

Report to the Sydney North Planning Panel on an application for a site compatibility certificate (SCC) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

THE SITE: 328a and 330-334 Galston Road, Galston (Lots 21 and 22 DP 851940). A site inspection was undertaken by the regional team on 28 March 2018.

The site at 330-334 Galston Road comprises a small stone fruit orchard, which is no longer in operation, two dwellings and a dam, while 328a Galston Road comprises a single-storey dwelling and a shed (**Figure 1**).



Figure 1: Proposed development site (source: Nearmap).

APPLICANT: The applicant is Planik Pty Ltd on behalf of landowners Living Choice.

The application for a site compatibility certificate (SCC) was lodged with the Department of Planning and Environment on 22 December 2017 (**Attachment B1**). The Department requested further information and a revised report and supporting documents including a survey plan (**Attachments B2 and B3**) were received on 3 March 2018.

PROPOSAL: The applicant received development consent for 96 dwellings (DA 850/2011) from Hornsby Shire Council for 330-334 Galston Road on 23 February 2012 (see **Figure 2** for the original concept design). This consent lapsed on 24 January 2017.



Figure 2: Original Concept Design.

The proposed development is for the reconfiguration of the previously approved development due to the acquisition of 328a Galston Road. The total site area has increased from 3.7 hectares to 4 hectares, representing an increase of 6 percent in total site area. A comparison of the approved DA and proposed development is provided in Table 1.

Table 1: Comparison of approved DA and proposed development.

| | Approved DA | Proposed Development |
|-----------------|--|--|
| Address | 330-334 Galston Road | 330-334, 328a Galston Road |
| Proposal | 96 dwellings (38 homes, 58 apartments) | 95 dwellings (77 homes, 16 apartments, 2 villas) Additional facilities include leisure centre, bocce court, bowling green and tennis court. |

In summary, the proposed development is for 95 dwellings consisting of 77 homes, 16 apartments and 2 villas (**Figure 3**). The Department considers the reconfigured layout to provide a more logical and efficient design outcome and arrangement for the site.



Figure 3: Proposed development on the site (source: Development concept, Attachment B5).

Hornsby Shire Council (Council) confirmed that the amendments to the layout and design for the proposed development could not be dealt with as a section 96 modification. Subsequently, a new SCC and DA would be required.

The following supporting documentation was provided with this application and are provided as attachments:

- B1 - Application Form
- B2 - Application Report
- B3 - Survey Plan
- B4 - Services Context Plan
- B5 - Development Concept Plans
- B6 - Council Pre-lodgement Minutes
- B7 - Arborist Report and Ecoplanning Letter
- B8 - Bushfire Memorandum
- B9 - Infrastructure Advice
- B10 - Traffic and Parking Impact assessment
- B11- RMS Response

- B12 - Previous Application
- C - Council Comments

LGA: Hornsby Shire Council

PERMISSIBILITY STATEMENT: The site is zoned RU4 (Primary Production Small Lots) and adjoins land to the west zoned R2 (Low Density Residential), refer to **Table 2** and **Figure 4**).

Table 2: Surrounding land LEP controls.

| | Zone | Maximum height of buildings | Minimum lot size |
|---|-----------------------------------|------------------------------------|-------------------------|
| Site | RU4 Primary Production Small Lots | 10.5m | 2ha |
| Land adjoining the site (west) | R2 Low Density Residential | 9m | 500m ² |
| Land surrounding the site (north, east, south) | RU4 Primary Production Small Lots | 10.5m | 2ha |

The current application includes additional land (328a Galston Road) that did not form part of the previous SCC. This land does not independently adjoin land zoned for urban purposes. Clause 24(c) of the SEPP provides that additional land cannot be added to a SCC unless it adjoins urban land or meets the provisions of clause 25(5A) of the SEPP.

Clause 25(5A) provides that additional land may be included if the land does not include any new or additional structures for accommodation, and the previously certified land still adjoins land for an urban purpose.

The additional parcel of land is proposed to be used for an internal road with the existing dwelling to be retained and not used for senior's accommodation. The previously certified land still adjoins land for an urban purpose.

It is considered that that current SCC application meets the requirements of clause 25 of the SEPP and that a SCC can be issued. It is recommended that the SCC includes a requirement that no seniors housing can be developed on the additional land in accordance with the Seniors Housing SEPP.

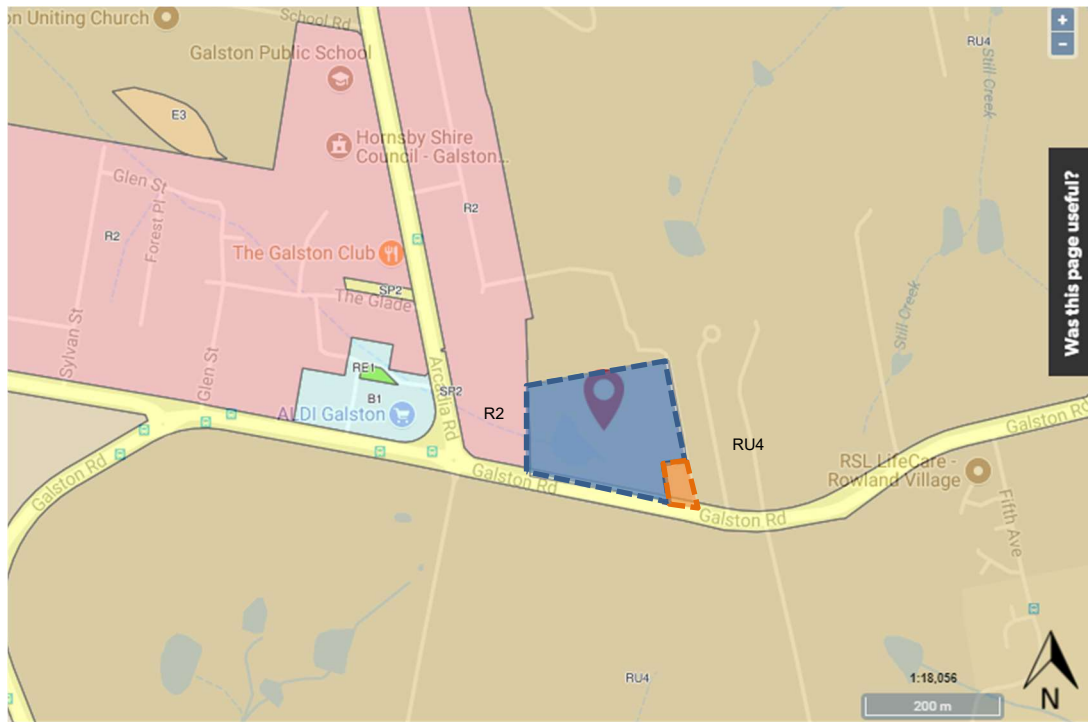


Figure 4: Zoning map (source: NSW Planning Portal).

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND: This is the third application for an SCC for the site. The first two SCCs (issued on 8 December 2008 and 14 February 2011 respectively) related to 330-334 Galston Road only. The most recent SCC for the site expired on 14 February 2013.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED: There are no current applications within a one kilometre radius.

CLAUSES 24(2) and 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

COUNCIL COMMENTS

Council has provided comments and Council's concerns are summarised below (**Attachment C1**).

- concerns about overdevelopment in the rural areas of Hornsby Shire and the subsequent loss of rural character, productive agricultural land, fragmentation and sterilising future agricultural uses;
- inconsistencies with Council's rural land use planning strategy and development standards;
- the adjoining SP2 zone for future road expansion and road widening easement needs to be considered;
- concerns that the site is outside the servicing capacity for the area and over the scale of the pump-out sewerage system if there is no scope to connect the site to the sewerage system;
- concerns over the lack of a truck standing location;
- lack of consideration for alternative crops in place of economically unviable stone fruit;
- Hornsby Development Control Plan setback requirements have not been met, which adversely impact landscaping and streetscape; and
- insufficient details regarding the development's impacts on on-site trees.

Council's concerns have been considered and are discussed further below.

SUITABILITY OF THE SITE FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

A description of the surrounding area is outlined in **Table 3**. A concept of the proposed development is illustrated in **Figure 3**.

Table 3: Land surrounding the site.

| | |
|-----------------------|---|
| West | R2 (Low Density Residential) lots are to the immediate west, with Galston shopping village B1 (Neighbourhood Centre) approximately 200m west of the site located on the corner of Galston Road and Arcadia Road. Hornsby Council Library is directly south of the Galston shopping village. |
| North and east | The site is bounded by further RU4 land, comprising low-density housing within a rural landscape, with minimal vegetation along these boundaries. |
| South | Galston Road is to the site's immediate south and is zoned SP2, with RU4 land south of Galston Road. The frontages to these lots are mostly vegetated by a dense stand of trees and shrubbery along the southern boundary of Galston Road. |

The site is located approximately 200m from Galston village shopping centre and has frontage to Galston Road. The proposal is over 2 adjoining allotments with a total site area of approximately 4 hectares (**Attachment B3**).

The land is currently used for rural residential purposes and adjoins land zoned primarily for urban purposes.

The subject site has access to retail uses such as a post office, grocery stores, shops, bank and medical centre located at the Galston village shopping centre.

Public bus stops are located within 400m of the site, which will enable residents to access local town centres including Castle Hill and Pennant Hills as well as the Galston Aquatic Centre and Hayes Oval.

There are no known environmental constraints as per schedule 1 of the SEPP that would preclude the development of the site for the purposes of seniors housing (as discussed later in this report). No issues are identified that would preclude the site from being considered for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless it is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 24(2)(b) and 25(5)(b)).

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Bushfire management

As shown in **Figure 5**, land along the eastern boundary of the site is identified as being bushfire prone. The bushfire report (**Attachment B8**) notes that this area is outside the 100m buffer zone (shown in red) and therefore the bushfire attack level is considered low. The bushfire report notes the need for an asset protection zone, and compliance with *Planning for Bush Fire Protection 2006* will be required.

It is considered that during the development assessment process, the footprint of the proposed development will be refined to more accurately reflect the location of the bushfire asset protection zone.

Vegetation

The site does not contain significant native vegetation, however several trees on the south west of the site were conditioned to be retained as part of the previous development consent (see **Figure 6**).

The arborist report (**Attachment B7**) proposes that there a number of trees within or adjacent to the site that should be retained. The site contains no native vegetation and the dense vegetation along the dam is predominantly weed species. The report notes that the nature of the existing vegetation on the site is not of such significance that it would preclude the issuing of an SCC or the subsequent development of the site.

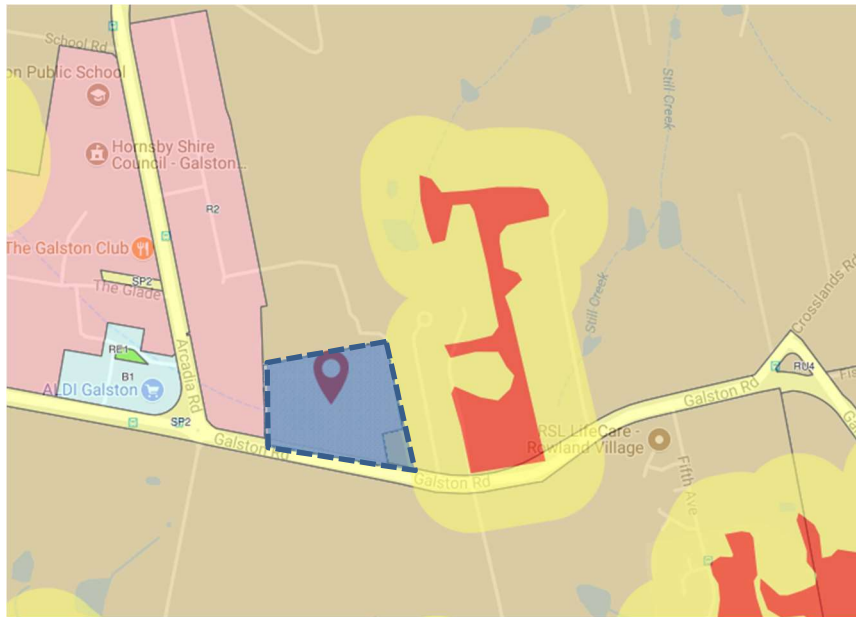


Figure 5: Bushfire risk on the site's eastern boundary (source: NSW Planning Portal).



Figure 6: Vegetation on the site (source: Nearmap).

Compatibility with existing and approved land uses

The area is predominantly low density housing (R2 Low Density Residential) and (RU4 Primary Production Small Lots), rural zones (RU4 Primary Production), and small-scale retail and commercial (B1 Neighbourhood Centre) under the *Hornsby Local Environmental Plan 2013*. The site is bound on all sides by RU4 zoned land except the land to the west which is zoned R2.

The objectives of the RU4 zone are:

- to 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; and
- to ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.

It is considered that the proposed development will not conflict with any existing or approved land uses. This is due to the sites proximity of existing residential development and to services and amenities located in the Galston shopping village. It should be also noted that the site was approved for seniors housing in 2012.

Further, there are no known proposed future uses in the area that would conflict with a seniors housing development.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The area surrounding the site is residential and seniors housing development is compatible with this use. However, to the north, east and south of the site, the land is zoned for rural purposes. Given the size of the land and its proximity to urban uses it is unlikely that any future use of the land will be for intensive agricultural purposes.

It is also important to note that the site (with the exception of 328a Galston Road) was approved for seniors housing in 2012. It is therefore considered that the proposed development will not preclude any known future use for the land.

The proposed development is not considered to adversely impact on adjoining development or future uses in the location.

3. The services and infrastructure that are or will be available to meet the demands arising from the proposed 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 (clause 25(5)(b)(iii))

Access to utilities

The infrastructure advice report (**Attachment B9**) details aspects of utilities and servicing for the site. The site has access to water, sewerage (on-site), electrical and telecommunications services, which can easily be connected to the site.

The water mains capacity is assured for the site as Sydney Water has issued a section 73 certificate enabling the connection.

Options for sewerage connection include:

- connection to the existing priority sewerage low-pressure system (not gravity), which services Galston village; or
- establishment of a tankered sewer pump-out system on-site.

Sydney Water cannot establish a sewer connection at the present time, however recommend the applicant reapply to Sydney Water for a connection after September 2018, as indicated in the Infrastructure Advice (**Attachment B9**). A tankered sewer pump out system was approved previously by Council for the site.

RMS raised concerns about onsite effluent disposal via a tankered pump-out system as Galston Road is a major arterial road with high traffic volumes. The tanker bay in the original concept required a second access off Galston Road which was not supported by RMS (**Figure 7**). The current concept design addresses this concern by amending the design to consist of only one access point to the development off Galston Road.



Figure 7: Original development concept (source: Attachment B5).

Connecting the site to the electrical grid is possible, as Energy Australia has indicated that 'sufficient capacity may be provided to this development' as noted in the infrastructure advice report. Telecommunication infrastructure is also supported on the site, with Telstra providing a connection.

It is important to note that the proposed development does not seek to intensify what has previously been approved.

Location and access to facilities

The site is approximately 360m from the nearest bus stop (Galston Road and Arcadia Road). The 638 bus route operates one morning weekday service, passing the site at 8:05am, with four services passing the site in the afternoon between 12pm and 6pm, meeting the requirements of clause 26(b) of the Seniors Housing SEPP.

The 637 bus route stops on the opposite side of the road (**Figure 8**), with two services between 8am and 12pm at 9:36am and 11:36am, and two services between 12pm and 6pm at 13:36pm and 14:44pm. As these bus stops are within 400m of the site, this satisfies clause 26(b) of the SEPP. However, it is noted that likely walking distances from within the site to these bus stops will be greater than 400m unless more direct footpaths to Galston Road are provided.

Galston village centre is 370m to the west of the site. Galston shopping village is 200m from the site and includes IGA and Aldi supermarkets, a newsagency, travel agent, hairdresser and bakery. Galston Medical Centre is 380m walk from the site and the nearest hospital is at Hornsby, which is a 15-minute drive from the site.

Public open space and recreational land in the locality includes Fagan Park approximately 1.6km north of the site, which is not accessible via public transport. Hayes Oval is located 1.4km south-west along Galston Road, with Galston Aquatic Centre adjoining Hayes Oval. These sites are accessible via the 637 bus route.



Figure 8: Nearest bus stops and Galston village centre.

Road network and parking requirements

The traffic and parking impact assessment (**Attachment B10**) details all aspects of vehicle movement for the proposed development. The assessment notes the Seniors Housing SEPP's car parking requirements under clause 50 and indicate that 124 car parking spaces are required. The proposed development proposes to provide 162 spaces, a surplus of 38 spaces (**Table 4**). The report also notes there should be a minimum of one disabled parking space for the development.

Table 4: Car parking spaces (source: traffic and parking assessment, attachment B10).

| Type | Scale | | Rate | Spaces Required |
|---------------------------|-------------|-----------|-----------------|-----------------|
| Dwelling Houses | 1-bedroom | 0 | 0.5 per bedroom | 0 |
| | 2-bedroom | 41 | | 41 |
| | 3-bedroom | 36 | | 54 |
| | 4-bedroom | 0 | | 0 |
| | 5-bedroom | 2 | | 5 |
| Residential Flat Building | 1-bedroom | 0 | 0.5 per bedroom | 16 |
| | 2-bedroom | 16 | | |
| Subtotal | - | 95 | - | 116 |
| Staff | 8 employees | - | 1 per employee | 8 |
| Total | - | - | - | 124 |

The assessment notes the increased demand on the road network the proposed development can be expected to generate, with an estimated 200 additional vehicle trips per day. The traffic and parking assessment (**Attachment B10**) indicates that the existing road network can accommodate the development as proposed. The proposed internal roads for the development comply with Council's Civil Design and Construction Specification. The roads are also designed to enable necessary maintenance vehicles, including HRV Waste Collection vehicles and semi-trailers to access the site.

The report concludes that the proposed development's road and parking provisions are adequately designed and comply with all necessary AMCORD guidelines and other relevant policies.

It is considered that the site has access to utility services required by the proposed development and there is suitable pedestrian access to facilities and services required by the Seniors Housing SEPP.

4. In the case of applications 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 and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The proposed development will not reduce publicly available open space or impact on the provision of land for special uses, satisfying clause 25(5)(b)(iv) of the SEPP.

5. Without limiting any other criteria, the impact that the bulk, 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 (clause 25(5)(b)(v))

Effects on the existing character and approved uses

There are no heritage items adjoining or on the site and therefore there are no heritage related concerns with the proposed development.

Height, bulk, scale and built form

The development concept (**Attachments B5(a)-(e)**) details the bulk and scale of the proposed development. The development is of a low scale (two storeys) and the aerial view (**Figure 9**) indicates the visual impact of the development will be minimised by the setback to Galston Road, the tennis court and bowling green recreational facilities brought forward from Galston Road, and the landscaping and trees along the periphery of the development.

The overall building heights (8.5m) are similar to adjoining developments, which will minimise the visual impact of the proposed development. These design elements are consistent with section 33 of the Seniors Housing SEPP. The Hornsby LEP 2013 maps further indicate a 10.5m maximum building height for the zone.

The impact of bulk and scale can be appropriately managed through the development application process. It is considered that the bulk, scale and built form of the proposed development will not have a negative impact on future uses of the land or land surrounding the site.



Figure 9: Site aerial view concept (source: development concept, Attachment B5(b)).

It is considered that the proposed development is generally consistent with the existing surrounding developments. It is recommended that the consent authority is best placed to determine the final development layout, design and number of dwellings. These are to be subject to the relevant consent authority being satisfied with the bulk, scale, built form, setbacks, landscaping, design and visual amenity, and therefore should not preclude the issuing of an SCC.

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 (clause 25(5)(b)(vi))

The *Native Vegetation Act 2003* was repealed on 25 August 2017. Current legislation governing the clearing of native vegetation is the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*.

It is noted that no significant vegetation exists on the site, however, several trees were conditioned to be retained as part of the previous development approval. This does not preclude the issuing of an SCC.

The letter from Ecoplanning (**Attachment B7**) further notes that the site does not include land mapped within the biodiversity values map.

It is recommended that the SCC require the consent authority to be satisfied regarding the resolution of conservation and management of vegetation on the site.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

There are no SCC applications either issued or under consideration located within one kilometre of the site, therefore a cumulative impact study is not required for this site.

CONCLUSION

The overall consolidated site adjoins land for urban purposes and meets the requirements of the Seniors Housing SEPP.

It is noted that the additional site (328a Galston Road) does not independently adjoin land zoned for urban purposes. However, 328a Galston Road satisfies the criteria of clause 25(5A)(a) as the additional land is to be used for the purposes of an access road while retaining the existing dwelling. The proposed SCC satisfies the criteria of clause 25(5A)(b) as it does not seek additional dwellings to that approved under the previous SCC.

It is considered that the current SCC application meets the criteria of the SEPP and a SCC can be issued.

It is recommended that the SCC includes a requirement that the additional land can only be used to retain the existing dwelling and for access and cannot be used for seniors housing.

The proposed development will provide housing diversity for the needs of seniors housing and care facilities for people with a disability in a locality where there are no significant constraints to more intensive development.

The application for an SCC is consistent with clause 25 of the Seniors Housing SEPP and it is considered that housing for seniors or people with disability is a suitable use and compatible with the surrounding land uses as:

- it will contribute to meeting the growing needs for seniors housing in the north-west of Sydney;
- the proposed seniors housing development will not preclude any known future use for the land;

- there are adequate and suitable services and utilities available and located within walking distance to public transport;
- bushfire risk can be appropriately managed through a bushfire asset protection zone along the eastern periphery;
- the proposed development is generally in keeping with the existing surrounding residential developments.

While Council objects to the SCC due to issues relating to impact existing rural character, subsequent loss of agricultural land, inconsistency with the local strategic planning framework and Council's development control plan, it is recommended that an SCC be issued requiring the final development layout, design and number of dwellings to be subject to Council being satisfied with the resolution of:

- bushfire management;
- traffic;
- bulk, scale and built form; and
- setbacks, landscaping, design and visual amenity.

These matters are to be determined through the assessment of the development application under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

| Attachment | Title |
|------------|--|
| B1 | Application Form |
| B2 | Application Report |
| B3 | Survey Plan |
| B4 | Services Context Plan |
| B5 | Development Concept Plans |
| B6 | Council Pre-lodgement Minutes |
| B7 | Arborist Report and EcoPlanning Letter |
| B8 | Bushfire Memorandum |
| B9 | Infrastructure Advice |
| B10 | Traffic and Parking Impact assessment |
| B11 | RMS Response |
| B12 | Previous Application |
| C | Council Comments |
| D | Site Map |

Contact Officer: Ann-Maree Carruthers
Director, Sydney Region West
Contact: (02) 9274 6270