

31 August 2016

Mr Terry Doran
Team Leader – Sydney West Region, Planning Services
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Doran

Site Compatibility Certificate Application for Properties Nos. 3 Quarry Road and 4 Vineys Road, Dural

I refer to your letter received on 4 August 2016 requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing at properties Nos. 3 Quarry Road and 4 Vineys 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 immediately adjacent to the proposed site are rural uses. The northern portion of the Dural Service Centre is zoned B2 Local Centre and is located to the south west but not immediately adjacent to the proposed site. The expansion of urban development into the rural area may result in land use conflicts. The land is zoned RU2 (Rural Landscape) 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 74 beds and 219 self-care housing units 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 land use planning strategy and other 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 as proposed would be inconsistent with Council's current 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 No. 4 Vineys Road is traversed by a creek as identified by the Department of Land and Property Information in 2011. The Section 149 Certificate for the property identifies that the site is subject to flood related development controls and has a “current” exposure to flood hazard risk based on the 1 in 100 year ARI storm event flowpath identified by the *Hornsby Overland Flow Study (2010)*.

The information submitted by the proponent states that creek flows east to west through the site into a dam located on Property No. 835-837 Old Northern Road, Dural. This is incorrect. As shown in Attachment A, the contour map identifies that the creek runs from west to east. The proponent has also indicated that the dam on the adjoining property will be removed and replaced with a dam on the eastern boundary of the site. The proponent has not submitted a hydrological study or demonstrated the potential impact of the creek and dam on the proposed development and downstream receiving waters.

There are a large number of mature trees on property No. 3 Quarry Road that would be required to be removed as part of the proposal. The application does not provide any information regarding the species of this vegetation and whether they are significant. Regardless of their significance, the vegetation currently contributes to the rural character of the area and their removal would have a negative impact on same.

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

As stated above, the objectives of the RU2 zone are to encourage agriculture and primary industry production and land uses that support these industries. The proponent has not demonstrated that the site is unsuitable for agricultural purposes and primary industry production. The proposed development could 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 proponent has not provided any supporting information from utility providers to detail whether water and energy supply can be augmented to meet demand.

Investigations are currently underway regarding possible future development and necessary infrastructure required to support approximately 2,500-3,000 additional dwellings in close proximity to the proposal within the South Dural precinct.

The preliminary traffic advice submitted by the proponent as part of their Site Compatibility Certificate application refers to data contained within the Traffic Study conducted by Maunsell Australia in 2009 and submitted as part of the South Dural Planning Proposal in 2013. The Maunsell traffic study is outdated, being based on 2006 Journey to Work data, 2005 Average Annual Daily Traffic volumes and 2008 traffic counts. The traffic advice submitted by the proponent also incorrectly identifies the site as being located within the Hills Shire Council and references car parking requirements within the Hills Shire Council Development Control Plan 2012.

A revised traffic study regarding the proposed South Dural development is currently being prepared and is anticipated to be submitted to Council within the next couple of months. Should the Department issue a site compatibility certificate, it would be appropriate for the proponent to revise their traffic advice, amend references to Hills Council and take into account the updated modelling for the proposed South Dural development.

Until the revised South Dural Planning Proposal is submitted to Council, it will be difficult 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.

This criteria is not applicable to the proposal.

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 proposed building heights do not comply with requirements within the *HLEP 2013*. The site coverage is excessive and inconsistent with the provisions of the *Hornsby Development Control Plan (HDCP) 2013*. The *HDCP 2013* emphasises that developments should contribute positively to the character of the rural area and requires natural landscape features and vegetation on the site to be retained. The scale of the proposal represents an overdevelopment of the site when compared to the low density of development in, 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.

In summary, the proposed development would be inconsistent with the objectives of the RU2 zone and Council's current planning controls. The proposal does not adequately address the impact of the proposal on the environmental constraints of the site. The proposal is an overdevelopment of the site which would result in the expansion of an urban built form and detract from the character of the rural area. The proposal would conflict 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 the *SEPP Housing for Seniors or Persons with a Disability*.

I trust this information is of assistance.

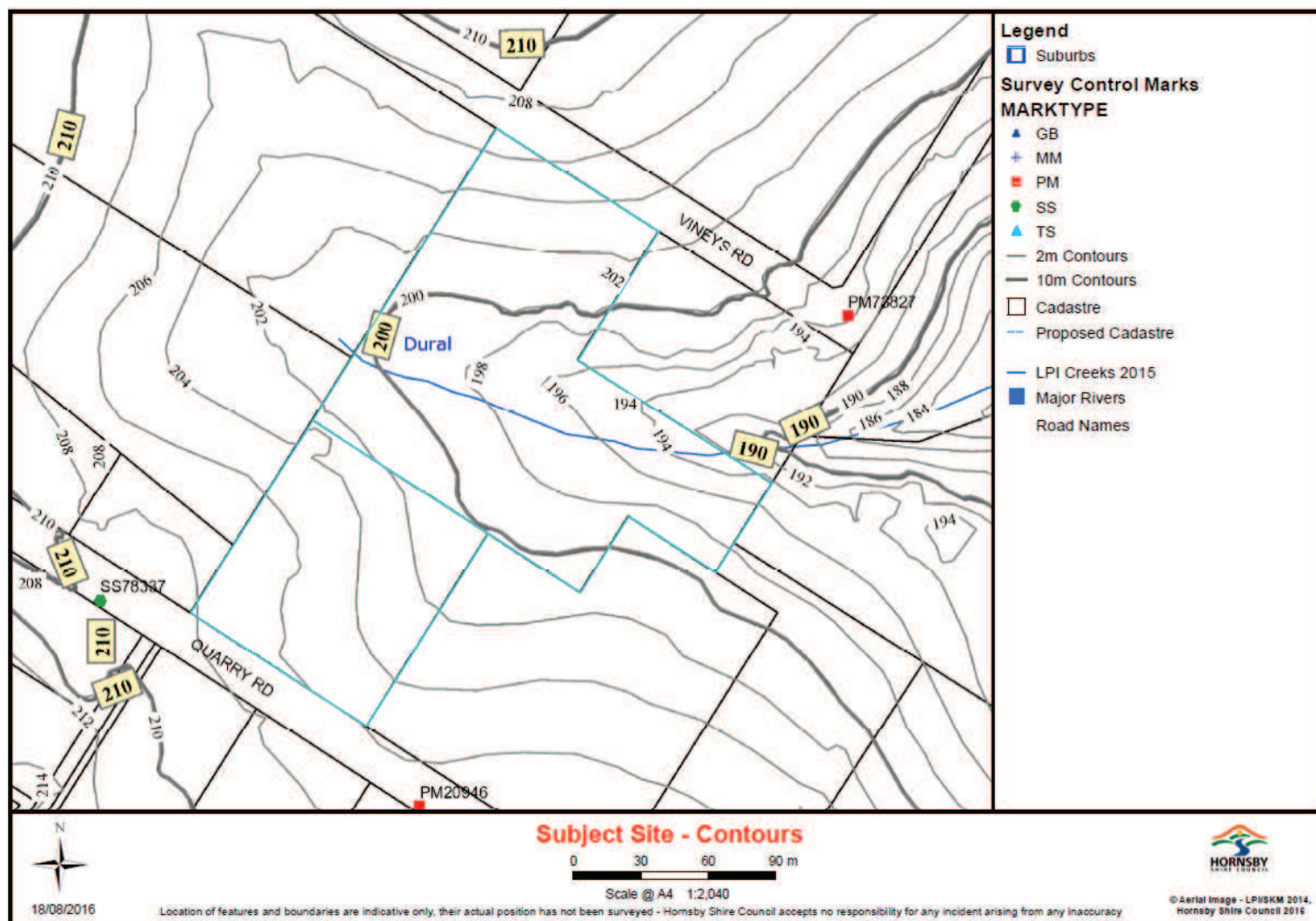
Yours faithfully



Jason Rawlin
Acting Manager
Strategic Planning Branch

TRIM Reference: D07031991

Attachment A



Hornsby Shire Council

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

Phone 02 9847 6666

Fax 02 9847 6999

Email hsc@hornsby.nsw.gov.au

Web hornsby.nsw.gov.au