



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 sewerage, 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.

RJ 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**

Maddad
Director-General
14/2/2011

Attachments

Tag 1 – Application
Tag 2 – Drawings (in CD)
Tag 3 – Legal advice from LSB
Tag 4 - Master Plan 2008
Tag 5 – Master Plan 2010
Tag 6 – Previous regional team's report
Tag 7 – Expired Certificate
Tag 8 – Comments from Hornsby Council

Tag A – Site Compatibility Certificate
Tag B – Letter to Campbell Luscombe Architects
Tag C – Letter to Hornsby Council