

# STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED MODIFICATION APPLICATION

FOR RETIREMENT VILLAGE AT 392 GALSTON ROAD GALSTON

JANUARY 2022

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## 1.0 INTRODUCTION

Vigor Master Pty Ltd has been engaged by the property owner to prepare a Statement of Environmental Effects in relation to proposed Section 4.56 application to modify the approved housing for older people at 392 Galston Road, Galston (Lot 1 DP 1211969).

The proposed development involves the modifications to road design, community centre design, terms of consent conditions, and additional signage design at the village entrance.

This report addresses the nature of the proposed development and the characteristics of the site and surrounding area. It also provides an assessment of the proposed development under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

### 1.1 Background

The site is zoned RU2 under Hornsby Local Environmental Plan 2013. The original development application was brought under State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004.

Development application (DA/484/2011) involving the construction of a seniors living development containing 76 independent living units and an associated community building was approved by Land and Environment Court on 12 January 2012.

A Section 96 application (DA/484/2011/B) dividing the development into 3 stages was approved by Council on 6 February 2014. A number of consent conditions were modified by this application.

Modification application (DA/484/2011/C) was approved on 30 July 2018 to modify the design of building types B1 and B2 and to change the terms of conditions 3, 8, 12, 17, 19 and 26. Modification application (DA/484/2011/E) was approved on 14/02/2019 to further adjust the design of building types B1 and B2.

Modification application (DA/484/2011/H) was approved on 17 December 2020 to change the layout of villas 11 to 25, design of the permanent community centre, the use of villas 1 and 2 as temporary community centre.

Modification application (DA/484/2011/I) was lodged on 8 April 2021 seeking the changes to consent conditions 18, 44A, 59 and 60.

## 2.0 THE SITE AND SURROUNDS

### 2.1 The Subject Site

The subject site used to comprise 2 allotments, with the northern allotment known as 5 Mid Dural Road, having an area of 2.2023ha and the southern allotment, known as 392 Galston Road, having an area of 1.982ha. The consolidation of the two allotments have been done in accordance with the requirements under the consent condition 8. The site has a street frontage approximately 132m in length to Mid Dural Road, 101m in length to Galston Road.

The site has been used for agricultural purposes in the past, but in recent times has been largely vacant. Currently, the construction of villas 1 to 10 is underway. A temporary vehicular crossing from Galston Road was built in September 2021.



Figure 1: Subject Site



## 2.2 Local Context



Figure 2: Local Context

The property is located within the northwest sector of Hornsby Shire Council Local Government Area, on the southern side of the Village of Galston. The Site Compatibility Certificate recognises that the subject development site adjoins the urban area of Galston.

The local centre, within walking distance from the site, provides general and specialist retail, banking, professional and other commercial services.

The residential land uses on the northern side of Mid Dural Road are generally single detached dwellings up to two storeys. The Galston village centre area also includes some medium density, attached two storey terrace style housing.

## 2.3 Site Constraints

The following site constraints have been identified.

ADVISORY	YES/NO	COMMENT
Is the land identified as being possible contaminated?	No	No issue

Is the land identified as being Flood Prone?	No	No issue
Is the land identified as being Bush Fire?	No	No issue
Is a Traffic Impact Assessment required?	Yes	The impact has been assessed under the original DA. New Traffic Report has been prepared to support this modification.
Are there Flora and Fauna, Threatened Species or Native Vegetation Issues?	Yes	The impact has been assessed under the original DA. This modification will not affect the previous assessment.
Are there Aboriginal Significance Issues?	No	No issue
Are there Heritage Issues?	No	No issue
Is the land identified as being land slip risk area?	No	No Issue
Is the land identified as being potentially affected by Acid Sulphate Soils?	No	No issue
Is the land identified as wetland buffer zone?	No	No issue

Where relevant, these issues have been addressed throughout the report

### 3.0 PROPOSED MODIFICATION

This application seeks consent to make the following changes:

1. Road design – minor adjustments to the internal roads, changes to the public road design and staging; and
2. Community centre – internal layout changes and external adjustments to the permanent community centre for NCC compliance; and
3. Consent conditions – changes to the terms of consent conditions 27B, 56, 57, 61B, and 66 to 78; and
4. Proposed design of new signages at the village entrance.

#### 3.1 Changes to Road Design and Staging

The adjustments proposed to the internal roads are the turning radius of each road at the intersection near the Galston Road village entrance and the alignment of the section of the road to the north of the permanent community centre.

The reasons for these changes are to enable easy vehicle manoeuvres at the entrance intersection and to locate the roads further away from the villas where possible.

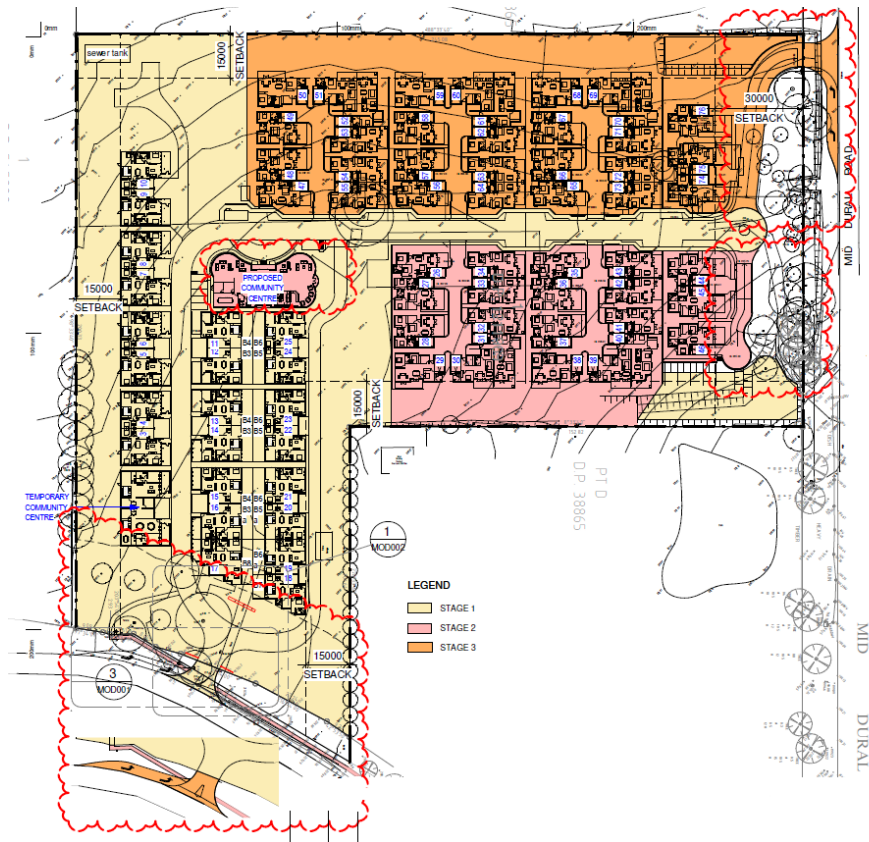


Figure 3: New staging arrangement





Figure 4: Changes to the basement

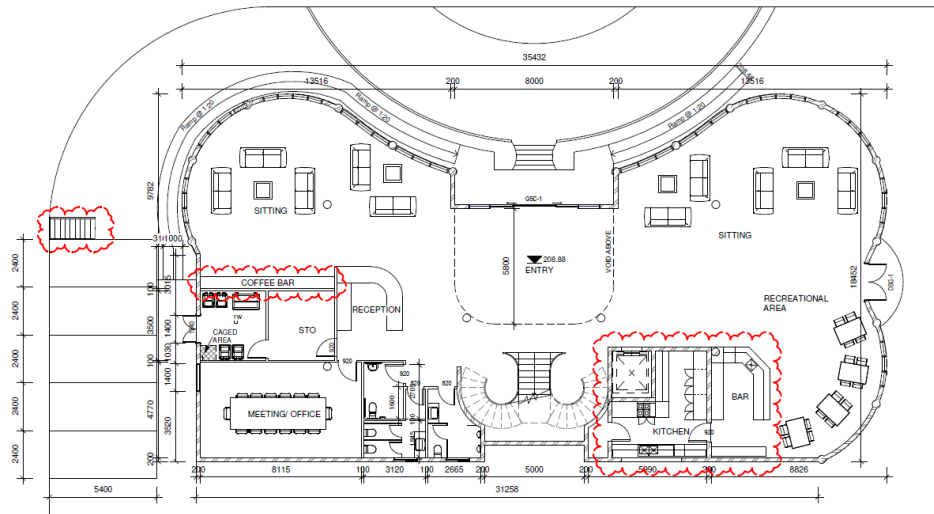


Figure 5: Changes to the ground floor

To achieve NCC compliance, two exits are added to the basement discharging people to the road on the ground level.

The dance floor on the ground level has been deleted to achieve acoustic requirements.

Other changes are made to the kitchen, coffee bar, toilets and bathrooms, and room layouts in the basement to improve accessibility.

### 3.3 Changes to Consent Conditions

The applicant seeks the consent to modify the terms of conditions 27B, 56, 57, 61B, and 66 to 78.

The detailed changes are coloured in red with reasons outlined below.

#### **27B. Acoustic Treatment and Certification Permanent Community Centre**

Acoustic treatment must be installed for the proposed community centre in accordance with the recommendations contained within the Acoustic Impact Assessment prepared by PKA Acoustic Consulting, dated 1 October 2020 and its Addendum dated 23 February 2021. and the following requirements:

- ~~a) All windows to be fixed and inoperable within community centre to control noise emissions from the centre to nearby sensitive receivers.~~

~~b) All glazed elements of the community centre must be minimum Rw 34 and entry doors be minimum Rw 32. The Rw rating is required for the complete glazing and frame assembly. The window glass and frame system are to have a laboratory tested acoustic performance (in accordance with Australian Standard AS1191 Acoustics – Method for laboratory measurement of airborne sound insulation of building elements) meeting the requirements.~~

Reasons: Additional Addendum to the report has been prepared by the acoustic engineer confirming the acoustic requirements can be achieved without the need of changing all windows to fixed windows in the permanent community centre. The alternative solution is to remove the dance floor and to impose management measures such as no live performances within the centre and time restrictions on the use of the centre.

#### **56. Food Premises**

~~DELETE~~

Reasons: the on-site meals ordered by the residents will be prepared by off site restaurants. The community centres in the village will not be operated as retail or commercial premises. No restaurant, café, bar or any kinds of food and drink businesses will be operated in the community centre. The kitchens in the centres will be used by residents privately.

#### **57. Grease Trap Installation**

~~DELETE~~

Reasons: the kitchens in the community centres will not be operated as retail or commercial premises.

#### **61B. Acoustic Certification**

On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic consultant certifying that all acoustic works have been completed in accordance with the recommendations) contained within the Acoustic Impact Assessment - temporary community centre prepared by PKA Acoustic Consulting, dated 12 October 2020 (and its Addendum dated 23 February 2021), the Acoustic Impact Assessment prepared by PKA Acoustic Consulting , dated 1 October 2020 and this consent.

Reasons: because of the proposed changes to consent condition 27B.

## 66 to 78. Condition of Concurrence – Roads and Traffic Authority

**WILL BE UPDATED**

Reasons: the TfNSW will issue new condition of concurrence to replace the current conditions 66 to 78.

### 3.4 Details of New Signages

Three structures are proposed inside the village to use as signages. Two of them are located near the village's Galston Road entrance and the other is behind the road intersection.

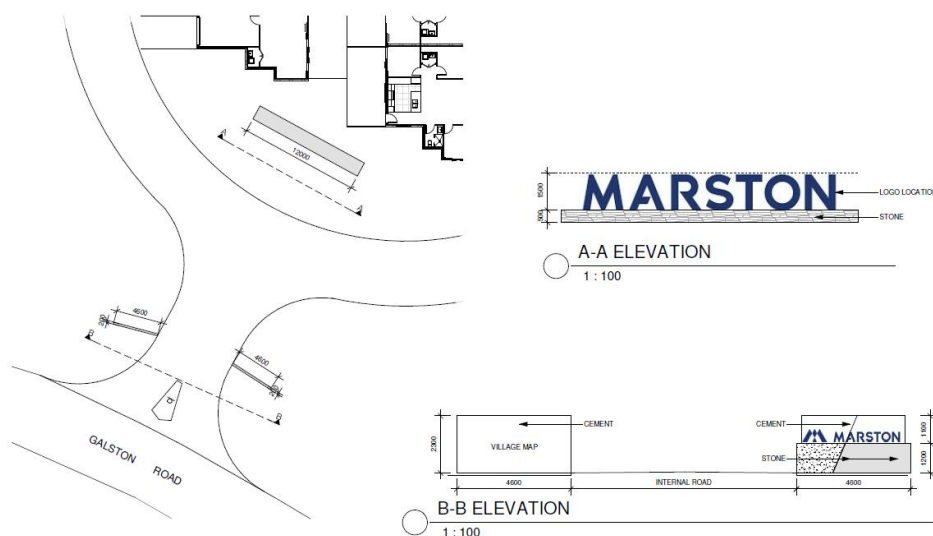


Figure 6: New signages

The two smaller ones are made of concrete blocks with stone cladding and render finishes. One is decorative with village operator's logo to help identify the village entrance, and the other one will support the village map to help visitors to navigate the village.

The third structure contains a sandstone base with the village's logo. It is a decorative feature being part of the landscape design.

## 4.0 PLANNING CONTROLS

The proposed development has evolved from the requirements and guidelines of the current planning controls. The instruments that have guided the proposal include:

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Hornsby Local Environmental Plan 2013
- Hornsby Development Control Plan 2013
- Seniors Living Policy – Urban Design Guidelines for Infill Development
- Compatibility Certificate

### 4.1 State Environmental Planning Policy 55 – Remediation of Land

Environmental Site Assessment was prepared and approved under the approved DA. The previous site contamination has been remediated.

### 4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The approved BASIX certificate is not affected by the proposed modification.

### 4.3 State Environmental Planning Policy (Infrastructure) 2007

The modification proposes to change the design of the public road works. New civil engineering plans are provided with the application.

### 4.4 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The following is an assessment of the proposal against relevant provisions.

Part/Clause	Provision	Proposal	Compliance
Part 2 Site-related requirements	Location and access to facilities, Bushfire prone land, Water and sewer, site compatibility criteria.	The proposed modifications will change the design of public road works. The	Yes



		changes have been made in response to the comments received from TfNSW.	
Part 3 Design requirements			
Clause 30	Site Analysis	No change	Yes
Clause 31	Design of in-fill self-care housing	No change	Yes
Clause 33	Neighbourhood amenity and streetscape	No Change	Yes
Clause 34	Visual and acoustic privacy	Updated acoustic addendum report is provided to address the acoustic impact from the operation of the permanent community centre.	Yes
Clause 35	Solar access and design for climate	No Change	Yes
Clause 36	Stormwater	No Change	Yes
Clause 37	Crime prevention	No Change	Yes
Clause 38	Accessibility	No Change	Yes
Clause 39	Waste management	No Change	Yes
Part 4 Development standards to be complied with			
Clause 40	Development standards – minimum sizes and building height	No Change	Yes
Clause 41	Standards for hostels and self-contained dwellings	No Change	Yes
Part 5 Development on land adjoining land zoned primarily for urban purposes			
Clause 42	Serviced self-care housing	The relevant services will be available to residents as approved in original DA.	Yes
Clause 43	Transport services to local centres	No change	Yes
Clause 44	Availability of facilities and services	No change	Yes
Part 7 Development standards that cannot be used as grounds to refuse consent			
Clause 50	Standards that cannot be used to refuse development consent for self-contained dwellings	No Change	Yes
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings			
Clause 2	Siting standards	No Change	Yes
Clause 3	Security	No Change	Yes
Clause 4	Letterboxes	No Change	Yes
Clause 5	Private car accommodation	No Change	Yes
Clause 6	Accessible entry	No Change	Yes

Clause 7	Interior: general	No Change	Yes
Clause 8	Bedroom	No Change	Yes
Clause 9	Bathroom	No Change	Yes
Clause 10	Toilet	No Change	Yes
Clause 11	Surface finishes	No Change	Yes
Clause 12	Door hardware	No Change	Yes
Clause 13	Ancillary items	No Change	Yes
Clause 14	Application of standards in this Part	No Change	Noted
Clause 15	Living room and dining room	No Change	Yes
Clause 16	Kitchen	No Change	Yes
Clause 17	Access to kitchen, main bedroom, bathroom and toilet	No Change	N/A
Clause 18	Lifts in multi-storey buildings	No Change	N/A
Clause 19	Laundry	No Change	Yes
Clause 20	Storage for linen	No Change	Yes
Clause 21	Garbage	No Change	Yes

#### 4.5 Hornsby Local Environmental Plan 2013

The assessment against the Hornsby Local Environmental Plan will not be affected by the modifications.

#### 4.6 Hornsby Development Control Plan 2013

The assessment against the Hornsby Development Control Plan will not be affected by the modifications.

#### 4.7 Seniors Living Policy – Urban Design Guidelines for Infill Development

The following parts of the Guidelines are the most relevant in the case of the proposed modification and have been considered.

Control	Relevant requirement	Compliance
<b>1. Responding to context</b>	Analysis of neighbourhood character including Street layout and hierarchy; Block and lots; Build environment; Trees.	Yes The proposed modifications will not affect the approved Site Analysis. No change is proposed to scale and height, existing

		streetscape and tree retention.
<b>2. Site planning and design</b>	Built form; Trees, landscaping and deep soil zones; Parking, garaging and vehicular circulation.	Yes Landscape Plan has been updated in accordance with the adjustments to the internal roads.
<b>3. Impacts on streetscape</b>	Built form; Trees, landscaping and deep soil zones; Residential amenity; Parking, garaging and vehicular circulation.	Yes The proposal will not affect the previous assessment of streetscape.
<b>4. Impacts on neighbours</b>	Built form; Trees, landscaping and deep soil zones; Residential amenity; Parking, garaging and vehicular circulation.	Yes No change is proposed to side setback. The proposal will not affect the previous assessment of impacts on neighbours.
<b>5. Internal site amenity</b>	Built form; Trees, landscaping and deep soil zones; Residential amenity; Parking, garaging and vehicular circulation.	Yes The proposal will not affect the previous assessment of internal site amenity.

#### 4.8 Compatibility Certificate

Below is an assessment against the Site Compatibility Certificate.

Control	Compliance
94 self contained unit (serviced self care housing) of single storey construction.	Yes The proposal does not increase the number of dwellings.
On site services including meals, cleaning, personal and medical care and nursing.	Yes No change to previous services arrangement.
A Community facility.	Yes The changes to the community centre are for NCC compliance, better accessibility, and less acoustic impact.
1. Development consisting of one storey as proposed.	Yes
2. Compliance with at least the standards in clause 50 (b), (c), (d) and (e) of the SEPP covering density and scale, landscaped area, deep soil zones, and solar access.	Yes No change
3. Private open space is to be provided for each dwelling at least to the standard of clause (f) of the SEPP.	Yes No change
4. Council being satisfied that the development will be retirement village, as	Yes No change

required by clause 17(2) of the SEPP. Management mechanisms for the services to be provided are to be to the satisfaction of Hornsby Council.	
5. The final number of dwellings (not to exceed 94) to be determined taking into account Council's Development Control Plan and other formal policies, such as setbacks to boundaries, on site effluent disposal, drainage and the like, and the open space and landscaping requirements of the SEPP.	Yes No change
6. Siting of dwellings to maximise accessibility to services in Galston village and to public transport.	Yes No change
7. Negotiation with Hill Bus before submission of a development application on the provision of a bus stop to service the proposed development.	Yes No change
8. Demonstration of adequate infrastructure for, or treatment of, wastewater and siting of any on-site treatment to the rear of the site, including further discussions with Sydney Water re. the availability of reticulated sewer.	Yes No change
9. A buffer/setback to be provided from all boundaries in accordance in accordance with Council's Rural Lands Development Control Plan.	Yes No change
10. The size of the community facility to be a minimum of 300 sq. metres and include common dining and recreational areas.	Yes No change
11. Any development application should consider potential contamination issues as the result of previous uses on the site.	Yes No change

## 5.0 ENVIROMENTAL PLANNING ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Sections of the EPA Act has been undertaken.

### 5.1 Section 4.15(1)(a)(i) - Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

### 5.2 Section 4.15(1)(a)(ii) - Draft Environmental Planning Instruments

There are no known drafts Environment Planning Instruments applicable to the subject site.

### 5.3 Section 4.15(1)(a)(iii) - Development Control Plan

The relevant development control plans have been considered earlier in this report.

### 5.4 Section 4.15(1)(a)(iiia) - Planning Agreement or Draft Planning Agreement Entered Into Under Section 7.4

There are no known planning agreements that apply to the site or development.

### 5.5 Section 4.15(1)(a)(iv) - Regulations

There are no sections of the regulations that are relevant to the proposed development at this stage.

### 5.6 Section 4.15(1)(b) - Impacts of The Development

The impacts have been considered earlier in this report. It is concluded no significant will be generated from this modification application.



#### 5.7 Section 4.15(1)(c) - Site Suitability

The proposal is consistent with the Site Compatibility Certificate. For the reasons outlined in this report the site is considered suitable for this development proposal.

#### 5.8 Section 4.15(1)(d) – Submissions

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

#### 5.9 Section 4.15(1)(e) - The Public Interest

Given the type of development, its compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

#### 5.10 Section 4.15(3A) - Development Control Plans

The relevant development control plans have been considered earlier in this report.

## 6.0 CONCLUSION AND RECOMMENDATION

The proposed modifications have been assessed against the requirements of the Hornsby LEP and SEPP 2004 and is considered to represent a form of development that is acceptable.

The proposed modifications would not result in any unacceptable impact on the site and surrounding area. The site is considered suitable for a use of this nature and is consistent with what have been previously approved on the subject site.

An assessment against section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed modifications to approved housing for older people on the site be approved.