

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DECISION	7 June 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Lindsay Fletcher, Julie Savet Ward, Chandi Saba and Mark Colburt
APOLOGIES	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

Panel Ref – 2019CCI033 - LGA – The Hills Shire – SCC_2017_THILL_004_00 at 9 Old Glenhaven Road, Glenhaven (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

By circulation of papers the Panel considered: the material listed at item 5 of Schedule 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined:

- ☐ to issue a site compatibility certificate subject to satisfaction of certain requirements (as listed below), because the application has demonstrated that the site is suitable for more intensive development and it is compatible with the surrounding environment.
- ☒ to refuse to issue a site compatibility certificate, because the application:
 - ☒ has not demonstrated that the site is suitable for more intensive development
 - ☒ has not demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004.

The Panel authorises the Chair to notify the applicant, Council and the Department of Planning and Environment of the Panel's decision to refuse the application.

The decision was unanimous.




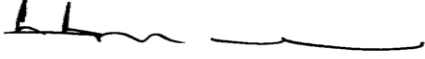

REASONS FOR THE DECISION

1. In the reasons below 'the site' refers to Lot 100 DP1230439, the proposed development is up to 140 dwellings and 'native vegetation' means the vegetation

communities identified as in good condition and 'high' ecological constraint by Ecological Australia 26 October 2017.

2. The site adjoins R2 zoned land along its southern boundary and therefore satisfies the requirements of clause 4(1) of the Seniors Housing SEPP. However, the Panel notes that only a very small length of the site boundary adjoins residential land (ie. approximately 45m) and that the large majority extends into land zoned RU6 Transition.
3. A significant portion of the site contains native vegetation which is part of a bushland corridor extending along Dooral Dooral Creek. The Panel considers this corridor, including the native vegetation on the site, to be environmentally valuable and notes that it is designated as 'Biodiversity' in The Hills LEP being vegetation which should be retained.
4. The mid-portion of the site is bushfire prone and as such represents a risk to life and property. Establishing the necessary asset protection zones would require clearing of native vegetation which would diminish the environmental value of the affected land and the adjoining bushland corridor.
5. Apart from the short section of R2 interface, the site is surrounded by land zoned RU6 Transition. The Panel does not believe that the proposed development is compatible with the RU6 zone objectives, nor the character of much of the land to the north and east of the site.
6. For the reasons given above the Panel does not believe the proposed development is compatible with the surrounding environment and land uses, and therefore fails to satisfy clause 25(2)(b)(i) of the Seniors Housing SEPP.
7. In the Panel's opinion those parts of the site containing steep topography and bushland are unlikely to be used for future agricultural or rural purposes. The Panel believes it is likely that the future use of the steep, bushland area will be much the same as its current use. The proposed development is not compatible with this likely future use and, as such, fails to meet the provisions of clause 25(5)(b)(ii) of the Seniors Housing SEPP.
8. The Panel believes that the scale of the proposed development is much more intensive than that on adjoining land in the RU6 and R2 zones; the former has a minimum lot size of 2ha and the latter 700m². Accordingly, the proposed development is inconsistent with the scale of development in the adjoining residential and rural areas and will negatively affect the character of these areas, meaning the application is unsatisfactory under clause 25(5)(b)(v) of the Seniors Housing SEPP.
9. While the Panel does not believe the present application is satisfactory, it does see potential merit in an application for a smaller area confined to the north-western and southern portions of the site, that is outside the areas of biodiversity value and any additional land required for bushfire protection (APZ). In addition, a more substantial landscaped buffer along the northern and eastern boundaries would assist in establishing appropriate transitions. The Panel also notes that should an asset

protection zone be required on adjoining lands then a formal easement arrangement would be required to ensure management in perpetuity.

PANEL MEMBERS	
 Paul Mitchell OAM (Acting Chair)	 Lindsay Fletcher
 Julie Savet Ward	 Chandi Saba
 Mark Colburt	

SCHEDULE 1

1	PANEL REF – LGA – DEPT REF.	Panel Ref – 2019CCI033 - LGA – The Hills Shire – SCC_2017_THILL_004_00
2	SITE DESCRIPTION	9 Old Glenhaven Road, Glenhaven
3	DEVELOPMENT DESCRIPTION	The proposal is for a maximum of 140 dwellings as an extension to the existing Living Choice Glenhaven Retirement Village (245 dwellings) located adjacent to the site at 15 Old Glenhaven Road.
4	APPLICATION MADE BY	Innovative Planning Solutions on behalf of CCR Interiors Pty Ltd
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Site compatibility certificate application documentation • Assessment report from Department of Planning and Environment • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 29 May 2019 <ul style="list-style-type: none"> ○ Panel members in attendance: Lindsay Fletcher, Julie Savet Ward, Chandi Saba and Mark Colburt ○ Paul Mitchell (Acting Chair) had visited the site on an earlier occasion. ○ Department of Planning and Environment (DPE) staff in attendance: Angela Hayes and Christine Gough • Briefing with Department of Planning and Environment (DPE): 29 May 2019, 12.05pm <ul style="list-style-type: none"> ○ Panel members in attendance: Paul Mitchell (Acting Chair), Lindsay Fletcher, Julie Savet Ward, Chandi Saba and Mark Colburt ○ DPE staff in attendance: Angela Hayes and Christine Gough • Papers were circulated electronically between: 29 May 2019 and 7 June 2019.