
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, and the Explanation of Intended Effect for proposed new rules for Site Compatibility Certificates under the Seniors Housing SEPP effective November 2017.

THE SITE: 3 and 5 Pellitt Lane (Lots 1 and 2 DP 560912) and 9 Wirrabarra Road (Lot 1 DP 534265), Dural. A site inspection of the land was undertaken by the regional team on 8 December 2017.

APPLICANT: Claron Consulting Pty Ltd.

The application form (**Attachment F**) for a site compatibility certificate (SCC) was received by the Department on 5 October 2017.

PROPOSAL: The application report (**Attachments G1-G6**) prepared by Claron Consulting on behalf of the landowners details a seniors living development (Figure 1). The report and package (**Attachments H1-H10**) are for the same proposal that received a SCC on 9 June 2016 (which will lapse June 2018). The applicant has lodged a new SCC to allow for an extended time frame to lodge and finalise a development application with The Hills Shire Council under a valid SCC.

The proposal involves construction of a seniors housing development to provide accommodation for:

- 104 serviced self-care dwellings (33 dwellings of 2 and 3 bedrooms, and 71 apartments of 1 and 2 bedrooms);
- a 72-bed residential care facility;
- communal centre, library, health facilities, medical clinic, recreational areas including tennis court, pool and landscaping; and
- approximately 100 car parking spaces provided as at-grade parking and basement parking.



Development Statistics

Bush Fire Clear Area:	26,800 m2 approx.	
APZ at southeast side of creek:	15,700 m2 approx.	
APZ at northwest side of creek:	12,000 m2 approx.	
Aged Care Facility @ Building A (2 storey)		72 beds
Retirement Village Apartment Type @ Building E (2 Storey)	27 units (2 Br)	
Retirement Village Apartment Type @ Building F (2 Storey)	26 units (2 Br)	
Retirement Village Apartment Type @ Building G (2 storey)	18 units (2 Br)	
		71 units (Total)
Retirement Village Villa & Duplex Type (Singel Storey, Land size 200m2 average, Floor Area 100m2)		33 dwellings
Facilities:		
Building B- Commual Centre: Library,Health Facilities, Clinic etc		
Building C- Pool, Hydrotherapy Pool, Bowling Club, Gym etc		
Building D- Administration, Storage, Maintenance		
Area H - BBQ Picnic, Bocce		
Area I - Formail Gardens		
Parking - 100 spots approx.		

Figure 1: Proposed development under SCC application

A development application was lodged with The Hills Shire Council on 16 November 2017. That development application proposes more self-care dwellings (117) than that under the SCC issued in June 2016 (104 self-care dwellings). The development application is currently being notified by Council.

The development application proposes:

- 72 bed residential aged care facility comprising of 3-4 levels;
- 117 self-care dwellings consisting of:
 - Four 2-3 storey buildings comprising of 80 apartments with a mix of 1, 2 and 3 bedrooms;
 - 37 two level independent living townhouses featuring four typologies with a mix of 3 and 4 bedrooms;
- Community facility containing a gym, indoor pool, wellness centre, steam room, function area, meeting and office rooms, library, lounge, cinema, games room, art room and a kitchen/bar;
- Bowls green and various communal areas including a dog park and children's playground;

- Basement car parks with entry/exit ramps in the aged care facility and all multi-storey buildings;
- 209 resident and 44 visitor car parking spaces;
- Internal private roads with entry/exit off Wirrabara Road;
- Service access road with entry/exit off Pellitt Lane;
- Demolition of existing buildings; and
- Bulk earthworks and retaining walls as well as various landscaping works and fencing.

The following supporting documentation was provided with the application:

- Attachment G1 – Site photographs;
- Attachment G2 – Water and sewer infrastructure;
- Attachment G3 – Preliminary traffic advice;
- Attachment G4 – Legal advice (1);
- Attachment G5 – Legal advice (2);
- Attachment G6 – Surveyors advice;
- Attachment H1 – Site masterplan;
- Attachment H2 – Site analysis and vegetation plans;
- Attachment H3 – Planning attributes and analysis of the site plan;
- Attachment H4 – Landscape and recreation plan;
- Attachment H5 – Bushfire hazard – constraints and opportunities assessment;
- Attachment H6 – Bushfire map with Asset Protection Zones and building overlay;
- Attachment H7 – Bushfire recommendation constraints overlay;
- Attachment H8 – The Hills Bus network map;
- Attachment H9 – Bus timetable; and
- Attachment H10 – Further services information

LGA: The Hills Shire Council.

PERMISSIBILITY STATEMENT

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) applies to land zoned primarily for urban purposes, or adjoining land zoned for urban purposes, where it satisfies clause 4. The type of seniors housing that may be developed on this land is identified in clause 17.

The Seniors Housing SEPP is applicable under clause 4(1), but only if dwelling houses are permissible with consent. Dwellings are permissible with consent in the Zone RU6 Transition under The Hills Local Environmental Plan 2012.

For the Seniors Housing SEPP to apply, in accordance with clause 4(4) the land must be 'land that adjoins land zoned primarily for urban purposes'. The north-eastern boundary of the site is separated from the land zoned RE1 Public Recreation by a road and is approximately 70m from land zoned R2 Low Density Residential.

The applicant's legal advice (**Attachments G4 and G5**) and consultation with the Department's Legal Services Branch confirm that the development satisfies the locational requirement by adjoining land zoned RE1 Public Recreation and being

'sufficiently proximate' to the land zoned R2 Low Density Residential (Figure 2). The proposed development satisfies clause 17(2)(b) of the Seniors Housing SEPP by providing serviced self-care housing and a residential care facility.

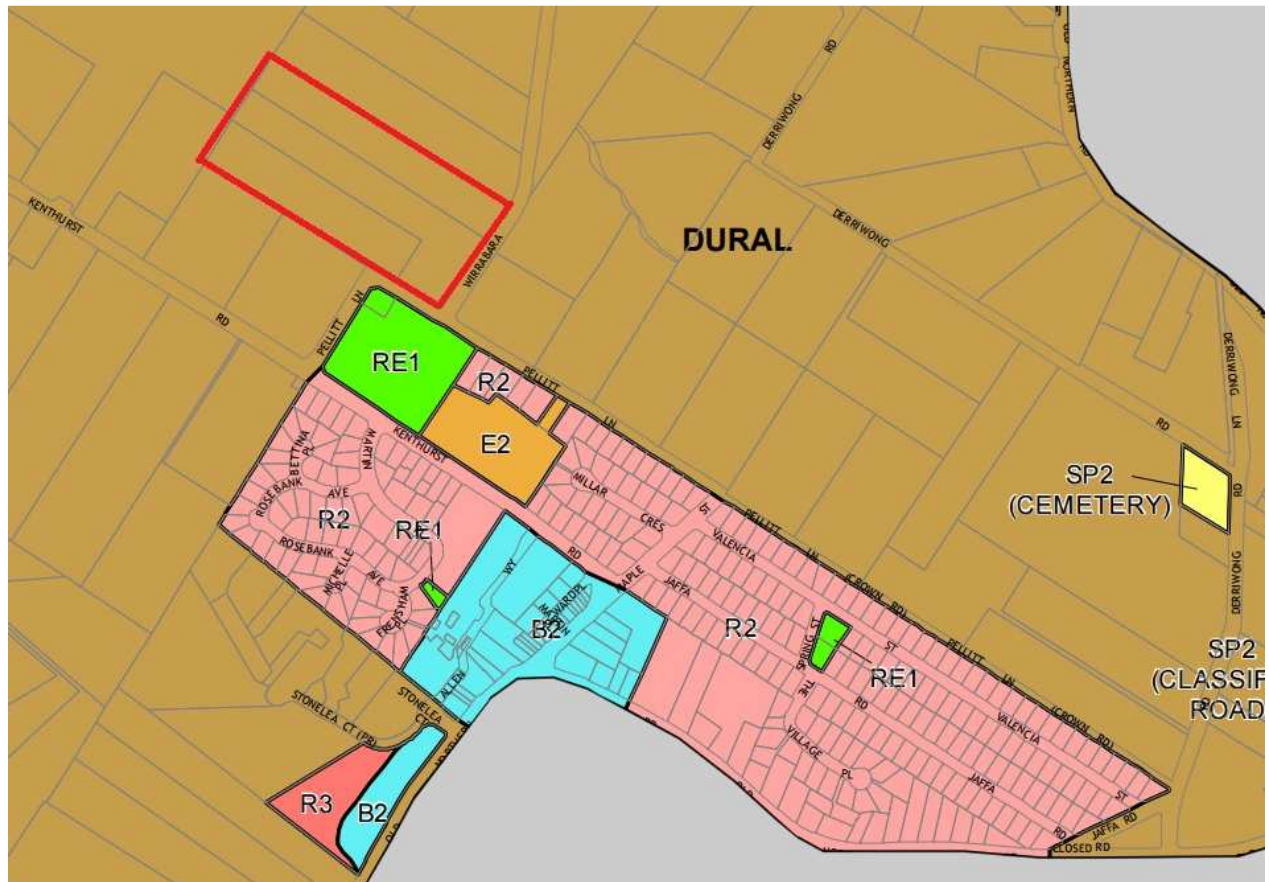


Figure 2: Land zone map (site outlined in red)

Explanation of Intended Effect for proposed new rules for Site Compatibility Certificates under the Seniors Housing SEPP effective November 2017

Amendments to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are proposed. The Explanation of Intended Effect (EIE) for the proposed SEPP amendments was placed on public exhibition from 10 November 2017 to 24 November 2017. The intent of the amendments is to address the issue of incremental expansion of land for housing under the SEPP through SCCs. In summary, the proposed amendments are to clarify:

- a SCC cannot be issued for additional land, unless that land independently meets all the SCC criteria;
- a SCC cannot be amended to include additional land, unless the additional land meets the SCC criteria; and
- a SCC can be reissued for a site to which the original SCC applied if that SCC is no longer current, but it cannot be extended to include additional land unless the additional land independently meets the SCC criteria.

It is proposed that this policy position will apply to all new applications for SCCs lodged from the start of the exhibition of the EIE.

The subject application for a Site Compatibility Certificate is consistent with the EIE policy position, as the application is for the same land which a SCC was previously issued (set to lapse June 2018) and includes no additional land.

CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate 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) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

COUNCIL COMMENTS

On 9 October 2017, the Department requested comment from Council on the proposed development. Council responded on 30 October 2017 (**Attachment B**).

Council has advised that its comments provided on 8 March 2016 about the original SCC are still relevant for the current SCC. Council believes the Seniors Housing SEPP should not apply to the site as 'the site is not within, nor does it adjoin land zoned primarily for urban purposes'. Council's response highlights concerns regarding:

- permissibility of the proposed seniors housing and residential care facilities, which are prohibited within the Zone RU6 Transition under The Hills LEP 2012;
- consistency and application of the Seniors Housing SEPP;
- appropriateness of location;
- access to services;
- bushfire hazards; and
- pre-empting the outcomes of Council's current Dural Strategic Investigation.

Council has raised concerns regarding the appropriateness of the location given the potential land use conflict that could arise when considering the range of permissible uses in the Zone RU6 Transition. These uses include extensive agriculture, agricultural produce industries, landscaping material supplies and intensive plant agriculture.

Due to the transitional nature of the RU6 zone, Council has raised concerns there may be potential for land use conflict between the various activities. Although the immediate surrounding locality of the proposed site is generally low-density, large lot rural-residential style development or green space forming part of Ellerman Park, the

broader area has a diversity of land uses and activities and is in the process of transitioning to a range of urban uses.

SUITABILITY OF THE SITE FOR MORE INTENSIVE DEVELOPMENT

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)).

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is located approximately 620m north-west of the local centre and neighbourhood of Round Corner, Dural. The site has frontage to Pellitt Lane and Wirrabarra Road, Dural. The proposed development will be constructed over three adjoining allotments, with a total site area of 7,541 square metres (**Attachment I**).

The land is currently used as large rural-residential allotments. The eastern section has been extensively cleared. Several existing dwellings will be demolished if the development proceeds.

The locality plan (**Attachment I**) indicates that the proposed development will be surrounded by the following land uses: church, school, recreational park, library, sporting oval, low-density rural-residential development and bushland/vegetation. The broader area has a diverse range of land uses and activities.

Residents of the proposed development will have access to community and recreational facilities, bank and retail services, medical practitioners and commercial services at Round Corner within approximately 620m from the site. A public bus stop is located within 200m of the site, which will enable residents to access local and larger centres such as Castle Hill for a broader range of facilities and services. It is noted that further details regarding the adequacy and any required upgrading of the pedestrian access to these local services will need to be provided and assessed as part of any future development application.

The applicant advises that it is possible for the proposed development to be connected to reticulated sewer and water. Electricity and telecommunication networks can also be provided to the site.

In assessing constraints, the natural vegetation/bushland occurring along the western side of the watercourse imposes a bushfire risk on the land. The applicant's bushfire assessment report (**Attachment H5**) addresses this matter by identifying Asset Protection Zones. The development's proposed layout incorporates the recommendations of the bushfire assessment (**Attachment H6**).

As part of the development assessment process, approval is required from the NSW Fire Service under section 100B of the *Rural Fires Act 1997* as seniors living and aged care accommodation is considered a Special Fire Protection Purposes development.

Given the nature of the site, availability of services and infrastructure and the mixed land uses in the surrounding area, the site is considered suitable for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

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)) and clause 24(2)(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)).

Ecology

The vegetation/bushland along the watercourse is identified as predominantly Sandstone Gully Forest. Council's map identifies several sites near the site's existing dwellings/buildings and along the land's southern boundary as being Sydney Turpentine Ironbark Forest, which is listed as an endangered ecological community in the Sydney Basin under the *Biodiversity Conservation Act 2016* (Figure 3 and **Attachment H3**).

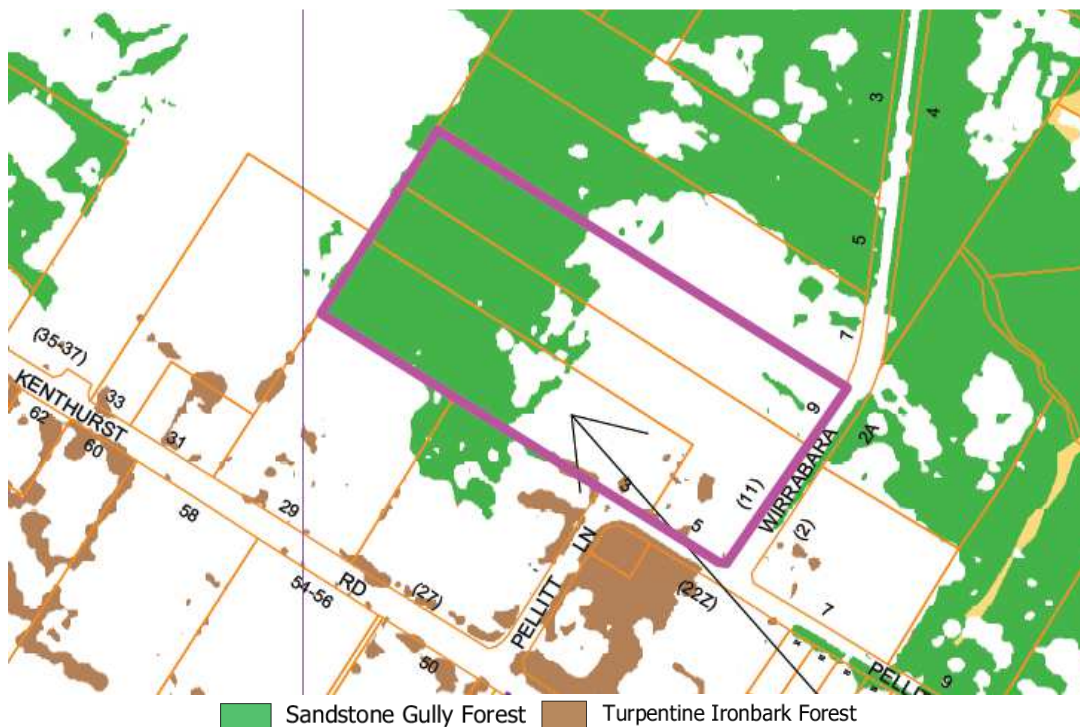


Figure 3: Vegetation Cover Map (site outlined in purple)

The applicant's bushfire assessment report (**Attachment H5**) recommends the clearing of the under-storey and for it to be maintained largely free of shrubs and weeds. The report states this will assist to support the health and wellbeing of the remnant native vegetation. Additionally, the applicant has indicated in the Landscape and Recreation Plan (**Attachment H4**) that this remnant vegetation will be restored and replanted, being incorporated as pathways for passive leisure and private open space for use by residents.

It is considered that the site has the capacity to support development and the potential impact on flora and fauna can be adequately assessed at the development application stage.

Bushfire

Council has raised concerns regarding the increased risk, vulnerability and evacuation process for residents in a seniors housing development located within a bushfire-prone area. The site is identified on Council's Bushfire Prone Land Map as containing Category 1 Vegetation and the 100m buffer zone from designated Category 1 Vegetation (Figure 4). Consequently, the application of Planning for Bushfire Protection 2006 and Australian Standard 3959-2009 is triggered. As the proposal relates to seniors living and aged care accommodation, it will be assessed as Special Fire Protection Purposes development under section 100B of the *Rural Fires Act 1997*.

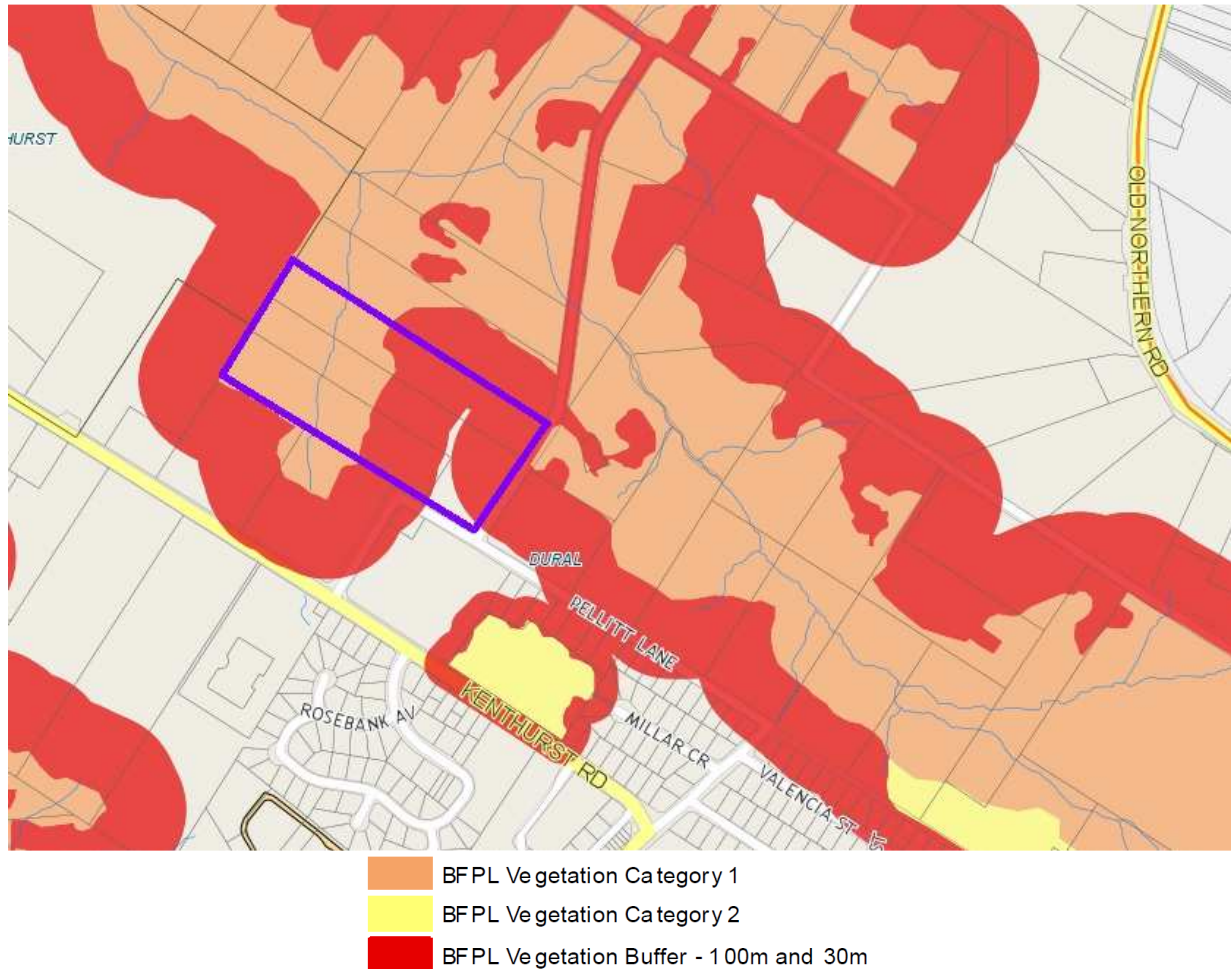


Figure 4: Bushfire Prone Land Map (site outlined in purple)

The applicant's bushfire assessment report makes several recommendations, including minimum Asset Protection Zones (APZ), management details for vegetation, and the placement and setback of buildings and activities taking into consideration the vegetation/bushfire hazard (**Attachment H5**). The site's concept masterplan has considered this study and proposes residential accommodation on the cleared land located outside this APZ, at the upper contours of the site. Some non-habitable buildings and leisure facilities will be located within the APZ.

Council states it would be irresponsible to locate non-habitable buildings and leisure facilities within bushfire-prone land.

As the proposal is for a Special Fire Protection Purposes development, the NSW Rural Fire Service will assess the bushfire hazard. Bushfire risks and the final design layout

for the development will be assessed at the development application stage. The bush fire constraints of the site do not preclude the issuing of a site compatibility certificate as the development assessment process can consider mitigation measures and built form outcomes to the satisfaction of the consent authority.

Contamination

The applicant has indicated that the land has been used by the present owners since the late 1940s for market gardens, specifically vegetables, cut flowers and an orchard. These activities would not be considered in normal circumstances to generate undue potential for contamination except for minor residual fertiliser and pesticide in the soil profile, and possible localised small quantities of fuel around the farm sheds.

The applicant advises that a contamination investigation assessment will be prepared in accordance with State Environmental Planning Policy 55 – Remediation of Land and the contaminated land planning guidelines as part of the future development application. It is considered this matter can be adequately assessed at the development application stage.

Other existing and approved uses in the vicinity

As noted earlier, although the immediate surrounding locality of the proposed site is generally low-density, large lot rural-residential style development or green space forming part of Ellerman Park, the broader area has a diversity of land uses and activities, including The Hills Grammar School, nurseries, Dural Library, a Day Care Centre, and Mountainview Retreat Retirement Village. The area is in the process of becoming increasingly urbanised. The site is located approximately 620m from the Round Corner town centre, which includes local retail and commercial services such as Woolworths, banks, medical practitioners and health services.

The proposal is considered to be compatible with existing and approved uses of the surrounding area. The impacts of the proposed seniors housing on the amenity of neighbours, or the potential for land use conflict due to existing rural activities in the wider locality, such as traffic, built form, and fire risk, can be assessed 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)).

Permissible and future land uses

The RU6 zone permits a diverse mix of activities such as community facilities, eco-tourist facilities, farm buildings, farm stay accommodation, garden centres, education facilities, intensive plant agriculture, landscaping material supplies, public administration buildings, indoor and outdoor recreation facilities, restaurants and cafes, and veterinary hospitals.

The broader area has a diversity of land uses and activities, transitioning to urban uses such as the day care centre, Dural Library, and church immediately south and south west of the site, residential dwellings east of the subject site along Pellitt Lane, as well as Round Corner town centre within 620 metres of the subject site.

The Department is satisfied the subject site is suitable for more intensive development and the assessment process will determine the appropriate bulk, scale and built form so the development is sympathetic to the character of the locality and adjoining land uses. It is considered that any potential impact on neighbours can be minimised through building design, setbacks and landscaping.

Council has raised concerns that the applicant had not addressed the recommendations and strategic direction provided in Council's Local Strategy, Residential Direction or Rural Lands Study, and that the proposal is pre-empting its Dural Strategic Investigation work. Council's local strategy does not identify this locality as a future urban investigation area.

The development of seniors housing in accordance with the provisions of the Seniors Housing SEPP is considered appropriate as the locality is already undergoing transition to urban use and this will help to provide housing choice in appropriate locations.

Further strategic justification

It is noted when considering a SCC application, the assessment can only consider matters outlined in clause 25(5) of the SEPP. This clause relates to comments by council, the natural environment, the impact on future uses of the land, services and infrastructure, the bulk and scale of the development and the removal of native vegetation. The SEPP does not reference the local, district or regional strategic plans for consideration. However, the following strategic plans identify the need to provide seniors housing in locations close to public transport and amenities, and are considered below to provide a broader picture of the strategic context.

A Plan for Growing Sydney:

- Direction 1.10 indicates the need to plan for health services and to assist health care providers in responding to population growth and the ageing population. The proposed development will assist in providing access to services required by elderly people; and
- Direction 2.3 indicates the need to provide housing that enables people to 'age in place'. The proposed development provides independent living units that will allow people to downsize and age in place, close to the services and facilities they are likely to need.

Draft Greater Sydney Regional Plan:

- Objective 6 indicates the need to plan for health services to respond to growth in the ageing population, ensuring there are services that respond to the needs of the community. The proposed development will assist in providing access to services required by elderly people and intends to provide health care facilities on site; and
- Objective 7 relates to the need to ensure people have access to services and social networks. The proposed development is located adjacent to an urban area, existing parks and open space and schools, allowing connectivity to the local community.

Revised Draft Central City District Plan:

- Dural is identified as a local centre and the proposed development is located approximately 620m from the town centre and adjacent to local open space. The proposal is consistent with the draft district plan as it promotes housing diversity and choice (Priority C5) within close proximity to the services offered by the town centre.
- Action 72 aims to maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes, including rural residential development. The subject site and its location in the RU6 Transition zone is close to the Dural local centre. The site and surrounds are suitable for transitioning and accommodating higher intensity land uses, and numerous seniors living developments in Dural on land zoned RU6 Transition. The site is suitable for further potential development in accordance with the SEPP. The proposed increase in seniors housing is also consistent with an ageing population and the need to provide housing options for people to age in place.

The Department supports the suitability of the site's location and improved housing diversity, and notes the increasing numbers of people aged 65 or more within the locality.

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))

Location and access to facilities

Clause 26(1) of the Seniors Housing SEPP requires that residents of a proposed development have access to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require;
- (b) community services and recreation facilities; and
- (c) the practice of a general medical practitioner.

The Application Report (**Attachment G**) states that the existing pathways are considered to meet relevant requirements and that a more comprehensive Access Report will be included as part of any future development application. The Department conducted a site visit on 8 December 2017 and a further desktop analysis of compliance with clause 26(2)(a) and 26(4)(a). As discussed further below, the site complies with clause 26(2)(a), however the route to one of the nearby bus stops does not comply with clause 26(4)(a) as there is no continuous pathway along Pellitt Lane. However, it is considered that an arrangement could be made with Council to formalise this pathway. Further, this inconsistency should not preclude the issuing of a site compatibility certificate for the subject land.

The clause notes:

- (2) Access complies with this clause if:
 - (a) the facilities and services referred to in subclause (1) 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,

- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time,
or
- (b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:
 - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
 - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),
 and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3),

...

26(4) For the purposes of subclause (2):

- (a) a ***suitable access pathway*** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, ...

The site is located approximately 620m from the Round Corner town centre, which includes local retail and commercial services such as Woolworths, banks, medical practitioners and health services. The Dural library and community recreational facility is located approximately 200m south of the site. The development also proposes a community centre, medical clinic, library, indoor pool, bowling green and gym.

To access these local services and facilities, bus stops are located along Kenthurst Road. The closest bus stop is within 300m from the site. The Hills Bus services routes 639 and 641 run regularly during the week, enabling access to Round Corner town centre or to other more comprehensive facilities at Castle Hill, Cherrybrook and Pennant Hills (**Attachments H8 and H9**).

Clause 26 of the Seniors Housing SEPP requires the consent authority at the development application stage to ensure that pedestrian access footpaths comply with the gradient requirements. Based on the submitted information it is considered possible to modify any pathways to meet required footpath gradients to nearby bus stops as required (discussed further below).

Access to the proposed facilities and services and provision of public transport meet the minimum requirements of the Seniors Housing SEPP. As mentioned above, it is considered that further information regarding pedestrian access to these bus stops will need to be provided as part of any future development application. This should not preclude the issuing of a site compatibility certificate as pedestrian accessibility and formalised footpaths can be assessed and negotiated to the satisfaction of the consent authority as part of the development assessment process.

The distance of the route to bus stop 1 at Kenthurst Road via the through site link at Ellerman Park/Dural Library is 300 metres with an average gradient of approximately 1:100 (1%), which is an acceptable distance and gradient to satisfy clause 26(2)(a). As mentioned previously, the bus stop has regular services that provide access shops and services.

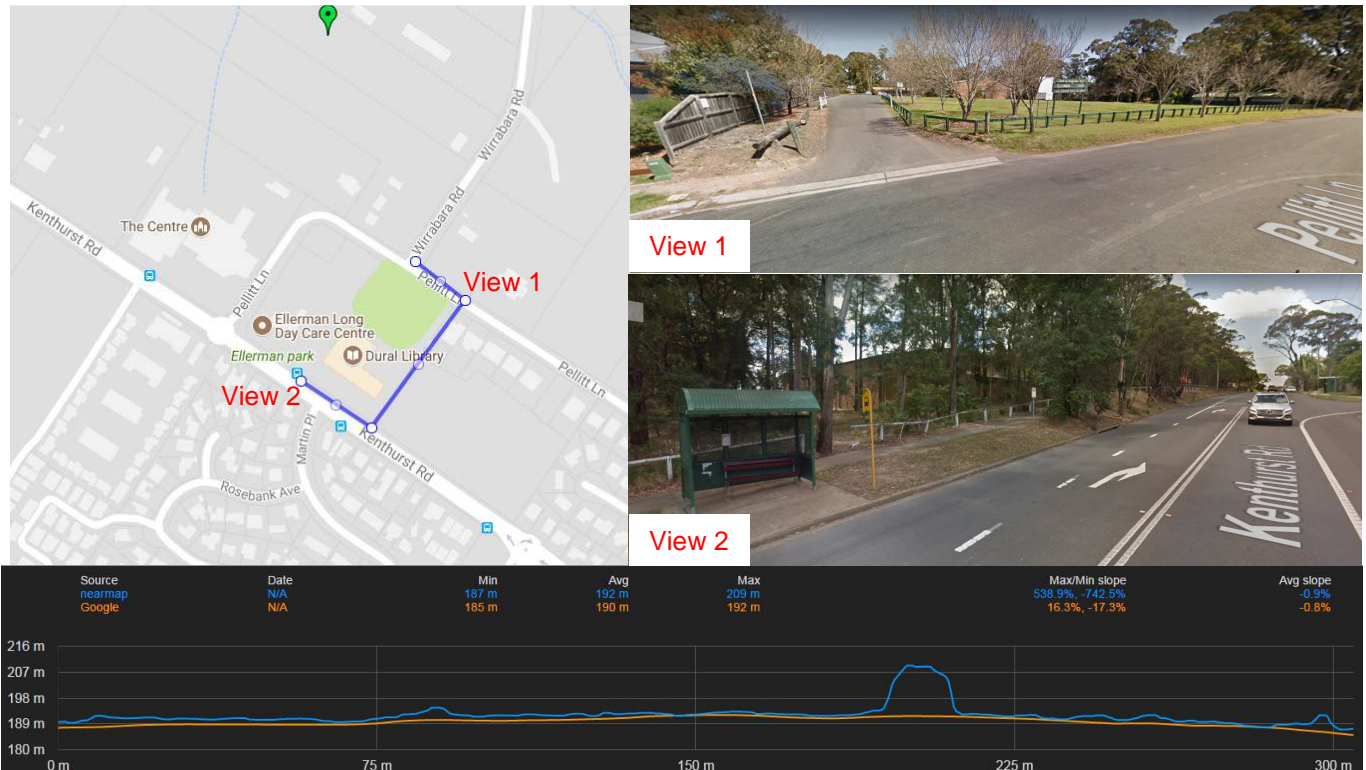


Figure 5: Route to bus stop 1 at Kenthurst Road via through site link at Ellerman Park

Note, the prominent increase and decrease in gradient shown in the graph in **Figure 5** above (mapped from NearMap data) represents an anomaly. As shown in **Figure 6** below, the pathway at this location has a gradual slope over a reasonable distance.

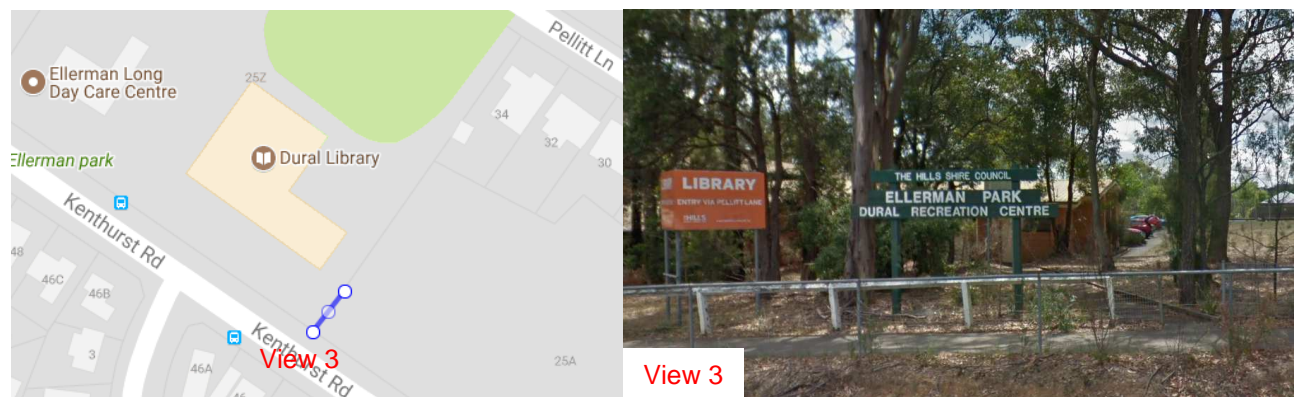


Figure 6: Part of route to bus stop 1 at Kenthurst Road via through site link at Ellerman Park

The distance of the route to bus stop 2 at Kenthurst Road via Pellitt Lane is 400 metres with an average gradient of approximately 1:500 (0.2%), which is an acceptable distance and gradient to satisfy clause 26(2)(a). However, there is no continuous pathway along Pellitt Lane (as shown in **Figure 7** below), and therefore is an unsuitable access pathway as described in clause 26(4)(a). However, as stated previously, it is considered that an arrangement could be made with Council to formalise this pathway. Further, this inconsistency should not preclude the issuing of a site compatibility certificate for the subject land.

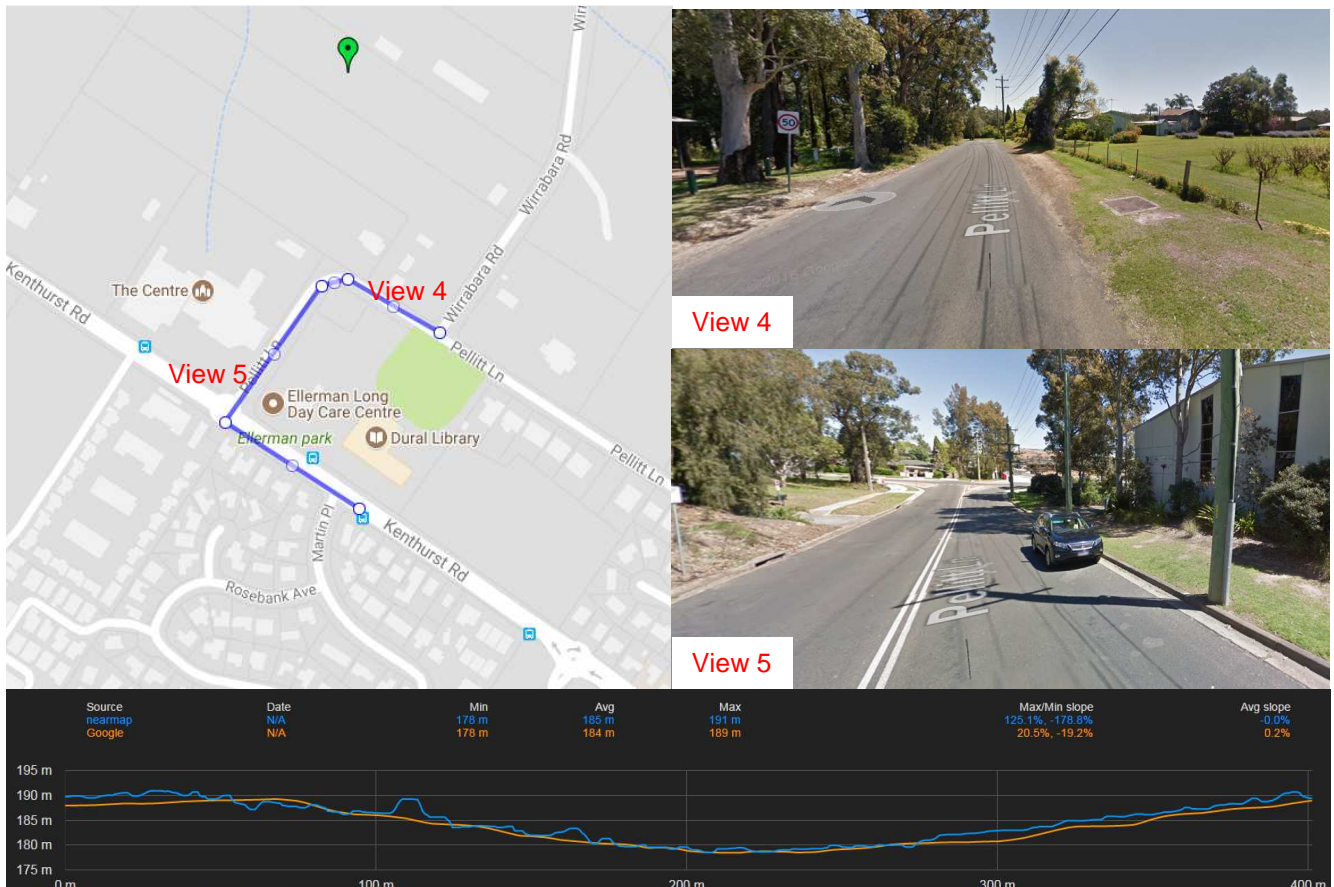


Figure 7: Route to bus stop 2 at Kenthurst Road via Pellitt Lane

Services infrastructure

The applicant's documentation advises that the site can be connected to reticulated water and sewer (**Attachment G2**) and that electricity and telecommunications can be provided to the site (**Attachment H10**).

The provision and augmentation of essential infrastructure services will be resolved with the respective infrastructure/supply authorities.

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 not zoned open space or special uses. The proposed development will not reduce the provision of land for open space or special uses within this locality. The existing public reserve across the road from the subject site contains sporting ovals, Dural library and community facilities.

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 development proposes 21 buildings of single or two-storey construction and incorporates communal buildings for a pool, health facilities and administration. The development will provide for 104 serviced self-care housing and a 72-bed residential care facility. The proposal incorporates basement car parking, which the applicant states can be provided to the buildings using the natural topography of the site without breaching the 10m height of buildings limit as provided within The Hills LEP 2012.

With regards to the bulk, scale and built form of the proposal, there are developments in the locality that have a similar bulk and scale to the proposed development, including the adjoining Baptist Church, Hills Grammar School, and the commercial/retail precinct at Round Corner, Dural. It is considered that the development application process can adequately assess and determine the appropriate bulk, scale and built form to ensure the development is sympathetic to the character of the locality. It is considered that any potential impact on neighbours can be minimised through building design, setbacks and landscaping, and any privacy and amenity issues can be addressed as part of Council's development assessment process.

Council has raised concerns that the proposed development could create a precedent for the unplanned expansion of seniors housing facilities into the Shire's rural areas. In considering the existing and approved uses near the development, it is noted that there are two other seniors housing developments located on the edge of the residential and rural-residential lands within Round Corner, Dural. Further, without any amendments to current planning controls, any future proposal for seniors living development in the area would also be subject to a site compatibility certificate application then development application.

The Oak Tree Seniors Living Facility is located approximately 200m south of the site on the corner of Kenthurst Road and Pellitt Lane. Mountainview Retreat Retirement Village is located along Stonelea Court, south-west of the Round Corner town centre. These developments are located on the edge of the residential area and similarly interface with the surrounding Zone RU6 Transition land.

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 SCC application does not involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003* as the Act is not applicable to The Hills Shire Local Government Area.

It is also noted that the *Native Vegetation Act 2003* was repealed on 25 August 2017. Current legislation governing the clearing of native vegetation is the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*, under which the site is not mapped.

Council will assess the impact of the development and any required clearing for bushfire protection on the remnant vegetation as part of the development assessment process.

CONCLUSION

The site is adjoining land for urban purposes, meeting the requirement of the Seniors Housing SEPP. The proposed development will provide The Hills Shire with housing diversity for seniors housing, and care facilities for those with a disability in the locality where there are no significant constraints to more intensive development.

The application for a SCC is consistent with clause 25 of the Seniors Housing SEPP and it is considered that housing for seniors or people with a disability is a suitable use of the site and compatible with the surrounding land as:

- existing environmental conditions do not to preclude the issuing of a SCC;
- it is consistent with the existing and approved uses of land in the vicinity of the site and rural-urban nature of the locality;
- the built form character of the proposal can be further assessed in detail as part of the development application process;
- it is consistent with local and state government strategic plans; and
- there are adequate and suitable:
 - services and utilities available; and
 - public transport and pedestrian access routes.

Further, this SCC application is for the same proposal that received a SCC on 15 June 2016 (which will lapse June 2018). The Department notes issues relating to this site previously addressed and considered in the previous assessment report and SCC issued on 15 June 2016, have not changed. Therefore, the Department is satisfied that the application addresses the relevant criteria of the Seniors Housing SEPP and that an SCC should be issued.

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