



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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16 August 2018

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

Our Ref: FP231
Your Ref: SCC_2018_THILL_001_00

Dear Ms Gough

Application for a Site Compatibility Certificate – SEPP (Housing for Seniors or People with a Disability) 2004 – 263 Annangrove Road & 12-14 Edwards Road, Rouse Hill (Lot 122 DP 530049 & Lots 1 and 2 DP 259604)

I refer to your letter dated 27 July 2018 seeking comments with respect to an application for a Site Compatibility Certificate for seniors housing at 263 Annangrove Road and 12-14 Edwards Road, Rouse Hill.

The subject site is zoned RU6 Transition under The Hills Local Environmental Plan 2012. While seniors housing is not permissible in the RU6 Transition Zone, the property is located opposite land zoned R2 Low Density Residential and B6 Enterprise Corridor and may therefore seek a Site Compatibility Certificate under the SEPP.

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.

- **Site Amalgamation**

The subject site has resulted from the amalgamation of three large rural lots, each approximately 2 hectares in size. This amalgamation has produced a site area of 5.8 hectares and an extensive area in which inappropriate built form outcomes and excessive site coverage are proposed. Lot amalgamation facilitates larger footprints and more dense built form outcomes that are not characteristic of the RU6 Transition Zone.

Under the SEPP, there is no limit to the number or size of sites that may be amalgamated. Amalgamated lots extend the size of seniors housing developments and exacerbate concerns regarding cumulative impact on local infrastructure and ability to provide full range of services to residents. This development site could effectively extend along the length of the interface with urban land and would remain unchecked by any provisions of the SEPP.

- **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 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.

- **Suitability of Built Form and Density in Surrounding Locality**

The density of the proposed development is approximately 33 dwellings per hectare (excludes residential care facility), which is consistent with a medium density outcome that would be anticipated in strategic locations close to public transport hubs, suitable supporting infrastructure and well-functioning centres. It is not an appropriate outcome for the RU6 Transition Zone. The proposed built form of 4-storey apartments is inappropriate in this location and incompatible with surrounding desired future character. The surrounding precincts were subject to extensive strategic planning or planning proposal considerations and as such, the boundaries of the precinct excluded this land from being suitable for intensification. The site's proximity to these precincts is not sufficient justification for seeking the proposed development outcome. The proposed built form and development yield is also not appropriate in terms of its inability to provide a full range of services to residents. This is discussed further below.

The surrounding character is low density rural residential, with detached homes on large 2 hectare lots. The density of the locality is approximately 2 dwellings per hectare. The proposal of 2-4 storey residential flat buildings and a density of 33 dwellings per hectare results in a built form and scale incompatible with the existing and desired future character of the locality. The indicative height of 12m not only exceeds the Seniors SEPP height limit of 8m in zones where residential flat buildings are not permitted, but also exceeds The Hills LEP 2012 height limit of 10m. This built form and density is not anticipated under the local framework and is not a desired future outcome in this inappropriate location.

- **Ability to Provide Full Range of Services to Residents**

The development fails to provide adequate access to facilities. The nearest location of these services is Rouse Hill Village Centre, which is located approximately 3.4km from the site. This distance reiterates the inappropriate location of the site and its inability to support the proposed development. Additionally, Rouse Hill Town Centre is approximately 4.3km from the site and

Round Corner Shopping Centre is approximately 11km from the site. The site is not well-suited to supporting this type of development and is not a suitable location for more intensive development. The SEPP and The Hills LEP 2012 provide ample opportunity for seniors housing development within the urban footprint that is well serviced by infrastructure and a range of services and facilities.

- **Inconsistent with Strategic Planning Framework**

Facilitating seniors housing developments in the Metropolitan Rural Area contravenes the objectives and planning priorities of the Greater Sydney Region Plan and Central City District Plan, which clearly state that residential development in the Metropolitan Rural Area is not required to meet growth targets and should be preserved in its current landscape and character. The development outcomes produced by these large seniors housing developments is inconsistent with this strategic direction, existing rural character and the objectives of the RU6 Transition Zone.

The application also references the Edwards Road Industrial Precinct and Sydney Region Growth Centres SEPP. The provisions of these precincts and their desired future character do not extend to the subject land and their vision should not be applied to the subject site as it falls outside of the nominated precinct boundaries. The rapid growth envisaged for these nominated areas does not justify significant intensification of the use of this land as the framework is not applicable to the subject site. Further, the Box Hill Growth Centres Precinct provides a transition of residential density away from local centres as the precinct interfaces with rural land zoned RU6 Transition. Extending the urban footprint and locating higher density furthest away from centres is not an appropriate outcome and is contrary to good planning practice, particularly in the instance of vulnerable and dependent communities.

The Edwards Road Industrial Precinct and Box Hill Growth Centres Precinct were devised with adequate infrastructure provision and funding for the anticipated yields. The provision of seniors housing development in this locality is not accounted for under this infrastructure planning as it is unplanned and unanticipated growth.

- **On Site Vegetation & Bush Fire Hazard**

The site comprises Cumberland Plain Woodland, a critically endangered ecological community listed under the Biodiversity Conservation Act 2016. The development proposes clearing of a portion of this vegetation and the Biodiversity Offset Scheme may be triggered as the Office of Environment and Heritage has not yet released clearing thresholds for this type of vegetation. The impact of this clearing is not fully known.

Additionally, the site is bush fire prone land, with a portion of the site identified as Category 1 Highest Risk and the remainder of the site identified as Category 3 Medium Risk. To rely on significant vegetation as part of an Asset Protection Zone (APZ) is viewed as a loss of vegetation even if clearing is not proposed. The APZ's identified within the proposed development incorporate the significant vegetation at the north-western corner of the site.

Bush fire risk is an ongoing and critical concern relating to seniors housing developments on rural land. Seniors housing is a nominated Special Fire Protection Purpose as it is a use whose occupants face greater difficulty during evacuation procedures and response to bush fire events. General concern is raised with the location of seniors on bush fire prone land, particularly in light of the recent results of the NSW Government Inquiry into the NSW Retirement Village Sector. The Inquiry found that many residents are concerned about fire and emergency procedures and have a lack of clarity around the protocols involved in an emergency. Council has limited power in enforcing emergency protocol within these developments.

- **Cumulative Impact of Seniors Housing on RU6 Transition Zone and Infrastructure**

Council has consistently raised concerns around the cumulative impact of seniors housing developments in the Metropolitan Rural Area. The entire interface of RU6 Transition land with predominantly R2 Low Density Residential 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.

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