



PCU072930

Your ref: C17/50451

31 October 2017

Mr Stuart McIntosh  
Planning Officer, Sydney Region West  
Planning Services  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001



Dear Sir,

**Site Compatibility Certificate application for 1304 Windsor Road, Riverstone**

Thank you for the opportunity to comment on the application submitted for a Site Compatibility Certificate under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Housing for Seniors SEPP) for 1304 Windsor Road, Riverstone, Lot 8, DP 218794. Our specific comments on the Site Compatibility Certificate are included as Attachment 1 to this letter.

Having considered the consistency of the proposed development with the criteria in Clause 25 of the Housing for Seniors SEPP, we regard the application to be premature and unsuitable for support at this point in time. The site is located in an area which will be rezoned for urban purposes in the future, when essential services become available. The location of key land uses and essential infrastructure, including new roads, is not yet established. It is considered that the segregation of a large lot from the overall planning process has the potential to place unnecessary constraints on the future orderly development of the area.

If you would like to discuss this matter further, please contact Strategic Planner, Helen Budd on 9839 6206.

Yours faithfully,

Chris Shannon  
Manager Strategic Planning



## IMPORTANT ENGLISH

This letter contains important information. If you do not understand it, please come to Council's Administration Centre and discuss the letter with Council staff who will arrange interpreter services.

هَام  
عربي  
هذه الرسالة تحتوي على معلومات هامة. إذا لم تفهمها، نرجوك الإتصال  
بمركز إدارة المجلس ومناقشة الرسالة مع موظفي المجلس والذين  
سيقومون بترتيب خدمات مترجم.

## ΠΡΟΣΟΧΗ ΕΛΛΗΝΙΚΑ

Η παρούσα επιστολή περιέχει σημαντικές πληροφορίες. Για τυχόν διευκρινίσεις, παρακαλούμε να προσέλθετε στο Διοικητικό Κέντρο της Δημαρχίας για να συζητήσετε την επιστολή με τους αρμόδιους υπαλλήλους, που θα φροντίσουν να σας παρασχεθούν υπηρεσίες διερμηνείας.

## IMPORTANTE ITALIANO

Questa lettera contiene informazioni importanti. Se non la capisci, sei invitato a venire al Centro amministrativo del Municipio per parlare della lettera con gli impiegati del Municipio, i quali organizzeranno i servizi di un interprete.

## IMPORTANTE TAGALOG

Ang liham na ito ay naglalaman ng mahalagang impormasyon. Kung ito ay hindi ninyo maintindihan, makipagkita sa empleyado ng Konseho sa Sentro ng Administrasyon ng Konseho (Council's Administration Centre) upang mapag-usapan ito. Ang serbisyo sa pagpapaliwanag ay ihahanda para sa iyo.

## IMPORTANTE ESPAÑOL

Esta carta contiene información importante. Si usted no la entendiera, le rogamos venir a las oficinas administrativas del municipio (Council's Administration Centre) para tratar la carta con un funcionario municipal, quien se encargará de proporcionarle los servicios de un intérprete.

## ÖNEMLİ TÜRKÇE

Bu mektup önemli bilgiler içerir. Mektubu anlayamazsanız lütfen Belediye'nin Yönetim Merkezi'ne gelip Belediye'nin tercümanlık hizmetlerini ayarlayacak olan görevliler ile görüşünüz.

## VAŽNO HRVATSKI

Ovo pismo sadrži važnu informaciju. Ako ga ne razumijete, molimo dođite u administrativni centar Općinskog Odbora i razgovarajte o pismu s općinskim osobljem, koje će se pobrinuti za tumača.

## महत्वपूर्ण हन्दि

इस पत्र में महत्वपूर्ण सूचना है। यदि आप इसे न समझ पा रहे हैं, तो कृपया ज़िला परषिद (काउंसिल) के प्रशासन केंद्र में आइये और परषिद के कर्मचारियों से इस पत्र के बारे में बात करिए, जो आपके लिये दुभाषिया सेवा का प्रबंध करेंगे।

## IMPORTANTI MALTI

Din l-ittra fiha taghrif importanti. Jekk int ma tistax tifhimha, jekk joghgbok ejja fiċ-Ċentru ta' l-Amministrazzjoni tal-Kunsill biex tiddiskuti l-ittra ma' l-istaff tal-Kunsill u dawn jirrangawlek biex ikollok servizz ta' interpretu.

## ВАЖНО СРПСКИ

Ово писмо садржи важне информације. Ако га не разумете, молимо дођите у Административни центар општинског одбора и поразговарајте о писму са општинским особљем, које ће се побринути за тумача.

## TĀUA FAA-SAMOA

O lenei tusi o loo iai ni faamatalaga tāua. A e lē malamalama iai, faamolemole susū mai i le Council's Administration Centre ma talatalanoa ai i le aufaigaluega a le Council e ala i se tagata faaliliupu ua fatulagaina.

## QUAN TRỌNG TIẾNG VIỆT

Có những tin tức quan trọng trong bức thư này. Nếu quý vị không hiểu, xin vui lòng đến Trung Tâm Hành Chánh của Hội Đồng và thảo luận lá thư này với nhân viên của Hội Đồng Thành Phố. Nhân viên này sẽ dàn xếp để dịch vụ thông ngôn giúp quý vị.

## WAŻNE POLSKI

Niniejszy list zawiera ważne informacje. Zgłoś się do Ośrodka Administracji Lokalnej (Council's Administration Centre), jeśli go nie rozumiesz i chcesz w tej sprawie porozmawiać. Pracownik administracji zorganizuje tłumacza.

## ਮਹੱਤਵਪੂਰਣ ਪੰਜਾਬੀ

ਇਸ ਪਤ੍ਰਿਕਾ ਵਿੱਚ ਮਹੱਤਵਪੂਰਣ ਜਾਣਕਾਰੀ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦੀ ਸਮਝ ਨਹੀਂ ਆਉਂਦੀ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਕੌਂਸਲ ਦੇ ਐਡਮਿਨਿਸਟ੍ਰੇਟਿਵ ਸੈਂਟਰ ਆ ਕੇ ਕੌਂਸਲ ਦੇ ਕਿਸੇ ਅਧਿਕਾਰੀ ਨਾਲ ਇਸ ਪਤ੍ਰਿਕਾ ਬਾਰੇ ਗਲਬਾਤ ਕਰੋ ਅਤੇ ਉਹ ਦੁਭਾਸ਼ੀਏ ਦੀ ਸੇਵਾ ਦਾ ਪ੍ਰਬੰਧ ਕਰਨਗੇ।

## 重要! 简体中文

这封信中包含有重要讯息。若您不理解信中的内容，请前往市议会管理中心，市议会的员工将会为您安排翻译人员服务并与您一起探讨信中的内容。

## 重要! 繁體中文

這封信中包含有重要訊息。若您不理解信中的內容，請前往市議會管理中心，市議會的員工將會為您安排翻譯人員服務並與您一起探討信中的內容。

**Blacktown City Council submission on a request for a  
Site Compatibility Certificate at 1304 Windsor Road, Riverstone**

---

**1. Validity of the application**

- 1.1. We believe that the application has not adequately established that the Housing for Seniors SEPP applies to the site at 1304 Windsor Road, Riverstone. The site is zoned RU4 – Primary Production Small Lots under *Blacktown Local Environmental Plan 2015*. The objectives of this zone are to enable primary industry uses.
- 1.2 The Housing for Seniors SEPP Clause 4 'Land to which Policy applies' specifies that the Policy applies to land, or land that adjoins land, zoned primarily for urban purposes. The site itself is not zoned for urban purposes, therefore relies on adjoining land being zoned primarily for urban purposes. The land immediately east, west and south of the site is all zoned RU4. The directly land to the north is separated by a classified arterial road, being Windsor Road.
- 1.3 The Housing for Seniors SEPP Clause 4(4) provides that if the directly adjoining land is separated by a public road, there must be direct vehicular and pedestrian access from that road.
- 1.4 There is one lot that directly adjoins 1304 Windsor Road to the north that is separated by Windsor Road. That lot is located in the Box Hill Precinct within The Hills Shire Council. The lot forms part of an area that was recently rezoned B7 Business Park under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP 2006). While the B7 zone is clearly an urban use, we suggest that the application has not adequately addressed the requirement that the adjoining B7 land has direct vehicular and pedestrian access to Windsor Road.
- 1.5 The directly adjoining land north of 1304 Windsor Road has not yet been developed for use under the B7 Business Park zone and predominantly consists of a large vacant rural lot. Whilst the land has frontage to Windsor Road, there is currently no existing vehicular access point. The Box Hill Growth Centre Precinct Development Control Plan 2017 specifies that for Business Parks, direct access will not be permitted off higher order roads (Section 6.5.2 Control 7). The DCP road pattern provides for access off future roads to prevent access off Windsor Road. Hence the application does not satisfy Clause 4(4) in that it cannot rely on the directly adjoining land having direct vehicular and pedestrian access to dividing public road, being Windsor Road.



## **2. Assessment against criteria in Clause 25(5)(b) of the Housing for Seniors SEPP**

Clause 25(5)(b) requires that consideration be given as to whether the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

### **2.1 *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.***

#### **2.1.1 Natural environment**

- a. There has been no environmental investigation of the land and its surroundings to support a rezoning under the Growth Centres SEPP or as part of this application. It cannot therefore be concluded that the proposed development would be compatible with surrounding land uses having regard to the natural environment as the impacts are unknown. Notwithstanding, we believe that the proposed development would be incompatible with the natural environment on the surrounding land as it proposes to significantly alter the existing rural landscape with a dense urban use.

#### **2.1.2 Existing and approved uses**

- a. The proposed development would be completely incompatible with the existing character of the semi-rural land uses in the vicinity of the land.

#### **2.1.3 Existing road access**

- a. The proposed development is dependent on retaining vehicular access to Windsor Road. Windsor Road is under the control of Roads and Maritime Services (RMS). In our view, it is critical that advice is sought in writing from RMS to confirm that vehicular access to Windsor Road will be permitted for the proposed development as the proposal cannot proceed in its current form without this.



**2.2 *Clause 25(5)(b)(ii) The impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land.***

**2.2.1 Riverstone East Precinct**

- a. The site is located in the North West Priority Growth Area in Stage 3 of the Riverstone East Precinct. Stage 3 has not yet been rezoned and a draft Indicative Layout Plan is not publically available. As such, there is no clear guidance as to the proposed future land uses for the site and its surrounds. Significantly, the location of key land uses such as neighbourhood centres, community facilities, schools, open space and essential infrastructure, in particular the road network, are not yet established. Planning of the area also needs to take into account the alignment of a proposed link road connecting Box Hill to the north through the Precinct to Garfield Road East, and the location of any required flood evacuation routes.
- b. The request to isolate a lot and set it aside for a specific land use at this early stage in planning Stage 3 of the Riverstone East Precinct as a whole is premature. Pre-allocating a specific land use to the site will unnecessarily impose limitations on the land uses which can be considered for the adjoining sites, which in turn may create constraints on the optimal location of other key planning requirements.
- c. A key objective of the existing RU4 Primary Production Small Lots zone is 'to ensure that development does not prejudice the orderly and economic development of future urban land'. It is our view that the proposed development has the potential to significantly undermine the future orderly development of the future urban land in the area.

**2.2.2 Windsor Road**

- a. An additional concern is that the proposed development is premised on retaining vehicular access to Windsor Road. Community forums held in 2014 on the development of Riverstone East Precinct as a whole identified the management of increased traffic on Windsor Road as a key community concern.
- b. In our opinion, the fact that the potential impact of the proposed development on Windsor Road itself and on the future local road network cannot be assessed at this stage emphasises that seeking a Site Compatibility Certificate for this site is premature.



**2.3 (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.**

**2.3.1 Essential public utilities infrastructure**

- a. Under the Growth Centres SEPP Appendix 12 Clause 6.1 'Public utility infrastructure', development consent cannot be granted unless adequate arrangements have been made to make essential public utility infrastructure available when required for a proposed development. Similarly, Clause 6.2 under Blacktown LEP 2015 requires the availability of public utility infrastructure in order to issue development consent.
- b. The availability of public utility infrastructure has determined the staging of rezoning in the Riverstone East Precinct. It is inequitable to consider an urban development proposal on this land when the other rural lands in the Precinct do not have the benefit of relying on the same future public utility infrastructure. It is more equitable to wait until Stage 3 of the Riverstone East Precinct has been rezoned before determining any urban development that will rely on public utility infrastructure.
- c. The Site Compatibility Certificate Application states that mains water and electricity are currently available and reticulated sewer is anticipated to be available in late 2018/early 2019. Whilst this would need to be confirmed with the relevant service providers, it is still premature to issue a Site Compatibility Certificate when public utility infrastructure is not available.

**2.3.2 Other infrastructure and services required under Housing for Seniors SEPP**

- a. The Housing for Seniors SEPP Clause 26 sets out highly specific requirements around access to shops, bank service providers, other retail and commercial services, community services, recreational facilities and access to a general medical practitioner. Access is defined as located within 400m and with prescribed opening hours. At this point, due to the undeveloped state of the area, the site does not benefit from any access to the required services.
- b. The Site Compatibility Certificate Application argues that provision of access to services, as defined in the Housing Seniors SEPP, is not appropriate for the future residents of the facility due to the anticipated limitations of mobility, frailty or, in the case of dementia residents, cognitive capacity. Instead, it claims that services may be provided on site or by means of a community bus providing access to local shops, community services and recreational facilities with appropriate levels of assistance or monitoring. An adequate assessment cannot be made in the context of the far more conceptual information provided for the proposed development overall for the purposes of a Site Compatibility Certificate.



**2.4 (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.**

2.4.1 The site is not currently zoned for open space or special uses. Notwithstanding, as the land has not yet been rezoned for urban purposes under the Growth Centres SEPP, it is not yet known whether the land will be required for open space purposes or any other forms of special uses such as drainage.

**2.5 (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.**

2.5.1 Stage 3 of the Riverstone East Precinct has not yet been rezoned and the future uses of the land are unknown other than at the broadest level that the land will be rezoned for urban use. Therefore, it is not possible to provide meaningful comment on the likely impact of the proposed development on the future uses of the land. The inability to provide an assessment of this important criteria points to the application being made prematurely before all relevant factors can be assessed in context.

2.5.2 The proposed development is for a 144 bed two storey residential care facility arranged in three wings with an administration block, set in landscaped grounds. 'Back of house' facilities and car parking will be located in the basement. The facility proposes a floor space ratio of 0.59:1. The concept site plan is very general and does not provide any measurements such as side setbacks.

**2.6 (vi) If the proposed 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.**

2.6.1 The site is located in an area which is identified to be certified on North West Growth Centre – Biodiversity Certification Amendment No 1 map referred to in Clause 17 of Schedule 7 to the *Threatened Species Conservation Act 1995*.

## 2.7 Conclusion

2.7.1 The fact that there is no publically available information on the potential future land uses and location of key services and infrastructure means that it is not possible to make a fair and full assessment of whether the proposed development is compatible with the surrounding land uses. The proposed development fails to meet a number of the criteria set out in Clause 25 of the Housing for Seniors SEPP against which the assessment of compatibility is to be assessed. The Site Compatibility Certificate application is premature and seeks a level of certainty which is unable to be provided at this point in time. We therefore request that the Department do not support the request for a Site Compatibility Certificate for 1304 Windsor Road, Riverstone.