



**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**

3 Columbia Court, Baulkham Hills NSW 2153  
PO Box 7064, Baulkham Hills BC 1755  
ABN 25 034 494 656 | DX 9966 Norwest

11 September 2018

Ms Christine Gough  
Team Leader, Sydney Region West  
Planning Services  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Our Ref: FP 231  
Your Ref: SCC\_2018\_HORNS\_006\_00

Dear Ms Gough

**Application for a Site Compatibility Certificate – SEPP (Housing for Seniors or People with a Disability) 2004 – 589-593 and 599-607 Old Northern Road, Glenhaven**

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I refer to your letter received 23 August 2018 seeking comments with respect to an application for a Site Compatibility Certificate for seniors housing at 589-593 and 599-607 Old Northern Road, Glenhaven.

The subject site is located within Hornsby Shire Local Government Area and is zoned RU2 Rural Landscape under Hornsby LEP 2013. The site adjoins land within the Hills Shire Local Government Area that is zoned E4 Environmental Living under The Hills LEP 2012. While E4 Environmental Living is not a zone primarily for urban purposes, clause 4(12) of the Seniors SEPP identifies the subject site as land that adjoins land zoned primarily for urban purposes. As such, the site is eligible to apply for a Site Compatibility Certificate for the purposes of seniors housing.

The site benefits from a current Site Compatibility Certificate issued 24 January 2017. It is understood that a development application has been lodged and is under assessment at Hornsby Shire Council. It is understood that the purpose of this application for a Site Compatibility Certificate is to seek an extension of time to the existing certificate so that it does not expire during the development application process.

At its Ordinary Meeting on 26 June 2018, Council resolved to adopt a formal policy objecting to all Site Compatibility Certificate applications for seniors housing on rural land until such time as the Local Strategic Planning Statement and Housing Strategy have been completed. This formal policy stance is reflective of the consistent nature of The Hills Shire Council's submissions to the Department of Planning and Environment regarding Site Compatibility Certificates on rural land. Reasons for adopting this formal policy stance which were raised in past submissions include the following:

- Inappropriate density, built form, bulk and scale that is incompatible with surrounding character;

- Inadequate access to services and facilities that may be reasonably required by seniors;
- Bush fire risk;
- Limited infrastructure capacity;
- Incremental expansion of the urban footprint into the Metropolitan Rural Area through amalgamation of large rural lots; and
- Cumulative impacts on infrastructure and character within the RU6 Transition Zone of the Hills Shire.

Many of these issues are relevant to the subject application. Council's reasons for objecting to this application for a Site Compatibility Certificate are outlined below.

- **Continued Expansion of Seniors Housing onto Rural Land**

The continued expansion of seniors housing onto rural land is problematic particularly in its cumulative impact on the Metropolitan Rural Area of the Hills and Hornsby Shire. The Site Compatibility Certificate application process undermines local zone hierarchies and permits seniors developments where they would otherwise be prohibited. Circumventing local controls has led to 'rezoning' by stealth and undermines confidence in the planning system.

- **Site Configuration**

The proposed extension to the existing village would result in disorderly development as the development site isolates two residential lots. It also accentuates the disparity between the existing low density rural residential character and the excessive building footprints created by seniors housing developments on rural land.

The amalgamation of three large rural lots ranging in size from 2 hectares to 3.5 hectares has produced a total site area of 7.7 hectares and an extensive area in which inappropriate built form outcomes and excessive site coverage are proposed. Lot amalgamation facilitates larger building footprints that are not characteristic of the RU2 Rural Landscape zone.

Under the SEPP, there is no limit to the number or size of sites that may be amalgamated. Amalgamation of lots exacerbates concerns regarding cumulative impact on infrastructure and ability to provide a full range of services to residents, particularly the distance between developments and their nearest centre. This is demonstrated by the Clause 4.6 variation request discussed further below.

- **Access to Services and Facilities and Clause 4.6 Variation Request**

The amalgamation of lots has resulted in the entire development being located more than 400m from a bus stop when residents return from visiting their local centre. Problematically, there is also no continuous footpath available for residents to walk this inappropriate distance back to their home.

The width of the site's frontage to Old Northern Road is 150m, further extending the distance to the nearest bus stop. The depth of the site is in excess of 400m. This results in dwellings at the rear of the site being required to walk 400m merely to reach the front of the site and then an additional 400m from the bus stop. This results in a walking distance greater than 800m and without a continuous footpath, which is an inappropriate and impractical request of residents.

A clause 4.6 variation request has been lodged with the current development application (which proposes the same development outcome as the material submitted for consideration of this site compatibility certificate application). This is an inappropriate standard to be varied and should not be eligible for variation under clause 4.6 of any local environmental plan. There is no public benefit to locating seniors further away from services that they may reasonably require access to.

The Knightsbridge Shopping Centre and Round Corner Town Centre are both located more than 2.4km from the subject site and the Castle Towers Shopping Centre is located more than 3km from the site. This is not an acceptable level of access to services that residents may reasonably require, particularly with the excessive walking distance to the nearest public transport option.

Because of these excessive distances, able residents are likely to drive. The impact of this is discussed further below.

- **Cumulative Impacts on Infrastructure and Rural Character**

The impact of traffic on the local road network would far exceed the level generated by low density rural residential development that is anticipated in the RU2 Rural Landscape zone. The scale of this development will exacerbate existing concerns with the at-capacity local road network, particularly in the Dural/Glenhaven locality. These current infrastructure pressures were the key factor in the Department's decision not to support the South Dural Planning Proposal. The Seniors SEPP is essentially facilitating an outcome with similar impacts without the proposed development being subject to the same detailed assessment and strategic investigation that would be undertaken with any proposed rezoning.

Council has consistently raised concerns around the cumulative impact of seniors housing developments in the Metropolitan Rural Area. The entire interface of urban land with the Hills and Hornsby Shire rural land is exposed to the incremental creep of the urban footprint via the Site Compatibility Certificate process facilitated by the Seniors SEPP. Council's analysis has found that in the Dural/Glenhaven locality, approximately 1,713 self-care dwellings and 887 beds in residential care facilities have been approved or lodged with the Department or Council. This development remains unchecked by appropriate infrastructure provisions in an area already strained by limited infrastructure. It is inappropriate and irresponsible to continue facilitating increased densities and intensification of rural land. The inappropriateness of scale and incompatibility of character was acknowledged in the Land and Environment Court's recent decision on a proposed seniors development at 3-5 Pellitt Lane and 9 Wirrabara Road, Dural. The Court found the proposal to be incompatible with the rural character of the locality, did not contribute to the rural character of the area and would have a detrimental impact on the amenity of the adjoining property.

- **Density and Built Form**

The density of the proposed development is approximately 12 dwellings per hectare (excludes residential care facility), which far exceeds the low density rural residential character of the RU2 Rural Landscape zone. The proposed development yield is not appropriate in terms of its inability to provide adequate access to a full range of services to residents. The built form and density is not anticipated under the local and district framework and is not a desired future outcome in this inappropriate location.

For the above reasons, it is advised that Council objects to the issue of a Site Compatibility Certificate for the subject site. Thank you for the opportunity to comment on the proposed development. Please contact Kayla Atkins, Town Planner on 9843 0404 if you require any additional information.

Yours faithfully



**Megan Munari**  
**PRINCIPAL COORDINATOR FORWARD PLANNING**