STATEMENT OF ENVIRONMENTAL EFFECTS

461-473 PACIFIC HIGHWAY, ASQUITH

13 MARCH 2018
SA7013
FINAL
PREPARED FOR CHINESE AUSTRALIAN SERVICES SOCIETY LIMITED

URBIS

6. KEY CONSIDERATIONS

6.1. BUILDING HEIGHT

There is no maximum height of building under the Seniors SEPP and a merit assessment is required. To frame the merit assessment, consideration is given to:

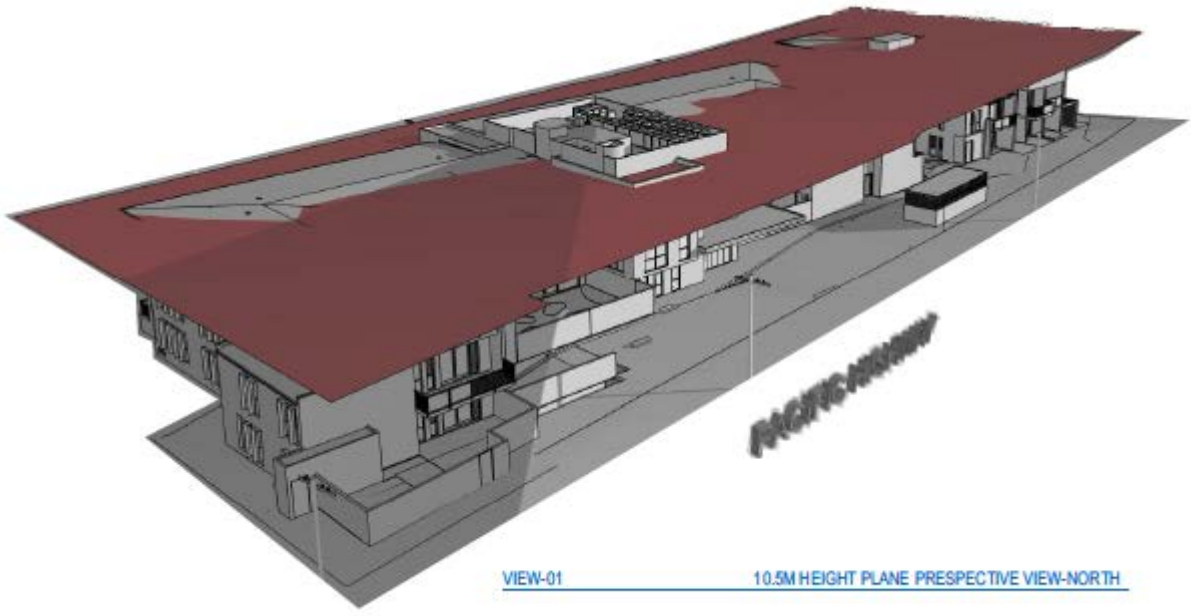
- The surrounding building form character;
- The desired future character of the area;
- The otherwise underlying HLEP 2013 height of building standard;
- Amenity impacts resulting from the proposed building height; and
- The tests that would otherwise apply under clause 4.6 of the HLEP 2013 if a formal variation was required.

The Height of Buildings Map accompanying clause 4.3 of the HLEP 2013 sets a maximum height of buildings development standard of 10.5m for the site. The proposed buildings generally comply with the height control, with the exception of the roof plant and lift overruns, and a limited area of the roof form towards the western end of the site.

Height Plane Diagrams have been prepared by Calder Flower Architects, which clearly articulate the specific parts of the buildings which vary from the development standard. **Figure 5** and **Figure 6** show the points of variation to the 10.5m height control measured in accordance with the HLEP 2013 definition:

> *"**building height** (or **height of building**) means:*
>
> *(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
>
> *(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*

Figure 5 –Height Plane Diagrams (10.5m) – 3D Aerial View North



Source: Calder Flower Architects

Figure 6 –Height Plane Diagrams (10.5m) – 3D Aerial View North

Source: Calder Flower Architects

The summary table below (**Table 9**) details the proposed maximum height of each of the proposed buildings against the HLEP 2013 development standard. The table shows the extent of the variations in numeric and percentage terms. It is relevant to note that the majority of the proposed buildings sit below the height control, as shown within **Figure 5** and **Figure 6**.

Table 9 – Proposed Building Heights and Variations (HLEP 2013)

Building	**LEP Control (m)**	**Maximum Height (m)**	**Maximum Variance (m and %)**
RACF Roof Plant	10.5m	12.12m	1.62m (15.4%)
RACF Roof Form	10.5m	10.52m	0.52m (4.9%)
ILU	10.5m	11.59m	1.09m (10.3%)

Clause 4.3 of the HLEP 2013 outlines the objective for the height of buildings development standard. **Table 10** demonstrates that the proposal with the variation is consistent with the objective of the development standard.

Table 10 – Assessment of Consistency with Development Standard Objectives

Objective	Comment
To permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.	The subject site is within an area currently transitioning from single storey dwellings to medium density residential buildings. The built form of the proposal is consistent with the desired future character for the area and provides an appropriate height transition between the low density housing to the north and the contemporary, five-storey developments south of Mills Avenue. The proposed buildings have been designed, positioned and oriented so that they make a positive contribution to the future streetscape character and achieve a high standard of residential amenity. The areas of non-compliance are sited behind the main parapets and are not readily visible from the public domain and will not detract from the overall design of the development. The elements that breach the height standard do not erode the ability to achieve high-quality built form on the site. The site benefits from having only one, sensitive interface to the north and therefore overshadowing, visual, acoustic and privacy issues can be appropriately managed. The site is within an established area and therefore it is expected that existing services can be upgraded if necessary

The proposal is justified on the following environmental grounds:

- The proposal is consistent with the intent of Clause 4.3 and the objectives of the zone, and will result in a better environmental planning outcome than strict compliance would provide.
- the proposal is entirely consistent with the objectives of the R3 Medium Density Residential Zone, as discussed at **Section 5.3.1.**
- The varying topography and existing overland flow conditions necessitate the minor variations to achieve a uniform built form across the site.
- Those elements which exceed the height of buildings standard are located away from the interface shared with adjacent residential development;
- The proposed development will facilitate greater housing choice within the Hornsby LGA. The proposal will provide high-quality seniors housing in the form of a RACF and ILUs within an attractive landscaped setting and proximate to public transport and services that responds to the surrounding character of the area;
- The proposed variation will not result in any unacceptable environmental impacts on the site or the adjoining residential property;
- The visual impact associated with the additional height is negligible. The plant and lift overruns are sited towards the middle of the buildings and will not be readily visible from the public domain;
- The predominant height of the buildings does not exceed 10.5m; and
- The proposed variation to the height of buildings standard does not result in the loss of amenity to neighbouring properties by way of visual impact, overshadowing or loss of privacy. The proposed height

is considered to be acceptable particularly when balanced against the significant benefits of the proposal.

In summary, the variation to the height of buildings development standard is well founded and the particular circumstances of the case warrant flexibility in the application of the development standard.

6.2. DESIGN AND BUILT FORM

The design rationale for the proposed development is to deliver high-quality seniors living accommodation that meets the needs of the community, while minimising the potential impact on the scale and character of the locality.

The proposed development responds positively to the desired future character of the area, planning framework and surrounding context as follows:

- The proposal presents as three storeys to the Pacific Highway and provides an appropriate transition from the low-density residential properties further north and the five-storey residential developments completed or under construction to the south of Mills Avenue.
- The orientation of the buildings at an angle to the street frontage responds to the existing pattern and alignment of development in the streetscape and neighbouring properties. This is further enhanced by the 'breaks' in the development provided by the central courtyards for the RACF and 9m separation between the RACF and ILU buildings.
- As discussed in **Section 6.1**, the proposal predominately falls below the otherwise underlying 10.5m height of building control in accordance with HLEP 2013 – except for the roof plant and lift overruns. These elements result in a negligible exceedance to a maximum of 1.62m.
- The proposed development, being of a high-quality and well-resolved design, will make a positive aesthetic contribution to the streetscape. The modulation of the buildings together with the mix of materials and colour accents, articulate the building and provide visual interest. The proposed entries, windows and balconies also activate the street frontage and provide engagement with the public domain.
- The top floor of each building incorporates a reduced floorplate and will be finished in a dark colourbond wall cladding to distinguish it from the lighter coloured base. As illustrated in the perspectives at Figure 7 and Figure 8, the top floor will present as a recessive element, which will reduce the overall scale and massing of the development and ensure it does not dominate or overwhelm the streetscape.
- On average, the setbacks from the property boundaries comply with the HDCP 2013 requirements and will incorporate additional landscaping to complement the existing trees to be retained and the established landscape character in the area. Where variations are proposed to the setback guidelines under the ADG, appropriate privacy measures are proposed.
- The proposal responds to the topography of the site and overland flow conditions and as a result, the proposed basement has a minor protrusion above ground level when viewed from the western elevation. At its greatest height, the basement protrudes 1.65m above ground level. The visual impact of the basement wall is mitigated through the retention of existing mature trees along the northern and western elevations, which is complemented with a native planting buffer as illustrated in the Landscaping Plans at **Appendix E.**

Figure 7 – Perspective from Pacific Highway

Source: Calder Flower Architects

Figure 8 – Perspective from Asquith Oval

Source: Calder Flower Architects

6.3. ENVIRONMENTAL AMENITY

The subject site is in the beneficial position where it has only a single, sensitive interface to the north and due consideration is given to this interface by the proposed design. As a result, the proposed development will not adversely impact on the amenity of surrounding residential properties.

6.3.1. View Impact

There are no views across the site that will be impacted by the proposal. New landscaping will complement the existing mature trees within and surrounding the site (that will be retained and protected), which will filter views towards the proposed development.

6.3.2. Overshadowing

Shadow diagrams prepared by Calder Flower Architects are included within the Architectural Plans at **Appendix C**. At the Winter Solstice, the proposed development will cast a morning shadow over the car park and amenities block to the south-east of Asquith Oval. By midday, this shadow will fall predominately within the site boundary and will extend over the open space to the south of the site and the Pacific Highway by early afternoon.

The primary area affected by overshadowing, the Asquith Oval car park and amenities block, is only affected in the early morning and will not cause disruption to the use of the public open space. On this basis, the level of overshadowing is considered acceptable.

6.3.3. Visual Privacy

Screening measures will be incorporated for the north facing windows (where necessary) to ensure privacy is retained between these dwellings and the residential development under construction at 475-477 Pacific Highway. It is noted that the main living areas and balconies of the ILUs are oriented to the Pacific Highway (east) or Asquith Oval (west) and not towards neighbouring residential properties.

6.3.4. Noise Impact

An Acoustic Assessment has been prepared by Wilkinson Murray and is provided at **Appendix G**. The relevant findings are as follows:

- The impact of construction noise on the surrounding residential receivers ranges from a low to high noise risk. At its greatest impact, noise emissions to the closest residential receivers can be expected to exceed 75dBA during demolition and excavation at the northern end of the site. Noise control measures to mitigate this impact include controlling the hours of construction to standard hours only, selection of alternative activity or construction method, scheduling of a respite period of one hour every three hours of construction, and use of barriers or screens to reduce noise dispersal.
- In regard to mechanical plant servicing, preliminary review indicates acceptable noise levels below the criteria applicable for operational noise emissions will be achieved.

6.4. RESIDENTIAL AMENITY

The two interconnected buildings separate residential accommodation based on the level of care required. This distinction between residential uses will ensure the resident's dignity and independence is maintained where required, whilst also allowing senior members of the community to 'age in place'. The development proposes a high standard of accommodate and amenity for future residents as follows:

- The ILU building complies with the ADG requirements with respect to solar access, natural ventilation and private open space;
- The two buildings incorporate a 9m separation to minimise privacy issues between the ILUs and RACF rooms;
- The range of internal communal areas will encourage social interaction between residents;
- The acoustic design recommendations outlined within the Acoustic Assessment at **Appendix G** will be implemented to ensure the bedroom and living spaces of the proposed development are not affected by potentially adverse road noise;
- A network of pathways and communal open space within the site will provide pleasant outdoor spaces for residents and visitors; and
- The proposal can comply with the requirements for disabled access and the availability of public transport in the area, which satisfies the accessibility provisions of the Seniors SEPP will allow residents to access local shopping, services and community facilities.

6.5. CAR PARKING AND ACCESS

A Traffic Impact Assessment has been prepared by Traffix and is provided at **Appendix F**. The assessment concludes that the proposed development is supportable on traffic planning grounds under the Seniors SEPP having regard to the following:

- *"The proposed development under SEPP (Housing for Seniors or People with a Disability 2004) is required to provide a minimum of 34 car parking spaces. In response, the development proposes a total of 45 parking spaces being 31 spaces for RACF (11 spaces for residents/visitors and 20 spaces for staff) and 14 spaces for ILU. Therefore, the proposed parking provision complies with the minimum SEPP requirements.*

- *The traffic generation arising from the proposed development has been assessed as a net increase over and above existing traffic conditions. The increase is 19 vehicles per hour for both the AM and PM peak periods. The proposed development will result in one additional trip every three (3) minutes during peak periods which includes all movements (staff and visitors) and accordingly is not expected to create any unacceptable impacts. As a result, no external road improvements are considered to be required to support the proposed development from a capacity or an amenity perspective.*

- *The proposed RACF development requires a Category 2 access being a combined entry-exit driveway of width 6.0m to 9.0m. In response, the development proposes a combined entry-exit driveway that is 7.2m wide with access to the Pacific Highway. The proposed ILU development requires a Category 1 access being a combined entry-exit driveway of width 3.0m to 5.5m. In response, the development proposes a combined entry-exit driveway that is 10.7m wide with access to the Pacific Highway. Both driveways satisfy the minimum requirements of AS 2890.1 (2004). The RMS has agreed to the construction of the proposed splayed driveways on the Pacific Highway. No deceleration lane is required on the Pacific Highway.*

- *The proposed parking spaces generally comply with the requirements of AS 2890.1 (2004), AS 2890.2 (2002) and AS 2890.6 (2009).*

- *All servicing including waste collection and ambulance site attendance will be conducted on-site…"*

6.6. FLORA AND FAUNA

An Arborist Report and Flora and Fauna Assessment have been prepared by T.J. Hawkeswood Consulting and are provided at **Appendix I** and **Appendix J**. The assessment highlights the following:

- Of the 66 trees and 25 palms assessed, only seven were deemed to be in good condition, with the remaining 59 trees in medium to poor condition. The proposal requires the removal of 23 trees in order to facilitate building works and onsite landscaping or as it presents a threat to the health and condition of existing surrounding vegetation. The report concludes there is *"no impediment to the removal of the required trees and palms as required"*, and as such the proposed development is supported from an arboricultural perspective.

- The subject site is highly disturbed and most of the native vegetation on-site has been cleared and replaced by buildings, sheds, driveways and residential gardens. The native Sydney trees on the site and nearby conform to a remnant of Sydney Turpentine Ironbark Forest (STIF) which is an endangered ecological communities (**EEC**) dominated by *Eucalyptus eugenioides, E. paniculata, Syncarpia glomulifera (Myrtaceae)* and trees of this community are conserved in the adjacent Council reserve. There are no other native plants on the site. Most of the STIF trees within the site will be retained and protected during construction.

- None of the flora species detected within the site are presently listed on any Schedule of the NSW *Threatened Species Conservation Act* (1995) nor on any Schedule of the *Commonwealth Environmental Protection and Biodiversity Conservation Act* (2000). No EEC were detected.

- Due to human influence and presence, no endangered amphibian, reptile or mammal species were identified within the site during the surveyed times and only two non-endangered bird species were detected on-site. This indicates the proposed development has little or no habitat for endangered local fauna and as such, the proposed development will have no adverse impact.

6.7. GEOTECHNICAL INVESTIGATION

A Geotechnical Report has been prepared by Network Geotechnics and provided at **Appendix M**. The results of the intrusive investigations indicate the subsurface profile consists of silty clay of low to high plasticity from 0.1m – 3.2m, underlain by sandstone from 2.6m – 6m ranging from extremely weathered conditions to moderately to slightly weathered as depth increases. Groundwater was not encountered during and on completion of drilling.

Based on the findings, the report recommends the following:

- A dilapidation survey should be undertaken for neighbouring properties and it would be prudent to extend the survey to public infrastructure along the Pacific Highway.
- Excavation methods will involve conventional hydraulic equipment with bucket attachments, ripping tynes and/or hydraulic rock hammers. Choice of excavation method and tools will be influenced by the surrounding residential properties, to ensure transmitted vibrations and impacts are within tolerable limits.
- During excavation, temporary shoring walls will be required for support, which may be incorporated into the permanent wall support for the basement during construction. The report recommends use of a bench support or secant piled walls; with the need for further support system assessed based on inspections during bulk excavation.

6.8. OVERLAND FLOODING

The site is subject to overland flooding from the upstream external catchments. The upstream catchment has been estimated to be approximately one hectare.

It is noted that discussions with Council regarding the overland flows, public domain scheme for Pacific Highway and on-site flood constraints are ongoing. The WSUD Strategy Report prepared by Acor (refer **Appendix R**) highlights the following:

> *"A resolved public domain scheme is yet to be issued by Council and RMS. Notwithstanding this, the existing boundary levels along the subject site's road frontage have been adopted as a base point for grading into the site.*
>
> *Furthermore, as Council's direction is to wholly manage overland flows within the road verge…any potential flooding of the subject site caused by external catchment flows will be mitigated by future works within the public domain.*
>
> *Thus a "site-specific" flood study for external flows travelling along the stormwater easement will not be relevant for the site.*
>
> *Overland flows due to surcharge from roof gutters or the OSD tanks will managed by a defined flow path along the northern and southern boundaries.*
>
> *In the event of surcharge from the OSD tank located under the driveway (OSD-A) or surcharge of the eastern RACF roof gutters, the kerb and gutter has been terminated either side of the easement to allow overland flows to be conveyed along this existing flow path."*

Having regard to the above, it is considered that the proposed design has considered and provides appropriate overland flooding considerations.

6.9. SOCIAL AND ECONOMIC IMPACT

The proposal provides the following social and economic benefits:

- Providing a range of opportunities for people to 'age in place'.
- Providing ancillary facilities which will contribute to an enhanced lifestyle for the residents and a better sense of community.
- Creation of useable and attractive spaces generating opportunities for interaction/gathering spaces for the residents.
- Economically, the proposal will provide a range of accommodation options into the residential care housing market in accordance with recent demand.
- The proposed development will generate additional employment opportunities during the construction and operational phases of the proposal.

6.10. CRIME RISK ASSESSMENT

The Crime Prevention Through Environmental Design (**CPTED**) guidelines were prepared by the NSW Police in conjunction with the Department of Planning. CPTED provides a clear approach to crime prevention and focuses on the 'planning, design and structure of cities and neighbourhoods'. The main aims of the guidelines are to:

- Limit opportunities for crime;
- Manage space to create a safe environment through common ownership and encouraging the public to become active guardians; and
- Increase the perceived risk involved in committing crime.

The guidelines provide four key principles to limit crime: natural surveillance, access control, territorial reinforcement and space management. **Table 11** outlines how the proposed development has been designed to incorporate these CPTED design principles.

Table 11 – CPTED Assessment

	Principle	Definition	Proposal
1	Natural Surveillance	Natural surveillance is a by-product of well-planned, well-designed and well-used space. It involves maximising opportunities for passers-by and users to observe what happens in an area (the 'safety in numbers' concept). Higher risk locations can also benefit from organised surveillance, which involves the introduction of formal measures such as on-site security guards or CCTV.	• The development has been designed to provide natural surveillance of surrounding roadways and footpaths, the proposed communal open space and internal pathways. • The proposal will have adequate lighting of ground floor courtyards and balcony areas to ensure a safe environment for all residents. • Street lighting will be provided along the Princes Highway frontage in accordance with the Council requirements and Australian standards.
2	Access Control	Control of who enters an area so that unauthorised people are excluded, for instance, via physical barriers such as fences, grills etc.	• Temporary construction fencing will be erected to secure the site in accordance with workplace safety requirements. • Pedestrian entrances to the RACF and ILUs will be appropriately lit and clearly defined from the street to the foyers and access lifts. Access to the southern and western frontages will be controlled via three electronic security gates. • Vehicular entrance to the basement car parks will be well lit, signposted and unconcealed to ensure safe access. A roller door and card reader on median strip will control access to the RACF car park.

3	Territorial Reinforcement	People are more likely to protect territory they feel they own and have a certain respect for the territory of others. This can be expressed through installation of fences, paving, signs, good maintenance and landscaping. Territoriality relates to the way in which a community has ownership over a space.	• Clear delineation is provided between the RACF and ILUs through passive barriers and visual markers such as landscaping and pathways to indicate the separation of uses and to provide privacy to residents. • The proposal provides well-designed spaces. The landscaping proposed as part of the development will be managed by the caretaker to ensure the landscape design maintains its integrity and vandalism is discouraged.
4	Space Management	Ensures that space is appropriately utilised and cared for. Space management strategies include: activity coordination (i.e. having a specific plan for the way different types of activities are carried out in space), site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.	• Regular maintenance will promote an image of a well-cared for development which discourages graffiti and vandalism. The landscaping proposed will be managed by the facility to ensure the landscape design maintains its integrity and vandalism is discouraged. • Hardwearing materials will be utilised where appropriate to minimise opportunities for vandalism.

7. SECTION 4.15 EVALUATION

7.1. STATUTORY POLICY AND COMPLIANCE

The proposed development has been assessed in accordance with the relevant state, regional and local planning policies, as follows:

- *Roads Act 1993.*
- *State Environmental Planning Policy No 55 – Remediation of Land.*
- *State Environmental Planning Policy (Infrastructure) 2007*.
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and Seniors Living Policy – Urban Design Guidelines for Infill Development.*
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide*).
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.
- *Hornsby Local Environmental Plan 2013.*
- *Hornsby Development Control Plan 2013*.

This SEE demonstrates that the proposed development is consistent with the relevant statutory planning policies and achieves the objectives of the relevant provisions.

7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments that are of relevance to the proposal.

7.3. LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development are considered under **Section 6.** The assessment concludes the proposal will have minimal impacts on the natural and built environment, and social and economic impacts in the locality.

7.4. SUITABILITY OF THE SITE

The site is suitable for the proposed development for the following reasons:

- The use of the site for seniors housing is permissible with consent in the R3 Medium Density Residential Zone;
- The proposal is consistent with the objectives of all relevant planning controls and achieves a high level of planning policy compliance;
- The site can be made suitable for the proposed development, subject to the recommendations outlined in the Preliminary Site Contamination Assessment;
- There are no significant environmental constraints limiting development;
- The site is capable of accommodating the proposed development with no adverse impacts on surrounding properties; and
- The proposal is not expected to unreasonably impact on the existing traffic network.

7.5. THE PUBLIC INTEREST

The proposal is considered to be in accordance with the public interest for the following reasons:

- The proposal is generally in accordance with the provisions and requirements of the relevant planning instruments and policies;
- The proposal will not pose any known risk to the safety and security of the surrounding community and public in general;
- The proposal will facilitate an increase in the range of seniors living accommodation in the area allowing people to ‘age in place’;
- It will not have any unreasonable impacts on neighbouring residential properties or the public domain in terms of traffic, social and environmental impacts.

8. CONCLUSION

This SEE has been prepared on behalf of CASS in support of a DA for the construction of a seniors living development at 461-473 Pacific Highway, Asquith.

This proposal has been considered under the provisions of section 4.15 of the EP&A Act and is considered appropriate for the site for the following reasons:

- The proposed development has been carefully prepared having regard to the relevant planning instruments and policies, and consideration of potential impacts on neighbouring properties, the environment and the surrounding area;
- The proposed development will not result in any adverse impacts on the surrounding area or impact threatened flora and fauna;
- The site is suitable to accommodate the proposed works. There are no physical impediments to the approval of the development; and
- It is considered that the proposal is in the public interest.

The proposed development represents a positive development outcome for the site as:

- It is in accordance with the objectives of the R3 Medium Density Zone by providing for the housing needs of the senior members of the community within a medium density environment;
- There is a demand for seniors housing within the Hornsby LGA; and
- The scale of the development proposed takes into consideration the site's context within a residential area, transitioning from single dwelling houses to medium density residential developments.

The proposal represents a sound development outcome that respects and responds to the site location and the amenity of surrounding developments. The proposed development should therefore be approved subject to Council's standard conditions.

DISCLAIMER

This report is dated 13 March 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Chinese Australian Services Society Limited (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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APPENDIX T SERVICE CONCEPT REPORTS

APPENDIX U RMS CORRESPONDENCE

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EXECUTIVE SUMMARY

Urbis has been engaged by the Chinese Australian Services Society Limited (**CASS)** to prepare this Statement of Environmental Effects (**SEE**) to development application (**DA**) to the Shire of Hornsby Council (**Council**) for the construction of a seniors living development at 461-473 Pacific Highway, Asquith (**subject site**).

The proposed development comprises:

- Demolition of existing dwellings and structures and excavation to a maximum depth of 4m;
- Residential Aged Care Facility (**RACF**)
  - Construction of a three storey building providing 102 rooms with communal dining, lounge and nurse treatment areas on each level;
  - Basement level accommodating 31 car parking spaces and 1 ambulance bay, with staff lounge and amenities, laundry, kitchen, storage and services.
- Independent Living Units (**ILUs**)
  - Construction of a three storey building providing 13 ILUs and communal lounge and open spaces.
  - Basement level accommodating 14 car parking spaces and residential storage areas.
- Removal of seven vehicle crossovers and construction of two new vehicular access points from Pacific Highway, connected by an internal driveway (total of two crossovers).
- Construction of an at-grade waste holding area located along the Pacific Highway.
- Removal of 60 trees (including 25 palm trees), and site landscaping works.

The proposed development delivers a high standard of design which provides excellent amenity for residents, consistent with the surrounding context and should be supported by Council and the Sydney North Planning Panel for the following reasons:

- The development is consistent with objectives of the R3 Medium Density Zone by providing for the housing needs of the senior members of the community within a medium density residential environment;
- The proposed development has had regard to potential impacts on residents, the environment and the surrounding area;
- The site is suitable to accommodate the proposed development;
- The proposal is in the public interest as it will increase the provision of aged care facilities and allow senior members of the Asquith community to ‘age in place;
- There is a demand for seniors housing within the Hornsby Local Government Area (**LGA**); and
- The scale of the development proposed takes into consideration the site’s context within a residential area, transitioning from single dwelling houses to medium density residential developments.

1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of the Chinese Australian Services Society Limited (**CASS**) to support a development application (**DA**) to the Shire of Hornsby Council (**the Council**) for 461-473 Pacific Highway, Asquith (**subject site**). CASS has a vision to provide a fully integrated senior living development, which will revitalise a large site to meet the future seniors and aged care of the community.

This application relates to the demolition of seven dwelling houses and the construction of a seniors living development, including a residential aged care facility (**RACF**) and independent living units (**ILUs**). The proposal responds to the existing site characteristics, including the stormwater easement and significant existing vegetation, and provides a development that is cognisant with the surrounding medium density residential environment.

The DA has been prepared under the provisions of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (**Seniors SEPP**) and *Hornsby Local Environmental Plan 2013* (**HLEP 2013**).

1.2. REPORT STRUCTURE

This SEE provides the following:

- Outline of the background of the project;
- A description of the site and surrounding context; including identification of the site, existing development on the site, and surrounding development.
- A detailed description of the proposed development;
- Assessment of the proposal's compliance with relevant planning instruments and policies under section 4.15 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**);
- An assessment of the key issues and impacts generated by the proposed development; and
- An assessment of the proposed development against site suitability and the public interest.

1.3. PROJECT TEAM

The following technical and design documents have been prepared to accompany this DA.

Table 1 – Supporting Documentation

Document	Consultant	Reference
Cost Report	Hanna Newman Associates	**Appendix A**
Survey Plan	Project Surveyors	**Appendix B**
Architectural Plans	Calder Flower Architects	**Appendix C**
Design Verification Statement	Calder Flower Architects	**Appendix D**
Landscaping Plans	Taylor Brammer Landscape Architects	**Appendix E**
Traffic Impact Assessment	Traffix	**Appendix F**
Acoustic Assessment	Wlikinson Murray	**Appendix G**
Access Report	Accessible Building Solutions	**Appendix H**

Document	Consultant	Reference
Arborist Report	T.J. Hawkeswood Scientific Consulting	**Appendix I**
Flora and Fauna Assessment	T.J. Hawkeswood Scientific Consulting	**Appendix J**
Preliminary Site Contamination Report	Coffey	**Appendix K**
Hazardous Material Report	Coffey	**Appendix L**
Geotechnical Report	Network Geotechnics	**Appendix M**
BASIX Certificate	Certified Energy	**Appendix N**
Waste Management Plan	The Mack Group	**Appendix O**
BCA Report	Blackett Maguire + Goldsmith	**Appendix P**
Accessibility Longsection Survey	Project Surveyors	**Appendix Q**
Water Sensitive Urban Design (WSUD) Strategy Report and Civil Plans	ACOR Consultants	**Appendix R**
Construction Management Plan	Calder Flower Architects	**Appendix S**
Service Concepts Reports	Arrow Consulting Engineers	**Appendix T**
RMS Correspondence	RMS	**Appendix U**

2. SITE AND SURROUNDING CONTEXT

2.1. SUBJECT SITE

The subject site comprises 461-473 Pacific Highway, Asquith and is located within the Hornsby LGA. The site has a total frontage to the Pacific Highway of 115m and a total area of approximately 5,050sqm. The site has an average fall of 6% from the eastern boundary to western boundary. The site includes seven allotments and is legally described as:

- Lot 15 of DP14476;
- Lots 16-19 of DP 1003192;
- Lot 1 of DP 1003107;
- Lot 1 of DP120748.

Each allotment is currently occupied by a single-storey detached dwelling. The dwellings are constructed of brick or weatherboard cladding and sit within garden settings surrounded by a number of large mature trees. Vehicular access is currently provided to each allotment by individual vehicular crossovers to the Pacific Highway.

A 1.83m wide stormwater drainage easement traverses the site along the southern boundary of 471 Pacific Highway. The easement contains a 450mm diameter stormwater pipe which conveys stormwater flows from upstream Pacific Highway road catchment, Pacific Highway road verge and residential properties north of Rupert Street.

The Pacific Highway road verge along the subject site frontage generally grades from the edge of the bitumen towards the site boundary. The road verge includes an existing table drain which collects and conveys stormwater form the upstream catchment to a sag point outside 471 Pacific Highway. A surcharge inlet pit is located at the table drain sag point, which collects and conveys stormwater through the Council easement towards Mills Park.

Roads and Maritime Services (**RMS**) has identified that the Pacific Highway frontage is subject to road widening for a new bicycle lane and kerb and gutter.

Photographs of the site and surrounds are contained at **Figure 2**.

Figure 1 – Aerial Photograph of the Subject Site

Source: Neapmaps and Urbis

Figure 2 – Photographs of the Site and Surrounds

Picture 1 – 467 Pacific Highway

Source: Urbis

Picture 2 – 465 Pacific Highway, Asquith

Source: Urbis

Picture 3 – 469 Pacific Highway

Source: Urbis

Picture 4 – Pacific Highway frontage

Source: Urbis

Picture 5 – Asquith Oval, to the west of the site

Source: Urbis

Picture 6 – Asquith Oval, to the west of the site

Source: Urbis

2.2. SURROUNDING CONTEXT

The site is located within a residential area, currently undergoing transition from a low-density environment to one characterised by contemporary, medium-density developments. Surrounding development comprises the following:

- **North:** The adjoining property to the north (no. 475 Pacific Highway) is currently under construction in accordance with Development Consent DA/279/2016 granted on 16 August 2016. The approval allows the development of nine, three storey townhouses at 475-477 Pacific Highway.
- **East:** Immediately east of the subject site is the Pacific Highway and the railway corridor. The Pacific Highway is a state classified road under the control of RMS. Further east is the Asquith Golf Course and Jehovah's Witnesses Kingdom Hall.
- **West**: To the rear of the site is Asquith Oval, comprising a sports oval, amenities block and playground. Further west is the residential suburb of Hornsby Heights.
- **South:** To the south of the site is a small bushland reserve at the corner of Pacific Highway and Mills Avenue, and car parking for Asquith Oval. Land on the southern side of Mills Avenue has been developed or is under construction for four and five storey residential developments, including 457-459 Pacific Highway, 447-451 Pacific Highway and 48-50 Lords Avenue.

3. APPLICATION HISTORY

3.1. PRE-LODGEMENT MEETINGS

Pre-lodgement meetings were held with Council on 17 March 2017 and 24 November 2017 to discuss the proposal and identify any potential key issues.

The advice received during the pre-lodgement process has informed the development and led to the refinement of the development proposal.

Table 2 – Pre-Lodgement Meeting Summary – 17 March 2017

Matters Discussed	How Matter is Addressed
Matters for Consideration – Planning	
The proposed non-compliance with the building height would be acceptable on merit in respect to the Seniors SEPP provision.	The development will have a maximum height of 12.12m to the highest point of the lift overrun, which exceeds the 10.5m height of buildings development standard under the HLEP 2013 The merits of the proposed building height are discussed at **Section 6.1**.
The Seniors SEPP accessibility standard must be addressed. The access to public transport opposite the site on the eastern side of the Pacific highway would not be readily met for the proposal. The applicant is to demonstrate the proposed community bus can be relied upon for the residents of the development to access shops and medical services.	An assessment of the proposal against the relevant standards of the Seniors SEPP, including the accessibility standard, is contained at **Section 5.1**.
The built form is to include greater articulation at the western façade with breaks to limit the extent of continuous wall. A contrast of materials and finishes is required.	The western façade has been revised and incorporates greater articulation and contrast in materials and finishes.
The proposed landscaping and building setbacks are to address the landscaped setting and retain locally indigenous trees.	Extensive landscaping is proposed across the site to integrate the proposal with the landscape character of the area. Refer to Landscaping Plans at **Appendix E.**
The stormwater drainage line through the site is to be subject to a flood study with proposed building sited to be clear of the 1 in 100 year flood contour. The proposal is to include on-site stormwater detention and water sensitive urban design facility in accordance with Hornsby Development Control Plan 2013 (**HDCP 2013**). Section 1C.1.2 criteria, in addition to Council's engineering requirements.	As outlined in the WSUD Report, a site-specific flood study is not required as any potential flooding of the subject site caused by external catchment flows will be mitigated by future works within the public domain. Discussions with Council and RMS are ongoing regarding the public domain scheme for the site. The development proposes three on-site detention (**OSD**) tanks across the site and addresses the stormwater quality requirements of the HDCP 2013.

Matters for Consideration - Engineering	
A stormwater drainage plan will be required showing the proposed method of drainage to Council's drainage system by gravity. Should it be necessary to drain through downstream properties, written proof shall be submitted demonstrating that an easement or written consent has been obtained.	Civil Plans prepared by Acor Consultants (refer 59**Appendix R**) detail the proposed stormwater drainage system and the connection to Council's system.
Stormwater drainage shall be designed to comply with the water quality targets set out in HDCP 2013.	The proposed stormwater drainage and treatment system meets the stormwater quality requirements contained in the HDCP 2013 (refer **Appendix R**).
The exact location of Council's stormwater pipe and drainage easement shall be identified in a detailed survey and shown on the architectural plans.	The existing stormwater pipe and drainage easement is illustrated on the Survey Plans at **Appendix A** and Architectural Plans at **Appendix C**.
A Catchment Plan and runoff calculations must be provided.	The WSUD Strategy Report prepared by Acor Consultants (refer **Appendix R**) provides a catchment plan and runoff calculations.
Car parking to be in accordance with Australian Standards.	All car parking is in accordance with Australian Standards, as discussed in the Traffic and Parking Report at **Appendix F.**
The driveway access ramp shall be designed to cater for waste collection vehicles in accordance with the Waste Management Team and Australian Standards, should garbage collection be proposed within the basement car park. This includes the access driveway to be a minimum width required to cater for a B99 vehicle and waste collection vehicle.	Waste will be collected on-site from the proposed driveway, adjacent to the waste storage area along the Pacific Highway frontage. Refer to Waste Management Plan at **Appendix O.**

Table 3 – Pre-Lodgement Meeting Summary – 24 November 2017

Matters Discussed	**How Matter is Addressed**
Matters for Consideration – Planning	
Front boundary alignment to be made uniform with the alignment following RMS dedication for road widening. The proposed development to have a uniform building setback of 9m.	Discussions with RMS regarding the proposed road widening along the Pacific Highway are ongoing. The proposed building line has been set back a minimum of 6m and the angled orientation of buildings to the street frontage creates a consistent pattern of development along the streetscape. Whilst areas of the development are setback less than 9m, the average setback along the street frontage achieves the 9m.
Service conduits can be installed under the stormwater drainage easement.	Noted.

Matters Discussed	How Matter is Addressed
The 1 in 100 year floor contour is required to confirm proposed floor heights.	Noted.
The applicant is to submit accurate survey design of the RMS required Pacific Highway widening and upgrade for cycleway to determine requirements for accessway design for the two proposed driveways.	Refer to Civil Plans prepared by Acor Consultants **Appendix R**.
Arborist Report required to address significant trees on site.	Arborist Report prepared by the T.J. Hawkeswood Scientific Consulting, refer **Appendix I**.
Proposed 3m northern setback to be revised to maintain desired residential character and provide additional landscaping.	The proposal retains the 3m setbacks from the northern boundary.
Proposed common open space areas appropriate for residential care facility in providing outdoor open space.	Noted.
The proposed rear setback to be revised with regards to significant trees to be retained and to address dominance of the development in relation to Mills Park.	On balance, the buildings have been set back 6m from the rear boundary with minor encroachments. As outlined in the Arborist Report (refer **Appendix I)**, the trees to be removed are in medium to poor condition and not threatened species or indigenous to the Shire. The remnant trees of the Sydney Turpentine Ironbark Forest along the rear/park boundary will largely be retained and protected. The proposed tree removal will be compensated by extensive tree planting proposed in accordance with the landscape plans and is therefore considered acceptable.
The proposed building height is not to exceed 10.5m.	This advice contradicts Council's earlier minutes from 17 March 2017. The majority of the development complies with the 10.5m height control, however the roof plant, lift overruns and small areas of the roof form exceed the height control by up to 1.62m. Refer to further discussion at **Section 6.1**.
A floor space ratio (FSR) of 1:1 is applicable to the proposed development in accordance with the Seniors Housing SEPP clause 26.	We do not agree with this comment. The provisions of clause 26 do not set a maximum FSR control. Rather it is a matter which cannot be grounds for refusal if compliance with the 0.5:1 control for ILUs and 1:1 for RACF control is achieved. It is noted that an FSR control does not apply to the site under the HLEP 2013. The site will have an FSR of 1.27:1, which is considered appropriate.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

The proposal involves the demolition of existing dwelling houses and structures on-site and construction of a RACF at 461-469 Pacific Highway and ILUs at 471-473 Pacific Highway, Asquith. The proposed development can be summarised as follows:

- Residential Aged Care Facility
  - Construction of a three storey building providing 102 rooms with communal dining, lounge, treatment areas and open space.
  - Basement level accommodating 31 car parking spaces and one ambulance bay, with staff lounge and amenities, laundry, kitchen, storage and services.
- Independent Living Units
  - Construction of a three storey building providing 13 ILUs and communal lounge and open spaces.
  - Basement level accommodating 14 car parking spaces and residential storage areas.
- Removal of seven vehicle crossovers and construction of two new vehicular access points from Pacific Highway, connected by an internal driveway (total of two vehicular crossovers).
- Construction of an at-grade waste holding area located along the Pacific Highway.
- Removal of 60 trees (including 25 palm trees), and site landscaping works.

The two residential components will meet the range of needs of seniors within the locality. The built form is physically separated to distinguish between the uses, however is integrated through consistent design and provision of services. Further detail of the proposal is discussed in the following subsections and in the Architectural Plans prepared by Calder Flower Architects and provided at **Appendix A**.

The key numerics of the proposal are outlined in **Table 4**.

Table 4 – Key Numerical Details

Development Element	Proposed	
Site Area	5,050sqm	
Gross Floor Area	6,440sqm	
Floor Space Ratio	1.27:1	
Residential Aged Care Facility	102 beds	
Independent Living Units (ILU)	13 units (3 x one-bedroom, 10 x two-bedroom)	
Car Parking	RACF • Visitor: 11 spaces • Employee: 20 spaces • Total 31 spaces • Ambulance bay: 1 space	ILUs • Resident: 13 spaces • Visitor: 1 space • Total
Total Landscaped Area	1,975sqm (39%)	
Total Deep Soil Zone	793sqm (15%)	

4.2. DEMOLITION

The following structures will be demolished and all materials subsequently removed from the site, in accordance with the demolition plan provided by Calder Flower Architects at **Appendix B** and the procedures outlined in the Construction Management Plan attached at **Appendix Q.**

- Seven existing dwellings houses;
- Four associated garages; and
- Seven existing vehicle driveways and crossovers to the Pacific Highway.

The development also proposes the removal of 60 trees (including 25 palm trees), in accordance with the Arborist Report provided at **Appendix I.**

4.3. USE AND BUILT FORM

The proposal comprises two, three storey buildings, each with separate basement levels. The two buildings provide separation of residential accommodation based on the level of care required, with a RACF proposed in the south of the site and ILUs proposed in the north of the site. The two interconnected buildings separate residential accommodation based on the level of care required. This distinction between residential uses will ensure the resident's dignity and independence is maintained where required, whilst also allowing senior members of the community to 'age in place'.

Buildings have been located on-site having regard to the stormwater easement. This has provided an opportunity to separate the two buildings creating the appearance of two different built elements in the streetscape.

4.3.1. Residential Aged Care Facility

The proposed building will accommodate 102 beds with private bathrooms, communal lounge and dining areas and a nurse station on each floor. The design of the built form provides an opportunity for three communal courtyards on the ground floor and communal balconies adjacent to the multi-purpose areas located on the western portion of the site. The primary pedestrian entry to the RACF will be from the Pacific Highway, adjacent to the vehicular access point.

Consulting rooms for ancillary services are located on the ground floor (to accommodate for example visiting doctors and hairdresser), which will service residents of both of RACF and the ILUs.

4.3.2. Independent Living Units (ILUs)

The proposed building will accommodate 13 ILUs, including 3 x one-bedroom and 10 x two-bedroom units.

All apartments will be accessible from the ground floor and basement level via the internal lifts provided. The units range from 57sqm to 85sqm in area and include bedroom/s, bathroom, laundry, living space and kitchen. The units are oriented to the east or west and include private open space in the form of a balcony. A communal lounge and areas of communal open space are provided on the ground floor.

4.3.3. Materials and Finishes

The proposal has been appropriately designed with external materials and finishes that achieve a high-quality built form and complement the surrounding built environment. Selected materials include:

- Rendered concrete;
- Barestone wall cladding;
- Colourbond wall and roof cladding;
- Coloured brickwork in red, orange, green, yellow and white;
- Timber screening;
- Glazed and metal balustrades; and
- Extensive use of glazing.

4.4. VEHICULAR ACCESS

The existing vehicular access driveways will be removed and replaced with two new access points providing ingress/egress to the Pacific Highway. The driveways will have a width of 7.2m and 10.7m respectively and will provide access to the basement levels of the RACF and ILUs, and facilitate on-site waste collection.

The Traffic Impact Assessment prepared by Traffix (refer **Appendix F)** provides further details and assessment of the proposed traffic and car parking arrangements.

4.5. LANDSCAPING

Taylor Brammer has prepared Landscape Concept Plans for the development (refer **Appendix E)**. The proposed landscaping incorporates new streetscape and road side planting to create a welcoming entrance and street address, and planting throughout the site to provide enhanced residential amenity. The landscaping will contribute to the building's setting and integrate the built form into the surrounding context, through the retention of 32 existing trees and the use of native planting to enhance the Asquith local character.

The landscaping scheme proposes four communal open spaces, known as the Orchard Garden, Plum Blossom Garden, Bamboo Garden and Chrysanthemum Garden. These gardens provide opportunities for passive recreation, intimate social connection and relaxation and reflection.

4.6. CIVIL AND STORMWATER

A WSUD Strategy Report has been prepared by Acor Consultants and is provided at **Appendix R.** The stormwater management strategy has been prepared in consideration of Council's requirements and guidelines, and aims to minimise the impacts of the development on the surrounding properties and public domain.

Stormwater runoff on the site will be collected in three on-site detention (OSD) tanks, which have been positioned to accommodate site constraints. The tanks will have a combined detention volume of 75m^3. A small portion of the site along the western boundary adjacent to Mills Park will bypass the OSD system due to existing falls, however provision for overland flows will be provided as follows:

- Overland flows along the eastern driveway will be directed towards the stormwater easement.
- Further defined overland flow paths are provided along the northern and southern boundaries to direct flows towards the natural flow path located at Mills Park to the west of the site.

Erosion and sediment control mechanisms are proposed for the site to manage the quality of water and runoff during the construction phase. The plan has been developed in accordance with the NSW Department of Housing's 'Blue Book' Managing Urban Stormwater: Soil and Construction (1998).

4.7. WASTE MANAGEMENT

A Waste Management Plan has been prepared by The Mack Group for the operational phase of the development (refer **Appendix O**). A Waste Management Plan for the construction phase will be prepared following the engagement of the construction contractor and will be approved as part of the Construction Certificate for the site.

The WMP identifies the waste management systems for the RACF and ILUs. Waste storage areas are provided in the basement level of each building, with bins transported by the caretaker to the garbage holding area adjacent to the Pacific Highway for collection. A private waste contractor will collect waste generated by RACF, whilst waste generated by the ILUs will be collected by private contractor or Council. Garbage trucks will be able to enter and exit the site within a forward direction and collection of waste will occur on-site from the driveway adjacent to the garbage holding area.

Collection times will be coordinated to minimise any disruption to the facility and surrounding neighbourhood.

5. STATUTORY PLANNING ASSESSMENT

An assessment of the proposal has been made against the relevant environmental planning instruments applicable to the subject site and proposed development. These include:

- *Roads Act 1993.*
- *State Environmental Planning Policy No 55 – Remediation of Land* (**SEPP 55**).
- *State Environmental Planning Policy (Infrastructure) 2007* (**ISEPP**).
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and Seniors Living Policy – Urban Design Guidelines for Infill Development* (**Seniors SEPP**).
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide* (**SEPP 65**).
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (**BASIX SEPP**).
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (**Vegetation SEPP**).
- *Hornsby Local Environmental Plan 2013* (**HLEP 2013**).
- *Hornsby Development Control Plan 2013* (**HDCP 2013**).

Clause 5 of the Seniors SEPP and clause 6 of SEPP 65 include provisions that deal with the relationship with other environmental planning instruments. They provide that *"in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency".*

Accordingly, where provisions of the HLEP 2013 are inconsistent with the Seniors SEPP or SEPP 65, the SEPPs will prevail.

5.1. ROADS ACT 1993

The proposal includes the construction of two new vehicle access points to the Pacific Highway, a classified road controlled by RMS. Pursuant to section 4.46 of the EP&A Act, the proposal is integrated development as it requires consent from RMS under section 138 of the *Roads Act 1993* to connect to a classified road.

The consent authority must obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development.

5.2. STATE ENVIRONMENTAL PLANNING POLICY

5.2.1. State Environmental Planning Policy (Infrastructure) 2007

The ISEPP aims to facilitate the effective delivery of infrastructure across NSW. The ISEPP identifies matters to be considered in assessing development adjacent to infrastructure such as classified roads and prescribes consultation requirements for certain development types.

Clause 101: Development with frontage to a classified road

This clause is applicable as the site fronts the Pacific Highway, which is identified by the RMS as a classified road. The proposed development seeks to remove seven crossovers and construct two new vehicle access points to the Pacific Highway. The proposal satisfies the objectives of the clause as follows:

- The site has a single street frontage to the Pacific Highway.
- The removal of the existing multiple driveways serving individual properties, which also involve reversing movements on-street, replaced by two driveways with forward entry and exit movements, is expected to result in improved safety in the locality.
- The proposed development will not create any adverse traffic impacts to the external road network.

- Discussions with RMS are ongoing regarding the access arrangements, however RMS has confirmed that deceleration lanes are not required on the Pacific Highway.
- The design of the proposed development is cognisant of the site's frontage to the Pacific Highway and will include appropriate measures to ameliorate potential traffic noise or vehicle emissions.

Clause 102 Impact of road noise or vibration on non-road development

This clause applies to (amongst other things) a building for residential use that is:

> *"on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration."*

The Pacific Highway is an RMS controlled classified road and as outlined in the Traffic Impact Assessment at **Appendix F** it carries approximately 61,000 vehicles per day.

To ensure the bedroom and living spaces of the proposed development are not affected by potentially adverse road noise, acoustic design recommendations outlined within the Acoustic Assessment at **Appendix G** will be implemented. This will ensure the proposal can comply with the acoustic requirements of the ISEPP.

5.2.2. State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 applies to all land in NSW and aims to promote remediation of contaminated land for the purpose of reducing potential impacts on human health. The consent authority must be satisfied that land that is contaminated is suitable for the proposed use or will be suitable following remediation.

Clause 7 of SEPP 55 specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether land is contaminated and, if the land is contaminated, that it is satisfied that the land is or can be made suitable for the proposed development.

A Preliminary Site Contamination Assessment has been prepared by Coffey and is provided at **Appendix K**. The assessment identified four areas of potential contamination resulting from use of fill of unknown origin, weathering of potential hazardous materials and storage of small quantities of fuels and oils. These may have resulted in impacts to shallow soils, however the low permeability of the soil and bedrock is likely to prevent impacts on groundwater.

The assessment concludes the following:

> *"Based on the findings of this assessment it is considered that the site can be made suitable for the proposed aged care residential facility, in accordance with SEPP55 – Remediation of Land, subject to the implementation of the following works:*
>
> - *Hazardous Building Materials Survey – completed prior to the demolition of each structure on site.*
> - *Construction Environmental Management Plan (CEMP) – developed to inform contractors undertaking the proposed development of the known and reasonably likely environmental constraints, including potentially contaminated materials that may be present within the site.*
> - *Site Preparation Works – following the site demolition works, engage a competent environmental consultant to assess that fill materials and shallow natural soils that remain in-situ are suitable for their intended use."*

Having regard to the above, it is submitted that the proposal is capable of satisfying the provisions of SEPP 55.

5.2.3. State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

The proposed development for seniors housing is submitted under the Seniors SEPP 2004. The Seniors SEPP 2004 aims to encourage the provision of housing (including residential care facilities) that increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and be of good design.

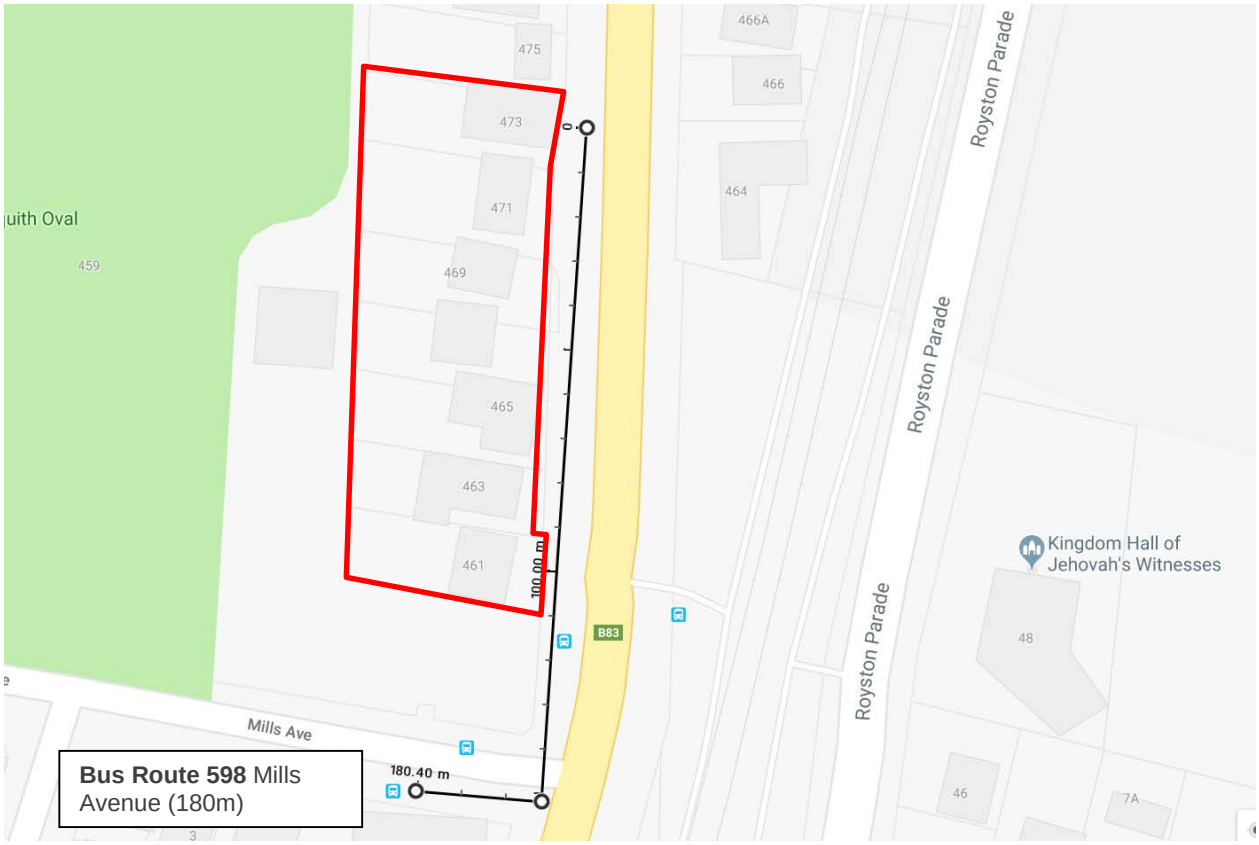
The proposed development is defined as 'self-contained dwellings' and 'residential care facilities' under the Seniors SEPP. **Table 5** contains an assessment of the proposal against the development standards of the SEPP.

Table 5 – Seniors SEPP Summary Compliance Table

Control	Consideration	Proposal	Compliance
4 Land to which Policy applies	This Policy applies to land within NSW that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if: • development for the purpose of any of the following is permitted on the land: - dwelling-houses; - residential flat buildings; - hospitals; - development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries; or - the land is being used for the purposes of an existing registered club.	The site is located within the R3 Medium Density Zone. 'Residential flat buildings' are permitted within the zone.	YES
Part 2 – Site related requirements			
26 Location and Access to Facilities	The site must provide access to the following services: • Shops, bank service providers and other retail and commercial services • Community services • Practice of a general medical practitioner The site must: • Be within 400m of these services by means of a suitable access pathway and overall average gradient of 1:14, or • Have public transport service available within 400m of the site by means of a suitable pathway that is available at least once between 8am and 12pm per day and at least once between 12pm and 6m each day from Monday to Friday, with a gradient of 1:14	This existing bus stops on Mills Avenue, within 180m of the site, service Bus Route 598, which provides access to the Hornsby Shopping Centre (3.3km) (refer **Figure 3**). The required services outlined in Clause 26 are available at the shopping centre. Route 598 runs 13 services on each weekday, four services on Saturday and two services on Sunday. The project engineer has confirmed that the proposed footpath to the bus stop on the northern side of Mills Avenue will meet the SEPP clause 26 requirement and have a gradient of no more than 1:14 (refer Longitudinal Section Plan at **Appendix Q**). In accordance with Condition 19 of D723/2016 for 457-459 Pacific Highway (under construction), a new bus stop and footpath will be	YES

Control	Consideration	Proposal	Compliance
		constructed on the southern side of Mills Avenue approximately 100m from the site. Drawings of the bus stop and footpath have not been made available to the applicant and it is therefore assumed that gradients will comply with the relevant requirements. It is expected that the bus stop and footpath will be delivered prior to the issue of an occupation certificate for the subject site.	

Figure 3 – Distance to Public Transport – Bus Stops on Mills Avenue



Source: Google Maps and Urbis

27 Bushfire Prone Land	A consent authority must not consent to development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6.	The subject site is not located on bushfire prone land.	YES

Control	Consideration	Proposal	Compliance
Part 4 – Development standards to be complied with			
40 Development standards – minimum sizes and building height	• The size of the site must be at least 1,000m^2. • The site frontage must be at least 20m wide measured at the building line.	The site has an area of 5,005sqm and a 99m frontage to the Pacific Highway.	YES
Part 7 – Development standards that cannot be used as ground to refuse consent ***48 Division 2 Residential Care Facilities*** *The following provisions relate to the residential aged care facility component only.*			
Building height	If all proposed buildings are 8m or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).	The RACF building will have maximum building height of 12.12m to the top of the lift overrun. This control does not set a maximum building height. Rather it is a matter which cannot be grounds for refusal if compliance with the 8m control is achieved. The HLEP 2013 sets a 10.5m height control.	Refer discussion at **Section 6.1**
Density and scale	If the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.	The RACF will have an FSR of 1.3:1. This control does not set a maximum floor space ratio (FSR). Rather it is a matter which cannot be grounds for refusal if compliance with the 1.1:1 control is achieved. No FSR control under the HLEP 2013 applies to the site.	N/A
Landscaped area	If a minimum of 25sqm of landscaped area per residential care facility bed is provided.	1,620sqm required based on 102 beds. Given the open space areas that adjoin the site to the west and south, the area of landscaping is considered appropriate and will contribute to the established landscape character.	NO
Parking for residents and visitors	If at least the following is provided: • 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and • 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and • 1 parking space suitable for an ambulance.	The proposal meets the parking requirement as follows: • 11 spaces are provided for the 102 beds; • 20 spaces are provided for the 40 employees; • 1 ambulance space is provided.	YES

50 Self-Contained Dwellings

The following provisions relate to the ILU component only.

Building height	If all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)	The ILU building will have a maximum building height of 11.59m to the top of the lift overrun. This control does not set a maximum building height. Rather it is a matter which cannot be grounds for refusal if compliance with the 8m control is achieved. The HLEP 2013 sets a 10.5m height control.	Refer **Section 6.1**
Density and scale	If the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less for ILUs, or 1:1 for residential care facilities.	The ILU component will have a FSR of 1.2:1. This control does not set a maximum floor space ratio (FSR). Rather it is a matter which cannot be grounds for refusal if compliance with the 0.5:1 control is achieved. No FSR control under the HLEP 2013 applies to the site.	N/A
Landscaped area	A minimum of 30% of the area of the site is to be landscaped.	25.2% of the ILU site area is provided as landscaped area. Given the open space areas that adjoin the site to the west and south, the area of landscaping is considered appropriate and will contribute to the established landscape character.	NO
Deep soil zones	If an area of not less than 15% of the area of the site is a deep soil zone.	12.8% of the ILU site area is a deep soil zone. The extent of deep soil surrounding the site is considered adequate to accommodate extensive planting that will contribute to the established landscape character.	NO
Solar access	If living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	85% of units receive more than 3 hours of direct sunlight in mid-winter. Accordingly, the development cannot be refused on the grounds of solar access.	YES
Private open space for in-fill self-care housing	If there is a balcony with an area of not less than 10sqm (or 6sqm for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area.	The one-bedroom units will have 10sqm balconies and two-bedroom units will have 12-15sqm balconies. All balconies have a minimum 2m width. Accordingly, the development cannot be refused on the grounds of private open space.	YES

Parking	1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	CASS is an approved social housing provider and the proposed development provides 14 car spaces. Accordingly, the development cannot be refused on the grounds of car parking.	YES

Schedule 3 outlines additional standards concerning accessibility and useability for hostels and self-contained dwellings. The proposed ILUs will be designed in accordance with these requirements. The Access Report at **Appendix H** provides a compliance assessment of the proposal with these standards.

5.2.4. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings. Clause 28(2) of SEPP 65 specifies that when determining a development application for a residential apartment development, the consent authority is to consider:

(a) advice obtained from the Design Review Panel, and

(b) Design Quality Principles, and

(c) the Apartment Design Guide (**ADG**).

The provisions of SEPP 65 apply to the ILU building only as it meets the definition of a 'residential flat building'.

Calder Flower Architects has prepared a Design Verification Statement (refer **Appendix D**), which outlines how the design quality principles of SEPP 65 are addressed, and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved.

Overall, the proposed development achieves a high level of compliance with the relevant provisions of the ADG as detailed in **Table 6**.

Table 6 – Apartment Design Guide

Requirement	Proposal
Building Separation and Visual Privacy	The proposed buildings within the site incorporate a 9m separation, with habitable room windows offset or screened to restrict overlooking between the RACF rooms and ILUs. The subject site has a single, sensitive interface to the north. Whilst the proposal adopts a 3m setback from this boundary (the requirement for non-habitable rooms), privacy screens are proposed for the windows along the northern elevation to restrict privacy issues for the development at 457-459 Pacific Highway (under construction).
Communal Open Space	355sqm (25%) is provided as communal open space. This exceeds the minimum 25% requirement of the ADG.
Deep Soil	180sqm (12.8%) is provided as deep soil landscaping. This exceeds the minimum 7% requirement of the ADG.
Solar Access	11 ILUs (85% of units) receive two hours of direct sunlight between 9am and 3pm on June 21. In addition, two ILUs (15%) receive no direct sunlight between 9am and 3pm on June 21. There are no units that are south-facing.

Requirement	Proposal
Natural Cross Ventilation	10 ILUs (77% of units) are naturally cross ventilated.
Floor to Ceiling Heights	Habitable rooms for all ILUs meet the 2.7m ceiling height requirement and all non-habitable rooms meet the requirement for 2.4m ceiling height.
Private Open Space	All ILUs exceed the minimum private open space requirements identified in the ADG.
Storage	All units comply with the storage requirements. Storage is provided within the apartment and in the residential storage cages located in the basement.

As demonstrated above, the proposal accords with the core requirements of the ADG.

5.2.5. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP requires all residential development in NSW to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed building containing the ILUs has been assessed in accordance with the relevant requirements and a formal BASIX Certificate has been issued (Certificate Number: 886593M). The certificate (refer **Appendix N)** confirms that the proposed development achieves the minimum water and thermal performance ratings required.

5.2.6. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State. As outlined in the Arborist Report prepared by T.J. Hawkeswood Consulting (refer **Appendix I**), the proposal requires the removal of 60 trees (including 25 palm trees) to:

1. Accommodate the proposed development and landscaping works; and
2. The tree presents a threat to the health and condition of existing surrounding vegetation.

The level of tree removal is considered acceptable in this instance as:

- Of the 91 trees (including 25 palms) assessed, only seven were deemed to be in good condition, with the remaining 59 trees in medium to poor condition. The report concludes there is *"no impediment to the removal of the required trees and palms as required"*, and as such the proposed development is supported from an arboricultural perspective.
- The trees to be retained, will be protected in accordance with the various tree protection measures outlined in the Arborist Report.
- The proposed tree removal will be compensated by extensive replacement tree planting, as outlined in the landscape plans at **Appendix E**.

5.3. HORNSBY LOCAL ENVIRONMENTAL PLAN 2013

The HLEP 2013 is the principal environmental planning instrument for development within the Hornsby LGA. As mentioned previously, where provisions of the HELP 2013 are inconsistent with the Seniors SEPP, the SEPP provisions will prevail. Notwithstanding this, an assessment is provided against the HLEP 2013 provisions for completeness.

5.3.1. Zoning and Permissibility

The site is located in the R3 Medium Density Residential Zone. Under the R3 Zone, 'seniors housing' is permissible with consent.

Seniors Housing is defined as:

> ***seniors housing*** *means a building or place that is:*
>
> *(a) a residential care facility, or*
>
> *(b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
>
> *(c) a group of self-contained dwellings, or*
>
> *(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*
>
> *and that is, or is intended to be, used permanently for:*
>
> *(e) seniors or people who have a disability, or*
>
> *(f) people who live in the same household with seniors or people who have a disability, or*
>
> *(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*
>
> *but does not include a hospital.*

The proposed hairdresser and medical consulting rooms will be provided for use by residents only and not for public use. Accordingly, these uses are considered ancillary and subservient to the principal land use and as such are permitted with consent.

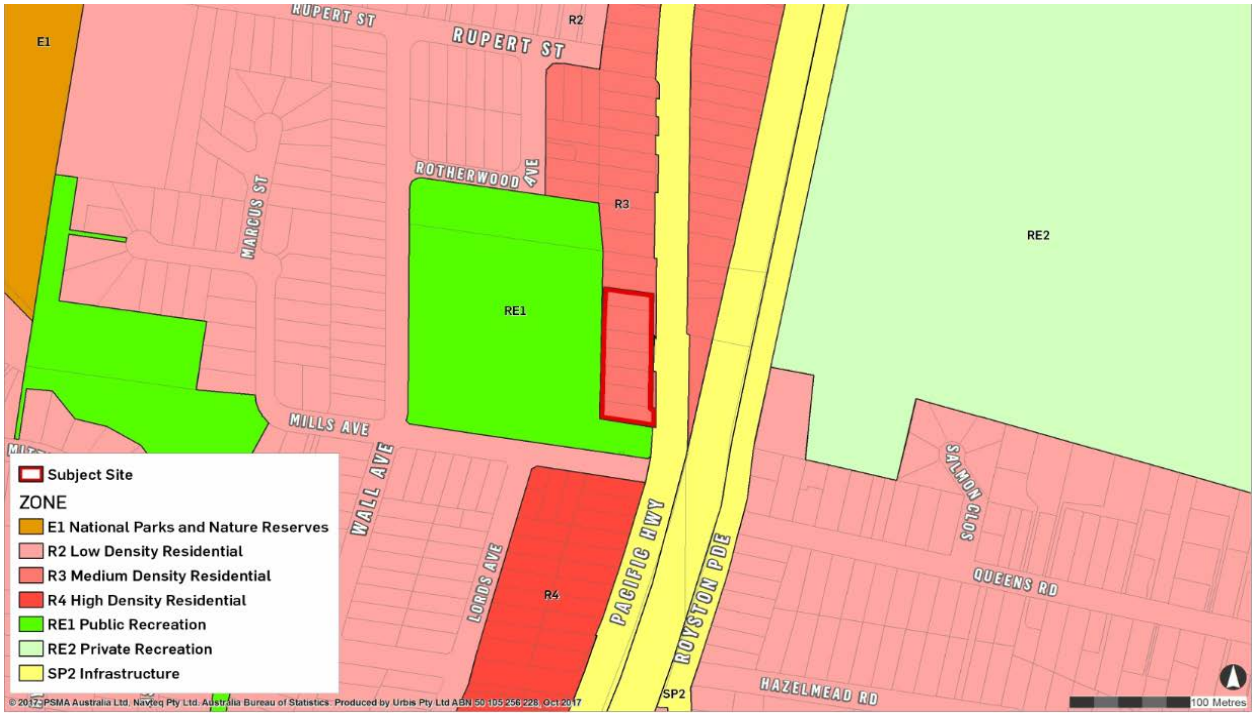
The relevant objectives of the R3 Zone are:

- *"To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents."*

The proposed development is consistent with these objectives as:

- The combination of a RACF and ILUs will increase the provision and diversity of seniors housing, allowing seniors members of the Asquith community to 'age in place'.
- The surrounding area is undergoing transition to a medium density environment and the four-storey scale of development is consistent with, and will protect the amenity of, the desired future character.
- The ancillary services (doctor and hairdresser) and communal areas will provide a high level of amenity and meet the needs of future residents.
- The development does not preclude the future uses of adjacent land in the RE1 Public Recreation Zone nor that of the greater R3 Medium Density Zone, which presently provide *facilities or services* to residents.

Figure 4 – Zoning Map



5.3.2. Principal Development Standards

The principal development standards relevant to the site are addressed in **Table 7** below.

Table 7 – Principal Development Standards

Development Standard	Proposal	Compliance
Clause 2.7 – Demolition Requires Development Consent The demolition of a building or work may be carried out only with development consent.	The proposal seeks to demolish existing dwellings and structures at the site as detailed on the demolition plan included at **Appendix C**.	YES
Clause 4.3 – Height of Buildings Height control: 10.5m	The maximum height of building proposed is 12.12m. As the proposed development is submitted under the Seniors SEPP 2004, the building height standard under the HLEP 2013 does not apply.	No – refer merit assessment at **Section 6.1**
Clause 4.4 – Floor Space Ratio No FSR controls apply to the site	Total FSR across the development is 1.27:1.	N/A
Clause 7.8 – Flood Planning The proposal must be designed to minimise flood risk.	Refer to **Section 6.8** and WSUD Report at **Appendix R**. The proposed development accommodates the 1% AEP flood level plus necessary freeboard.	YES

Clause 7.31 – Earthworks Earthworks must not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features on surrounding land.	Excavations to a depth of approximately 4m will be required for the basement of each building. Proposed earthworks will be undertaken in accordance with the: • Findings of the Geotechnical Report (refer **Appendix M**), • DA conditions of consent; and • Earthworks will be managed with appropriate silt, sediment and erosion controls in place (refer **Appendix R**) and construction management plan.	YES

5.4. HORNSBY DEVELOPMENT CONTROL PLAN 2013

It is noted that the HDCP 2013 is subordinate to the HLEP 2013 and cannot impose more stringent controls than the LEP. In any event, the SEPP provisions prevail where there is an inconsistency.

For completeness, a summary of the proposal's compliance with the relevant HDCP 2013 is provided in **Table 8**.

Table 8 – HDCP 2013 Compliance Table

Control	Proposal	Proposal	Compliance
Part 1 - General			
1C.1.2 Stormwater Management • Onsite stormwater management system is required for all development involving external works. • OSD system required. • Natural flow paths should be retained and directed to its natural catchment. • Achieve the following water quality targets: - 90% reduction in total gross pollutants. - 80% reduction in total suspended soils. - 60% reduction in annual load of total phosphorous. - 45% reduction in annual load of total nitrogen.		Stormwater will be collected via an in-ground pit and gravity pipe system, that connects to three OSD tanks. Roof water will connect via eaves gutters and downpipes to the system. The WSUD Report at **Appendix R** confirms the proposal will achieve the following water quality targets: • Total gross pollutants – 93.8% reduction • Total suspended soils – 86.5% reduction • Total phosphorous – 70.1% reduction • Total nitrogen – 93.8% reduction	YES
1C.2.1 Transport and Parking • Access points should be consolidated • On-site loading should be consolidated to 1 car space and 1 motorcycle space for use by couriers • Car Parking demand assessment provided for land uses not specified in the DCP		The proposal replaces seven vehicle crossings with two new vehicular access points to service the proposed development. Car parking and an ambulance bay are provided in accordance with the requirements of the Seniors SEPP. Further discussion of the parking provision is contained within the Traffic Impact Assessment at **Appendix F**.	YES
1C.2.2 Accessible Design		The proposal provides unobstructed paths of travel in accordance with the Seniors SEPP requirements	YES

Control	Proposal	Proposal	Compliance
• Provide continuous unobstructed paths of travel from public footpaths, car parking and set-down areas • Access in accordance with Seniors SEPP requirements		and accessibility requirements. Refer to **Section 5.1** and the Access Report at **Appendix H.**	
1C.2.3 Waste • Waste storage area should provide storage to contain volume of waste expected to be generated • Buildings with more than 3 storeys should have a waste chute and communal waste storage facility.		The proposed waste storage area has been based on estimates of similar developments and Council requirements. Waste storage rooms are located within the RACF and ILU component of the proposal, with waste transferred to the waste holding area adjacent to the Pacific Highway by the caretaker. A waste chute is proposed for the ILU component. Vegetation will be planted along the Pacific Highway frontage to screen views of the waste holding area.	YES
1C.2.5 Noise • Sensitive land uses should include siting and design measures to ameliorate noise impacts • Sensitive land uses adjacent to major roads should be accompanied by Acoustic Report		To ensure the bedroom and living spaces of the proposed development are not affected by potential adverse road noise, acoustic design recommendations outlined within the Acoustic Assessment at **Appendix G** will be implemented.	YES
Part 3 – Residential NB – Whilst the Residential provisions do not specifically apply to a RACF, it is assumed that Council will still use these provisions as part of the assessment of the ILU component, given the similarities between that part of the proposal and a conventional medium density development.			
3.2.3 Height • Area K: Maximum height of 10.5m under HLEP 2013 allows a maximum of 2 storeys plus attic. • Basement should not protrude more than 1m above existing ground level is counted as a storey. • Pitched roof forms with wide eaves are encouraged and attic spaces should be wholly within the roof space.		Due to the nature of the development, it is not possible to accommodate the third floor within an attic arrangement. To reflect the attic arrangement, the proposed third floor of the ILU building comprises a reduced floorplate and the darker building materials deliver a recessive appearance to minimise its presence within the streetscape. As a result of the topography of the site and overland flows, the proposed basement will protrude a maximum of 1.65m above existing ground level along the western elevation. This elevation adjoins Mills Reserve. The basement level will not be visible as a result of the boundary fencing treatment and proposed landscaping. Importantly, the basement does not protrude along the Pacific Highway frontage and sensitive, northern elevation. A low-pitched roof form is proposed.	DOES NOT COMPLY – Refer discussion at **Section 6.1**

Control	Proposal	Proposal	Compliance
3.2.13. Key Development Principles – Pacific Highway, Mount Colah and Asquith Precinct • Redevelopment should be 1-2 storey multi-dwelling housing in garden setting. • Provide broad setbacks to street/park to retain Turpentine Ironbark Forest trees. • Consolidate existing vehicle crossings to Pacific Hwy. • Reflect pattern of detached dwellings by dividing new floorspace into well-articulated pavilion forms.		The built form of the proposal has been designed in consideration of the surrounding residential context. The development proposes a 3-storey building within a landscaped setting, with built form articulation achieved through building separation, façade modulation and use of complimentary materials. The remnant trees of the Sydney Turpentine Ironbark Forest along the rear/park boundary will largely be retained and protected (refer **Appendix I**).	COMPLIES IN PART
3.3.5 Setbacks • Front boundary: 9m (can be reduced to 6m for a maximum of 1/3 of the building width). • Side Boundary: 6m (can be reduced to 3m for a maximum of 1/3 of the building width). • Rear boundary: 6m • Basement car park: 6m from front boundary and 4m from side and rear boundaries		The proposed development incorporates varied setbacks to all frontages in response to the pattern of development in the streetscape and to articulate the built form. The proposal provides the following setbacks: • Front setback: minimum building setbacks of 2.66m (RACF) and 4.58m (ILUs), however average setback generally achieves 9m requirement. • Northern (side setback): 3m • Southern (side setback); 6m, with 1/3 of building width set back 3m. • Side setback: varies between 3m-6m • Rear setback: minimum building setbacks of 2.59m (RACF) and 3.37m (ILUs), however average setback generally achieves 6m requirement. Justification for the intrusion into the setback zones is provided at **Section 6.2.**	COMPLIES IN PART
3.3.6 Building Form and Separation • Wall planes should not exceed 8m in length along front façade and 12m on others without building articulation. • On large sites where the floorplate control requires more than one building, adjoining buildings should be separated by a minimum of 9 metres.		The proposed façade is articulated through a combination of built form and design measures. A 9m separation is provided between the two buildings.	COMPLIES
3.3.7 Landscaping • Front boundary landscaping: 6m wide • Side boundary: 4m wide • Rear boundary: 4m wide		Landscaping will be provided along all property boundaries to integrate the site with the surrounding area. Refer to Landscaping Plans at **Appendix E.**	COMPLIES IN PART

Control	Proposal	Proposal	Compliance
		With the exception of the northern (side) boundary, the landscape setbacks, on average, comply with the requirements. The minor non-compliance of 1m at the northern boundary will be compensated by the tree planting within the deep soil zone along this boundary and will contribute to the established landscape character.	
3.3.10 Sunlight and ventilation • On 22 June, 70% of dwellings receive 2 hours of unobstructed sunlight between 9am and 3pm • Principal communal open space receives minimum 50% direct sunlight for 2 hours between 9am and 3pm		11 units (85%) receive more than 2 hours of solar access between 9am and 3pm on 22 June. 250sqm (59%) of the principal communal open space achieves solar access.	COMPLIES
Part 7 – Community			
7.2.1. Seniors Housing • Development for Seniors Housing should comply with the planning controls in the Seniors SEPP.		A table of compliance with the Seniors SEPP is contained at **Table 5**.	COMPLIES