

**THE HILLS SHIRE COUNCIL**

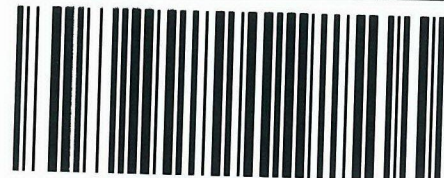
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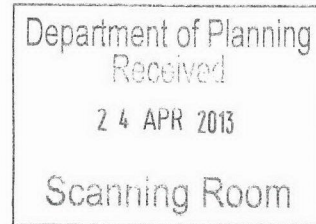
DX 8455 Castle Hill

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**PCU043784**

17 April 2013



Amar Saini  
NSW Department of Planning & Infrastructure  
Level 5, No.10 Valentine Avenue  
PARRAMATTA NSW 2150

Your Ref: 13/05593

Our Ref: FP 58

**Re: Site Compatibility Certificate Application**

**Property: Lots 1 and 2, DP 21249, Nos. 5552 – 5554 Old Northern Road, Wiseman's Ferry**

I refer to your original letter dated 21 March 2013 and subsequent email dated 10 April 2013 seeking comments with respect to State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 – Application for a site compatibility certificate for the above mentioned property.

Clauses 24 and 25 of the State Environmental Planning Policy refers to the requirement for a site compatibility certificate to be obtained for developments which are proposed upon land that adjoins land zoned primarily for urban purposes, land identified as 'special uses' and land that is used for the purposes of an existing registered club. As the subject site is zoned SP3 – Tourist, a site compatibility certificate is required. Council as the consent authority is not able to grant consent for a development unless a site compatibility certificate has been provided.

**i) Compatibility – Existing and Future Land Uses**

The subject site is zoned SP3 - Tourist pursuant to The Hills Local Environmental Plan 2012. The zone encourages a variety of tourist orientated development, related land uses and a range of support services to meet the needs of the surrounding residents. The SP3 – Tourist zone objectives specifically include reference to a 'range of support services' rather than a 'range of uses (primarily support services)' which was referenced within the previous Residential 2(c)(Tourist Village Zone) objectives under Baulkham Hills Local Environmental Plan 2005 (now repealed). The current zoning under THLEP 2012 now necessitates the submission of a site compatibility certificate application.

The locality is characterised by a mix of land uses. These uses include an approved restaurant immediately to the east of the site (No. 5556 Old Northern Road) with a health services facility immediately to the west of the site (No. 5550 Old Northern Road). A golf club / tourist facility is located at the rear between the site and Hawkesbury River.

#### English:

*This letter contains important information. If you do not speak English and require a translation/interpreter you can either:*

- *Come to Council's Administration Centre where we will be happy to assist*
- *Contact the Telephone Interpreter Service on 13 14 50 and ask them to call Council on 9843-0555 and enquire on your behalf.*

#### Korean

이 편지는 중요한 정보를 포함하고 있습니다. 만일 영어를 몰라서 번역이나 통역이 필요하시면 다음 중 한 가지를 하십시오:

- 카운슬의 행정 센터로 오시면 저희가 기꺼히 도와 드립니다.
- 전화 13 14 50 로 전화 통역 서비스에 연락해서 통역에게 9843-0555로 카운슬에 전화하여 당신 대신에 문의해 달라고 부탁하십시오.

#### Chinese

這封信包含有重要的訊息，如果您不會說英語和要求一個翻譯員／傳譯員，您可以：

- 來市議會的行政中心，我們很樂意幫助您。
- 打電話 13 14 50 到電話傳譯服務處，請他們打電話9843-0555到市議會幫您諮詢有關詳情。

#### Arabic

هذه الرسالة تحتوي على معلومات هامة. إذا كنت لا تتكلم الإنجليزية وتحتاج الى ترجمة/ مترجم فيمكنك أن:

- تأتي إلى مركز إدارة المجلس حيث يساعدنا أن نساعدك
- تتصل بخدمة الترجمة الهاتفية على ١٣١-٤٥٠ وأطلب منهم الإتصال بالمجلس على ٩٨٤٣-٠٥٥٥ ويقوموا بالإستفسار بالنيابة عنك.

#### Italian

Questa lettera contiene informazioni importanti. Se non parli inglese e hai bisogno di una traduzione o di un interprete puoi:

- o venire all'ufficio amministrativo centrale del municipio (Council's Administration Centre) dove saremo ben lieti di aiutarti.
- o contattare il servizio telefonico d'interpretariato (Telephone Interpreter Service) al numero 13 14 50 e chiedere loro di chiamare il municipio al numero 9843-0555 e chiedere ragguagli per te.

#### Greek

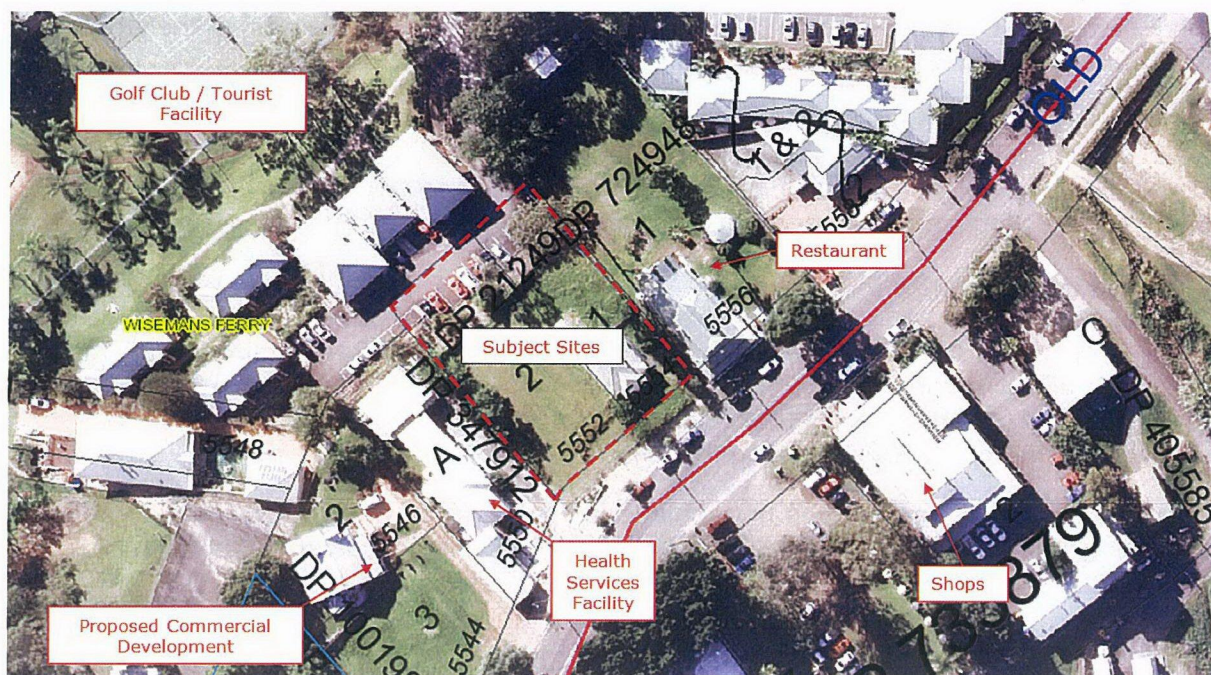
Το γράμμα αυτό περιλαμβάνει σημαντικές πληροφορίες. Αν δεν μιλάς Αγγλικά και χρειαζόσε μετάφραση/ διερμηνέα μπορείς να:

- Ελθεις στο Διοικητικό Κέντρο της Δημαρχείας όπου ευχαρίστως θα σε βοηθήσουμε, η
- Τηλεφώνησε στη Τηλεφωνική Υπηρεσία Διερμηνέων στο 13 14 50 και πες τους να τηλεφωνήσουν στη Δημαρχεία στο 9843-0555 και να ζητήσουν πληροφορίες εκ μέρους σου.



The site is also located within close proximity to a proposed two storey commercial development at No. 5544 Old Northern Road.

A map of surrounding land uses is detailed below:-



Given that the site is surrounded by a tourist facility and ancillary support services, the development of a seniors living facility within this SP3 – Tourist zone is not considered to be the best utilisation of the land. The site is located within an area that could better capitalise on its unique environmental attributes. The applicant should be encouraged to provide tourist orientated services on the site to support the objectives of the SP3 zone.

## ii) Availability of Suitable Services and Infrastructure

The proposed development is located within a relatively isolated community in Wiseman's Ferry which is adjacent to the Hawkesbury River. Previous discussions with the applicant have identified concerns with the appropriateness of a seniors living development in this location. These concerns related to adequate service provision and public transport access.

Concerns previously outlined to the applicant include the following:-

- Insufficient information has been submitted to date to demonstrate that sufficient services as required by the SEPP are available. These services include evidence that the development can be connected to a reticulated water system and have adequate facilities for the removal and disposal of sewerage.
- The proposal does not provide sufficient access to essential services such as hospitals and ambulance services. The adjacent small scale health services facility is not sufficient to provide the level of care required for a facility of this nature.
- The proposed use of a private bus service does not comply with the accessibility requirements of the SEPP.
- The gradient of footpaths and roads will potentially be prohibitive and may not meet the SEPP requirements without detailed investigation.



Information submitted with the 'Application for Site Capability Certificate' has not sufficiently addressed these ongoing concerns. The submitted preliminary draft Statement of Environmental Effects excludes details on support services and accessibility (Clause 3.3 on Page 8). Furthermore Clause 26 of the State Environmental Planning Policy states that Council must not grant consent unless the residents of the proposed development will have access that complies with subclause (2) 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.

(2) Access complies with this clause if:

- (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14.

The proposed development does not achieve full compliance with the SEPP requirements concerning public transport access, instead offering a private bus service to address the resulting non compliance.

Reliance on a private bus service to supplement this non compliance is not considered an appropriate alternative as the intent of the SEPP and site compatibility certificate requirements are to ensure that sites identified for potential seniors living development are located in close proximity to shops, support services and public transport opportunities. Reliance on supplementary private transport arrangements undermines the intent of these requirements and will likely result in unreasonable costs forwarded to future residents within the development. The statement also indicates that transport will be provided to Glenorie Village which provides retail shops, a supermarket, restaurants and support services but is approximately 15 kilometres away. This distance is not considered to provide appropriate access to required facilities and services for a development of this nature.

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 an appropriate public transport service available within 400 metres of the site. As a result the submitted application for a site compatibility certificate is not considered appropriate and should not be supported.

Should you require further information, please do not hesitate to contact the undersigned on 9843 0258.

Yours faithfully,



Gavin Cherry

**PRINCIPAL FORWARD PLANNER**

VPA → Mackillop } → 7 May  
                    Snowground }  
  } breeding