

THE HILLS SHIRE COUNCIL

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22 November 2016

Mr Adrian Hohenzollern
Team Leader, Sydney Region West Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 161320954
Your Ref: 16/14062

Dear Mr Hohenzollern

Application for a Site Compatibility Certificate – SEPP (Housing for Seniors or People with a Disability) 2004 - 400A Old Northern Road, Glenhaven (Lot 2 DP 872046)

I refer to your letter dated 27 October 2016 seeking comments with respect to an application for a Site Compatibility Certificate for seniors housing at 400A Old Northern Road, Glenhaven (Lot 2 DP 872046). The subject proposal involves the demolition of an existing dwelling and the erection of 14 attached self – care apartments and ancillary structures over two levels (above a basement carpark).

The subject site is zoned E4 Environmental Living under The Hills Local Environmental Plan 2012. The property is located opposite land zoned RU2 Rural Landscape under the Hornsby Local Environmental Plan.

Concern is raised regarding the permissibility of the proposed development in the E4 Environmental Living zone. Clause 4 (6)(a) 'Land to which Policy does not apply' of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* states that this policy does not apply to land described in Schedule 1 (Environmentally sensitive land). Schedule 1 of the SEPP defines environmentally sensitive land as including land that is identified in an environmental planning instrument as being for 'environment protection'. The E4 Environmental Living zone falls within the group of 'Environment Protection Zones' in the *Standard Instrument – Principal Local Environmental Plan*.

The zone objectives for the E4 Environmental Living zone under The Hills LEP 2012 are as follows:

- "To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values".

Within The Hills Shire this zone has been applied to land that has special environmental and aesthetic values, and anticipates a low density form of residential accommodation (including dwelling houses, secondary dwellings and attached dual occupancies only). Multi dwelling housing and residential flat buildings are prohibited in this zone.

There is a counter view (not necessarily agreed) that land zoned E4 Environmental Living does not constitute 'environmentally sensitive land' under Schedule 1 of the SEPP. Given that there is uncertainty with respect to the permissibility of the proposed development, it is imperative that if this proposal is to proceed, the Department will need to confirm whether or not land zoned E4 Environmental Living is land to which the Policy applies. In addition, there are a number of outstanding issues relating to the site including the suitability of the proposed built form, impacts on the natural environment and accessibility, as outlined below.

- **Future Built Form, Scale and Character**

Concern is raised that the built form, scale and character of the proposed development is unsuitable for the location. Details of the proposed building heights have not been submitted for review, however the site has a maximum height of buildings under The Hills LEP 2012 of 9m. Also, Clause 50(b) 'Standards that cannot be used to refuse development consent for self-contained dwellings' of the SEPP requires developments to have a floor space ratio (FSR) of 0.5:1 or less. The subject proposal will achieve an FSR of 0.54:1.

Elevations of the proposed apartment building show a modern building with a flat-roof design which is significantly out of character for the locality. Concern is raised regarding the suitability of an apartment-style development in this location and the potential to create a precedent for surrounding sites. The design of any development on this site, if permitted, should reflect and integrate well with the low density character of the area. This includes maximising setbacks to property boundaries and Old Northern Road to allow for high quality landscape screening, and to ensure that the amenity and privacy of adjoining properties is protected. It is noted that a full site plan and rear setback details have not been provided for review which would enable an assessment of the potential overlooking and visual impacts to neighbours that could arise from a building of this scale.

- **Flora and Fauna Impacts**

Council's vegetation mapping identifies that the subject site contains Blue Gum High Forest, which is listed as a critically endangered ecological community under the *Threatened Species Conservation Act, 1995*. An extract of Council's 2008 Vegetation Mapping is provided below. Any development on this site should seek to maximise the retention of trees and a Flora and Fauna Report and Arborist Report be submitted for review.

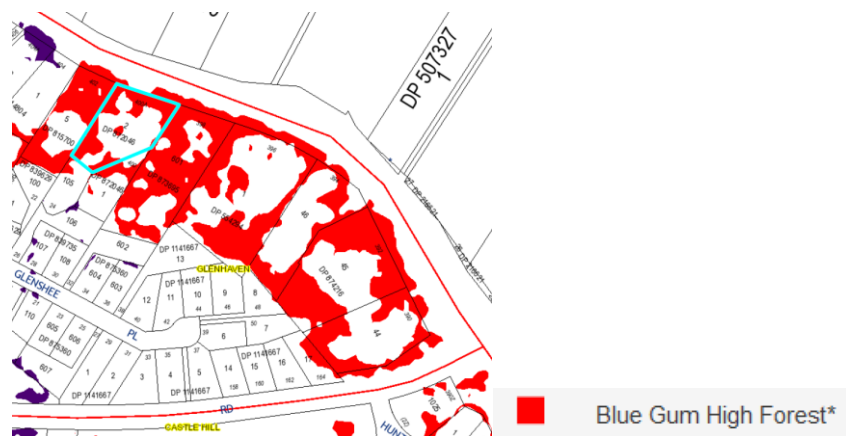


Figure 1

Extract of Vegetation Map (2008) indicating extent of Blue Gum High Forest in vicinity of subject site

- **Vehicular Access**

Old Northern Road is a Classified Road, and any future development application requiring a new access onto Old Northern Road will require the approval of the Roads and Maritime Services. A Traffic and Parking Study that identifies anticipated traffic generation, including the number of vehicles that will utilise the site, would be required for such a development. Future

vehicular access to the site should also consider the implications of any road changes that may arise from the possible future expansion of the Glenhaven Green Retirement Village onto land at 589-593 Old Northern Road Glenhaven (located opposite this site within the Hornsby Shire LGA).

- **Accessibility and Infrastructure:**

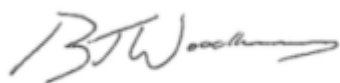
SEPP (Housing for Seniors or People with a Disability) 2004 requires that developments be situated in locations that have good access via public transport to shops, retail services, medical practitioners and the like. It is noted that there are two bus stops in the vicinity of this site (located outside the subject property and also opposite within the Hornsby Shire LGA). However, Old Northern Road carries high traffic volumes and no details have been provided regarding the means for future residents to cross Old Northern Road and utilise the public transport in a safe and convenient manner. Traffic lights are provided east of the site at the Gilbert Road / Old Northern Road intersection, however there is no footpath provided on the opposite side of the road.

In addition, the proponent's Accessibility Review appears to be incomplete and refers to some non-compliances, for example in relation to wheelchair access between the principal building entrance and the public road. Insufficient information has also been provided regarding Sydney Water and Integral Energy's servicing requirements for the site.

Whilst there is demand for aged care services and residential care facilities in appropriate locations to meet the needs of an ageing population, given Council's concerns regarding the permissibility of a development under *SEPP (Housing for Seniors or People with a Disability) 2004* on this site and the issues raised above, objection is raised to the issuing of a Site Compatibility Certificate. Additional concerns have also been raised above regarding the compatibility with existing uses in the vicinity of the proposed development, the availability of services and infrastructure to meet the demands of future users of the site, and the impacts that the bulk, scale, built form and character of the proposed development could have on the locality. Potential impacts on the Blue Gum High Forest on the site have also not been satisfactorily addressed.

Thank you for the opportunity to comment on the proposal. Please contact Bronwyn Inglis, Senior Town Planner, on 9843 0531 if you require any additional information.

Yours faithfully



Brent Woodhams
FORWARD PLANNING COORDINATOR