

27 March 2018

Department of Planning
Sydney West Region
Locked Bag 5020
PARRAMATTA NSW 2154

Attention: Adrian Hohenzollern - Team Leader

Dear Mr Hohenzollern

Site Compatibility Certificate Application – Property Nos. 328a, 330-334 Galston Road, Galston

I refer to your letter dated 7 March 2018 requesting comments on the application for a Site Compatibility Certificate for proposed seniors housing at property Nos. 328a, 330-334 Galston Road, Galston. The strategic planning implications have been reviewed and the following comments are provided for your consideration.

Firstly, I would like to advise that, at its meeting on 8 November 2017, Council considered Mayoral Minute 18/17 concerning seniors living development in the rural areas of the shire. Council resolved to seek an urgent meeting with the Minister for Planning and send letters to Local and State Members of Parliament concerning the inconsistencies of the *State Environmental Planning Policy (SEPP) Housing for Seniors or People with a Disability (Seniors Housing SEPP)* with the draft Greater Sydney Region Plan and revised draft North District Plan.

The Greater Sydney Regional Plan and North District Plan finalised in March 2018 now confirms that that urban development is not consistent with the values of the Metropolitan Rural Area and includes an action (Action 70) to limit urban development to within existing urban areas. However, this position appears to be in conflict with State Government planning policy which promotes seniors housing development in the rural lands on the urban boundary.

Council also resolved to request that no further site compatibility certificates be issued for seniors housing developments in the rural areas of Hornsby Shire until a clear vision for the region is prepared, including an infrastructure and funding plan to cater for existing and future development. A coordinated and holistic planning strategy is required for the area to avoid ad-hoc planning outcomes resulting from the proliferation of senior housing developments. To action Council's resolution, a letter was sent to the Minister for Planning on 24 November 2017 (copy attached). Council is currently awaiting response to this letter.

Notwithstanding the above, the strategic planning implications and specific comments concerning the proposed development in relation to the Site Compatibility Criteria contained within the *Seniors Housing SEPP* are outlined below for your consideration.

Background

A site compatibility certificate was issued by the Department of Planning on 14 February 2011 for property No. 330-334 Galston Road, Galston. On 23 February 2012, the (Former) Sydney West Joint Regional Planning Panel approved Development Application No. 850/2011 as a deferred commencement, for a seniors living development comprising 96 self-contained dwellings, basement parking and community facilities. The deferred commencement condition required further details of the proposed on-site sewage management system. Additional information was provided in October 2016, satisfying the deferred commencement condition. Construction works on the development have not commenced.

The applicant has now acquired No. 328A Galston Road, Galston and seeks to include this property in the site for a seniors living development. As a result, the applicant is now seeking to obtain a site compatibility certificate which applies the revised subject site.

The Proposal

The proposal is for a seniors living development comprising 96 self-contained dwellings. The proposal involves a reconfiguration to the layout and design approved under DA/850/2011. The proposal includes additional facilities, including a leisure centre, bowling green and tennis court.

Notwithstanding the previous approval of a seniors living development at No. 330-334 Galston Road, Council has significant concerns regarding approval of any seniors living developments in the rural areas of the Shire. The specific concerns and suitability of the proposal against the Site Compatibility Criteria contained within the *Seniors Housing SEPP* is addressed below.

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

The subject site is zoned RU4 Primary Production Small Lots under the *Hornsby Local Environmental Plan 2013 (HLEP)*. Development involving the construction of 96 self-care dwellings would be inconsistent with the objectives of the RU4 zone, namely to:

- *The enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage land uses that support primary production, 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 rural land use planning strategy and associated 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 a seniors living development containing 96 self-contained dwellings as proposed would be alien to, and inconsistent with, Council's current rural 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.

Criteria 2 – The impact that the proposed development is likely to have on the 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 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 (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.

In correspondence from Sydney Water provided with the application, it is stated that the sewerage system recently developed in the Galston Village was completed as part of a priority sewerage program to serve the existing Galston Village. This system does not have the capacity to service growth in Galston. If there is no scope for the development to connect to the sewer, a pump out system would be required to service the development.

A pump out system to cater for 96 dwellings would require a number of tanks of substantial volume. A dedicated truck standing location is required which must not conflict with the vehicular access from Galston Road to the self-contained dwellings. A truck standing location has not been indicated on the site plan provided. Further, a development of this scale would require trucks to frequently visit the site and stand for a considerable amount of time pumping effluent from tanks, which has the potential to impact on the amenity of residents.

The seniors living development is an over development of the site and is not within the servicing capacity of the area. Council objects to seniors living developments in the rural areas of the Shire where sewer connection cannot be confirmed as available. The site is not suitable for more intensive development due to the absence of a clear vision, infrastructure and funding plans for the area.

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 along Galston Road is affected by a road widening easement and is zoned SP2 Infrastructure. The applicant fails to 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. Clause 5.1A of the *HLEP* provides that the only development permissible on land zoned SP2 Infrastructure on a classified road is 'roads'. The proposal includes a recreational facilities (including bowling greens and tennis court) associated with the seniors housing development within the road reservation. This is inconsistent with the Special Uses Zoning strategy for the land and therefore is inconsistent with Criteria 4.

Concern is also expressed regarding the ability for a number of self-care dwellings to comply with the relevant setback provisions in the Hornsby Development Control Plan 2013 (HDCP), once the identified acquisition of the land for road widening is taken.

Criteria 5 – The impacts 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 expansion of the urban built form would 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. The proposal for 96 self-contained dwellings on the site would represent an overdevelopment of the site when compared to the low density of development and rural character of the surrounding area.

The proposal does not satisfy the setback requirements of the HDCP, which requires a 30m setback to Galston Road and a 15m to the rear and side boundaries. The site plan includes a tennis court, bowling green and barbeque area setback 3 metres from the front boundary which would significantly compromise

areas for landscaping and adversely impact on the streetscape. Buildings also encroach into the front and western side boundary setback. These encroachments would compromise the rural character of the area and the opportunity to achieve a landscape buffer from Galston Road.

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. The *Native Vegetation Act 2003* has been repealed and replaced with a new framework for Land Management and Biodiversity Conservation. Notwithstanding, No. 328A Galston Roads contains a number of trees identified as an endangered ecological community *Sydney Turpentine-Ironbark Forest* (STIF) the *Biodiversity Conservation Act 2016*. Insufficient details have been provided to demonstrate that the proposal would not adversely impact on the health and significance of these trees. A site compatibility certificate is not supported in this instance.

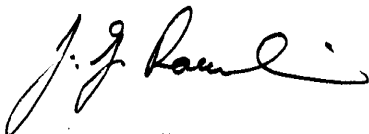
In summary, the site is not suitable for more intensive development to the absence of a clear vision, infrastructure and funding plans for the Metropolitan Rural Area. The concerns with the proposed development outlined above clearly demonstrate that seniors housing developments do not respect the constraints of the rural areas and lead to ad-hoc planning outcomes.

The proposed development would be inconsistent with the objectives of the RU4 Primary Production zone, Council's planning controls and the North District Plan. The proposal would be alien to its setting and represents an overdevelopment of the site which would detract from the character of the rural area.

Council's request to the Minister for Planning is reiterated that no further site compatibility certificates be issued for seniors housing developments in the rural areas of Hornsby Shire.

I trust our comments on this matter will be given due consideration.

Yours faithfully



Jason Rawlin
Acting Manager
Strategic Planning

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