

17 January 2018

Adrian Hohenzollern  
Team Leader – Sydney Region West  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Hohenzollern

**Site Compatibility Certificate Application for Property Nos. 795 - 821 Old Northern Road, Dural**

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I refer to your recent letter requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing at property Nos. 795 - 821 Old Northern Road, Dural.

Firstly, I would like to advise that, at its meeting on 8 November 2017, Council considered Mayoral Minute 18/17 concerning seniors living development in the rural areas of the Shire. Council resolved to seek an urgent meeting with the Minister for Planning and send letters to Local and State Members of Parliament concerning the inconsistencies of the *State Environmental Planning Policy (SEPP) Housing for Seniors or People with a Disability (Seniors Housing SEPP)* with the draft Greater Sydney Region Plan and revised draft North District Plan.

Council also resolved to request that no further site compatibility certificates be issued for seniors housing developments in the rural areas of Hornsby Shire until a clear vision for the region is prepared, including an infrastructure and funding plan to cater for existing and future development. A coordinated and holistic planning strategy is required for the area to avoid ad-hoc planning outcomes resulting from the proliferation of senior housing developments. To action Council's resolution, a letter was sent to the Minister for Planning on 24 November 2017 (copy attached). Council is currently awaiting response to this letter.

Notwithstanding the above, the strategic planning implications and specific comments concerning the proposed development in relation to the Site Compatibility Criteria contained within the *Seniors Housing SEPP* are outlined below for your consideration.

**Criteria 1 – The natural environment and the existing and approved uses of land in the vicinity of the proposed development.**

The existing and approved uses in the vicinity of the site are rural uses. In the immediate vicinity, the land uses include rural residential, market gardens, wholesale nurseries and a holiday park catering for camping, caravans and cabin stays. The expansion of urban development into the rural area may result in land use conflicts. The land is zoned part RU2 (Rural Landscape) and part SP2 Infrastructure under the *Hornsby Shire Local Environmental Plan (HLEP) 2013*. Seniors housing is prohibited within the Shire's rural zones under the *HLEP*. Development involving the construction of an aged care facility containing 130 beds, 95 self-care apartments and 24 self-care dwellings would be inconsistent with the objectives of the RU2 zone, namely:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

Council's rural land use planning strategy and associated planning controls are aimed at ensuring the rural character of the area is maintained. The zoning facilitates agricultural and other compatible land uses. Development involving the construction of an aged care facility involving 3 storey development as proposed would be alien to, and inconsistent with, Council's current rural land use planning strategy and development standards, namely one principal dwelling on a minimum lot size of 2Ha and a maximum building height of 10.5m.

Property Nos. 795 – 821 Old Northern Road are subject to flood related development controls and have exposure to flood hazard risk based on the 1 in 100 year ARI storm event flowpath identified by the *Hornsby Overland Flow Study (2010)*. A tributary of Georges Creek traverses the southern portion of the site in a north-south direction. A dam is located in the south eastern corner of the site, which is proposed to be retained. The application states that earthworks will be required which will change the local flooding conditions. However, the proponent has not submitted a hydrological study specific to the site and proposal. Nor has the proponent demonstrated the potential impact of the creek and dam on the proposed development or the impact of the proposed development on downstream receiving waters. The Water Cycle Management Plan, prepared by Cardno, submitted as part of the application relates to the entire South Dural precinct and a proposed detention strategy for a different proposal.

Threatened species mapping indicates the presence of Sydney Turpentine Ironbark Forest (an Endangered Ecological Community) along the southern boundary of the site and the north eastern boundary. The application states that the Concept Plans for the seniors housing development has been designed with substantial setbacks from the vegetation communities to all built structures, roads and service infrastructure. However, it is difficult to confirm this from the concept plan provided.

## **Criteria 2 – The impact that the proposed development is likely to have on the likely future uses of the land.**

A Planning Proposal has been submitted on behalf of the South Dural Resident and Ratepayers Association to rezone the precinct known as South Dural for urban purposes, with the potential to provide 2,500-3000 new dwellings. The Proposal applies to a 240ha precinct bounded by Old Northern Road, New Line Road and Hastings Road, currently zoned part RU2 Rural Landscape, part E3 Environmental Management and part SP2 Infrastructure – Road under the HLEP. A Gateway Determination was granted by the Department of Planning and Environment for the South Dural Planning Proposal and Council has exhibited the planning proposal. However, at its meeting on 8 February 2017, Council resolved to discontinue its evaluation of the South Dural Planning Proposal until an agreed infrastructure plan is prepared.

Property Nos. 795 - 821 Old Northern Road are located within the South Dural precinct. Given that further consideration of the South Dural Planning Proposal is dependent on an infrastructure plan, it is unknown what the future uses of the surrounding land will be, and therefore whether the proposal would be compatible

with those land uses. Accordingly, approval of a Site Compatibility Certificate for the property is premature.

**Criteria 3 – The services and infrastructure that are or will be available to meet the demands arising from the 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.**

The Traffic Assessment submitted with the application is flawed as it is based on an upgrade of Old Northern Road and Kenthurst Road and the widening of Old Northern Road to four lanes. Preliminary evaluation of the South Dural Planning Proposal revealed that the existing State Road network is underperforming and that upgrades are required, including works to New Line Road and Old Northern Road which have been estimated by the State Government will cost in excess of \$300 Million. The proponent has not detailed any proposed financial arrangements to ensure infrastructure provision. Further, it appears the Traffic Assessment for the proposal is based on 228 units rather than 249 as indicated on the concept plan.

Compliance with the location and access requirements of Clause 26 of the *Seniors Housing SEPP* is problematic for the proposed development and not able to be satisfactorily assessed by Council. The application is based on a number of provisos to achieve compliance with Clause 26 which are not clearly articulated or guaranteed. The application relies on Bus Route 637 to Castle Hill Shopping Centre to provide access to the services and facilities referred to in the *Seniors Housing SEPP*. The Access Report, prepared by Judith Stubbs & Associates, outlines that a sealed pathway of appropriate width and gradient is required between the main entrance to the site and the bus stop on the southern side of Old Northern Road. However, the Traffic Assessment notes that provision of a footpath on the southern side of Old Northern Road is difficult given the narrow road reservation, location of property boundaries and the location of heritage listed street trees.

The author of the Access Report notes the difficulty for an able-bodied person to cross Old Northern Road. Residents of the development may have impaired mobility and will require a longer time to cross Old Northern Road than other pedestrians, indicating the incompatibility of the site for the proposed development. Other requirements of the Access Report and the Traffic Assessment to achieve compliance with Clause 26 of the *Seniors Housing SEPP* but are not addressed or guaranteed in the concept plan include:

- Provision of pedestrian refuge on Old Northern Road to assist residents with impaired mobility crossing the heavily-trafficked road to get to the bus stop, with appropriate signage to alert motorists who may not expect any pedestrians crossing due to the semi-rural nature of the road;
- The upgrading of the westbound bus stop with a concrete pad for embarking/disembarking accessible buses and seating or a bus shelter; and
- The upgrading of the eastbound bus stop with a concrete pad for embarking/disembarking accessible buses and seating or a bus shelter and a connecting footpath;

The Access Report states that access to most of the retail and commercial services required under Clause 26 of the *Seniors Housing SEPP* are available inside Castle Towers, with lift access from the bus stop. However, the provision of access to a Post Office, Hairdresser, Bank, Restaurants, a Hotel and a General Medical Practitioner relies on the reworking of pram ramps to comply with gradient requirements crossing Castle Street, Castle Hill at the intersection with Old Northern Road. This location is outside of Hornsby Council's jurisdiction and no details are provided concerning how this would be achieved.

Access to a public library, community centre and park or similar outdoor space does not comply with the requirements of Clause 26 of the *Seniors Housing SEPP*. Therefore the Access Report includes the following requirements:

- Arrangements with Hornsby Council to organise visits of the home library service to the proposed development;
- A suitably sized community centre and park or similar outdoor space for passive recreation is required to be provided as part of the development;

No details have been given outlining any agreements with Council concerning a home library service or how passive recreation is to be provided as part of the development.

**Criteria 4 – 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 or special uses in the vicinity of the development.**

The front portion of property Nos. 795 - 821 Old Northern Road is zoned SP2 Infrastructure – Road. The applicant fails to address this within their submission.

The SP2 zoned land is also subject to the Land Reservation Acquisition Map and Clause 5.1 of the *HLEP* which establishes the public authority acquisition obligations for the land, namely that the Roads and Maritime Services is responsible for acquiring a strip of land (approximately 5.5m wide) adjacent Old Northern Road for road widening purposes. Concern is expressed regarding the ability for a number of self-care dwellings to comply with the relevant setback provisions in the Hornsby Development Control Plan 2013, particularly given the identified acquisition of the land for road widening.

**Criteria 5 – 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.**

It is difficult to assess the bulk and scale of the development as no elevations have been provided. However, the built form indicated on the floor plan submitted with the proposal is substantial and urban in nature, inconsistent with that of the existing rural land use of the area. The 3 storey scale of the two apartment buildings and the aged care facility on the site is alien to its setting and represents an overdevelopment of the site when compared to the low density of development and rural character of the surrounding area.

**Criteria 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.**

This criteria is not applicable to the proposal. The *Native Vegetation Act 2003* has been repealed and replaced with a new framework for Land Management and Biodiversity Conservation.

In summary, this site is not suitable for more intensive development due to the absence of a clear vision, infrastructure and funding plans for the Metropolitan Rural Area. The concerns with the proposed development outlined above clearly demonstrate that seniors housing developments do not respect the constraints of the rural areas and lead to ad-hoc planning outcomes.

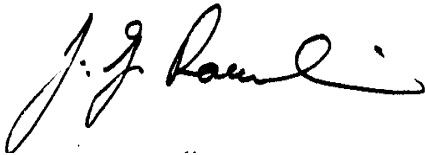
The proposed development would be inconsistent with the objectives of the rural zone. The proposal does not adequately address the impacts on the environmental constraints of the site. The 3 storey scale of the

two apartment buildings and the aged care facility on the site would be alien to its setting and represents an overdevelopment of the site which would detract from the character of the rural area. Furthermore, compliance with the location and access requirements contained within Clause 26 of the *Seniors Housing SEPP* is problematic and based on a number of provisos which are not clearly articulated or guaranteed. A site compatibility certificate is not supported in this instance.

Council's request to the Minister for Planning is reiterated that no further site compatibility certificates be issued for seniors housing developments in the rural areas of Hornsby Shire until a clear vision for the region is prepared, including an infrastructure and funding plan to cater for existing and future development.

I trust our comments on this matter will be given due consideration.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. J. Rawlin'.

Jason Rawlin  
Acting Manager  
Strategic Planning Branch

TRIM Reference: F2007/001473, D07367413

24 November 2017

The Hon Anthony Roberts  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001

Dear Mr Roberts

**Seniors Living Developments in the Rural Areas of Hornsby Shire**

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The purpose of this letter is to seek your assistance to progress amendments to the State Government's policy for seniors housing which has the potential to detract from the character of the rural area of Hornsby Shire and impact on the sensitive environmental attributes of the area.

As you would be aware, land on the urban fringe is under development pressure to transform from rural to urban use. Hornsby Council previously resolved to investigate the opportunity for the urban release of the area known as South Dural for urban purposes. However, Council subsequently resolved to discontinue its evaluation of the proposal until an agreed plan is prepared to upgrade the State road network and other supporting infrastructure to sustain development of the precinct. A significant portion of land within South Dural adjoins urban zoned land and therefore, has the potential to be considered for seniors housing.

A coordinated and holistic planning strategy is required for the area to avoid ad-hoc planning outcomes resulting from site specific planning proposals and proliferation of senior housing developments. With this in mind, Council has sought to work with the State Government and The Hills Council to develop a clear vision for the rural areas in the region. It has been some time since Council wrote seeking an opportunity to discuss the preparation of a coordinated plan for the rural areas but to date we have not had a commitment.

Council's concerns about the proliferation of seniors housing in South Dural are now proving to be well founded. Council is aware of applications and proposals currently in various stages of planning that have the potential to result in over 1,500 independent living units and high care seniors housing being constructed within the precinct. The proliferation of seniors housing in our rural area is not good strategic planning. Consideration of the South Dural Planning Proposal has demonstrated the capacity of the State roads in the area requires immediate attention. Any increase in urban development should be supported by satisfactory funding arrangements to assist deliver essential community infrastructure such as open space and roads.

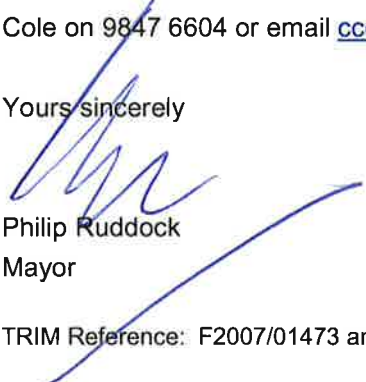
At its meeting on 8 November 2017, Council considered a Mayoral Minute which noted that the revised draft North District Plan prepared by the Greater Sydney Commission states that urban development is not consistent with the values of the Metropolitan Rural Area and includes an action to contain development to within existing urban areas. This position appears to be in conflict with State Government planning policy which promotes seniors housing development on the urban boundary.

Accordingly, Council resolved that I write to you to seek an urgent meeting to discuss the inconsistency of State Government planning policy which promotes seniors housing development with the recommendations of the Greater Sydney Commission that the values of the rural areas should be maintained. Until a clear vision for the region is prepared including an infrastructure and funding plan to cater for existing and future development, no further site compatibility certificates should be issued by the State Government for seniors housing developments in the rural areas of Hornsby Shire.

I acknowledge that the NSW Government recently released proposed amendments to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to seek to address the issue of incremental expansion of existing seniors living development. Although this is a positive initiative, it is respectfully suggested that the changes do not go far enough to address the issues being experienced by Hornsby Shire including proposals for site compatibility certificates for multiple parcels of land where only one parcel adjoins urban lands.

I am confident that if you are agreeable to a meeting, we would be able to determine an appropriate way forward to address these issues. To confirm details for a meeting, your office can contact Council's Christine Cole on 9847 6604 or email [ccole@hornsby.nsw.gov.au](mailto:ccole@hornsby.nsw.gov.au) to make appropriate arrangements.

Yours sincerely

  
Philip Ruddock  
Mayor

TRIM Reference: F2007/01473 and D07334833

*I am keen to progress these  
so developments do not  
preclude a considered outcome  
for this important area  
Warmest regards*  
