



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

3 Columbia Court, Baulkham Hills NSW 2153
PO Box 7064, Baulkham Hills BC 1755
ABN 25 034 494 656 | DX 9966 Norwest

10 December 2018

Ms Cho Cho Myint
Acting Team Leader, Sydney Region West
Planning Services
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: FP 231
Your Ref: SCC_2018_THILL_002_00

Dear Ms Myint

Application for a Site Compatibility Certificate – SEPP (Housing for Seniors or People with a Disability) 2004 – 146 Glenhaven Road, Glenhaven

I refer to your letter dated 19 November 2018 seeking comments with respect to an application for a Site Compatibility Certificate for seniors housing at 146 Glenhaven Road, Glenhaven.

A previous Site Compatibility Certificate was issued for 140-146 Glenhaven Road on 29 April 2016 and Council objected to this application for the following reasons:

- Amalgamating lots allows development to circumvent site compatibility criteria that requires land to be adjoining land zoned primarily for urban purposes;
- Amalgamating lots extends the distance between residents and the daily services they may reasonably require access to;
- Incompatible with surrounding character, land uses and objectives of RU6 Transition Zone;
- Increased demand on water and sewer services in the locality and insufficient capacity to service gas;
- Inadequate distance to nearest neighbourhood shopping centre (1.2km);
- Reliance on public bus and private shuttle services to access the nearest neighbourhood shopping centre;
- The nearest neighbourhood shopping centre (1.2km) does not provide a full range of services that residents may require access to;
- Insufficient road safety and site access for future residents and visitors to the site;
- Reliance on adjoining property to satisfy Asset Protection Zone requirements; and
- Inadequate consideration of contamination, drainage, removal of trees and impact on adjacent trees.

Despite these concerns, a Site Compatibility Certificate was issued for the subject site. The Certificate expired on 29 April 2018, while the development application was under assessment by Council, and the development application was refused. It is understood that this new application

has been made as Council cannot grant development consent unless a current Site Compatibility Certificate has been provided that certifies the site is suitable for more intensive development and seniors housing is compatible with the surrounding environment (CI 24 (2)).

The subject site is zoned RU6 Transition under The Hills LEP 2012. As seniors housing is not permitted with consent, a Site Compatibility Certificate is required. It is noted that recent amendments to the Seniors SEPP intend to prevent incremental expansion of development into the Metropolitan Rural Area, and prevent seniors housing on additional land unless the land independently adjoins land zoned primarily for urban purposes.

This application is inconsistent with this policy as it seeks to facilitate additional seniors housing dwellings on the portion of the site that does not adjoin urban land. Figure 1 below demonstrates incremental expansion of development into the Metropolitan Rural Area. For this reason, a Site Compatibility Certificate should not be issued.



Figure 1
Proposed Extension of Seniors Housing Facility into Metropolitan Rural Area

Further, the planning report submitted in support of the Site Compatibility Certificate application has not addressed the requirements of Clause 25(5)(c) of the SEPP, which are relevant criteria for the application.

In addition to the above, Council considers it appropriate to raise objection to the application for a Site Compatibility Certificate for the reasons previously outlined in Council's 2015 submission as they remain relevant to the new application. Additionally, Council would like to raise the following concerns:

- **Cumulative Impacts**

The new amendments require consideration of cumulative impacts where the land is within a one (1) kilometre radius of two (2) or more other parcels of land where there is a current Site Compatibility Certificate or an application not yet determined. While the subject land does not require a cumulative impact study, the cumulative impact of existing and future seniors housing development in this locality should be considered. The Dural/Glenhaven locality has multiple existing seniors housing developments that are already contributing to cumulative infrastructure

impacts and impact on the low density rural residential character of the locality. To permit additional facilities in the same locality without adequate consideration of these cumulative impacts would be irresponsible.

- **Impact on Adjoining Landowners**

The proposed extension would impact on the amenity of not only the immediately adjoining residence, but the surrounding neighbours. Many residents move to this low density rural residential locality with the expectation that this character will be preserved. During the development application process, Council receives many submissions from adjoining landowners with concerns for their amenity. As such, this impact should be considered prior to granting a Site Compatibility Certificate. The impact on surrounding residences was acknowledged in the Land and Environment Court judgement in the refusal of a nearby seniors housing facility on rural land. It was ruled that the development would have a detrimental impact on adjoining properties.

- **Local Traffic**

Council is concerned that the scale and intensity associated with the use of the site for a seniors housing facility will generate additional traffic impacts in the Glenhaven and Dural locality. This is a key reason for prohibiting seniors housing in the RU6 Transition Zone. This proposed use is unplanned growth as it is not permitted under local planning controls and is therefore not incorporated into infrastructure provision in the locality. Council already deals with the cumulative traffic impacts of other seniors housing developments in this locality.

- **Impact on Local Character and Land and Environment Court Judgement**

Council has long expressed its concern with the impact of large scale seniors housing developments on the Metropolitan Rural Area. The area is characterised by large 2 hectare lots with detached residential dwellings. The density of the RU6 Transition Zone in this locality is 2 dwellings per hectare. The proposed seniors housing development would far exceed this density as well as the bulk and scale of the surrounding built form. The incompatibility of seniors housing was acknowledged in the Land and Environment Court judgement for a nearby seniors development. It was ruled that the development does not contribute to and is not compatible with the rural character of the locality.

At its Ordinary Meeting on 26 June 2018, Council resolved to adopt a formal policy objecting to all Site Compatibility Certificate applications for seniors housing on rural land until such time as the Local Strategic Planning Statement and Housing Strategy have been completed. This formal policy stance is reflective of the consistent nature of The Hills Shire Council's submissions to the Department of Planning and Environment regarding Site Compatibility Certificates on rural land.

For the above reasons, Council considers that the site is not suitable for more intensive development and is not consistent with the surrounding environment. It is therefore advised that Council objects to the issue of a Site Compatibility Certificate for the subject site. Thank you for the opportunity to comment on the proposed development. Please contact Kayla Atkins, Town Planner on 9843 0404 if you require any additional information.

Yours faithfully



Megan Munari
PRINCIPAL COORDINATOR FORWARD PLANNING