



qB153514

10/18372

Department Generated Correspondence (Y)

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**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:** 5 Mid Dural Road and 392 Galston Road, Galston (Lot C DP38865 and Lot 1 DP654433).

**APPLICANT:** Treysten Pty Limited

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**PROPOSAL:**

The proposal is for a seniors living development consisting of:

- Seniors housing development comprising 94 self-contained dwellings in a self care housing format;
- On site services including meals, cleaning, personal and medical care and nursing; and
- A community facility.

Copies of the completed application form and site plan are provided at **Tags 6** and **2**, respectively.

**BACKGROUND**

This is a re-application for a fresh certificate at the request of the applicant's solicitor Mr. N J Papallo, who in August 2009 by correspondence to the Director General, sought an extension of time for the current certificate. Internal legal advice confirmed there was no specific provision in the SEPP for the Director General to grant an extension of time to a certificate which was still current. 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 current certificate is valid until 5 November 2010. The current certificate was issued by the Director General on 5 November 2008 and will expire on 5 November 2010. It is understood that the proponent currently has a development application lodged with Council, but it is unlikely that the application will be determined before 5 November.

**CONSIDERATION**

The proposal and application are on the same basis as the 2008 application.

As such, copies of the previous report and certificate are attached as **Tags 7** and **8**. These have been reviewed and, with the exception of Council advice, it is considered that the assessment remains relevant to this new application.

*Written comments from Council*

In response to the Department's request, Hornsby Shire Council has provided comments based on five criteria set out in clause 25 of the SEPP. Council's comments are attached at **Tag 5**.

With regard to this new application, Council reiterates its previous concerns that:

- the proposed development would be inconsistent with the objectives of the Rural BA zone and Council's current planning controls;
- 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
- NSW Agriculture has also advised Council that it would not support development which would result in the depletion of potentially productive agricultural lands.

Council has raised new issues for consideration in light of the development application currently under consideration, particularly in relation to water, electricity which are currently at capacity as advised by the service providers through consultation.

Whilst Council's comments on these issues are of relevance, they are not matters <sup>that</sup> would cause a need to reconsider the issuing of the certificate. Rather, they are matters that Council can continue to consider in the context of the development application.

#### Summary

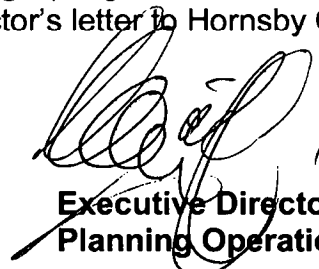
It is considered that the subject site remains suitable for development for the purposes of seniors housing and people with a disability subject to the same conditions as applied to the previous Certificate.

#### RECOMMENDATION

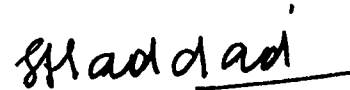
**It is recommended that the Director-General:**

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 Papallo & Co. (**Tag B**) and endorse the Regional Director's letter to Hornsby Council (**Tag C**) advising of this determination.

**Regional Director  
Sydney Region West**

  
14.9.10  
**Executive Director  
Planning Operations**

  
15/9/10  
**Deputy Director-General  
Plan Making and Urban Renewal**

  
17/9/2010.  
**Director-General**

## Attachments

Tag A - Site Compatibility Certificate

Tag B - Letter to Papallo & Co.

Tag C - Letter to Hornsby Council

Tag 1 – Locality map

Tag 2 – Site Plan

Tag 3 – Zoning Map

Tag 4 – Aerial photograph

Tag 5 – Comments from Hornsby Council (27 August 2010)

Tag 6 – Site Compatibility Certificate Application (23 July 2010)

Tag 7 – Previous Site Compatibility Certificate report (26 July 2008).

Tag 8 – Current Site Compatibility Certificate (valid until 5 November 2010).