  
Revision 2



1 : 200

1 : 200

1 : 200

1 : 200

1 : 200

1 : 200

1 : 200

1 : 200

1 : 200

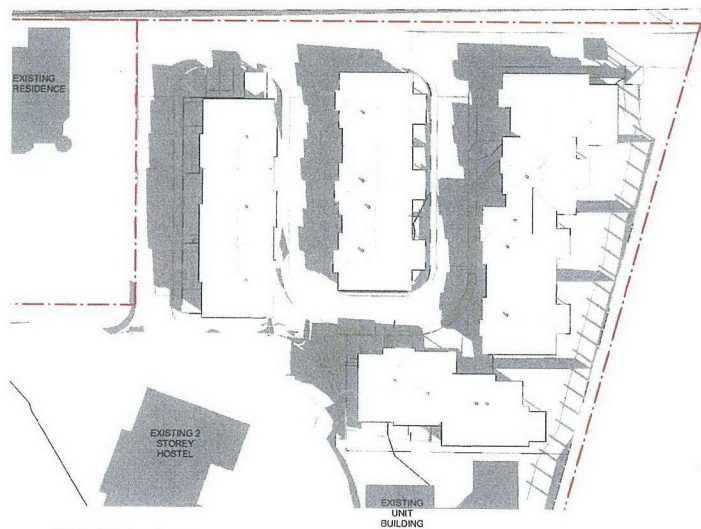
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**DEVELOPMENT  
APPLICATION**

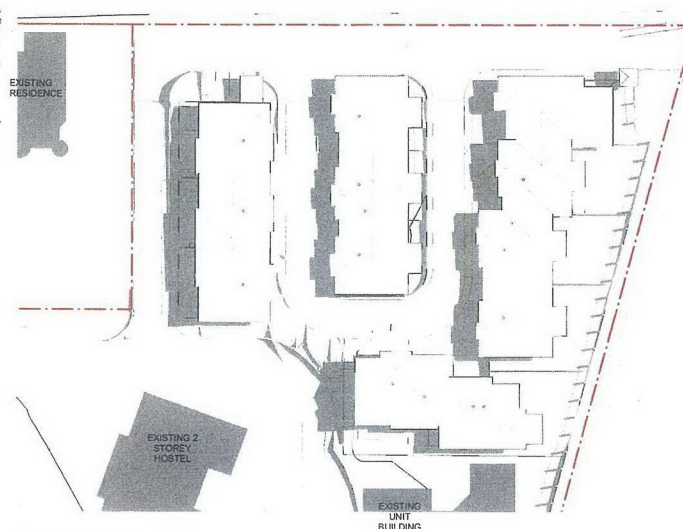
Project  
**GLENHAVEN GARDENS**  
at  
140-146 Glenhaven Road, Glenhaven  
for  
Christian Brethren Community Services

Date 21/12/2017 4:55:50 PM

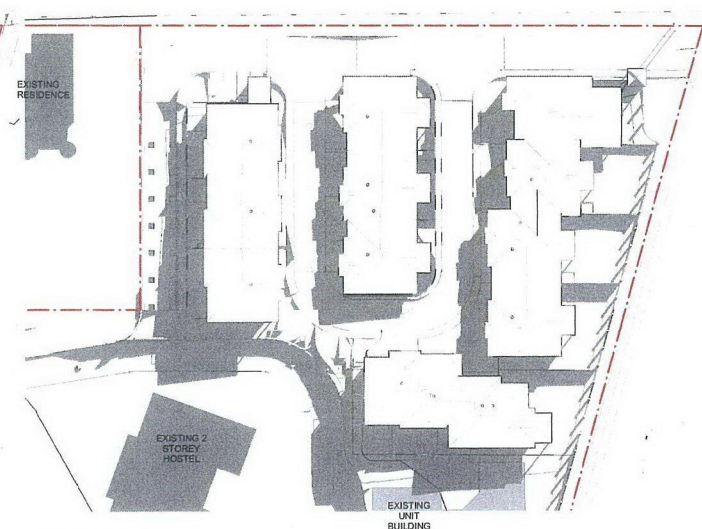
Drawing Reference	Revision
13253-DA-06	2



4 Winter 9am  
1:500



5 Winter 12pm  
1:500



6 Winter 3pm  
1:500

DEVELOPMENT  
APPLICATION

Issue No.	Date	Description	Chd
1	08/05/2017	Development Application	JV

Drawing Title  
SHADOW DIAGRAMS

Project  
GLENHAVEN GARDENS  
at  
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for  
Christian Brethren Community Services

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Notional Architects: Geoffrey Dwyer 2005, Andrew Dwyer 2005, Gary Woodcock 2005  
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Drawing Reference  
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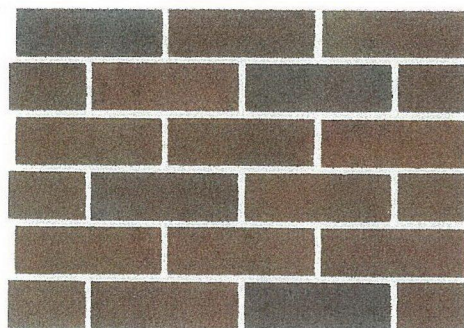
Revision  
1

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20





FB1 - BOWRAL BRICK SIMMENTAL SILVER



FB2 - BOWRAL BRICK GERTRUDIS BROWN



JH HARDIE - ARISTA CLASSIC COLUMNS



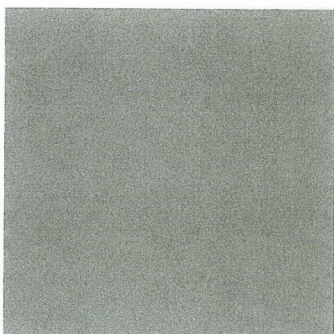
RT1- MONIER CONCRETE TILE  
GEORGIAN - SOHO NIGHT



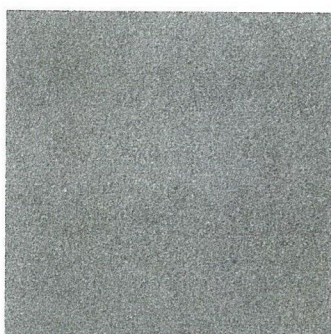
- COLOURED CONCRETE  
PAVEMENT  
- BLACK PALISADE FENCE  
AND GATE



- BLACK PALISADE FENCE ONTOP  
OF LOW HEIGHT GREY  
BLOCKWORK, BETWEEN  
BLOCKWORK PIERS



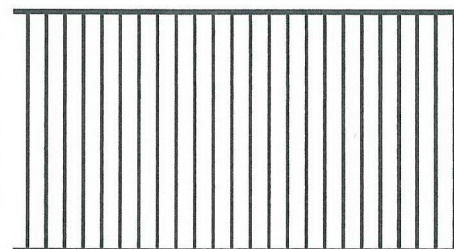
FASCIA, GUTTERS,  
DOWNPIPES  
COLORBOND - GULLY



PAV- GRANITE PAVERS  
SESAME GREY EXFOLIATED



F3- 1500 HIGH TIMBER FENCE



F4- 1200 HIGH STEEL FENCE BLACK



SL- VELUX SUN TUNNEL

ISSUE	No.	Date	Description	Chkd.
1	05/05/2017		Development Application	JV

CP1	- Concrete Paving, pigment CC3 'breasdown'
CP2	- Concrete Paving, pigment CC3 'breasdown'
FB1	- Face Brick, BOWRAL BRICK SIMMENTAL SILVER
FB2	- Face Brick, BOWRAL BRICK GERTRUDIS BROWN
F1	- Existing black palisade fence on top of low height grey blockwork, between blockwork piers
F2	- Fences, Blockwork Piers, to match existing with Textured Painted Acoustic Panel Infill, Colour 'TEC'
F3	- 1500 High timber slatted fence
F4	- 1200 High steel fence Black
F5	- 1500 High timber fence
GUT1	- Gutters/Downpipes, Colorbond 'Gully'
RT1	- Roof Tile, Monier 'Soho Night'
RS	- Roller shutter, Colorbond 'Gully'
WT1	- Windows, Powdercoat Dulux Dazzle Magenta

DEVELOPMENT  
APPLICATION

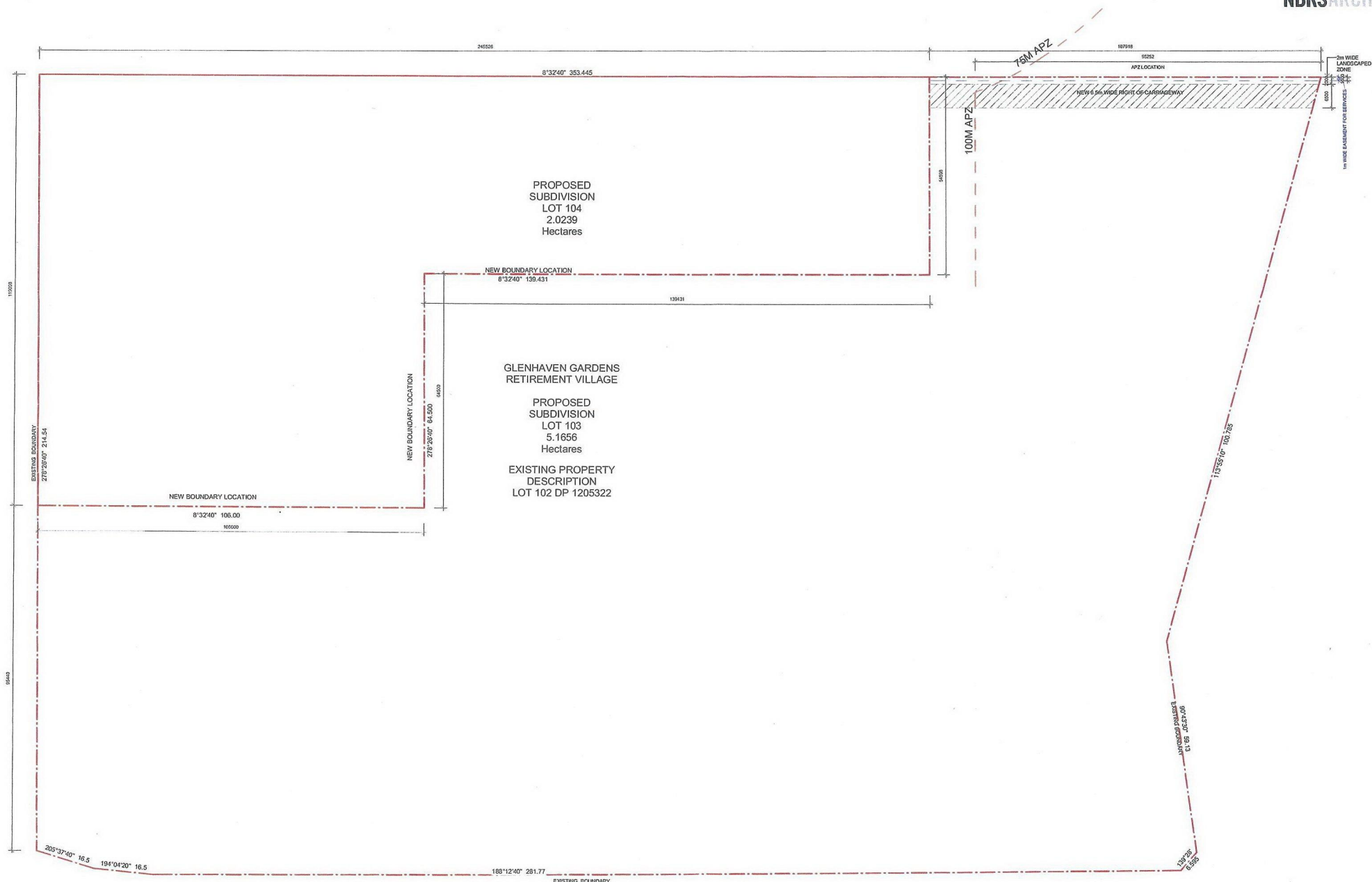
Drawing Title  
FINISHES BOARD

Project  
GLENHAVEN GARDENS  
at  
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for  
Christian Brethren Community Services

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Drawing Reference  
13253-DA-08  
Revision  
1



1 Subdivision Concept Plan  
1:500

ISSUE	No.	Date	Description	Chd	J/V
1	21/12/2017		U12 R/L, waste storage, Visitor Parking, Power poles, Traffic Island Water outlet		
2	21/09/18		Revised DA submission - Right of way relocation, Proposed lot No. Address	ARK	

Legen

**PRELIMINARY ISSUE**  
NOT FOR CONSTRUCTION

Drawing Title  
Subdivision Concept Plan

Project & Client  
GLENHAVEN GARDENS  
at  
140-146 Glenhaven Road, Glenhaven  
for  
Christian Brethren Community  
Services

Architect  
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Horticultural Architects Geoffrey Deane 3765, Andrew Duffin 2002, Garry Hodson 5205

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Drawing Reference  
13253-DA09-2