



**Report to the Director-General on an application for a Site Compatibility Certificate - SEPP (Housing for Seniors and People with a Disability) 2004**

**SITE NAME:** Land at 6 Fairway Drive, Kellyville (Lot 101 DP1129876)

**APPLICANT:** Brown Consulting Pty Limited

**LGA:** The Hills Shire Council

**PROPOSAL**

- The application (Tag 5) proposes 160 beds and 39 dwellings, a residential care facility which includes a library, a wellness centre, a craft exhibition area, salon, waiting room for the salon, bathroom facilities, activities room and a hydro pool. The self care housing component includes facilities such as a cinema, gym, multi-purpose room and library.
- The total area of the dwellings is 20,719 sq.m giving a floor space ratio of 1:1 maximum permissible residential care facility, and 0.5:1 maximum permissible self care housing. The ratios comply with State Environmental Planning Policy (Seniors Living) 2004.
- The proposed development includes general practitioner visiting rooms, and a hairdresser shop, and residents' amenities.

**SITE**

The subject site has an area of 20,719 sq.m, including the trunk drainage area. A site plan is attached as Tag 2. Locality map is at Tag 1.

**PERMISSIBILITY STATEMENT**

The site is currently zoned as part R2 Low Density Residential and part SP2 Infrastructure (trunk drainage) under The Hills Shire Local Environmental Plan 2012. Seniors housing developments are permissible with consent in the R2 zone and prohibited in the SP2 Infrastructure zone. The SP2 zoned land on the site has been set aside for the purpose of trunk drainage works to provide for the drainage of land within the Balmoral Road Release Area (BRRA). A zoning map is attached at **Tag 8**.

The Residential 2 objectives are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the existing low density residential character of the area.

The aim of the SEPP (Clause 2) is to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The SEPP proposes to achieve this aim by setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards it specifies.

The application for a Site Compatibility Certificate under Clause 24 of the SEPP can be considered as the site is on land that adjoins land zoned primarily for urban purposes.



## **CONSIDERATIONS UNDER CLAUSE 25(5)**

These considerations of clause 25(5) are set out and discussed below.

### **25(5)(a) Written comments from Council:**

In response to the Department's request, The Hills Shire Council has provided the following comments:

- 1. The objectives of the Residential 2(b1) zone are relevant to the proposed seniors housing development. In particular, objective (a) aims to create residential areas of predominantly single dwelling, low density character and to maintain that character. The proposed seniors housing development comprises Residential Care facilities for 160 beds and self contained dwellings for 39 units. The built form of the proposal is not considered to be consistent with the low-density character which is envisaged for development within the Residential 2(b1) zone.*
- 2. In terms of compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the site is not well located with respect to access to facilities, nor is a public transport service available within 400 metres of the site.*

A copy of Council's letter is attached as Tag 4. The Council's comments are valid however the SEPP sets aside local planning controls to allow the development of housing for seniors that meet the development criteria and standards it specifies.

### **25(5)(b) Compatibility with the surrounding development**

*Clause 25(5) (b) (i) relates to 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.*

Bushfire: The site is not identified as Bushfire Prone on Council's Bushfire Prone Land Map.

Existing Uses: The site is being used as a residential allotment upon which a substantial two-storey dwelling is erected. Although the site is traversed by a trunk drainage reservation, the proponent has indicated that development consent has been obtained from Council to divert the drainage line to the southern part of the site (Tag 9).

Council has advised that the relocation of the trunk drainage corridor will necessitate a rezoning process and that Sydney Water will undertake this task in conjunction with other similar rezoning on other sites in the vicinity. Development in the trunk drainage reservation would be permissible under the flexible boundaries clause (5.3) of The Hills Shire LEP 2012.

#### Land in the vicinity:

Land in the vicinity of the proposed development is zoned R2 Low Density residential to the north and west (separated by Fairway Drive) and to the south and east RE2 Private Recreation under The Hills Shire LEP 2012.

There has been a site compatibility certificate issued for similar developments for housing for seniors and people with a disability on another site in the vicinity. A site compatibility certificate was issued for land at 10-14 Fairway Drive in 2010.

### **25(5)(b)(ii) Impact on future uses of the land**

The proposal complies with the draft North West Subregional Strategy as identified in action C2.2 in providing self-care housing for seniors and people with a disability.



### **25(5)(b)(iii) Availability of services and infrastructure**

*Clause 25 (5) (b) (iii) relates to 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.*

#### Location and Access to Facilities

Clause 26 'Location and Access to Facilities' of the SEPP requires that residents of a proposed development have access to:

- “(a) shops, bank service providers 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.”*

The clause notes that access is complied with if the facilities and services are located no more than 400 metres away; or if they are, that there is a public transport service available within 400 metres of the facilities and services that will take the future residents to those facilities.

The site is not located within 400 metres of the facilities and services mentioned in (a) to (c) above, and there is no public transport service available that will take the future residents to those services which are located at the Norwest Market Town Centre at a distance of 2 kilometres to the south-west of the site along Fairway Drive.

In recognising the absence of such transport facility the applicant has indicated that the residents will have access to a private bus service to access the Norwest Shopping Centre. The applicant has indicated that this service will be provided by the operator of the development.

By way of additional information the applicant indicates that there will be two buses available to transport the residents to different locations, including Norwest Shopping Centre. These two buses will serve different purposes with a 6-8 seater mini bus to be used for shorter trips, such as to Norwest shops, and a 20 seat 'Coaster' bus to be used for longer trips, generally between 2 to 6 hours in duration and involve travelling to a scenic or entertainment event. The longer excursion trips will be serviced with light lunch and/or refreshment for the travelling residents. This information was provided by the applicant's consultant Brown Smart Consulting following further request by the regional team for additional information. (Tag 7).

#### Water Supply and Sewerage Infrastructure

By way of additional information the applicant has advised that an application to Sydney Water has been made for the provision of water and sewer services to the subject site. Sydney Water has not responded to the applicant regarding this application. However, the applicant has provided a copy of Sydney Water Corporation water and sewer diagram indicating that water and sewer services are available along Fairway Drive, located in the road. The applicant's hydraulic consultant on the project has confirmed these services are sufficient to service the proposed development (Tag 6). This matter can be further assessed at the development application stage.

### **25(5)(b)(iv) Impact on open space**

Not applicable as the land is not zoned for open space. There are no impacts on the adjoining private open space as it screened with mature trees along the southern and western boundaries.



## **25(5)(b)(v) Native Vegetation Act requirements**

Not applicable

### **Suitability of the site for more intensive development**

The assessment of the proposal against the criteria set out in Clause 25(5)(b)(i), as set out below, indicates that the site may be suitable for more intensive development.

This work can be completed prior to a development application being lodged with Council and would determine the final dwelling yield for inclusion in the development application.

### **Impact of the bulk, scale, built form and character of the proposed development**

*Clause 25 (5) (b) (v) states that 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.*

Land to the north of the site is used predominately for urban purposes. Large lot subdivision has taken place at Country Club Circuit. Land to the east, and south of the subject site is zoned for golf course use. Further south a Site Compatibility Certificate has been issued for a seniors housing development at 10-14 Fairway Drive.

### **CONSIDERATIONS/CONCLUSION**

It is considered that the land is capable of some form of development under the provisions of the SEPP, however the yield is to be determined by further work to be finalised for the development application.

Information from Council states that the built form of the proposal is not considered to be consistent with the low-density character which is envisaged for development within the former Residential 2(b1) zone. Given that previous Site Compatibility Certificates have been issued on the basis that the Council will assess the built form issue as part of any Development Application, it is appropriate that the same approach is adopted in this instance.

Any development would need to be assessed in terms of its ability to provide access for future residents to the Norwest Shopping Town which is located some 2 kilometres south of the site. Public transport is not currently available and the SEPP requires the provision of bus capable of carrying at least 10 passengers. The applicant proposes a 6-8 seater bus for short trips and a 20 seater for longer trips which is matter for further consideration at the development application stage.

In addition, consideration of this site also depends on whether the level of infrastructure (specifically the supply of fresh water and the disposal of sewage) both existing and proposed is available and adequate for the number of persons who would eventually reside in the development. Although the applicant has provided additional information on the availability of utility services by way of Sydney Water diagrams showing existing water and sewer mains at the site (Tag 6), details of level of services and capacity to serve the development by Sydney Water will need to be assessed by Council at the development application stage.

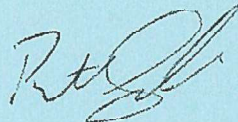


## RECOMMENDATION


It is recommended that the Director-General:

1. form the opinion that the site of the proposed development:
  - (a) is compatible with the surrounding environment having had regard to Council's comments and the criteria specified in clause 25 (5) (b) and pursuant to clause 25 (4) (a) of SEPP (Housing for Seniors and People with a Disability) 2004; and
  - (b) is not likely to have an adverse effect on the environment or cause any unacceptable environmental risks to the land, if the yield is appropriately determined taking into account the availability of reticulated water supply, sewerage disposal system; and
2. issue a Site Compatibility Certificate, (Tag **A**) and sign the letter to the applicant (Tag **B**) and The Hills Shire Council advising of this determination (Tag **C**).

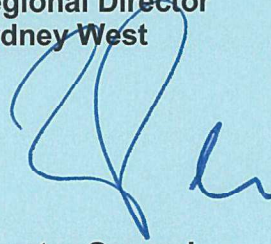
Tai Ta  
Planning Officer-Sydney West Region  
Ph: (02) 9860-1567  
12 October 2012



Peter Goth  
Regional Director  
Sydney West



17.10.12  
Executive Director  
Planning Operations



A/ Director General  
26/10/12

## **Attachments**

Tag A - Site Compatibility Certificate

Tag B - Letter to Applicant

Tag C - Letter to Council

Tag 1 – Locality map

Tag 2 – Site layout plan

Tag 3 – Zoning Map

Tag 4 – Comments from The Hills Shire Council

Tag 5 – SCC Application

Tag 6 – Sydney Water diagram

Tag 7 – Additional information

Tag 8 – Map showing proposed zoning of site under draft The Hills LEP 2010

Tag 9 – Council's development consent for relocation of trunk drainage reservation