
**Report to the Secretary on an application for a Site
Compatibility Certificate under State Environmental Planning
Policy (Housing for Seniors or People with a Disability) 2004**

File No:15/09805

SITE: 140-146 Glenhaven Road, Glenhaven, Lot 102 DP 1205322

APPLICANT: Christian Brethren Community Services

PROPOSAL: Expansion of existing Seniors Housing complex to provide an additional 12 single-storey villa houses.

The existing facility, known as Glenhaven Gardens, consists of a two-storey hostel building containing 60 beds, 15 x 2 bedroom villas and 9 x 3 bedroom villas. The application ([Tab F](#), consultant's planning report at [Tab G](#)) seeks to expand the existing seniors housing facility onto adjacent land (recently consolidated with the existing site) and seeks approval to construct the additional 12 single-storey villa houses which will be integrated with the existing facility.

LGA: The Hills

PERMISSIBILITY STATEMENT

The site is currently zoned RU6 Transition under *The Hills Local Environmental Plan 2012* (LEP). Seniors housing is a prohibited use in this zone, but adjoining land (to the east of Mills Road) is zoned R2 Low Density Residential. (See aerial photograph at [Tab E](#) and zoning extract at [Tab E1](#).) This proximity to land zoned for urban purposes makes the site eligible for a site compatibility certificate.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT – CLAUSE 24(2) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The Secretary must not issue a certificate unless of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

- The site is located adjacent to an established urban area, has good road access and is served by public buses on Mills Road and Glenhaven Road, providing connections to Glenhaven shopping centre, Parramatta and Rouse Hill Town Centre.
- The proposed development form is consistent with that currently existing on the site (see aerial photograph of the site at [Tab E](#)).
- The site would contribute to meeting the need for seniors housing in the north west of Sydney.
- There are no environmental constraints that would preclude the development of the site for seniors housing.

It is therefore considered that the site is suitable for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES – CLAUSE 25(5) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The Secretary must not issue a certificate unless of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding

environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

The vegetation types *Sydney Sandstone Gully Forest* and *Shale Sandstone Transition Forest* have been identified on the site. *Shale Sandstone Transition Forest* is an endangered ecological community (EEC). These ecological communities are located at the rear of the site, away from the proposed development.

A report prepared by Keystone Ecological Pty Ltd on behalf of the applicant (Tab K) concluded that the proposal would have no direct impact on any threatened species, endangered populations, endangered ecological communities or their habitats. The report also concluded that potential indirect impacts (such as stormwater runoff and mobilisation of soil) would be unlikely.

The site includes land identified as bushfire-prone. A report (Tab H) was prepared on behalf of the applicant by Building Code & Bushfire Hazard Solutions Pty Limited. The report noted that, to ensure compliance with *Planning for Bush Fire Protection 2006*, an Asset Protection Zone (APZ) would be required for the proposed development. According to further information provided by the bushfire consultant (Tab I), the identified APZ to the southwest includes land within neighbouring private lots that is 'equivalent to an APZ'. Under *Planning for Bush Fire Protection 2006*, this term applies where the building 'will be separated from the bush fire hazard by other development... with a setback distance greater than or equal to the distance which would have been occupied by an APZ...' The consultant concluded that the ongoing management practices of this land are such as to not require the establishment of an easement.

The applicant was asked to seek confirmation from the NSW Rural Fire Service that the proposed arrangements for APZ management would be acceptable, and the NSW Rural Fire Service provided written advice on 16 October 2015 (Tab J). This advice confirmed that the current level of vegetation management on the adjoining property would enable future development of the site for seniors housing.

It is considered that the site is suitable for the proposed development, subject to the requirements for the issue of a Bushfire Safety Authority (as required under Section 100B of the Rural Fires Act 1997) being met at the development application stage.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Secretary, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The site is contained within Lot 102 in DP 1205322, being a recent consolidation of two adjacent properties at 140-146 Glenhaven Road, Glenhaven. The site is zoned RU6 Transition under *The Hills Local Environmental Plan 2012* and is currently used for the purposes of an existing seniors housing complex together with a single existing residential dwelling in the south-west of the site. Given these established uses, it is highly unlikely that the land would in future be given over to rural or other uses that would be in conflict with the proposed seniors housing.

3. 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 (clause 25(5)(b)(iii))

A bus stop is located on Mills Road immediately in front of the site, and provides regular services to the Glenhaven shopping centre as well as the Rouse Hill Town Centre and Parramatta.

The initial proposal did not contain adequate information to demonstrate that the site complies with gradient requirements for pathways to appropriate services and public transport. The applicant subsequently submitted an Access Report (Tab L) prepared by Accessibility Solutions (NSW) Pty Ltd. The report concludes that:

- the development can provide appropriate pedestrian access to public transport in accordance with clause 26(2)(3)(4) of the SEPP, subject to an appropriate installation of a kerb ramp to access the Mills Road bus stop;
- the available bus services provided by bus route 603, in conjunction with the abovementioned pedestrian infrastructure, will provide appropriate access to services in a manner consistent with clause 26(2)(b) of the SEPP; and
- the 603 bus route and destination shopping centres and services at Rouse Hill Town Centre, Glenhaven, Castle Hill and Parramatta provide a comprehensive range of services to readily satisfy Clause 26(1) and 26(5) of the SEPP.

A Hydraulic Services Feasibility Report (Tab M) was prepared by Abel & Brown Pty Ltd. The report concluded that the proposed development would require upgrades to the site's water, sewer, gas and stormwater facilities, but that these upgrades are minor in nature and can for the most part be achieved via on-site measures rather than requiring upgrades to the surrounding services networks.

It is therefore considered that the services and infrastructure that are or will be available to meet the demands arising from the proposed development are satisfactory.

4. In the case of applications in relation to land that is zoned open space or special uses - the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The site is zoned RU6 Transition under *The Hills Local Environmental Plan 2012*. This is not an open space or special uses zone.

The proposal will not likely generate any significant need for additional open space, as it is for the purposes of an aged care facility and open space and communal areas form part of the concept design.

5. 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 (clause 25(5)(b)(v))

The proposed seniors housing comprises an additional twelve single-storey villa houses, which will be integrated with the existing facility.

It is considered that the additional twelve villas may be designed in a manner to be compatible with the adjoining and nearby residential areas which include one- and two-storey housing, as well as the existing two-storey hostel.

The predominant scale is one to two storeys consistent with the surrounding area and adjoining sites. The concept architectural plans provided with the application are indicative only. The Department is not endorsing a final design. It is expected that a development application could be prepared with detailed designs compatible with surrounding uses and assessed at the development application stage. This detailed design would need to consider the relationship with surrounding development .

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The applicant has indicated that the proposal does not require the clearing of native vegetation subject to the requirements of Section 12 of the *Native Vegetation Act 2003*.

COMMENTS FROM THE HILLS SHIRE COUNCIL

Council's submission on the proposal is at Tab A1.

The site

Council noted that the proposed development site shares a lot with an existing seniors living development comprising 24 self-care single-storey dwellings and a 60-bed two-storey hostel, which is on land zoned RU6 Transition and was approved via a site compatibility certificate due in part to its location adjacent to land zoned R2 Low Density Residential.

The proposed development is on the western side of the lot, not adjoining the R2 land, and was until March 2015 a separate lot. As a separate lot not adjoining urban-zoned land, it would not have been eligible for a site compatibility certificate. In March 2015 the two lots were consolidated via a boundary adjustment that was exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Council noted that Subdivision 38 'Subdivision' of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* permits a realignment of boundaries 'that will not create additional lots or the opportunity for additional dwellings'. Council considers that the erection of twelve (12) three-bedroom aged care villas on the site is not consistent with this.

Response

Regardless of the history of the site, the proposed development is on a lot that adjoins land zoned for urban purposes. Further, the addition of twelve single-storey villas constitutes a minor expansion to the existing senior living development.

Encroachment of aged care facilities onto rural land

Council objected to the proposed development specifically and to the site compatibility certificate process in general. Council's view is that the process 'allows the unintended and piecemeal expansion of residential aged care facilities into rural land', and that the granting of this particular site compatibility certificate 'could create a precedent for the unchecked expansion of such facilities into the Shire's rural areas'.

Response

The site compatibility certificate process is a part of the NSW planning system, and individual site compatibility certificate applications are assessed within the framework of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. This framework inevitably permits the expansion of seniors housing into rural areas.

It is unlikely that approval of this development will create a precedent for unchecked expansion of aged care facilities into rural areas; any site compatibility certificate is granted

on its individual merits, and one of the factors in favour of this development is that it is minor in scale.

Other concerns

Council raised a number of other concerns regarding the proposal, including

- the compatibility of the proposed development with the RU6 Transition zone and surrounding land uses;
- the availability of infrastructure and services;
- site access; and
- bushfire asset protection zones.

Response

Council argued that the RU6 Transition zone contains a broad range of permissible uses (including extensive agriculture, agricultural produce industries, landscaping material supplies and intensive plant agriculture) which have the potential to conflict with an aged care facility. This argument ignores the fact that the majority of the surrounding RU6 lots have been recently developed for residential purposes, and that the site constraints (vegetation and topography) limit the potential for land use conflict to one neighbouring lot. It is therefore considered that the potential for conflict is minimal.

Council noted that gas and sewer services would need to be upgraded and that the residents would need to rely on public buses and a private minibus service to access the nearest shopping centre. The services feasibility report (see discussion on p.3 of this report) concluded that the necessary gas and sewer upgrades are feasible and are minor in nature. The use of public buses and the facility's private minibus service is not inappropriate for a seniors housing development.

Council noted that, in the interests of safety and to ensure consistency with Council's draft Route Development Strategy for Glenhaven Road, access to any new development should be limited to the existing entry via Mills Road. This is a matter more appropriately considered at the development application stage.

Council did not support the apparent encroachment of the 75m Asset Protection Zone onto the adjoining property at 148 Glenhaven Road. The Rural Fire Service has subsequently advised that the 'current level of vegetation management of the adjoining property will enable further development of the site for aged care subject to further details being provided' (Tab J). It is considered that this matter does not limit the site's suitability for the use of seniors housing, and is more appropriately addressed at the development application stage.

CONCLUSION

The proposal is consistent with the aims of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in that it will increase the supply and diversity of housing that meets the needs of seniors or people with a disability. The proposed land use is consistent with the surrounding built form, and site constraints have been recognised and accounted for. The proposal is also consistent with one of the key priorities for West Central Sydney in *A Plan for Growing Sydney*. Accelerate housing supply, choice and affordability and build great places to live.

It is considered that the site's location, access to transport infrastructure and proximity to an existing seniors housing facility make it suitable for the use of seniors housing, and that the proposed development is compatible with surrounding land uses. Adequate access to water and sewer infrastructure and to public transport can be achieved via minor upgrades to existing facilities.

The Hills Shire Council has raised a number of concerns (see pages 4 to 6 of this report), but it is considered that these concerns relate either to matters more appropriately addressed at the development application stage or to a general objection to the intent of the site compatibility certificate process. It is considered that Council's concerns have been adequately addressed.

As such, it is recommended that a site compatibility certificate be granted.

RECOMMENDATION

It is recommended that the Deputy Secretary, Planning Services as a delegate of the Secretary:

- **considers** The Hills Shire Council's written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) (Tab A1);
- **forms** the opinion that the site of the proposed development is suitable for more intensive development;
- **forms** the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- **forms** the opinion that development for the purposes of seniors housing of the kind proposed in the site compatibility certificate application is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate; and
- **determines** to issue a site compatibility certificate for seniors housing at 140-146 Glenhaven Road, Glenhaven, subject to satisfying certain requirements specified in the certificate.

Stephen Murray
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Attachments:

Tab A1 – Council comments
Tab B – Site Compatibility Certificate
Tab C – Letter to applicant
Tab D – Letter to Council
Tab E – Aerial photograph of site in context
Tab E1 – Zoning extract
Tab F – SCC application
Tab G – Consultant's planning report
Tab H – Bushfire Assessment Report
Tab I – Additional bushfire information
Tab J – Advice from Rural Fire Service
Tab K – Ecological report
Tab L – Access report
Tab M – Services feasibility report