



qB160119  
10/24670

Department Generated Correspondence (Y)

**Report to the Director-General – Re-Application for a Site Compatibility Certificate  
State Environmental Planning Policy (Housing for Seniors and People with a Disability)  
2004**

**SITE:** 330 Galston Road, Galston (Lot 22 DP851940).

**APPLICANT:** Campbell Luscombe Architects Pty Limited

**PROPOSAL:**

The proposal is for a seniors housing development consisting of:

- Ninety six serviced self-care dwellings in the form of 38 detached and attached houses and 58 apartments in 2-storey blocks; and
- A community centre comprising meeting rooms, office space, communal kitchen and other facilities.

Copies of the completed application form and drawings are provided at **Tags 1 and 2**, respectively.

**BACKGROUND**

This is a re-application for a fresh certificate at the request of Campbell Luscombe Architects. There was a site compatibility certificate issued for the site in 2008 and it expired on 8 December 2010. Internal legal advice on a previous occasion in similar circumstances (the Papallo application) confirmed there was no specific provision in the SEPP for the Director General to grant an extension of time to a certificate which was at the time of issue, valid for 24 months. However, the legal advice stated that the applicant could re-apply for a site compatibility certificate pursuant to clause 25 of the SEPP and that any application would need to be assessed on a *de novo* basis. The legal advice is provided at **Tag 3**.

**CONSIDERATION**

The proposal and application are on the same basis as the 2008 application, with a reduction of three dwellings, a re-arrangement of the dwellings and community centre and a re-design of the internal access ways, and relocation of the access point from Galston Road.

For comparison purposes proposed master plans of the 2008 and 2010 applications area attached at **Tag 4 and 5** respectively.

Copies of the previous report and certificate are attached as **Tags 6 and 7**. These have been reviewed and it is considered that the assessment remains relevant to this new application.

*Written comments from Council*

In accordance with the relevant provision of the SEPP, Hornsby Shire Council has provided the Director General with comments based on five criteria set out in clause 25 of the SEPP. Council's comments are attached at **Tag 8**. It should be noted that Council

has also previously provided comments which are almost the same as those in relation to the first application.

With regard to this application, Council comments that:

- *the proposed development would lead to an expansion of urban development into the rural area thereby creating a land use conflict. The proposed development is inconsistent with the objectives of the Rural BA zone and Council's current planning controls;*
- *the proposed development would result in the loss of potentially productive agricultural land and increase the potential for land use conflict between residential uses and farming practices;*
- *the site is not currently sewered, and it is unclear whether water and energy supply can be augmented to meet demand. The proponent has not detailed any proposed financial arrangements to ensure infrastructure provision or provided updated information from service providers concerning the utility provision;*
- *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 conflict with existing, approved and future uses of land in the vicinity of the development; and*
- *the bulk and scale of the proposal would result in a medium density residential development in an area with a rural character.*

Council's comments 1 and 2 are overridden by SEPP objection as discussed in the previous report.

Whilst Council's comments 3,4, and 5 on these issues are relevant, they are not matters which would cause a need to reconsider the issuing of the certificate. Rather, they are matters that are already reflected in the conditions included in the certificate and Council can continue to consider in the context of the development application.

### *Summary*

It is considered that the subject site remains suitable for development for the purposes of seniors housing and people with a disability subject to the conditions as stated in Schedule 2 of the Certificate.

## RECOMMENDATION

It is recommended that the Director-General:

1. form the opinion that the site of the proposed development:
  - (a) is compatible with the surrounding environment having had regard to Council's comments and the criteria specified in clause 25 (5) (b) and pursuant to clause 25 (4) (a) of SEPP (Housing for Seniors and People with a Disability) 2004; and
  - (b) is not likely to have an adverse effect on the environment or cause any unacceptable environmental risks to the land, if the yield is appropriately determined taking into account the key constraints on the site including the availability of reticulated water supply, sewerage disposal system; and
2. issue a Site Compatibility Certificate (**Tag A**), sign the letter to Campbell Luscombe Architects (**Tag B**) and endorse the Regional Director's letter to Hornsby Council (**Tag C**) advising of this determination.

*RT Cumming 2/2/2011*

**A/Regional Director  
Sydney Region West**

*[Signature]* 10/2/11  
**Executive Director  
Planning Operations**

*[Signature]* 10/2/11  
**A/Deputy Director-General  
Plan Making and Urban Renewal**

*[Signature]*  
**Director-General**  
14/2/2011



## Office of the Director General

Mr B Gibbon  
Campbell Luscombe Architects  
10 Charles Street  
REDFERN NSW 2016

Ref: 10/24670

Dear Mr Gibbon

**Determination of application for a Site Compatibility Certificate, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - Land at 330 Galston Road, Galston: Hornsby Shire Council**

I refer to your letter (undated) submitting an application for a site compatibility certificate under clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('the SEPP') for a seniors housing development on land at 330 Galston Road, Galston.

I have made the determination to issue the site compatibility certificate under clause 25 (4) (a) of the SEPP on the basis that the site of the proposed development is suitable for more intensive development and that development for the purposes of seniors housing of the kind proposed in the application is compatible with the surrounding environment, having had regard to the criteria specified in clause 25 (5) (b). Please note that the issuing of this certificate is not an endorsement of the detailed development proposals, but rather an indication that development of the nature proposed is, in principle, acceptable on this site.

Although I have found the site suitable for more intensive development, my assessment demonstrates that site may not be suitable for a development as intensive as that currently proposed (96 dwellings). The number of dwellings proposed in any Development Application you intend to make should be determined taking into account:

- the volume of potable water that can be supplied to the site and the availability of reticulated sewerage system at the site (further discussions with Sydney Water are required);
- the land required for the on site disposal of effluent;
- the setback to Galston Road and to all other boundaries as required by the Hornsby Rural Lands Development Control Plan.

You should also be aware that Hornsby Shire Council will have to take into account Clauses 17 and 24(3) of the SEPP in their determination of any Development Application you make. These clauses, inter alia, instruct the Council to only consent to a Development Application if they are satisfied that the housing will be provided:

- (a) for people with a disability;
- (b) in combination with a residential care facility; or
- (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).

Should you have any further enquiries about this matter, I have arranged for Tim Archer, Senior Planner, Sydney West, to assist you. Tim may be contacted at the Department's Parramatta Office on telephone number (02) 9873 8542.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Haddad', with a horizontal line underneath.

**Sam Haddad**  
**Director General**

18/2/2011

## **Seniors Housing Determination of Certificate of Site Compatibility**

Part 1A of *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004

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I, the Director-General of the Department of Planning, pursuant to clause 25(4)(a) of the *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004, determine the application made by Campbell Luscombe Architects Pty Limited on 22 November 2010 by issuing this certificate.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 2 is compatible with the surrounding environment, having had regard to the criteria specified in clause 25(5)(b).

Under clause 25(7), this certificate is only valid in relation to development that satisfies the requirements specified in Schedule 2 of this certificate.



**Sam Haddad**  
Director-General  
Department of Planning

Date certificate issued: 14<sup>th</sup> February 2011

**Please note:** This certificate will remain current for 24 months from the date of issue.

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### **SCHEDULE 1**

**Site description:**

330 Galston Road, Galston.  
(Lot 22 DP841940) Hornsby Local Government Area.

### **SCHEDULE 2**

**Application made by: Campbell Luscombe Architects Pty Limited**

**Project description:**

- Ninety six serviced self-care dwellings in the form of 38 detached and attached houses and 58 apartments in 2-storey blocks; and
- A community centre comprising meeting rooms, office space, communal kitchen and other facilities.

**Requirements imposed on determination:**

1. Development consisting of one and two-storey seniors housing as proposed in master plan CS 1.03B.
2. Compliance with at least the standards in clause 50 (b), (c), (d) and (e) of the SEPP covering density and scale, landscaped area, deep soil zones, and solar access.
3. Private open space is to be provided for each detached/semi-detached dwelling at least to the standard of clause 50 (f) of the SEPP.

4. Council being satisfied that the development will be retirement village, as required by clause 17(2) of the SEPP. Management mechanisms for the services to be provided are to be to the satisfaction of Hornsby Council.
5. The final number of dwellings (not to exceed 96) to be determined by Council having regard to Council's Development Control Plan and other formal policies, such as setbacks to boundaries, on site effluent disposal, drainage and the like, and the open space and landscaping requirements of the SEPP.
6. Siting of dwellings to maximise accessibility to services in Galston village and to public transport.
7. Demonstration of adequate infrastructure for, or treatment of, wastewater and siting of any on-site treatment to the rear of the site, including further discussions with Sydney Water re. the availability of reticulated sewer.
8. A buffer/setback to be provided from all boundaries in accordance with Council's Rural Lands Development Control Plan.
9. The size of the community centre to be a minimum of 300 sq. metres and include common dining and recreational areas.
10. Any development application should consider potential contamination issues as the result of previous uses on the site.