



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.

APPLICANT:	Christian Brethren Community Services
OWNER:	Christian Brethren Community Services
PROPERTY:	Lot 102 DP 1205322 Glenhaven Gardens Retirement Village, 1A Mills Road, GLENHAVEN NSW 2156
DEVELOPMENT:	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.
DECISION:	Refusal
ENDORSED DATE OF REFUSAL:	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

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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.