



## AMENDED SITE COMPATIBILITY CERTIFICATE APPLICATION

---

Use of The Site for Housing for Seniors or People with a Disability

3 Quarry Road and 4 Vineys Road, Dural

REF: 0090/15

July 2019



# Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
Project Synopsis .....	7
Permissibility Statement.....	7
Requirement for site compatibility statement.....	8
<b>1. INTRODUCTION .....</b>	<b>9</b>
1.1 Background.....	10
1.2 Engagement With Relevant Authorities .....	11
<b>2. SITE ANALYSIS AND CONTEXT .....</b>	<b>12</b>
2.1 The Site .....	12
<b>3. THE AMENDED SCC APPLICATION.....</b>	<b>13</b>
3.1 The amended SCC Application.....	13
3.2 Ancillary Services and Facilities.....	14
3.3 Landscaping.....	15
3.4 Access and Parking .....	16
3.5 Demolition .....	16
<b>4. STRATEGIC JUSTIFICATION .....</b>	<b>17</b>
4.1 SEPP (Housing for Seniors or People with a Disability) 2004.....	17
4.2 Hornsby Local Environmental Plan 2013 .....	21
4.2.1 Zoning and Permissibility .....	21
4.2.2 Height .....	23
4.2.3 Floor Space Ratio .....	23
4.3 Hornsby Development Control Plan 2013.....	24
4.3.1 Setbacks.....	24
4.4 Greater Sydney Region Plan: A Metropolis Of Three Cities .....	25
4.5 North District Plan .....	26
4.6 Matters For Consideration .....	28
4.6.1 Site Suitability .....	28
4.6.2 Context and Character.....	28
4.6.3 Environmental Constraints.....	32
4.6.4 Acoustics .....	35
4.6.5 Relationship to Adjoining Properties .....	36
4.6.6 Availability of Services & Infrastructure.....	37





4.6.7 Public Interest.....	39
<b>5. CONCLUSION.....</b>	<b>41</b>

## FIGURES

<b>Figure 1</b> Aerial Photograph.....	12
<b>Figure 2:</b> A site plan of the amended proposal.....	14
<b>Figure 3</b> Landscape masterplan .....	15
<b>Figure 4</b> Height Plane diagrams of the 10.5m height limit under HLEP 2013 (Source: Marchese Partners).....	22
<b>Figure 5</b> Height Plane diagrams of the 10.5m height limit under HLEP 2013 (Source: Marchese Partners).....	23
<b>Figure 6</b> The amended proposal (blue) with overlay of the original proposal (red).....	25
<b>Figure 7</b> Character of the local area (source Character Assessment by Roberts Day) .....	29
<b>Figure 8</b> Hornsby Bush Fire Prone Land Map (site edged in blue).....	32
<b>Figure 9</b> Asset Protection Zone (APZ) map for the amended scheme .....	33
<b>Figure 10</b> Constraints Mapping Plan .....	34
<b>Figure 11</b> Gradient Access to Facilities (Source: Marchese Partners) .....	38

## TABLES

<b>Table 1</b> Project Summary .....	7
<b>Table 2</b> Updated Reports.....	9
<b>Table 3</b> Reports submitted with Zhiva Living Dural Pty Ltd v Hornsby Shire Council appeal.....	9
<b>Table 4</b> Project Summary .....	14
<b>Table 5</b> SCC Assessment Criteria .....	17

## ANNEXURES

**Annexure A.** SCC Concept Architectural Drawings

**Annexure B.** Updated Traffic Report

**Annexure C.** Updated Drainage Report

**Annexure D.** Updated Acoustic Report





- Annexure E.** Updated Arborist Report
- Annexure F.** Updated Ecology Report
- Annexure G.** Architectural Plans for the DA
- Annexure H.** Original Site Compatibility Certificate Report
- Annexure I.** Landscape Master Plan
- Annexure J.** Bushfire Threat Assessment
- Annexure K.** Access Statement
- Annexure L.** Civil Engineering Stormwater Management Report
- Annexure M.** Character Assessment
- Annexure N.** Arboricultural Assessment (March 2019)
- Annexure O.** Rural Fire Service (RFS) General Terms of Approval
- Annexure P.** Services and Infrastructure Letter
- Annexure Q.** Gradients for Access to the bus stops
- Annexure R.** Natural Resources Access Regulators GTA's

©This document and the research reported in it remains the property of Planning Ingenuity Pty Ltd and are protected by copyright. Apart from fair dealings for the purposes of private study, research or review, as permitted under the Copyright Act 1968, no part of the document may be reproduced, by any process, without the written permission of the author. All inquiries in this regard are to be directed to the Managing Director, Planning Ingenuity Pty Ltd.





# Executive Summary

---

This amended application seeks consent from the Department of Planning, Industry and Environment (DoPIE) for the issuing of a Site Compatibility Certificate (SCC) as required by the provisions of Clause 24 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

This amended SCC report has been prepared by Planning Ingenuity in respect of the proposed Seniors Living Precinct to be located at 3 Quarry Road and 4 Vineys Road, Dural, legally known as Lot 2A, DP 158064 and Lot 1 DP 230172. This amended SCC report is to be read in conjunction with the original SCC report prepared by Willow Tree Planning dated June 2018.

On 24 May 2017 the Director General of the then Department of Planning & Environment issued a SCC under Clause 24(4)(a) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (SEPP Seniors). Pursuant to clause 25 (4) (a) of the SEPP Seniors certifies that:

- the Site is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25 (5) (b).

Schedule 1 describes the development as:

***“Project description: Development of a residential aged care facility containing 74 beds and 219 self-care units contained within 8 three-storey buildings, with basement car parking, and an ancillary building.”***

In accordance with Clause 25(9) of the SEPP Seniors, the SCC, lodged on 24 May 2017, remained valid for 24 months from the date of issue and therefore lapsed on 23 May 2019.

The lodgement of this amended SCC is intended to provide for an active and valid SCC across the site at the time of determination of the Development Application (DA) currently before the Land and Environment Court (LEC). The DA was originally determined by way of refusal – on one legal ground in respect of the provision of fire sprinklers – which is currently the subject of an appeal pursuant to s56A of the Land and Environment Court Act. If that appeal is upheld, the Development Application will need to be re-determined by the Land and Environment Court and in order for that appeal to be upheld and the development application approved, an SCC will need to be granted and in place.

This amended SCC Application reflects the scheme that which was considered by the LEC in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council* [2019] NSWLEC 1222. The amended information has been prepared to demonstrate compatibility of the site for the purposes of a Seniors Living Development. This amended SCC demonstrates significantly reduced scale of development on the site in comparison to that which was approved under the original SCC by the Department of Planning and Environment and now reflects the work undertaken during the LEC proceedings.

This amended SCC seeks to facilitate redevelopment of the site for a residential aged care facility containing 74 beds and 91 serviced self-care housing self contained dwellings contained within eight (8) up to three storey buildings, with basement car parking, landscaping and siteworks. This represents a considerable reduction in relation to the approved SCC, which provided for 74 residential aged care facility beds and 219 self care dwellings and represents a reduction in both the number and size of the buildings to reflect the character of the locality.



This amended SCC application relates to a high quality, well planned housing development for seniors or people with a disability in Dural. The amended proposal has been specifically designed to incorporate the needs and character of its unique surrounding area. This has been achieved through a design, layout and concept that, with the “aging in place” philosophy at its core, focuses upon putting in place the building blocks that are essential for the growth of a cohesive, functioning community. The proposal incorporates two levels of care with the range of accommodation for this project comprising both serviced self - care dwellings and a residential care facility.

The built form context has been designed to respond to the existing character and natural topography. The serviced self-care housing self contained dwellings would be contained within up to three storey apartment style buildings separated by generous landscaped areas. The residential aged care facility would comprise a part one, part three storey structure located at the northern end of the site with frontage to Vineys Road. The office and communal area of the development will be located at the southern end of the site with frontage to Quarry Street. The serviced self-care housing self contained dwellings will be provided throughout the site.

All accommodation will be constructed within the predominantly cleared, central part of the site whilst maintaining, supplementing and enhancing the densely vegetated perimeter. The orientation of the site, combined with additional advantage of having two road frontages and significant setbacks, ensures that appropriate and satisfactory relationships with adjoining neighbours can be delivered. Due to the retention of the existing landscape vegetation, the ability to locate development away from the sensitive site edges and to follow the natural site topography, the development is entirely compatible with the adjoining natural environment providing a suitable and compatible built form that will present as a scale that is consistent with its context.

The Site is currently zoned RU2 - Rural Landscape pursuant to Hornsby Local Environmental Plan 2013 (HLEP 2013). Development for the purposes of dwelling houses, groups homes, community facilities and tourist and visitor accommodation are permitted with consent. Development for the purpose of Seniors Housing is prohibited. The site is surrounded by an eclectic mix of uses and built form comprising of a mixture of rural, commercial, educational and urban uses thus triggering the requirement for an SCC to be obtained under Clause 24 of SEPP Seniors. The site is ideally located in a position which adjoins land which is zoned primarily for urban purposes, in this case an existing urban area which means that the site is able to provide future residents with all of the benefits of this established suburb. The suitability of the location is reflected in by the issue of the original SCC on 24 May 2017.

The development makes provision for practical and appropriate choice of facilities with services ranging from café, ‘corner shop’ for day-to-day purchases and hairdresser, to passive recreation, accessible loop walkways and a variety of garden areas. In addition, the site is located approximately 100m walking distance of North Q Business Park which provides a range of businesses. Regular bus services within walking distance (less than 400m) from the site offer access to centres such as Castle Hill or smaller local centres such as Dural, Galston and Round Corner. The access to the bus stops is provided on level gradients for ease of access and therefore the site benefits from a high level of accessibility in accordance with the requirements of SEPP Seniors.

Given the projected annual increase in numbers of the “over 55s age cohort” for the region and the existing shortage of facilities, this development (with two levels of care) will provide a much needed opportunity for seniors and people with disabilities to remain in their local area or for new residents to enjoy the semi-urban surroundings of this location. This proposal will provide future residents with the high standard of accommodation, facilities and lifestyle that the ageing in place philosophy of the SEPP is designed to achieve. And beyond that, by achieving these outcomes through a concept which is compatible with the existing context of surrounding development, it will also provide a positive contribution to the broader community.

It is considered that the amended proposal continues to be compatible with the surrounding environment having regard to not only the criteria specified in Clause 25(5)(b), but having regard to the existing streetscape, environment,



surrounding land uses and built form, and the Planning Principle for compatibility as established in *Project Venture Developments v Pittwater Council (2005)*.

The proposed development is consistent with the aims of the SEPP Seniors and meets the requirements of Clause 25 of the SEPP Seniors. Accordingly, an SCC may again be issued for the site for the amended proposal.

## PROJECT SYNOPSIS

It is proposed to redevelop the site for housing for seniors or people with a disability with associated ancillary facilities and services to support the housing on site. Two levels of care across the site will be provided including 91 x serviced self-care housing self contained dwellings contained within eight (8) up to three storey buildings and a residential aged care facility contained within a part one, part three storey building located at the northern end of the site with access off Vineys Road.

Concept Architectural Plans, prepared by Marchese Partners are provided at Annexure A. The table below provides a summary of the proposed development:

**Table 1 Project Summary**

<b>Site Description</b>	3 Quarry Road and 4 Vineys Road, Dural (Lot 2A, DP 158064 and Lot 1 DP 230172)
<b>Project Description</b>	Seniors Housing involving 91 serviced self-care housing self contained dwellings and a 74 bed residential aged care facility
<b>Applicant</b>	Zhiva Living Dural
<b>Zoning</b>	RU2 – Rural Landscaped
<b>Zoning of Adjoining Land</b>	B2 – Local Centre
<b>Access to Services and Infrastructure</b>	Bus stops north bound and south bound are located within 400m of the site. Bus services includes routes 637, 638, 644, 620N, 620X, 622, 642 and 642X which run to places such as Castle Hill, Glenorie, Pennant Hills, Dural, Wynyard, Milsons Point and Round Corner which run at regular intervals.
<b>Proposed supporting services and facilities</b>	<ul style="list-style-type: none"><li>• Gardens;</li><li>• Organic produce areas;</li><li>• 1km walking path around the development;</li><li>• Pool;</li><li>• Hairdresser;</li><li>• Water features;</li><li>• Medical facilities;</li><li>• Meal facilities;</li><li>• Transport service;</li><li>• Common sitting, reading and meal rooms; and</li><li>• Library.</li></ul>

## PERMISSIBILITY STATEMENT

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors) applies to land that is 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; or
- the land is being used for the purposes of an existing registered club.

Dwelling houses are permitted with development consent in the RU2 zone under HLEP 2013. As such SEPP (Housing for Seniors or People with a Disability) 2004 applies to the site. Chapter 3 (Clause 15) of the SEPP allows for development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of Seniors Housing consisting of a hostel, a residential care facility or serviced self-care housing self contained dwellings despite the provisions of any other environmental planning instrument.

## REQUIREMENT FOR SITE COMPATIBILITY STATEMENT

Pursuant to Clause 24 of the SEPP (Housing for Seniors or People with a Disability) 2004, a consent authority must not consent to a development application for the purposes of Seniors Housing to be carried out on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the Director-General has certified in a current SCC that, in the Director-General's opinion:

- (a) the site of the proposed development is suitable for more intensive development, and*
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25(5)(b).*

This application for an amended SCC is made pursuant to Clause 24 of the SEPP Seniors 2004. The purpose of this report is to address the planning issues associated with the proposal and specifically to provide a response to the SCC assessment criteria specified by SEPP Seniors Housing.



# 1. Introduction

This report has been prepared on behalf of Zhiva Living Dural Pty Ltd in relation to an amended application to the NSW (DoPIE) for a Site Compatibility Certificate (SCC) as required by the provisions of Clause 24 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (henceforth know as SEPP Seniors).

This amended SCC report has been prepared by Planning Ingenuity in respect of the proposed Seniors Living Precinct to be located at 3 Quarry Road and 4 Vineys Road, Dural, legally known as Lot 2A, DP 158064 and Lot 1 DP 230172. This amended SCC report is to be read in conjunction with the original SCC report prepared by Willow Tree Planning dated June 2018.

The lodgement of this amended SCC is intended to provide for an active and valid SCC across the site at the time of determination of the Development Application (DA) currently before the Land and Environment Court (LEC). The DA was originally determined by way of refusal – on one legal ground in respect of the provision of fire sprinklers – which is currently the subject of an appeal pursuant to s56A of the Land and Environment Court Act. If that appeal is upheld, the Development Application will need to be re-determined by the Land and Environment Court and in order for that appeal to be upheld and the development application approved, an SCC will need to be granted and in place. This amended SCC Application reflects the scheme that was considered by the LEC in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council [2019] NSWLEC 1222*. The amended information has been prepared to demonstrate compatibility of the site for the purposes of a Seniors Living Development. This amended SCC demonstrates the significantly reduced the scale of development on the site that was approved under the original SCC, and reflects the work undertaking during the LEC proceedings.

This amended application is accompanied by the following supporting information:

**Table 2 Updated Reports**

<b>Annexure A</b>	Updated Architectural Concept Plans	Marchese Partners
<b>Annexure B</b>	Updated Traffic Report	GTA Consultants
<b>Annexure C</b>	Updated Drainage Report	Martens Consulting
<b>Annexure D</b>	Updated Acoustic Report	Acoustic Logic
<b>Annexure E</b>	Updated Arborist Report	Urban Forestry Australia
<b>Annexure F</b>	Updated Ecology Report	Cumberland Ecology

In addition, original reports, plans and letters prepared for the DA in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council [2019] NSWLEC 1222* are also attached for consideration. These reports, plans or letters were not amended during the proceedings and were not in contention for the court appeal. The following table indicates the additional documents submitted with this amended SCC application:

**Table 3 Reports submitted with Zhiva Living Dural Pty Ltd v Hornsby Shire Council appeal**

<b>Annexure G</b>	Architectural Plans for DA	Marchese Partners
<b>Annexure H</b>	Original SCC Report	Willowtree Planning
<b>Annexure I</b>	Landscape Master Plan	Site Design Studios

**Table 3 Reports submitted with Zhiva Living Dural Pty Ltd v Hornsby Shire Council appeal**

<b>Annexure J</b>	Bushfire Threat Assessment	Travers Bushfire and Ecology
<b>Annexure K</b>	Access Statement	BCA Logic
<b>Annexure L</b>	Civil Engineering Stormwater Management Report	Northrop
<b>Annexure M</b>	Character Assessment	Roberts Day
<b>Annexure N</b>	Arboricultural Assessment March 2019	Urban Forestry Australia
<b>Annexure O</b>	General Terms of Approval	RFS
<b>Annexure P</b>	Letter regarding access to utility infrastructure	Northrop
<b>Annexure Q</b>	Gradients for Access to bus stop	Marchese Partners
<b>Annexure R</b>	Natural Resources Access Regulators GTA's	DPI

The purpose of this report is to address the planning issues associated with the amended proposal and specifically to provide a response to the SCC assessment criteria specified by SEPP Seniors. The report addresses the matters outlined in the SCC Application Form and the requirements of Clause 25 of SEPP Seniors 2004.

## 1.1 BACKGROUND

On 24 May 2017 the Director General of the then Department of Planning & Environment issued a SCC under Clause 24(4)(a) of SEPP Seniors. The SCC approved the following:

*Development of a residential aged care facility containing 74 beds and 219 self-care units contained within 8 three-storey buildings, with basement car parking and an ancillary building.*

The SCC certified the site's suitability for the construction of a Seniors Living Precinct on the site, notwithstanding the prohibition of Seniors Housing under Hornsby Local Environmental Plan 2013 (HLEP 2013). Further, the SCC certified that the site is suitable for more intensive development than currently exists and that the proposed seniors living development is 'compatible' with the surrounding environment having had regard to the criteria specified in clause 25(5)(b) of SEPP Seniors.

Pursuant to Clause 24 (2) of the SEPP Seniors:



*"A consent authority must not consent to a development application unless the consent authority is satisfied that the Director-General has certified in current site compatibility certificate that..."*

Further, Clause 25 (9) of SEPP Seniors provides:

*"(9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General."*

Accordingly, a consent authority is not lawfully capable of granting consent to an application made in reliance upon an SCC unless the SCC is current at the time the application is determined. This principle was clearly expressed by Senior Commissioner Moore in *Benevolent Society v Waverley Council* [2010] NSLEC 1082 (Benevolent Society) at [38]:

*"The first of the consequences arises from the dating of the site compatibility certificate. The certificate itself contains a note that is valid for a period of 24 months from the date of the certificate. That annotation reflects the terms of cl 25 (9) of SEPP Seniors Living. The consequence of that is that, consistent with provisions of cl 24 (2), I am unable to grant a development consent (that is reliant on this certificate) unless final orders (incorporating the terms of this decision and embodying the required conditions of consent) are given no later than 12 May 2010." (Our emphasis added)*



As such, for the reasons outlined above, the consent authority can only grant development consent in reliance on the SCC if the SCC is current at the time of determination and hence the subject June 2018 SCC application was lodged. The June 2018 SCC application is to be superseded by the subject amended application.

## 1.2 ENGAGEMENT WITH RELEVANT AUTHORITIES

Consultation was previously carried out with both Hornsby Shire Council and the then Department of Planning and Environment during the original SCC application. The consultation process identified a number of matters which required further investigation to demonstrate a more holistic assessment of the proposal, its impacts and the demonstration of compatibility with the Site and its surrounds.

The original application and subsequent design development in this amended application considers the comments and position of both Hornsby Shire Council and the then Department of Planning and Environment, in addition to the issues raised in the LEC proceedings of *Zhiva Living Dural Pty Ltd v Hornsby Shire Council [2019] NSWLEC 1222*. This amended SCC continues to reflect the outcomes under the original consultation with both Hornsby Shire Council and the DoPIE. This amended SCC application also includes the detailed additional information which was obtained during the DA assessment, which is highly relevant to the assessment of the SCC application. For reference purposes, the amended SCC application also contains copies of the concurrences received from the *Roads and Maritime Authority, Department of Primary Industries and the NSW Rural Fire Service*.

## 2. Site Analysis and Context

### 2.1 THE SITE

The Site is located at 3 Quarry Road and 4 Vineys Road, Dural. The Site is irregular in shape and is legally described Lot 2A in DP 158064 and Lot 1 230172, respectively.

Existing attributes of the Site are noted as follows:

- The Site has a total area of approximately 29,898m<sup>2</sup>;
- The Site has a frontage of 94m to Quarry Road, 85m to Vineys Road and a depth of 225m between the primary road frontages;
- The Site is generally flat with a gentle slope towards the centre of the Site;
- An overland flow path is located across the centre of the Site flowing east to west through the Site from Berowra Creek, north-east of the Site, to the dam on land at 835-837 Old Northern Road.
- The dam is immediately adjacent to the western boundary of the Site;
- The Site is largely comprised of cleared land with native vegetation generally removed. A small portion of vegetation is located adjacent to the eastern boundary of the Site.



Figure 1 Aerial Photograph

A detailed site analysis and consideration of the local context is provided in the original SCC report prepared by Willow Tree Planning dated June 2018. Where the site context of details have been altered as a result of the LEC case *Zhiva Living Dural Pty Ltd v Hornsby Shire Council* [2019] NSWLEC 1222, this assessment is provided below, otherwise the site and its context have not been altered and no further consideration is provided for this amended SCC report.

## 3. The Amended SCC Application

### 3.1 THE AMENDED SCC APPLICATION

The amended SCC seeks to facilitate the future development of the subject site as a residential aged care facility containing 74 beds and 91 serviced self-care housing self contained dwellings contained within eight (8) up to three storey buildings, with basement car parking, landscaping and siteworks. This represents a considerable reduction on the 74 residential aged care facility beds and 219 self care dwellings approved under the original SCC which was achieved by a reduction in both the number and size of the buildings to better reflect the character of the locality.

As detailed in the Operational Plan of Management, the proposal includes a mix of serviced self-care housing self contained dwellings (which is intended to be operated as a retirement village within the meaning of the Retirement Villages Act 1999) and a residential aged care facility (RACF). Schedule 1 of the now lapsed SCC requires “self-care units”. Because the site is not on land zoned primarily for urban purposes, the only form of self-care which could be permitted (or authorised by the SCC) pursuant to the terms of Clause 17 of the SEPP is “serviced self-care housing”. This forms part of the amended SCC application and should be reflected accordingly should a new SCC be granted.

This amended SCC application will include the following:

- Preparatory demolition of existing structures, vegetation removal and excavation work;
- Construction of eight (8) buildings of up to three storeys comprising:
  - A residential aged care facility with a capacity of 74 beds in a part one, part three storey building fronting Vineys Road;
  - 91 serviced self-care housing self contained dwellings in multiple part 2, part 3 storey buildings with office and ancillary facilities fronting Quarry Road
- Basement level car parking accommodating approximately 225 car spaces (177 spaces for the serviced self-care housing self contained dwellings and 48 spaces for the residential aged care facility);
- Provision of access to and from the site from Quarry Road and Vineys Road;
- Ancillary facilities;
- Associated landscaping and public domain works; and
- Extension and augmentation of physical infrastructure utilities as required.

The amended concept scheme as prepared by Marchese Partners has been provided as Annexure A.

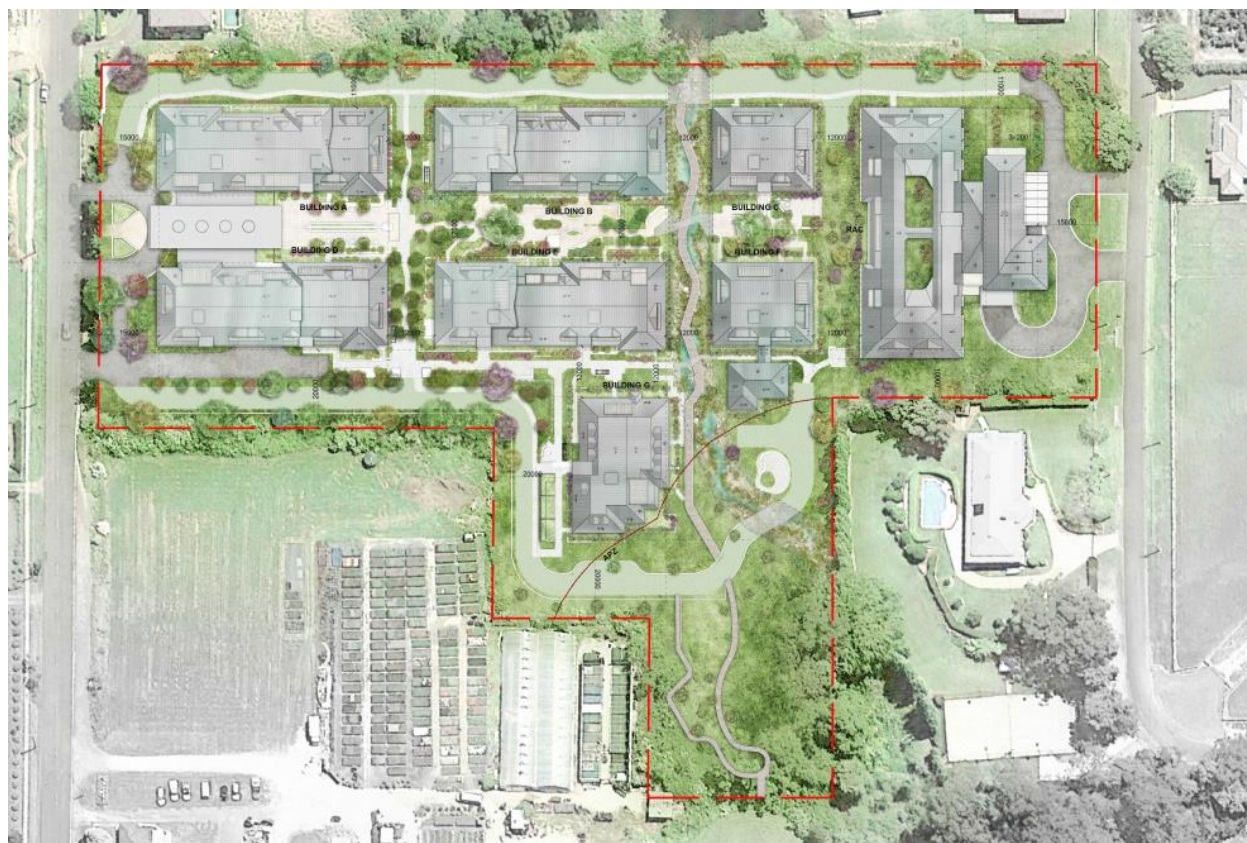
The purpose of the plans is to demonstrate a potential development scenario for the site noting that the detailed design considered in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council [2019] NSWLEC 1222* is provided for information purposes only in Annexure G. The design is premised on the built form requirements specified by SEPP Seniors.

The underlying design philosophy is to blend development with the natural and surrounding built environment by respecting site topography, maintaining significant perimeter planting and buffers and minimising impacts of appearance or use at site boundaries. The built form will be broken into separate buildings interspersed with significant planting. The retention of existing vegetation and extensive planting of further vegetation within the street frontages will



significantly screen any future development with the footprint of the proposed Seniors Housing located within the cleared portion of the site.

An outline of the proposed buildings is provided in Figure 2 below:



**Figure 2:** A site plan of the amended proposal

A summary of the amended composition of the Seniors Development is as follows:

**Table 4 Project Summary**

Accommodation Type	Number of beds/dwellings	Height	Parking
Serviced self-care housing self contained dwellings	91 dwellings	Part 2 , Part 3 storeys	177 spaces in the basement off Quarry Road
Residential aged care facility	74 beds	Part 1 , Part 3 storeys	48 spaces in the basement off Vineys Road

## 3.2 ANCILLARY SERVICES AND FACILITIES

The development of housing for seniors and people with a disability on the site includes the provision of a number of ancillary services and facilities including but not limited to:

- Gardens;
- Organic produce areas;

- 1km walking path around the development;
- Pool;
- Hairdresser;
- Water features;
- Medical facilities;
- Meal facilities;
- Transport service;
- Common sitting, reading and meal rooms; and
- Library.

### 3.3 LANDSCAPING

The development of housing for seniors and people with a disability on the site includes the provision of landscaping to enhance the existing setting. A Landscape Masterplan has been prepared for the site by Site Design Studio. The design and site layout permits compliance with Hornsby Council's side setback controls and the ability to provide landscaped buffers around the perimeter of the site. An extract of the landscape masterplan is provided at Figure 3 below.

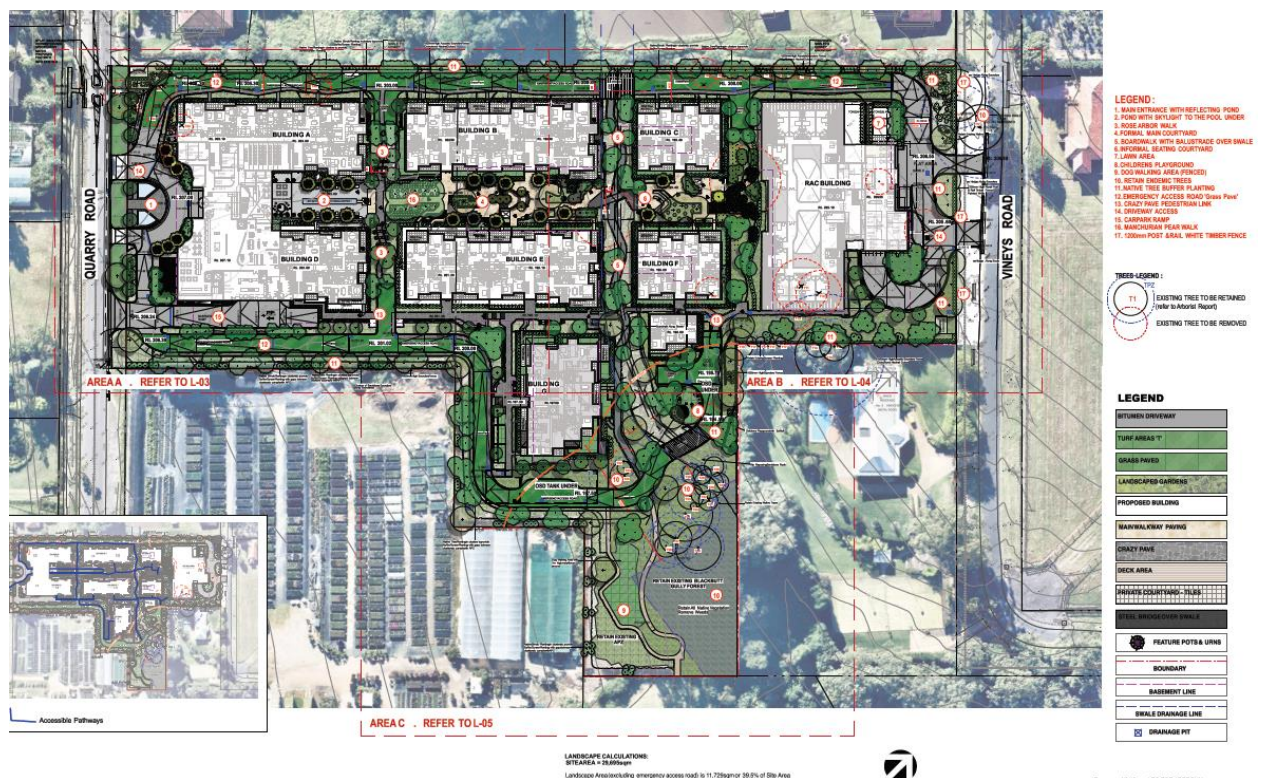


Figure 3 Landscape masterplan

Vegetation will be improved and enhanced adjacent to the eastern boundary. An eco zone is proposed in the south-eastern portion of the site to go along with stormwater management as well as natural features. This eco zone is proposed to provide for open space to the residents on site that is not as highly managed and manicured as is



traditionally associated with such development. It is designed so as to provide a variety in open space options within the site and utilise the constraints to development as advantages to resident's amenity.

The portion of land that the proposed residential aged care facility development is located is also generally free-draining to the existing watercourse to the south-east of the site and an on-site detention as well as water quality treatment is proposed to be designed into the scheme. The vision for the scheme is that all stormwater from the Site will be reused where possible in recharging ground water and for landscaping or greywater uses.

### **3.4 ACCESS AND PARKING**

The development of housing for seniors and people with a disability on the site will provide two access points. The first being access to the office, ancillary facilities and serviced self-care housing self contained dwellings will be off Quarry Road while the second access point for the residential care facility will be via Vineys Road. The basement car parking for the two sub-uses are independent of one another with the basement parking area off Quarry Road comprising of 177 parking spaces and the basement parking area off Vineys Road comprising of 48 parking spaces.

The amended proposal will also provide structural grass ("Surepave") to ensure the emergency access road does not read as a driveway but rather a grassed area that visually enhances the curtilage of the built form. This grass area will be supplemented by additional deep soil landscaped area around the periphery of the site with a minimum width of 2m to ensure large canopy trees can be planted along the western boundary to ensure the built form will be contained within a landscaped setting.

An Assessment of Traffic and Parking Implications has been prepared by GTA Consultants to accompany the amended SCC application (see Annexure B).

### **3.5 DEMOLITION**

The development of seniors housing on the site will require demolition of all existing structures including the dwellings and sheds.





## 4. Strategic Justification

### 4.1 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

Provided in the table below is a response to the Site Compatibility Assessment Criteria contained within the SEPP Seniors.

Table 5 SCC Assessment Criteria	
Requirement	Response
<b>Part 1A Site compatibility certificates</b>	
<b>Clause 24 - Site compatibility certificates required for certain development applications</b>	
<p><i>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:</i></p> <p><i>(a) the development is proposed to be carried out on any of the following land to which this Policy applies:</i></p> <p><i>(i) land that adjoins land zoned primarily for urban purposes,</i></p> <p><i>(ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),</i></p> <p><i>(iii) land that is used for the purposes of an existing registered club, or</i></p> <p><i>(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.</i></p> <p><i>(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is</i></p>	<p>Adjoining land is zoned for urban purposes including the B2 – Local Centre zone under HLEP 2013. In this zone uses such as Group Homes, shop top housing, tourist and visitor accommodation and more which are considered to represent uses that are primarily urban.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Seniors Housing is not permissible on the site under HLEP 2013.</p>

**Table 5 SCC Assessment Criteria**

*permissible with consent on the land concerned under the zoning of another environmental planning instrument.*

*(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:*

*(a) the site of the proposed development is suitable for more intensive development, and*

*(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

The site is considered suitable for more intensive development. See detailed discussion in Section 4.6 below.

Future redevelopment of the site for Seniors Housing purposes is compatible with the surrounding environment. The provisions of Clause 25(5)(b) are considered below.

**Clause 25 - Application for site compatibility certificate**

*(2) An application:*

*(c) for land that is next to proximate site land—must be accompanied by a cumulative impact study that has been prepared in accordance with any guidelines issued by the Planning Secretary from time to time.*

*(2A) Land is next to proximate site land for the purposes of this clause if the land (or any part of the land) is located within a one kilometre radius of 2 or more other parcels of land (the proximate site land) in respect of each of which either:*

*(a) there is a current site compatibility certificate, or*

*(b) an application for a site compatibility certificate has been made but not yet determined*

The site is not located within a one kilometre radius of land for which there is a site compatibility certificate or application for a site compatibility certificate. The closest land where any site compatibility certificate has been issued is located approximately 1.2km to the south-west of the site at 705 Old Northern Road. The closest current or yet to be determined site compatibility certificate is more than 2km to the south for 589-607 Old Northern Road, Glenhaven. Therefore, a cumulative impact study is not required.

**Table 5 SCC Assessment Criteria**

*(5) The Director-General must not issue a site compatibility certificate unless the Director-General:*

*(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*

*(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

On 24 May 2017 the Director General of the then Department of Planning & Environment issued a SCC under Clause 24(4)(a) of SEPP Seniors. This SCC has subsequently lapsed and the subject application represents an amendment to the June 2018 SCC application lodged with the Department of Planning, Industry and Environment. The previous granting of an SCC for the subject site is evidence that the Department agrees that the use of the land for Seniors Housing purposes is compatible with the locality and surrounding land uses.

In our view, “compatible” does not promote “sameness” in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191:

*“22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”*

In relation to the compatibility of the site with the natural environment, the central portion of the site is generally void of vegetation and the footprint proposed for the seniors housing is predominantly located within the cleared portion of the site. Due to the enhancement of the existing landscape, the ability to site development away from the sensitive boundaries and development following the natural site topography, the development is compatible with the adjoining natural environment. The landscape Masterplan submitted with this application further demonstrates the relationship of the built form with the natural environment.

A detailed consideration of the context and character is provided in Section 4.6.2 below.

Hazards and environmental constraints are identified in Section 4.6.3 below. The issues include flooding and watercourse issues, trees, bushfire and ecology. Updated reports have been prepared in relation to the Watercourse (Annexure C), Trees (Annexure E) and Ecology (Annexure F) as issues were considered and refined in the LEC proceedings. Issues in relation to flooding and bushfire have not been altered and the original reports submitted for the LEC appeal remain relevant.

In relation to existing use of land in the vicinity of the proposed development, it is noted that to the south-west of the site, on the southern side of Quarry Road is the North Q Business Park (B2 – Local Centre). The surrounding land is zoned RU2 – Rural Landscape, the existing and permitted uses in the zone include a number of non-rural uses.

**Table 5 SCC Assessment Criteria**

<p><i>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,</i></p>	<p>In relation to built form context, the perimeter of the site is to be densely vegetated including the common boundaries with the adjoining properties to the east and west. The site is shown in Figure 2, where it can be seen that retention of vegetation within the street frontages to Quarry Road and Vineys Road will significantly screen any future development. In our view, the proposal will provide a suitable and compatible built form that will present as a scale that is consistent with its context.</p>
<p><i>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</i></p>	<p>On 24 May 2017 the Director General of the then Department of Planning &amp; Environment issued a SCC under Clause 24(4)(a) of SEPP Seniors. Whilst this SCC has lapsed, the Director General was previously satisfied that the original proposal did not have an adverse impact on the future uses of the land. It follows that the amended proposal, could only serve to create less adverse impacts on the land.</p> <p>Land to the north, east and west is zoned RU2 – Rural Landscape whilst land to the south-west is zoned B2 Local Centre. The proposed scheme includes increased setbacks and reduced built form which is supplemented by enhanced perimeter landscaping which will provide a buffer between adjoining land uses and mitigate any potential conflicts.</p>
<p><i>(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,</i></p>	<p>Refer to discussion in Section 4.6.6 below. Existing and proposed services and infrastructure will meet the demands arising from the proposed development. This is confirmed in the letter from Northrop at Annexure P. The information provided in the Access Report (Annexure K) and the updated Traffic Report (Annexure B) indicate that services and infrastructure are available to meet the demands of the Seniors Living development and comply with the requirements of Clause 26 of SEPP Seniors.</p> <p>The site is neither zoned, nor adjoins land zoned for open space or special uses.</p>
<p><i>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on</i></p>	<p>The amended proposal considered in Zhiva Living Dural Pty Ltd v Hornsby Shire Council [2019] NSWLEC 1222 significantly reduced the bulk, scale and built form of the original scheme. The amended form is compatible with the character of the locality (refer to Part 4.6.2 below) and will not have an</p>

**Table 5 SCC Assessment Criteria**

*the existing uses, approved uses and future uses of land in the vicinity of the development,*

*(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

adverse impact on the amenity of adjoining properties (refer to Part 4.6.5 below).

The development does not involve the removal or clearing of vegetation that is subject to the requirements of Section 12 of the Native Vegetation Act 2003. All landscaping will be in keeping with the rural character of the area with large setbacks proposed to be landscaped to partially screen the development from the outside.

Other matters raised by the SEPP Seniors were considered at length by the Court and the parties in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council* [2019] NSWLEC 1222. The requirements of the SEPP and supporting Guidelines (“A guide for Councils and applicants Housing for Seniors or people with a disability” and “Seniors Living Policy – Urban design guidelines for infill development”) are used to inform DA assessment and will not be replicated in this report. The original SCC report prepared by Willowtree Planning dated June 2018 undertook a comprehensive assessment of the proposal against the provisions of SEPP Seniors. As demonstrated by the concept plans which were used in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council* [2019] NSWLEC 1222, there is no impediment to the amended proposal complying with the provision of the SEPP Seniors. The Amended SCC reduces the intensity of any proposed development on the site.

## 4.2 HORNSBY LOCAL ENVIRONMENTAL PLAN 2013

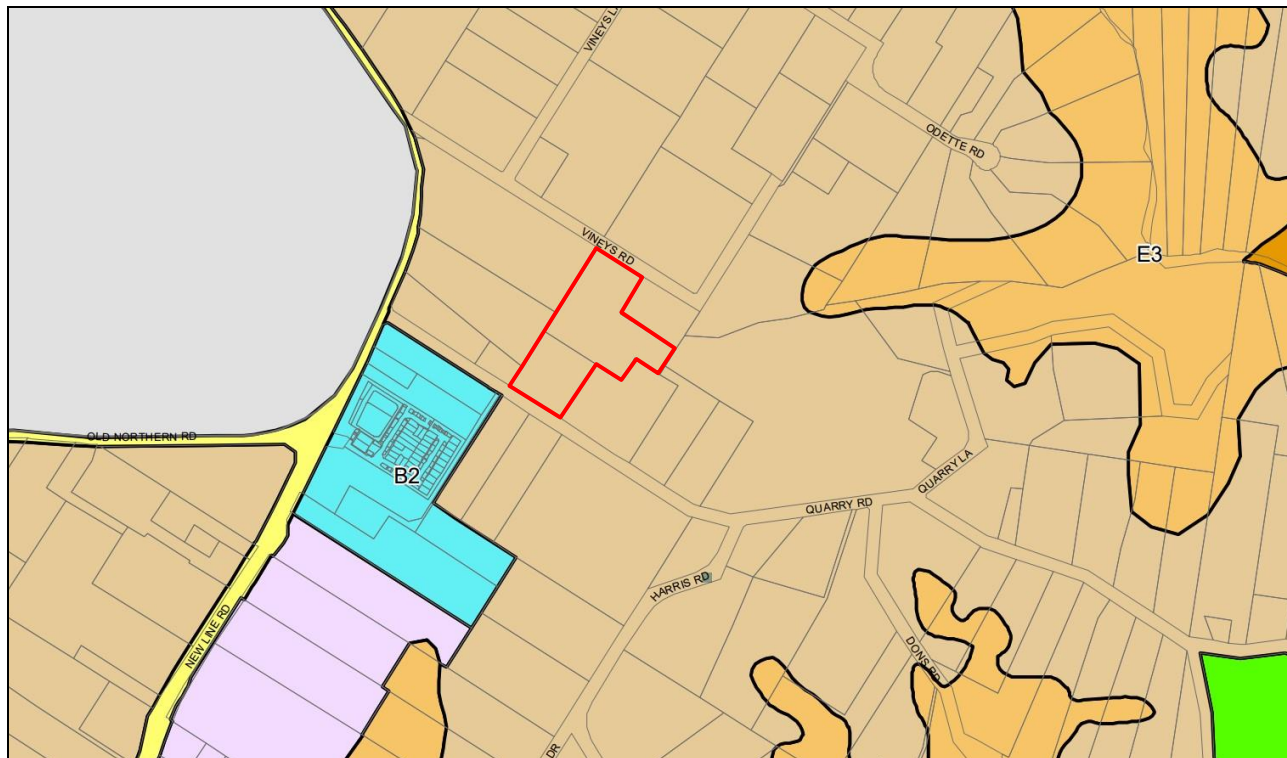
The original SCC report prepared by Willowtree Planning dated June 2018 undertook a comprehensive assessment of the proposal against the provisions of Hornsby Local Environmental Plan (HLEP) 2013. The sections below summaries the primary considerations for the amended SCC.

### 4.2.1 Zoning and Permissibility

The Site is zoned RU2 Rural Landscape under the provisions HLEP 2013. The RU2 Zone is not a zone that is identified as primarily for urban purposes however the Site adjoins B2 zoned land.

The objectives of the RU2 Zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;*
- *To maintain the rural landscape character of the land;*
- *To provide for a range of compatible land uses, including extensive agriculture;*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public;*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*



**Figure 4** Height Plane diagrams of the 10.5m height limit under HLEP 2013 (Source: Marchese Partners)

Land uses permitted with consent include:

*Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Garden centres; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities*

Seniors Housing is prohibited in the RU2 Zone. However, the zone adjoins B2 Local Centre zoned land, considered land zoned primarily for urban purposes. Therefore, SEPP Seniors is applicable to the site. Despite Seniors Housing being prohibited in accordance with HLEP 2013, the use of the land for Seniors Housing is permitted with consent in accordance with SEPP Seniors. In accordance with Clause 5 of the SEPP Seniors, it states that:

*(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

The amended proposal is consistent with the intended character of the area as it provides for a housing product that meets the needs of a growing demographic in the local community, being elderly and people with a disability. The proposed development will include a range of housing to meet the needs of an ageing demographic. The integration of differing housing types in the development will ensure the provision for varying levels of independence, mobility and care that would be required.



#### 4.2.2 Height

The Height of Buildings Map Sheet HOB\_024 of the HLEP 2013 identifies the site has a prescribed maximum height of 10.5m. The concept scheme submitted with the original SCC application detailed three storey buildings with a pitched roof that exceeded the 10.5m Height of Buildings Development Standard under HLEP 2013.

The amended concept scheme will provide up to three storey buildings with the third storey of accommodation located predominantly within the pitched roof. The buildings will not exceed the 10.5m Height of Buildings Development Standard under HLEP 2013 and is in accordance with Section 2.1.1 of HDCP 2013. A Height Plane diagram is provided in Figure 5 below:



**Figure 5** Height Plane diagrams of the 10.5m height limit under HLEP 2013 (Source: Marchese Partners)

The appearance of the amended proposal from Quarry Road will be of a two storey building with an attic style roof which is consistent, or at the very least, compatible with the building form to the north-west at No. 829 Old Northern Road and based on a 10.5m height limit, reasonably expected for the site. The appearance from Vineys Road will be of a single storey building with a pitched roof which is consistent, or at the very least compatible with, the scale of buildings along Vineys Road.

#### 4.2.3 Floor Space Ratio

The site does not have a prescribed maximum FSR pursuant to the HLEP 2013. However, the SEPP Seniors identifies a maximum FSR on building typology, as follows:

- Residential Care Accommodation: 1:1
- Self-Contained Apartments: 0.5:1

The proposed development results in an overall FSR of 0.65:1 across the entire site. Individually the FSR reflects the following:

- Residential Care Accommodation: 0.13:1; and

- Self-Contained Apartments: 0.48:1.

Overall, the resultant FSR of the amended concept scheme complies with the FSR requirements. It is noted that additional GFA is provided in the form of car parking in excess of the requirements and comprises an FSR of 0.04:1.

### 4.3 HORNSBY DEVELOPMENT CONTROL PLAN 2013

The Hornsby Shire Development Control Plan (HDCP) 2013 is the primary and comprehensive DCP that applies to the whole Hornsby Shire Local Government Area (LGA). HDCP 2013 provides guidelines and controls for specific types of development. Although the HDCP 2013 is relevant to the proposed development, the primary legislation driving the proposal is SEPP Seniors.

In general, the provisions under the HDCP 2013 identify development for the purpose of residential care and/or Seniors Housing is to comply with SEPP HSPD. However, given the site's locality and building typology, the proposed development will consider the relevant controls for Rural land and development. The original SCC report prepared by Willowtree Planning dated June 2018 undertook a comprehensive assessment of the proposal against the provisions of HDCP 2013. The sections below summaries the primary considerations for the amended SCC.

#### 4.3.1 Setbacks

In relation to side setbacks, Section 2.1.2(a) of the HDCP 2013 stipulates that a minimum of 10m side setbacks are to be provided while Part 3F-1 of the ADG stipulates a minimum separation distance of 6m to the boundary is provided.

The amended proposal has increased the setbacks from the side boundaries to 11-20m and provided greater opportunities for landscaping through the provision of structural grass ("Surepave") for the emergency access road and removed all visitor parking and non-emergency vehicles access from the side boundary setback areas. The amended proposal has located the built form adjacent to the western boundary, but provided a minimum 11m setback to ensure the built form is setback a greater distance from the more sensitive eastern boundary which comprises of a 20m setback.

An overlay of the form originally proposed for the SCC and the amended form for the current SCC is detailed in Figure 6 below.





**Figure 6** The amended proposal (blue) with overlay of the original proposal (red)

The increased landscaped area and structural grass for the emergency access road will add to the curtilage of the built form allowing it to appear within a landscaped setting. The number of vehicles that actually use the emergency access road will be limited and therefore it is expected that the grass for the emergency access road will be maintained in a healthy state with limited compaction.

The amended proposal will also increase the separation distances between buildings to a minimum of 12m which is supplemented by dense landscaping to break up the building form and allow the building to sit within a landscaped setting.

In relation to the front setbacks for Quarry Road and Vineys Road, Section 2.1.2(g) of HDCP 2013 require a 15m setback to the street frontages.

The amended proposal has reduced the extent of the basements that encroach within the front setback areas of Vineys Road and Quarry Road and redesigned the proposal to provide increased opportunities for landscaping. The porte-cocheres on Vineys Road and Quarry Road are within the 15m setback requirements but provides a sense of arrival for residents and their guests and is typical of rural residential development in the locality. The amended proposal will also provide increased opportunities for more deep soil landscaped area within the front setbacks which can accommodate larger canopy trees to enhance the landscaped character of the site.

## 4.4 GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan: A Metropolis of Three Cities was released on 23 March 2018 by the Greater Sydney Commission. The new Regional Plan contains a revised ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;

4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space. Dural is part of the Central River City. Some of the key directions applicable to the proposed development include:

- Direction 3 – A City for People
  - *Objective 7 – Communities are healthy, resilient and socially connected*
    - *Strategy 7.1 stipulates that the plan delivers a healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:*
      - *providing walkable places at a human scale with active street life*
      - *prioritising opportunities for people to walk, cycle and use public transport*
      - *co-locating schools, health, **aged care**, sporting and cultural facilities*
      - *promoting local access to healthy fresh food and supporting local fresh food production.*
- Direction 4 – Housing the City
  - *The North District is required to provide 25,950 homes up to 2021 and 92,000 homes up to 2036.*
  - *Housing need: the projected housing need and demographic characteristics of the existing and growing community, including different cultural, socio-economic and **age groups** and the availability of a range of housing types, tenures and price points.*

The proposed Seniors Living scheme will provide improved housing choice for over 55's in the Hornsby LGA and is this consistent with Directions 3 and 4.

The Greater Sydney Region Plan will guide delivery of the Plan across six Districts that form the metropolitan area. Dural is located in the North District which is projected to grow by more than 196,350 up to 2036 with the most significant increase expected for the population aged 65-84 (Source Greater Sydney Outdoor Study).

The provision of Seniors Housing which enables seniors to "age in place" will therefore contribute towards providing purpose built Seniors Housing to cater for the ageing population within the North Subregion with a variety of accommodation types. The proposal satisfies the relevant directions of the Greater Sydney Region Plan: A Metropolis of Three Cities.

## 4.5 NORTH DISTRICT PLAN

The North District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Of particular reference to the subject development application is liveability priorities (Direction 3). The preamble for Direction 3 – Liveability states:

*As the District's 2016 population of around 887,000 people increases, it is also ageing. By 2036, the number of residents over 85 is expected to grow by 85 per cent and the number of single-person households is expected to rise by 39 per cent.*



Additional housing to improve diversity and affordability co-ordinated with transport, centres and services is required in response to population growth and the ageing population. The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65-84 age groups. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing and aging population. In addition, economic investigation has shown there is a strong demand for certain medium density housing typologies, including Seniors Housing.

The key concerns of the Council in the LEC appeal for Zhiva Living Dural Pty Ltd v Hornsby Shire Council [2019] NSWLEC 1222 related to the Seniors Development being inconsistent with North District Plan Planning Priority N18 (N4) Better Managing Rural Areas and Action 70 to Limit Urban Development to within the Urban Area.

The site has previously been used for agricultural purposes, however, has not been utilised for these purposes for a number of years. Surrounding land includes a range of uses that are not agricultural or rural, rather typical urban uses that serve the needs of the local community in terms of employment, education and housing. It is considered that this is one of the reasons that the original SCC was issued for the site.

In any case, the proposal will not affect the overall ability of the wider RU2 zone to meet N18. The site is located such, with the onset of transitional uses such as a commercial centre and school, to not be overly suited to agricultural use. The original SCC was issued to expressly permit the form of development proposed and in making that decision, it must be assumed that Metropolitan planning directions were considered and given weight in the determination. Despite not directly achieving Planning Priority N18, the proposal cannot be said to be inconsistent with the North District Plan as it is entirely consistent with Planning Priorities N3 and N5 which are of equal weight within the North District Plan.

Planning Priority N3 requires the provision of services and social infrastructure to meet people's changing needs. Specifically, it will allow seniors to age in place which would otherwise not be achievable within the RU2 zone. Planning Priority N5 requires that additional housing supply and choice and affordability is provided within the district. Specifically, in the North District there is a forecast 85 per cent proportional increase in people aged 85 and over, and a 47 percent increase in the 65-84 age group expected by 2036. This means 20 percent of the District's population will be aged 65 or over in 2036, up from 16 percent in 2016. The amended proposal will assist in catering for this increased demand for Seniors housing.

The issue regarding compatibility with the North District Plan Planning Priorities was also raised for a similar Seniors Living Development in *Boston Blyth Fleming v Hornsby Shire Council [2018]* NSWLEC 1270 where Walsh C stated at Para 31:

*"I acknowledge the serious challenge involved in encouraging (and protecting) productive rural activities at the peri urban fringe, as well as those associated with biodiversity protection in the same areas. In this location, which is at the very edge of the urban footprint, I believe the priority must go to the objectives of the SEPP and its interest in meeting the growing demand for seniors housing and services, including on urban edge sites such as this".*

As detailed above, the proposal will include the provision of ancillary services and facilities including, but not limited to, a café, gym, theatre, hairdresser and consulting rooms. The site will access good quality footpaths and pedestrian connections to public bus services. The proposal provides parking for the residential aged care facility and separate parking for the serviced self-care housing self contained dwellings allowing for adequate parking for in-home care visitation services.

The proposal satisfies the relevant directions of the North District Plan.



## 4.6 MATTERS FOR CONSIDERATION

### 4.6.1 Site Suitability

Clause 24(2)(a) of the SEPP Seniors stipulates that the consent authority must not consent to a development application unless it is satisfied that the relevant panel has certified in a current site compatibility certificate that the site of the proposed development is suitable for more intensive development and the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b) of SEPP Seniors. The site is considered suitable for more intensive development for the following reasons:

- The site is adjacent to an existing urban area (North Q Business Park zoned B2 – Local Centre under HLEP 2013) which offers a range of services to meet daily needs of the local community;
- The site is located within 400m of a regular public bus services to centres such as Castle Hill, CBD and Round Corner;
- Services and facilities can be accommodated onsite to complement services and facilities in the local centres;
- There are no major environmental constraints which would deem the site unsuitable for more intensive development (see Part 4.6.3 below).

The above factors have not changed since the Department of Planning and Environment issued the original SCC for the subject site on 24 May 2017. It follows that given the reduced scale and form of the amended proposal, that the subject site remains suitable for more intensive development.

### 4.6.2 Context and Character

The SCC expressly permits seniors housing on this site provided the proposal can exist in harmony with its surrounds. Seniors housing, by its very nature, has functional requirements that will mean that it does not look the same as single dwellings, or other permitted uses in the RU2 – Rural Landscape zone. The same could be said for the Pacific Hills Christian School and New Hope School at Nos. 9-15 Quarry Road which are also contained within the RU2 zone, despite being non-rural uses with a built form typology that is quite unique and different to rural residential development.

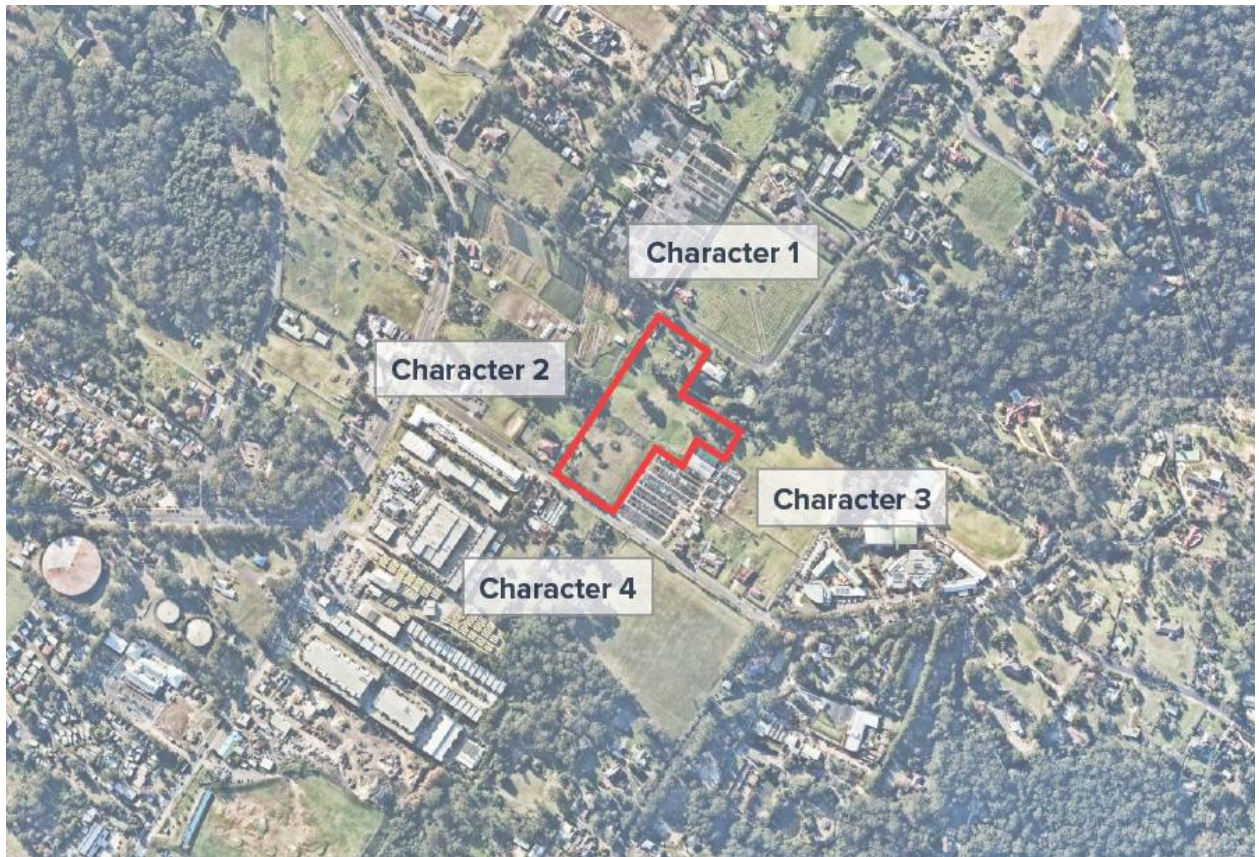
The central issue is compatibility with the local context and character. As discussed above, in our view, “compatible” does not promote “sameness” in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191:

*“22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”*

The site does not currently appear as a “rural setting” when viewed from Quarry Road which is the primary entrance and is considered the most important interface (as Quarry Road is a no through road). The corner of Old Northern Road and Quarry Road comprises of 2 storey commercial buildings (No. 829 Old Northern Road) fronting the opposite side of Quarry Road.

The original development application documentation included a character assessment by Roberts Day which identified four (4) distinct characters that are relevant to the subject site (refer to Figure 7).





**Figure 7** Character of the local area (source Character Assessment by Roberts Day)

The Roberts Day character assessment described the character areas as follows:

#### **Character 1**

*Character 1 refers to the land to the north of the Site, fronting Vineys Road. Depicted by the large-lot rural residential, the development to the north is low scale rural residential. Built form is generally single storey development with large footprints, integrated with agricultural land use.*

#### **Character 2**

*Immediately adjoining the Site to the west is primarily characterised by large rural-residential lots. Two residential dwellings are adjacent to the property boundaries. The two (2) properties front Quarry Road and Vineys Road. Consideration will be given to the interface with the proposed development and adjoining rural residential land use through building articulation, separation and appropriate setbacks.*

#### **Character 3**

*Character 3 addresses the property immediately adjoining the Site to the east, characterised by 'intensive' agricultural land uses. As a consequence of the adjoining land use significant setbacks will be adopted along the eastern boundary to provide adequate separation between the proposed built form and existing agricultural land uses. The built form would be designed to minimise the bulk and scale to ensure there are no undue impact at the interface with the pre-existing character. Further west of the Site is the Pacific Hill Christian School and New Hope School.*

#### **Character 4**

*To the south of the Site is a transitional development. Across Quarry Road is land zoned B2 Local Centre, and contains large footprint commercial development. Characterised by retail and commercial land uses, the development sits on the fringe of the local commercial precinct, and provides a transition in land use from rural residential to more dense, large building foot print developments.*

In terms of Character 1, the amended proposal will significantly reduce the bulk and scale that is apparent from Vineys Road by redesigning and re-orienting development so that the built form to Vineys Road will present as a single storey building with a pitched roof with the building adjacent to the boundary occupying a similar footprint and scale to No. 6 Vineys Road to the south.

The RACF building fronting Vineys Road will have a height which will be compatible with, and form a transition in height, between the two adjoining properties being 2 Vineys Road and 6 Vineys Road. The 15m setback area between the building and the front boundary will contain a Porte-Cochere driveway which is typical of many adjoining residential properties in the locality and significant landscaping is provided to maintain the landscape setting of Vineys Road.

It is considered that to the casual observer on Vineys Road, the proposal is not likely to be perceived as visually jarring or discordant with the prevailing streetscape character.

The built form of the RACF building is such that a two storey with pitched roof building will sit behind the building fronting Vineys Road and will permit additional density within the natural site depression to minimise its visual impact from the street. The rear RACF building will be setback some 34m from Vineys Road and adopt a height that is lower, or at the very least, compatible with the single storey buildings on Vineys Road. As such, the built form of the rear RACF building will appear secondary to the RACF building adjacent to Vineys Road with visual impact limited to the pitched roof being visible through the dense landscaping from the public domain.

The amended SCC application has reduced the height of the buildings adjacent to No. 6 Vineys Road to less than 10.5m, with each building stepping down the site to the central depression which will provide a variation in height limits that respond to the natural topography thereby reducing the visual impact. The reduced height of the amended proposal, the increased separation to the southern boundary to a minimum of 10m, as well as the provision of dense landscaping around the periphery and between buildings to complement the existing landscaping will ensure the built form blends in and, at the very least, will be compatible with the character of development in the locality. It is noted that the setbacks from the side boundaries are equivalent to those that would be applicable for buildings under the HDCP (10m) and almost double the separation requirements of the ADG (6m).

In terms of Character 2, the amended proposal will significantly reduce the bulk and scale that is apparent from the adjoining properties to the west. There are only 4 allotments to the west of the site bounded by Quarry Road, Old Northern Road and Vineys Road with no dwelling-houses located adjacent to the centre of the site where the slope is at its steepest.

The amended proposal has reduced the height of the buildings to less than 10.5m, with each building stepping down the site to the central depression which will provide a variation in height limits that respond to the natural topography, thereby reducing the visual impact. The reduced height of the amended proposal, the increased separation to the western boundary to a minimum of 11m, increase in separation distances between buildings to 12m and the provision of dense landscaping around the periphery and between buildings will ensure that the built form blends in and, at the very least, will be compatible with the character of development in the locality. It is again noted that the setbacks from the western boundary are greater than those that would be applicable for buildings under the HDCP (10m) and almost double the separation requirements of the ADG (6m).

The amended proposal will also provide structural grass ("Surepave") to ensure the emergency access road does not read as a driveway but rather a grassed area that visually enhances the curtilage of the built form. This grass area will



be supplemented by additional deep soil landscaped area around the periphery of the site with a minimum width of 2m to ensure large canopy trees can be planted along the western boundary to ensure the built form will be contained within a landscaped setting.

In terms of Character 3, the property adjoining to the south comprises of a nursery. The amended proposal will reduce the height of the buildings to less than 10.5m, provide a built form which reads as 2 storeys with a pitched roof and ensure that each building will step down the site providing variation to the height of buildings and responding to the natural topography.

In addition, the amended proposal increases the separation distance from the boundary to a minimum of 20m, increases building to building separation to 12m, deletes the original Wellness Centre building in the eastern corner, deletes the visitor car parking (provided in the original plans) and alters the access road to contain emergency vehicles only. Furthermore, the width of the deep soil landscaped area between the southern boundary and the emergency access road will be a minimum of 5m and comprise of significant landscaping. The amended proposal has significantly altered the original interface to the south acknowledging the sensitivity of the adjoining land uses.

The structural grass ("Surepave") supplemented by additional deep soil landscaped around the periphery of the site will enhance overall integration with character of the locality.

In terms of Character 4, the development on Quarry Road is different to that on Vineys Road which is generally characterised by single storey buildings with a pitched roof. The character of Quarry Road comprises of an eclectic mix of land uses which includes

- Various shops, food and drink premises and commercial tenancies contained in a two storey building within the B2 zone under HLEP 2013 at No. 829 Old Northern Road;
- A single storey child care centre at No. 831 Old Northern Road (opposite the commercial centre);
- A two storey with pitch roof dwelling-house at No. 1 Quarry Road;
- A nursely with many sheds, greenhouses and a single storey dwelling at No. 5 Quarry Road; and,
- Educational establishments at Pacific Hills Christian School and New Hope School at Nos. 9-15 Quarry Road.

The built form fronting Quarry Road is not discordant with the prevailing streetscape character, nor will its appearance be visually jarring or discordant to the casual observer.

The amended SCC application has reduced the bulk and scale that is apparent from Quarry Road by redesigning the front building which will now contain the ancillary uses for the Seniors Development such as the café, swimming pool, gym, cinema to ensure these services are co-located and away from sensitive boundaries to the north, east and west. The built form of the Quarry Road building is such that it is now two storeys with pitched roof building and will permit additional density behind within the natural site depression to minimise its visual impact.

The amended proposal also modifies the built form to Quarry Road which will now present as a two storey building with a pitched roof that is compatible with No. 1 Quarry Road and the commercial development at No. 829 Old Northern Road. The building fronting Quarry Road will have a height that is compatible with No. 1 Quarry Road and steps down towards the east adjacent to the nursery at No. 5 Quarry Road. The amended proposal will be setback 15m from the front boundary and contain a Porte-Cochere driveway which is typical of many adjoining residential properties in the locality which will be accompanied by significant landscaping within the setback area to maintain the landscape setting of Quarry Road.

Landscaping plans which were developed during the DA Court process (attached at Annexure I) demonstrate the ability to achieve compatibility with character whilst addressing site constraints.







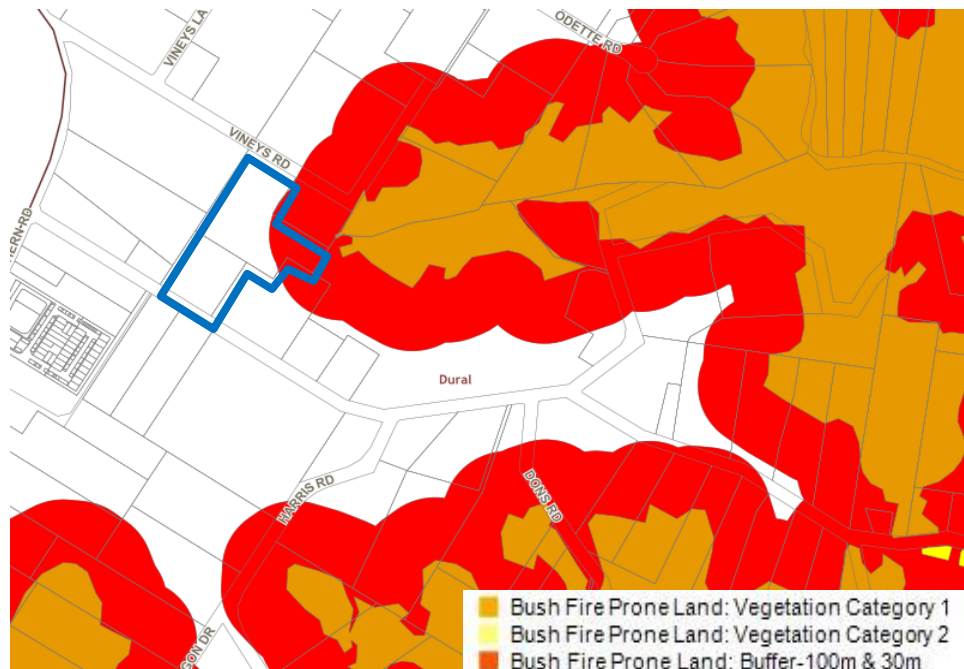
It is concluded that the amended proposal is compatible with the character of the surrounding locality and it is not considered necessary to incorporate any additional context related guidelines for the SCC as the amended proposal satisfies the relevant planning controls and will ensure appropriate amenity outcomes.

#### 4.6.3 Environmental Constraints

The environmental constraints of the site are considered below. As detailed there are no major environmental constraints to development on the site.

##### 4.6.3.1 Bushfire

The bushfire prone land map is provided at Figure 8 below which shows the site is bushfire prone land.



**Figure 8** Hornsby Bush Fire Prone Land Map (site edged in blue)

The eastern portion of the site is identified as a Vegetation Buffer – 100m and 30m according to the Bushfire Prone Lands Maps 2014 by the Hornsby Shire Council. The existing pine plantation to the west as well as the vegetation to the east creates Bushfire Attached Level setbacks on the site.

A Bushfire Report has been prepared by Travers Bushfire and Ecological and is attached to this amended SCC application (see Annexure J). The reports includes the following plan which details that the amended scheme is clear of the Asset Protection zone:



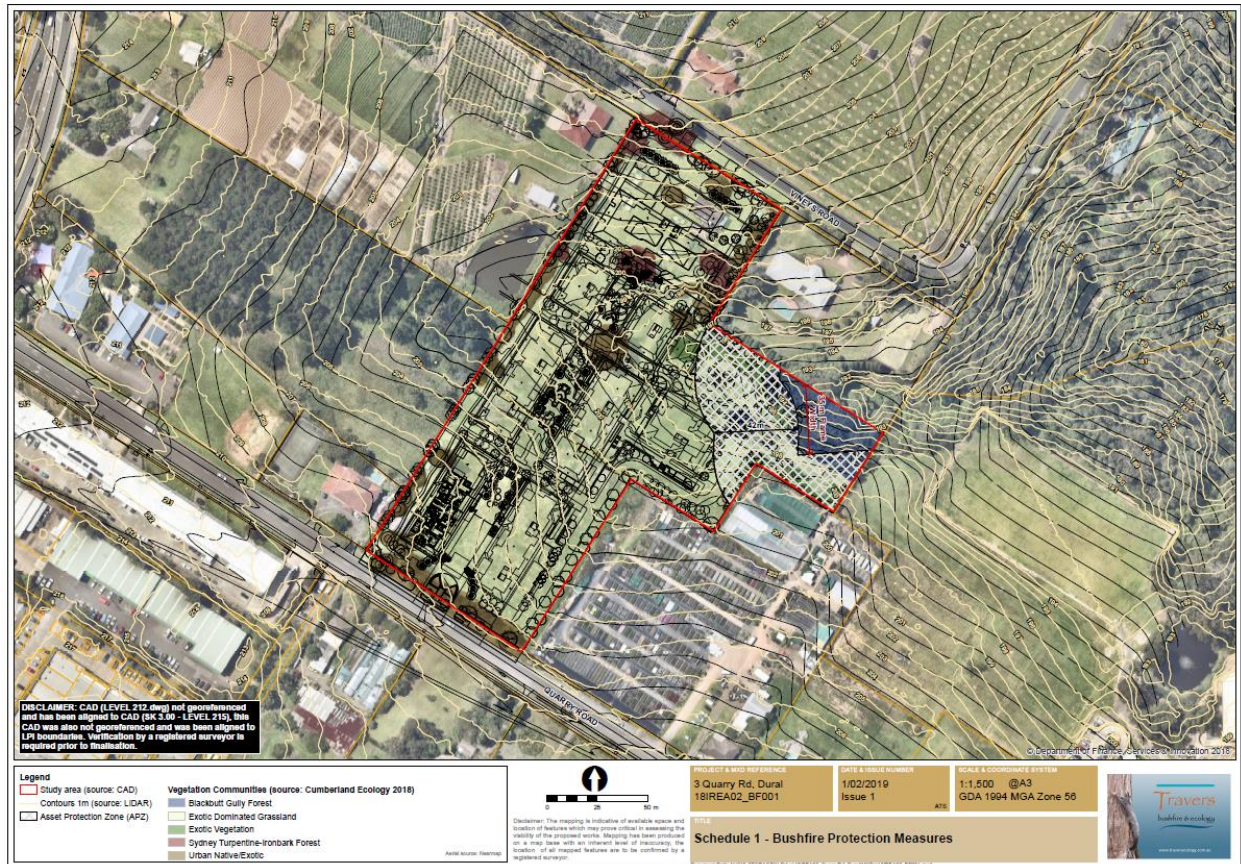


Figure 9 Asset Protection Zone (APZ) map for the amended scheme

Furthermore, the General Terms of Approval from the Rural Fire Service are attached in Annexure O.

#### 4.6.3.2 Flooding and Waterways

A Watercourse Assessment undertaken by Martens Consulting in *Willowtree Planning v Hornsby Shire Council* concluded that, contrary to Council's concerns, the watercourse running through the property is not riparian land. An amended Watercourse Assessment has been provided by Martens Consulting (Annexure C) which concludes:

*On the basis of our site inspection and review of a number of historical aerial photographs, we conclude as follows:*

*Reach 1 is not a watercourse, as it contains a farm dam and only supports broad overland flows during storm events.*

*Reach 2 is not a watercourse. There is no defined channel with bed and banks. The reach is characterised by a broad shallow and grassed overland flow path with no riparian vegetation or habitat value. This reach can be regraded and integrated into a revised future site stormwater management scheme.*

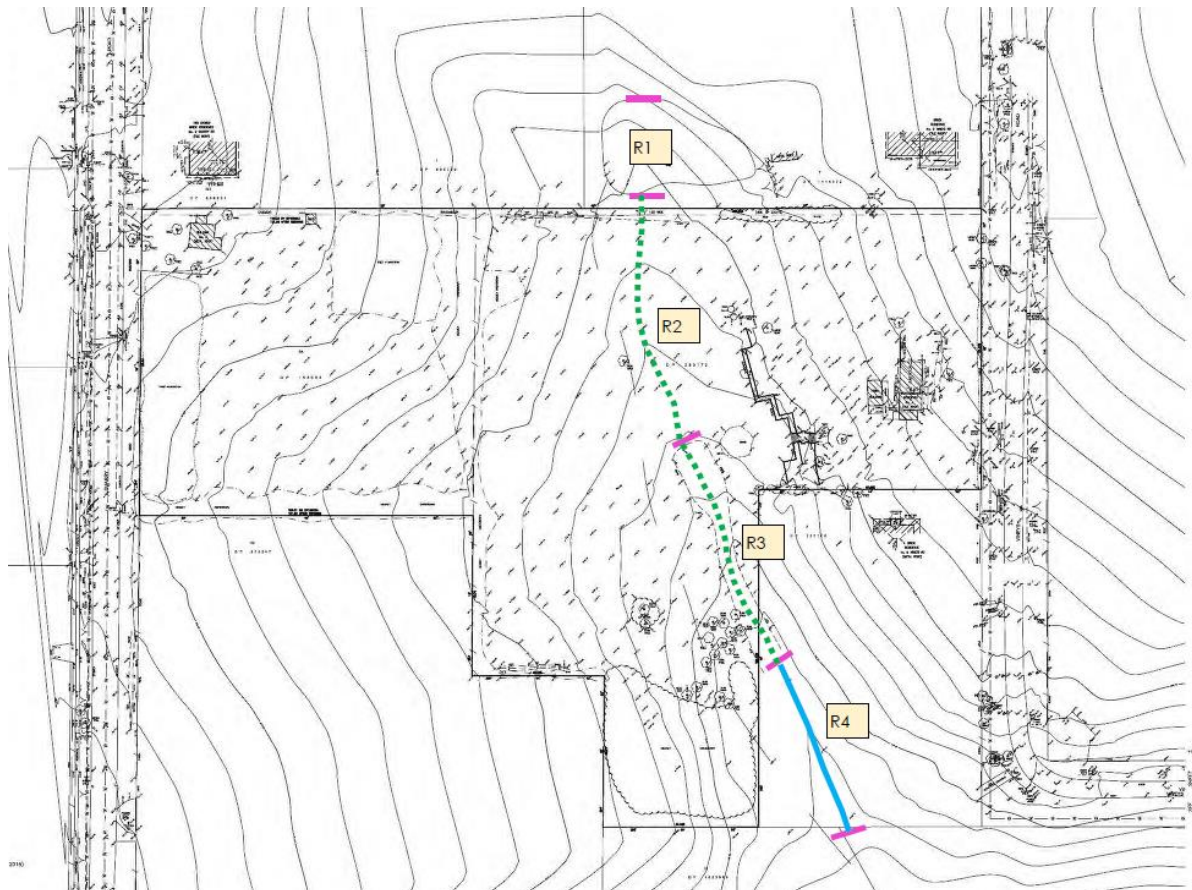
*Reach 3 is a rock lined stormwater drain that has been constructed as part of historical erosion control works. The reach is significantly wider than downslope areas in Reach 4, and is characterised by invasive weeds within the drainage line.*

Whilst we are of the view that Reach 3 is a constructed stormwater drainage channel and not a watercourse, we note that NRAR may ultimately come to a different view. On that basis, we recommend that it be treated as a first order watercourse, and understand that a riparian offset has been incorporated into the site design.

A riparian plan to accommodate riparian requirements applicable to Reaches 3 and 4 is provided at Attachment C. We have reviewed the plan and observe that it is consistent with NRAR's riparian policy, and note that General Terms of Approval (GTAs) have already been provided by NRAR under the former development application (DA/668/2018).

Reach 4 is a first order watercourse. It has been modified to some degree, but the extent of riparian vegetation is reasonable and the corridor provides ecological value.

It should be noted that Reach 4 is not located on the subject site. Refer to Figure 10 below.



**Figure 10** Constraints Mapping Plan

The subject site is not mapped as being flood prone. The Northrop Stormwater Plans in Annexure L address the matters of stormwater and overland flow. During the course of the LEC proceedings it was agreed by the experts that the stormwater issues had been resolved.

The Natural Recourses Access Regulator has provided concurrence in the form of General Terms of Approval (GTA) in Annexure R which is indicative of the site's ability to cater for a more intense form of development while retaining the natural features within and across the site to the standard required by the Department of Primary Industries.



#### 4.6.3.3 Flora and Fauna

The development does not involve the removal or clearing of vegetation that is subject to the requirements of Section 12 of the Native Vegetation Act 2003. A Flora and Fauna Assessment prepared by Cumberland Ecology and an Arboricultural Assessment Report prepared by Urban Forestry Australia were considered at length in the LEC in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council* [2019] NSWLEC 1222. The experts agreed in relation to the removal or retention of trees on the site.

An amended Flora and Fauna Assessment prepared by Cumberland Ecology is provided as Annexure F and concludes the following:

*In its current form, the Project has sought to avoid and minimise impacts to the biodiversity values of the subject land with consideration of project location and design. The development envelope is positioned over an area within the subject land containing the lowest biodiversity values, consisting predominantly of the existing dwelling, cleared areas, exotic grassland, exotic trees, garden beds and scattered native trees. The majority of the native vegetation with the highest ecological value was proposed to be retained, actively managed and conserved in the long term under a Vegetation Management Plan (VMP). This includes patches of vegetation in the north-west and eastern extents of the subject land. In doing so, the Project has considered the biodiversity values of the vegetation within the subject land and has demonstrated reasonable steps to avoid and minimise impacts to biodiversity.*

*Both experts were in agreement in terms of the nature of impacts to the native vegetation of the subject land and the future management of the APZ and retained areas of vegetation. The ecological experts had minor differences in opinion regarding the future management of the watercourse within the subject land, which occurs over a previously cleared portion of the subject land and is diverted through a pipe for a majority of its extent.*

An amended Arboricultural Assessment Report prepared by Urban Forestry Australia is provided as Annexure E and concludes the following:

*There are no material changes to the scheme that I assessed as part of the AIA or referred to in the joint expert conference process prior to the LEC Hearing.....It is my opinion that the scheme submitted with the current, amended SCC application currently under review by the DPE is materially the same scheme I assessed and addressed in the AIA.*

It is concluded that the amended proposal will not have an adverse impact on the ecology or trees to be retained on the site.

#### 4.6.4 Acoustics

A revised Acoustic Report has been prepared by Acoustic Logic and is attached as Annexure D. The report concluded as follows:

*To conclude, it is my understanding that any outstanding contentions as part of the joint report were either amended or agreed upon during the LEC case. It is also my understanding the amended Site Compatibility Certification will reflect the outcomes of the latest noise impact assessment and joint report as well as the outcomes from the Land Environment Court case (Case number 2018/292092).*

*For these reasons, the request for an amended Site Compatibility Certification to be lodged to the Department of Planning for the proposed development at 3 Quarry Road and 4 Vineys Road, Dural should be acoustically acceptable.*

It is concluded that appropriate noise mitigation measures could be imposed on the building to achieve the required noise goals.

#### 4.6.5 Relationship to Adjoining Properties

The relationship to adjoining properties has been considered in depth in the original SCC application and by the parties and the Court in *Zhiva Living Dural Pty Ltd v Hornsby Shire Council* [2019] NSWLEC 1222. The concerns of Hornsby Shire Council in these proceedings was predicated on the inherent land use conflict between the proposed residential use for Senior's development and the rural zoning of the area. Despite this, it is noted that there are several non-rural uses in the locality which adjoin rural uses which would appear to exist in harmony.

The central issue in the proceedings was the interface between the site and adjoining properties. The most important considerations in regards to the interface were the setbacks, scale of the built form and landscaping around the periphery of the site. This is discussed in turn below.

In relation to setbacks, the amended proposal provides for setbacks that are well in excess of those which were included in the Site Plan that accompanied the original SCC application and the subject SCC application of June 2018. For example, the western side setbacks varied between 10m and 6m (are now 11m), eastern side setbacks were 12.5m and 6m to No. 5 Quarry Road and 6m to No. 6 Vineys Road (now 20m to No. 5 Quarry Road and 10m to No. 6 Vineys Road) and were 12.5m to the southern boundary to No. 5 Quarry Road (now 20m).

The amended proposal complies with all numeric requirements for setbacks under HDCP 2013 but for a minor intrusion into the front setback by roof overhangs and the porte cochere structure fronting Quarry Road and Vineys Road. Those roof elements enhance the architectural quality of the building and do not generate any adverse impact. The amended proposal provides, in some instances, double the required setback under HDCP 2013 which also satisfies the separation requirements of the ADG. By virtue of satisfying the separation requirements of the ADG, adequate provision has been made to minimise visual and acoustic privacy concerns.

In relation to landscaping, the current proposal meets and exceeds all minimum numeric requirements of the SEPP Seniors. It provides 39.5% landscaped area and 35.2% deep soil landscaped areas which are well in excess of the ADG requirements (7% deep soil). The proposal removes some trees on the site however offsets this with extensive new planting on the site which will enhance its landscape and ecological qualities. The proposal concentrates landscaping at sensitive parts of the site, including the two street frontages, alongside boundaries and particularly where it adjoins residential and rural (the nursery) uses. A minimum depth of 2m of deep soil landscaped area will be provided around the periphery of the site to enable large canopy trees to be planted to supplement the existing landscaping. The use of the structural grass ("Surepave") system for the emergency access roads will appear as a manicured lawn area from adjoining properties and adds to the curtilage of the proposed buildings.

The amended proposal meets all the relevant numeric requirements under HDCP 2013 and SEPP Seniors for setbacks and landscaping respectively and providing for significant additional planting on the site.

Given orientation of the lot and distance to nearby properties, there will be no significant overshadowing of an adjacent property.

The sites relationship to the adjoining properties makes it highly suited to development of housing for seniors and people with a disability as amenity related impacts will be minimal. On this basis, it is not considered necessary to incorporate any additional amenity related guidelines for the SCC as the amended proposal satisfies the relevant planning controls and will ensure appropriate amenity outcomes.

#### 4.6.6 Availability of Services & Infrastructure

##### 4.6.6.1 Infrastructure

Connections to all relevant utility services are generally already available via the Quarry Road frontage.

A letter from Northrop (Annexure P) details that the site can connect into the existing 200mm water main in Quarry Road and the existing sewer mains within the area can be extended to service the proposed development. Sydney Water have noted the existing 225mm sewer main behind No. 827 Old Northern Road, Dural as a potential connection point.

In relation to other infrastructure, the following points are noted:

- **Gas Supply:** There is a 110mm nylon, 210 kPa JEMENA gas main, 1.2m inside the boundary at Quarry Road which would be expected to be adequate to service the proposed development, subject to JEMENA application and approval.
- **High Voltage Supply:** An overhead HV supply is noted on the opposite side of road for connection to. However, electrical supply would be subject to application to and confirmation from Endeavour Energy on the capacity of the HV supply.

It is therefore apparent that water, gas, electricity and sewer infrastructure is within relative proximity to the site, subject to final approval from the relevant authorities and service providers.

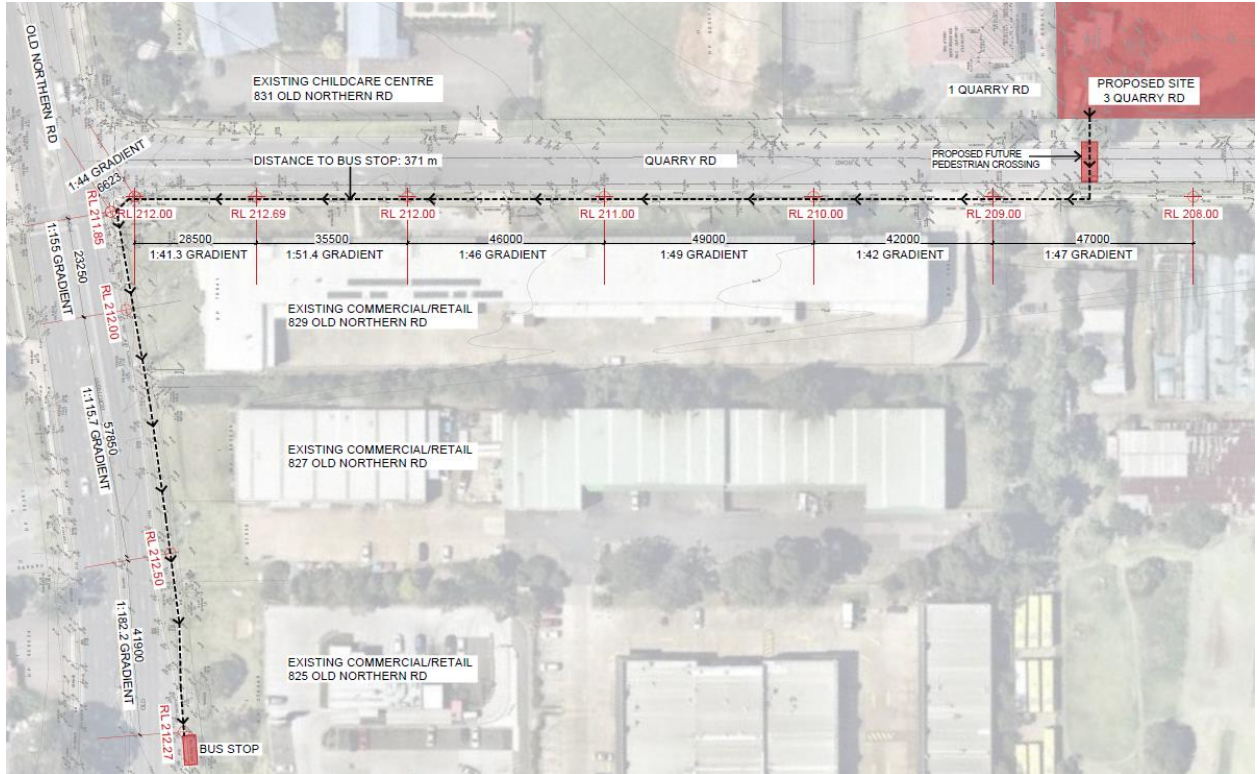
##### 4.6.6.2 Public Transport and Accessible Pedestrian Routes

The site is accessible to regular bus services along Old Northern Road. A bus stop is located at No. 588 Old Northern Road, Dural (Stop ID: 215856) along the western side of Old Northern Road and is approximately 350m from the Site.

Another bus stop is located adjacent to the McDonalds along Old Northern Road (Stop ID: 2158104) along the eastern side of Old Northern Road and is 380m from the site.

These bus stops are serviced by the 637 – Glenorie to Castle Hill and 638 – Berrilee to Pennant Hills services which runs 7 days with over 14 services in each direction daily. These services provide connections to Round Corner Shopping Centre and Castle Hill town centre.

The bus stops are accessible by a suitable pedestrian footpath is located along the southern side of Quarry Road with an average gradient of less than 1:14, as demonstrated in Figure 11 below.



**Figure 11** Gradient Access to Facilities (Source: Marchese Partners)

In regards to the surrounding road network and site access, GTA Consultants have prepared an amended traffic and parking report which is attached as Annexure B. The report concludes that.

*Based on the analysis and discussions presented above, the following conclusions are made:*

- *as part of the Land and Environment Court hearing in May 2019, the traffic experts generally agreed that the proposed development would only have a minor impact on existing and future traffic conditions, with a range of potential and perceived issues resolved during the course of Court proceedings*
- *the traffic experts agreed that the proposed development fully complies with the SEPP Seniors (2004) requirements for public transport accessibility, specifically noting that bus services to several key destinations are available on Old Northern Road within 400 metres walk at a negligible gradient*
- *intersection impacts are considered negligible and not warranting any specific mitigation works*
- *local traffic issues on Quarry Road and Vineys Road have been addressed appropriately, with the proposed works satisfactorily addressing vehicle and pedestrian movement.*

It is also noted that RMS provided concurrence for the development application, a copy of which is provided within the updated Traffic Letter in Annexure B.

#### **4.6.6.3 Location and access to facilities**

Clause 26 of the SEPP (Housing for Seniors or People with a Disability) 2004 requires that services and facilities be located within 400m of a site or accessed via public transport which is located no more than 400m from the site via a suitable access pathway. Pedestrian and Public Transport access is discussed in Part 4.6.6.2 above.

There are four main commercial hubs that are accessible from the site via public transport or walking. Each of the identified commercial hubs provides a range of services that cater to the needs of the community.

### North Q Business Park

The North Q Business Park is located on the corner of Old Northern Road and Quarry Road, and is within 100m walking distance of the site. The Business Park provides a range of services including:

- Retail premises: Hifi and music store, pet store, art supplies and fishing supplies;
- Commercial premises: Automotive autocare and autotune;
- Food and drink premises: Restaurants and cafes, take-away shops, McDonalds and KFC;
- Recreational Facilities: Gym;
- Medical Centres: Dural Family Medical Practice.

In addition, other services are available along Old Northern Road and in close proximity to the Business Park such as Salvation Army, Shell Petrol Station and Coles Express, Autobarn and Bunnings.

### Dural Village

The Dural Village is located approximately 2km north-west of the site and is considered to be a local commercial strip consisting of:

- Retail premises: IGA, Caltex Woolworths, newsagency and plant nursery;
- Commercial premises: post office;
- Food and drink premises: Restaurants and take-away shops;
- Medical facilities: Dural Medical Centre, Kellyville Podiatry, and pharmacy.

### Round Corner Shopping Centre

Round Centre Shopping Centre is approximately 1.9km west of the site and the available services include:

- Retail premises: Woolworths, ALDI, pet store, and speciality stores;
- Commercial premises: Post office, travel agents, hairdresser, banks and legal aid;
- Food and Drink premises: Restaurants and cafes, take-away shops, and Subway;
- Medical Facilities: Round Corner Medical Practice, Physiotherapy Clinic and Pharmacy.

### Castle Hill Town Centre

Castle Hill Town Centre contains a range of services and facilities at street level and a shopping centre. It is located approximately 6km southwest of the site and the types of services available include:

- Retail premises: Coles, David Jones, Target, Kmart and speciality stores;
- Commercial premises: Post office, cinemas, hairdresser, banks;
- Food and drink premises: Restaurants and cafes, take-away shops, and McDonald's;
- Community Services: Police station, library, places of public worship, Castle Hill RSL.
- Medical Facilities: Castle Hill Medical Centre, Barwell Medical Centre, I-MED Radiology, Castle Hill Day Surgery, The Hills Clinic, and pharmacy.

The amended proposal satisfies the requirements of Clause 26 of SEPP Seniors.

#### **4.6.7 Public Interest**

The social and economic effects of the proposal are considered to be positive. The proposal will facilitate an economically feasible development of the site for seniors or people with a disability. The Centre for Affordable Housing in their Housing Market Snapshot for the North Subregion states that:



*“All the North Sydney subregion LGAs (except for North Sydney and Hornsby) have a higher proportion of frail aged (that is 80+ years) than the Sydney average (4.0%) and Hunters Hill, Ku-ring-gai, Mosman, Pittwater and Warringah have higher proportions of seniors (65-79 years) than the Sydney average (9.6%). A strong increase in residents aged over 65 is forecast in all LGAs in the subregion*

The North District is anticipated to have an 85 per cent proportional increase in people aged 85 and over, and a 47 percent increase in the 65-84 age group by 2036. This means 20 percent of the District's population will be aged 65 or over in 2036, up from 16 percent in 2016. The proposed development for self-care dwellings and a residential aged care facility would therefore go some way in providing assistance to the provision of accommodation for seniors or people with a disability to meet the needs of the local population.

The construction of the proposed development will provide a significant employment injection to the region, both in terms of direct and indirect employment benefits. Staff employed in association with the operational side of the development will also provide long-terms economic benefits. The proposed Seniors Housing development is considered to be a significant and ongoing benefit to the local economy.







## 5. Conclusion

---

This report has been prepared to accompany an amended SCC application to the Director-General of the Department of Planning, Industry and Environment under Chapter 3, Part 1A of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The site is within the *RU2 Rural Landscape* zone. The proposal seeks an amended SCC for use of the site for housing for seniors or people with a disability and ancillary purposes such as a community facility and cafe.

As discussed throughout this report, the site has excellent proximity to local services, facilities and amenities and is within a locality that is identified as requiring a significant increase in accommodation for seniors or people with a disability.

Redevelopment of the site for Seniors Housing will be appropriate to the site context and will maintain the existing character of the locality which comprises a mixture commercial and low to medium density developments with some educational and other non-residential uses, within a landscape setting. In addition, development for Seniors Housing on the site would not have any significant impacts on the amenity of surrounding residents.

The proposal will have immediate and ongoing public benefits including the provision of much needed housing for seniors or people with a disability, employment generated during the construction phase and employment opportunities during the operational life of the development.

This report demonstrates that future development will be compatible with development on adjoining land and is unlikely to have any significant environmental impacts. It is not considered necessary to incorporate any specific development guidelines in the amended *Site Compatibility Certificate* as the planning controls prescribed by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the supporting Guidelines ("A guide for Councils and applicants Housing for Seniors or people with a disability" and "Seniors Living Policy – Urban design guidelines for infill development") will ensure both an appropriate built form outcome and acceptable amenity impacts for any future development of the site.

Having regard to this assessment, it is considered that the subject site and proposed use satisfies the requirements for a *Site Compatibility Certificate* under the SEPP (Housing for Seniors or People with a Disability) 2004, and is within the public interest.

## **ANNEXURE A**

### **SCC Concept Architectural Drawings – Marchese Partners**

## **ANNEXURE B**

### **Updated Traffic Report – GTA Consultants**



# ANNEXURE C

## Updated Drainage Report – Martens Consulting





# ANNEXURE D

## Updated Acoustic Report – Acoustic Logic





## **ANNEXURE E**

### **Updated Arborist Report – Urban Forestry Australia**



# ANNEXURE F

## Updated Ecology Report – Cumberland Ecology





# ANNEXURE G

## Architectural Plans for the DA – Marchese Partners



## **ANNEXURE H**

### **Original Site Compatibility Certificate Report – Willow Tree Planning**

## **ANNEXURE I**

### **Landscape Master Plan – Marchese Site Design Studios**



## ANNEXURE J

### **Bushfire Threat Assessment–** Travers Bushfire and Ecology

## ANNEXURE K

### Access Statement – BCA Logic

## **ANNEXURE L**

### **Civil Engineering Stormwater Management Report – Northrop**

## **ANNEXURE M**

### **Character Assessment – Roberts Day**

## **ANNEXURE N**

**Arboricultural Assessment (March 2019) –**  
Urban Forestry Australia



## **ANNEXURE O**

### **Rural Fire Service (RFS) General Terms of Approval – RFS**

## ANNEXURE P

### Services and Infrastructure Letter – Northrop

## **ANNEXURE Q**

**Gradients for Access to the bus stops –**  
Marchese Partners

## ANNEXURE R

### Natural Resources Access Regulators GTA's – DPI

