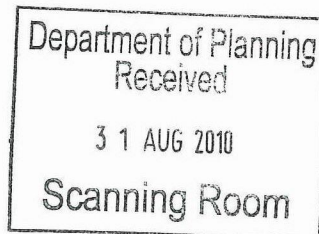


Our Reference: F2007/01473
Related Record: D01467789

27 August 2010

Department of Planning
Sydney West Region
Locked Bag 5020
PARRAMATTA NSW 2124



Attention: Rachel Cumming – Team Leader

Dear Ms Cumming

Site Compatibility Certificate Application for property Nos. 5 Mid Dural Road and 392 Galston Road, Galston

I refer to your letter dated 9 August 2010 requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing at property Nos. 5 Mid Dural Road and 392 Galston Road, Galston. As noted in your letter, a Site Compatibility Certificate has previously been issued for the property and is due to expire in November 2010.

Council previously provided comments (copy attached) requesting that a Certificate not be issued for the site as the development is considered to be incompatible with the surrounding land uses, would have potential impact on the agricultural viability of the land and will be an overdevelopment of the site.

Council maintains its concerns regarding the application for another site compatibility certificate. Comments concerning the proposed development in relation to the Site Compatibility Criteria contained within *State Environmental Planning Policy (SEPP) Housing for Seniors or People with a Disability*, are outlined below.

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

Existing and approved uses to the west, east and south are rural uses. The expansion of urban development into the rural area may result in land use conflicts. The land is zoned Rural BA (Small Holdings – Agricultural Landscapes) under the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*. Housing for aged or differently abled persons is prohibited within the rural areas of the Shire. Development involving the construction of up to 94 dwellings would be inconsistent with the objectives of the Rural BA zone, namely, to restrain population growth, maintain the rural character of the area and to ensure that existing or potentially productive agricultural land is preserved. The zone objectives also seek to promote agricultural use of land and provide for a range of compatible land uses which maintain the agricultural and rural environment of the area, with development that improves environmental qualities and is within the servicing capacity of the area.

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The minimum allotment size for land zoned Rural BA under the *HSLEP* is 2 hectares. In 2003, Council consulted with the community on the issues associated with reduced rural allotment sizes in the suburb of Galston to facilitate the provision of additional housing. The results of the consultation revealed that 50% of Galston ratepayers supported subdivision to reduced allotment sizes and 50% were opposed. Further, the results identified considerable community concern with ongoing temporary electricity service interruptions (also termed ‘brown-outs’, being less in duration than ‘black-outs’). Consultation with service providers and government agencies indicated that core infrastructure services including water and electricity are currently at capacity and that new development would be required to fund additional infrastructure. The Department of Planning indicated that any plan promoting additional subdivision would be contrary to the State Government’s housing strategies and would be unlikely to be supported. NSW Agriculture stated that it would not support the loss of potentially productive agricultural lands. Council resolved not to consider any review of allotment sizes for rural zoned lands for a range of reasons, in particular the need to retain agricultural lands, protect the environment and restrict urban development to existing areas adequately served by key infrastructure.

In summary, the current use of the land and uses within the surrounding area reflect Council’s land use controls which aim to ensure the rural character of the area is maintained. The controls facilitate agricultural and other compatible land uses that promote the agricultural and rural character of the area. The proposal is inconsistent with Criteria 1 as the proposed development involving the construction of 94 dwellings on the site would result in a medium density residential development in an area with a rural character.

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

Council records indicate that the site has previously been used for agricultural purposes, including a roadside stall. The proponent submits that the site “is past its value in terms of its previous agricultural use”. However, the proponent has not demonstrated whether other options for agriculture, including marketing, alternative crops or farming techniques, have been explored. There is a finite supply of land upon which agriculture depends. The proposed development would result in the loss of potentially productive agricultural land.

Agriculture on the urban fringe is becoming more intensive as the value of land increases and therefore, there is a need to use it for higher yielding commodities. However, the need to alter farming practices should not be used as justification to support the increasing trend towards the fragmentation of productive agricultural land which affects its capability to support agriculture in a sustainable manner.

In summary, the proposal is inconsistent with Criteria 2 as the proposed development would result in the fragmentation of rural land sterilising its future use for agricultural purposes and would increase the potential for land use conflict between residential uses and farming practices.

Criteria 3 – The services and infrastructure that are or will be available to meet the demands arising from the development and any proposed financial arrangements for infrastructure provision.

Correspondence from Energy Australia in the supporting information submitted by the proponent states that customer funded connection works, in particular a substation on the site, may be

required. The proponent has not detailed any proposed financial arrangements to ensure infrastructure provision, therefore, the proposal is inconsistent with Criteria 3.

Criteria 4 – not applicable

Criteria 5 – The impact that the bulk and 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.

The built form indicated on the concept plan submitted with the proposal is largely urban in nature. The scale of development represents an overdevelopment of the site. The medium density nature of the development means that it would be difficult to locate future dwellings away from any agriculture that is practiced on the adjoining land.

In summary, the proposed development would be inconsistent with the objectives of the Rural BA zone and Council's current planning controls. The proposal presents an overdevelopment of the site, which would result in the expansion of an urban built form detracting from the character of the rural area and conflicting with existing, approved and future uses of land in the vicinity of the development. Furthermore, the proposal does not comply with the Site Compatibility Criteria contained within *SEPP Housing for Seniors or Persons with a Disability*.

I trust this information is of assistance.

Yours faithfully



JAMES FARRINGTON
Manager
Town Planning Services