

THE HILLS SHIRE COUNCIL

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ABN No. 25 034 494 656

20 August 2015

Ms Rachel Cumming  
Director, Metropolitan (Parramatta) Planning Services  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Our Ref: 159163638

Dear Ms Cumming

**Application for Site Compatibility Certificate - SEPP (Housing for Seniors or People with a Disability) 2004, 140-146 Glenhaven Road, Glenhaven (Lot 102 DP 1205322)**

I refer to your letter dated 30 July 2015 seeking comments with respect to an application for a site compatibility certificate for the expansion of an existing aged care facility at 140-146 Glenhaven Road, Glenhaven (also known as 1A Mills Road, Glenhaven).

An existing seniors living development comprising 24 self-care single storey dwellings and a 60 bed two storey hostel were approved for the site by the Land and Environment Court in February 2004. The subject proposal involves the construction of an additional twelve (12) x 3 bedroom single storey villas on the part of the site formerly known as 146 Glenhaven Road, Glenhaven.

The property at 140-146 Glenhaven Road, Glenhaven is zoned RU6 Transition under The Hills Local Environmental Plan 2012 and is located opposite land zoned R2 Low Density Residential. The subject site was created via a consolidation of 1A Mills Road and 146 Glenhaven Road, Glenhaven which occurred in March 2015.

The consolidation of lots is exempt from requiring subdivision consent at the direction of the Registrar General. Prior to this lot consolidation, the provision of seniors housing on 146 Glenhaven Road, Glenhaven was not permissible as the site did not adjoin land zoned primarily for urban purposes. I also note that Subdivision 38 'Subdivision' of the SEPP (Exempt and Complying Development Codes) 2008 permits a realignment of boundaries "*that will not create additional lots or the opportunity for additional dwellings*". The erection of twelve (12) three bedroom aged care villas on the site is not in the spirit or intent of the legislation.

An extract of The Hills Local Environmental Plan 2012 zoning map is provided in Figure 1 below.



preparing a Route Development Strategy for Glenhaven Road. To improve the safety of road users and future residents and visitors to the site, any new development should utilise the existing internal access road via Mills Road only.

- **Bushfire Asset Protection Zones**

Image 03 of the Bushfire Hazard Report shows a 75 metre Asset Protection Zone (APZ) encroaching into the adjoining property at 148 Glenhaven Road. The placement of such a burden on an adjoining property is not supported.

In addition, the applicant has not addressed the findings and strategic direction provided in Council's Local Strategy, Residential Direction and Rural Lands Study.

There are also numerous details that have not been submitted which would allow a more comprehensive assessment of the impacts of the development proposal, including a Contamination Assessment, drainage information for the site, an Arborist Report that addresses impacts on trees adjacent to Glenhaven Road, a Traffic and Parking Study, and an Access Report. Also, concern is raised regarding the proposed retention of the existing dwelling on the site and clarification of its future intended use is required, particularly given the manner in which the boundary adjustment was obtained.

Whilst there is demand for aged care services and residential care facilities in appropriate locations within The Hills Shire to meet the needs of an ageing population, given the abovementioned concerns Council objects to the issue of a Site Compatibility Certificate for the proposed development. The expansion of the existing aged care facility onto 146 Glenhaven Road, Glenhaven is contrary to the intent of the SEPP (Housing for Seniors or People with a Disability) 2004 and could create a precedent for the unchecked expansion of such facilities into the Shire's rural areas. It is also recommended that the Department of Planning and Environment consider options to close the 'loophole' in legislation that, in effect, allows the unintended and piecemeal expansion of residential aged care facilities into rural land.

Thank you for the opportunity to comment on the proposal. Please contact Bronwyn Inglis, Senior Town Planner, on 9843 0382 if you require any additional information.

Yours faithfully



**Janelle Atkins**  
**PRINCIPAL FORWARD PLANNER**