



# Minto Planning Services

## Town Planning Consultants

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

**PROPOSED SUBDIVISION OF ONE LOT INTO TWO  
AND CONSTRUCTION OF 12 ADDITIONAL  
DWELLINGS PURSUANT TO SEPP (HOUSING FOR  
SENIORS OR PEOPLE WITH A DISABILITY)**

**140-146 GLENHAVEN ROAD, GLENHAVEN**

**On Behalf of  
Christian Brethren Community Services**

**July 2017**

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## STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Subdivision of One Lot into Two and Construction of 12 Additional Dwellings Pursuant to SEPP (Housing for Seniors or People with a Disability)**

**at**

**140-146 GLENHAVEN ROAD, GLENHAVEN**

Prepared under instructions from

**NBRS Architecture**



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## 1. INTRODUCTION

This development application is submitted in accordance with State Environmental Planning Policy - *Housing for Seniors or People with a Disability 2004*, gazetted on the 31<sup>st</sup> March 2004. This policy is a replacement of the State Environmental Planning Policy (SEPP) No. 5 - Housing for Older People or People with a Disability and which was repealed on the 31<sup>st</sup> March 2004.

This *SEPP* seeks to enable housing that will cater for seniors (people aged 55 and over) or people with a disability, make efficient use of existing infrastructure and services, and be of good design.

The site is ideally located to both facilities, services and public transport. It will extend the existing aged care facility development by providing an additional 12 serviced self-care dwellings that are designed to cater for aged people who live in the area but who are no longer able to maintain their present home but wish to stay in the locality within a dwelling unit.

In this regard the proposal seeks approval for the construction of Housing for Seniors or People with a Disability comprising 12 serviced self-care dwellings s upon land known as 140-146 Glenhaven Road, Glenhaven.

The proposal also seeks approval for the two lot Torrens title subdivision of the site so as to create a 2.0239ha allotment which will contain the existing two storey dwelling currently erected upon the site.

For the purposes of this assessment the following documents were considered to be relevant to this proposal:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*
- *The Hills Local Environmental Plan 2012.*
- *The Hills Development Control Plan*

In addition to this Statement of Environmental Effects the proposal is described in the following documentation:

- Certificate of Site Compatibility as issued by the NSW Department of Planning & Environment and dated 29/4/16.
- Survey Plan prepared by Ian Linton Surveying Services, Dwg No. DWGST13 and dated 21/11/13.
- Arboricultural Impact Assessment prepared by Advanced Treescape Consulting, Job No. JN16-241 and dated 7/12/16.
- Architectural Plans prepared by NBRS Architecture, Drawing Ref No. 13253, DA-01 to 08, Revision 1.
- Access Report prepared by Accessibility Solutions Pty Ltd and dated 14/9/15.

- Bushfire Hazard Assessment Report prepared by Building Code & Bushfire Hazard Solutions, Ref No. 140385B and dated 5/5/17.
- Preliminary BCA Review prepared by NBRS Architecture, Project No. 13253 and dated 20/4/17.
- Landscape Plan prepared by NBRS Architecture, Drawing Ref. No. 13253 LDA01-A to 03-A and dated 08/6/17.
- BASIX Certificate No. 819992M and dated 26/6/17.
- Stormwater Concept Plan prepared by Abel & Brown P/L, Project No. 2658, Revision A and dated November 2016.
- Roadworks Plan prepared by Birzulis, Project No. 6527, Drawing No. C.01 and dated 31/5/17.
- Traffic and Parking Impact Statement prepared by Thompson Stanbury Associates and dated May 2017.
- Hydraulic Services Feasibility Report prepared by Abel & Brown P/L.
- Waste Management Plan prepared by NBRS + Partners and dated 9/6/17.
- Preliminary Cost Plan prepared by Hanna Newman Associates Pty Ltd and dated May 2017.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979, SEPP (Housing for Seniors of People with a Disability) including the applicable planning instruments and policies of The Hills Shire Council.

As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

## 2. THE SITE

The subject site is identified as comprising Lot 102 in DP 1205322 and known as 140-146 Glenhaven Road, Glenhaven. The subject site is generally rectangular in shape with a splayed northern boundary. The site has an area of 71,896m<sup>2</sup> (7.189ha) with its northern boundary having a combined frontage to Glenhaven Road of 159.915m and its eastern boundary, which fronts Mills Road, having a length of 281.77m.

The subject property is located on the south western corner of the intersection of Glenhaven Road which forms the northern boundary of the site and Mills Road which forms the sites eastern boundary.



The proposed development has driveway access to Glenhaven Road which is 50m from east and west bus stops on Glenhaven Road. The development will also have an internal pedestrian link that includes a wheelchair accessible path and ramp to Mills Road that is within 50m of bus stops in Mills Road.

It is advised that the identified access route for this development is Bus Route 603 and its associated bus stop located within 20m to 50m from the site on Glenhaven Road and Mills Road. It is also noted that the gradients of the pathway accessing the bus stop comply with the requirements of Clause 26(2)(a) of the SEPP.

The site is a gently sloping allotment of land having a fall from the front north eastern corner adjacent to the intersection of Glenhaven Road and Mills Road through to the rear southern boundary.

Stormwater from the property is understood to be currently disposed of on-site.



Infrastructure located adjacent to the frontage of the site includes kerb and guttering and a pedestrian footpath.

The subject site comprises an existing facility which is known as Glenhaven Gardens and was approved by the Land & Environment Court of NSW on the 13<sup>th</sup> February 2004 via Proceedings No. 11196 of 2004. The existing facility contains 60 hostel beds, 15 x 2 bedroom villas and 9 x 3 bedroom villas. The existing development comprises of predominantly single storey villas and a two storey hostel building. A large modern dwelling house is located adjacent to the western side boundary (former No. 146).

The proposal the subject of this application relates to a recently created parcel of land which has consolidated the former 140 Glenhaven Road with the adjoining allotment to the west at 146 Glenhaven Road. The consolidation took place on the 3<sup>rd</sup> March 2015 and resulted in the creation of Lot 102 in DP 1205322.

Development of the sites has resulted in an outcome whereby the front (northern half) of the allotment is cleared whilst the southern portion is vegetated with natural bushland.

The existing dwelling located adjacent to the western boundary of the site is not heritage listed and is not considered to have any heritage significance.

Vehicular access to the property is currently provided via Mills Road with secondary emergency egress driveways accessing Glenhaven Road. The proposal will be accessed via the existing driveway crossing for No. 146 and will also be connected with the internal access road for No.140.

The subject site is currently enclosed by rural type fencing largely comprising of post and rail construction.



The subject site as viewed from Glenhaven Road



An aerial view of the subject site



### 3. THE SURROUNDING LOCALITY

The subject property as evidenced from the following extract from The Hills LEP Zoning Map is located on the zone boundary between RU6 - Transition land which comprises land on the western side of Mills Road together with the northern and southern sides of Glenhaven Road (and which includes the subject site) and the land on the eastern side of Mills Road which is zoned R2 - Low Density Residential.



Extract from LEP Zoning Map

Despite the different zonings of the locality the distinction between the lands which comprise each zone is not as significant as would ordinarily be expected. This is as a result of the following factors:

- No.140-146 already supports a retirement village comprising of 60 x hostel beds located within a two storey built form, 15 x 2 bed villas and 9 x 3 bed villas comprising groups of either 2 or 3 villas.
- The absence of rural or agricultural activities upon adjoining lands.
- The prevalence of large, modern dwelling houses located in relative proximity to the road frontage upon the majority of the nearby RU6 zoned lands, and
- The existence of a large retirement village to the north east of the site.

Development of relevance which is located near the subject site includes a medical centre and local shops and which are within a 1km radius of the site.

The subject site is located directly adjacent to bus stops which provide to and from services by Route 603 to the Castle Hill Bus Interchange and from where access to the Castle Hill Shopping and Commercial precinct is available.

The character of the surrounding locality is evident in the aerial photograph below.



An aerial view of the subject and adjoining properties

#### 4. THE PROPOSAL

The proposal seeks approval for the erection of twelve (12) x 3 bedroom single storey villas upon the subject site pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed villas will be grouped in four clusters of 4, 2, 3 and 3 villas and are to comprise an expansion of the existing Glenhaven Gardens Retirement Village and which is operated by the Christian Brethren Community Services. The villas will be constructed on the western portion of the site.

The proposed buildings are to be of masonry construction and are to have a pitched tiled roof.

Access to the development is to be via the existing internal road network servicing the existing facility together with a new access driveway from Glenhaven Road. The proposed access point from Glenhaven Road is to be left in and left out only. The proposed driveway crossing location is consistent with the location of the existing vehicular access to the property from Glenhaven Road.

The internal road network provides access to each of the proposed dwellings together with their individual on-grade carparking and which comprises of either a single or double garage integrated into the overall building design. In addition to the proposed dwelling parking the proposal is also provided with 5 x visitor car spaces together with a designated garbage storage area.

In addition to the proposed internal road network which connects with the existing facility the proposal is also to be provided with a pedestrian pathway having compliant grades and which connects the proposed villas with both Glenhaven Road and the existing facility.

The proposed buildings are to be provided with a varied setback from Glenhaven Road having a minimum dimension of 10m together with a 10.5m setback from the western side boundary of the site.

The proposed setback areas are to be appropriately landscaped as detailed on the accompanying landscape plan.

Construction of the proposed development proposes the retention of the 4 large eucalypt trees which traverse the front property boundary. These trees are identified in the accompanying arboricultural report as having a high landscape significance. The proposal does however require the removal of 5 trees, all of which are identified as having a low significance.

Stormwater from the proposal is to discharge to the existing drainage system located upon the site via a proposed on-site stormwater detention system. The existing drainage system includes a drainage easement collecting water from Glenhaven Road.

In addition to the construction of the proposed 12 serviced self-care dwellings the proposal also includes the two lot Torrens title subdivision of the site.

The subdivision will provide for an irregular shaped allotment of land towards the south western corner of the site. This allotment will have an area of 2.0239ha and will comprise the existing dwelling house which is currently located adjacent to the western boundary of the site. A right of way will be provided over the main allotment from Glenhaven Road for the purpose of access to this allotment. The right of way will have a width of 6.5m and will be consistent with the width of the proposed access driveway to the villas.

The remaining allotment will have an area of 5.165ha and comprises the existing Glenhaven Gardens Retirement Village and upon which the 12 villas are proposed to be erected.

The development indices associated with the proposal are detailed below:

Subdivision

Existing Site Area: 71,896m<sup>2</sup>

Proposed Lot 1: 20,239m<sup>2</sup>

Proposed Lot 2: 51,657m<sup>2</sup>

Seniors Living Development on proposed Lot 2

Existing Floor Area: 7,667m<sup>2</sup>

Proposed Floor Area: 10,225m<sup>2</sup>

Proposed Floor Space Ratio: 0.346:1

Landscape Area: 24,993m<sup>2</sup> or 48.4%

Deep Soil Area: 24,993m<sup>2</sup> or 48.4%

## 5. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as Integrated Development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and SEPP (Housing for Seniors or People with a Disability) 2004 and The Hills Local Environmental Plan 2012. The proposal is also identified as a Special Fire Protection Purpose under the Rural Fires Act and as such also requires the approval of the NSW Rural Fire Service.

The following is an assessment of the proposal against the relevant provisions of the Act, the SEPP (Housing for Seniors and People with a Disability) and all of the relevant planning instruments and policies of The Hills Shire Council.

### 5.1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

#### Background

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) came into effect on the 31<sup>st</sup> March 2004 and replaced the previous State Environmental Planning Policy (SEPP) No. 5 - Housing for Older People or People with a Disability.

The aim of this policy is to:

- (a) *Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *Make efficient use of existing infrastructure and services, and*
- (c) *Be of good design.*

The policy allows for the provision of this form of housing on land zoned for urban purposes or upon land adjoining land zoned for urban purposes. The subject land is zoned RU6 - Transition under the Hills Local Environmental Plan 2012 however adjoins land zoned R2 - Low Density Residential. The proposal is therefore considered to satisfy the definition of land adjoining land zoned for urban purposes under Clause 4(4) of the SEPP.

Clause 24(1)(a)(i) of the SEPP applies to land adjoining land zoned for residential purposes and requires the obtaining of a Site Compatibility Certificate.

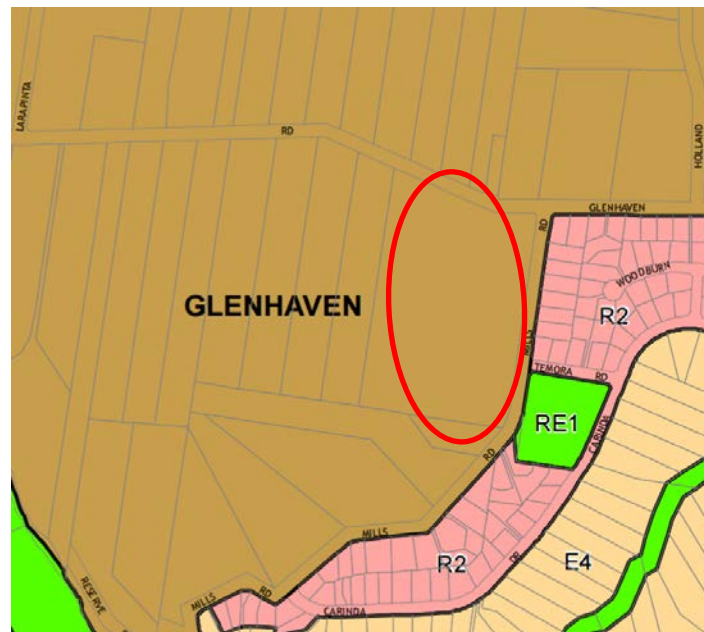
Clause 24(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 states that:

- (2) *A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:*



- (a) *the site of the proposed development is suitable for more intensive development, and*
- (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

It is advised in response to the requirements of this Clause that a Certificate of Site Compatibility was issued by the NSW Department of Planning & Environment on the 29<sup>th</sup> April 2016. A copy of the Certificate forms part of the information accompanying this application.



Extract from The Hills Local Environmental Plan 2012

The subject application proposes development of the subject site for a purpose defined under the SEPP as being 'serviced self-care housing' and which is defined under the SEPP as:

***serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

And where a 'self contained dwelling' is defined as;

*a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

The subject application provides for a total of twelve (12) serviced self-care dwellings which satisfy these definitions.

It is advised that the required services comprising meals, cleaning services, personal care, nursing care will be available to residents of the 12 dwellings via the existing aged care facility should they be required.

#### **Clause 17 - Development on land adjoining land zoned primarily for urban purposes**

In accordance with the requirements of this clause it is advised that the proposal does provide for serviced self-care housing and the housing will be suitable for occupation for people with a disability.

A detailed Accessibility Report demonstrating compliance with the applicable requirements has been prepared by Accessibility Solutions (NSW) P/L and forms part of the information submitted as part of this Development Application.

#### **Clause 21 - Subdivision**

Clause 21 of the SEPP permits land on which development has been carried out under this chapter to be subdivided with the consent of the consent authority.

The proposal does not seek to undertake any form of subdivision in relation to the existing and proposed seniors housing however it is proposed to subdivide off an allotment at the rear of the site.

The proposed subdivision is permissible under the provisions of The Hills LEP.

#### **Heritage Conservation Areas & Heritage Items**

#### **Clause 22 - Heritage Conservation Areas & Heritage Items**

Clause 22 of the SEPP requires referral of an application proposed to be carried out in a heritage conservation area or within the vicinity of a heritage item having State significance to the Heritage Council of NSW.

In this regard Council's Heritage Map indicates that neither the subject or adjoining sites are identified as heritage items nor are they located in a Heritage Conservation Area.



Extract from Council Heritage Map

## **Part 2 - Site Related Requirements**

### **Clause 26 - Location and Access to Facilities**

Clause 26(1) provides that Council must be satisfied by written evidence that residents of the proposed development will have access (in accordance with subclause 2) to:

- "a. shops, banks and other retail and commercial services that residents may reasonably require, and*
- b. community services and recreation facilities, and*
- c. the practice of a general medical practitioner."*

In this regard the SEPP defines "access" at Clause 26(2).

It is my opinion that the subject site complies with the requirements of this definition as detailed below.

It is advised that the identified access route for this development is Bus Route 603 and its associated bus stops located on Glenhaven Road and Mills Road approximately 20m to 50m from the subject site. This bus stop is accessed via a concrete pathway and associated kerb ramps. It is also noted that the gradients of the pathway accessing the bus stop comply with the requirements of Clause 26(2)(a) of the SEPP.

The nominated access route in my opinion comprises of a safe and compliant path of travel.

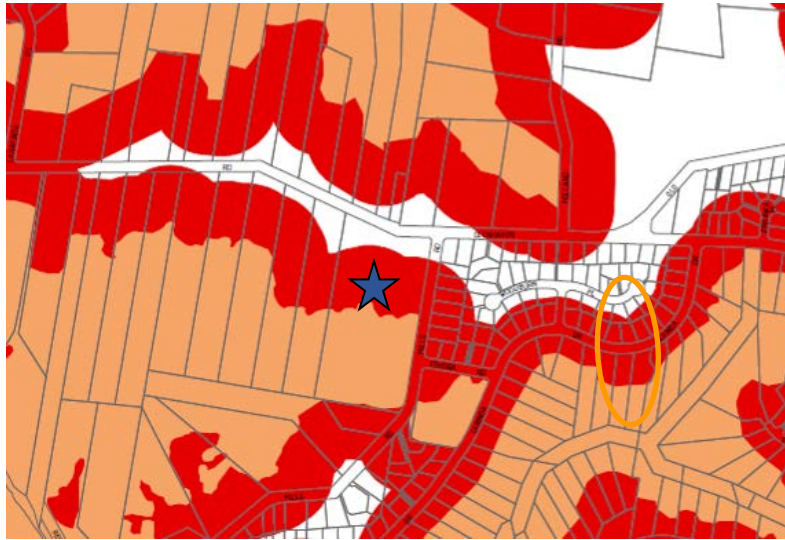
In addition to the above it is noted that the subject site is located approximately 1.2km walking distance from the Glenhaven Shopping Centre and which can be accessed by a level walk using suitably graded footpaths and signalised pedestrian crossings.

The existing facility is also provided with a minibus which is utilised for conveying residents to shops and services and on organised trips and will be available for residents of the proposed villas.

On this basis it is submitted that the proposed development and the nominated access to public transport satisfy the requirements of the SEPP.

The proposal is therefore considered to satisfy the requirements of Clause 26 of the SEPP.

## Clause 27 - Bushfire Prone Land



Extract from Council Bushfire Prone Land Map

The subject site contains both Bushfire Prone Land and Bushfire Vegetation Buffer.

A Bushfire Hazard Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions which in summary provides the following:

*The development proposal relates to the subdivision of one (1) large allotment into two (2) for the purpose of the extension of an existing Special Fire Protection Purpose (SFPP). The development site is known as Glenhaven Gardens, 146 Glenhaven Road Glenhaven (Lot 102 DP 1205322). The subdivision will allow for the extension of Glenhaven Gardens (12 new Seniors Living Units) and the retention of an existing sole occupancy residential dwelling within the second new allotment.*

*The vegetation identified as being a potential bushfire hazard is retained native vegetation located within the rear (southern) portion of the subject site and adjoining allotments.*

*The required Asset Protection Zones (APZ) for the development were determined from Appendix 2 and design fire modelling (report attached) under the requirements of Planning for Bush Fire Protection 2006. The available building footprints shown on the site plans prepared by NBR Architecture, Drawing Ref. 13253-DA-02, Revision 7, 18/04/2017 can comply with or exceed the minimum requirements of PBP 2006. The proposed access design and the provisions of services (water, gas and electricity) can also meet the requirements of section 4.1.3 of PBP 2006.*

*The highest Bushfire Attack Level to the proposed independent living units was determined to be 'BAL 12.5'. The proposed units will be required to comply with section 3 and BAL 12.5 under section 5 of AS 3959 - 2009 and Appendix 3 under PBP 2006.*

*Retrofitting recommendations have been made to improve the resilience of the existing dwelling by including simple measures to prevent the entry of smoke and embers into the existing dwellings.*

*Recommendations have been made regarding the proposed water supply. In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is my opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development and also satisfy both the Rural Fire Service's concerns and those of Council in this area.*

It is considered that subject to compliance with the recommendations of their report that the proposal is capable of satisfying the requirements of Planning for Bushfire Protection 2006.

#### **Clause 28 - Water & Sewer**

Water and sewer is currently available to the site as evidenced by the existing development.

Reference is also made to the accompanying report from Abel 7 Brown P/L and which details the extent of the existing services.

### **Part 3 - Design Requirements**

#### **Clause 30 - Site Analysis**

Clause 30 provides as follows;

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.*
- (2) A site analysis must;*
  - (a) contain information, where appropriate, about the site and its surrounds as described in subclauses (3) and (4), and*
  - (b) be accompanied by a written statement (supported by plans including drawings of section and elevations, and in the case of the proposed development on land adjoining land zoned primarily for urban purposes, and aerial photograph of the site):*
    - (i) explaining how the design of the proposed development has regard to the site analysis, and*
    - (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.*



A detailed site analysis plan has been prepared by NBRS Architecture and forms part of the plans accompanying this application. The site analysis plan should be read in conjunction with the site survey and arborist report. It is considered that these documents when read in conjunction with this Statement of Environmental Effects and the supporting consultant reports satisfy the requirements of Clause 30 of the SEPP.

#### **Clause 31 - Design of In-fill Self Care Housing**

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

In response to this requirement it is advised that the proposal has been designed having regard to these Guidelines and it is considered that the proposal achieves an appropriate level of compliance with its requirements and is of a good design.

#### **Clause 32 - Design of Residential Development**

Clause 32 of the SEPP requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles.

##### **Neighbourhood Amenity & Streetscape**

The proposal has been designed so as to provide an amenity and streetscape which is responsive to both the rural character of the subject site and adjoining lands to the north and west together with the adjoining low density residential lands located to the east of the site.

In this regard the proposal seeks to provide for a 10m setback for development from Glenhaven Road and a 10.5m setback from the western side boundary in accordance with the requirements of Councils Rural Lands DCP.

In all instances the proposed setbacks are to comprise vegetative screening comprising of both existing retained vegetation and new replenishment vegetation.

In addition to the proposed setbacks, the proposal seeks to provide for a low scale of development comprising of single storey villas. The dwellings will be of a modern design with pitched roofs and will be compatible with surrounding built forms.

Access to the site is proposed to be via a single entry point from Glenhaven Road and which is consistent with the location of the existing driveway.

It is considered that the proposed buildings will be provided with appropriate separation from surrounding dwellings which will allow for appropriate levels of amenity to be retained by those dwellings as well as providing appropriate amenity for the future residents of the development.

As previously detailed the proposal will retain significant tree species located on the site which will assist in maintaining the existing landscape character of the locality. In addition, a Landscape Plan is proposed which will identify additional plantings, including screen planting and canopy trees, to be provided on site to enhance the landscape character of this development.

In my view the proposal will result in a development that will be of a form and scale compatible with the existing character of this location.

### **Visual and Acoustic Privacy**

The development has been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. In this regard it is considered that the development will provide future residents with a private and quiet living environment.

This has primarily been achieved through the provision of generous setbacks particularly from the front, side and rear boundaries together with the retention of the majority of the sites existing vegetation.

In terms of internal visual privacy for future occupants of this development, measures such as window placement and the provision of landscaping and courtyard fencing have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents.

### **Solar Access and Design for Climate**

The SEPP requires that the design of the proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.

As a result of the orientation of the site, the setbacks and the single storey built form it is considered that the proposal will not result in any unreasonable overshadowing of the adjoining properties.

In relation to the provision of appropriate solar access to the future residents of the development it is considered that the dwelling design and orientation will ensure compliance with this requirement.

It is considered that the proposed development satisfies the requirements of this design element.

### **Stormwater**

The proposal provides for the detailed management of stormwater from the site. In this regard a Stormwater Management Plan has been prepared for the site by Abel & Brown P/L and is consistent with both the requirements of Council and BASIX. In this regard the proposal provides for the disposal of stormwater to the existing on-site drainage system via an on-site detention tank.

### **Crime Prevention**

The occupants of the development will be provided with a secure living environment. Appropriate lighting and security measures will be incorporated into the construction of the development. Dwellings 1 to 4 are orientated towards the front of the site with each having a habitable room having views towards Glenhaven Road.

Each dwelling is provided with a secure courtyard or terrace area.

### **Accessibility**

The proposal has been designed so that each unit is accessible by a wheelchair bound person via suitably graded pathways and lift as detailed in the Access Report prepared by Accessibility Solutions and which is included as part of this submission.

Each dwelling has also been designed so as to provide for a bedroom and all essential facilities capable of satisfying the applicable Australian Standards.

The site is also considered to be provided with appropriate vehicular and pedestrian access.

### **Waste Management**

A centralised garbage and recycling storage area is provided for the development. The property will be serviced by Council's waste and recycling contractors.

## **Part 4 - Development Standards**

### **Clause 40 - Development Standards - minimum sizes and building height**

Clause 40 (1) provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this Clause.

Clause	Standard	Proposal	Compliance
Clause 40(2) - Lot Size	Minimum 1000m <sup>2</sup>	Site Area: 51,656m <sup>2</sup>	Yes
Clause 40(3) - Site Frontage	Minimum 20m measured at the building line.	214.51m	Yes
Clause 40(4) - Height in zones where residential flat buildings are not permitted	(a) 8 metres or less (b) No more than 2 storeys adjacent to a boundary (c) Max. 1 storey in rear 25% of site	Refer to plans. The proposal provides for single storey dwellings.	(a) - Yes (b) - Yes (c) - Yes

### **Clause 41 - Self-contained dwellings - standards concerning access and useability**

Clause 41 of the SEPP states:

*41. A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

A detailed assessment of the proposal against the requirements of this Division is contained within the Access Report prepared by Accessibility Solutions and which is included as part of this application.

### **Clause 42 - Serviced self-care housing**

Clause 42 of the SEPP states that:

*(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:*  
*(a) home delivered meals, and*

- (b) personal care and home nursing, and*
- (c) assistance with housework.*

- (2) For the purposes of sub clause (1), residents of a proposed development do not have reasonable access to the services referred to in sub clause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).*

In response to the requirements of this clause it is advised that residents of the proposal will have access to meals, personal care and nursing care and assistance with housework via the existing Glenhaven Gardens Retirement Village.

#### **Clause 43 - Transport services to local centres**

In accordance with the requirements of this clause a bus capable of carrying at least 10 passengers is currently provided to the existing residents of the site and will also be made available to the future residents of the proposal. The mini bus will be available to provide residents with access in accordance with the following:

- (a) that will drop off and pick up passengers at a local centre that provides residents with access to the following:*
  - (i) shops, bank service providers and other retail and commercial services that residents may reasonably require,*
  - (ii) community services and recreation facilities,*
  - (iii) the practice of a general medical practitioner, and*
- (b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.*

#### **Clause 44 - Availability of facilities and services**

It is advised that all services associated with the development are currently provided upon the site and will be available for future residents of the proposal when the development is ready for occupation.



## Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

This clause provides additional standards for self contained dwellings which is summarised below:

Clause	Standard	Proposal	Compliance
Clause 50(a) - Building Height	Buildings not to exceed 8.0m in height	Refer to plans. All dwellings are single storey and less than 6m in height.	Yes
Clause 50(b) - Density and Scale	Floor Space Ratio not to exceed 0.5:1	0.346:1	Yes
Clause 50(c) - Landscaped Area	30% of site area to be landscaped	24,993m <sup>2</sup> or 48.4%	Yes
Clause 50(d) - Deep Soil Zone S	15% of the site area With two thirds at the rear	24,993m <sup>2</sup> or 48.4%	Yes
Clause 50(e) - Solar Access	70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	Refer to Plans	Yes
Clause 50(f) - Private Open Space	15m <sup>2</sup> of private open space per dwelling at ground floor 10m <sup>2</sup> in case of any other dwelling	Refer to plans - all dwellings provided with in excess of 15m <sup>2</sup> .	Yes
Clause 50(g) - Parking	0.5 spaces per bedroom (36 bedrooms - 18 spaces required)	18 spaces provided	Yes

## Summary

The proposal is therefore considered to comply with the requirements of this SEPP and is therefore considered to be worthy of the support of the Council.

## 5.2 The Hills Local Environmental Plan 2012

The subject land is zoned RU6 - Transition under the provisions of The Hills Local Environmental Plan 2012.

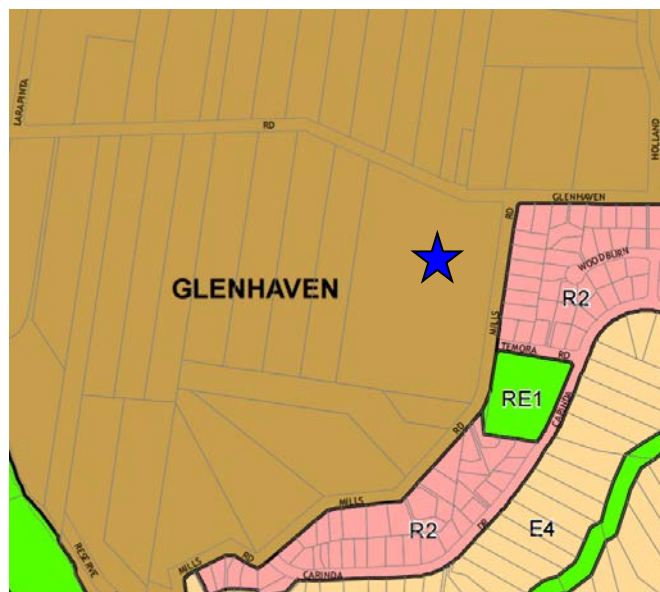
The objectives for development within the RU6 zone are:

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.*

Under the RU6 - Transition zone a range of uses including that of a *dwelling house* is permissible with the consent of the Council.

The proposal which seeks approval for the construction of 12 dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 is considered to be consistent with the above objectives in that:

- It will provide for a form of development compatible with the adjoining low density residential environment and which will specifically meet the needs of the communities older or disabled population.
- It does appropriately respond and is compatible with the existing environmental and built character of Glenhaven and the immediate locality and in particular the applicable tree issues.



Extract from Council Zoning Map

The following provisions of The Hills Local Environmental Plan 2012 are ordinarily applicable to the subject site.

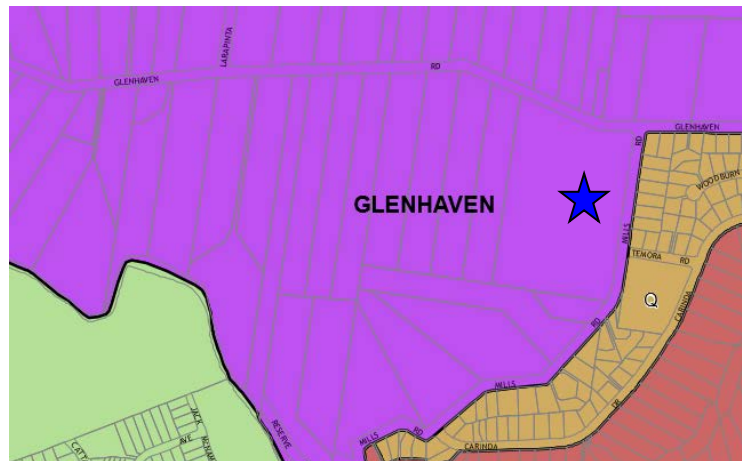
#### **Clause 2.6 - Subdivision - Consent Requirements**

This Clause requires the consent of the Council for the subdivision of land.

#### **Clause 4.1 - Minimum Subdivision Lot Size**

Under Clause 4.1 of the LEP the subject site is located within the 'Z' Minimum Subdivision Size Zone and as such is subject to a minimum allotment size of 2ha.

The proposed subdivision provides for allotments having a minimum area of 2.02394ha and 5.166ha and which complies with this clause.



Extract of Council Lot Size Map

#### **Clause 4.3 - Height of Buildings**

Under Clause 4.3 of the LEP the subject site is located within the "K" Building Height Zone and as such is subject to a maximum building height of 10m.

The proposal provides for single storey buildings which typically have a building height of 5-6m and which comply with this requirement.



Extract from Council Height Map

#### **Clause 4.4 - Floor Space Ratio**

The subject site is not subject to an FSR control under Council's LEP.

#### **Clause 5.9 - Preservation of Trees or Vegetation**

An Arboricultural Impact Assessment Report has been prepared by Advanced Treescape Consulting and forms part of the information accompanying this application.

The proposal seeks to retain all significant vegetation located upon the property.

It is also noted that the proposal will provide for the planting of significant replenishment vegetation particularly around the perimeter of the site including the front setback area and which already supports 4 x large significant trees.

#### **Clause 5.10 - Heritage Conservation**

The subject site is not heritage listed and is not located adjacent to a heritage item or within a heritage conservation area.

#### **Clause 6.1 - Acid Sulfate Soils**

The subject site is not identified on Council's Acid Sulfate Soils Map as containing acid sulphate soils and as such is not subject to the requirements of this provision.

#### **Clause 7.4 - Biodiversity (Terrestrial)**

Development of the sites has resulted in an outcome whereby the front (northern half) of the allotment is cleared whilst the southern portion is vegetated with natural bushland.

An ecological assessment of the existing vegetation has been undertaken by Keystone Ecological and forms part of the information accompanying this application. That assessment identified that the vegetation present upon the site is made up of two vegetation types: Sydney Sandstone Gully Forest and Shale Sandstone Transition Forest, the latter being an endangered ecological community (EEC).

The Keystone assessment identified that the vegetation at the rear of the former No. 146 is suffering from severe edge effects, with dead and dying trees, dense infestations of serious weeds and piles of rocks.

In terms of the potential impact of the proposal upon the existing vegetation the Keystone report found that:

*The latest proposal will have no direct impact on any threatened species, endangered populations, endangered ecological communities or their habitats that have been established to occur to the south and west.*

*Potential indirect impacts such as stormwater runoff and mobilization of soil are also unlikely to occur due to the distance from the works. Moreover, these impacts are routinely controlled by the implementation of standard stormwater management and sediment and erosion controls.*

*It is therefore concluded that no further consideration of potential ecological impacts are required.*

On this basis it is considered that the proposal satisfies the requirements of Clause 7.4 of the LEP.



Extract from Council Biodiversity Map

## Summary

There are no other provisions of The Hills Local Environmental Plan which it is considered are relevant to the proposal.

The proposal is therefore considered to satisfy the applicable requirements of The Hills Local Environmental Plan 2012.



### 5.3 The Hills Development Control Plan

The Hills DCP would ordinarily apply to development permitted under the LEP.

Notwithstanding that the proposal is prohibited under the LEP and relies upon SEPP (Housing for Seniors or People with a Disability) 2004 for permissibility, the following is an assessment of the proposal against the key provisions of the DCP.

#### **Part B Section 1 - Rural**

##### **Clause 3.2 - Site Coverage**

For sites having a site area greater than 40 hectares a maximum site coverage of 25% of the land area or 5,000m<sup>2</sup> (whichever is the lesser) is required.

The proposal results in a site coverage of 14.6% which complies with this requirement.

##### **Clause 3.3 - Building Setbacks**

The DCP requires that a minimum setback of 10m is provided from the front boundary and 5m from a side boundary.

The proposal is provided with a minimum setback from the front boundary of 10m which complies with the requirements of this clause. A setback of 10.5m is provided from the western side boundary which also complies with the requirements of this clause.

The proposal is therefore considered to comply with the key applicable prescriptive requirements of The Hills DCP.

## **6. SECTION 79(C) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **Environmental Planning Instruments - Section 79C(1)(a)**

The subject site is zoned RU6 - Transition under the provisions of The Hills Local Environmental Plan 2012. A development incorporating subdivision and housing for seniors or people with a disability within the RU6 zone is permissible under the provisions of The Hills LEP and State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 with the consent of Council. The proposal has been assessed against the objectives and provisions of SEPP (Housing for Seniors and People with a Disability) and the policies of The Hills Shire Council as detailed within this report. The proposal is considered to satisfy the requirements of these documents and in my opinion is worthy of the support of Council.

There are no other environmental planning instruments or draft environmental planning instruments, which are applicable to the proposal.

### **Impacts of the Development - Section 79C(1)(b)**

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area. The proposal will provide for an additional 12 dwellings in a location considered suitable for this form of development as demonstrated by the issuing by NSW Department of Planning & Environment with a Certificate of Site Compatibility.

It is my opinion based upon this Statement of Environmental Effects and the supporting plans and reports that the proposal will not result in any unreasonable impacts upon adjoining properties or the streetscape.

It is particularly noted having regard to the Arborist Report that the proposal has been designed to retain the significant vegetation on site.

### **Suitability of the Site - Section 79C(1)(c)**

The subdivision of land and the erection of a development comprising of 12 dwellings upon the site is permissible with the consent of Council under the provisions of SEPP (Housing for Seniors and People with a Disability) 2004. In this respect it is considered that the subject land is suitable for the proposed development in that it is generally level and is under utilised in its current form, in that it has an area of 71,896m<sup>2</sup>.

It is considered that the site suitability is demonstrated by the issuing by NSW Department of Planning & Environment of a Certificate of Site Compatibility.

### **Public Interest - Section 79C(1)(e)**

The proposed development is considered to be in the public interest as it seeks to provide a much needed form of housing specifically designed for the areas older and disabled population in a built form and which does not result in any unreasonable detrimental impacts.

## 7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 79C(1) of the Act, SEPP (Housing for Seniors and People with a Disability), The Hills LEP 2012 and Council's Policies. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives as well as the applicable prescriptive requirements of the above controls.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed two lot Torrens title subdivision of land and the construction of twelve (12) dwellings under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 upon land at 140-146 Glenhaven Road, Glenhaven is worthy of the support of Council.

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MINTO PLANNING SERVICES PTY LTD  
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