

Report to the Director-General on an application for a Site Compatibility Certificate

SEPP (Housing for Seniors and People with a Disability) 2004

SITE NAME: Land at 353 Galston Road, Galston (Part Lot B2 DP353028)

APPLICANT: Gelder Architects Pty Ltd

LGA: Hornsby Shire Council

PROPOSAL

- The application proposes 30 dwellings comprising three bedroom single storey attached and detached seniors dwellings.
- The total area of the dwellings is 4408sqm giving a floor space ratio of 0.24:1. The ratio complies with State Environmental Planning Policy (Seniors Living) 2004.
- The proposed development includes the existing café, associated car parking and an existing orchid nursery.

It is noted that the proposed development is on land “*adjoining land zoned primarily for urban purposes*” and does not contain a hostel, residential care facility or serviced self care housing. It is therefore inconsistent with clause 17 of the SEPP. The application will need to be amended at the Development Application stage to address this matter. This issue is discussed further below. ✓

SITE

The subject site has an area of 18,287 sqm and is currently used for the purposes of a plant nursery comprising growing areas, shade houses, car park and café. The nursery, car park and café is located in the north eastern corner and the land use will not be affected by the proposed senior living development. Tag 1 contains a locality plan and Tag 2 contains the proposed site layout.

PERMISSIBILITY STATEMENT

The site is currently zoned Rural BA (Small Holdings – Agricultural Landscapes) under the provisions of Hornsby Local Environmental Plan (HSLEP) 1994. A zoning map is attached at Tab 3.

Housing for aged or differently abled persons is prohibited within the rural areas of Hornsby Shire. In relation to the zone objective, the proposed development would be inconsistent with the objectives of the Rural BA zone, namely to restrain population growth, maintain the rural character of the area and to ensure that existing or potentially productive agricultural land is preserved. The zone objectives also seek to promote agricultural use of land and provide for a range of compatible uses which maintain the agricultural and rural environment of the area.

The subject land adjoins land zoned primarily for urban purposes pursuant to subclause 4(4) of the SEPP. The land adjoining the northern boundary of the site is zoned Residential A (Low Density). This zone aims to provide for the housing needs of the population of the Hornsby area. It also promotes a variety of housing types and other land uses compatible with a low density residential environment.

The LEP defines development of the nature proposed as “*housing for aged or differently able persons*”. Housing for aged or differently able persons is not listed as permissible (with or without Development Consent) within the Rural BA Zone. It is prohibited development but listed as permissible (only with Development Consent) within the Residential AR Zone.

The aim of the SEPP (Clause 2) is to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The SEPP proposes to achieve this aim by setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards it specifies.

The application for a Site Compatibility Certificate under Clause 24 of the SEPP can be considered as the site is on land that adjoins land zoned primarily for urban purposes.

CONSIDERATIONS UNDER CLAUSE 25(5)

These considerations of clause 25(5) are set out and discussed below.

25(5)(a) Written comments from Council:

In response to the Department’s request, Hornsby Shire Council has provided comments based on the five criteria enunciated in clause 25 of the SEPP. Council’s comments are attached at Tag 4.

To summarise, Council has advised that the development is inconsistent with the zone objective and current planning controls (including the Rural DCP). Council advises that the proposal is an overdevelopment of the site and would detract from the character of the rural area. Furthermore, it suggests that the development does not comply with the criteria contained within the SEPP.

Comment: Council has raised some important issues for consideration, particularly in relation to sewerage and other infrastructure.

25(5)(b) Compatibility with the surrounding development

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

Bushfire: The site is not identified as Bushfire Prone on Hornsby Shire Council’s Bushfire Prone Land Map.

Existing Uses: Part of the site is being used as a wholesale orchid nursery which has been in operation since 1985, and a cafe.

The applicant has highlighted constraints on the continued use of the land for orchid growing purposes:

- improvements in technology, current structures having been made redundant and replaced by those that offer much better control of the surrounding environment;
- unprofitability of old style growing method;
- superseded by larger properties that offer an improved scale of operation;

The applicant has not provided any assessment of the impact of surrounding land uses on the proposed development i.e. potential noise and air pollution generated by the surrounding rural land uses. This will be a matter for consideration at the Development Application stage.

Land in the vicinity:

Land in the vicinity of the proposed development is also zoned Rural BA (Small Holdings – Agricultural Landscapes) under the provisions of Hornsby Local Environmental Plan (HSLEP) 1994. As noted above, housing for aged or differently abled persons is prohibited within the rural areas of the Shire. Under the provisions of the SEPP there have been site compatibility certificates issued for similar developments for housing for seniors and people with a disability on two other sites in the vicinity. Site compatibility certificates were issued for land at 330-334 Galston Road, Galston on 08 December 2008) and 392 Galston Road, Galston (including 9 Mid Dural Road, Galston) on 05 November 2008.

25(5)(b)(ii) Impact on future uses of the land

The draft North Subregional Strategy identifies the majority of the site as Rural Lands. The Strategy states:

“There are important areas of rural and resource lands in the northwest of the Hornsby local government area which includes [...] Galston. This area is one of only a few remaining areas of land which support viable primary production in the Sydney Region. The rural areas of the subregion are also becoming an attractor of tourists. The ‘farmgate trail’ has seen the introduction of a regional initiative based on farmgate sales, farm stays and bed and breakfast accommodation, which is also seeing growth in weekend stays and some domestic and international tourist patronage. Rural lands on the urban fringe are under significant pressure for urban expansion and large lot subdivisions. Uncertainty about the future of rural lands is encouraging speculation, raising land prices above agricultural land values and discouraging new agricultural investment.”

Development of the site if approved would reduce area available for rural land use. However, the land is adjacent the village and not inconsistent with the provisions of the SEPP. //

25(5)(b)(iii) Availability of services and infrastructure

Clause 25 (5) (b) (iii) relates to 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.

Location and Access to Facilities

Clause 26 'Location and Access to Facilities' of the SEPP requires that residents of a proposed development have access to:

- “(a) shops, bank service providers and other retail and commercial services that residents may reasonably require;*
- (b) community services and recreation facilities; and*
- (c) the practice of a general medical practitioner.”*

The clause notes that access is complied with if the facilities and services are located no more than 400 metres away; or if they are, that there is a public transport service available that will take them to within 400 metres of the facilities and services.

A range of local services and facilities can be found in Galston and can be reached on foot. The nearest medical clinic, Galston Community Health Centre, can also be reached on foot. The nearest community centre and recreation facilities are more than 400 metres from the site. However, residents will have access to a public bus service, providing access to Round Corner, Hornsby, Pennant Hills, Castle Hill and other nearby centres. The timetables for these services indicate a reasonable level of service, running from early in the morning until around 10pm on weekdays, with 10-15 minute frequencies in the peak times and 20 minute frequencies in the off-peak times.

Water Supply

It is understood that the water supply is at capacity and would not meet the demand of the proposed development. It is noted that two other sites in the vicinity have been approved for similar development and the cumulative impact of the proposed development should be considered.

Consultants working on behalf of Sydney Water have indicated that for this development to be serviced, the water supply system would be need to upgraded. Whilst this may represent large capital cost in comparison to the cost of the development, it is a matter for the development application and can be negotiated with the proponent and Sydney Water at that time.

Sewerage Infrastructure

The land is not serviced by reticulated sewerage and the applicant proposes an on-site sewage treatment system located at the front of the site. The application does not provide sufficient information to determine if the proposed system and associated land application area is adequate to dispose of waste from 30 dwellings. In this regard it is

considered that a Water Balance report be prepared by a suitably qualified person to determine if the site is capable of on site effluent disposal. This report would also determine the how many dwellings (or equivalent persons) could be accommodated on site.

Furthermore, clause 17 of the SEPP requires that the proposed development provide a residential care facility or serviced self-care housing. Depending of the nature of this facility, the land available for on-site effluent disposal would be further reduced. This is an important consideration for the development application.

It is noted that the applicant has indicated that development of the site for Seniors Housing is unlikely to proceed without it being serviced with a reticulated water and sewerage system.

25(5)(b)(iv) Impact on open space

Not applicable as the land is not zoned for open space.

25(5)(b)(v) Native Vegetation Act requirements

Not applicable

Suitability of the site for more intensive development

The assessment of the proposal against the criteria set out in Clause 25(5)(b)(i), as set out below, indicates that the site may be suitable for more intensive development. However, further investigation is required to address the following:

- the adequacy of the potable water supply;
- the need for an on-site effluent disposal system and capability of the site to accommodate such a facility;
- the space available for built development after complying with the SEPP and the Council's Development Control Plan (i.e. the provision of open space, appropriate setbacks from boundaries etc);

This work can be completed prior to a development application being lodged to Council and would determine the final dwelling yield for inclusion in the development application.

Impact of the bulk, scale, built form and character of the proposed development

Clause 25 (5) (b) (v) states that 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.

Land to the north of the site is used predominately for urban purposes and includes the Galston village centre. Land to the east, west and south of the subject site is zoned for rural purposes and is used for variety of rural uses, including plant nurseries and rural residential activities. The current application proposes single storey dwellings and not inconsistent with the character of the adjacent urban development.

CONSIDERATIONS/CONCLUSION

It is considered that the land is capable of some form of development under the provisions of the SEPP, however the yield is to be determined by further work to be finalised for the development application.

The proposed development is on site which adjoins land primarily zoned for urban purposes (Galston village) it will when completed be in the form of medium density housing in many respects. It would have access to a full range of shops and facilities in nearby centres that can be accessed either on foot or with the use of public transport.

Any development would need to be assessed in terms of its impacts on Galston Village; and whether the level of infrastructure (specifically the supply of fresh water and the disposal of sewage) both existing and proposed is adequate for the number of persons who would eventually reside in the development. Given that previous Site Compatibility Certificates have been issued on the basis that the Council will assess these issues as part of any Development Application, it is appropriate that the same approach is adopted in this instance.

It is considered that the subject site is suitable for development for the purposes of Seniors Housing subject to a number of conditions. These are listed on the draft Site Compatibility Certificate attached to this report as *Tag A* and include:

- The final number of dwellings is to be determined taking into account:
 - the volume of potable water that can be supplied to the site;
 - the land take required for the disposal of treated effluent from the necessary on site sewage treatment system;
 - the land take required to ensure compliance with the SEPP and the Council's Development Control Plan e.g. the necessary setbacks to account for landscaping and provision of open space; the impact of surrounding land uses on the development; the need for the Plan to incorporate nursing care or similar facility as per clause 17 of the SEPP.
- Compliance with the Council's Development Control Plan.
- Demonstration of adequate infrastructure for i) the supply of potable water; and ii) the disposal, or treatment of, wastewater.

It is possible these conclusions may render the proposal unviable, however in the absence of clear evidence in this regard, it is a matter for the proponent.

agreed
Theresa

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, (Tagged A) and sign the letter to the applicant and Hornsby Council advising of this determination (Tagged B).

Patt JH
Regional Director
Sydney West

8 June 10
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Deputy Director General
Plan Making and Urban Renewal

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Executive Director
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25 May 2010

18.6.10.

23/6/2010

Attachments

Tag A - Site Compatibility Certificate
Tag B - Letter to Applicant
Tag C - Letter to Council

Tag 1 - Locality map
Tag 2 - Site Plan
Tag 3 - Zoning Map
Tag 4 - Comments from Hornsby Council
Tag 5 - SCC Application

**FOR
DIRECTOR
GENERAL'S
SIGNATURE
IF APPROVED**