

9 March 2016

Ms Catherine Van Laeren
Director – Sydney West Region, Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Van Laeren

Site Compatibility Certificate Application for Property Nos. 705-717 Old Northern Road, Dural

I refer to your recent letter requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing at property Nos. 705-717 Old Northern Road, Dural.

The strategic planning implications and 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 for your consideration.

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 majority of the land is zoned RU2 Rural Landscape under the *Hornsby Local Environmental Plan 2013 (HLEP)*. Senior housing is prohibited within the Shire's rural zones under the *HLEP*. Development involving the construction of an aged care facility containing 158 beds 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.

The site has a minimum lot size of 2 hectares under the *HLEP*. Council's current controls are aimed at ensuring the rural character of the area is maintained. The controls facilitate agricultural and other compatible land uses. Development involving the construction of an aged care facility containing 158 beds would be inconsistent with Council's current controls.

Hornsby Shire Council

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

A Planning Proposal has been submitted on behalf of the South Dural Resident and Ratepayers Association to rezone the South Dural precinct 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 has been granted by the Department of Planning and Environment for the *South Dural Planning Proposal* that allows completion of the Local Environmental Plan by 14 March 2018. The proponent has engaged a consultant team who are currently preparing the necessary technical studies to satisfy the requirement of the Gateway Determination.

The property subject to the Site Compatibility Certificate application is within the South Dural precinct. The South Dural precinct planning process will address the location and mix of land uses based on the findings of the technical studies. The recommendations from the technical studies will also inform a masterplan and development controls for the entire precinct. Given that the proponent has only recently embarked on preparing the necessary technical studies, 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 may be premature.

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 Sydney Water in the supporting information submitted by the proponent states that the development may connect to the water main in Old Northern Road and a wastewater extension is required to service the proposed development. Considering that investigations are currently underway regarding possible future development in South Dural and the necessary infrastructure required to support the increased population, it would be difficult at this stage to confirm how this proposal will fit in with future infrastructure requirements for the area. The proponent has not detailed any proposed financial arrangements to ensure infrastructure provision. Therefore, the proposal is inconsistent with Criteria 3.

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. 705-717 Old Northern Road is zoned SP2 Infrastructure – Road. The applicant fails to recognise and 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.

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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.

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 largely urban in nature, inconsistent with that of the existing rural land use of the area. Given that investigations regarding South Dural have not been completed and the zoning, density and built form are yet to be determined, it is difficult to assess the likely impact of the built form and character of the proposed development on future uses of land in its vicinity.

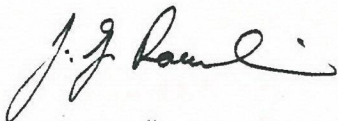
Criteria 6 – The impact that the proposed development is likely to have on the conservation and management of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003

The Hornsby Local Government Area is listed in Part 3 of Schedule 1 of the *Native Vegetation Act 2003*. Accordingly, pursuant to Section 5 of the *Native Vegetation Act 2003*, land within Hornsby Shire is excluded from operation of the *Act*.

In summary, the proposed development would be inconsistent with the objectives of the RU2 zone and Council's current planning controls. It may be premature to provide a Site Compatibility Certificate for this proposal until investigations into possible urban uses for the South Dural area have been completed and future zones, density and built forms have been determined for properties within the vicinity of the proposed development. Furthermore, the proposal does not comply with the Site Compatibility Criteria contained within the *SEPP Housing for Seniors or Persons with a Disability*.

I trust this information is of assistance.

Yours faithfully



Jason Rawlin
Acting Manager
Strategic Planning Branch

TRIM Reference: D06900743

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