

Report to the Sydney North Planning Panel on an application for a site compatibility certificate.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE:

- Lot 2 DP 550819 – 663 Old Northern Road, Dural;
- Lot 3 DP 550819 – 663A Old Northern Road, Dural;
- Lot B DP 158479 – 665 Old Northern Road, Dural;
- Lot 7 DP 231126 – 667 Old Northern Road, Dural; and
- Lot 6 DP 231126 – 4 Franlee Road, Dural.

A site inspection of the land was undertaken by the regional team.

APPLICANT: APP Corporation.

The application for a site compatibility certificate (SCC) was received by the Department on 14 December 2017 (**Attachment E**).

PROPOSAL: The Site Compatibility Statement and appendices (**Attachments E-E11**) prepared by APP Corporation on behalf Folkestone Lyon Group Joint Venture details a seniors living development (**Figure 1**). The proposal involves construction of a seniors housing development which includes:

- 130-bed residential care facility;
- 472 self-contained living apartments;
- 44 self-contained living dwellings;
- community facilities; and
- parking.

The proposal notes that detailed design will be undertaken as part of the development application process.

The following supporting documentation was provided with the application:

- Attachment E – Site Compatibility Statement
- Attachment EA – Clarification on number of dwellings;
- Attachment E1 – Concept Plans;
- Attachment E2 – Bushfire Threat Assessment;
- Attachment E3 – Transport and Traffic Assessment;
- Attachment E4 – Accessibility Study;
- Attachment E5 – Infrastructure Servicing Report;
- Attachment E6 – Biodiversity Assessment Report;
- Attachment E7 – Peer Review Ecology Report;
- Attachment E8 – Water Cycle Management Plan;
- Attachment E9 – Preliminary Site Investigation Report;
- Attachment E10 – Aboriginal Heritage Study; and
- Attachment E11 – Statement of Heritage Impact.



LEGEND

	Villa / House
	Minimum lot size
	Larger lot size
	Residential Aged Care Facility
	Apartment Block

Potential with 130 bed RCF

Site Area	= 116,279
RCF Site	= 8,100
(@1:1FSR)	
Residual Land	= 108,179
ILU fsr 0.5:1	= 54,089
Total Floor Space	= 62,189

Figure 1: Proposed development

PERMISSIBILITY STATEMENT

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) applies to land zoned primarily for urban purposes, or adjoining land zoned for urban purposes, where it satisfies clause 4 of the SEPP.

The Seniors Housing SEPP is applicable under clause 4(1), but only if dwelling houses are permissible with consent. Dwellings are permissible with consent in the zone RU2 Rural Landscape under Hornsby Local Environmental Plan 2013.

The north-western boundary of the site is separated from land zoned B2 Local Centre and R3 Medium Density Residential by Old Northern Road. The Department considers that the site satisfies the requirement of adjoining land zoned for urban purposes (**Figure 2** and **Attachment D**).

The proposal satisfies clause 17(2)(b) of the Seniors Housing SEPP by providing serviced self-care housing and a residential care facility.

For the reasons above, the Department is satisfied the Seniors Housing SEPP applies to the site.

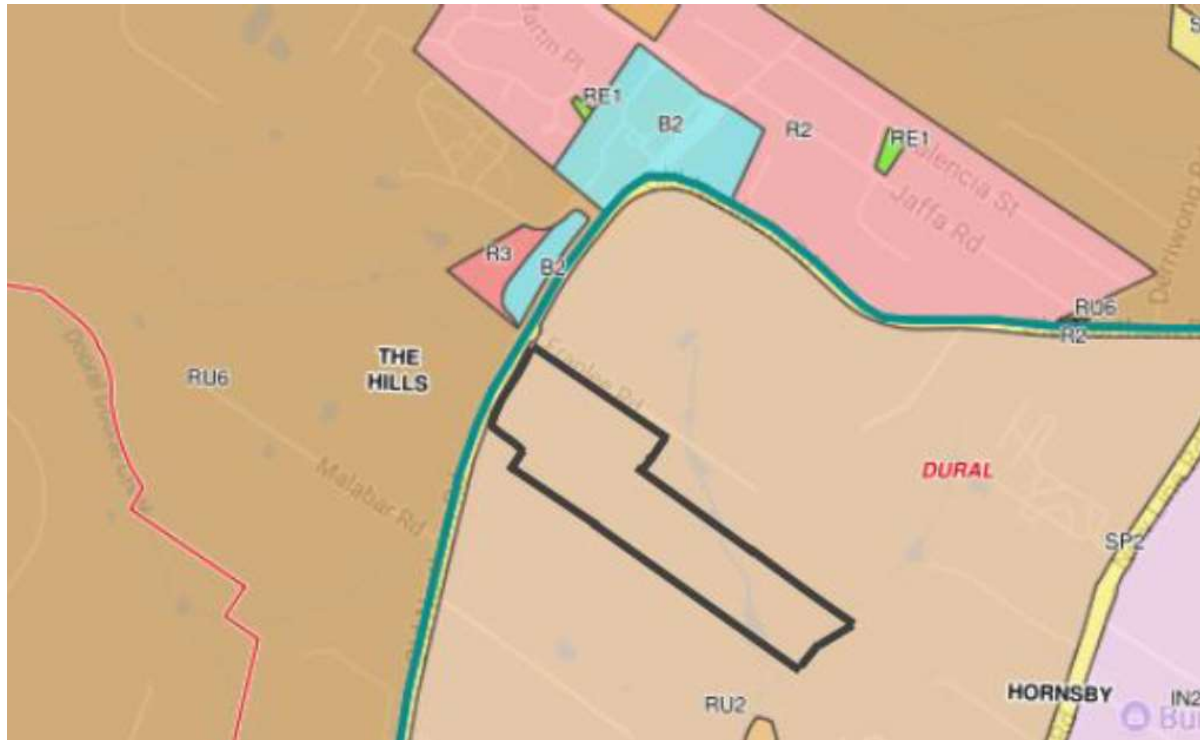


Figure 2: Land zone map (site outlined in black)

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

A site compatibility certificate has not previously been issued in respect to this land.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

One application for a site compatibility has been made within a 1km radius of the subject site. The application was made on 14 March 2018, for land at 795 – 821 Old Northern Road.

A cumulative impact statement is not required in terms of clause 25(2C) as there are not two or more current or pending certificates within the 1km radius, to trigger this requirement.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and

- (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

CLAUSE 25(2)(C)

As discussed above a cumulative impact study is not required.

COUNCIL COMMENTS

Council provided comments on 16 January 2018 outlining a number of reasons why Council does not support the application, which are summarised and considered in the table below:

Issue	Council Comments
1. Inconsistent with Regional and Draft District Plan	<p>Inconsistencies between the Seniors SEPP and the Greater Sydney Regional Plan and Revised North District Plan, particularly in relation to the Metropolitan Rural Area.</p> <p><u>Response</u></p> <p>The Department notes the proposed increase in seniors housing is consistent with an ageing population and the need to provide housing options for people to age in place. It is noted that the subject site is within the metropolitan rural area under the Greater Sydney Region Plan however this is not a relevant consideration as outlined under 25(5)(b).</p> <p>Given regional infrastructure needs in the South Dural area and surrounds, particularly transport and road upgrades, the site is not considered suitable for more intensive development as discussed further below as part of the assessment under clause 25(5)(b)(iii).</p>
2. Lack of regional vision and infrastructure for rural lands	<p>Council requests no further SCCs are issued for seniors housing in rural areas of Hornsby Shire until a clear vision and infrastructure for the region is prepared.</p> <p><u>Response</u></p> <p>While the Department acknowledges Council's concerns, the Department is required to assess the application under the criteria of Seniors SEPP.</p> <p>However, the Department notes as part of an assessment of a previous planning proposal for South Dural (which included the land to which this application relates), there was a requirement for Council to complete an infrastructure strategy and business plan including assessment of all infrastructure requirements, demonstrating that development in the South Dural area can be undertaken at no additional cost to government and identifying responsibility for the delivery of infrastructure.</p>

Issue	Council Comments
	<p>Studies supporting this planning proposal identified that the existing State road network was already underperforming servicing the existing population.</p> <p>Estimates by Roads and Maritime Services suggested the required upgrades would exceed \$300 million. Despite ongoing discussions, an equitable and feasible delivery agreement could not be reached and therefore the proposal was not supported by the Department.</p> <p>The traffic congestion and infrastructure shortfalls experienced by this planning proposal are similarly relevant to the intensification of the site through the proposed development scheme.</p> <p>While the planning proposal sought to provide a higher yield than facilitated by this application, it exposed shortfalls in the existing State road network which have not yet been addressed.</p> <p>Given regional infrastructure needs in the South Dural area and surrounds, particularly transport and road upgrades, the site is not considered suitable for more intensive development as discussed further below as part of the assessment under clause 25(5)(b)(iii).</p>
<p>3. Proposal description not consistent</p>	<p>Council notes the proposal description in the SCC, Concept Plan and Traffic Report are not consistent.</p> <p><u>Response</u></p> <p>DPE sought clarification from the applicant (see Attachment EA) regarding the number of dwellings/beds proposed. The applicant suggests 646 beds will be provided though the various dwelling types, with each dwelling/apartment containing 1 bed.</p>
<p>4. Applicability of Seniors SEPP</p>	<p>Council queries if the SEPP can apply to the site as the eastern portion of the site is identified as being of biodiversity significance on the Terrestrial Biodiversity Map under Hornsby Local Environmental Plan 2013 (LEP 2013) and may trigger Schedule 1 of the Seniors SEPP.</p> <p><u>Response</u></p> <p>As discussed under the assessment part of this report, the ecological conditions of the site alone do not preclude the Seniors SEPP from applying to the land and this matter would need to be further assessed as part of any future development application.</p>
<p>5. Land zoned for urban purposes</p>	<p>Council queries if the SEPP can apply to the site as only part of the site is located diagonal to B2 Local Centre</p>

Issue	Council Comments
	<p>zoned land and other allotments do not directly adjoin land zoned for urban purposes.</p> <p><u>Response</u></p> <p>As discussed under the permissibility statement part of this report, the entire site satisfies the locational requirement by adjoining land zoned for urban purposes and the Seniors SEPP applies to the land.</p>
<p>6. Inconsistent with Council policy</p>	<p>Council states the proposal is inconsistent with the objectives of the RU2 Rural Landscape zone, associated development standards and Council's current rural land use planning strategy.</p> <p><u>Response</u></p> <p>DPE notes that the Seniors SEPP aims to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design. The policy aims are achieved by setting aside local planning controls that would prevent the development of such housing if the criteria of the Seniors SEPP are met.</p> <p>Further, any future development proposal will need to address requirements under Section 4.15 of the Environmental Planning and Assessment Act 1979, which includes the provisions of Hornsby LEP 2013 and development control plans.</p>
<p>7. Flooding</p>	<p>Council states the application does not include a hydrological study specific to the subject site and proposal nor has the proponent demonstrated the potential impact of the creek and dams on the proposed development or the impact of the proposed development on downstream receiving waters.</p> <p><u>Response</u></p> <p>As discussed under the assessment part of this report the majority of the site is clear of any flood affectation. The flooding conditions of the site alone do not preclude the issuing of a site compatibility certificate as mitigation measures and built form can be assessed and negotiated to the satisfaction of the consent authority as part of the development assessment process.</p>
<p>8. Biodiversity</p>	<p>Council notes it is difficult to confirm from the concept plans whether or not the design has sufficient setbacks from the vegetation communities on the subject site.</p>

Issue	Council Comments
	<p><u>Response</u></p> <p>As discussed under the assessment part of this report, the ecological constraints of the site alone do not preclude the issuing of a site compatibility certificate as mitigation measures can be detailed through a plan of management as part of any future development application for the site.</p>
<p>9. Traffic generation, Road Network and Pedestrian Access</p>	<p>Council states the SCC's Traffic Assessment is flawed as it is not based on Council's estimated total of 665 units/beds able to be accommodated on the subject site. Council states the existing State Road network requires upgrades and the proposed seniors development will place additional demand on already underperforming roads.</p> <p>Council notes that a number of pathway and traffic signal upgrades are required for the site to comply with the location and access requirements of the SEPP, however the concept plan does not appear to have addressed or guaranteed delivery of upgrades.</p> <p><u>Response</u></p> <p>The Department does not consider the subject site suitable for more intensive development given regional infrastructure needs in the South Dural area and surrounds, particularly transport and road upgrades as discussed further below as part of the assessment under clause 25(5)(b)(iii).</p>
<p>10. Community services</p>	<p>Council notes that the SCC Accessibility Report (Attachment E4) requires arrangements with Council to organise visits of home library services and that community uses and recreation are to be provided as part of any development, however no details have been provided to Council on these matters.</p> <p><u>Response</u></p> <p>Details of the proposed community services/facilities associated with the proposed seniors housing development on site do not alone preclude the issuing of a site compatibility certificate as this is a matter that can be assessed as part of any future development application.</p>
<p>11. Road acquisition for widening of Old Northern Road</p>	<p>Council states the front portion of 665 Old Northern Road is zoned SP2 Infrastructure – Road and is subject to the Land Reservation Acquisition Map and Clause 5.1 of the HLEP 2013 which establishes the Roads and Maritime</p>

Issue	Council Comments
	<p>Services acquisition of the strip of land adjacent to Old Northern Road for road widening purposes. Council notes the application does not address these aspects.</p> <p><u>Response</u></p> <p>The potential land acquisition of part of the site at 665 Old Northern Road for the purposes of road widening and subsequent design outcomes for the site do not preclude the issuing of a site compatibility certificate.</p> <p>However, the Department notes the subject site is not considered suitable for more intensive development given regional infrastructure needs in the South Dural area and surrounds, particularly transport and road upgrades as discussed further below as part of the assessment under clause 25(5)(b)(iii).</p>
12. Overdevelopment	<p>Councils considers the proposal to be an overdevelopment of the site when compared to the low density and rural character of the surrounding area.</p> <p><u>Response</u></p> <p>The Department notes as part of an assessment of a previous planning proposal for South Dural, that there is a requirement for Council to complete an infrastructure strategy and business plan including assessment of all infrastructure requirements, demonstrating that the significant development in the South Dural area can be undertaken at no additional cost to government and identifying responsibility for the delivery of infrastructure.</p> <p>As a result, the planning proposal for South Dural has been withdrawn and the proposal is considered to be inconsistent with the surrounding rural and low density residential character of the area.</p>

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is located approximately 300m south-east of the local centre and neighbourhood of Round Corner, Dural. The site has frontage to Old Northern Road and Franlee Road, Dural. The proposal will be constructed over five adjoining allotments, with a total site area of approximately 11.64 hectares (**Attachment E1**).

The land is currently used as rural-residential allotments and is part of the Georges Creek drainage catchment area with a lower order tributary aligning the eastern boundary of the site.

The subject site has access to community and recreational facilities, bank and retail services, medical practitioners and commercial services at Round Corner within approximately 250-300 metres from the site. However, it is noted the eastern most part of the site is located approximately 660 metres from Round Corner. Public bus stops are located within 200-300m of the site, which will enable residents to access local and larger centres such as Castle Hill for a broader range of facilities and services.

However, the Department does not consider the subject site to be suitable for more intensive development given regional infrastructure needs in the South Dural area and surrounds, particularly transport and road upgrades as discussed further below as part of the assessment under clause 25(5)(b)(iii).

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Ecology

The majority of the northern, central and western parts of the site have been historically cleared of trees and vegetation for agricultural purposes. Endangered Ecological Communities including Sydney Turpentine Ironbark Forest and Shale Sandstone Transition Forest occur in the south and eastern parts of the site (see **Figure 3**). Key ecological attributes of the site (as detailed by the applicant in the Biodiversity Assessment Report at **Attachment E6** and Peer Review Ecology Report at **Attachment E7**) are:

- the presence of poor, moderate and high condition of Sydney Turpentine Ironbark Forest (an Endangered Ecological Community under the Threatened

Species Conservation Act (TSC Act) and Critically Endangered under the Environmental Protection Biodiversity Conservation Act (EPBC Act));

- threatened fauna species known to use the habitat attributes on the site (i.e. Powerful Owl, Grey Headed Flying-fox and Little Eagle);
- potential habitat for 12 threatened flora species listed under the TSC Act and EPBC Act; and
- potential habitat for 24 threatened fauna species listed under the TSC Act / EPBC Act and 10 additional species of fauna listed as Migratory under the EPBC Act.

The Concept Plan (**Attachment E1**) has taken into account these constraints, as all built structures, roads and service infrastructure has been sited clear of constraints with substantial setbacks from the vegetation communities. The Concept Plan maintains approximately 2 hectares of native vegetation on site.

The Department's position is that the portion of the site mapped on the Terrestrial Biodiversity Map under the Hornsby LEP is not defined as 'environmentally sensitive land' under Schedule 1 of the SEPP and therefore it does not exclude this land from the application of the Seniors Housing SEPP.

The ecological constraints of the site would not alone preclude the issuing of a site compatibility certificate as mitigation measures can be detailed through a plan of management in support of any future development application for the site.

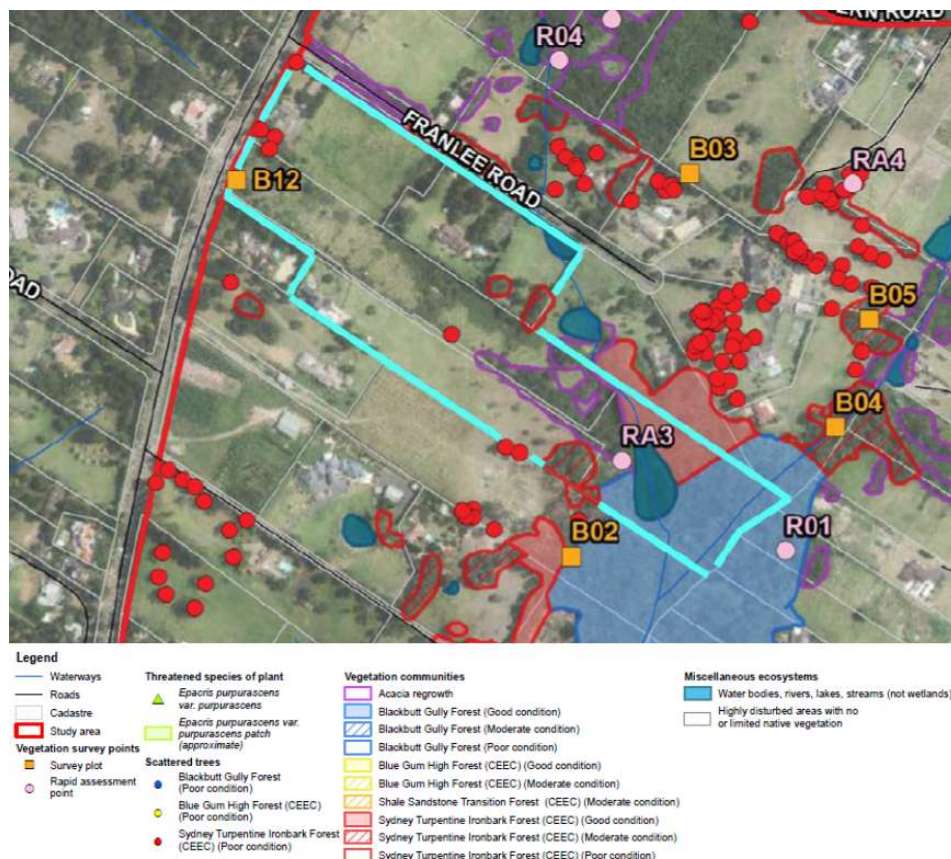


Figure 3: Threatened Species mapping (site outlined in light blue)

Bushfire

An area at the south-eastern corner of the site is shown on Hornsby Council's Bushfire vegetation mapping within a nominated bush fire vegetation buffer area with category 1 vegetation (shown in **Figure 4**).

The applicant's Bushfire Threat Assessment (**Attachment E2**) addresses this matter by identifying Asset Protection Zones. Further analysis of compliance with *Planning for Bushfire Protection* requirements is a matter of detailed design, however the bushfire assessment report confirms that the proposed layout has considered and incorporates the required asset protection zones (**Attachment E1**).

As part of the development assessment process, approval will also be required from the NSW Fire Service under section 100B of the *Rural Fires Act 1997* as seniors living and aged care accommodation is considered a Special Fire Protection Purposes development.

The bush fire constraints of the site alone would not preclude the issuing of a site compatibility certificate as the development assessment process can consider and apply any mitigation measures and built form outcomes to the satisfaction of the consent authority.

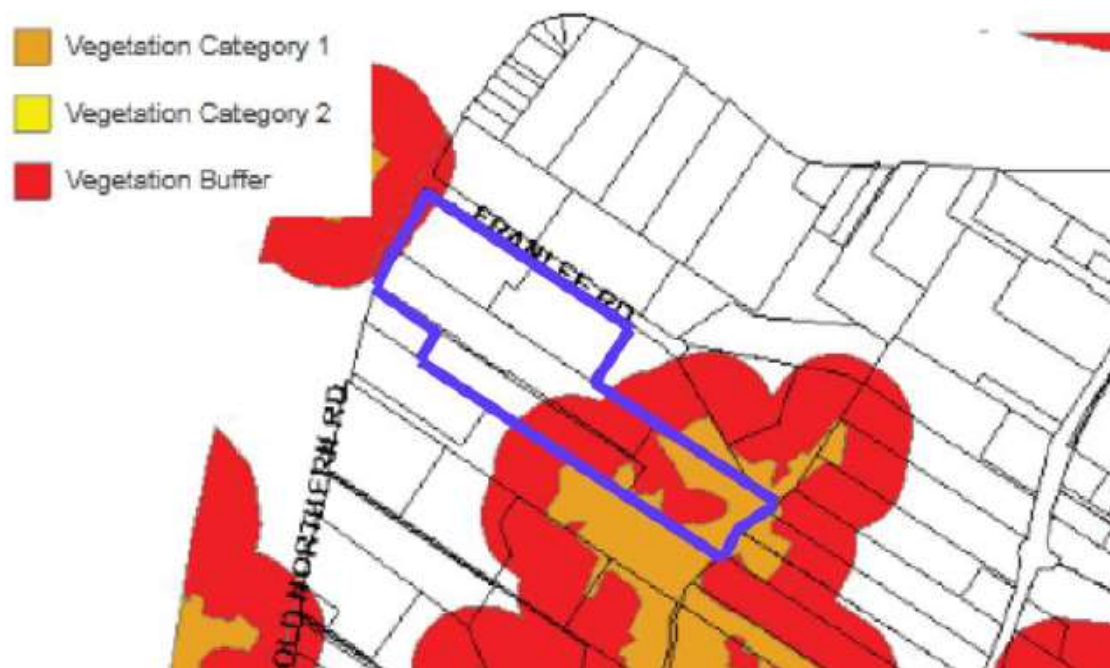


Figure 4: Extract from Hornsby Shire Council Bushfire Map (site outlined in purple).

Riparian Corridors, Drainage and Flooding

Georges Creek runs along parts of the site's eastern boundary (shown in **Figure 5**). This section of the creek makes up a vegetated riparian corridor which will be protected in perpetuity as part of any future development of the subject site.

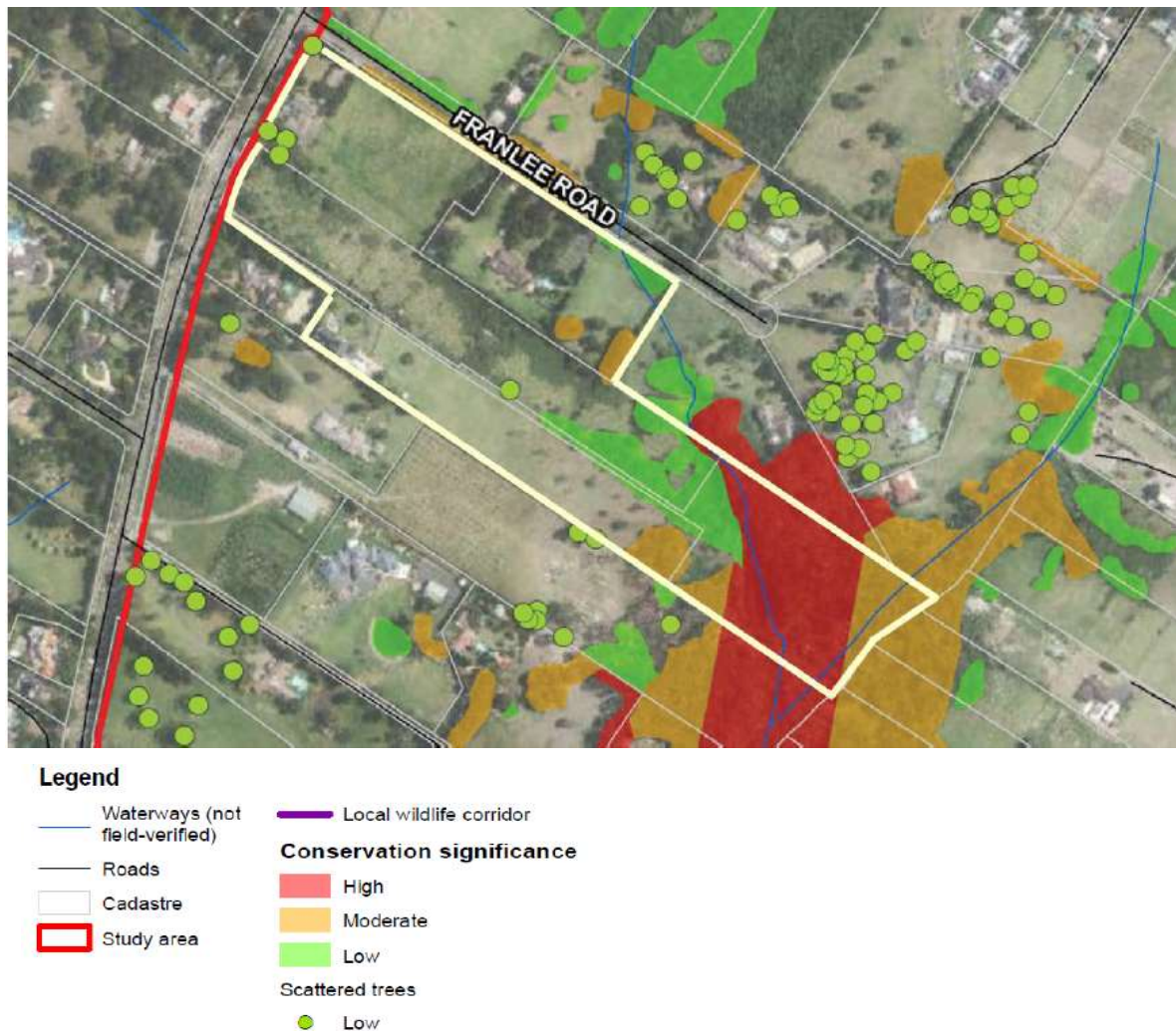


Figure 5: Conservation significance and location of water bodies (site outlined in yellow).

The Water Cycle Management Plan (**Attachment E8**) noted that parts of the site are subject to flooding under the 1 in 100yr flood event (shown in **Figure 6**) and during the major flood event only very limited parts of the site would be inundated with water up to depths of between 300mm and 1m. The inundated areas are around the existing farm dams and the banks of Georges Creek.

The application notes areas clear of the riparian corridor will be subject to some minor earthworks associated with the proposed development, hence the local flooding conditions under a post-development scenario will differ slightly. The flooding conditions of the site alone would not preclude the issuing of a site compatibility certificate as mitigation measures and built form can be assessed and negotiated to the satisfaction of the consent authority as part of the any development assessment process.

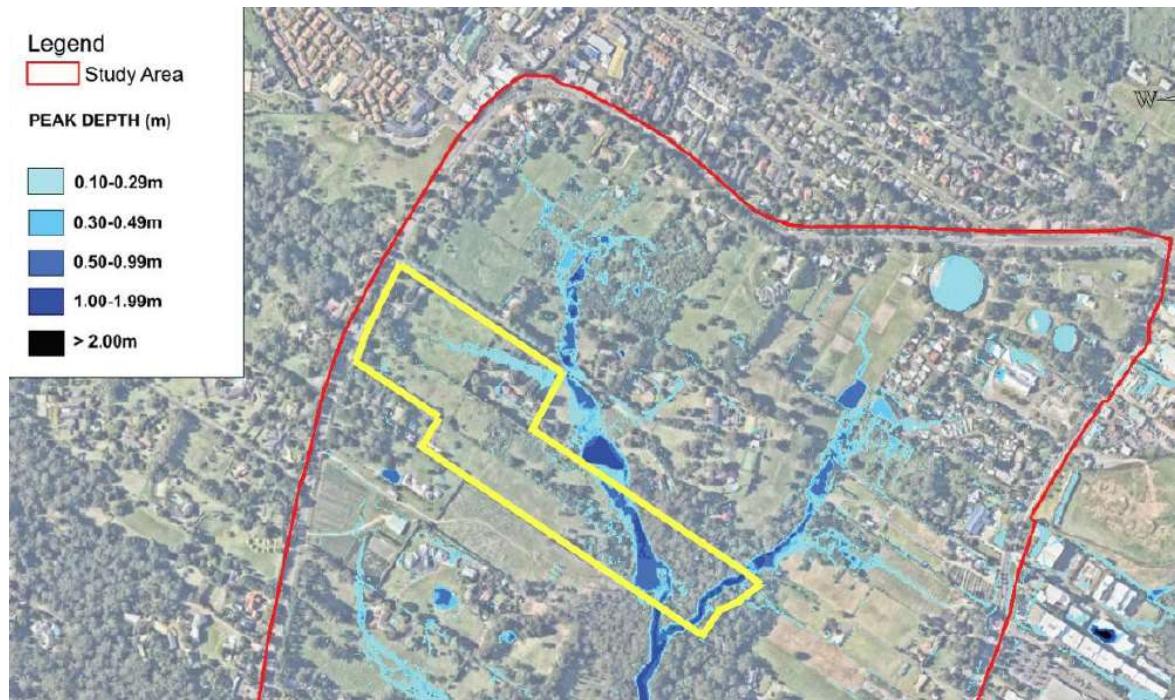


Figure 6: Flooding conditions (site outlined in yellow).

Contamination

As noted in the applicant's Preliminary Site Investigation Report (**Attachment E9**), there is evidence of historical agricultural uses on the site that may indicate areas of potential contamination/ environmental concern which warrants additional investigations for the site as part of any future development application. Notwithstanding the site's historical agricultural use as a market garden and orchards, the widespread risk of contamination is considered low.

The investigation of contamination conditions of the site does not alone preclude the issuing of a site compatibility certificate as mitigation measures and built form can be assessed and negotiated to the satisfaction of the consent authority as part of the development assessment process.

Other existing and approved uses in the vicinity

The proposal does not remove any approved uses in the surrounding area, which consists of both rural and urban uses (this is discussed further below).

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

Permissible and future land uses

The RU2 zone permits a diverse mix of activities such as community facilities, eco-tourist facilities, farm buildings, garden centres, information and education facilities, intensive plant agriculture, landscaping material supplies, indoor and outdoor recreation facilities, and veterinary hospitals.

The area is largely semi-rural, existing uses adjoining the site are primarily single dwellings on large lots and some agricultural uses. Increased dwelling density and

commercial uses exist further to the north of the site in approach to the Round Corner Shopping Centre. The proposed development seeks to provide 646 beds, the scale of which does not provide appropriate transition to the adjoining uses nor be developed sympathetically with the desired future character of a rural landscape.

The development of this land for seniors housing is a departure from the existing semi-rural character and incompatible with the low density uses existing. Further, it has been demonstrated through a previous planning proposal applying to the site that future urban development at a higher density is not appropriate for the site.

The Department supports improved housing diversity and notes the increasing numbers of people aged 65 or more, however the subject site is considered not to be suitable for more intensive development as the scale is inconsistent with current and future uses.

3. The services and infrastructure that are or will be available to meet the demands arising from the proposed 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 (clause 25(5)(b)(iii))

Location and access to facilities

Clause 26 of the Seniors Housing SEPP requires that residents of a proposed development have access to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require;
- (b) community services and recreation facilities; and
- (c) the practice of a general medical practitioner.

The clause notes that access is complied with if:

- the facilities and services are located no more than 400m from the site; or
- if these facilities are not so located, that there is a public transport service available that will take residents within 400m of the required facilities.

The site is located approximately 450m from the Round Corner town centre, which includes local retail and commercial services such as Woolworths, banks, medical practitioners and health services. The development also proposes on site recreational facilities and community spaces.

Also, access to these local services and facilities is provided via bus stops located along Old Northern Road. The closest bus stop is within 200m from the site. The Hills Bus services routes 637 and 642 run regularly during the week, enabling access to Round Corner town centre or to other more comprehensive facilities at Castle Hill, Cherrybrook and Pennant Hills (**Attachment E4**).

Clause 26 of the Seniors Housing SEPP requires the consent authority at the development application stage to ensure that pedestrian access footpaths comply with the gradient requirements. Based on the submitted information it is considered possible to provide the required footpath gradients to one of the nearby bus stops.

Access to the proposed facilities and services and provision of public transport meet the minimum requirements of the Seniors Housing SEPP. It is considered that further

information regarding pedestrian access to these local services would need to be provided as part of any future development application.

Road Network and Parking Requirements

The Transport and Traffic Report (**Attachment E3**) concludes that existing transport infrastructure will be able to cater for the development's traffic in the short term until 2021. Further, the report acknowledges the need for a new signalised set of traffic lights at the intersection of Old Northern Road and Franlee Road to facilitate safe access to the future development. The applicant states a commitment to delivering this infrastructure subject to costing and works to be negotiated with RMS.

The Traffic Report also states relative to the current traffic volumes on the road network the traffic generated by the development is negligible. The applicant states the internal road network has been designed in response to the sites' natural features and the trip generation and that the parking requirements of the Seniors Housing SEPP and Council's Development Control Plan can be adequately met.

On 7 March 2014 the Department issued a Gateway determination for a planning proposal to rezone land (bounded by Old Northern Road, New Line Road and Hastings Road) at South Dural from a rural to residential zone with an increase in building heights and floor space ratio to deliver approximately 3,000 dwellings. The land subject to this site compatibility certificate application is located within the South Dural planning proposal's site area.

The Gateway determination for the South Dural planning proposal required Council to complete an infrastructure strategy and business plan including assessment of all infrastructure requirements, demonstrating that the development can be undertaken at no additional cost to government and identifying responsibility for the delivery of infrastructure.

Hornsby Council resolved at their meeting on 11 April 2018 not to proceed with the planning proposal for South Dural (PP_2014_HORNS_002_00). Council wrote to the Department on 19 April 2018 to request that in accordance with Section 3.35(4) of the Act, that the Greater Sydney Commission determine not to proceed with the planning proposal.

Council's reasons for not proceeding with the South Dural planning proposal include that the South Dural Infrastructure Strategy and Business Case prepared in 2016, has not adequately demonstrated the "no additional cost to Government" as required by the Gateway Determination condition. Further, Council requested that proposals (including site compatibility certificates) do not progress in areas that would generate further traffic on the existing road network around South Dural until an infrastructure and funding plan is developed.

On 13 June 2018, the planning proposal was determined not to proceed. Estimates by Roads and Maritime Services suggested the required upgrades to Old Northern Road and New Line Road would exceed \$300 million. Despite ongoing discussions an equitable and feasible delivery agreement could not be reached and therefore the proposal was not supported by the Department.

The traffic congestion and infrastructure shortfalls experienced by this planning proposal are similarly relevant to the intensification of the site through the proposed development scheme. This is particularly relevant as an additional SCC is currently

under assessment approximately 300m from the site, which also includes land to which the South Dural planning proposal applied.

While the cumulative impact provisions under the Seniors Housing SEPP are not triggered, as this requires two applications nearby, the neighbouring application would result in additional pressure on the infrastructure required to support this application. As Old Northern Road and New Line Road are both already underperforming to support the current conditions, the cumulative impact of these applications would result in further congestion.

Required upgrades to regional infrastructure have not been delivered to alleviate existing traffic congestion and capacity issues to justify increased density for the site and resulting traffic generation. The subject site is therefore not considered suitable for more intensive development given regional infrastructure needs in the South Dural area and surrounds, particularly transport and road upgrades.

Services infrastructure

As discussed in the Infrastructure Services Report (**Attachment E5**) the site is either currently serviced or able to be connected to drainage, water supply, sewerage, energy, gas and telecommunications supply services.

The provision and augmentation of essential infrastructure services will be resolved with the respective infrastructure/supply authorities.

4. In the case of applications 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 and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The site is not zoned open space or special uses. The proposed development will not reduce the provision of land for open space or special uses within this locality.

5. Without limiting any other criteria, 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 (clause 25(5)(b)(v))

The development proposes numerous buildings of single to three-storeys and incorporates communal and administrative buildings. The development will provide potential for a 130-bed residential care facility, 472 self-contained living apartments and 44 self-contained living dwellings.

Council has raised concerns that the proposed development could create a precedent for the unplanned expansion of seniors housing facilities into the Shire's rural areas. In considering the existing and approved uses near the development, it is noted that there are two other seniors housing developments located on the edge of the residential and rural-residential lands within Round Corner, Dural.

The surrounding land uses are predominantly low density, semi-rural residential housing. Adjoining and nearby dwellings are typically one to two stories on large lots. The concept plan accompanying the SCC application demonstrates a comparatively dense form to the adjoining existing uses.

The concept plan indicates 13 buildings proposed at 3 storeys, being 12 apartment buildings and a residential aged care facility. These buildings are proposed adjoining single dwellings on large lots contrasting with the scale of the immediate area. While densities and uses increase to the north of the site, the bulk and scale of the proposed built form is considered to be out of character with the surrounds of the site.

Built form at this scale is also out of line with the intended future character of the area which maintains a semi-rural nature reflected through both the RU2 Rural Landscape zoning of the land and the development standards applicable, including a minimum lot size of 2ha. The resulting built form of this application is more aligned to a medium density residential character and provides no transition to adjoining land.

As outlined above, a previous planning proposal has sought to increase the scale of development permitted for this site. This proposal was unsuccessful in demonstrating suitable justification and capacity of the site to accommodate increased density. The existing scale of development has therefore been tested through the proposal and the resulting outcome demonstrates that the site is not appropriate for future urban.

The subject site is not considered appropriate for more intensive development in the form of seniors housing particularly considering the cumulative impact on regional infrastructure needs in the South Dural area and surrounds (such as transport and road upgrades) and the poor response to local character and built form.

Heritage

As discussed in the Aboriginal Heritage Study (**Attachment E10**) no Aboriginal archaeological sites or objects were identified on the subject site. However, an area of moderate archaeological potential is likely in the south-east corner of the site. The Concept Plan (**Attachment E1**) has been designed to respond to these constraints, a further detailed investigation will be undertaken as part of any future development application. As discussed in the Statement of Heritage Impact (**Attachment E11**) the proposal will not impact upon any items of heritage significance.

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 (clause 25(5)(b)(vi))

The SCC application does not involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003* as the Act is not applicable to the Hornsby Shire Local Government Area.

It is also noted that the *Native Vegetation Act 2003* was repealed on 25 August 2017. Current legislation governing the clearing of native vegetation is the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*, under which the site is not mapped.

Council would need to assess the impact of the development and any required clearing for bushfire protection on the remnant vegetation as part of any development assessment process.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(2)(C))

A cumulative impact study was not required as part of the application for the certificate.

CONCLUSION

It is considered that the site is not currently suited for more intensive development as:

- it is not compatible with the existing or future uses of the land surrounding the site,
- there is insufficient infrastructure, particularly road infrastructure to support the proposed growth, and
- it would result in a development for which the bulk and scale is out of character with the surrounding area.

RECOMMENDATION

It is recommended that the Sydney North Planning Panel as delegate of the Secretary:

- **note** the above report;
- **consider** the written comments from Hornsby Shire Council (**Attachment F**)
- **form the opinion** that the site of the proposed development is not suitable for more intensive development;
- **form the opinion** that the proposed development for the purposes of seniors housing is not compatible with the surrounding existing and future uses, is of bulk and scale that is out of character with the surrounding area and is not supported by sufficient regional infrastructure having had regard to the criteria specific in clause 25(5)(b)(iii);
- **determine** the application for site compatibility certificate by not issuing a certificate for land at 663-667 Old Northern Road & 4 Franlee Road, Dural; and
- **sign** the letters to Council and the applicant advising of this determination (**Attachments B and C**).

ATTACHMENTS

Attachment B – Draft determination letter to Council

Attachment C – Draft determination letter to applicant

Attachment D – Site Map

Attachment E – Site Compatibility Statement

Attachment EA – Clarification on number of dwellings

Attachment E1 – Concept plans

Attachment E2 – Bushfire Threat Assessment

Attachment E3 – Transport and Traffic Report

Attachment E4 – Accessibility Report

Attachment E5 – Infrastructure Services Report

Attachment E6 – Biodiversity Assessment Report
Attachment E7 – Peer Review Ecology Report
Attachment E8 – Water Cycle Management Plan
Attachment E9 – Preliminary Site Investigation Report
Attachment E10 – Aboriginal Heritage Study
Attachment E11 – Statement of Heritage Impact

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