



Planning & Infrastructure

Office of the Director General

Mr Jim Kuburlis
PO Box 29
Brighton-le-Sands NSW 2216

12/02696

Dear Mr Kuburlis

I refer to your application for a Site Compatibility Certificate (SCC) under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP) in relation to No 50A, 56-58 Francis Avenue, Brighton-le-Sands.

I regret to advise you that your application for a SCC cannot be accepted under the SEPP. Your application indicates the proposal meets the requirements for a SCC because there is a registered club on the site and the land adjoins land zoned primarily for urban purposes. However, under clause 4(1) and clause 24(1) of the SEPP, an application can only be made for "land that is being *used* for the purposes of an existing registered club". As the application indicates the use of the land for a club has ceased, the application does not comply with this requirement.

In addition, under clause 4(1), the SEPP only applies to "land adjoining land zoned primarily for urban purposes" if dwelling houses, residential flat buildings, hospitals or special uses are permitted on the land. These uses are not permitted under the RE2 Private Recreation zone under Rockdale Local Environmental Plan (LEP) 2011 which covers most of the site.

It is advised that the SEPP applies to that part of the site which is zoned R2 Low Density Residential because it is land zoned primarily for urban purposes and on which dwelling houses are permitted (provided that the land is not environmentally sensitive land). However, a SCC is not required for land zoned R2 as seniors housing is already permitted in the zone under the LEP.

Accordingly, the application fee of \$2170 has been refunded.

An alternative approach to facilitate redevelopment of the site would be via a planning proposal. This should be discussed with Rockdale Council in the first instance. Should you have any further enquiries about this matter, I have arranged for Ms Juliet Grant, Regional Director of the Department's Sydney Region East planning team to assist. Ms Grant can be contacted on telephone number 9228 6113.

Yours sincerely


Sam Haddad
Director General

30/3/2012