



Our Reference: F2007/01473  
Related Record: D01554044

16 December 2010



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



Attention: Tim Archer – Acting Team Leader

Dear Mr Archer

**Site Compatibility Certificate Application - Property Nos. 330-334 Galston Road, Galston**

I refer to your letter dated 30 November 2010 requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing at property Nos. 330-334 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 December 2010.

Council previously provided comments (copy attached) requesting that a Certificate not be issued for the site as the development is inconsistent with the objectives of the Rural BA zone, Council's current planning controls and Council's Housing Strategy. Council maintains its concerns regarding the application for another site compatibility certificate.

It is noted that the proposed number of dwellings has been reduced from 99 to 96. However, the setbacks from Galston Road have been also been reduced from 25-30 metres to 21-27 metres. The site compatibility certificate application relies upon the same supporting letters from infrastructure and service providers as were submitted with the original application. These letters date back to 2007 and should not be considered a current assessment of capacity from service providers, doctors and hairdressers. 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 north, 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 and would be inconsistent with the zone objectives. The proposal is inconsistent with Criteria 1 as the proposed development involving the construction of 96 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 as a stone fruit orchard. The proponent claims that an orchard venture is no longer viable in its own right. 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. 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.**

The site is not currently sewerred, and it is unclear whether water and energy supply can be augmented to meet demand. The supporting information submitted by the proponent (dated January 2008) from Energy Australia states that there is a possibility that customer funded connection works may be required to service the development. Sydney Water (in a letter dated February 2007) has advised that a new water supply would have to be created, which represents a disproportionately large capital cost in comparison to the cost of development. The proponent has not detailed any proposed financial arrangements to ensure infrastructure provision or provided updated letters from service providers concerning the same. The proposal is therefore 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 boundary setback to Galston Road has been reduced from the previous proposal, and an inappropriate built form of two storey apartment buildings would result along the Galston Road frontage. The bulk and scale of the proposal would result in a medium density residential development in an area with a rural character. The urban nature of the development means that it would be difficult to locate future dwellings away from any agriculture on adjoining land.



In summary, the proposal presents an overdevelopment of the site, which would resulting 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 contain within SEPP Housing for Seniors or Persons with a Disability, and the application refers to out of date correspondence from service providers.

Thank you for the opportunity to comment on this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'James Farrington', with a stylized flourish at the end.

JAMES FARRINGTON  
Manager  
Town Planning Services

Attachment: Council letter dated 1 December 2008

Our Reference: F2004/09011  
Contact Person: Katherine Vickery  
Hours: 8.30am to 5.00pm  
Telephone: 9847 6728  
Fax: 9847 6996

1 December 2008

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

**COPY**

Attention: Rachel Cumming – Team Leader

Dear Ms Cumming

**Site Compatibility Certificate Application for property Nos. 330- 334 Galston Road, Galston**

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I refer to your letter dated 10 November, 2008 requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing, including 99 serviced self-care dwellings, at property Nos. 330-334 Galston Road, Galston. The strategic planning implications of the proposal have been reviewed and the following comments are provided for your consideration.

The subject land is zoned Rural BA (Small Holdings – Agricultural Landscapes). Housing for aged or differently abled persons is prohibited under the Hornsby Shire Local Environmental Plan (HSLEP) 1994 within the rural areas. Development involving the construction of 99 self-care 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.

The minimum allotment size for land zoned Rural BA under the HSLEP is 2 hectares. In February 2003, Council resolved to undertake community consultation on the issues associated with reduced rural allotment sizes in the suburb of Galston. The consultation was undertaken between August and October 2003 and included over 900 resident surveys, together with visitor surveys, focus groups, letters to government agencies and service providers and a public meeting.

The postal survey revealed that 50% of Galston ratepayers supported subdivision to reduced allotment sizes and 50% were opposed. The results of the postal survey and focus group discussions indicated considerable community concern with ongoing temporary electricity service interruptions (also termed 'brown-outs', being less in duration than 'black-outs'). The



results of 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. In respect to key Government agencies, 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. Council's current controls are aimed at ensuring that the rural character of the area is maintained. The controls facilitate agricultural and other compatible land uses that promote the agricultural and rural environment of the area. Development involving the construction of 99 self-care dwellings would be inconsistent with Council's current controls.

As you are aware, Council is currently preparing a Housing Strategy which aims to identify areas suitable for the provision of additional housing to assist meet its obligations for 11,000 new dwellings under the Metropolitan Strategy. In selecting suitable areas for consideration, Council has adopted a process of investigation responsive to the provisions of the Metropolitan Strategy and draft North Subregional Strategy. The process of investigation includes consideration of all lands within Hornsby Shire based on agreed criteria, including proximity to commercial centres and transport nodes, economic feasibility, existing dwelling mix, and the absence of environmental constraints. As you are aware, the Subregional Strategy aims to accommodate residential growth in existing urban areas. Council's new Housing Strategy identifies precincts suitable for additional housing within the urban areas of the Shire and aims to discourage further urban expansion. Based on Council's existing housing policy and planning controls, the expected dwelling yield in the rural areas to 2031 is 180 dwellings.

Specific 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 north, east and south are rural uses. The expansion of urban development into the rural area may result in land use conflicts.

**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 current use of the site is a stone fruit orchard. The proponent claims that an orchard venture is no longer viable in its own right. 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.

**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.**

The site is not currently sewered, and it is unclear whether water and energy supply can be augmented to meet demand. The supporting information submitted by the proponent from Energy Australia states that, although sufficient capacity may be provided to the development on the basis of the proposed new zone substation at Galston scheduled for completion in 2009, there is a possibility that customer funded connection works may be required to supply the development, in particular a substation.

Sydney Water has advised that for the development to proceed, a new elevated water supply would have to be created, which represents a disproportionately large capital cost in comparison to the cost of development. The proponent has not detailed any proposed financial arrangements to ensure infrastructure provision.

**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.**

Council's Development Assessment Team has commented that the proposed layout of the two storey apartments to the rear of the site may result in potential visual impact on the rural properties to the south. The expansion of an urban built form will detract from the character of the rural area and may result in land use conflicts with existing, approved and future uses of land in the vicinity of the development.

In summary, the proposed development would be inconsistent with the objectives of the Rural BA zone, Council's current planning controls, and Council's Housing Strategy. 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