



## **Site Compatibility Certificate Application (SCC) – (Preservation of existing SCC dated 24 May 2017)**

### **Proposed Seniors Living Precinct**

3 Quarry Road and 4 Vineys Road, Dural

Lot 2A in DP 158064 and Lot 1 in DP 230172

Prepared by Willowtree Planning Pty Ltd

**June 2018**

## Site Compatibility Certificate

3 Quarry Road and 4 Vineys Road, Dural  
(Lot 2A, DP 158064 and Lot 1, DP 230172)

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(Lot 2A, DP 158064 and Lot 1, DP 230172)

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### EXECUTIVE SUMMARY

This revised Site Compatibility Certificate (SCC) has been prepared by Willowtree Planning Pty Ltd 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. An SCC, approved 24 May 2017, has previously been issued for this Site and is tied to the land. Pursuant to Clause 25(9) of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* the issued SCC certificate will remain current for 24 months from the date of issue. As such, the current SCC across the Site will expire on the 23 May 2019. The lodgement of this SCC is specifically intended to preserve the validity period of the current SCC to allow for an active and valid SCC to be in existence across the Site at the time of determination of the Development Application (DA). The DA is intended to be lodged with Hornsby Shire Council in May, 2019.

This SCC Application reflects that which was formally submitted, approved and issued by the NSW Department of Planning & Environment and has been prepared and resubmitted to again demonstrate compatibility of the Site for the purposes of Seniors Living Precinct. The proposed development has not changed as to that proposed under the original SCC Application.

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.

On 24 May 2017 the Director General of the Department of Planning & Environment (DoPE) issued a SCC under Clause 24(4)(a) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (SEPP HSPD). 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.*

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

*"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 HSPD provides:

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

In light of the above, legal advice was obtained by Mills Oakley to determine whether a new SCC should be obtained to ensure an SCC was valid across the Site at the time of determination. As such, for the reasons outlined above, a consent authority can only grant development consent in reliance on a SCC if the SCC is current at the time of determination. In this instance, that is, no later than 23 May 2019. Accordingly, for the reasons stated above, in order to have the proposed development approved in reliance on the SCC and for the purpose of validity, a revised SCC is re-submitted to the DoPE for approval.

For the purpose of developing the Site for the intended Seniors Living Precinct, an extension to the existing SCC is required under the provisions of Clause 25 of the SEPP HSPD and Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000*. An SCC is required to be obtained and accompany development applications when the land is zoned primarily for urban purposes, or land that adjoins land zoned primarily for urban purposes. As aforementioned the intention of this SCC is specifically intended to preserve the validity period of the current SCC to allow for an active and valid SCC to be across the Site, at the determination of the future DA.

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This SSC application has been prepared in accordance with Chapter 3, Part 1 of the SEPP HSPD and demonstrates the Site's compatibility with the existing and future intended surrounding land uses. Reference is also made to *Project Venture Pty Ltd v Pittwater Council (2005) NSWLEC 191*, where principles of determining 'compatibility' are established by responding to the following:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

It is considered that the proposed concept 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 HSPD and meets the requirements of Clause 25 of the SEPP HSPD. Accordingly, an SCC may again be issued for the Site and proposed development and associated land use.

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## PART A PRELIMINARY

### 1.1 INTRODUCTION

This revised Site Compatibility Certificate (SCC) Application is submitted to the NSW Department of Planning and Environment (the Department) in accordance with the provisions of Clause 25 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP HSPD). This SCC application relates to 3 Quarry Road and 4 Vineys Road, Dural.

This SCC Application has been prepared by Willowtree Planning Pty Ltd and should be read in conjunction with the sub-consultant reports that accompany this application.

The lodgement of this SCC is specifically intended to preserve the validity period of the current SCC to allow for an active and valid SCC to be in existence across the Site at the time of determination of the Development Application (DA). This is discussed in further detail in **Section 1.2** of this report.

The purpose of this SCC application is to facilitate the preparation of a Development Application (DA), as required by Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), to be lodged with the relevant consent authority for the construction and occupation of eight (8) separate buildings, predominately three (3) storeys in height, for the purpose of a Seniors Living Precinct, consisting of Independent Living Units and Residential Aged Care Facility.

The SCC application describes the Site, the locality, the proposed development and clearly demonstrates the development, for the purpose of a Seniors Living Precinct continues to be compatible with the surrounding environment, having regard for the criteria specified in Clause 25(5)(b) of SEPP HSPD and the Planning Principle of Compatibility as established in *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC 191*. The SCC has again been prepared to address the provisions of the Department's Site Compatibility Certificate form and is supported by updated consultant reports, which accompany this application.

### 1.2 BACKGROUND

On 24 May 2017 the Director General of the Department of Planning & Environment (DoPE) issued a Site Compatibility Certificate (SCC) under Clause 24(4)(a) of SEPP HSPD. 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 certifies 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 certifies 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 HSPD, being:

- (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;*
- (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;*
- (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;*
- (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;*

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- (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 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.*

The SCC does not constitute development consent and the proposal is required to be assessed and determined by the relevant planning authority, under a future development application.

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

*"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 HSPD 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)*

In light of the above, legal advice was obtained by Mills Oakley to determine whether a new SCC should be obtained to ensure an SCC was valid across the Site at the time of determination. 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, that is, no later than 23 May 2019.

Accordingly, for the reasons stated above, in order to have the proposal approved in reliance on the SCC, a new SCC is to be submitted to the DoPE. The proposed development subject to this SCC is the same as that proposed under the original SCC application. A meeting was held with the DoPE on 28<sup>th</sup> March 2018, to discuss the current SCC and the intention to prepare a subsequent SCC to ultimately preserve the validity of the existing SCC. Overall the proposed development is to ensure the validity of the SCC approval process across the Site is preserved.

We note, the Development Application for the proposed development, submitted to Hornsby Shire Council, will run concurrently with the revised Site Compatibility Certificate Application.

### 1.3 ENGAGEMENT WITH RELEVANT AUTHORITIES

Consultation was previously carried out with both Hornsby Shire Council and the Department of Planning 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.

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The original application and subsequent design development considered the comments and position of both Hornsby Shire Council and the DoPE.

The subject SCC continues to reflect the outcomes under the original consultation with both Hornsby Shire Council and the DoPE. Further discussions have been held with both the DoPE and Hornsby Shire Council to discuss the intention to re-submit the original SCC for the purpose of ensuring a valid SCC is approved across the Site at the time the future DA is determined. It was re-iterated there would be no changes to the original built form.

### 1.4 REPORT STRUCTURE

The structure of the report has been arranged as follows:

- **Part A** Introduction
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Strategic Justification
- **Part E** Environmental Assessment
- **Part F** Statement of Compatibility
- **Part G** Conclusion

This SCC application will demonstrate the subject site and proposed development are considered to be compatible with the surrounding environment, having regard to the existing streetscape, surround land uses and built form.

The proposed development is consistent with the requirements of SEPP HSPD and meets the relevant requirements of Clause 25 of SEPP HSPD. Accordingly, a Site Compatibility Certificate may be re-issued for the proposal.



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### PART B SITE ANALYSIS

#### 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.

Refer to **Figure 1** below.



**Figure 1 | Aerial of the Site (Source: Nearmap, 2018)**

The Site has previously been used for agricultural purposes, however has not been utilised for these purposes in a number of years. The locality is evolving from larger lot residential and occasional agricultural land use to an urban environment.

#### 2.2 LOCAL CONTEXT

The surrounding locality is predominately zoned RU2 Rural Landscape with large lot residential and agricultural uses however it is noticeably going through an evolution into an urban environment.

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The Site is located immediately opposite (south-west of the Site) the North Q Business Centre which is zoned B2 Local Centre and comprises a large range of services and retail premises servicing the specific needs of the local community. The surrounding locality contains a number of additional commercial premises, including rural supplies, McDonalds, KFC, Cafés and Retail stores. The land further south of the North Q Business Centre is zoned IN2 Light Industrial and R2 Low Density Residential.

To the west of the Site is an existing pine plantation as well as a Child Care Centre fronting Quarry Road. Adjacent to Vineys road on the eastern and western sides are large single dwellings on substantial parcels of land. East of the Site and also fronting Quarry Road is used for the production of commercial scale produce.

The watercourse located across the Site is connected to a dam on the neighbouring land immediately adjacent to the north-western boundary and to the land to the north east, which is naturally vegetated.

### **2.3 ECOLOGICAL CONSTRAINTS**

The vegetation on the site is varying in quality with the majority of vegetation on the site proposed to be removed. The aspiration of this development is to install high quality outdoor environments with significant landscaping. Vegetation along the eastern boundary will be retained where possible however this area is incorporated into the design with walking tracks and sitting areas. This area is also likely to be utilised for onsite detention and treatment of stormwater creating a natural feel to the environments and a high amenity recreation space.

Vegetation to be retained and further enhanced will be detailed in any development application for the site.

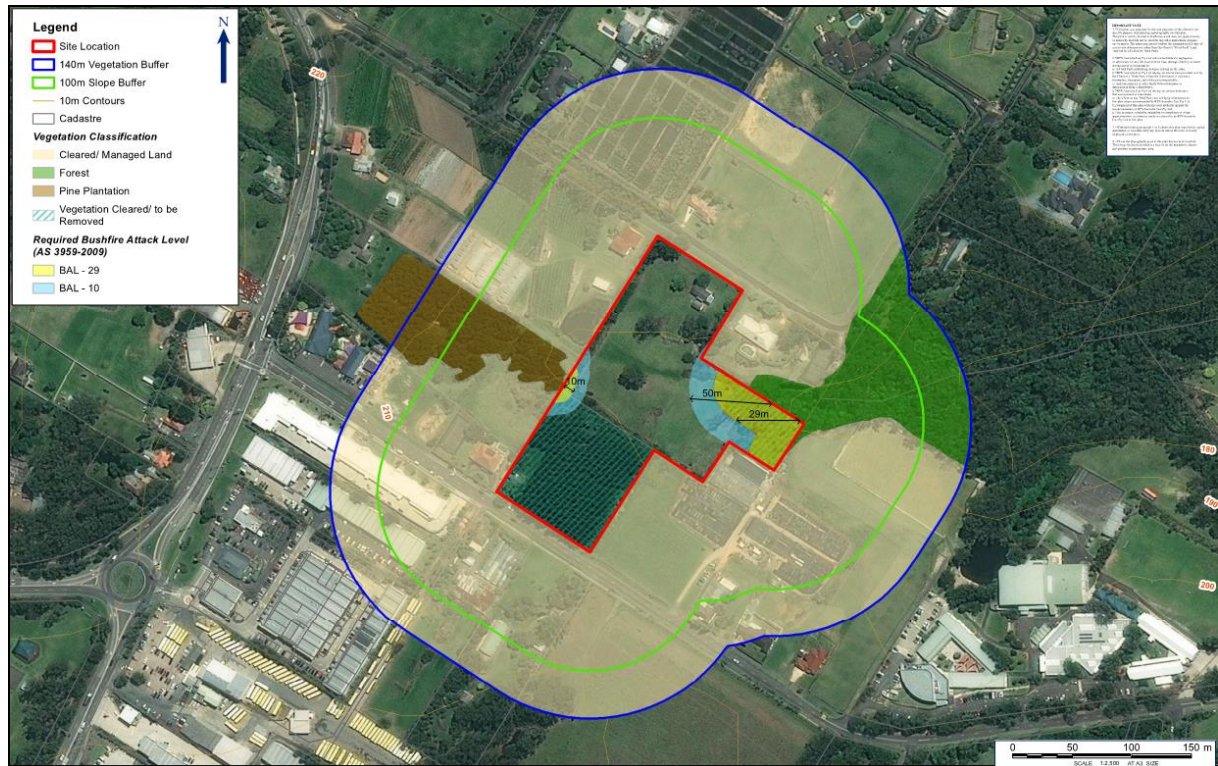
### **2.4 BUSHFIRE PRONE LAND**

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.



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**Figure 2 | Bush Fire Map (Source: Marchese Partners, February 2018)**

## 2.5 ACCESS TO SERVICES AND FACILITIES

### 2.5.1 PUBLIC TRANSPORT AND ACCESSIBLE PEDESTRIAN ROUTES

The Site is accessible to regular bus services along Old Northern Road. A bus stop is located at 588 Old Northern Road, Dural (Stop ID: 215856) along the western side of Old Northern Road and is approximately 350m from the Site.

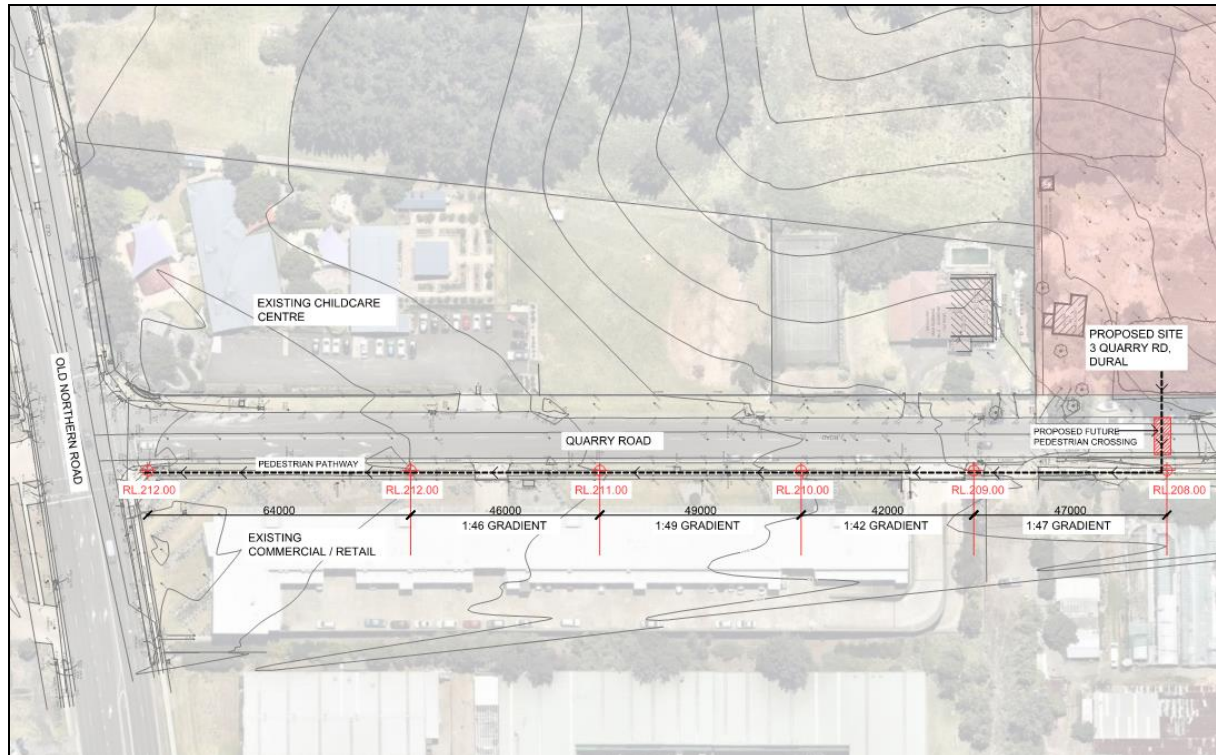
Another bus stop is located adjacent to the McDonalds along Old Northern Road (Stop ID: 2158104) along the eastern side of Old Northern Road and is 370m from the Site.

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 3** below.

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**Figure 3 | Gradient Access to Facilities (Source: Marchese Partners, 2017)**

### 2.5.2 UTILITY SERVICES

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

The following infrastructure is available at or near Quarry Road:

1. **Water Supply:** There are both 200mm and 100mm water mains in Quarry Road. This would be expected to be adequate to connect to and to service the proposed development, subject to Sydney Water application and approval.
2. **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.
3. **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.
4. **Sewer Main:** There is no sewer main in Quarry Road. However, there is a 225mm sewer manhole adjacent to the existing development on the opposite side of the road from which the proposed development could be serviced, subject to application to and approval from Sydney Waster. The proposed development sewer will be either gravity fed depending on Site levels, or a pump out station could be installed and connected to the existing manhole.

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.

### 2.5.3 RETAIL, COMMUNITY, MEDICAL AND RECREATIONAL FACILITIES

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.

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### 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 Gas Station and Coles Express, Autobarn and Bunnings.

### Dural Village

The Dural Village is located approximately 2km Northwest 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.



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### PART C PROPOSED DEVELOPMENT

#### 3.1 PROPOSED DEVELOPMENT

This chapter of the report provides a detailed description of the proposed development. It is noted the proposed development does not venture from that approved under the original SCC. Specifically, the proposal includes the following:

- Preparatory demolition of existing structures, vegetation removal and excavation work;
- Construction of a residential aged care facility with a capacity of 74 beds;
- Construction of eight (8), three (3) storey buildings containing 219 self-care housing units;
- Basement level car parking accommodating approximately 365 car spaces;
- Provision of access to and from the Site;
- Ancillary facilities;
- Associated landscaping and public domain works; and
- Extension and augmentation of physical infrastructure utilities as required.

The original Architectural Drawings as prepared by Marchese Partners, illustrating the proposed development, accompanies this application as **Appendix 1**.



**Figure 4 | Proposed Development (Marchese Partners, 2018)**

The development is designed around central open space as well as a number of communities related facilities including but not limited to:

- Gardens;
- Organic produce areas;
- 1km walking path around the development;
- Pool;
- Water features;
- Medical facilities;
- Meal facilities;
- Transport service;
- Common sitting, reading and meal rooms; and

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- Library.

The Site will be accessed from Quarry Road for pick up and drop off with 229 staff and resident parking spaces access off Vineys Road to two (2) basement levels. All vehicle access to the residential aged care facility will be from Vineys Road.

Vegetation will be improved and enhanced adjacent to the eastern boundary. An eco zone is proposed in the 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 on 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.

The lodgement of this SCC is specifically intended to preserve the validity period of the current SCC to allow for an active and valid SCC to be in existence across the Site at the time of determination of the Development Application (DA). The DA is intended to be lodged with Hornsby Shire Council in May, 2019.

This SCC Application reflects which was formally submitted, approved and issued by the NSW Department of Planning & Environment on 24 May 2017. The subject application has been prepared and resubmitted to again demonstrate compatibility of the Site for the purposes of Seniors Living Precinct and to ensure a valid SCC is approved for the Site at the time the future DA is determined.

### 3.2 STAGED DEVELOPMENT

The works on the Site will comprise staged development. While the staging is yet to be determined the following will be constructed progressively or at once depending on the demand at the time of construction.

The proposed works include:

- Excavation for 365 parking spaces across 2 basement levels on the Site;
- Development of a residential aged care facility with 74 beds;
- Construction of 8 x 3 storey apartment buildings containing 219 self-care housing units and on-site facilities; and
- Landscaping including a pedestrian footpath and an eco-zone.

### 3.3 CONSISTENCY WITH COMPATIBILITY PLANNING PRINCIPLE

A key component of the Site Compatibility Certificate Application and subsequent future development application is to demonstrate compatibility of the proposal with the subject site and its surrounds. In *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191, an appeal against the refusal by Pittwater Council, the Planning Principle of 'compatibility' in the urban environment was established. Key elements of the Planning Principle are as follows:

- *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.*

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- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*
  - *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
  - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, architectural style and materials are also contributors to character.*
- *Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*
- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

Based on the planning principles formed under *Project Venture Development v Pittwater Council* the proposal is considered to be compatible the key elements as outline in **Table 1** below.

<b>Table 1   Consistency with Compatibility Planning Principle</b>	
<b>Key Element</b>	<b>Comment</b>
<b>Built Form</b>	The proposed development has been configured with respect to the surrounding land uses. The propose buildings will be setback from the boundaries to minimise the impact on surrounding land uses. The proposed building envelopes has been designed to respond to the Site's constraints and to deliver the best urban outcome for both future residents of the Site and surrounding properties. Further, the proposed spilt into several building envelopes, with visible separation, will ensure permeability and sightlines to and from the Site, reducing the perceived bulk. The upper level of the proposed built form has been recessed so as they ensure they retain a human scale and reduce the perceived height and bulk from around the Site, as well as adjoining buildings.
<b>Traffic</b>	A total of 365 car parking spaces are provided across the site, within basement parking, to support the Seniors Housing development. Preliminary traffic assessments have demonstrated the future traffic generation will not have undue impacts on the existing road network.
<b>Height</b>	The proposed building height has been designed to respond to the topography of the Site and its surrounds. The building height presents a sympathetic scale to its surrounds given upper level building recessions,



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	increased permeability and responsive built form, responding to the topography of the Site.
<b>Landscaping</b>	The proposed development will be extensively landscaped. The overall landscape design has taken into consideration the siting of the proposed built form and the relation with adjoining properties. Further, the design strategy has been produced with the intention of not only retaining the ecological value across the Site, as well as the existing character being maintained.

Overall, the proposed development presents a development concept of a sympathetic height and scale with increased landscaping and connection to the existing vegetation, which is in keeping with the existing and desired future character of the local area. The proposal's building envelope is considered appropriate and responsive to the Site and its surrounds

Therefore, the proposed development of the Site for the purposes of a Seniors Living Precinct is deemed compatible with the Site and the surrounding land uses.

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### PART D STRATEGIC JUSTIFICATION

This part of the report assesses and responds to the legislative and policy requirements for the project in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). The key planning policies and legislation relevant to an assessment of the proposal are:

#### State Planning Context

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy No. 64 – Apartment Design Guide*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land*

#### Regional Planning Context

- *A Plan for Growing Sydney*
- *Central District Plan*

#### Local Planning Context

- *Hornsby Local Environmental Plan 2013*
- *Hornsby Development Control Plan 2013*

This planning framework is considered in detail in the following sections.

#### 4.1 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY) 2004

*State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (SEPP HSPD) applies to the proposal. In accordance with Clause 4 of SEPP HSPD, the Site is identified for urban purposes on the account the Site adjoins land zoned primarily for urban purposes, being B2 zoned land. Seniors Living is prohibited under the current zoning of the *Hornsby Local Environmental Plan 2013* (HLEP 2013).

The aim of the SEPP HSPD are:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
  - a. increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
  - b. make efficient use of existing infrastructure and services, and*
  - c. be of good design.*
- (2) *These aims will be achieved by:*
  - a. setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
  - b. setting out design principles that should be followed to achieve the built form that responds to the characteristics of its site and form, and*
  - c. ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

The proposed development is the realisation of the aims of SEPP HSPD by providing a facility that increases the range and services offered to seniors or people with a disability. Under SEPP HSPD, Seniors Housing is defined as:

*seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

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- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

For the purpose of this report, a residential care facility is defined as:

**residential care facility** is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings, and equipment for the provision of that accommodation and care,

The use of the proposed Independent Living Units (ILUs) is contained within the definition of "Self-Contained Dwellings" of Clause 13 of the SEPP Seniors. The proposed ILUs are completely self-contained and are provided with independent cooking facilities, bedroom/s, living areas, bathrooms, laundry facilities etc. Self-contained dwellings are defined in SEPP HSPD, and include the following:

(1) **General term: "self-contained dwelling"**

*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

(2) **Example: "in-fill self-care housing"**

*In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

(3) **Example: "serviced self-care housing"**

*In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

In ensuring the proposal contains a range of different facilities for Seniors Housing on the Site, the proposal creates housing located and designed to suit both seniors who are independent, mobile and active, as well as those who are frail, which specifically aligns with the objectives provided in Clause 14 of SEPP HSPD.

The following Development Standards apply to any form of seniors housing development pursuant to Clause 40 of SEPP HSPD. Any variation to these standards must be supported by a written objection pursuant *State Environmental Planning Policy No. 1 – Objection to Development Standards*.

**Table 2/ Development Standards for Seniors Housing**

<b>Control</b>	<b>Requirement</b>
<b>Site Size</b>	1,000sqm
<b>Site Frontage</b>	20m
<b>Building Height</b>	8m or less (measure vertically from ceiling of top most floors to ground level immediately below) A building that is adjacent to a boundary of the site must not be more than two storeys in height

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A building located in the rear 25% of the site must not exceed one storey in height.
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A detailed assessment against SEPP HSPD accompanies this application as **Appendix 2**.

The detailed assessment supports the proposed use, despite the conflict with the controls under Clauses 48-50, with particular regard to building height. However, it is considered the proposed variation from the building height development standard, pursuant to SEPP HSPD, is considered has previously been considered acceptable by the NSW Department of Planning and Environment.

### 4.2 STATE ENVIRONMENTAL PLANNING POLICY NO 65 – APARTMENT DESIGN GUIDE

Clause 4 of *State Environmental Planning Policy 65 – Apartment Design Guideline* (SEPP 65) outlines that the SEPP applies to development for the purposes of:

*...residential flat building, shop top housing, or mixed use development with a residential accommodation if:*

*(a) the development consists of any of the following:*

- i. the erection of a new building,*
- ii. the substantial redevelopment or the substantial refurbishment of an existing building,*
- iii. the conversion of an existing building, and*

*(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*

*(c) the building concerned contains at least 4 or more dwellings.*

The proposal is not identified as a Residential Flat Building, but includes development that is identified as Seniors Housing, which comprises of Residential Aged Care Facilities and Independent Living Units. The Independent Living Units can be defined as “self-contained dwellings” in accordance with Clause 13 of SEPP HSPD.

Considering the proposed development contains Residential Aged Care Facilities and Independent Living Units, the proposal could be considered “Mixed Used Development”, which is defined as:

*“a building or place comprising 2 or more different land uses”.*

Seniors Housing is contained within the definition of “Residential Accommodation” in the *Standard Instrument – Principal Local Environmental Plan*.

### 4.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

#### ***Traffic Generating Development***

Among other functions, *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) repeals the former *State Environmental Planning Policy No 11 – Traffic Generating Development* and provides for certain proposals, known as Traffic Generating Development to be referred to NSW Roads and Maritime Services (RMS) (formally the Roads and Traffic Authority) for concurrence assessment.

Referral may be required dependent on the Site’s access to a classified road and the proposed intensity of the development. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

The proposal includes additional parking for over 200 motor vehicles for any other purpose of development identified in Column 1, Schedule 1. The proposal will therefore be referred to the RMS. A

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Traffic Assessment Report has been prepared by McLaren Traffic and accompanies this report as **Appendix 3**.

### 4.4 A PLAN FOR GROWING SYDNEY

*A Plan for Growing Sydney* is a strategic planning document, prepared by NSW Government. The Plan aims to foster and guide the greater Sydney area to being a city with world class economic growth, services, transport and diverse residential housing. This is achieved through a number of development objectives on a city wide level, across level, across local administrative boundaries. *A Plan for Growing Sydney* also applies the objectives through various region specific priorities. The Site is identified within the North District.

The proposal specifically relates to the following Goals and Associated Directions.

#### *Goal 1 – Sydney’s Competitive Economy*

The goal includes ‘Planning for Education and Health Services’ to meet Sydney’s growing needs (Direction 1.10). The proposal provides for modern aged care facilities, within a site that has existing facilities. The proposal ensures that the delivery of aged care services from the site can continue to service the growing number of elderly persons in the population. This is in accordance with Direction 1.10.3 of the *Plan for a Growing Sydney*, which specifically states that provision of aged care services require expansion of existing facilities;

*"... ensuring health care providers can respond to population growth and changes in the State’s demography such as more births and more older people"*

It is outlined that planning will need to work with NSW Health to identify planning needs to support future aged care facilities. The proposal represents the reasonable expansion of existing facilities.

The site represents the delivery of social infrastructure. Action 1.11.3 of the *Plan for a Growing Sydney* ensures that innovative ways to maximise the benefits of existing infrastructure are pursued. Similar to the example in Action 1.11.3 the proposal represents the efficient use of existing land for the provision of additional social infrastructure; in this case being Seniors Living and Aged Care.

#### *Goal 2 – Sydney’s Housing Choices*

Direction 2.3 of this Goal specifically describes the issue of Sydney’s aging population and the requirement to provide a housing product that will “allow people to stay in their home as they age”. It is identified as the population ages many people are required to downsize, however 57.3% of Sydney’s current housing stock is detached houses. The proposed inclusion of Independent Living Units allows for individuals to downsize to a facility that has aged care services, but provides the amenity and independent living of an apartment. The co-location of the ILUs, Residential Aged Care Facilities ensures that people can age in place, progressing from low, medium and high care across the one location, as an individuals health deteriorates. It also provides the opportunity for couples to both be located in the same facility despite having different aged care needs.

The proposed development and associated land use will contribute to the physical realisation of achieving the identified directions as outlined within *A Plan for Growing Sydney*.

### 4.5 NORTH DISTRICT PLAN

Prepared by the Greater Sydney Commissioner, the North District Plan forms the overarching strategy for future planning in the North District in order to deliver an economic and employment powerhouse, core hub for transport and services and vibrant and diverse centres and communities in light of population growth and demographic change.

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The 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.

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. 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 is 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 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 population. In addition, economic investigation has shown there is a strong demand for certain medium density housing typologies, including Seniors Housing. In addition, in accordance with *Hornsby Shire Housing Strategy, 2011*, there are opportunities to increase capacity for housing in the North District.

A key objective of the District Plan is to protect and support agricultural production and mineral resources by preventing inappropriately dispersed urban activities in rural areas. The proposed development will be carried out on land zoned RU2 Rural Landscape. The proposed development would be inconsistent with the Metropolitan Strategy and North District Plan which has a planning priority to maintain and protect rural area.

The Site has previously been used for agricultural purposes, however, has not been utilised for these purposes for a number of years. The locality is considered to be evolving from larger lot residential and sporadic agricultural use to an urban environment. The proposed development is in keeping with the emerging character of the locality and promotes the integration of the surrounding land uses and the residents of the facility.

The following objectives and opportunities are identified based on the strategic context:

- Recognition of the strategic importance of the Site and the development potential to create a Seniors Living Precinct;
- Improvement in housing diversity to cater for the increasing proportion of older people and people with a disability through additional smaller homes, group homes, adaptable housing and aged care facilities;
- Create stronger connections between housing development and community facilities;
- Strategic concentration of appropriately zoned land for aged care and seniors living. This is particularly relevant given the evident trend toward a significantly older population profile by 2036, there will be a 47 percent increase in people aged 65-84.

## 4.6 HONRSBY LOCAL ENVIRONMENTAL PLAN 2013

### 4.6.1 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:

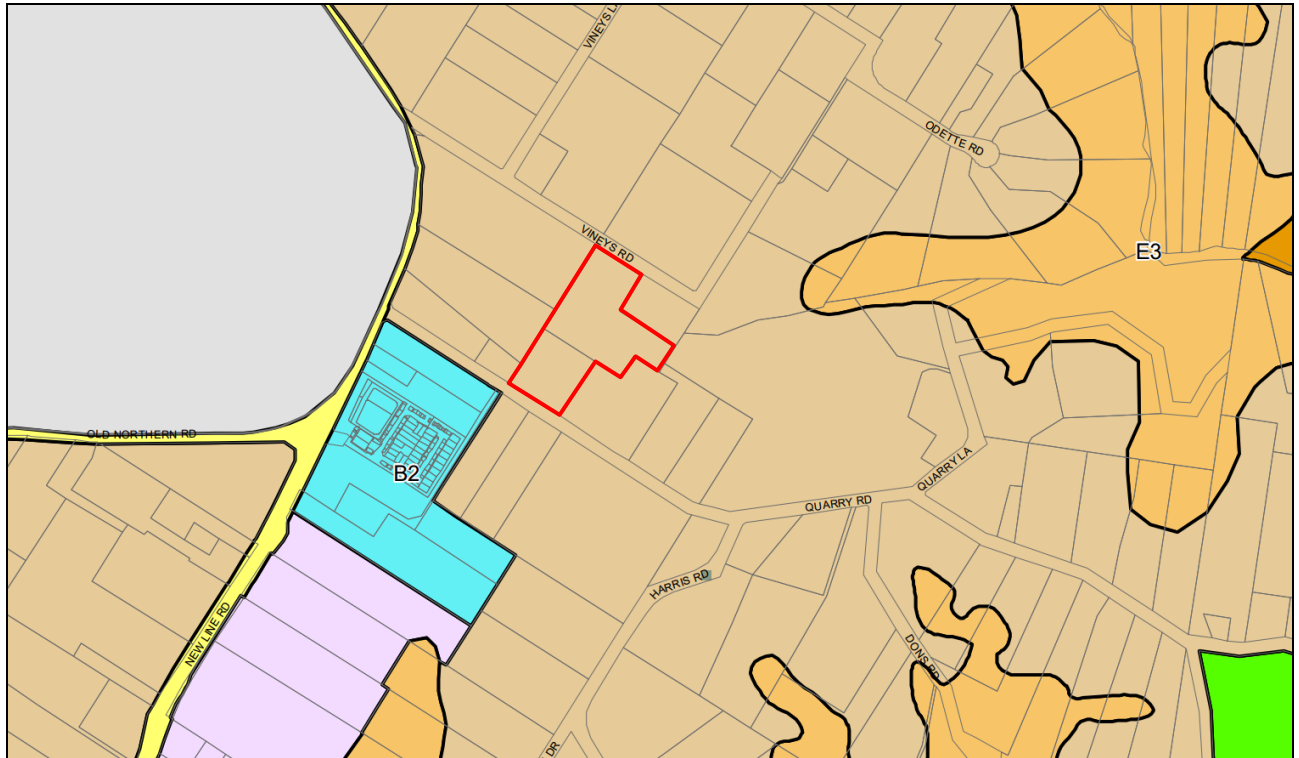
- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;*
- *To maintain the rural landscape character of the land;*
- *To provide for a range of compatible land uses, including extensive agriculture;*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public;*



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- To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.



**Figure 5 | HLEP 2013 Zoning Map (Source: NSW Legislation)**

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 Living is prohibited in the RU2 Zone. However, the zone adjoins B2 Local Centre zoned land, considered land zoned primarily for urban purposes. Therefore, SEPP HSPD is applicable to the Site.

An SCC was issued by the DoPE on 24 May 2017, permitting Seniors Housing on the Site to overcome the prohibition. At present, an SCC is currently approved across the Site, demonstrating the Site is compatible for a more intensive land use.

Legal advice was obtained by Mills Oakley to determine whether a new SCC should be obtained to ensure an SCC was valid across the Site at the time of determination. As such, a consent authority can only grant development consent in reliance on the SCC if the SCC is current at the time of determination, that is, no later than 23 May 2019. Therefore, the lodgement of this SCC is specifically intended to preserve the validity period of the current SCC to allow for an active and valid SCC to be in existence across the Site at the time of determination of the DA.

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Despite the proposed being prohibited in accordance with HLEP 2013, the proposed is permitted with consent in accordance with SEPP HSPD. In accordance with Clause 5 of the SEPP HSPD, 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 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.

### 4.6.2 Subdivision

No subdivision is proposed as part of this development application.

### 4.6.3 Height of buildings

Clause 4.3 of the HLEP 2013 limits the heights of buildings to that described within the Height of Buildings Map. The objectives of the development standard are as follows:

- *To ensure the height of buildings is compatible with the of adjoining development and the overall streetscape,*
- *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The Height of Buildings Map Sheet HOB\_024 of the HLEP 2013 identifies the Site has a prescribed maximum height of 10.5m. This control conflicts with that of the SEPP Seniors for the proposed development which prescribes a maximum building height of 8m. Despite this, as supported by legal advice prepared by Mills Oakley Lawyers, as the Site is located on land that is not zoned for residential purposes, the maximum building height control under the SEPP Seniors is not applicable. Legal Advice prepared by Mills Oakley concludes:

- *The 8m height control contained in Clause (4) of SEPP Seniors does not apply to the proposed redevelopment as the Site is not located in a "residential zone";*
- *{The proposed development} is not required to comply with the development standards contained in Clause 48-50 of SEPP Seniors.*

The built form has been designed to respond to existing characteristics of the Site and the surrounding rural character.

### 4.6.4 Floor Space Ratio

In accordance with Clause 4.4 of the HLEP 2013 the maximum Floor Space Ratio (FSR) for a building on any land is not to exceed that as described within the Floor Space Ratio Map. The objectives of the development standard are as follows:

- *To permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The Site does not have a prescribed maximum FSR pursuant to the HLEP 2013.

However, the SEPP HSPD identifies a maximum FSR on building typology, as follows:

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



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The proposed development results in an overall FSR of 0.82:1 across the entire site. Individually the FSR reflects the following:

- Residential Care Accommodation: 0.12:1; and
- Independent Living Units: 0.6:1.

Overall, the resultant FSR, is considered satisfactory as it is a minor exceedance and the built form has been designed to reflect the prevailing and desired future character of the surrounding development.

### 4.7 DEVELOPMENT CONTROL PLAN

The *Hornsby Shire Development Control Plan 2013* (HDCP 2013) is the primary and comprehensive DCP that applies to the whole Hornsby Shire Local Government Area (LGA). The 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 HSPD.

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.

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### **PART E ENVIRONMENTAL ASSESSMENT**

Pursuant to the assessment of compatibility of the Site, the following matters have been addressed.

#### **5.1 CONTEXT AND SETTING**

The proposed development is seen to be in keeping with the desired future character of Dural. It will intensify the residential uses on the Site and balance the future medium density character of the area with the current rural residential landscape as the area undergoes the transition.

The Site is located in close proximity to retail nodes, which provide a range of commercial premises, key office markets and retail. The Site is highly accessible by road and public transport. The proposed development will also provide for significant landscape areas for passive enjoyment of the residents.

Overall, this SCC application acknowledges that the Site is capable of a more intensive development through the implementation of a Seniors Living Precinct.

#### **5.2 TRAFFIC AND PARKING**

An assessment of the potential traffic impacts of the proposal has been prepared by McLaren Traffic Engineering and accompanies this application as **Appendix 3**.

An assessment of the projected traffic implications as a result of the additional traffic flows and its impacts on the operational performance of the adjacent road network during the morning and afternoon network peak periods has been carried out.

The proposed development and its scale is supportable in terms of traffic flow efficiency and car parking. SEPP HSPD requires a total of 226 car parking spaces and 1 ambulance bay. The development proposes 229 car parking spaces satisfying the SEPP requirement.

The projected additional traffic flows will not have any unacceptable traffic implications in terms of road network capacity. It is recognised the surrounding intersection will generally maintain their existing Level of Service, with intersection works most likely required at the junction of Vineys Road / Old Northern Road. Additionally, the intersection of Old Northern Road & New Line Road is likely to require some form of upgrade as a result contributing development in the surrounding area, and not just limited to the proposed subject development.

Accordingly, it is considered the proposed development will not have any unacceptable implications in terms of road network capacity or off-street parking/loading requirements.

#### **5.3 BUSHFIRE PRONE LAND**

The eastern portion of the Site is identified as a Vegetation Buffer – 100m and 30m according to the Bushfire Prone Land Maps 2014 by the Hornsby Shire Council.

The Site is considered to be suitable for the proposed seniors housing development and appropriate access for fire vehicles has been provided for in the design. All buildings have been designed so as all access points to the built form are outside of the BAL -10 zones which has been agreed to by the RFS on a number of similar developments recently. Overall, the Site is therefore considered to comply with PBP 2006.

Refer to **Appendix 4** for further detail.

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### 5.4 OVERLAND FLOW AND FLOOD ANALYSIS

A Hydrology Report has been prepared by Marchese Partners and accompanies this report as **Appendix 5**. The report addresses the 1 in 100 year ARI storm event flow path, outlined in the *Hornsby Overland Flow Study 2010*.

The hydrology report identifies additional drainage to be implemented within the proposed development in order to address the 1 in 100 year ARI storm event. The following conclusion was made:

*The pipe designed for the 100 Year ARI event flood level is of diameter 1200 mm. (Therefore) this shows the proposed pipe has the capacity to cater for more than double the 100 Year ARI flood event level.*

*The overland flow on the eastern site boundary is found to be in the LOW risk category after the proposed design is applied. This verifies the overland flow routes of the upstream catchment are acceptable within the NSW Floodplain Management limits.*

The hydrology report demonstrates the ability of the site to sufficiently drain and handle the 1 in 100 year ARI stormwater event, and therefore cannot be deemed a floodway or High Flood Hazard.

### 5.5 DESIGN AND APPEARANCE

The proposed Senior's Housing Development comprises nine (9) three (3) storey buildings across the Site with a maximum height of 10.5m in line with the height limitations of the Hornsby Local Environmental Plan 2013.

The proposed development has been designed to ensure the amenity of the residents and the efficient operations of the existing land use. The layout has been designed to ensure optimal arrangement of the built form. This arrangement is considered to maintain the economic viability of the project and continued delivery of services from the Site.

The Site conditions were considered in the placement of the built form, to ensure the least disruption to the existing natural and physical environments. The orientation of the built form will attempt to ensure that the amenity of the residents is satisfactory by providing adequate sunlight, ventilation and living space to habitable rooms.

### 5.6 PUBLIC INTEREST

The proposed development is considered to be in the public interest as it will provide additional facilities for the ageing population. Two types of seniors housing are proposed on the Site, being residential aged care facility and self-care housing units, which will provide for a transitional environment for over 55s that can remain in the same development as their needs change with age. The development will allow for a variety of living arrangements with a variety of care options available to all residents.

The development will also generate employment opportunities both during the construction phase and once completed.

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### PART F STATEMENT OF COMPATIBILITY

This section of the report provides a Statement of Compatibility demonstrating the Site's suitability and compatibility for the intended use, having regard to the matters for consideration in Clause 25 and Clause 26 of SEPP HSPD.

#### 6.1 CLAUSE 25 CRITERIA (SEPP HSPD)

Clause 25 (5)(b) of SEPP HSPD requires that the Director-General must not issue an SCC unless he or she is of the opinion that the proposed development is compatible with the surrounding land uses have regard to (at least) the criteria outlined in the table below. **Table 3** below provides a response to each criterion in Clause 25(5)(b), demonstrating the proposal's consistency with the prescribed Clause of SEPP HSPD.

<b>Table 3   Assessment of the Proposal Against SEPP HSPD Clause 25(5)(b)</b>	
<b>Clause 25(5)(b)</b>	<b>Assessment of the Proposed Concept</b>
<i>(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.</i>	<p><u>Bushfire</u></p> <p>The eastern portion of the site is identified as a Vegetation Buffer – 100m and 30m (see Figure 4) according to the Bushfire Prone Land Maps 2014 by 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. The setbacks have been noted on the plans and included in the design. A bushfire assessment has been provided which ascertains the risk and mitigation by avoidance at <b>Appendix 4</b>.</p> <p>The site is considered to be suitable for the proposed seniors housing development and appropriate access for fire vehicles has been provided for in the design. All buildings have been designed so as all access points to the built form are outside of the BAL -10 zones which has been agreed to by the RFS on a number of similar developments recently. Overall the site is therefore considered to comply with PBP 2006.</p> <p><u>Vegetation</u></p> <p>The site contains vegetation varying in quality with the majority of vegetation on the site proposed to be removed. The aspiration of this development is to install high quality outdoor environments with significant landscaping. Vegetation along the eastern boundary will be retained where possible however this area is incorporated into the design as an eco-zone including walking tracks and sitting areas. These areas is also likely to be utilised for onsite detention and treatment of stormwater creating a natural feel to the environments and a high amenity recreation space.</p>

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	Vegetation to be retained and further enhanced will be detailed in any development application for the site.
<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>The locality is undergoing significant change from primarily larger lot residential community to medium density residential over the next 5-10 years.</p> <p>The proposal to develop seniors housing on the site, in from of a residential aged care facility and self-contained units, is seen to be in keeping with the future desired character of Dural. It will intensify the residential uses on the site and balance the future medium density character of the area with the current rural residential landscape as the surrounding locality undergoes transition.</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 provisions.</i>	The existing services and infrastructure within the vicinity of the Site are considered to be adequate to meet the demands of the future residents of the proposed development. As aforementioned, there are four (4) relatively close commercial hubs which the residents of the proposed senior's housing development are capable of accessing via regular public transport services.
<i>(iv) in the case of applications in relation to land that is zoned open space and 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>	The Site is zoned RU2 Rural Landscape and does not contain land that is zoned open space or special use, therefore, will not reduce or affect the provision of land for open space or special use in the vicinity.
<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 the existing uses, approved uses and future uses of land in the vicinity of the development.</i>	<p>There are three (3) dwellings houses adjacent to site with building heights ranging from single to two storeys. Two of the dwellings are along the western boundary of the site and the third dwelling is adjacent to the northeast boundary of the site. Greenhouse buildings are located on the land to the southeast of the site. None of the adjacent buildings are oriented to face the development site.</p> <p>The proposed senior's housing development comprises 8 x three (3) storey buildings across the site with a maximum height of 10.5m in line with the height limitations of the HLEP 2013. The setback of the proposed buildings from the boundaries will generally be 6-10m with significant landscaped between the buildings and the neighbouring lots as well as throughout the site.</p> <p>The large setbacks have been designed to maintain the landscape feel of the locality and minimise the impacts of the bulk and scale of the</p>

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	<p>proposed development on the neighbouring land. Additionally, the buildings are divided into smaller components to maintain the large lot residential character of the area and it maintains views through the site from the adjacent properties.</p> <p>Potential overshadowing of the proposed development on the neighbouring structures will be limited as the proposed setbacks to the boundaries will create significant building separations between the existing and possible future developments in the vicinity.</p>
<i>(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.</i>	<p>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. Vegetation on the site is proposed to be primarily retained along the eastern boundary up to 15% canopy cover (requirements for in Inner Protection Zone). Scattered trees on site will be removed however some may be retained while others will be replaced with significant endemic landscaping. All landscaping will be intended to keep with the rural character of the area with large setbacks proposed to be landscaped to partially screen the development from the outside.</p>

## 6.2 CLAUSE 26 CRITERIA (SEPP HSPD)

Clause 26 of SEPP HSPD requires that a consent authority not consent to a development application for seniors housing unless it is satisfied that residents of the proposed development will have access that complies with a number of requirements in subclause (2). An assessment of the proposed concept's compliance with the requirements of Clause 26(2) is provided in **Table 4**.

**Table 4 | Assessment of the proposal against SEPP HSPD Clause 26(2)**

Clause 26 Criteria	Comment
<p><i>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</i></p> <p><i>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</i></p> <p><i>(b) community services and recreation facilities, and</i></p> <p><i>(c) the practice of a general medical practitioner.</i></p>	<p>The Site is located in close proximity to local shopping facilities and services as outlined in Section 2.6 of this report.</p> <p>There are a mix of land uses and building types and characters that include:</p> <ul style="list-style-type: none"><li>▪ Medical/Healthcare – a family GP practice, medical centre, physiotherapy, optometrist, and pharmacies.</li><li>▪ Shopping and restaurants – Coles, fruit and vegetable market, bakeries, travel agents, cafes, general shopping facilities, butcher, hair dresser, Commonwealth Bank of Australia, HSBC, NAB, St George, NRMA, Bankwest, ANZ Bank, Suncorp, and a range of restaurants and take-away food options.</li></ul>



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	<ul style="list-style-type: none"> <li>Recreational facilities.</li> <li>Community facilities – post office, library, community centre, senior citizens centre.</li> </ul>
<p><i>(2) Access complies with the clause if:</i></p> <p><i>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</i></p>	<p>The Site is located within 400 metres from existing local community facilities, and has access to frequent public transport facilities.</p> <p>Further, there is a future intention of a community shuttle bus to operate between the aged living precinct and the local shopping and community facilities to allow the services to be accessible to the residents.</p> <p>The existing paths of travel are considered to meet the relevant requirements. A comprehensive Access Report will be included as part of any future development application.</p>
<p><i>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division – there is a public transport service available to the residents who will occupy the proposed development:</i></p> <p><i>(i) that is located at a distance of not more than 400 metres from the Site of the proposed development and the distance is accessible by means of a suitable access pathway, and</i></p> <p><i>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</i></p> <p><i>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive)</i> <i>and the gradient along the pathway from the site to the public transport services (and from the public transport services to facilities and services referred to in subclause (1)) complies with subclause (3), or</i></p>	<p>The Site is accessible to regular bus services along Old Northern Road. A bus stop is located at 588 Old Northern Road, Dural (Stop ID: 215856) along the western side of Old Northern Road and is approximately 350m from the Site.</p> <p>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 370m from the Site.</p> <p>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.</p> <p>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.</p>
<p><i>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway for</i></p>	<p>The gradients and slope as required under Clause 26 (2) of the SEPP requires that the access from the proposed development to facilities be located</p>

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*the Site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be more than 1:14, although the following gradients along the pathway are also acceptable:*

*(i) a gradient no more than 1:12 for slopes for a maximum of 15 metres at a time,*

*(ii) a gradient no more than 1:10 for a maximum length of 5 metres at a time,*

*(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time*

at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

- i. a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- ii. a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
- iii. a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or

The proposed development complies with Clause 26 (2) as shown in the accompanying gradient and access plan (refer to **Figure 3**). The gradient increases by 1 metre every 46 metres of run, well under the requirements of the SEPP.



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### PART G CONCLUSION

The Site Compatibility Certificate Application is resubmitted to the Department of Planning & Environment in accordance with the provisions of Clause 25 of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*. The submission of this SCC is merely to extend the validity period of the existing SCC, dated 24 May 2017, having regard for the statutory need to have a valid SCC at the time of determination of the Development Application.

Clause 26(2) of the SEPP HSPD requires that a consent authority must not consent to a development application for seniors housing on land that adjoins land primarily for urban purposes, unless the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:

- The site of the proposed development is suitable for more intensive development, and
- 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).

Having had regard for comments received from Council and the Department of Planning & Environment, as well as the environmental constraints and the environmental assessment contained in this report, it is considered that the Site is suitable for a more intense development, with the proposed development providing for a contextually appropriate building form and land use for the Site.

It is acknowledged that the proposed concept has previously been considered by the DoPE as being compatible with the surrounding environment having regard to not only the criteria specified in Clause 25(5)(b), but having regards to the existing streetscape, environment, surrounding land uses, and the Planning Principle for compatibility as established by *Roseth SC in Project Venture Developments v Pittwater Council [2005]*.

The proposed development is consistent with the aims of the SEPP HSPD and meets the requirements of Clause 25 of the SEPP HSPD. Accordingly, a Site Compatibility Certificate can be issued for the proposal to allow an extension to the existing SCC validity period.

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## APPENDIX 1 – Architectural Drawings

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## APPENDIX 2 – SEPP HSPD Assessment

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## APPENDIX 3 – Traffic Impact Assessment

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## APPENDIX 4 – Bushfire Impact Assessment

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## APPENDIX 5 – Overland Flow and Flood Analysis