



Minto Planning Services

Town Planning Consultants

**PLANNING REPORT
SITE COMPATIBILITY CERTIFICATE
PROPOSED HOUSING FOR SENIORS OR PEOPLE
WITH A DISABILITY**

140-146 GLENHAVEN ROAD, GLENHAVEN

**On behalf of
Christian Brethren Community Services**

November 2018

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PLANNING REPORT
SITE COMPATIBILITY CERTIFICATE

PROPOSED HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

140-146 GLENHAVEN ROAD, GLENHAVEN

Prepared under instructions from

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1. INTRODUCTION

This Town Planning Report accompanies an Application lodged with the NSW Department of Planning & Environment for a Site Compatibility Certificate in relation to the expansion of an existing aged car facility pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 upon land identified as Lot 102 in DP 1205322 and known as 140-146 Glenhaven Road, Glenhaven.

By way of background it is advised that the existing facility which is known as Glenhaven Gardens was approved by the Land & Environment Court of NSW on the 13th February 2004 via Proceedings No. 11196 of 2004. The existing facility contains 60 hostel beds, 15 x 2 bedroom villas and 9 x 3 bedroom villas. The existing development comprises of predominantly single storey villas and a two storey hostel building.

The proposal the subject of this application relates to a recently created parcel of land which has consolidated the former 140 Glenhaven Road with the adjoining allotment to the west at 146 Glenhaven Road. The consolidation took place on the 3rd March 2015 and resulted in the creation of Lot 102 in DP 1205322.

This application seeks to expand the existing aged care facility onto the former 146 Glenhaven Road site and seeks approval to construct 12 single storey villa houses upon which will form part of and be integrated with the existing aged car facility.

A pre-DA meeting was held with the Council regarding this proposal at which time the applicant was advised that a revised Certificate of Site Compatibility was required.

It is advised that the need for a Certificate of Site Compatibility arises as a result of the land the subject of this application being zoned RU6 - Transition under the provisions of The Hills Local Environmental Plan 2012 and adjoining land zoned for urban purposes (R2 - Low Density Residential). In such circumstances Clause 24(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 states that:

- (2) *A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:*
 - (a) *the site of the proposed development is suitable for more intensive development, and*
 - (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

In addition to this report the proposal is described in the following documentation:

- Survey Plan prepared by Ian Linton Surveying Services, Dwg No. DWGST13 and dated 21/11/13.
- Arboricultural Impact Assessment prepared by Advanced Treescape Consulting, Job No. JN16-241 and dated 7/12/16.
- Architectural Plans prepared by NBRS Architecture, Drawing Ref No. 13253, DA-01 to 08, Revision 1.
- Access Report prepared by Accessibility Solutions Pty Ltd and dated 14/9/15.
- Bushfire Hazard Assessment Report prepared by Building Code & Bushfire Hazard Solutions, Ref No. 140385B and dated 5/5/17.
- Preliminary BCA Review prepared by NBRS Architecture, Project No. 13253 and dated 20/4/17.
- Landscape Plan prepared by NBRS Architecture, Drawing Ref. No. 13253 LDA01-A to 03-A and dated 08/6/17.
- BASIX Certificate No. 819992M and dated 26/6/17.
- Stormwater Concept Plan prepared by Abel & Brown P/L, Project No. 2658, Revision A and dated November 2016.
- Roadworks Plan prepared by Birzulis, Project No. 6527, Drawing No. C.01 and dated 31/5/17.
- Traffic and Parking Impact Statement prepared by Thompson Stanbury Associates and dated May 2017.
- Hydraulic Services Feasibility Report prepared by Abel & Brown P/L.
- Waste Management Plan prepared by NBRS + Partners and dated 9/6/17.
- Preliminary Cost Plan prepared by Hanna Newman Associates Pty Ltd and dated May 2017.

This Report describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed.

It provides an assessment of the proposed development against the requirements of Clause 25(5)(b) of the SEPP. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the relevant Panel.

2. THE SITE

The site the subject of this application is identified as Lot 102 in DP 1205322 and is known as 140-146 Glenhaven Road, Glenhaven. The property comprises of two lots formerly identified as Lot 101 in DP 1123186 and Lot B in DP 385766 and which have recently been consolidated into a single allotment. The subject property is located on the south western corner of the intersection of Glenhaven Road which forms the northern boundary of the site and Mills Road which forms the sites eastern boundary.



The subject property is an irregular shaped allotment generally rectangular in nature and having a total site area of 71, 8900m² with a width of approximately 214m and an average depth of approximately 315m.

The site is a gently sloping allotment of land having a fall from the front north eastern corner adjacent to the intersection of Glenhaven Road and Mills Road through to the rear southern boundary.

Stormwater from the property is understood to be currently disposed of on-site.

The subject site is currently used for residential purposes and supports a large, modern dwelling house adjacent to its western side boundary (former No.146) and an aged care facility comprising of a total of 60 hostel beds, 15 x 2 bed dwellings and 9 x 3 bed dwellings. The dwellings are single storey structures whilst the hostel occupies two levels. The aged care facility occupies the north eastern portion of the site and comprises land previously identified as 140 Glenhaven Road.

Development of the sites has resulted in an outcome whereby the front (northern half) of the allotment is cleared whilst the southern portion is vegetated with natural bushland.

An ecological assessment of the existing vegetation has been undertaken by Keystone Ecological and forms part of the information accompanying this application. That assessment identified that the vegetation present upon the site is made up of two vegetation types: Sydney Sandstone Gully Forest and Shale Sandstone Transition Forest, the latter being an endangered ecological community (EEC).

The Keystone assessment identified that the vegetation at the rear of the former No. 146 is suffering from severe edge effects, with dead and dying trees, dense infestations of serious weeds and piles of rocks.

Other vegetation of note located upon the property comprises 4 x large Tallowwood trees which traverse the frontage of the former No. 146 and which are proposed to be retained as part of this application.

The subject property is not heritage listed and is not considered to have any heritage significance which would impact upon the proposed development.

Vehicular access to the property is currently provided via Mills Road with secondary emergency egress driveways accessing Glenhaven Road. The proposal will be accessed via the existing driveway crossing for No. 146 and will also be connected with the internal access road for No.140.

The subject site is currently enclosed by rural type fencing largely comprising of post and rail construction.



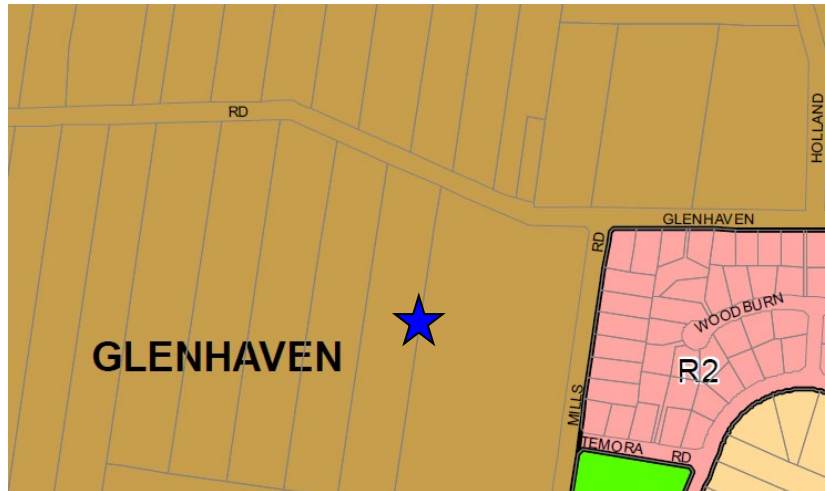
The subject site as viewed from Glenhaven Road



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject property as evidenced from the following extract from The Hills LEP Zoning Map is located on the zone boundary between RU6 - Transition land which comprises land on the western side of Mills Road together with the northern and southern sides of Glenhaven Road (and which includes the subject site) and the land on the eastern side of Mills Road which is zoned R2 - Low Density Residential.



Extract from LEP Zoning Map

Despite the different zonings of the locality the distinction between the lands which comprise each zone is not as significant as one would anticipate. This is as a result of the following factors:

- No.140 already supports a retirement village comprising of 60 x hostel beds located within a two storey built form, 15 x 2 bed villas and 9 x 3 bed villas comprising groups of either 2 or 3 villas.
- The absence of rural or agricultural activities upon adjoining lands.
- The prevalence of large, modern dwelling houses located in relative proximity to the road frontage upon the majority of the nearby RU6 zoned lands, and
- The existence of a large retirement village to the north east of the site.

Development of relevance which is located near the subject site includes a medical centre and local shops and which are within a 1km radius of the site.

The existing facility is provided with a 12 seat mini bus and which is available to take residents on excursions to the shops as well as on social outings. Residents of the proposal will have access to this service.

In addition to the provided mini bus service provided to residents the subject site is located directly adjacent to bus stops which provide to and from services by Route 603 to the Castle Hill Bus Interchange and from where access to the Castle Hill Shopping and Commercial precinct is available.

The character of the surrounding locality is evident in the aerial photograph below.



An aerial view of the subject and adjoining properties

4. THE PROPOSAL

The proposal seeks approval for the erection of twelve (12) x 3 bedroom single storey villas upon the subject site pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The villas will be grouped in clusters of 2, 3 and 4 villas and are to comprise an expansion of the existing Glenhaven Gardens Retirement Village and which is operated by Christian Brethren Community Services.

The proposed buildings are to be of masonry construction and are to have a pitched tiled roof.

The buildings are located upon the front (northern portion) of land formerly known as No.146 Glenhaven Road and which has recently been consolidated with No.140 Glenhaven road so as to form a single allotment.

Access to the development is to be via a common access driveway from Glenhaven Road. The driveway crossing location is consistent with the location of the existing vehicular access to the property from Glenhaven Road. The proposed internal access road will also be connected to the internal access road for the existing retirement village with residents of the proposal having full access to the services and facilities provided as part of the existing facility.

The proposed buildings are to be provided with a 10m setback from Glenhaven Road and a 10m setback from the western side boundary of the site.

The proposed setback areas are to be appropriately landscaped.

Construction of the proposed development will not involve the removal or impact upon any of the sites existing vegetation and which most notably comprises of 4 large eucalypt trees which traverse the front property boundary.

The indicative development indices associated with the proposal are detailed below:

Site Area:	71,896m²
Existing Floor Area:	8,151m²
Proposed Floor Area:	10,225m²
Proposed Floor Space Ratio:	0.142:1
Landscape Area:	54,907m² or 76.4%
Deep Soil Area:	54,907m² or 76.4%

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as Integrated development which is permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and SEPP (Housing for Seniors or People with a Disability) 2004. Consent is also required from the NSW Rural Fire Service under Section 100B of the Rural Fires Act.

The following is an assessment of the proposal against the relevant provisions of the Act, the SEPP (Housing for Seniors and People with a Disability) and all of the relevant planning instruments and policies of The Hills Shire Council.

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

Background

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) came into effect on the 31st March 2004 and replaced the previous State Environmental Planning Policy (SEPP) No. 5 - Housing for Older People or People with a Disability.

The aim of this policy is to:

- (a) *Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *Make efficient use of existing infrastructure and services, and*
- (c) *Be of good design.*

The policy allows for the provision of this form of housing on land zoned for urban purposes or upon land adjoining land zoned for urban purposes. The subject land is zoned RU6 - Transition under the Hills Local Environmental Plan 2012 and adjoins land zoned R2 - Low Density Residential. The proposal is therefore considered to satisfy the definition of land adjoining land zoned for urban purposes under Clause 4(4) of the SEPP.

Clause 24(1)(a)(i) of the SEPP applies to land adjoining land zoned for residential purposes and requires the obtaining of a Site Compatibility Certificate.

Clause 24(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 states that:

- (2) *A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panels' opinion:*

- (a) *the site of the proposed development is suitable for more intensive development, and*
- (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25(5)(b).*

This application is provided in response to the above requirements.

Clause 13 - Self-contained dwellings

The subject application proposes development of part of the subject site for a purpose defined under the SEPP as being ‘serviced self-care housing’ and which is defined as:

***serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care*

and where a ‘self contained dwelling’ is defined as;

a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing

The subject application provides for a total of twelve (12) self contained dwellings which satisfy these definitions.

Clause 17 - Development on land adjoining land zoned primarily for urban purposes

In accordance with the requirements of this clause it is advised that the proposal does provide for serviced self-care housing and the housing will be suitable for occupation for people with a disability.

A detailed Accessibility Report demonstrating compliance will be prepared and submitted as part of the Development Application.

Clause 21 - Subdivision

Clause 21 of the SEPP permits land on which development has been carried out under this chapter to be subdivided with the consent of the consent authority.

The proposal does not seek to undertake any form of subdivision.

Heritage Conservation Areas & Heritage Items

Clause 22 - Heritage Conservation Areas & Heritage Items

Clause 22 of the SEPP requires referral of an application proposed to be carried out in a heritage conservation area or within the vicinity of a heritage item having State significance to the Heritage Council of NSW.

In this regard Council's Heritage Map indicates that neither the subject or adjoining sites are identified as heritage items nor are they located in a Heritage Conservation Area.



Extract from Council Heritage Map

Part 2 - Site Related Requirements

Clause 26 - Location and Access to Facilities

Clause 26(1) provides that Council must be satisfied by written evidence that residents of the proposed development will have access (in accordance with subclause 2) to:

- "a. shops, banks and other retail and commercial services that residents may reasonably require, and
- b. community services and recreation facilities, and
- c. the practice of a general medical practitioner."

In this regard the SEPP defines “access” at Clause 26(2).

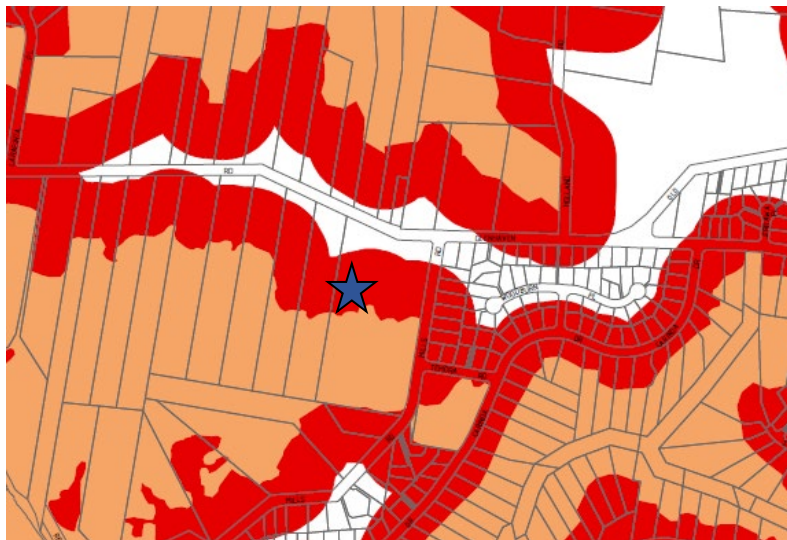
The subject site is located directly adjacent to bus stops located within Mills Road and which comply with the applicable accessibility requirements. The bus stops are serviced by Route 603 which connects with the Castle Hill Bus Interchange and from where access to the Castle Hill Shopping and Commercial precinct is available.

An Access Report demonstrating compliance will form part of the information accompanying the Development Application.

The existing facility is provided with a 12 seat mini bus and which is available to take residents on excursions to the shops as well as on social outings. Residents of the proposal will have access to this service.

The proposal is therefore considered to satisfy the requirements of Clause 26 of the SEPP.

Clause 27 - Bushfire Prone Land



Extract from Council Bushfire Prone Land Map

The subject site contains both Bushfire Prone Land and Bushfire Vegetation Buffer.

In such circumstances the proposal is categorised as a Special Fire Protection Purpose and requires the issuing by the NSW Rural Fire Service of a Section 100B Authority.

As such a Bushfire Hazard Assessment Report has been prepared for the site by Building Code & Bushfire Hazard Solutions P/L and forms part of the information accompanying this application.

It is considered based upon the findings of that report that there would be no impediment to the granting of a Section 100B Authority by the RFS at the appropriate time.

Clause 28 - Water & Sewer

It is advised that water and sewer is currently available to the subject site as detailed within the accompanying Hydraulic Services Feasibility Report prepared by Abel & Brown P/L.

Based upon the findings of that report and which notes that minor on-site augmentation works will be required it is considered that appropriate water and sewer services will be available to the development.

Part 3 - Design Requirements

Clause 30 - Site Analysis

Clause 30 provides as follows;

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.*
- (2) A site analysis must;*
 - (a) contain information, where appropriate, about the site and its surrounds as described in subclauses (3) and (4), and*
 - (b) be accompanied by a written statement (supported by plans including drawings of section and elevations, and in the case of the proposed development on land adjoining land zoned primarily for urban purposes, and aerial photograph of the site):*
 - (i) explaining how the design of the proposed development has regard to the site analysis, and*
 - (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.*

A detailed site plan has been prepared by NBRS & Partners and forms part of the plans accompanying this application. The site plan should be read in conjunction with the site survey. It is considered that these documents when read in conjunction with this Planning Report and the remaining supporting documentation satisfy the requirements of Clause 30 of the SEPP.

Clause 32 - Design of Residential Development

Clause 32 of the SEPP requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles.

Neighbourhood Amenity & Streetscape

The proposal has been designed so as to provide an amenity and streetscape which is responsive to both the rural character of the subject site and adjoining lands to the north and west together with the adjoining low density residential lands located to the east of the site.

In this regard the proposal seeks to provide for a 10m setback for development from Glenhaven Road and a 10m setback from the western side boundary in accordance with the requirements of Councils Rural Lands DCP.

In all instances the proposed setbacks are to comprise vegetative screening comprising of both existing retained vegetation and new replenishment vegetation.

In addition to the proposed setbacks the proposal seeks to provide for a low scale of development comprising of single storey villas. The dwellings will be of a modern design with pitched roofs and will be compatible with surrounding built forms.

Access to the site is proposed to be via a single entry point from Glenhaven Road and which is consistent with the location of the existing driveway.

It is considered that the proposed buildings will be provided with appropriate separation from surrounding dwellings which will allow for appropriate levels of amenity to be retained by those dwellings as well as providing appropriate amenity for the future residents of the development.

As previously detailed the proposal will retain significant tree species located on the site which will assist in maintaining the existing landscape character of the locality. In addition a Landscape Plan is proposed which will identify additional plantings, including screen planting and canopy trees, to be provided on site to enhance the landscape character of this development.

In my view the proposal will result in a development that will be of a form and scale compatible with the existing character of this location.

Visual and Acoustic Privacy

The development has been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. In this regard it is considered that the development will provide future residents with a private and quiet living environment.

This has primarily been achieved through the provision of generous setbacks particularly from the front, side and rear boundaries together with the retention of the majority of the sites existing vegetation.

In terms of internal visual privacy for future occupants of this development, measures such as window placement and the provision of landscaping and courtyard fencing have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents.

Solar Access and Design for Climate

The SEPP requires that the design of the proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.

As a result of the orientation of the site, the setbacks and the single storey built form it is considered that the proposal will not result in any unreasonable overshadowing of the adjoining properties.

In relation to the provision of appropriate solar access to the future residents of the development it is considered that the dwelling design and orientation will ensure compliance with this requirement.

It is considered that the proposed development satisfies the requirements of this design element.

Stormwater

The proposal will provide for the detailed management of stormwater from the site. In this regard a Stormwater Management Plan will be prepared for the site consistent with both the requirements of Council and BASIX. In this regard the proposal will typically provide for rainwater re-use tanks for each dwelling with retained water to be used for toilet flushing, washing machines and garden watering consistent with the requirements of BASIX with any overflow from the system being directed to the existing on-site detention system which discharges into the existing drainage easement located upon the site.

Appropriate pollution control devices will be incorporated into the design of the proposal to prevent pollutants from the internal road system entering the drainage system.

Crime Prevention

The occupants of the development will be provided with a secure living environment. Appropriate lighting and security measures will be incorporated into the construction of the development.

Each dwelling is also provided with a secure courtyard/terrace area.

Accessibility

The proposal has been designed so that each dwelling will be accessible by a wheelchair bound person via suitably graded pathways.

Each dwelling has also been designed so as to provide for a bedroom and all essential facilities capable of satisfying the applicable Australian Standards.

The site is also considered to be provided with appropriate vehicular and pedestrian access.

Waste Management

At this time it is proposed that each dwelling will be provided with an area suitable for the storage of individual waste and recycling receptacles and which would in turn be serviced on the site by Council's designated waste contractor.

The proposal is therefore considered to be capable of satisfying the requirements of Clause 32 of the SEPP.

Part 4 - Development Standards

Clause 40 - Development Standards - minimum sizes and building height

Clause 40 (1) provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this Clause.

Clause	Standard	Proposal	Compliance
Clause 40(2) - Lot Size	Minimum 1000m ²	Site Area: 71,896m ²	Yes
Clause 40(3) - Site Frontage	Minimum 20m measured at the building line.	214.51m	Yes
Clause 40(4) - Height in zones where residential flat buildings are not permitted	(a) 8 metres or less (b) No more than 2 storeys adjacent to a boundary (c) Max. 1 storey in rear 25% of site	Refer to plans. The proposal provides for single storey dwellings.	(a) - Yes (b) - Yes (c) - Yes

Clause 41 - Self-contained dwellings - standards concerning access and useability

Clause 41 of the SEPP states:

- 41. A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

The proposal will be designed so as to comply with the requirements of this Clause.

Part 5 - Development on land adjoining land zoned primarily for urban purposes

Clause 42 - Serviced self-care housing

Clause 42 of the SEPP states that:

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:*

- (a) home delivered meals, and*
 - (b) personal care and home nursing, and*
 - (c) assistance with housework.*
- (2) For the purposes of sub clause (1), residents of a proposed development do not have reasonable access to the services referred to in sub clause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).*

In response to the requirements of this clause it is advised that residents of the proposal will have access to meals and nursing care which are currently provided upon the site via the existing Carinya House Hostel.

Clause 43 - Transport services to local centres

In accordance with the requirements of this clause a bus capable of carrying at least 10 passengers is currently provided to the existing residents of the site and will also be made available to the future residents of the proposal. The mini bus will be available to provide residents with access in accordance with the following:

- (a) that will drop off and pick up passengers at a local centre that provides residents with access to the following:*
 - (i) shops, bank service providers and other retail and commercial services that residents may reasonably require,*
 - (ii) community services and recreation facilities,*
 - (iii) the practice of a general medical practitioner, and*
- (b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.*

Clause 44 - Availability of facilities and services

It is advised that all services associated with the development are currently provided upon the site and will be available for future residents of the proposal when the development is ready for occupation.

Division 4 - Self contained dwellings**Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings**

This clause provides additional standards for self contained dwellings which are summarised below:

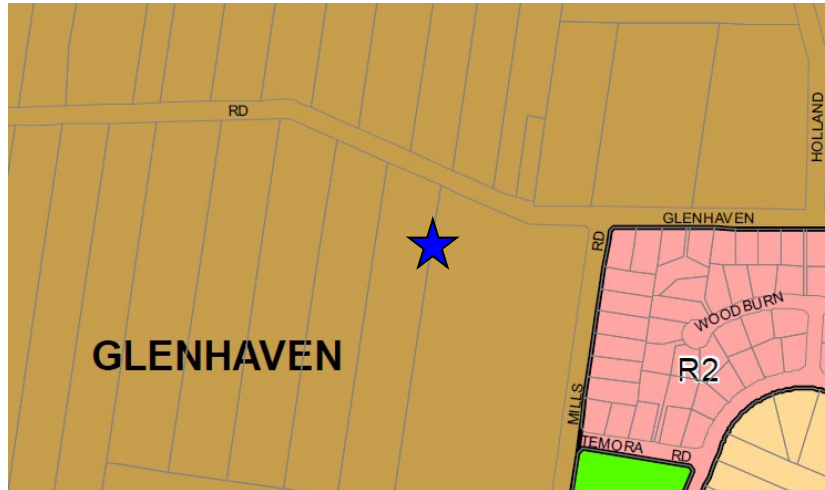
Clause	Standard	Proposal	Compliance
Clause 50(a) - Building Height	Buildings not to exceed 8.0m in height	Refer to plans. All dwellings are single storey and less than 6m in height.	Yes
Clause 50(b) - Density and Scale	Floor Space Ratio not to exceed 0.5:1	0.142:1	Yes
Clause 50(c) - Landscaped Area	30% of site area to be landscaped	76.4%	Yes
Clause 50(d) - Deep Soil Zones	15% of the site area with 10% preferably at the rear	76.4%	Yes
Clause 50(e) - Solar Access	70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	Refer to plans	Yes
Clause 50(f) - Private Open Space	15m ² of private open space per dwelling	Refer to plans	Yes. All dwellings are provided with in excess of 15m ² of private open space.
Clause 50(h) - Parking	0.5 spaces per bedroom (36 bedrooms - 18 car spaces)	The proposal is provided with a total of 18 car spaces.	Yes

Summary

Based upon the responses above it is my opinion that the proposed development of the subject site as serviced self-care housing and which involves the erection of 12 single storey villa dwelling houses is capable of complying with the requirements of this SEPP.

5.2 The Hills Local Environmental Plan 2012

The subject land is zoned RU6 - Transition under the provisions of The Hills Local Environmental Plan 2012.



Extract of Council Zoning Map

Under the RU6 zone the use of land for the purpose of Housing for Seniors or People with a Disability is prohibited.

The proposal therefore relies upon SEPP (Housing for Seniors or People with a Disability) 2004 for its permissibility.

As detailed in the following extract of the zoning table for the RU6 zone dwelling houses together with a range of other uses are permissible upon the site.

Zone RU6 Transition

1 Objectives of zone

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

2 Permitted without consent

Bed and breakfast accommodation; Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cemeteries; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Notwithstanding the proposed development being prohibited under the LEP the following is an assessment of the proposal against the relevant provisions of the LEP which would otherwise apply to the subject site.

Clause 4.3 - Height of Buildings

Under Clause 4.3 of the LEP the subject site is located within the “K” Height Zone and as such is subject to a maximum building height of 10m.

The proposal provides for single storey buildings which would typically have a building height of 6m and which would comply with this requirement.



Extract from Council Height Map

Clause 4.4 - Floor Space Ratio

The subject site is not subject to an FSR control.

Clause 5.9 - Preservation of Trees or Vegetation

The proposal seeks to retain any significant vegetation located upon the property.

It is also noted that the proposal will provide for the planting of significant replenishment vegetation particularly around the perimeter of the site including the front setback area and which already supports 4 x large and significant trees.

Clause 5.10 - Heritage Conservation

The subject site is not heritage listed and is not located adjacent to a heritage item or within a heritage conservation area.

Clause 6.1 - Acid Sulfate Soils

The subject site is not identified on Council's Acid Sulfate Soils Map as containing acid sulphate soils and as such is not subject to the requirements of this provision.

Clause 7.4 - Biodiversity (Terrestrial)

Development of the sites has resulted in an outcome whereby the front (northern half) of the allotment is cleared whilst the southern portion is vegetated with natural bushland.

An ecological assessment of the existing vegetation has been undertaken by Keystone Ecological and forms part of the information accompanying this application. That assessment identified that the vegetation present upon the site is made up of two vegetation types: Sydney Sandstone Gully Forest and Shale Sandstone Transition Forest, the latter being an endangered ecological community (EEC).

The Keystone assessment identified that the vegetation at the rear of the former No. 146 is suffering from severe edge effects, with dead and dying trees, dense infestations of serious weeds and piles of rocks.

In terms of the potential impact of the proposal upon the existing vegetation the Keystone report found that:

The latest proposal will have no direct impact on any threatened species, endangered populations, endangered ecological communities or their habitats that have been established to occur to the south and west.

Potential indirect impacts such as stormwater runoff and mobilization of soil are also unlikely to occur due to the distance from the works. Moreover, these impacts are routinely controlled by the implementation of standard stormwater management and sediment and erosion controls.

It is therefore concluded that no further consideration of potential ecological impacts are required.



Extract from Council Biodiversity Map

There are no other provisions of The Hills Local Environmental Plan which it is considered are relevant to the proposal.

The proposal is therefore considered to be capable of satisfying the requirements of The Hills Local Environmental Plan 2012 excluding permissibility.

5.3 The Hills Development Control Plan

The Hills DCP would ordinarily apply to development permitted under the LEP.

Notwithstanding that the proposal is prohibited under the LEP the following is an assessment of the proposal against the key provisions of the DCP.

Part B Section 1 - Rural

Clause 3.2 - Site Coverage

For sites having a site area greater than 40 hectares a maximum site coverage of 25% of the land area or 5,000m² (whichever is the lesser) is required.

The proposal results in a site coverage of 23.6% which complies with this requirement.

Clause 3.3 - Building Setbacks

The DCP requires that a minimum setback of 10m is provided from the front boundary and 5m from a side boundary.

The proposal is provided with a minimum setback from the front boundary of 10m which complies with the requirements of this clause. A setback of 10m is provided from the western side boundary which also complies with the requirements of this clause.

The proposal is therefore considered to comply with the key applicable prescriptive requirements of The Hills DCP.

5.4 - State Environmental Planning Policy No. 55 - Remediation of Land

In accordance with Clause 7 of the SEPP an assessment of the site to determine the presence of contamination will be required to be undertaken as part of any future Development Application.

6. CLAUSE 25 - APPLICATION FOR SITE COMPATIBILITY CERTIFICATE

The following is an assessment of the proposal against the applicable requirements of Clause 25 of the SEPP.

Sub-clause (2A) - Next to proximate site land

It is understood that the subject site is not located within 1 kilometre of 2 or more parcels of land where there is a current site compatibility certificate or an existing application for a site compatibility certificate.

Sub-clause (2C) - Cumulative impact study

Given that the subject site is not located within 1 kilometre of 2 or more parcels of land where there is a current site compatibility certificate or an existing application for a site compatibility certificate, a cumulative impact study is not considered to be warranted in this instance.

Sub-clause (5) - Impact Assessment

- (5) *The relevant panel must not issue a site compatibility certificate unless the relevant panel:*
- (a) *has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and*
 - (b) *is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
 - (i) *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,*

Comment

The subject site is currently zoned RU6 - Transition under The Hills LEP 2012. The subject site is currently used for residential purposes and supports a large, modern dwelling house adjacent to its western side boundary (former No.146) and an aged care facility comprising of a total of 60 hostel beds, 15 x 2 bed dwellings and 9 x 3 bed dwellings. The dwellings are single storey structures whilst the hostel occupies two levels. The aged care facility occupies the north eastern portion of the site and comprises land previously identified as 140 Glenhaven Road.

Development of the sites has resulted in an outcome whereby the front (northern half) of the allotment is cleared whilst the southern portion is vegetated with natural bushland.

An ecological assessment of the existing vegetation has been undertaken by Keystone Ecological and forms part of the information accompanying this application. That assessment identified that the vegetation present upon the site is made up of two vegetation types: Sydney Sandstone Gully Forest and Shale Sandstone Transition Forest, the latter being an endangered ecological community (EEC).

The Keystone assessment identified that the vegetation at the rear of the former No. 146 is suffering from severe edge effects, with dead and dying trees, dense infestations of serious weeds and piles of rocks.

In terms of the potential impact of the proposal upon the existing vegetation the Keystone report found that:

The latest proposal will have no direct impact on any threatened species, endangered populations, endangered ecological communities or their habitats that have been established to occur to the south and west.

Potential indirect impacts such as stormwater runoff and mobilization of soil are also unlikely to occur due to the distance from the works. Moreover, these impacts are routinely controlled by the implementation of standard stormwater management and sediment and erosion controls.

It is therefore concluded that no further consideration of potential ecological impacts are required.

In relation to the proposals relationship to its surrounding built form the subject property as evidenced from the following extract from The Hills LEP Zoning Map is located on the zone boundary between RU6 - Transition zone and which comprises land on the western side of Mills Road and the land on the eastern side of Mills Road and which is zoned R2 - Low Density Residential.



Extract from The Hills LEP Zoning Map

As a consequence it is acknowledged that there would ordinarily be a distinction in character of the lands located on either side of Mills Road. In this instance however the degree of difference is significantly reduced as a result of the existing retirement village which exists upon the former No. 140 and which comprises of predominantly single storey villa development.

It is considered that the existence of the existing retirement village significantly reduces the difference which would normally occur between the scale and density of development within the two zones. In this regard to the lay person the existing retirement village would appear to be a continuum of the low density zone onto the western side of Mills Road.

In relation to the proposed development it is considered that the development proposed by this application as a result of features such as the provision of landscaped setbacks and a single storey built form comprising villa houses will provide for an appropriate transition between both the RU6 and R2 zoned lands and a compatible land use and built form outcome.

- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,*

Comment

The subject land is currently zoned RU6 - Transition.

The portion of the site the subject of this application is currently utilized for the purpose of rural residential development. As previously identified the site also supports an existing retirement village upon the former No.140.

It is therefore considered that the proposed use of the site as proposed is consistent with surrounding development and the objectives of the Ru6 zone.

It is also considered that it is unlikely that the land would fulfill any designated agricultural purpose in the future.

- (iii) *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,*

Comment

The site is located directly adjacent to bus stops located on either side of Mills Road which are serviced by regular bus services providing access to the Castle Hills Bus Interchange and Castle Hill Shopping & Commercial precinct.

At each of these locations residents are able to access a wide range of commercial and retail services and facilities.

In addition to the above and consistent with the requirements of the SEPP the proposal is provided with a 12 seat mini-bus which will be available to take residents to shops and services as well as on day trips. Access will also be provided services such as meals, cleaning services, personal care and nursing care should they be required by residents via Carinya House Hostel which currently exists upon the site.

On this basis it is my opinion that residents of the proposed development will be provided with appropriate access to the required shops and services.

- (iv) *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,*

Comment

The subject site is not zoned open space or special uses.

- (v) *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,*

Comment

It is my opinion that the proposal is of a height, bulk and scale commensurate with a transitional site situated on the interface between rural zoned lands and a low density environment. This has primarily been achieved through the provision of appropriate setbacks to the site boundaries and which are proposed to be landscaped together with the provision of a built form comprising of single storey villa houses.

- (vi) *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.*

Comment

The proposal does not require the clearing of native vegetation subject to the requirements of Section 12 of the Native Vegetation Act 2003.

It is therefore my opinion based upon this assessment that the subject site is suitable for the development as proposed.

7. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned RU6 - Transition under the provisions of The Hills Local Environmental Plan 2012. The subject site is located adjacent to land zoned for urban purposes and as such is only permitted to be used for housing for seniors or people with a disability upon issue by the Director General of the Department of Planning of a Site compatibility Certificate pursuant to Clauses 24 & 25 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The proposal has been assessed against the objectives and all of the provisions of SEPP (Housing for Seniors and People with a Disability) 2004 and The Hills LEP 2012 together with Council's DCP as detailed within this report. The proposal is considered to satisfy the requirements of these documents and in my opinion is worthy of support.

There are no other environmental planning instruments or draft environmental planning instruments, which are applicable to the proposal.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area. The proposal will provide for 12 additional dwellings upon the site designed specifically for seniors or people with a disability in a location considered suitable for this form of development.

It is my opinion based upon this report and the previous Development Consent granted for the site that the proposal will not result in any unreasonable impacts upon adjoining properties or the streetscape.

This is particularly the case in relation to existing vegetation, bushfire threat and threatened species.

Similarly it is considered that the proposal will not result in any unreasonable impacts upon the adjoining properties or upon the character of the surrounding locality.

Suitability of the Site - Section 4.15(1)(c)

It is considered that the suitability of the site for this form of development has previously been demonstrated by the granting of Development Consent for the existing retirement village which exists upon the site.

In this respect it is considered that in the absence of any detrimental impacts associated with this proposal that the subject land is suitable for the proposed development.

Public Interest - Section 4.15(1)(e)

The proposed development is considered to be in the public interest as it seeks to provide a much needed form of housing specifically designed for the areas older and disabled population in a built form which does not result in any unreasonable detrimental impacts.

8. CONCLUSION

In conclusion it is considered that this report and the supporting documentation have demonstrated that the subject site is worthy of the granting by the relevant Panel of a Site Compatibility Certificate pursuant to Clauses 24 & 25 of SEPP (Housing for Seniors or People with a Disability) for the construction of 12 serviced self-care dwellings upon land at 140-146 Glenhaven Road, Glenhaven.

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MINTO PLANNING SERVICES PTY LTD
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