

File no 16/12887

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

**SITE:** Lots 2 and 3 DP 225754, 589 – 591 Old Northern Road, Glenhaven and Lot 1 DP 13598, 593 Old Northern Road, Glenhaven.

The site (589-593 Old Northern Road) comprises three (3) lots with an approximate, total area of 7.7 hectares and is largely rectangular in shape.

A dwelling house, outbuildings and car parking areas are located in the south west portion of the site. A dam is located on the western boundary immediately below the centre of the subject land and a watercourse traverses the site in an east to west direction. The remainder of the site is substantially cleared as a result of previous agricultural uses. However, there are some stands of vegetation associated with the existing dwelling house and dam.

The site is bounded by the Old Northern Road to the south. A road reserve of the Old Northern Road includes an unformed gravel service road which runs along the eastern side of the site. To the north are rural residential lots and to the immediate west is the Glenhaven Green Retirement Village.

The following aerial photo illustrates the setting of the site.



**APPLICANT:** DFP Planning

**PROPOSED OPERATOR:** Anglican Community Services (ACS) is the proposed operator for the residential care facility.

Note: At the time of lodgement the proposed operator was Anglican Retirement Villages, however, Anglican Retirement Villages subsequently merged with and is now known as Anglican Community Services.

**PROPOSAL:** The applicant seeks a site compatibility certificate as part of an existing (partially completed and under construction) seniors village development known as 'Glenhaven Green'.

The overall vision for Glenhaven Green comprises 11 stages. Stages 1 – 4 are constructed and occupied. Stage 5 is partly completed. Stages 6 and 7 are under construction. On completion, stages 1 - 7 will contain a total of 218 independent living units. Approvals have been issued for stages 1 – 7.

This Site Compatibility Certificate is for stages 8 – 11 and is an extension of the existing village. This final stage will include a residential aged facility with respite care and self-care dwellings.

The following aerial photos illustrates stages 1 – 7 and 8 - 11.



The proposal will provide the following self-care dwellings:

- Seventy (70) dwellings with a combination of either 2 or 3 bedrooms. Each dwelling will have individual private open space and garaging. The dwellings will be one or two storeys in height.
- Several two and three storey scale apartment buildings, comprising a total of 44 dwellings with two bedrooms.

The proposed dwellings will utilise the community facilities, which are established in the existing Glenhaven Green Retirement Village.

In addition, a residential care facility is proposed, as follows:

- A 120 bed facility including a respite facility component. Each room will have private bathroom facilities.
- The building will be designed with four separate wings, with each wing containing its own common living room and dining facilities.

The building will front Old Northern Road and be two storeys in scale. A setback to Old Northern Road will be consistent with the setback of the existing Glenhaven Green village. Vehicular access to the residential care facility is proposed directly from Old Northern Road and is proposed to be limited to servicing the residential care facility.

The concept plan overleaf illustrates.

#### **PERMISSIBILITY STATEMENT**

The site is zoned RU2 Rural Landscape under *Hornsby Local Environmental Plan 2013*.

Seniors housing is a prohibited use in this zone, however, under an amendment to the State Policy, the site is now 'taken to be land that adjoins land zoned primarily for urban purposes' [clause 4(12)]. The proposal meets the requirement of clause 4(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* which requires adjoining land to be zoned for an urban purpose.

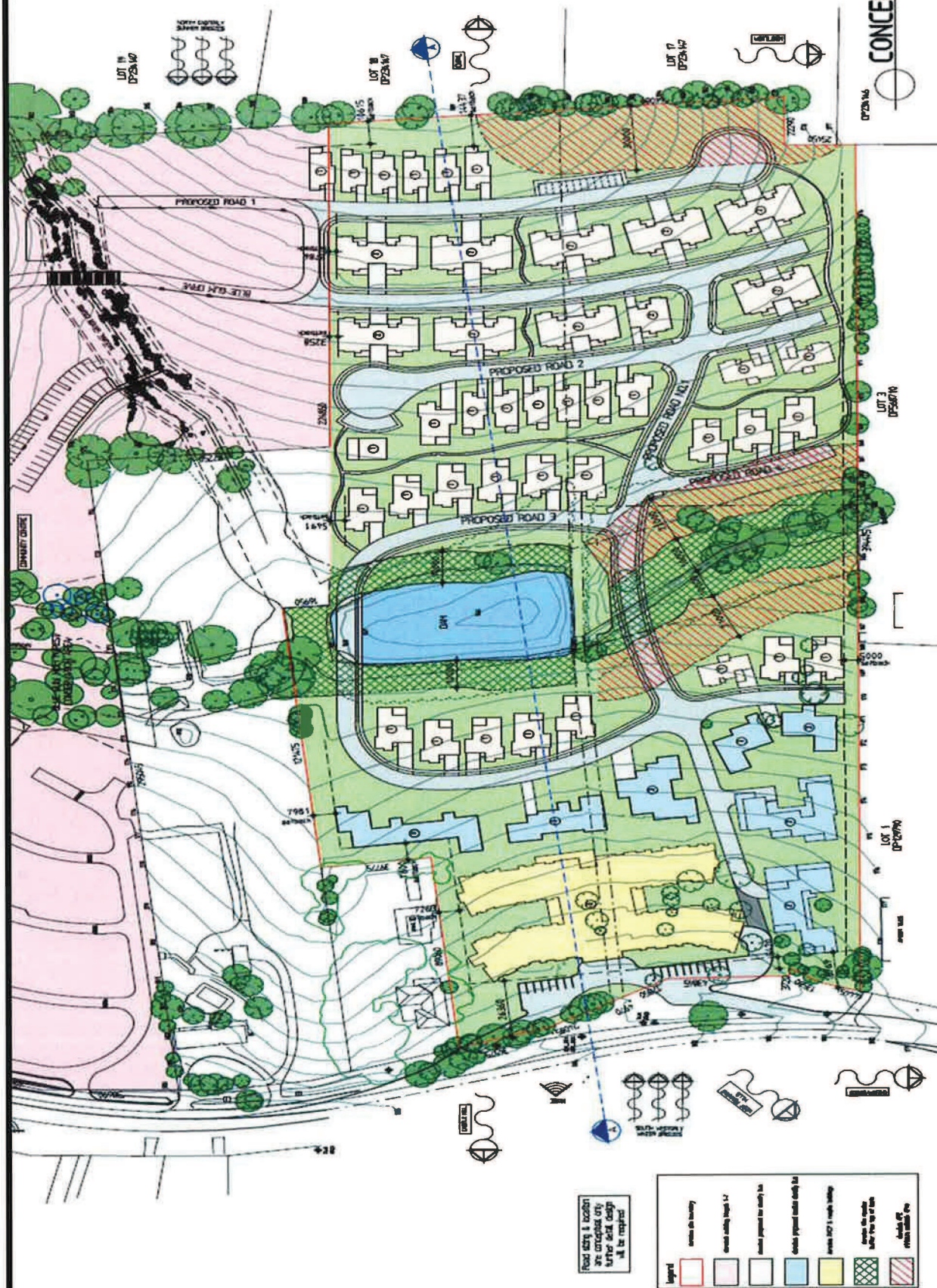
#### **SUITABILITY FOR MORE INTENSIVE DEVELOPMENT – CLAUSE 24(2) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**

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

It is considered that the site is suitable for more intensive development, as the land:

- is located adjacent to an established urban area, with good road access, and is served by public buses on Old Northern Road, providing connections to the Castle Hill Town Centre, Round Corner Shopping Centre and the Pennant Hills Centre;
- development, as proposed, would contribute to meeting the need for seniors housing in the north west of Sydney; and
- the proposal will complete a planned retirement village.

There are no environmental constraints that would preclude the development of the site for seniors housing.



## **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)].

### **(i) 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.**

There are no known environmental constraints on the land that would prevent the development of the site for seniors housing. Particular issues are discussed, as follows:

#### Agriculture

The site is not currently used for agricultural purposes and the agricultural capacity of the site is considered to be minimal.

#### Natural Vegetation and Biodiversity

The site contains a stream, a dam and a small area of vegetation that is considered to be an Endangered Ecological Community (EEC Turpentine). The proposal will provide that the natural values of the site will be retained through the use of a riparian buffer and an asset protection zone. These buffers are shown on the Site Constraints Plan (Tab K) and the Riparian Constraints Plan (Tab L).

The area of EEC (Turpentine) is considered small, i.e. less than 1 hectare in area, and is remnant vegetation. The concept design indicates that the EEC (Turpentine) is to be retained and adequate separation from proposed buildings will be provided (refer to page 3 of this report).

#### Bushfire

The NSW Rural Fire Service (RFS) has identified the land as being partially 'bushfire prone'. A bushfire prone land map is included in the SCC Report (TAB C). The vegetation on site is currently mapped as Category 1, however, advice provided by the RFS indicates that 'the bushfire prone land map needs to be updated as the vegetation throughout and adjacent to the site does not pose a significant bush fire hazard, as the vegetation is segmented and is less than 2.5 hectares.

The implementation of asset protection zones across the site, as seen on the site constraints plan (Tab J) has appropriately taken into account the advice of the RFS.

#### Existing and Approved Land Uses in the Vicinity

Land adjacent to the site, to the north and east is zoned RU2 Rural Landscape and contains rural-residential lots with a minimum lot size of 2ha. The land to the south, on the opposite side of the Old Northern Road is located within The Hills Shire, where housing development entails predominately large residential lots, zoned E4 Environmental Living. The land located immediately to the west is the ARV Glenhaven Retirement Village and this proposal is a continuation of the existing village.

In view of the nature of existing development, it is considered that the proposed development for seniors housing is compatible with the surrounding environment and land uses.

**(ii) 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)).**

A planning proposal (PP\_2014\_HORNS\_002\_00) seeking to rezone the South Dural precinct to permit urban development was issued a Gateway determination on 7 March 2014. This precinct is in the vicinity of subject site. Currently, further investigation regarding the provision of infrastructure is being undertaken prior to the planning proposal proceeding. If this proposal does proceed it is anticipated that future land uses will include increased numbers of detached housing and associated development. Future residential development and the proposed seniors housing are considered compatible as they are both residential in character.

The site is not currently used for agricultural purposes and the agricultural capacity of the site is considered to be minimal.

The riparian corridor through the centre of the site and its connectivity with the riparian corridor to the east, may be retained through an environmental zone should rezoning of adjacent land occur in the future (Tab L).

The proposal will provide protection to the existing creek running through the site, through the use of buffer areas and the proposed development (as shown on the concept plan – refer to page 4 of this report) will not impact negatively now or in the future on this corridor.

Consequently, the development of a retirement village on this site is not likely to have any adverse impacts on future land uses.

**(iii) 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)).**

#### On-site Services

The applicant advises that the existing Glenhaven Green village contains some of these services, notably in relation to community and recreation facilities, as follows:

- café;
- gym;
- heated indoor pool;
- clinic;
- hairdresser;
- kiosk; and
- chapel.

### Services provided in the Locality

The site is located about 4km via road from Castle Hill Towers. Castle Hill Towers includes a medical centre, several banks, pharmacy, supermarket and a variety of specialist stores.

The site is also located within approximately 7km of the Round Corner shopping centre, which provides a range of retail and commercial outlets, community and recreational facilities and a medical centre.

Further facilities can also be found at Pennant Hills and include a library, bowling club and train station.

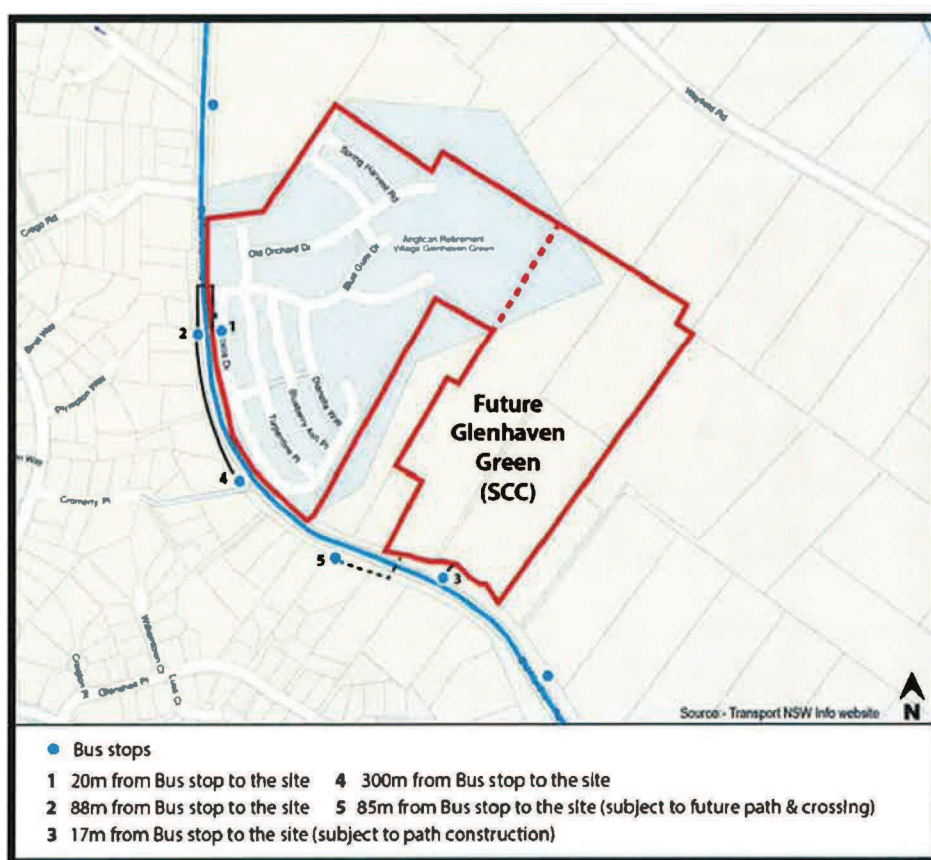
### Department Comment

These centres satisfactorily address the services specified in clause 26(1) of the SEPP.

### Public Transport Services

Adequate public transport services are available. Bus stops for these services (in both directions) along the Old Northern Road are available within 400m of the subject land.

The following diagram illustrates the location of the bus stops in relation to the proposed development.



Several bus services (routes 637, 638 and 639) operate along Old Northern Road and provide access to within 400m of both Castle Hill, Round Corner and Pennant Hills shopping centres.

These bus routes provide at least 2 services each hour between 5.27am and 7.42pm Monday to Friday, hourly intervals between 7.23am and 5.51pm on Saturdays and 2 hourly intervals between 8.13am and 2.13pm on Sundays.

#### Access to Public Transport Services from the site

Clause 26(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* specifies that access complies with this clause if:

- (a) *the facilities and services 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, although the following gradients along the pathway are also acceptable:*
- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time;*
  - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time; and*
  - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

This clause also requires that pathways from the site to public transport services and from public transport services to facilities and services be accessible by a suitable access pathway, and that the overall average gradient along the pathway be no more than 1:14, as set out in subclause 26 (3).

The applicant advises that all pathways within the existing village are compliant in terms of gradient. The applicant also advises that 'future paths can also be constructed to be compliant in terms of path gradient' (Tab D).

The applicant provides the following information regarding accessibility, proximity and gradients of the pathways from the site to public transport services. These bus stops are shown on the diagram on page 7:

- Bus stops 1 & 2 are accessible by a sealed pathway from the main entrance of Glenhaven Green, the path is essentially level and complies with the 1:14 gradient. Kerb ramps designed and constructed to service the existing Glenhaven Green are also provided at the signalised intersection that would satisfy the gradient 1:8 (Figure 2 & 3, p. 3 & 4 - Tab D).
- Bus stop 3 is currently accessed over a gravel road reserve. The additional information letter (p. 3 - Tab D) states that the path connecting the site to this bus stop is currently over a gravel road reserve and will need to be provided, which is likely to occur in conjunction with road works relating to the future vehicular access. The land is relatively level in this location and compliance with the relevant gradients is achievable.
- Bus stop 4 is within 400m of the main entrance to the existing Glenhaven Green entrance and is accessible by an existing level footpath.

- Bus stop 5 is also within 400m of the site, however a footpath and a safe crossing point across Old Northern Road would be required.

#### Department Comment

The application complies with the controls set out in clause 26, with the exception of access to bus stop 3, as this is currently accessed over a gravel road reserve.

It is recommended that the certificate includes a condition that requires the details of a sealed access path way from the site to the bus stop 3 to be provided to Council as part of the lodgement of a development application.

#### Water Services

Advice from Sydney Water indicates that strategic investigation shows that the trunk water system has adequate capacity to service this development area.

#### Sewer

Advice from Sydney Water (Tab M) indicates (in part) that the subject site is not serviced by Sydney Water wastewater system and there are no current plans to service this area in the near future. The nearest wastewater reticulation main is located approximately 120 metres south of the site. A lengthy sewer extension would generally not be supported, however, the site could be serviced by an onsite wastewater management system subject to council requirements.

The site compatibility certificate report (Tab C) states that an on-site sewer management system is not considered viable in the long term, nor for the proposed population of the retirement village.

Further information was consequently sought in relation to viable options for sewer servicing at the site and three (3) possible options have been provided by the applicant (Tab E).

Each option will require a rising main on subject site, boring under Old Northern Road and the provision of a private sewer pumping station on the low point of the site.

#### **Route Option 1**

This is the most direct and shortest route at 120m in length. A site inspection by MetroWater (on behalf of the applicant) has determined that there is a 8m level change from the Old Northern Road boundary of the site to a sewer main located within a property directly opposite the site (i.e. 396 Old Northern Road). The new rising main would run from the pumping station under Old Northern Road to a new manhole constructed within 396 Old Northern Road and then gravity feed to the existing sewer main. This option requires negotiating with the owner of 396 Old Northern Road. The applicant has not had discussions with the property owner. However, this could be undertaken at a later date.

#### **Route Option 2**

This route follows Old Northern Road north west to a pedestrian pathway between 408 and 410 Old Northern Road (connecting Old Northern Road and Cromerty Place). The site inspection by MetroWater along with Works as Constructed plan obtained from

Sydney Water has confirmed that the existing sewer is in the pathway. An existing line extends from an existing manhole to service two lots fronting Old Northern Road. This line would need to be extended through the pathway up to Old Northern Road and a new manhole constructed at the end of the pathway. The new rising main from the ACS site would run under Old Northern Road (as per Option 1) but then turn and run in a north-west direction along the western side road verge of Old Northern Road.

The pedestrian pathway is owned by The Hills Shire Council. This route has a length of approximately 420m. This route will require discussions with RMS, Hornsby Council and The Hills Council and suitable allocation within the road reserve for the pipe will need to be negotiated with relevant authorities. Such discussions have not taken place.

### **Route Option 3**

This route will require a new rising main from the site under Old Northern Road (as per Option 1). The main would then turn and run in a south-east direction along the western side road verge of Old Northern Road to Gilbert Road and then west along Gilbert Road to the sewer main which is located in the rear of the lots fronting Old Northern Road. This route is referred to in the Sydney Water letter ([Tab M](#)). Sydney Water has incorrectly referred to a length of 1.65km. MetroWater has advised Sydney Water of this error. The correct length is 320 metres. This route will require discussions with RMS, Hornsby Council and The Hills Shire Council to determine a suitable allocation within the road reserve for the pipe. Such discussions have not taken place.

### Department Comment

It is considered that viable options exist for connection to the system. To ensure that this is the case, it is recommended, as a condition of this certificate that satisfactory arrangements are to be made for wastewater disposal as part of the lodgement of a development application with Council.

**(iv) 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 subject land is not zoned open space or special uses and does not adjoin land zoned for open space purposes. The subject land, however, adjoins land zoned SP2 Infrastructure, being the Old Northern Road.

The concept plan with the proposal indicates a network of open spaces that will be provided on site to cater for future residents/occupants.

**(v) 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 applicant advises that the building scale ranges from 1 – 3 storeys, with the majority of buildings comprising 1 – 2 storeys and that the proposed development will replicate the existing Glenhaven Green village in bulk, scale and character. The

proposal indicates that due to the fall of the land the three storey component will present as 2 storey in bulk from the street.

Hornsby Council indicate that the bulk and scale of the proposal is in keeping with the existing Anglican Retirement Village and is considered appropriate for this site.

#### Department Comment

Development of seniors housing comprising part 2 / part 3 storey built form, with pitched roofs, is considered appropriate and acceptable in terms of the impacts it is likely to have on the exiting uses, approved uses and possible future uses of land in the vicinity of the development.

**(vi) 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 Hornsby Local Government Area is listed in Part 3 of Schedule 1 of the *Native Vegetation Act 2003*, and pursuant to Section 5 of that Act, Hornsby Shire is excluded from its operation.

### **COMMENTS FROM HORNSBY SHIRE COUNCIL**

#### **CLAUSES 24(2) AND 25(5)**

A certificate must not be issued unless the Secretary:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the Council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
  - (i) the site of the proposed development is suitable for more intensive development, and
  - (ii) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment and surrounding land uses, having regard to (at least) the criteria specified in clause 25(5)(b).

#### **A. COMMENTS FROM COUNCIL**

Hornsby Shire Council was consulted on 29 August 2016, and provided comments on 19 September 2016 (Tab F).

#### **Criteria 1 – The natural environment and the existing and approved uses of land.**

Council notes surrounding land use and that the proposal is an expansion of the established Glenhaven Green Village.

#### **Criteria 2 – The impact that the proposal is likely to have on the likely future uses of land in the vicinity of the development.**

Council also notes that a planning proposal has been submitted on behalf of the South Dural Resident and Ratepayers Association to rezone the South Dural precinct, which

encompasses the subject site, for urban purposes, with the potential to provide 2,500-3,000 new dwellings.

**Criteria 3 – The services and infrastructure that are or will be available to meet the demands arising from the development and any proposed financial arrangements for infrastructure provision.**

Council note that the proponent has provided correspondence from Sydney Water, and also states that the proponent has not detailed any proposed financial arrangements to ensure infrastructure provision.

**Criteria 4 – In the case of applications in relation to land that is zoned open space or special use, 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.**

Council's response – "not applicable"

**Criteria 5 - 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.**

Council makes reference to the South Dural Planning Proposal which is proposed to provide a variety of housing formats. In this regard, Council comments that the proposed built form in the concept plan supporting the SCC application would not have an adverse impact upon future uses proposed under the planning proposal.

**Criteria 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.**

Council advice confirms that the Hornsby Local Government Area is listed in Part 3 of Schedule 1 of the *Native Vegetation Act 2003*, and that pursuant to Section 5 of the *Native Vegetation Act 2003*, land within Hornsby Shire is excluded from operation of the Act.

Summary – Council's Advice

Council advised that it is generally supportive of the proposal but identified the following matters for consideration:

- Opportunity exists to integrate the future expansion of the Anglican Retirement Village in the future road layout to limit future access points onto the Old Northern Road.
- Financial arrangements to ensure infrastructure provision have not been provided.

Department Comment

The Department acknowledges Council's views regarding future road layout and access points onto the Old Northern Road, however, it is anticipated that traffic and access issues and wastewater can be satisfactorily dealt with at the development application stage and do not preclude the issue of a certificate.

### **The Hills Shire Council**

The site is located on the boundary of land administered by The Hills Shire Council. Council advised (Tab G) of the following concerns:

- Traffic generation:
  - traffic generated as a result of the proposal has not been adequately addressed;
  - proposed road designs that show future road and intersection upgrades have not been supplied; and
  - concurrence of the Roads and Maritime Services is required and has not been sought.
- Future Built Form:
  - elevations have not been submitted for comment;
  - concern over apartment style development on rural zoned land;
  - the design and built form should reflect the low density, rural character of the area;
  - the need for integration of design, built form and road access compatible with future land uses; and
  - appropriate setbacks to be provided along the Old Northern Road, to allow for high quality landscape screening.
- Further, Council advised of concerns over encroachment of aged care facilities into rural zoned land; that the proposal is not making efficient use of existing infrastructure and services; and, comprehensive assessment of impacts would require a:
  - flora and fauna study;
  - landscaping plan;
  - fencing plan; and,
  - plan of elevations.

### **Department Comment**

The Department acknowledges the traffic and access issues raised, however, it anticipates that these issues can be satisfactorily dealt with at the development application stage.

Council's views over rural land, character and built form are also acknowledged, however, Council's views are generally not supported. The proposal is consistent with the adjoining, existing Glenhaven Green Retirement Village and proposed developments within the area. Landscaping, fencing, elevations and setbacks will be satisfactorily addressed at the DA stage.

### **CONCLUSION**

The proposed development will contribute to meeting the need for seniors housing in this locality and there are no significant constraints to more intensive development as outlined below.

- The site is located in proximity to land developed for housing purposes and is suitable for more intensive development.

- Consulted agencies, including Hornsby Shire Council officers, have not objected to the proposal.
  - The impacts of proposed development have been considered against the likely future uses and deemed to be consistent.
  - Location and access requirements as set out in Clause 26 of the State Policy have been addressed and satisfied.
  - Traffic and access arrangements can be adequately managed at the development application stage.
  - The proposed bulk and scale of the building is considered suitable for its location and for the locality.
  - Subject to the application of recommended conditions, adequate and suitable services and utilities are available to support the proposal.
  - There are no environmental constraints to the proposed development, such as drainage and flooding, open space, and vegetation issues.
- As such, it is recommended that a site compatibility certificate be granted.

## RECOMMENDATION

It is recommended that the Executive Director, Regions, as a delegate of the Secretary:

- **notes** the assessment report (Tab A);
- **notes** the site compatibility certificate application (Tabs B,C,D and E);
- **considers** the written comments received from Hornsby Shire Council and The Hills Shire Council, concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) (Tab F and G);
- **forms the opinion** that the site of the proposed development is suitable for more intensive development;
- **forms the opinion** that development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b);
- **determines** the application for a site compatibility certificate by issuing a certificate (Tab H) for Lots 2 and 3 in DP 225754 at 589 and 591 Old Northern Road and Lots 1 in DP 13598, at 593 Old Northern Road, Glenhaven; and
- **signs** the letters to the applicant and Hornsby Shire Council and The Hill Council, advising of this determination (Tab Letters).

  
 14/12/16  
**Catherine Van Laeren**  
 Director, Sydney Region West

 24 January 2017  
**Steven Murray**  
 Executive Director, Regions  
 Planning Services

**Approved/Not Approved/Noted**

Contact Officer: Alicia Hall  
 Planning Officer, Sydney Region West  
 Phone: 9860 1587

## **Attachments**

Tab A	Site Compatibility Certificate Assessment Report
Tab B	Site Compatibility Application
Tab C	Site Compatibility Report
Tab D	Additional Information - Access
Tab E	Additional Information – Wastewater [Tab E1 – diagram]
Tab F	Hornsby Shire Council comments
Tab G	The Hills Shire Council comments
Tab H	Site Compatibility Certificate
Tab I	Rural Fire Service Advice
Tab J	Site Concept Plan
Tab K	Site Constraints Plan
Tab L	Riparian Constraints Plan
Tab M	Sydney Water Letter
Tab Letters	Letters to Council and Applicant