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## Statement of Environmental Effects

Seniors Housing Development

Kilvinton & Dorothy Mowll Court Renewal Anglicare Castle Hill

284 Castle Hill Road and 411-415 & 417 – 419 Old Northern Road,  
Castle Hill

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## Abbreviations

AADT	annual average daily vehicle trips
AHD	Australian Height Datum
AS	Australian Standard
ASS	acid sulfate soils
BC Act	Biodiversity Conservation Act 2016
BCA	Building Code of Australia
CC	construction certificate
CIV	capital investment value
Council	Hornsby Shire Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
DPE	NSW Department of Planning, Industry and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	environmental planning instrument
ESCP	erosion and sedimentation control plan
FSR	floor space ratio
GFA	gross floor area
HIS	heritage impact statement
LEP	local environmental plan
LGA	local government area
RFS	NSW Rural Fire Service
RF Act	Rural Fires Act 1997
RL	reduced level
RMS	NSW Roads and Maritime Services
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy
SNPP	Sydney North Planning Panel
SULE	safe useful life expectancy
vtph	vehicle trips per hour
WM Act	Water Management Act 2000
WSUD	water sensitive urban design

# 1 Introduction and Background

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## 1.1 Commission

DFP has been commissioned by Anglican Community Services (ACS) to prepare a Statement of Environmental Effects (SEE) for the proposed seniors housing development (Kilvinton & Dorothy Mowll Court Renewal) at Anglicare Castle Hill, 284 Castle Hill Road and 411-415 & 417 – 419 Old Northern Road, Castle Hill.

The application is submitted under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors).

The proposed development comprises:

- Demolition of 67 dwellings including part of the existing Hunter Terraces, Dorothy Mowll Court and single storey dwellings on the southern side of Barker Drive, two existing administration buildings on the western side of Western Road and existing buildings on 417-419 Old Northern Road.
- Remediation, site excavation and earthworks.
- Removal of trees and vegetation.
- Construction of seniors housing comprising:
  - Three (3) three storey buildings providing 53 apartment style self-contained dwellings;
  - 13 single storey detached and semi-detached villa style self-contained dwellings;
  - One two-storey administration building; and
  - Single storey community building with self-serve café.

A total of 66 self-contained dwellings (apartments + villas) are proposed.

- Upgrades to existing road network along James Cook Drive.
- Basement carparking beneath the apartment buildings, one garage for each villa, carparking spaces adjacent to the administration building (B19).
- Associated infrastructure to support the development including upgrades to stormwater management.
- Landscaping and pathways including significant enhancements to the landscaped area around Tom Thumb Lagoon.

## 1.2 Purpose of this Statement of Environmental Effects

The purpose of this report is to provide Council and relevant NSW State Government Agencies with the relevant information necessary to assess the development proposal and to determine the DA in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The proposed development is assessable pursuant to Part 4 of the EP&A Act.

Old Northern Road is a classified road but not a main road in accordance with section 4.46(1) of the EP&A Act. The DA does not propose any works to Old Northern Road. The DA is not Integrated Development for the purposes of section 138 of the Roads Act, 1993.

The proposed development has a capital investment value (CIV) of \$81,995,000 and is therefore regionally significant development under State Environmental Planning Policy (State and Regional development) 2011.

# 1 Introduction and Background

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## 1.3 Previous Development Consents/Development Applications

Anglicare Castle Hill has been the subject of numerous development applications. Three of the most recent DAs include:

- DA/58/2012. This DA comprised the demolition of existing buildings, construction of a seniors housing development comprising 115 self-contained dwellings, a health care centre, community building, café, bowling green and alteration and additions to existing heritage building. The application was determined by the JRPP (Sydney West Region) on 26 July 2012.
- DA/1470/2015. This DA comprised the construction of two residential flat buildings containing 22 self-contained dwellings and two single storey dwellings. The application was determined on 27 July 2016.
- DA/1072/2016. This DA comprised the demolition of the existing St James Chapel and Dover Hall building and construction of a new chapel and hall building in a similar position. This application was determined by the Sydney North Planning Panel on 6 September 2017.
- DA/315/2019. This DA comprised demolition of existing structures and construction of seniors housing incorporating a 92 bed residential care facility, 156 independent living units, and ancillary works and facilities including office, café, earthworks and landscaping. The DA was refused by Council on 9 December 2020.
- DA/648/2021. This DA proposed the demolition of Kilvinton Village including Hunter Terraces (62 dwellings), Cranswick Court (2 dwellings) and various buildings on the western side of Western Road. The application was determined on 20 August 2021. This consent has not been acted upon. It should be noted that the proposed development (the subject of this SEE) now proposes the retention of 45 dwellings in Hunter Terraces and the 2 dwellings comprising Cranswick Court (total 47 dwellings retained) with the intention to continue their previous use as seniors housing in the form of self-contained dwellings.

## 1.4 Material Relied Upon

This SEE has been prepared by DFP based on the information listed below and various site inspections undertaken during 2018, 2019 and 2020. The documentation listed below are those documents submitted with the DA and have been uploaded to the NSW Planning Portal.

1. Survey Information including:
  - a. Survey Plans prepared by LTS Surveyors
  - b. Letter from LTS Surveyors regarding the RMS Drainage Easement
2. Architectural Plans prepared by Jackson Teece Architects
3. Design Statement and ADG Assessment prepared by Jackson Teece Architects
4. Landscape Plans prepared by Landform Studios
5. Civil drawings and Civil Design Report (including flooding) prepared by PTC Consultants
6. Urban Design Report prepared by Kennedy Associates Architects
7. Geotechnical Information:
  - a. Geotechnical Investigation prepared by Douglas Partners
  - b. Investigation and Letter from Douglas Partners regarding the Railway Corridor
8. Contamination Reports including:
  - a. Letter from Douglas Partners explaining chronology of contamination reporting



# 1 Introduction and Background

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- b. Preliminary Site Investigation prepared by Douglas Partners
  - c. Remediation Action Plan prepared by Douglas Partners
- 9. Traffic and Parking prepared by Stantec
- 10. BASIX Certificates prepared by JHA Engineers
- 11. Access Report prepared by Accessible Building Solutions
- 12. Building Code of Australia Report prepared by Blackett Maguire and Goldsmith
- 13. Clause 4.6 written request prepared by DFP Planning
- 14. Conservation Management Plan prepared by Paul Davies Pty Ltd
- 15. Heritage Impact Statement prepared by Kemp and Johnson Heritage Consultants
- 16. Arboricultural Assessment prepared by Tree Wise Men
- 17. Flora and Fauna Assessment prepared by Ecoplanning
- 18. Acoustic Assessment prepared by Acoustic Logic
- 18. Air Quality Report prepared by SLR Consulting
- 20. Waste Management Reports and Plans including:
  - a. Operational Waste Management Plan
  - b. Construction and Demolition Waste Management Plan prepared by UFD
- 21. Construction Traffic Management Plan prepared by Stantec
- 22. Construction Management Plan prepared by RJA Projects
- 23. Quantity Surveyors Reports prepared by Rider Levett Bucknall
- 24. Anglican Community Services Operational Information:
  - a. Social Housing Provider Status
  - b. Operational Statement Regarding Serviced Self-Care Housing prepared by Anglicare
- 25. Bus Timetables

## 2 Site Context

### 2.1 Location

The site is located within the existing Anglicare Castle Hill seniors housing village (herein referred to as the 'Castle Hill Village') located within the Hornsby local government area. The site is located at the north-western corner of Castle Hill Road and Old Northern Road. The Hills Shire LGA is located on opposite side of both Castle Hill Road and Old Northern Road. **Figure 1** shows the location of the site. For purposes of this DA two boundaries have been described.

- The **blue line** represents the cadastral boundaries of the lots that form part of the development application which has an area of 257,050m<sup>2</sup> the 'site'.
- The **red line** represents the extent of the works the subject of the DA which has an area of 78,159m<sup>2</sup> (the 'development site area' or 'construction site area referred to on the architectural plans.

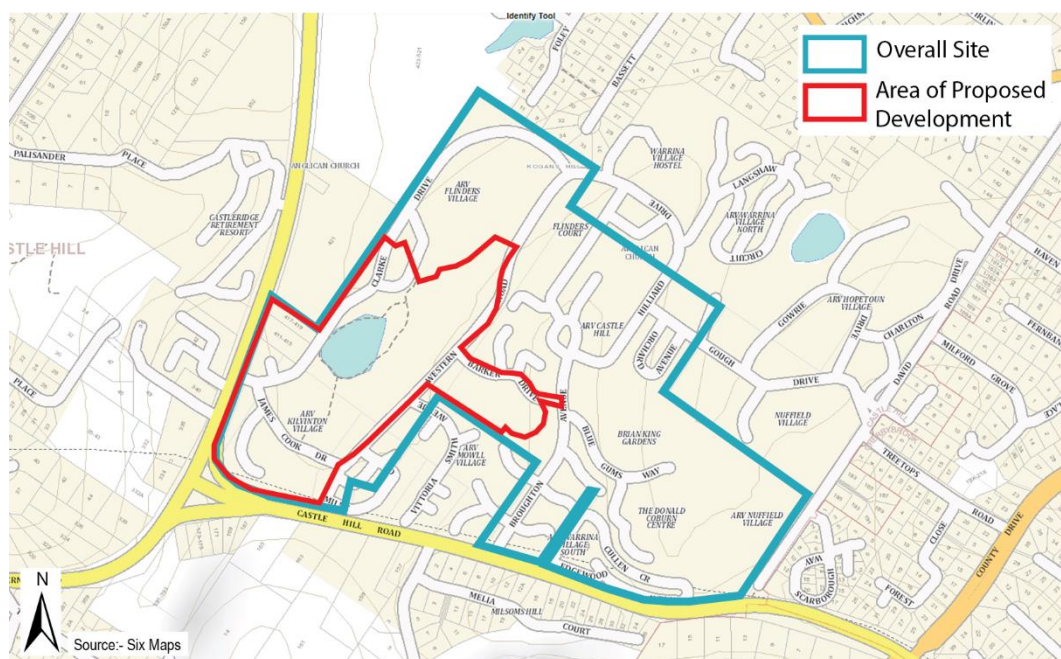


Figure 1 Site Location

### 2.2 Site Description

The land to which the proposed development relates comprises 7 allotments (including part allotments) as described in **Table 11**.

Table 1 Site Description		
Property Address	Lot / DP	Site Area
284 Castle Hill Road, Castle Hill	1 / 177433 (part)	80,940m <sup>2</sup>
284 Castle Hill Road, Castle Hill	1 / 654242	20,850m <sup>2</sup>
284 Castle Hill Road, Castle Hill	10 / 135926	3,200m <sup>2</sup>
284 Castle Hill Road, Castle Hill	B / 410898 (part)	90,99m <sup>2</sup>
284 Castle Hill Road, Castle Hill	2005 / 1088072 (part)	139,500m <sup>2</sup>
411 – 415 Old Northern Road, Castle Hill	100 / 1101146	2,052m <sup>2</sup>
417 – 419 Old Northern Road, Castle Hill	3 / 1047222	1,409m <sup>2</sup>
Total Site Area		257,050m <sup>2</sup>

## 2 Site Context

The site area of 257,050m<sup>2</sup> includes the site area of all lots the subject of the DA. This site area includes all lots ‘touched’ by the development even though some existing development on those lots is retained. This site area is consistent with the definition of site area in the Hornsby Local Environmental Plan (LEP) 2013 which is provided below:

***Site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.”*

The site area (i.e the area outlined in blue) identified on the Architectural plans is consistent with the above definition for the following reasons:

1. The site area includes all lots land ‘touched’ by the development and all such lots are contiguous to each other consistent with the definition of site area.
2. The site area is readily identifiable by way of title.
3. The identified site area has the benefit that the gross floor area (GFA) of existing buildings proposed for retention is included. This avoids ‘double dipping’ by including the site area that could have been used to calculate floor area in a previous DA. It also allows future DAs to readily understand what site area was used to calculate FSR to avoid double dipping in future developments.

A site survey has been prepared by LTS Lockley Registered Surveyors included with the DA. An aerial photograph of the site is provided as **Figure 2** and photographs of the immediate area of the proposed development are illustrated in **Figure 3**.

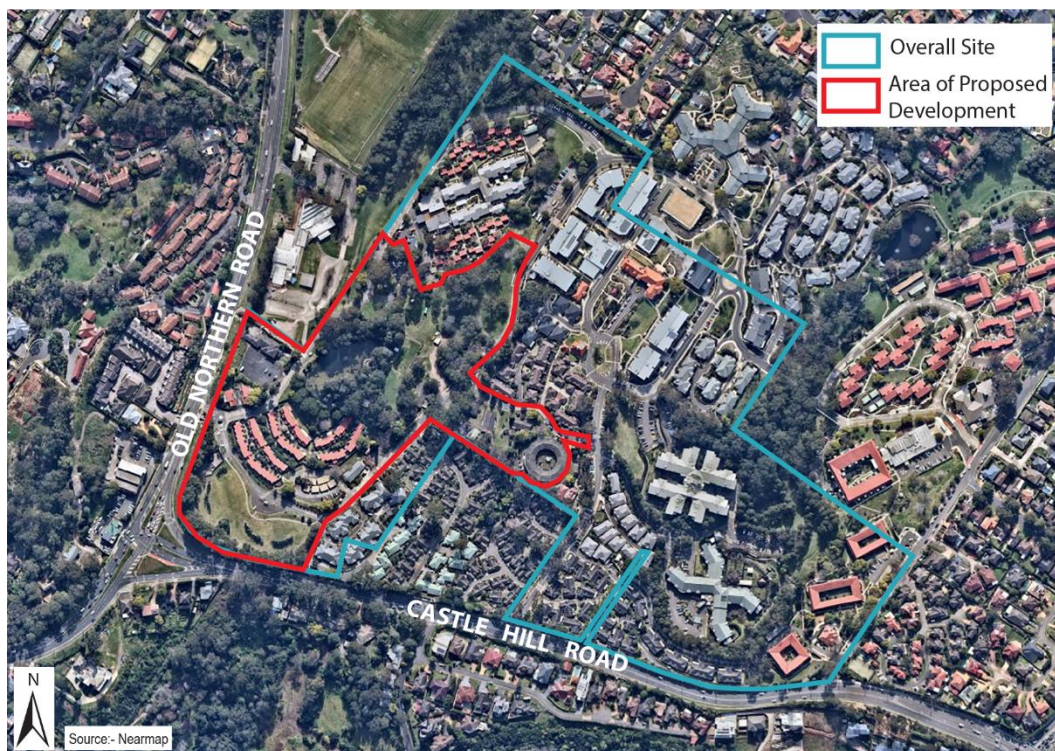


Figure 2 Aerial photograph

### Topography

Generally, the site falls from the Old Northern Road and Castle Hill Road site boundaries towards Tom Thumb Lagoon and then rises gently to the north from the lagoon. There are steep embankments adjacent to Castle Hill Road and Old Northern Road (petering out to the north). This creates an amphitheatre appearance to the site’s topography. The ground levels vary from about RL 178m at the corner of Old Northern Road and Castle Hill Road to RL 165m on the edge of the lagoon. The toe of the embankment is approximately RL 172m. The



## 2 Site Context

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level change from the property boundary to the cleared land at the toe of the embankment is 6m. Excluding the embankment, the site has a fall of approximately 7m.

The Barker Street 'wing' of the site rises gently from Western Road (RL 174m) to the east (RL182m) over a distance of approximately 120m.

### **Improvements**

The site has been used as retirement village since 1959. The Anglicare Castle Hill development provides a range of residential accommodation for seniors including self-contained dwellings and residential care facilities. The site also provides a range of ancillary community support amenities for the residents including medical clinics, chapel, library, community centre, shops, café, restaurant and bowling green.

Anglicare Castle Hill comprises numerous seniors housing villages surrounding a central hub. That part of the greater Anglicare Castle Hill site that is the subject of this DA includes Kilvinton Village (south of Tom Thumb Lagoon) and Dorothy Mowll Court (along Barker Drive) with areas of open space, Tom Thumb Lagoon and extensive landscaping.

### **Landscaping and Vegetation**

The current landscaping on the site comprises large areas of open space, clusters of trees forming open woodland areas and garden beds associated with the existing residential accommodation. There are stands of trees that form part of the Blue Gum High Forest (BGHF) Vegetation community. These are located on the wooded areas north of Tom Thumb Lagoon.

### **Vehicular Access and Parking**

There are currently three main vehicular access points to the overall Anglicare Castle Hill village:

- Old Northern Road (western entry); Old Northern Road (western entry);
- Castle Hill Road (southern entry); and
- David Road (eastern entry).

Parking for residents, visitors and staff is located across the site.



2 Site Context



Figure 3 Site Photographs



## 2 Site Context

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### 2.3 Surrounding Development

A site analysis plan has been prepared by Jackson Teece Architects (refer to Drawings DA003 to DA007) and is included in the Urban Design Report prepared by Kennedy Associates Architects. The surrounding development includes other development within Anglicare Castle Hill village and development on adjoining land external to the village (**Figure 4**).

#### **Development to East**

Western Crescent and Milne Road form the eastern edge of that part of the site on which the proposed development will be located. On the eastern side of these roads is part of Mowll Village which comprises one storey self-contained dwellings in villa style buildings and two storey apartment style buildings.

#### **Development to the North**

Immediately to the north of James Cook Drive is Hunter Terraces which is retained as part of this development. These are single storey self-contained dwellings with a separate car parking court comprising rows of attached garages.

Further north is Flinders Village being another village within the Anglicare Castle Hill Village. This includes a residential care facility known as Donnington Court.

North of the site along Old Northern Road is St Paul's Church which has a large institutional building typology.

Further north of the whole Anglicare Castle Hill Village is low density residential development along Ollie and Bassett Places, Castle Hill and Oakhill College.

#### **Development to the West**

On the western side of Old Northern Road is 'Castle Ridge Resort' and 'Sandringham Estate', both of which are retirement villages. These buildings are elevated above Old Northern Road and present as a terraced housing form.

To the south-west of the site is the corner of Old Northern Road and Castle Hill Road (Rogans Hill) which comprises a small cluster of commercial premises including Chemist Warehouse, a funeral parlour and medical centre.

#### **Development to the South**

To the south on the opposite side of Castle Hill Road is low scale residential development. These properties are somewhat removed from the site due to the large width of the Castle Hill Road reserve. Castle Hill Road is a ridge and the properties on the southern side of the road fall away from the ridge and are not readily apparent in the streetscape.



2 Site Context



Figure 4 Surrounding Development



## 3 Proposed Development

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### 3.1 Summary of Proposed Development

The proposed development is illustrated in the architectural plans, landscape plans and civil plans submitted with the DA. The proposed development comprises:

- Demolition of part of the existing Hunter Terraces, some existing buildings on the western side of Western Road, buildings on the southern side of Barker Drive and existing buildings on 417-419 Old Northern Road.
- Remediation, site excavation and earthworks;
- Removal of trees and vegetation;
- Construction of seniors housing:
  - Three (3) three storey buildings providing 53 apartment style self-contained dwellings;
  - 13 single storey detached and semi-detached villa style self-contained dwellings;
  - One two-storey administration building; and
  - Single storey café/community building.

A total of 66 self-contained dwellings (apartments and villas) are proposed;

- Realignment of James Cook Drive;
- Removal of the southern road access to Donnington Court (off Clarke Drive) to accommodate the new administration building. Access to the car park for Donnington Court will be retained at the northern access off Clarke Drive;
- The at grade car parks to the south of Donnington Court Lodge will both be enlarged to provide an additional 17 car parking spaces (refer Drawing DA-128);
- A total of 107 car parking spaces are proposed comprising basement carparking beneath the apartment buildings, one garage for each villa + one space forward of the garage and carparking spaces adjacent to the administration building;
- Associated infrastructure to support the development including upgrades to stormwater management and new substations;
- Upgrades to landscaping and new pathways around Tom Thumb Lagoon, augmentation of the existing landscaping along Castle Hill Road and Old Northern Road, and creation of new open space accessible links to the broader Anglicare Castle Hill site;

The following subsections provide a more detailed description of the proposed development.



## 3 Proposed Development

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### 3.2 Demolition, Site Preparation and Tree Removal

#### 3.2.1 Demolition

Drawings DA-020 and DA-021 of the Architectural set of plans illustrate the proposed buildings to be demolished. Generally, the buildings to be demolished include:

- A total of 67 dwellings are proposed to be demolished including:
  - Seventeen (17) self-contained dwellings in Hunter Terraces, Kilvinton Village (the remaining 45 self-contained dwellings are retained and intended to be continued to be used as seniors housing).
  - 44 dwellings in Dorothy Mowll Court (a 2 storey donut shaped building) located on the southern side of Barker Drive).
  - 6 single dwellings on the southern side of Barker Drive.
- The existing building (former dwelling house) at 417-419 Old Northern Road.
- Two administration buildings located on the western side of Western Road (i.e.. Care Information Centre, Property Office).

#### 3.2.2 Earthworks

Earthworks are proposed as part of the proposed seniors housing development. PTC Consulting (civil engineers) has prepared a bulk earthworks plan which is included with the civil plan set. The total volume of excavated material is estimated at 34,560m<sup>3</sup> and the total fill is estimated at 1,780m<sup>3</sup> (excess to be removed from the site is 32,780m<sup>3</sup>).

The bulk earthworks plan has the basement location superimposed which demonstrates that the basements, OSD tanks and the building footprints account for a large footprint of the proposed excavation works. The realignment of James Cook Drive accounts for a smaller volume of earthworks.

#### 3.2.3 Tree Removal

An Arboricultural Impact Assessment has been prepared by Tree Wise Men. A total of 372 trees have been assessed. A summary of the tree retention / removal is provided below:

- 317 trees will be retained (85%)
- 55 trees are proposed to be removed (15%)

Refer to the Arboricultural Impact Assessment Synopsis for details of trees to be removed. **Section 5.2.10** of this SEE contains discussion on tree removal.

#### 3.2.4 RMS Easement Diversion

A letter dated 11 September 2019 prepared by LTS Surveyors documents the legal titles / location of the drainage easement and notes that the easement is in the incorrect location. LTS Surveyors has searched the titles and confirm that the correct location is as shown on Sheet 45 of their survey (submitted with the DA)

The easement to drain water burdens part of the site (Lot 1 DP 654242). The easement is in favour of the RMS. The location of the easement is shown in yellow in **Figure 5** (extracted from Drawing C030 in the civil set of plans). The physical location of the pipe that drains water from Old Northern Road does not follow the alignment of the easement (shown in red) but is located west of the easement (refer **Figure 5**).

The existing pipe drains water from Castle Hill Road to Tom Thumb Lagoon.

### 3 Proposed Development

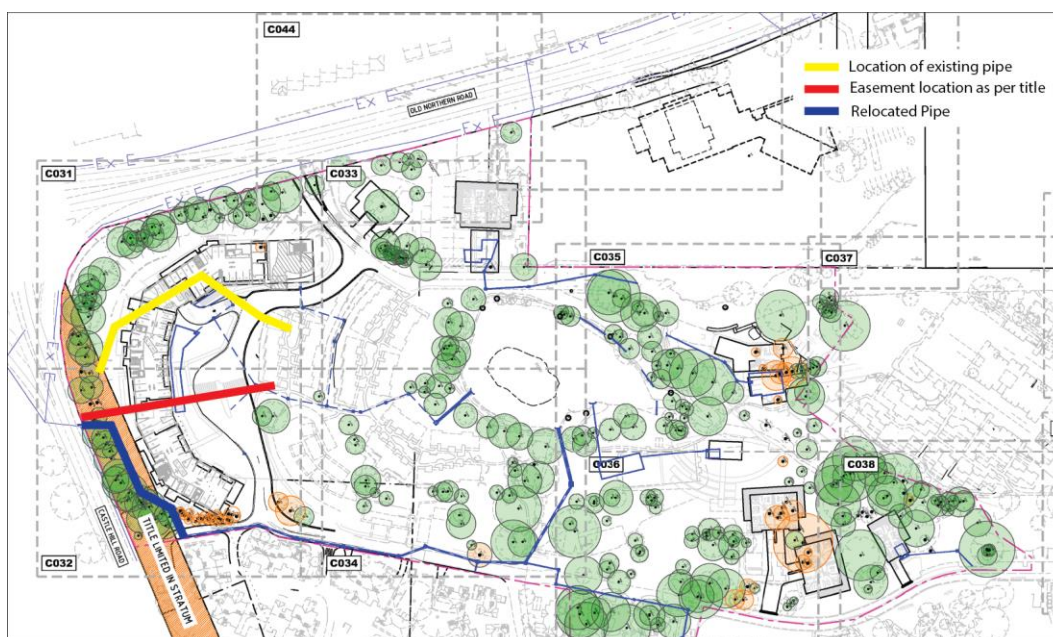


Figure 5 Location of existing easement, location of existing pipe and proposed easement relocation

To facilitate the proposed development, the pipe and easement is proposed to be relocated as annotated on **Figure 5** (in blue) and details are shown on Drawing C032 and a long section is included on Drawing C080. The relocated pipe is proposed behind Building B8 and will then connect with the proposed stormwater network on Milne Court and Western Road before reconnecting with Tom Thumb Lagoon.

The existing easement will be extinguished, and a new easement will be created over the location of the relocated pipe. This requirement can be imposed as a condition of consent.

#### 3.3 Remediation

A Remediation Action Plan (RAP) has been prepared by Douglas Partners and remediation is required for:

- Aldrin + Dieldrin contamination located at bore hole 12 (BH12) which is located between Western Road and the retained Hunter Terraces. The contaminated material is proposed to be removed off site; and
- Asbestos located on 411-413 Old Northern Road (BH101, BH106 and BH109) for which the preferred remediation option is on-site encapsulation.

Remediation forms part of the works proposed as part of the DA. Full discussion of the remediation is provided in the discussion regarding SEPP 55- Remediation of Land at **Section 5.1.3** of this SEE.

#### 3.4 Residential Apartment Buildings

The key development statistics of the proposed residential apartment buildings are detailed in **Table 22**.

Table 2 Development Statistics – Residential Apartment Buildings	
Number of Buildings	3
Residential Apartments	53
Dwelling Mix	3 x 1-bedroom apartments (5%) 30 x 2-bedroom apartments (57%)

## 3 Proposed Development

**Table 2 Development Statistics – Residential Apartment Buildings**

	20 x 3-bedroom apartments (38%)
Dwelling sizes	1 bedroom - 62m <sup>2</sup> 2-bedroom 90m <sup>2</sup> to 96m <sup>2</sup> 3 bedroom 106m <sup>2</sup> to 116m <sup>2</sup>
Total Gross Floor Area (GFA)	7,125m <sup>2</sup>
Car Parking	Apartments = 53 Visitor = 11 spaces (basement) Total = 64 spaces (including 2 accessible spaces)
Bicycle Parking	28 spaces
Motorcycle Parking	3 spaces

All apartments are capable of adaptation in accordance with the requirements of AS4299.

### 3.5 Villas

A total of one (1) semi-detached (2 dwellings) and 12 detached villas are proposed. Eleven (11) villas are located along the western side of Western Road and the southern side of Barker Drive. The two (2) semi-detached dwellings are proposed on the western side of Clarke Drive (on the site of 411-419 Old Northern Road).

Each of the villas contains three bedrooms, two bathrooms, separate laundry and an open plan living, dining and kitchen area. All villas have a floor area of approximately 180m<sup>2</sup> excluding the garage. Each dwelling has a single garage with an additional parking space provided forward of the garage (i.e. a total of 26 car parking spaces)

The villas have been carefully sited to respond to the site's topography and location of existing trees. The villas have a rectangular footprint and a hip roof.

The total GFA of the villas is 2,326m<sup>2</sup>.

### 3.6 Administration Building (Building 19)

A new administration building is proposed adjacent to the existing Donnington Court car park. The proposed building will replace the administration buildings located on Western Road. The building is 2 storeys and provides ground level multi-function spaces and offices. The first floor contains an open plan office, boardroom and meeting room. The administration building has a GFA of 813m<sup>2</sup>. The administration building is ancillary to the overall Castle Hill retirement village.

### 3.7 Community Building / Cafe (Building 12)

The community building / cafe (Building 12) is a single-storey standalone building located to the north east of Tom Thumb Lagoon. The cafe is located centrally within the village grounds and has no external public presence. The cafe is intended as a self-service facility for the residents of the overall village and their family and friends. The cafe building has a GFA of 69m<sup>2</sup>. The use of the building as a café is ancillary to the overall Castle Hill retirement village.

### 3.8 Community Facilities and Ancillary Uses

The Castle Hill village is a large retirement village. The size of the village is such that it comprised its own 'statistical area' for the 2016 census (Statistical Area No. 1155412). As at 2016, the village contained 1,546 people with a median age of 85. The size of the village and demographics of the residents is such that there will always be a demand for ancillary spaces for the whole community. The provision of these facilities on site avoids placing demands on

## 3 Proposed Development

public facilities provided by other organisations e.g. Council. The proposed development provides further amenities for the community.

The proposed development contains community and ancillary spaces such as the community room in Building 8, the café (Building 12) and recreational spaces that will be able to be used by both the residents of the proposed development (and their visitors) and the wider Anglicare Castle Hill village. **Table 3** provides a summary of the spaces and provides an indication of the types of activities that could take place in the rooms and the users of those spaces.

Table 3 Community Facilities and Ancillary Uses			
	Room / Space	Types of Activities	Users
Café (Building 12)	Café/Community	This cafe is a self-service facility intended for use by the residents of the village and their visiting family and friends. It does not have external exposure to adjoining public roads outside of the village. It is located in the central green corridor near Tom Thumb Lagoon to provide residents with a facility that has a landscaped outlook and setting.	Residents and their visiting family and friends
Community Room (B8)	Community Room	A small community rooms is provided on the ground floor of Building 8. The room is about the size of an apartment and is externally accessible. The room is conveniently accessible to the residents of the three apartment buildings as well as the existing residents of Mowll Village (near Milne Court). The room could be used for committee meetings or small social gatherings.	Residents of the village

### 3.9 Gross Floor Area Summary

**Table 4** summarises the Gross Floor Area (GFA) of the proposed development based on Drawing DA-600.

Table 4 Gross Floor Area	
Buildings	GFA
Apartment Buildings	7,125m <sup>2</sup>
Villas	2,326m <sup>2</sup>
Building 12	69m <sup>2</sup>
Building 19 (Admin)	813m <sup>2</sup>
<b>Total Proposed</b>	<b>10,333m<sup>2</sup></b>

### 3.10 Landscaping

New landscaping is proposed around the site. Landscape plans have been prepared by Landform Studios and are submitted with the DA. A total of 55,597m<sup>2</sup> of communal / public open space is provided (refer Architectural Plan DA-601). Six landscape design principles have been identified for the site:

1. Green Central Link;
2. Village Community;
3. Linked Spaces or Activity Nodes;
4. Celebrating Water;

## 3 Proposed Development

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5. Optimising Accessibility; and
6. Landscape Character Zones.

The planting themes include BGHF, legacy parklands, Tom Thumb lagoon, streetscape planting and amenity planting. A total of 349 native trees including 139 trees representative of the Blue Gum High Forest community are proposed to be planted.

The planting palette provides a mix of native and exotic species that responds to the existing vegetation. The proposed landscaping has been selected for sustainability, requiring minimal maintenance whilst maximising amenity for residents.

New pathways are proposed through the landscaped areas to connect all buildings with each other and the broader Castle Hill village. Seating, picnic tables and shade shelters are proposed at certain locations along the new pathways.

Tom Thumb Lagoon will be a focal point for the community with new pathways providing improved access to this landscape feature for the enjoyment of the residents of the proposed development and the wider village.

The former tennis court to the east of Tom Thumb Lagoon is proposed to be refurbished into a croquet lawn.

The existing brick boundary fence is to be retained along Old Northern Road and Castle Hill Roads. The boundary fence will be continued north from Clarke Drive along Old Northern Road to complete the boundary fencing of the Castle Hill Village (refer Architectural Drawing DA-200).

### 3.11 Loading Dock

A dedicated loading dock is proposed on the northern end of Building 9A and will be able to be accessed from the realigned James Cook Drive. The loading dock has been designed for a 12.5-metre heavy rigid vehicle being the same size as Council's garbage truck. An internal clearance of 4.6m is provided and the size of the loading dock allows a vehicle to enter and leave in a forward direction.

The loading dock is partly below ground on its western side. The roof of the loading dock will be landscaped and a soil depth of 500mm is provided (refer Architectural Drawing DA-352) which will soften its appearance.

The loading dock will contain a bin room which is a temporary holding area for bins moved from the basements of the apartment buildings. A maintenance room is also provided in the loading dock.

## 4 Approvals, Permits and Licences

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### 4.1 General

This section outlines relevant other legislation including the approvals, licences and permits which may need to be sought concurrently with the subject DA. This outline is structured under headings relating to the responsible Government departments and approval authorities.

### 4.2 Roads Act 1993

Section 4.46(1) of the EP&A Act provides that development is integrated development if it requires consent under section 138(1) of the *Roads Act 1993* to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road”.

However, section 4.46(3) of the EP&A Act provides that:

*“development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.”*

Old Northern Road is a classified road but not a main road in accordance with section 4.46(1) of the EP&A Act. The proposal does not include any works to this road and approval under Section 138 of the *Roads Act* is not required.

The DA will however need to be referred to the Transport for NSW (TfNSW) for their comment under the provisions of the SEPP (Infrastructure) due the number of proposed car parking spaces.



## 5 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

### 5.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) aims to increase the supply and diversity of housing for seniors or people with a disability in NSW. The Development Application has been lodged pursuant to SEPP Seniors, which prevails over HLEP 2013 in the event of any inconsistency.

**Table 5** provides a summary assessment of the proposed seniors housing development concept against the relevant provisions of SEPP Seniors.

Table 5 Assessment against Relevant Provisions of SEPP Seniors		
Provision	Assessment	Consistent
<p>3. Interpretation</p> <p><i>Social housing provider</i> means any of the following:</p> <p>...</p> <p>(h) a not-for-profit organisation that is a direct provider of rental housing to tenants.</p>	<p>ACS is a not-for-profit organisation that is a direct provider of rental housing to tenants as it constructs its housing through its contractors and provides and manages its housing directly with residents by virtue of several forms of residential tenancy, rental or loan/lease agreements. ACS therefore meets the definition of a social housing provider which has relevance to certain clauses in SEPP Seniors which are addressed in this table. Further discussion is provided in <b>Section 5.1.15</b> of this SEE.</p>	Yes
<p>10. Seniors housing</p> <p><i>Seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of these, but does not include a hospital.</p>	<p>The proposal comprises self-contained dwellings and accordingly, satisfies the definition of Seniors Housing.</p>	Yes
<p>13. Self-contained dwellings</p> <p>(1) "Self-contained dwelling" means 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.</p> <p>(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</p>	<p>The self-contained dwellings will be "serviced self-care" as defined in clause 13(3) of SEPP Seniors. A Services / Operational Statement has been prepared by ACS that sets out how the services referred to in the above definition are proposed to be provided on the site. The services are all delivered via Anglicare's existing service programmes such as Anglicare at Home mobile service.</p> <p>The proposed <i>serviced self-care housing</i> is relevant to the operation of clause 31 (discussed below).</p>	Yes

## 5 Environmental Planning Assessment

**Table 5 Assessment against Relevant Provisions of SEPP Seniors**

Provision	Assessment	Consistent
<p>following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.</p> <p>(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.</p>		
26. Location and access to facilities	Refer to discussion at the end of this table.	Yes
28. Water and Sewer Consent not to be granted unless satisfactory evidence provided of access to reticulated water system and adequate removal or disposal of sewage.	The site is already serviced with water and sewer and no augmentation of this existing infrastructure is required to accommodate the proposal.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	Clause 29 of SEPP Seniors relates to DAs for a which a site compatibility certificate is not required (being the case in this instance). Clause 29(2) of SEPP Seniors provides that a consent authority, in determining a development application to which clause 29 applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).	Refer to discussion at the end of this table
30. Site Analysis To describe pertinent site details inclusive of dimensions, topography, services, existing vegetation, micro climates, location buildings and structures, views, overshadowing by neighbouring structures	<p>Jackson Teece Architects has prepared a site analysis that addresses the matters referenced in clause 30 of SEPP Seniors. Refer to architectural plans DA-002 to DA-007.</p> <p>In addition, the Urban Design Report prepared by Kennedy Associates Architects has prepared a further site analysis focussing on the location, built form, landscape and topography that are specifically relevant to the urban design analysis.</p>	Yes
31 Design of in-fill self-care housing In determining a development application made pursuant to this Chapter to carry out development for the purpose of <u>in-fill self-care housing</u> , a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	Clause 31 only applies to in-fill self-care housing, not serviced self-care housing. As noted in this Table in response to clause 13, the proposed self-contained dwellings are serviced self-care and accordingly the provisions of clause 31 do not apply to this development.	Not Applicable



## 5 Environmental Planning Assessment

**Table 5 Assessment against Relevant Provisions of SEPP Seniors**

Provision	Assessment	Consistent
32 to 39 Design Principles Design to consider: - Neighbourhood Amenity and Streetscape - Visual and Acoustic Privacy - Solar Access and Design for Climate - Stormwater - Crime Prevention - Accessibility - Waste Management	These matters are discussed within this SEE: - Neighbourhood Amenity and Streetscape <b>Section 5.2.1</b> and the Urban Design Report prepared by Kennedy Associates Architects. - Visual and Acoustic Privacy <b>Sections 5.2.5 and 5.2.13</b> - Solar Access and Design for Climate <b>Section 5.2.6</b> - Stormwater <b>Section 5.2.12</b> - Crime Prevention <b>Section 5.2.16</b> - Accessibility <b>Section 5.3.1</b> - Waste Management <b>Section 5.2.15</b>	Yes
40. Development Standards (2) Site Size: Min. 1,000m <sup>2</sup> (Not Applicable to applications made by a social housing provider)	The site has an area of 257,050m <sup>2</sup> . Notwithstanding, ACS is a social housing provider and accordingly, this development standard does not apply in this instance.	Yes but N/A
(3) Site Frontage: Min. 20m (Not Applicable to applications made by a social housing provider)	The site has extensive street frontages to Castle Hill Road and Old Northern Road of greater than 20 metres. Notwithstanding, ACS is a social housing provider and accordingly, this development standard does not apply in this instance.	Yes but N/A
"If the development is proposed in a residential zone where residential flat buildings are not permitted"  (4)(a) Height: 8m or less (distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point)  (4)(b) Storeys: 2 storeys adjacent to boundaries	Residential flat buildings are not permitted in the R2 zone applying to the land. The 8m building height development standard applies.  The proposal complies with the 8m building height development standard for all buildings.  The proposed involves a departure from the 2 storey height control for Buildings 8, 9A and 9B (all of which are 3 storeys). A Clause 4.6 variation has been prepared in relation to this variation, which has been found to be justifiable.	Yes     No. refer to clause 4.6 variation submitted with the DA.
(4)(c) Storeys: 1 storey in rear 25% area of site (Not Applicable to applications made by a social housing provider)	ACS is a social housing provider and accordingly this development standard does not apply.	N/A
41. Standards for hostels and self-contained dwellings (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.	An assessment of the proposal's compliance with the access requirements under Clause 41 and Schedule 3 of the SEPP has been provided by Accessibility Building Solutions. The development either complies or is capable of compliance.	Yes
44. Availability of facilities and services Any facility or service provided as part of proposed development to be available to residents when the housing is ready for occupation. For staged development, facilities or services may be provided proportionately	All facilities and services required for the future accommodation will be in place upon occupation of the dwellings.	Yes

## 5 Environmental Planning Assessment

**Table 5 Assessment against Relevant Provisions of SEPP Seniors**

Provision	Assessment	Consistent																
according to the number of residents in each stage.																		
50. Standards that cannot be used to refuse consent for self-contained dwellings:																		
(a) Building Height: 8m or less (distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point)	The proposal complies with the 8m building height development standard.	Yes																
(b) Density and Scale: FSR 0.5:1 or less	<div>The GFA of the different components of the development is</div> <table><tr><td>Apartments</td><td>7,125</td></tr><tr><td>Villas</td><td>2,326</td></tr><tr><td>Admin</td><td>813</td></tr><tr><td>Café</td><td>69</td></tr><tr><td><b>Total Proposed</b></td><td><b>10,333</b></td></tr><tr><td>Existing GFA</td><td><b>82,362</b></td></tr><tr><td colspan="2">retained on the lots</td></tr><tr><td><b>Total Existing + Proposed</b></td><td><b>92,695</b></td></tr></table> <div>Based on a site area of 257,050m<sup>2</sup> the GFA of the overall development (existing and proposed) is 0.361:1.</div>	Apartments	7,125	Villas	2,326	Admin	813	Café	69	<b>Total Proposed</b>	<b>10,333</b>	Existing GFA	<b>82,362</b>	retained on the lots		<b>Total Existing + Proposed</b>	<b>92,695</b>	Yes
Apartments	7,125																	
Villas	2,326																	
Admin	813																	
Café	69																	
<b>Total Proposed</b>	<b>10,333</b>																	
Existing GFA	<b>82,362</b>																	
retained on the lots																		
<b>Total Existing + Proposed</b>	<b>92,695</b>																	
(c) <b>Landscaped Area:</b> 35m <sup>2</sup> per dwelling for applications made by a social housing providers  (landscaped area means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas)  NB: 25m <sup>2</sup> per bed required for aged care/hostel beds under clauses 48(c) and 49(c).	<div>The proposal will result in a total of 66 self-contained units. A landscape area of 2,310m<sup>2</sup> is required and a total of 55,597m<sup>2</sup> provided for the overall development more than complying with the 'must not refuse' development standard.</div> <div>(Refer to DA-601 in the architectural plans for areas included in the calculation).</div>	Yes																
(d) <b>Deep Soil Planting:</b> 15% of the site minimum with minimum dimension of 3 metres	<div>Based on a site area of 257,050m<sup>2</sup> a total of 38,557.50m<sup>2</sup> of deep soil is required.</div> <div>The proposal provides 43,891m<sup>2</sup> of deep soil landscaping. The proposal complies.</div> <div>(Refer to DA-601 in the architectural plans for areas included in the calculation).</div>	Yes																
(e) <b>Solar access:</b> 70% of dwellings to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter to living rooms and private open spaces.	<div>72.7% (apartments + villas) of the proposed self-contained dwellings will achieve 3 hours to both living room and private open space achieving compliance.</div> <div>Refer the following Drawings in the architectural set of plans for solar analysis</div> <div><ul style="list-style-type: none"><li>DA-604 for overall compliance</li><li>Drawings 714-731 for view from sun diagrams.</li></ul></div>	Yes																
(f) <b>Private open space</b> for in-fill self-care housing:	All proposed self-contained dwellings will be provided with private open	Yes																

## 5 Environmental Planning Assessment

**Table 5 Assessment against Relevant Provisions of SEPP Seniors**

Provision	Assessment	Consistent
<p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> <p>Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one.</p>	<p>space in the form of ground level courtyards and/or balconies.</p> <p>All dwellings meet the requirements (refer DA-604 in the architectural set of plans for the compliance table).</p>	
<p><b>(h) Parking:</b> 1 car space for each 5 dwellings where the DA is made by a social housing provider.</p>	<p>The proposal provides 90 car spaces</p> <ul style="list-style-type: none"> <li>• 53 for the apartments</li> <li>• 11 visitors (basement)</li> <li>• 26 for the villas</li> </ul> <p>in compliance with the SEPP.</p> <p>In addition there are 17 car parking spaces associated with the administration building making a total of 107 car parking spaces.</p>	Yes

### Clause 26 – Location and Access to Facilities

Clause 26 of SEPP Seniors, relevantly, provides as follows:

*“(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:*

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

*(2) Access complies with this clause if:*

*(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) 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*

*(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:*

- (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*
- (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*

## 5 Environmental Planning Assessment

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*(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),*

*and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or*

*(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from 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 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."*

The site is serviced with public buses operated by Hills Bus that pass through the site. The relocated Clarke Drive has been designed to accommodate the public buses. Some of the existing bus stops in Clarke Drive and Western Road will be relocated. The location of the bus stops is shown on DA-035 and DA-036 prepared by Jackson Teece. The following two bus routes service the site:

- Route 632 – Pennant Hills to Rouse Hill via Norwest and Castle Hill
- Route 635 – Castle Hill to Beecroft via West Pennant Hills.

Drawings DA-035 and DA-036 demonstrate that the main pedestrian entrances of the apartment buildings and villas are all within 400m walking distance of the bus stops in both the forward and return journeys. The gradients of the footpaths have also been noted on the plans and the majority of pathways are designed to a 1:20 gradient with some at 1:14 gradient where it was not possible to achieve the shallower 1:20 gradient. The travel distance and gradients comply with clause 26 (including the proposed buildings on 411-415 Old Northern Road and 417-419 Old Northern Road which have not previously been used for seniors housing).

Both bus services operate on Monday to Friday between approximately 5.30-6.00am and 9.00-10.00pm with multiple services in the morning and afternoon satisfying the hours and frequency of clause 26(2)(ii) - refer to bus timetables submitted with the DA. All bus services are wheelchair accessible.

Some of the services and facilities required by clause 26 are proposed as part of the development such as the proposed croquet lawn and a community room on the ground floor of Building B8 and a community self service café - B12. Other facilities are available within the existing Anglicare village such as the bowling green, medical facilities, chapel and other existing community rooms but not all are within 400m walking distance of the individual buildings. The above bus routes could be used to access Lober Square or other community facilities within the village if desired. If not, the bus services operate to other centres where those services and facilities are available. For the purposes of this assessment, an analysis of the Castle Hill town centre has been provided which offers a wide range of services and facilities.

The above bus routes connect the village with Castle Hill town centre. **Figure 6** illustrates the location of the bus stops (set down and pick-up) at the upgraded bus interchange in Old Northern Road at Castle Hill.



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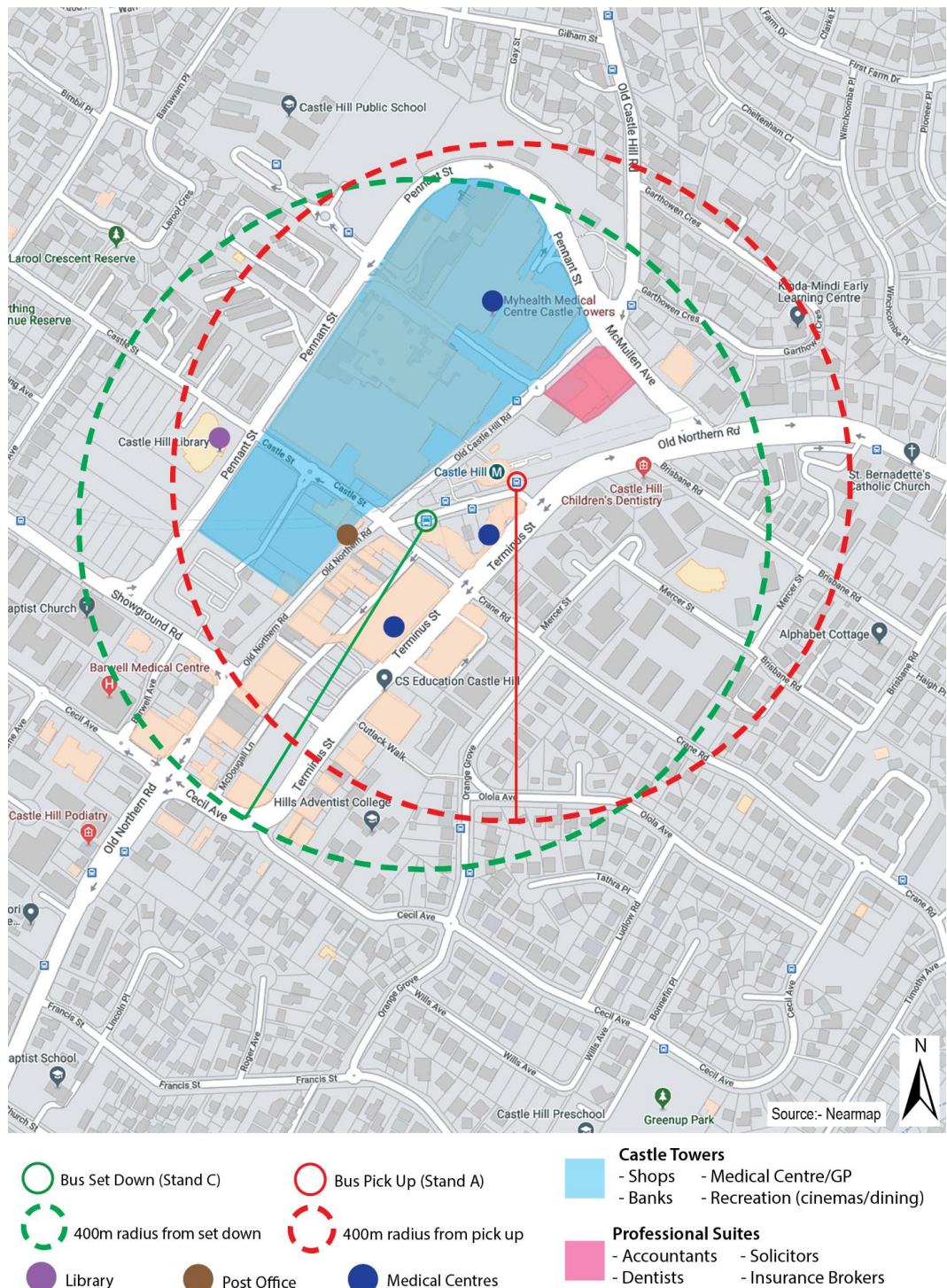


Figure 6 400m radius from bus stop at Castle Towers Shopping Centre

*Note:* Whilst the SEPP specifies a 400m walking distance, the 400m radius has been shown to demonstrate that the services and facilities are close to the bus stops.

As illustrated in **Figure 6** the bus stops at Castle Hill are located at the bus interchange near Castle Towers shopping centre which is a major regional shopping centre that provides the following services and facilities:

- A wide range of shops that would meet the needs of residents.
- A wide range of banking providers and banking outlets.

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- A medical centre and other health providers (e.g. optical and pharmacy).
- Recreation facilities including cinema and dining options.

Castle Towers shopping centre and other services and facilities along Old Northern Road are within a 400m walk of the bus stops. The set down and pick up bus stops are located in Old Northern Road and approximately 230m from the furthest bus stop from the Castle Towers shopping centre entrance on Old Castle Hill Road. Once inside the centre, the paths of travel are disabled access compliant and lifts are available to assist in transferring pedestrians between levels.

In addition, the footpaths along Old Northern Road and Old Castle Hill Road are paved and relatively level, achieving the average gradient of 1:14. The bus stops on Castle Hill Road are within 400m of the post office, dentist and commercial services such as accountants and solicitors.

Whilst the services and facility requirements of the SEPP can be met by the Castle Hill town centre, there are other options available to existing and future residents. For example, the bus to Pennant Hills also provides access to other shops and services as well as a library and community centre and lawn bowls. Access from the bus stop to Pennant Hills shops, library and bowling club is via the train station which has recently been upgraded to comply with current disabled access requirements. From the train station it is a short level walk of less than 50m to the library and 300m to the bowling club, along a sealed footpath that would achieve the average 1:14 gradient.

### Clause 25(5)(b)(iii) of SEPP Seniors

Clause 29 of SEPP Seniors relates to DAs for a which a site compatibility certificate is not required (being the case in this instance). Clause 29(2) of SEPP Seniors provides that a consent authority, in determining a development application to which clause 29 applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v). These are addressed in **Table 6**.

**Table 6 Clause 29 Considerations**

Provision	Comment
<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>The main environmental considerations are</p> <ul style="list-style-type: none"> <li>• Tree retention is addressed in <b>Section 5.2.10</b> of this SEE and the arboricultural assessment submitted with the DA.</li> <li>• Ecological impacts including impacts on blue gum high forest are addressed in <b>Section 5.2.11</b> of this SEE and the ecological assessment submitted with the DA.</li> <li>• Overland flow / flooding impacts which are addressed in <b>Section 5.2.12</b> of this SEE and the Civil Design Report submitted with the DA.</li> </ul>
<i>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,</i>	<p>The site has been used for seniors housing for 60 years. The site forms part of a wider retirement village and future uses on the land will be for seniors housing or ancillary uses.</p>
<i>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</i>	<p>The discussion in response to clause 26 provides evidence that residents will have access that complies with the gradients referred to in clause 26(2) that connects with bus services to take residents to the services and facilities referenced in clause 26 (1) of the SEPP. There is no need to make arrangement to finance public transport infrastructure in this instance.</p>

## 5 Environmental Planning Assessment

### 5.1.2 State Environmental Planning Policy (Koala Habitat Protection) 2021

SEPP (Koala Habitat Protection) 2021 applies to the local government areas (LGA) listed in Schedule 1 of the SEPP. This includes the Hornsby LGA. The Hornsby LGA is located in the Central Coast Koala Management Area as identified in Schedule 1 of the SEPP.

There is no *approved koala plan of management* approved in accordance with clause 16 of the SEPP and DAs are therefore assessed under clause 11 of the SEPP. Clause 11 applies to land with an area of at least 1ha which is the case for the site.

Under clause 11(2) before a council grants consent to a DA it must assess whether the development is likely to have any impact on koalas or koala habitat. Clause 11(3) provides that council can grant consent if the development is likely to have a low or no impact on koalas or koala habitat.

Clause 11(5), relevantly, provides that Council may grant development consent if the applicant provides to the council:

- (a) *information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
  - (i) *does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, **or***
  - (ii) *is not core koala habitat, or*

The Flora and Fauna Assessment prepared by Ecoplaning has concluded that whilst 15% of the trees on the site represent highly suitable koala habitat, as listed in Schedule 2 of the SEPP, the land does not represent core koala habitat and therefore consent may be granted pursuant to clause 11(5)(a)(ii).

### 5.1.3 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 relates to the remediation of contamination land.

Clause 11 of Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River No. 2 1997) requires consent for remediation of land where hazardous substances occur at concentration levels above background levels as identified in an assessment. As detailed below there are contaminants above the relevant health or environmental levels and consent is therefore required. The DA seeks consent for remediation.

A Detailed Contamination Assessment and Remedial Action Plan were prepared in 2010 by Geotechnique for a previously proposed development at 411 – 415 Old Northern Road, Castle Hill. That assessment identified asbestos fill on the land.

Assessments have been undertaken on the subject land for the proposed development including the following:

- A Preliminary Site Investigation (PSI) prepared by Douglas Partners dated 14 September 2021 (**The 2021 PSI**). This PSI considers the 2010 Geotechnique reports relating to 411 - 415 Old Northern Road.
- Report on Additional Contamination Testing prepared by Douglas Partners in relation to the land at 411 – 415 and 417 - 419 Old Northern Road and land around Borehole 12 (identified in the Douglas Partners **2021 PSI** as requiring further investigation) (**The Additional Investigation 2021**).
- A Remediation Action Plan prepared by Douglas Partners in September 2021 (**The 2021 RAP**).

The Douglas Partners **Additional Investigation 2021** carried out testing of 411 - 415 Old Northern Road and did not identify any asbestos contamination in the 19 boreholes cross the site including a borehole in the vicinity of the previously identified on 411 - 415 Old Northern Road.



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The **2021 PSI** prepared by Douglas Partners found elevated concentrations of an organochlorine pesticide (OCP) (Aldrin+Dieldrin) in Borehole 12 (BH12) and the levels were above the relevant health investigation levels. BH12 is located to the west of Western Road near the retained Hunter Terraces. Douglas Partners recommends further testing of this area to enable an appropriate response to be made in terms of either remediation or off-site disposal and to confirm its waste classification.

There were no contamination concentrations found in the other samples from the site that were above the health and environmental investigation/screening levels.

Further testing was carried by Douglas Partners as documented in **The Additional Investigation 2021**. The investigation identified asbestos-impacted fill on both 411 – 415 and 417 – 419 Old Northern Road and also confirmed that the OCP (Aldrin + Dieldrin) contamination at BH12 did not appear to be extensive around BH12.

Douglas Partners has prepared a RAP (**the 2021 RAP**) which provides a remediation strategy for the Aldrin + Dieldrin contamination and the asbestos-impacted fill. An Unexpected Finds Protocol (UFP) is included in this RAP in case any other areas of contamination are encountered during construction works. The **2021 RAP** contains the following preferred remediation strategy to address known or potential contamination:

- Excavation of soils from around BH12 and removal of the Aldrin+Dieldrin to a licenced landfill and samples, testing and validation of the soil from the excavated material has been removed.
- On-site containment of the asbestos on 411 - 419 Old Northern Road and implementation of an Environmental Management Plan (EMP) for the long-term management of the encapsulation zones / containment cells.
- Validation reporting following completion of remediation works.
- Contingency for any materials that fail to meet waste classification guidelines including re-sampling to determine appropriate treatment and / or disposal options.
- Procedures for the loading and transportation of contaminated material from the site.

The **2021 RAP** also includes an unexpected finds protocol in case any other areas of contamination are encountered during construction works. This RAP should therefore be considered a 'working document' and may require updating throughout the development process. Douglas Partners has set out the Remediation Strategy for the site including Validation Reporting to confirm the site has been remediated to a suitable standard for the proposed land use and there are no human health or environmental effects arising from the remediation works.

Douglas Partners concludes that subject to the implementation of **the 2021 RAP** and validation reporting the site can be made suitable for the proposed development.

Clause 7 of SEPP No. 55, states as follows:

- 7      *Contamination and remediation to be considered in determining development application*
- (1)    *A consent authority must not consent to the carrying out of any development on land unless:*
- (a)    *it has considered whether the land is contaminated, and*
  - (b)    *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c)    *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out,*



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*it is satisfied that the land will be remediated before the land is used for that purpose.*

Subclause (a) has been addressed by the preparation of the **2021 PSI** and **The Additional Investigation 2021** both prepared by Douglas Partners.

Subclause (b) has been addressed as Douglas Partners has concluded in **the 2021 RAP** that the site can be made suitable for a residential purpose after implementation of the remediation strategy.

Subclause (c) has been addressed as Douglas Partners has prepared **the 2021 RAP** to set out the remediation strategy to ensure that the land is made suitable for the proposed residential use.

Clause 7 of SEPP No. 55 is therefore addressed and not an obstacle to the granting of consent.

Remediation requires consent and therefore remediation cannot be a deferred commencement matter as an operative consent is required to undertake the remediation.

### 5.1.4 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) provides the criteria relevant to the design of residential apartment buildings. The three storey buildings containing self-contained dwellings are defined as residential flat buildings as they comprise development that is at least 3 storeys and will provide more than 4 self-contained dwellings.

Clause 6A of the SEPP sets out that the Apartment Design Guide (ADG) objectives, design criteria and design guidance set out in Part 3 and 4 of the ADG prevail over any DCP.

A design statement and assessment against the ADG has been prepared by Jackson Teece Architects which is submitted with the DA. In terms of some of the key numerical provisions of the ADG, the following provides a summary of where the provisions are addressed:

- Building separation and visual privacy (refer DA – 050).
- Solar and daylight access (refer discussion at **Section 5.2.6** and DA-604 and DA-700 to DA-801);
- Apartment size and layout (refer DA-500 to DA-512);
- Ceiling heights of 2.7m have been achieved;
- Private open space and balconies (refer schedule at DA-604);
- Natural ventilation (refer schedule at DA-604); and
- Storage (refer schedule at DA-604).

The proposal complies with the key numerical controls. Refer to the Design Statement prepared by Jackson Teece Architects for a full assessment against the ADG.

### 5.1.5 State Environmental Planning Policy (Building Sustainability Index) 2004

Under the *Environmental Planning and Assessment Regulation 2000*, all dwellings within the proposed development are defined as *BASIX affected buildings* and accordingly, the provisions of the SEPP apply.

A BASIX Assessment has been undertaken by JHA Consulting Engineers and copies of the relevant certificate and stamped plans for the proposal have been submitted with the DA. These confirm that the proposed development complies with the provisions of the SEPP in relation to water, thermal comfort and energy.

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

The following provisions of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) are relevant to the proposed seniors housing development.

#### Clause 86 - Excavation in, above, below or adjacent to rail corridors

Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 relates to excavation in, above, below or adjacent to rail corridors and provides as follows:

- (1) *This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*
  - (a) *within, below or above a rail corridor, or*
  - (b) *within 25m (measured horizontally) of a rail corridor, or*
  - (b1) *within 25m (measured horizontally) of the ground directly below a rail corridor, or*
  - (c) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

**Figure 7** is an extract from DP 1180950 illustrating (in green highlight) the location of the stratum on the site. A copy of DP 1180950 has been submitted with the DA. The green shaded area is not an easement but denotes that part of the site where the ownership of the land is limited in stratum due to the underground rail corridor land acquisition along the boundary with Castle Hill Road. The rail corridor is for the North West Rail Link.

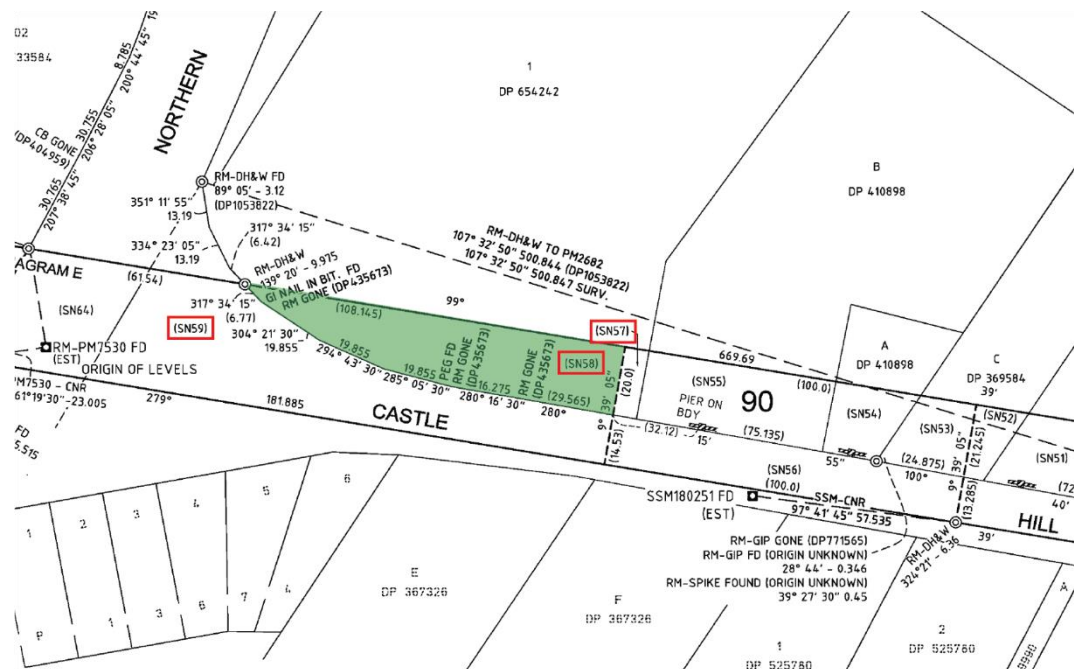


Figure 7 Stratum location shown on DP 1180950

This stratum is noted on the survey plans and transposed on to the architectural, civil and landscape plans to understand the relationship of the proposed works in relation to the stratum. Most of the stratum is located where the embankment to Castle Hill Road is situated.

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**Figure 8** is a corresponding plan from DP 1180950 being a longitudinal section (B-B) through the rail corridor illustrating the location of the railway corridor stratum and depth of the railway corridor below the ground level above the stratum.

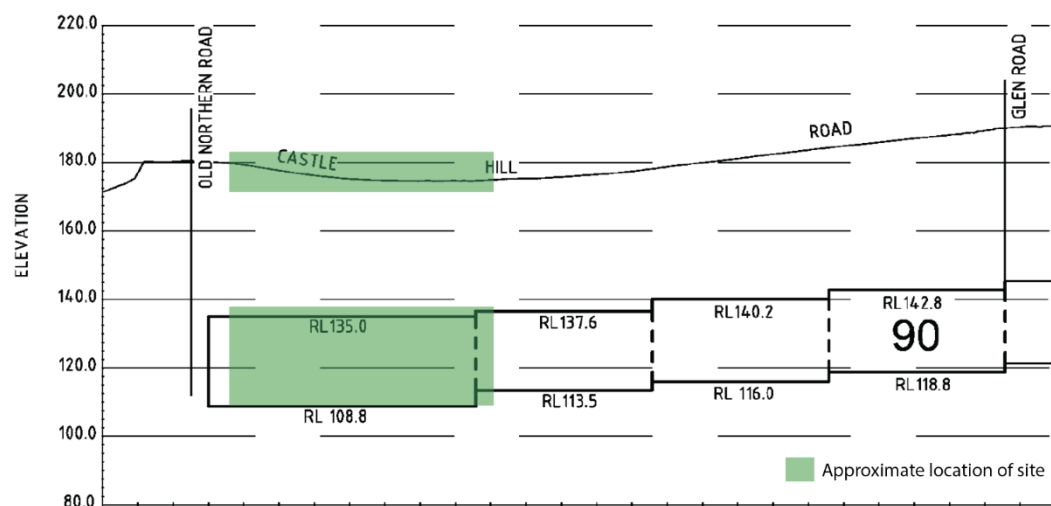


Figure 8 Depth of Metro tunnel stratum as per DP1180950

The survey submitted with the DA includes notations where the ownership of the land is limited in depth to RL135 and RL137.6 which corresponds to the upper limit of the stratum (shown in **Figure 8**) noted in DP 1180950 (refer to Reference Points SN57-SN58 on Sheet 8). The ground level above the railway corridor varies as it relates to an embankment adjacent to Castle Hill Road. The stratum for the railway tunnel is approximately 38-42m below the surface of the site.

The works occurring in the location of the stratum include courtyards of the ground level dwellings and retaining walls and landscaping above the stratum location (refer Drawing DA-110 in the Architectural Plan set).

The location of excavation above and adjacent to the stratum is illustrated in the bulk earthworks plan (Drawing C010 in the civil plans) prepared by PTC, an extract of which is provided in **Figure 9**. The basement floor levels are located within 25m measured horizontally from the edge of the stratum. The proposed basement level (to the excavated level) within 25m of the corridor is RL 167.66 (Buildings 8 and 9B). As noted above, the top of the tunnel stratum is RL135 or RL137.6.

The basement is between 30m and 33m above the top of the tunnel stratum of RL135 or RL137.6 (and is not directly above the tunnel stratum).

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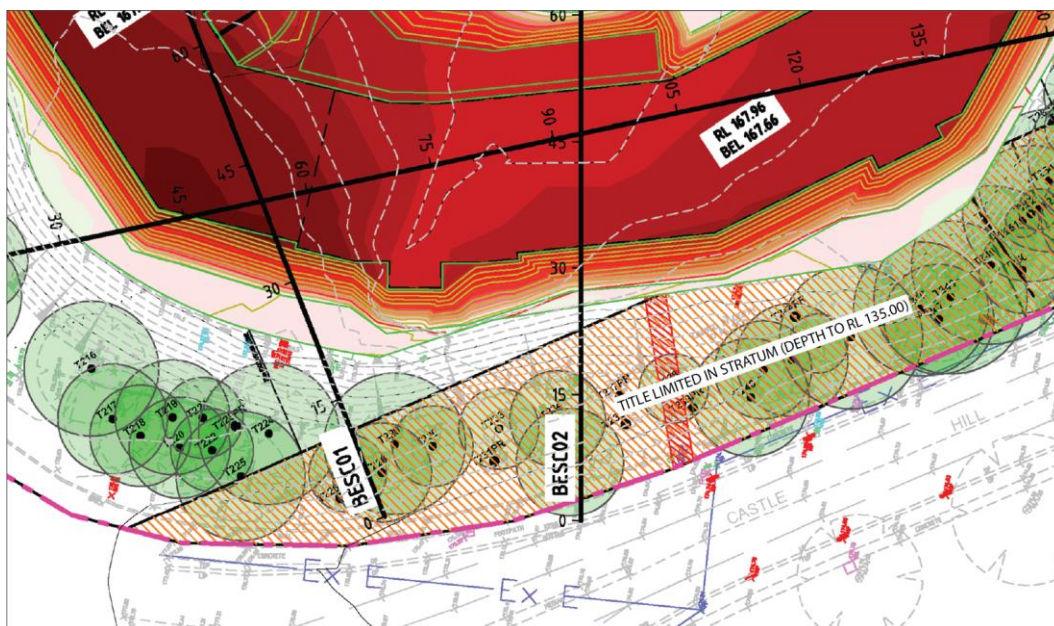


Figure 9 Bulk earthworks plan and location of railway tunnel stratum (Civil Plans C010)

Clause 86 applies to the development as the proposal involves excavation above a rail corridor (clause 86(1)(a)) and within 25m of the underground rail corridor (clause 86(1)(c)).

Pursuant to clause 86(2), Council must give written notice of the DA to the rail authority and consider any response received within 21 days after the notice has been given.

Clause 86(3) requires that (subject to subclause (5)) a consent authority must not grant consent to development to which this clause applies without the concurrence of the rail authority. Subclause (5) enables a consent authority to grant consent without the concurrence of a rail authority, relevantly, where 21 days have passed since notice was given under subclause (2)(a).

In addition to comments from the rail authority, subclauses (2)(b)(ii) and (4) set out matters that must be considered where clause 86 applies. These include:

- (2) *Before determining a development application for development to which this clause applies, the consent authority must-*
  - (b) *take into consideration*
    - (i) *any response to the notice received within 21 days after the notice is given, and*
    - (ii) *any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (4) *In deciding whether to provide concurrence, the rail authority must take into account:*
  - (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
    - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
    - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

Douglas Partners has prepared a *Potential Impacts of Proposed Development on Sydney Metro Tunnels* letter dated 7 September 2021 (submitted with the DA) addressing the potential impacts of the development on the Sydney Metro Tunnels from a geotechnical perspective.

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Douglas Partners notes that the clearance between the excavation and the tunnel lining would be greater than 30-33m (referred to above) as the tunnel sits well within the stratum. Douglas Partner's opinion in relation to the potential geotechnical effect upon the tunnel are:

*"The net increase in stress as a result of these new structures is likely to be relatively low (i.e. <40 kPa over the building footprints). The building footprints are typically outside the stratum boundary. It is therefore considered that the proposed development will have a negligible impact on the Sydney Metro tunnels due to the clearance between the proposed buildings and the tunnels being in excess of 30 m, the relatively low increase in stress, and the fact that the tunnels are within bedrock.*

*Douglas Partners has not identified any specific measures required to minimise the anticipated 'negligible' impact on the tunnels.*

The DA will need to be referred to the rail authority in accordance with clause 86(2)(a) of SEPP Infrastructure.

### **Clause 87 - Impact of rail noise or vibration on non-rail development**

Clause 87 of SEPP (Infrastructure) 2007 applies to development for residential accommodation on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration. In this case the corridor is the rail tunnel beneath part of the site.

Acoustic Logic has prepared a DA Noise Impact Assessment which has been submitted with the DA.

In terms of air borne noise, Acoustic Logic has referred to Douglas Partners *Potential Impacts of Proposed Development on Sydney Metro Tunnels* letter dated 7 September 2021 and the notably that the tunnel is between 38m and 42m underground. Based on this Acoustic Logic has concluded that there is no airborne noise from the operation of the train line that would impact the proposed development.

Acoustic Logic has had reference to the Noise and Vibration Technical Paper for Operations and Additional Construction Works, prepared by SLR Consultancy for Transport NSW (Rev: NWRL-10046-R-NO-0012-v1.0-EIS2 Operational NV.doc, Date 17/10/2012) which provides a summary of the predicted vibration and ground borne noise levels along the North West Rail Link.

Their review of that Technical Paper indicates that predicted vibration levels and ground-borne noise from rail operations at the site is less than 88nm/s and 27dB(A) Lmax, respectively. Acoustic Logic advise that this complies with the criteria referenced in Clause 87. Acoustic Logic also notes that the closest residential structures are not located directly above the tunnel and are off-set, and the vibration and ground-borne noise levels are therefore expected to be lower than the above predictions of 88nm/s and 27dB(A) Lmax.

The relevant provisions of clause 87 of SEPP (Infrastructure) have therefore been addressed.

### **Clause 101 – Development with frontage to a classified road**

Clause 101 of Infrastructure SEPP applies to the site as it fronts two classified roads, Old Northern Road and Castle Hill Road. Clause 101 provides as follows:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) *the design of the vehicular access to the land, or*
    - (ii) *the emission of smoke or dust from the development, or*
    - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*



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- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."*

A Traffic Impact Assessment report for the proposal has been prepared by Stantec which is discussed at **Section 5.2.9** and submitted with the DA.

An Air Quality Report has been prepared by SLR Consulting Australia. A copy of the Air Quality Report is submitted with the DA and discussed at **Section 5.2.14**. SLR has found that *"air quality impacts are not considered to be a constraint to the development of seniors housing residential buildings at the Development Site. No further detailed assessments or modelling studies are therefore considered to be warranted."*

Sensitivity to traffic noise is discussed in relation to clause 102 below.

### Clause 102 – Road Corridors – Noise and Vibration

Clause 102 of the Infrastructure SEPP applies to development for the purposes of a building for residential accommodation that is on land adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

Both Castle Hill Road and Old Northern Road are identified as having an annual average daily traffic volumes of between 20,000 and 40,000 vehicles. The proposed development comprises buildings for residential accommodation and accordingly, Acoustic Logic has prepared a DA Noise Impact Assessment (submitted with the DA). The acoustic assessment report has found that subject to implementation of recommended glazing treatments (as identified in their report), the proposed residential accommodation can meet the most stringent of the internal acoustic requirements applicable to the development. Further discussion is provided in **Section 5.2.13** of this SEE.

### Clause 104 – Traffic Generating Development

Clause 104 and Schedule 3 of Infrastructure SEPP relate to traffic generating development and certain proposals trigger a requirement for referral to the RMS (now Transport for NSW). The proposed development does not trigger the size or capacity threshold of '75 dwellings' threshold but does trigger the size or capacity threshold of '50 or more car parking spaces'.

Accordingly, a Traffic Impact Assessment report has been prepared by Stantec to assess the impacts of the proposed development. Notably the number of proposed dwellings (66) is essentially the same as the number of existing dwellings to be demolished (67) and therefore expected traffic impacts are not greater than the existing conditions. The traffic impacts have been found to be acceptable (refer to **Section 5.2.9** and the Traffic Impact Assessment submitted with the DA).

#### 5.1.7 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

The Vegetation SEPP applies to the Hornsby local government area. Clause 7 requires a permit for the clearing of vegetation in non-rural areas. However, the SEPP regulates clearing of vegetation not linked to development requiring consent. In this case, the trees to be removed form part of the proposed development that requires consent. Tree removal has been described in **Section 3.2.3** and is assessed in **Section 5.2.10** of this SEE.

#### 5.1.8 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20) applies to the Hornsby Local Government area and sets out the following aim:

*"The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context".*

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Part 2 of SREP 20 sets out the general planning considerations, specific planning policies and recommended strategies for development subject to the provisions of this Policy. Of particular relevance to this DA is the Flora and Fauna Policy in clause 6 which has the following stated policy:

*Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.*

The site is within the Berowra Creek catchment and at the southern edge of the catchment which extends to Berowra Creek to the north. The Flora and Fauna Policy has several strategies and those of relevance are clauses 6(6)(a), (b) and (c) of SREP 20. These are addressed in turn below.

*(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*

Ecoplanning's Flora and Fauna Assessment notes the proposed development has "sought to conserve the existing highly modified occurrences of BGHF across the study area by avoiding removal of local native trees, where possible." Impacts on ecological communities are confined to 0.08ha of native vegetation. The proposed development has retained the most significant stands of trees located north of Tom Thumb Lagoon, east along the 'wing' adjacent to Barker Drive and along the southern and western boundaries to Castle Hill Road and Old Northern Road, respectively.

The proposal also includes the planting of 139 trees representative of the BGHF community and 172 other native trees, which will enhance the existing ecological communities and enhance corridors through the site.

The proposal is considered to be consistent with this Strategy of clause 6 of SREP 20.

*(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*

The above Strategy needs to be considered in the context of the Catchment to which the SREP relates. The catchment is extensive and the site and small locations where BGHF is proposed to be removed are insignificant in the bigger picture. Ecoplanning notes that the site is already disturbed land and the impacts have been minimised by concentrating most development in cleared or disturbed areas of the site.

*(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*

As stated above, the proposal has sought to minimise adverse environmental impacts by concentrating most development in cleared or disturbed areas of the site.

The proposed landscaping includes the planting of 139 trees representative of the BGHF community and 172 other native trees being a total of 311 native trees (refer Landscape Plan LD\_DA201). This is consistent with the above strategy and consistent with the overall Policy statement to enhance flora and fauna communities.

Pursuant to the provisions of Clause 6, the proposed development is consistent with the general planning considerations of SREP 20.

Clause 11 sets out 'particulars' for the development controls in clause 11. Item (4) – remediation of contaminated land requires consent for remediation where hazardous substances occur at concentration levels above background levels as identified in an assessment. Site remediation is discussed in **Section 5.1.3** of this SEE and the DA seeks consent for remediation.

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### 5.1.9 Draft State Environmental Planning Policy (Environment)

Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The draft SEPP proposes to repeal certain SEPPs and SREPs including SREP 20 (discussed above). Amendments include the transfer of some provisions of SREP 20 to the draft Environment SEPP, updating references, and updating or removing definitions to be consistent with the Standard Instrument.

The amendments do not affect the assessment or commentary provided in **Section 5.1.8** above.

### 5.1.10 Draft Remediation of Land State Environmental Planning Policy

The Draft SEPP was publicly exhibited between 31 January 2018 to 13 April 2018. The draft SEPP will replace SEPP 55. The draft SEPP is essentially a change to procedures, providing greater clarity and introduces certification processes. The Explanation of Intended Effect (EIE) states that remediation work for which another State environmental planning policy requires development consent will be retained. In this case SREP 20 requires consent for remediation (as discussed in **Section 5.1.3** of this SEE).

### 5.1.11 Draft Housing State Environmental Planning Policy

An Explanation of Intended Effect (EIE) for the draft Housing Diversity SEPP was placed on public exhibition on 29 July 2020 and the exhibition period closed on 9 September 2020. Following the exhibition of the EIE the Housing SEPP consultation draft and supporting documents was placed on public exhibition between 31 July 2021 and 29 August 2021.

The draft Housing SEPP relates to several forms of housing but of relevance to this DA the draft Housing SEPP proposes to replace SEPP Seniors with new provisions for seniors housing. The draft Housing SEPP retains some provisions of the current SEPP Seniors, amends other provisions and adds new provisions. The following comments are made in relation to the provisions of the draft SEPP (as exhibited) relevant to the proposal.

It is noted that Schedule 6 of the draft Housing SEPP contains a savings provision to the effect that SEPP Seniors will continue to apply to DAs made, but not yet determined, before the repeal day.

**Table 7 Consideration of Part 4 – Seniors Housing of Draft Housing SEPP**

Clause	Comment
Clause 67 – Land to which part applies	The draft SEPP will apply to the R2 zone which is the land use zone applying to the site. However clause 76 – development standards operates to limit the application of the draft SEPP in the R2 zone to development carried out only for the purposes of residential care facilities
Clause 68 – Land to which Part 4 does not apply	<p>The only provision of relevance is clause 68(b) environmentally sensitive land as described in Schedule 4.</p> <ul style="list-style-type: none"><li>• The land is not shown cross hatched on the bush fire evacuation risk map.</li><li>• The land is not identified as coastal wetland or littoral rainforest under SEPP (Coastal Management) 2018.</li><li>• The land is not declared as an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.</li><li>• Parts of the site is mapped on the biodiversity conservation values map. However impacts to threatened species (namely the BGHF) have been avoided.</li><li>• The land is not mapped as flood planning, open space or natural wetland under another environmental planning instrument.</li></ul> <p>Despite parts of the site being mapped on the biodiversity conservation values map, the savings provisions of the draft SEPP (if made) will apply.</p>



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**Table 7 Consideration of Part 4 – Seniors Housing of Draft Housing SEPP**

Clause	Comment
Clause 72 – Definitions	<p>Gross floor area (GFA) definition is proposed to be amended to align with the Standard Instrument. The GFA the proposed development has been measured to the outside face of the walls. The new definition (measured to the inside face of the wall) will still achieve compliance.</p> <p>The dwellings will conform to the definition of serviced self-care housing and are described as independent living units (ILUs).</p> <p>The definition of seniors is being amended to apply to housing for people who are at least 60 years of age (currently 55 years of age). Any condition regarding the occupation of the development will need to align with the current definition of seniors in SEPP Seniors (55 years of age) in line with the savings provisions.</p>
Clause 74 – Development standards – general	<p>Clause 74 contains four development standards</p> <ul style="list-style-type: none"> <li>• a minimum site area of 1000m<sup>2</sup> – which is not proposed to be apply to a social housing provider such as ACS.</li> <li>• a minimum 20m frontage – which is not proposed to be apply to a social housing provider such as ACS.</li> <li>• A building height of 9m in a residential zone where residential flat buildings are not permitted. Building height is proposed to be measured to the top of the building and the draft SEPP contains an allowance for servicing equipment on the roof to allow an overall building height of 11.5m and where it is limited to 20% of the surface area of the roof. The building height plan diagram prepared by Jackson Teece Architects (Drawing DA-410) illustrates compliance with Council's 8.5m building height standard (measured to the top of the building). There are only a few departures related to parapets, roof structure and lift over-runs. The proposal would be generally consistent with the 9m control taking into account the 2.5m allowance for lift over-runs</li> <li>• 2 storeys at the boundary of the 'site area' in a residential zone where residential flat buildings are not permitted. This standard is the same as the current clause 40 which is addressed in this SEE and the clause 4.6 variation statement.</li> </ul>
Clause 75 – Development standards for ILUs	<p>The development is to comply with the standards in Schedule 5. These are very similar to the current standards in Schedule 3 of SEPP Seniors which has been assessed in the Statement of Compliance Access for People with a Disability submitted with the DA.</p> <p>If the draft Housing SEPP is made in the manner exhibited the DA will need to be determined in accordance with SEPP Seniors.</p>
Clause 76 – Development standards for seniors housing – Zones RE2, SP1, RU5 and R2	<p>Of relevance to this DA is 76(1)(d) relating to the R2 zone which operates to limit the application of the draft SEPP in the R2 zone to development carried out only for the purposes of residential care facilities. The savings provision will provide that the current SEPP Seniors will continue to apply to DAs made, but not yet determined, before the repeal day therefore this clause will have no effect and the development is permissible.</p>
Clause 77- Restrictions on occupation of seniors housing	<p>This is similar to the current clause 18 of SEPP Seniors and if the draft Housing SEPP is made in the manner exhibited then the DA will need to be determined in accordance with SEPP Seniors.</p> <p>If the draft Housing SEPP is made in the manner exhibited the DA will need to be determined in accordance with SEPP Seniors in which seniors housing in the form of self-contained dwellings is permitted in the R2 zone.</p>
Clause 82 – Location and access to services and facilities.	<p>This clause is very similar to the current clause 26 of SEPP Seniors. The principles of this new clause are:</p> <ul style="list-style-type: none"> <li>• The services and facilities are similar to those in the current SEPP Seniors.</li> <li>• ILUs must have access to facilities and services <b>either</b> directly <b>or</b> by a transport service <b>or</b> on-site. The development will include recreational facilities and community facilities on site and the Hills Bus service can take residents to those services and facilities.</li> </ul>

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**Table 7 Consideration of Part 4 – Seniors Housing of Draft Housing SEPP**

Clause	Comment
	<ul style="list-style-type: none"> <li>The transport service cannot be a taxi or car hire. This form of transport service is not proposed.</li> <li>The frequency of the transport service specified in the draft SEPP is the same as the SEPP Seniors and the proposal would comply if the draft SEPP is made in its exhibited form.</li> </ul> <p>The proposal can meet the clause 82 provisions in the same manner as the current clause 26 of SEPP Seniors.</p>
Clause 85 – Design of in-fill self-care housing	This is similar to the current clause 31 of SEPP Seniors. It will only apply to in-fill self-care housing. The dwellings are proposed as serviced self-care housing and therefore clause 85 would not be applicable.
Clauses 87-93 (Design Principles)	These design principles clauses are generally the same as in SEPP Seniors and have been addressed in the DA as lodged.
Clause 97 – Non-discretionary development standards for ILUs	<p>This is similar to the current clause 50 of SEPP Seniors (must not refuse standards) which has been addressed in Table 4 of the SEE. The main provisions are:</p> <ul style="list-style-type: none"> <li>Building height is proposed to be 9m excluding servicing equipment on the roof (as discussed in relation to draft clause 74 and the proposed design should comply if assessed against this new standard and method of measurement.</li> <li>FSR remains at 0.5:1 (although GFA is calculated differently). The proposal complies being 0.36:1 (measured to external walls not internal walls).</li> <li>Landscaped area requirement is the same at 30% of the site area, and the proposal complies.</li> <li>Deep soil zone – complies</li> <li>Solar access remains at 3 hours for 70% of the dwellings. The proposal complies.</li> <li>Private open space area of 15m<sup>2</sup> and minimum dimension of 3m is unchanged and the proposal complies.</li> </ul>

### 5.1.12 Draft Design and Place State Environmental Planning Policy

The draft Design and Place SEPP was placed on public exhibition during April 2021. The provisions of the EIE that are of most relevance are discussed below.

Section 6.4 of the EIE confirms that savings provisions will be in place for applications that have already been lodged and are being assessed prior to the commencement of the SEPP.

#### Application of the draft SEPP

The SEPP will apply to a range of scales of development. This includes precincts for large new and urban renewal areas and the draft Design and Place SEPP is intended to provide consistency in the planning of precincts. This is proposed to apply to sites of greater than 10ha or 1,000 people and would therefore apply to the proposed development.

#### Draft Principles and Mandatory Considerations

The draft SEPP contains the following 5 principles. The EIE explains that each principle will be supported with a range of draft mandatory considerations, and those of relevance have been responded to in general terms.

**Principle 1 - Design places with beauty and character.** The proposed design has been developed by architects, civil designers and landscape architects with the design skills and experience necessary for a development of this nature. As discussed in **Section 5.2.1 – Character** of this SEE, the character of the existing Castle Hill Village is of more relevance than the external character as there is little to no relationship to the external boundaries of the site. The proposed buildings achieve an appropriate relationship to the external boundaries and internal neighbours which is discussed in the Urban Design Report. Aboriginal heritage is

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a consideration of the draft SEPP however the land has been substantially altered (including excavation) over many years. The provision of open space is addressed by retaining the green spine north of Tom Thumb lagoon through which pedestrian pathways will be provided (and retained) to connect the proposed development to other parts of the Castle Hill Village.

Principle 2 - Design inviting public spaces. Relevant to this proposal is the intention for the SEPP to propose new dwellings close to public space to create walkable neighbourhoods. This principle will be addressed through the retention of the green spine north of Tom Thumb lagoon and the provision of pathways, recreation facilities and self-serve café all within walking distance (by an accessible path) from their dwellings.

Principle 3 - Design productive and connected places. The SEPP will propose baseline residential density targets, address car parking provision based on location, address road, cycle and pedestrian permeability in subdivision design. The site provides for pedestrian permeability to other parts of the Castle Hill Village in particular Lober Square and the services there. Proposed buildings are accessible to the existing bus routes which is consistent with the principle.

Principle 4 - Design sustainable and greener places. The EIE seeks to encourage development to be designed within the context of the existing landscape natural features or attributes. This has been achieved by the retention of the green spine north of Tom Thumb lagoon and the BGHF within that area. The BGHF community will be enhanced with the planting of an additional 139 BGHF species enhancing the ecological values of the site and the existing tree canopy. Water sensitive urban design considerations have been incorporated into the stormwater design.

Principle 5 - Design resilient and diverse places. This principle relates in part to how a design responds to natural systems (citing the example of bushfires and Covid pandemic). The principle also relates to encouraging inclusive communities, responding to population change and equity. The natural systems relevant to the site (namely water management and ecological values) have been addressed. The proposed buildings will connect within the existing Castle Hill Village including open spaces, bus routes and Lober Square. The proposed seniors housing will replace some of the older housing stock and provide new housing designed for today's requirements. This renewal is part of the on-going evolution of the Castle Hill Village which has been taking place for decades as housing stock no longer meets the evolving needs of seniors. It will provide new seniors housing opportunities for the existing community to downsize within their local area consistent with the mandatory considerations of the draft SEPP.

### **SEPP 65 and the Apartment Design Guide (ADG)**

The current SEPP 65 will be replaced. The design quality principles of SEPP 65 will be replaced with the principles of the Design and Place SEPP (discussed above). The ADG will also be revised. This has not been assessed as part of this SEE as the development is to be assessed under the current ADG design criteria.

### **SEPP (BASIX)**

The BASIX SEPP will also be incorporated into the Design and Place SEPP. The sustainability targets embedded in the online BASIX tool will be included in the Design and Place SEPP. The draft SEPP proposes to update the sustainability targets (unspecified in the EIE) however they are proposed to be staged with incremental increases to enable industry to adapt. BASIX has been considered as part of the DA and a separate assessment under the future framework is not currently possible.

### **Impact on LEPs and DCPs**

The EIE explains that the draft SEPP will not have an immediate impact on existing LEPs and DCPs. The assessment framework (SEPP Seniors, LEP and DCP) for the proposed

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development will remain the same if the draft Design and Place SEPP comes into force during the assessment of the DA.

### 5.1.13 Hornsby Local Environmental Plan 2013

**Table 8** provides a summary assessment of the proposed development against the relevant provisions of the LEP.

Table 8 Assessment against Relevant Provisions of LEP		
Provision	Assessment	Consistent
Clause 2.2 – Zoning - R2 Low Density Residential	Seniors housing is not permitted with consent in the R2 zone. The DA is submitted pursuant to SEPP Seniors.  Discussion regarding the objectives of the R2 zone is provided at the end of this table.	No but SEPP Seniors prevails.
Clause 4.3 – Height of Buildings 8.5m	Pursuant to clause 5 of SEPP Seniors, the provisions of SEPP Seniors prevail to the extent of any inconsistency and therefore the 8.5m height control of Hornsby LEP 2013 does not apply.	N/A
Clause 4.4 – Floor Space Ratio	No maximum floor space ratio applies to the site.	N/A
Clause 5.10 Heritage conservation	The site is identified as a local heritage item under Schedule 5 of the Hornsby LEP 2013. A heritage impact assessment has been prepared which has found that the impacts are acceptable. Refer to discussion in <b>Section 5.2.8</b> of this SEE.	Yes
Clause 5.21 – Flood planning	This clause applies to land which the consent authority considers to be within a flood planning area.  The land is not mapped as a Flood Planning Area on the Flood Planning Map accompanying the LEP. However, a section 10.7 Planning Certificate advises that Lot 1 DP 177433 is subject to “current exposure to flood hazard risk” which, for urban land, is described in the planning certificate as being based on the 1 in 100 year ARI (average recurrent interval) storm event flowpath identified by the Hornsby Overland Flow Study, 2010”.  The Stormwater Report prepared by PTC has considered flooding of the land and this clause is discussed in <b>Section 5.2.12</b> of this SEE.	
Clause 6.2 Earthworks	The proposed development involves earthworks. A bulk earthworks plan is included in the civil engineering plans. The matters for consideration in clause 6.2(3) of the LEP have been addressed in this SEE.  (a) the effects on drainage and soil stability are addressed in the stormwater design and use of retaining walls or batters where necessary.  (b) the earthworks are specifically designed to accommodate the proposed development and will not affect the future use of the land.  (c) contaminated soil will be managed in accordance with the RAP (discussed in <b>Section 5.1.3</b> of this SEE) and any imported fill will be clean.  (d) the earthworks are contained well within the site to avoid the need for earthworks and	Yes

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**Table 8 Assessment against Relevant Provisions of LEP**

Provision	Assessment	Consistent
	<p>retaining walls on the adjoining boundaries, thereby minimising impacts to adjoining properties.</p> <p>(e) any imported fill will be clean.</p> <p>(f) An Aboriginal Heritage Information Management System (AHIMS) search has not identified any recorded Aboriginal sites or places within 50m of the site.</p> <p>(g) The proposed design has taken into account minimising impacts to the waterway passing through the site in terms of water quality, water quantity and ecological effects.</p> <p>(h) The retaining walls, stormwater design and sediment and erosion control plan will minimise impacts of the earthworks.</p>	
<p>Clause 6.8 Design Excellence</p> <p>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p>	This clause applies due the proposed development comprising seniors housing in the form of residential flat buildings.	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	These matters have been addressed in the Urban Design Report prepared by Kennedy Associates Architects submitted with the DA.	Yes
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,		Yes
(c) whether the development detrimentally impacts on view corridors,	The proposed development does not impact on view corridors.	Not applicable.
(d) whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,	The proposed development is located proximate to two existing bus routes that operate through the Castle Hill Village and the buildings are conveniently located close to multiple bus stops with path of travel of less than 153m with a gradient of no greater than 1:14 as per SEPP Seniors.	Yes
(e) the requirements of the Hornsby Development Control Plan,	The Hornsby DCP has been addressed in <b>Section 5.1.14</b> of this SEE and the proposed development been found to be consistent with the DCP including specific provisions relating to residential flat buildings.	Yes
(f) how the development addresses the following matters—		
(i) the suitability of the land for development,	The land is suitable or can be made suitable for the development as detailed in this SEE in relation to contamination, siting of buildings in relation to ecological impacts, water management, accessibility to transport, pedestrian accessibility suitable for seniors (and in accordance with clause 26 of SEPP Seniors)	Yes

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**Table 8 Assessment against Relevant Provisions of LEP**

Provision	Assessment	Consistent
	and in terms of the relationship of buildings with adjoining buildings within the Castle Hill Village.	
(ii) existing and proposed uses and use mix,	<p>The proposed buildings complement the existing buildings both in terms of land use and building scale and character.</p> <p>The proposed use as seniors housing and the individual elements such as housing, administration, self-serve café, recreation facilities and community room are all consistent with the uses of the Castle Hill Village.</p>	Yes
(iii) heritage issues and streetscape constraints,	<p>The site is a heritage item which has been addressed in the Heritage Impact Statement discussed in <b>Section 5.2.8</b> of this SEE.</p> <p>The proposed development is not readily visible from Castle Hill Road or Old Northern Road and the streetscape character will be generally the same as existing.</p> <p>The internal streetscape character has been considered in terms of spatial separation from existing buildings and landscape treatment as discussed in the Urban Design Report prepared by Kennedy Associates Architects and submitted with this DA.</p>	Yes
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The relationship of buildings with existing development on the site and adjoining land has been fully documented and assessed in the Urban Design Report prepared by Kennedy Associates Architects and submitted with this DA.	
(v) bulk, massing and modulation of buildings,	These matters have been documented and assessed in the Urban Design Report prepared by Kennedy Associates Architects and submitted with this DA.	Yes
(vi) street frontage heights,	Building heights and their presentation to internal roads has been documented and assessed in the Urban Design Report prepared by Kennedy Associates Architects and submitted with this DA.	Yes
(vii) environmental impacts and factors such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind, reflectivity, water and energy efficiency and water sensitive urban design,	<p>Overshadowing of adjoining buildings within the site is acceptable. The solar access to proposed dwellings complies with SEPP Seniors and is discussed in <b>Section 5.2.6</b> of this SEE.</p> <p>Visual privacy is acceptable having regard to the building separation requirements of the ADG. Visual privacy assessment is documented in Drawing DA-050 of the Architectural set of plans.</p> <p>Acoustic impacts from adjoining roads and the railway tunnel are addressed in the acoustic assessment discussed in <b>Section 5.2.13</b> of this SEE.</p> <p>Water and energy efficiency is addressed via the BASIX assessment and certificates submitted with the DA.</p> <p>WSUD has been addressed in the Stormwater Management Report prepared by PTC and</p>	Yes



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**Table 8 Assessment against Relevant Provisions of LEP**

Provision	Assessment	Consistent
	submitted with the DA. The WSUD measures meet or exceed the targets of the DCP.	
(viii) the achievement of the principles of ecologically sustainable development,	<p>The development achieves the principles of ESD by</p> <ul style="list-style-type: none"> <li>• minimising tree removal where possible and providing replacement native planting including BGHF well in excess of the trees removed.</li> <li>• Managing stormwater quantity and quality whilst improving the site's current stormwater infrastructure</li> <li>• Siting dwellings close to the existing bus stops and providing pathways to promote walking within the Castle Hill Village</li> <li>• Achieving the thermal comfort, water and energy targets of the BASIX certificates.</li> <li>• Designing dwellings that receive good solar access and solar access improving comfort for the occupants.</li> <li>• Provision for bicycle storage and motorbikes to promote alternative transport modes for residents.</li> </ul>	
(ix) pedestrian, cycle, vehicular and service access and circulation requirements,	<p>Vehicle access is via the existing road network with a modification to James Cook Drive to improve manoeuvrability along existing bus routes and increasing separation of the internal intersection of James Cook Drive and Clarke Drive from Old Northern Road. All roads have been tested by Stantec for manoeuvrability as documented in their Traffic Impact Assessment submitted with the DA.</p> <p>Pedestrian pathways have been provided to enable all dwellings to access bus stops, open space, recreation facilities (adjacent to Tom Thumb Lagoon) and community room in Building B8 via an accessible pathway.</p>	Yes
(x) the impact on, and any proposed improvements to, the public domain,	The proposed development does not have any impact on the public domain and no works are required to Old Northern Road or Castle Hill Road.	Yes
(xi) achieving appropriate interfaces at ground level between the development and the public domain,	The interface of the site (at ground level) with the public domain (Castle Hill Road and Old Northern Road) is unchanged.	Not applicable.
(xii) integration of landscape design, including the configuration and design of communal access and communal recreation areas, to incorporate exemplary and innovative treatments and to promote an effective social atmosphere.	<p>The landscape design is documented in the Landscape Plans prepared by Landform Studios and submitted with the DA. The plans have regard to spaces between and adjoining buildings, pathways, retaining walls, green roofs to soften built form where necessary, and replacement native planting including BGHF species.</p> <p>The landscape plans incorporate a significant number (315) of trees to enhance the existing canopy cover and reinforce the landscape character.</p>	Yes

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### Objectives of the R2 zone

There are two objectives of the R2 zone which are addressed in turn below.

- *To provide for the housing needs of the community within a low density residential environment.*

There are two main elements to this objective:

- Housing needs of the community; and
- The low density residential environment.

#### Housing needs of the community

The population is ageing and as the population ages there will be an increasing demand and need for housing that suits the needs of seniors (e.g. lower maintenance, good accessibility, a community environment with social and support networks). The proposed housing is provided in a format of low maintenance dwellings (apartments and villas) which are often sought by seniors downsizing from larger dwellings with gardens. The proposal also provides a network of accessible paths and every dwelling can be accessed via an accessible. There are recreational facilities and a community room (in apartment building B8) and one in the form of a self-serve café in which residents will be able to meet with other residents to build social networks. The proposal therefore responds to the housing needs of the community.

#### Low density residential environment

An area broader than an individual site needs to be considered to make sense of the term 'low density'. The concept of density needs to consider more than one development or building in its environment which requires a broader view. Taking a bigger picture view, the R2 zone is broad and the site is located in a small 'pocket' at the corner of the R2 zone boundary and the Hornsby local government boundary, as illustrated in **Figure 10**.

Within this broader context, the proposal provides housing (to meet the needs of the community) within that broader residential environment of the R2 zone.

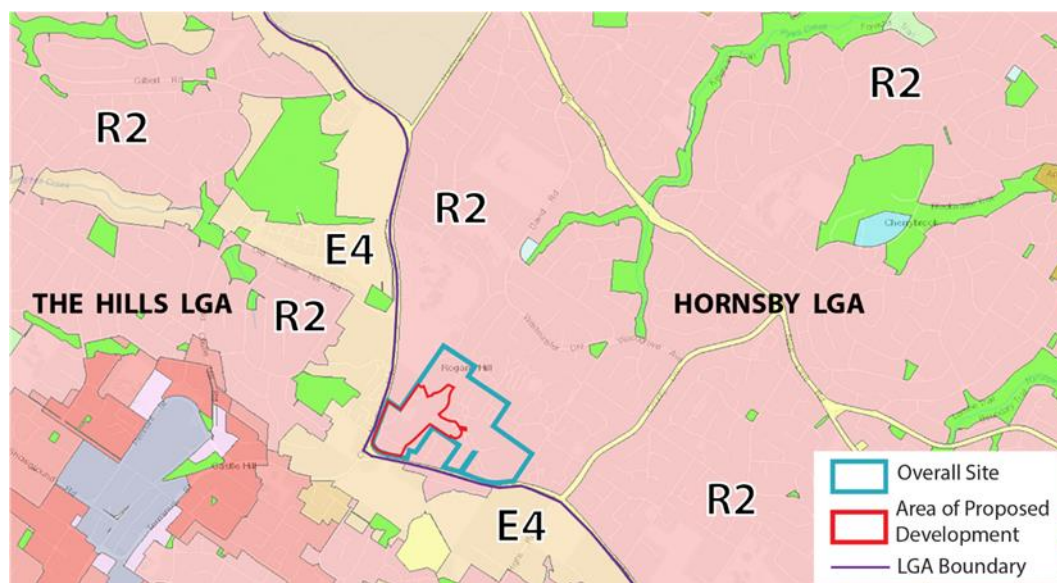


Figure 10 Extent of the R2 Zone

The existing building heights within the existing Anglicare Castle Hill village and the nature and character of the existing development are not characteristic of the housing typology that dominates the R2 zone in the Hornsby LGA (i.e. streets of detached housing which is determined by lot layout, with each dwelling having its own front and rear setbacks and narrow side setbacks). In order to achieve the zone objective, the housing form does not need to be

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detached housing; it can take the form of other typologies and still sit within a low density residential environment.

In this regard the height of the proposed buildings is not visible from the R2 zones in the broader area. The existing low density residential environment visible from the public domain (e.g. Old Northern Road, Castle Hill Road) will also be largely unchanged. The existing landscaped character visible from the public domain will be unchanged. Buildings will not be readily visible from these streets and the existing treed canopy character will still dominate the streetscape maintaining the existing low density residential environment of the broader R2 zone.

At a finer scale, the relationship with other parts of the R2 zone of the Castle Hill Village achieve a low density residential environment by retaining the large central green spine through this part of the site, creating large landscaped open spaces to reinforce the treed canopy character of the village. The heights of the buildings visible from other parts of the R2 zone within the village are ameliorated by the large separation between buildings and the landscaping between those buildings. Essentially an open suburban character is achieved.

The FSR of the development is 0.361:1 (including existing development within the cadastral boundaries of the site) which is less than the 0.5:1 FSR 'deemed to comply' control under SEPP Seniors. Whilst the development includes 3 storey buildings, this design approach has allowed significant areas of open space to be provided and vegetation to be retained. In addition, the siting of the buildings has generally achieved a 9m setback (or greater) to the internal roads allowing for significant street tree planting to provide a landscaped outcome characteristic of a low density residential environment. Both the built form and landscape character are consistent with the remainder of the village.

Site coverage and landscaped area are two controls that relates to residential density.

**Table 9** summarises the site coverage and landscape area controls of the Hornsby DCP for the detached housing for the most common lot sizes in the R2 zone in the surrounding area.

Table 9 Site Coverage and Landscaped Area Controls of Hornsby DCP		
Lot size	Site Cover	Landscaped Area
600m <sup>2</sup> to 899m <sup>2</sup>	50% (450m <sup>2</sup> to 899m <sup>2</sup> )	30%
900m <sup>2</sup> to 1499m <sup>2</sup>	40%	40%
1500m <sup>2</sup> or larger	30%	45%

The overall site coverage is 13% of the site area of 78,159m<sup>2</sup>, excluding the area of Tom Thumb Lagoon (refer DA-601). The site coverage achieved is significantly lower than that permitted for large residential lots (i.e. lots > 1,500m<sup>2</sup>) in a R2 zone.

The landscaped area is 55,597m<sup>2</sup> or 71% of the 'construction site area' of 78,159m<sup>2</sup>, which is significantly greater than the landscape area requirement for residential lots in a R2 zone.

The low site coverage and high landscaped area enables a landscape character that is far stronger and dominant than would otherwise be achieved for housing typical of a R2 zone ensuring that the site blends with the surrounding R2 zone to maintain the low density residential environment.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Given the nature of the seniors housing, the proposal provides a range of services and facilities that meet the day to day needs of resident such as:

- Recreational open spaces (croquet lawn, pathways).

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- A community room in apartment building B8.
- A self-serve café that will also serve as a community room.
- Access to existing facilities elsewhere in the village such as those in Lober Square (Wills Café, St James Chapel / Dover Hall, bowling green, medical rooms) other community and social facilities elsewhere in the village.
- Provision of garbage collection to remove the need for residents to manoeuvre bins for domestic waste.
- The administration building which is a necessary and essential component of the village to allow management to occur from within the site so that administration and maintenance staff can manage the day to day needs of the residents in the village.

The proposal is considered to achieve the zone objectives.

### 5.1.14 Hornsby Development Control Plan 2013

**Table 10** provides a summary assessment of the proposed development against the relevant provisions of the Hornsby Development Control Plan 2013 (HDCP 2013).

Table 10 Assessment against Relevant Provisions of HDCP 2013		
Provision	Assessment	Consistent
<b>Part 1: General Controls</b>		
1B.6 Tree and Vegetation Preservation	The proposal involves the removal of trees within the site. An Arboricultural Impact Assessment has been prepared by Tree Wise Men and is discussed in <b>Section 5.2.10</b> of this SEE.	Yes
<b>1C.1 Natural Environment</b>	The site is not mapped on the Terrestrial Biodiversity Map under HLEP 2013. The site mapped on the Biodiversity Values Map and this addressed is in <b>Section 5.2.11</b> of this SEE.	Yes
1C.1.1 Biodiversity	The site contains Blue Gum High Forest and an ecological assessment has been carried out by Ecoplaning which has found that the removal of trees within the BGHF is minimal and a SIS is not required. Refer to <b>Section 5.2.11</b> and the Flora and Fauna Assessment submitted with the DA.	Yes
1C.1.2 Stormwater Management	A sediment and erosion control plan has been prepared by PTC and submitted with the DA.  The stormwater design is discussed at <b>Section 5.2.12</b> and in the Civil Design Report submitted with the DA.	Yes
1C.1.4 Earthworks and Slope	The proposal involves the excavation of the site to accommodate the proposed development which is illustrated on the bulk earthworks plans in the civil plans (C010 to C025) submitted with the DA. Refer to discussion in <b>Section 5.2.3</b> of this SEE.	Yes
<b>1C.2 Built Environment</b>		
1C.2.1 Traffic and Parking	A Traffic and Parking Assessment has been undertaken by Stantec and discussed in <b>Section 5.2.9</b> of this SEE. There is a minor departure in visitor car parking and car parking for the administration building which is addressed in <b>Section 5.2.9</b> of this SEE.	Yes
1C.2.2 Accessible Design	Accessible Building Solutions has prepared a Statement of Compliance – Access for People with a Disability which is submitted with the DA	Yes



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**Table 10 Assessment against Relevant Provisions of HDCP 2013**

Provision	Assessment	Consistent
	and assesses the development against SEPP Seniors.	
1C.2.3 Waste Management	<p>An operational Waste Management Plan has been prepared by UFD, a copy of which is submitted with the DA.</p> <p>A Waste Management Plan for demolition and construction has been prepared by RJA Project Management, a copy of which is submitted with the DA.</p> <p>Waste management is discussed in <b>Section 5.2.15</b> of this SEE.</p>	Yes
1C.2.5 Noise and Vibration	A DA Noise Impact Assessment has been prepared by Acoustic Logic and submitted with the DA and discussed at <b>Section 5.2.13</b> of this SEE.	Yes
1C.2.6 Air Quality	<p>The DCP provisions relate to pollutants from proposed uses. The proposed residential nature of the development will not give rise to pollutants.</p> <p>An air quality assessment has been undertaken as required by clause 101 of SEPP Infrastructure which considers the effects of traffic pollutants from Old Northern Road and Castle Hill Road and air quality impacts are not considered to be a constraint for the proposed development of the site. A copy of the air quality report is submitted with the DA and discussed at <b>Section 5.2.14</b> of this SEE.</p>	Yes
1C.2.7 Crime Prevention	An assessment of the proposal against the crime prevention principles contained in the DCP is provided in <b>Section 5.2.16</b> of this SEE.	Yes
1C.2.8 Building Sustainability	<p>BASIX Certificates have been prepared for all of the self-contained dwellings and are submitted with the DA.</p> <p>The administration and community/common spaces) will be designed to the comply with Section J of the BCA.</p>	Yes
1C.2.9 Landscaping	Landscape plans have been prepared by Landform Studios and are submitted with the DA.	Yes
1C.2.10 Services and Lighting	Infrastructure provision is discussed at <b>Section 5.3.3</b> of this SEE.	Yes
<b>1C.3 Hazards</b>		
1C.3.4 Land Contamination	Contamination is addressed at <b>Section 5.1.3</b> in relation to SEPP 55 and the contamination reports prepared by Douglas Partners and submitted with the DA.	Yes
<b>Part 3: Residential (Section 3.3 – Residential Flat Buildings (3 storeys))</b>		
<p>Note: Part 3 of the DCP relates to residential flat buildings in the R3 and R4 zones. Whilst the site is not zoned R3 or R4, a built form comprising residential apartment development is permissible under SEPP Seniors. The DCP provisions of Part 3 have used as a guiding principle.</p>		
3.3.1 - Desired Future Character	The desired future character principles in Part 3 of the DCP have been achieved in the design, namely:	Yes

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**Table 10 Assessment against Relevant Provisions of HDCP 2013**

Provision	Assessment	Consistent
	<ul style="list-style-type: none"> <li>Footprints are contained to achieve generous boundary setbacks and landscape setting.</li> <li>Buildings are separated by landscaped areas</li> <li>Car parking is integrated into the design by the use of basements</li> <li>A high standard of architectural design has been achieved as discussed in the Design Verification Statement prepared by Jackson Teece Architects.</li> </ul>	
3.3.2 – Design Quality SEPP 65	The Design Statement prepared by Jackson Teece Architects addresses SEPP 65 and the Apartment Design Guide.	Yes
3.3.3 - Site Requirements	The site planning has achieved generous landscaping around the buildings.	Yes
3.3.4 – Height	<p>The built form of the residential flat buildings is 3 storeys.</p> <p>Basement car parks do not project above the finished ground level and therefore do not contribute to building height.</p> <p>Ground level apartments are finished at the finished ground level.</p>	Justifiable variation
3.3.5 – Setbacks	<p>The apartment buildings have a setback of between 23m to 34m from Castle Hill Road and Old Northern Road well in excess of the 9m DCP controls.</p> <p>The DCP requires a 6m setback from side and rear boundaries. Villa 28B has a side setback of 9.5m from the boundary to St Paul Church land to the north.</p>	Yes
3.3.6 – Building Form and Separation	<p>Buildings are limited in width to meet ADG requirements. The ADG design criteria have been addressed in the Design Statement prepared by Jackson Teece Architects.</p> <p>The maximum 35m dimension is more relevant for apartment buildings being designed to fit an existing streetscape with a regular subdivision pattern. The large site allows more freedom in building design as the proposed buildings create the future context.</p> <p>All apartment buildings exhibit strong façade modulation with the stepping of wall form and good articulation with the use of windows and balconies.</p>	Yes
3.3.7 – Landscaping	<p>Landscape plans have been prepared by Landform Studios.</p> <p>Large areas of open space have been retained and the design creates new landscaped areas between buildings. The proportions of landscaped areas can accommodate deep soil landscaping (refer DA-601).</p> <p>The existing landscape character along Old Northern Road and Castle Hill Road has been retained and augmented.</p>	Yes

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**Table 10 Assessment against Relevant Provisions of HDCP 2013**

Provision	Assessment	Consistent
	The existing masonry fencing along Old Northern Road is to be continued north of the Clarke Drive entrance along 411-415 and 417-419 Old Northern Road to complete the existing character.	
3.3.8 – Open Space	The proposal provides extensive passive and active recreation spaces.  Private open space is provided in the form of balconies or ground level courtyards meeting the size requirements of the ADG.	Yes
3.3.10 – Material Finishes and Services	The materials and finishes are documented in the architectural plans and the approach to the choice of materials is discussed in the Design Statement prepared by Jackson Teece Architects.	Yes
3.3.11 – Sunlight and Ventilation	The apartments achieve the DCP solar access requirements which are similar to the ADG. Refer to architectural plans the Design Statement prepared by Jackson Teece Architects.	Yes
3.3.12 – Housing Choice	The dwelling mix comprises mainly 2 and 3 bedroom dwellings as the retirement living dwellings are designed for seniors moving out of family homes and therefore less likely to move into a 1 bedroom dwelling, however three x 1 bedroom dwellings have been provided.	Variation to unit mix acceptable on merit
3.3.13 – Vehicle Access and Parking	One vehicle access point is provided to the apartment buildings by providing a common basement to all three buildings. Each building is directly connected with a lift from the basement.	Yes
3.3.14 Public Domain and Traffic Management Works	The principle of public domain has been applied within the site by creating a legible network of pedestrian paths to connect each building, the road network, bus stops, community facilities, areas of open space and the remainder of the Castle Hill Village.  Traffic management is addressed in the Transport Impact Assessment prepared by Stantec.	Yes
<b>Part 9: Heritage</b>		
9.2	The Heritage Impact Statement (HIS) prepared by Kemp & Johnson Heritage Consultants assesses the proposed development against the relevant provisions of Part 9 of the DCP and proposal has been found to be consistent with the provisions of the DCP.	Complies

### 5.1.15 Development Contributions

The Hornsby Shire Council Section 7.11 (formerly Section 94) Development Contributions Plan 2020-2030 applies to this site and residential development which would result in the creation of additional dwellings (including seniors housing).

The Hornsby Shire Council Section 7.12 (Section 94A) Development Contributions Plan 2019-2029 also applies to the site but does not apply to residential development resulting in the creation of additional dwellings.

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Both Plans recognise that exemptions apply for development undertaken by a 'social housing provider' for the purposes of 'seniors housing' as defined in SEPP Seniors where there is a Ministerial Direction in place.

Section 94E Direction dated 14 September 2007 applies to seniors housing development as defined under the former SEPP (Seniors Living) 2004 for development consents granted to a social housing provider. The Direction states that a consent authority cannot impose a contribution under Division 6 of Part 4 of the Environmental Planning and Assessment Act, 1979 for any form of seniors housing for DAs made by a social housing provider. Division 6 of Part 4 of the Act (as at September 2007) included both s.94 and s.94A Plans. The term social housing provider is defined in the SEPP as follows:

***social housing provider*** means any of the following:

- (a) the New South Wales Land and Housing Corporation,*
- (b) Department of Housing,*
- (c) community housing organisation registered with the Office of Community Housing of the Department of Housing,*
- (d) the Aboriginal Housing Office,*
- (e) registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998,*
- (f) Department of Ageing, Disability and Home Care,*
- (g) local government authority that provides affordable housing,*
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants.*

Anglican Community Services is a not-for-profit organisation and the following is an extract from the Australian Charities and Not-for-profit Commission Register which confirms that ACS is a registered charity which is listed as a 'public benevolent institution' that benefits:

- Youth - 15 to under 25
- Victims of disaster
- Unemployed persons
- People with disabilities
- People with chronic illness (including terminal illness)
- People from a culturally and linguistically diverse background
- People at risk of homelessness/ people experiencing homelessness
- Migrants, refugees or asylum seekers
- Financially disadvantaged people
- Females
- Families
- Early childhood - aged under 6
- Children - aged 6 to under 15
- Adults - aged 65 and over
- Adults - aged 25 to under 65

As part of the services listed above ACS both delivers and manages housing for the residents of its villages include entering into several forms of residential tenancy, rental or loan/lease agreements with tenants. ACS therefore falls under (h) as ACS is a not-for-profit organisation and a direct provider of rental housing and is therefore a social housing provider.



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In addition, ACS is also a Community Housing Provider registered under the National Regulatory System (which is the system used by NSW Government to register, monitor and regulate community housing providers in NSW). A copy of the registration has been submitted with the DA. ACS also falls under item (c) of the definition of a 'social housing provider'.

A condition requiring payment of a contribution cannot be imposed for any form of seniors housing made by a social housing provider.

### 5.1.16 Australian Standard AS2601 – Demolition of Structures

Clause 92 of the EP&A Regulation designates AS 2601-1991: *The Demolition of Structures* as a prescribed matter for consideration in the determination of a development application.

All demolition work will be carried out in accordance with AS 2601. Further details on demolition practices, identification and management of hazardous substances and recycling of materials will be provided in the form of a Work Plan and a Hazardous Substances Audit and Management Plan in accordance with AS 2601 with an application for a construction certificate.

## 5.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

### 5.2.1 Character

The Planning Principle established in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* [herein referred to as Project Venture] establishes the following principles or considerations when assessing compatibility with surrounding development, which is key to examining the character:

- Compatibility is not sameness, but how buildings exist together in harmony
  - 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?
- Relationship of building form to surrounding space created by building height, setbacks and landscaping.

The R2 Zone objectives and the 8.5m building height control of the LEP have relevance to character but they are not the only elements relevant to character. The Planning Circular: *Respecting and enhancing local character in the planning system*, PS 18-001 dated 16 January 2018 describes character as follows:

*Character is what makes one neighbourhood distinctive from another. It is the way a place 'looks and feels'. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation."*

The Circular also recognises the principle in Project Venture that "*compatibility is different from sameness, as it allows for many different features to coexist together harmoniously.*"

The Urban Design Report prepared by Kennedy Associates Architects examines the existing character of the overall Castle Hill Village and surrounding areas and identifies how the proposed development fits into the existing context.

The Castle Hill Village has developed over 60 years and displays a wide variety of building forms, scales and typologies and therefore has a character different to the surrounding residential areas of Cherrybrook which developed from the 1980s. An examination of development within the R2 zone in the adjoining suburb of Cherrybrook is suburban in

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character, with detached houses each with their own landscaped front yard, driveway and backyards. The character and density of that detached housing typology is not representative of the Castle Hill Village which comprises a variety of building typologies – detached buildings, villa style housing, 2 – 4 storey apartment buildings and several large floor plate buildings including 5 residential care facility buildings (some of which have 5 storey components) and a chapel. The character of the existing housing where the proposed development is to be sited, whilst being single storey, is not a low density character. It comprises villa style housing in a terrace / row housing typology which is also uncharacteristic of the character of development in the R2 zone in nearby areas.

Kennedy Associates Architects notes that the Castle Hill Village “*can be considered a unique entity, analogous to a suburb, with its own structure, character and function*”.

As noted in **Section 5.1.13** in relation to the objectives of the R2 zone, the relationship of the proposed development with the adjoining Castle Hill Village achieves a low density residential environment by retaining the large central green spine through this part of the site, single storey villas amongst the landscape and creating large landscaped open spaces around the proposed apartment buildings to reinforce the treed canopy character of the village. Additional canopy trees are proposed along the internal roads adding to the character and softening built form. The heights of the buildings visible from other parts of the village which are zoned R2 are ameliorated by the large separation between buildings and the landscaping between those buildings. Essentially an open suburban character is achieved which is discussed below.

The mixed character of the Castle Hill Village is separated from the development on the opposite side of Old Northern Road and Castle Hill Road and Cherrybrook to the north and east.

The proposed development has responded to the context established by the existing character of the village which has far more relevance than the general character of the R2 zone (which applies across much of the Hornsby local government area) and does not take into account the established character for this large site.

The site should be treated separately in terms of its established character from that which would generally prevail in a R2 zone. The contextual fit of the proposal with the overall village has been explained in the Urban Design Report. In terms of the principles of *Project Venture* the following observations are made in terms of the proposal's contextual fit with the remainder of the village:

- The village contains a number of developments of a similar height, scale and typology as the proposed buildings. The Urban Design Report concludes that “*there is no compelling reason to suggest that the proposed development as a whole – and the 3 storey apartment buildings in particular – are fundamentally incompatible with the built form character of Anglicare Castle Hill.*”
- There is no cohesive built form character to the village. The proposed building scales, height and typologies are similar to those found elsewhere in the overall village.
- The landscape setting is an important and valued part of the village's identity and this character is retained and augmented in the proposed development including street trees / avenue planting along the proposed internal roads.
- The proposed buildings achieve an appropriate relationship to the external boundaries and internal neighbours which is discussed in the Urban Design Report.

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### 5.2.2 Building Height

The site is subject to two building height controls:

1. An 8m building height development standard under clause 40(4)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors). This building height is a development standard is measured from the top most ceiling of a building to the ground level below. SEPP Seniors does not provide a numeric control for structure above ceiling.
2. A two-storey height limit adjacent to a boundary of the site under clause 40(4)(b) of SEPP Seniors. The SEPP includes a notation to explain that the purpose of this paragraph is to avoid an abrupt change in the scale of the development in the streetscape.

It is noted that there is also an 8.5m building height development standard under clause 4.3 of Hornsby LEP 2013. Pursuant to clause 5 of SEPP Seniors, the provisions of SEPP Seniors prevail to the extent of any inconsistency and therefore the 8.5m height control of Hornsby LEP 2013 does not apply.

#### 8m Building Height Control

Drawing DA-411 Building Height Plane Diagram in the architectural set of plans confirms that all proposed buildings comply with the 8m building height standard. Note that a light blue shade (on DA-411) indicates the parts of the building that comply with the 8m height control. The dark blue shade (in the legend) indicates any parts of the buildings that exceed the 8m height control. There are no dark blue shaded areas appearing for any of the buildings and the plans notes that each building complies.

#### 2 Storey Height Control

The departures from the two storey height control are:

- Building 8 (Apartment) = 3 storeys;
- Building 9A (Apartment) = 3 storeys; and
- Building 9B (Apartment) = 3 storeys.

These are the buildings adjoining Old Northern Road and Castle Hill Road (being the boundaries of the site).

It is noted that the adjoining dwellings on the opposite side of Milne Court are part of the site (being allotments the subject to the DA) and are therefore not adjacent to a boundary of the site being the circumstance to which the 2 storey development standard relates and the 2 storey SEPP Seniors control does not relate to the interface of Building 8 to those buildings.

The boundary with St Paul's Church is also a site boundary for the purposes of the 2 storey height control and the single storey villa (B28) complies with the development standard.

#### Summary of the Clause 4.6 Variation

A Clause 4.6 written request to vary the 2 storey building height development standard has been prepared by DFP Planning (submitted with the DA). The grounds of the objection are as follows:

- The site is its own entity and is self-contained, with limited relationship with the surrounding urban context. The proposed building heights are in keeping with the existing scale, height, building forms and character of development across the Anglicare Castle Hill village.
- The 3 storey apartment buildings achieve a character that is consistent with the overall Anglicare Castle Hill Village.

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- The 3 storey apartment buildings do not give rise to any adverse environmental impacts, such as overshadowing of any adjoining development or other buildings of the proposed development.
- The proposed seniors housing development will read as one and two storey development when viewed from Castle Hill and Old Northern Roads maintaining the existing low density residential environment when viewed from these roads.
- The 3 storey apartment buildings provide for transition in scale at the boundaries of the site and therefore achieve the objective of the 2 storey control despite the variation, in that there is no abrupt change in the scale of development in the streetscape.
- The scale, form and character of development is consistent with the scale, form and character along Old Northern Road to the west of the site.
- The building separation of B8, B9A, B9B achieve the ADG building separation design criteria in relation to the neighbouring proposed apartment buildings.
- There are no shadow impacts external to the site, to the adjoining dwellings in Milne Court and Gregory Close or for the proposed dwellings in Buildings 8, 9A and 9B when assessed on a stand-alone basis. Generous setbacks in excess of the minimum requirements have been maintained to Castle Hill and Old Northern Roads enabling the retention of the existing mature trees along these frontages maintaining the existing character when viewed from these roads.
- The site planning outcomes, i.e. locating the new development primarily in the southern portion of the site, have enabled retention of mature trees north of Tom Thumb Lagoon and the opportunity to provide further landscaping to reinforce the green central spine and maintain this character element of the overall village.
- The additional building height does not result in a departure to the 0.5:1 or 1:1 Floor Space Ratio controls under SEPP Seniors.

The proposed seniors housing development is consistent with the objectives of the height of buildings development standard, the objectives of the R2 zone and the aims of SEPP Seniors.

### 5.2.3 Earthworks

Excavation is proposed to facilitate the proposed seniors housing development to create basements for the apartment buildings and realign James Cook Drive and, associated with those works, to also create gradients throughout the development that is suitable for seniors.

The Geotechnical report prepared by Douglas Partners has observed that there has been previous filling that is not structurally suitable in its current state. They recommend that the existing fill (ranging in depths of between 0.1m to 2.1m) be excavated and replaced in a controlled manner. This would require an assessment of the soil and its composition to determine whether it is suitable for reuse. Excavation of the upper structure would therefore need to take place for any redevelopment of the site.

Douglas Partners has also noted that the excavation for basements will occur in fill, residual clays and weathered sale bedrock of extremely low to low strength and they observe that this material could be readily excavated using conventional earthmoving equipment. Stronger rock might be encountered, and rock hammers might be required. The boreholes were drilled to 'refusal' in bedrock. The results indicate that the bedrock in the location of the proposed basements for the apartment buildings was encountered at depths of between 4.5-6m (Boreholes 15 and 19). The bedrock is quite deep over much of the site where a large amount of excavation will occur and the material can be excavated using conventional earthworks machinery minimising potential noise or vibration impacts.



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The Civil Plans (Drawings C010 to C012) illustrate the bulk earthworks and estimated volumes of excavated material and the estimated amounts of excavated material that would be reused on site (i.e. not exported).

The basement levels shown on the plans are about 300mm lower than the finished floor levels on the architectural plans to account for slab structure.

The total volume of excavated material is estimated at 36,700m<sup>3</sup> and the total fill is estimated at 1,780m<sup>3</sup>. The excess to be removed from the site is 34,800m<sup>3</sup>.

The majority of excavation relates to the basement, OSD tanks and road works. The excavation to accommodate the residential levels ranges from about 0.5 to 1 storey. The basement excavation would occur if the surrounding land levels were not being adjusted. Basement car parking is common and achieves better urban outcomes than alternative at grade or above grade arrangements.

### Hornsby LEP Provisions

Clause 6.2 of HLEP 2013 provides the following objective:

- “(1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

Clause 6.2 of HLEP 2013 does not relate to ‘existing landform’ but its objectives relate to specific environmental and contextual considerations. Subclause (3) provides specific matters to be considered before granting development consent for earthworks (or development involving ancillary earthworks). Those matters are addressed below:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Stormwater on this part of the site is currently managed by a system of pipes that drain to Tom Thumb Lagoon. Water from Castle Hill Road is also piped through the site to the lagoon. The proposal includes new stormwater drainage to manage drainage and stormwater within the site and also includes a new stormwater pipe to replace the existing pipe and easement draining water from Castle Hill Road. The proposed development will utilise OSD tanks upstream of Tom Thumb Lagoon before it is discharged to a culvert that eventually connects with Pyes Creek beyond the site. The proposed stormwater infrastructure will not alter drainage patterns. The stormwater infrastructure will also avoid erosion and the control of water discharged from the site will not impact on downstream water courses.

A sediment and erosion control plan to manage erosion during the course of construction has been prepared by PTC as part of the Civil set of plans.

The proposed development is contained within the site boundaries. The excavation will require geotechnical input to advise on how to manage the shoring of excavation of the land and basements as they are constructed. This is a detail that can be readily managed by conditions of consent.

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

The proposed development is one which will exist for many decades and redevelopment in the near future is highly unlikely. The nature of the earthworks (excluding the basements) creates a gentle topography that would not restrict future redevelopment or uses whenever that might occur.

- (c) *the quality of the fill or the soil to be excavated, or both,*

The Douglas Partners contamination investigations (discussed in **Section 5.1.3** of this SEE) confirm there are small hotspots of contaminants. Most of the soil has not been identified as containing contaminants and the soil exported from the site will be suitable to be used as

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landfill elsewhere. Any fill imported to the site (e.g. topsoil for creating landscaped area) will be clean fill.

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

**Section 5.2.4** and the Urban Design Report prepared by Kennedy Associates Architects considers the relationship of the proposal with adjacent development, namely the 2 storey villas in Milne Court / Gregory Close and has found that the scale relationship between building forms is acceptable which is achieved by excavation dropping the height of the proposed buildings relative to the adjoining residential buildings. The proposed excavation ensures that the proposed buildings are not of a scale that is out of keeping with the adjoining development.

The only other immediate context is Old Northern Road and Castle Hill Road. The excavation occurs away from these roads and the existing perimeter landscaping is unaffected by the excavation ensuring that the adjoining streetscape is not affected, as confirmed in the Arborist report.

- (e) *the source of any fill material and the destination of any excavated material,*

Any fill imported to the site will not be contaminated. All excavated material removed from the site can be classified by a suitably qualified person prior to being disposed or reused.

- (f) *the likelihood of disturbing relics,*

As noted, the site is highly modified, and the likelihood of disturbing relics is remote.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

The site is in the upper part of a drainage catchment. The stormwater infrastructure proposed as part of the development will control the discharge of water from the site via a series of OSD tanks and discharged water will comply with the water quality targets of Hornsby DCP as set out in the Civil Design Report prepared by PTC.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The measures that can be adopted to address impacts of excavation are:

- The excavation will occur in one stage. The impacts of truck movements is addressed at in the Traffic Impact Statement and Construction Traffic Management Plan both prepared by Stantec. They estimate that 38 days will be required to remove the excavated material. They estimate truck movements of 2 to 6 per hour per day which they believe is not considered to be sufficiently large to result in unreasonable impacts to the surrounding properties, particularly with construction access being via Old Northern Road and therefore vehicles are distributed on to the main road network not local roads or through the village.

A final CTMP that documents how truck movements can be managed can be imposed as a condition of consent.

- Installation of appropriate sediment and erosion control measures during excavation (and construction) which is documented in the Civil Plans.
- Implementation of tree protection measures as documented in the Arborist Report.
- Compliance with the sediment and erosion control and tree protection measures can all be reinforced through conditions of consent.

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### Conclusion

Clause 6.2 of HLEP 2013 does not contain provisions that relate to maintaining or minimising existing landform, but rather, where earthworks are proposed, various environmental and amenity impacts are to be considered. The above discussion demonstrates how the provisions of clause 6.2 have been addressed.

### **Hornsby DCP Provisions Relating to Earthworks**

Clause 1C.1.4 'Earthworks and Slope' of HDCP 2013 sets out the following relevant desired outcomes and prescriptive measures relating to earthworks:

#### *"Desired Outcomes*

*Development that is designed to respect the natural landform characteristics and protects the stability of land.*

*Development that limits landform modification to maintain the amenity of adjoining properties and streetscape character.*

The site's landform is analysed in Section 3.4 of the Urban Design Report. The site does not represent a 'natural landform' and is highly modified. An extract of the landform modifications that have occurred in this part of the site are represented in **Figure 11** (extracted from the Urban Design Report).

existing topography



Figure 11 Past landform modifications as illustrated in Section 3.4 of the Urban Design Report

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The key attributes of the landform as modified are:

- A man made water body (Tom Thumb Lagoon) that is the low point of this part of the site.
- Steep embankments to Old Northern Road and Castle Hill Road with a level change of about 6m between the roads and the toe of the embankments.
- A large level area being the site of the former Phillip Lodge that sits below Old Northern Road, Castle Hill Road and Milne Court (internal road to the east).
- Localised levelling of the site to create the Hunter Terraces.

Essentially the Castle Hill Road and Old Northern Road ridge lines and steep embankments to the south and west create an amphitheatre landform character gently sloping down to Tom Thumb lagoon, before the land rises up gently towards the north.

The DCP controls relate to natural landform. As described above, the landform of the site is not natural and has been highly modified over time.

The DCP desired outcome is to limit modification of the 'natural' landform to maintain amenity of adjoining properties and streetscape character. What is important in terms of the desired outcome of the DCP is the amenity of adjoining properties and streetscape character (which similar to that of clause 33(c)(ii) of SEPP Seniors) addressed in this SEE.

The residential amenity for the existing development and proposed development is not compromised as a result of the proposed excavation which is discussed in the following sections.

### 5.2.4 Residential Amenity of Adjoining Development

#### External Development

In terms of the amenity of adjoining properties, development on the opposite sides of Old Northern Road and Castle Hill Road is too far removed to be impacted by the proposed development. The relationships to surrounding development (not only residential but also the commercial development on Old Northern Road (and St Pauls Church to the north) has been considered in Section 4.4.1 of the Urban Design Report. That analysis concludes that the proposed development achieves an appropriate relationship with surrounding public domain and neighbouring properties.

#### Internal Development

The more important relationship is that with the existing residential development to the east in Mowll Village on the eastern side of Milne Court and Western Road which has been analysed in Section 5.5.1 – Relationship to existing dwellings of the Urban Design Report.

The analysis uses a series of sections to understand the contextual relationships including level changes, building separation and landscape treatment. There are three proposed buildings (B8, B9A and B9B) that have been analysed:

- The nature and scale of adjoining development comprises 1 and 2 storey villas with varying building footprints.
- The site strategy involving excavation helps lower the relative building height and avoids an abrupt change in scale. The level differences range from 1.5m lower to 2m higher than adjoining development. That is, the level differences are less than a storey and there is not a substantial scale difference between the existing and proposed buildings.
- The building separation ranges from 12m to 35m. The building separation and height differences are such that the proposed buildings are not of a scale that is out of keeping



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with the adjoining development. The building separations meet or exceed the ADG design criteria.

- The landscaped areas in the setbacks of each of the proposed buildings from the internal roads allows for a variety of scales at different levels to provide privacy and screening to reduce their apparent bulk.
- Landscaped areas are capable of being provided along the interface with adjoining development, and this opportunity is not compromised as a result of the proposed excavation.
- The residential amenity for the existing development and proposed development is not compromised as a result of the proposed excavation which is discussed in the following sections.

In addition, Western Road is provided with an avenue of street trees which not only reinforces the landscape character of the village but provides a softening between the proposed and existing built forms.

Kennedy Associates Architects has also examined the relationship of the apartment buildings with the retained Hunter Terraces. The Hunter Terraces primary orientation is to internal spaces. The dwellings adjoining James Cook Drive sit slightly lower than the road and are located behind medium height informal hedging having little to no visual connection with James Cook Drive. There is a separation of between 18m to 40m and together with the existing and proposed landscaping mitigates potential impacts such as privacy or visual bulk.

### 5.2.5 Residential Amenity of Proposed Apartments

Section 4.5.2 of the Urban Design Report has examined the residential amenity of the apartments particularly in relation to the ground level apartments relative to the embankment to Old Northern Road and Castle Hill Road.

**Figure 12** shows the location of the private open spaces adjacent to the embankment. Three courtyards are single aspect and the remainder have dual aspect.

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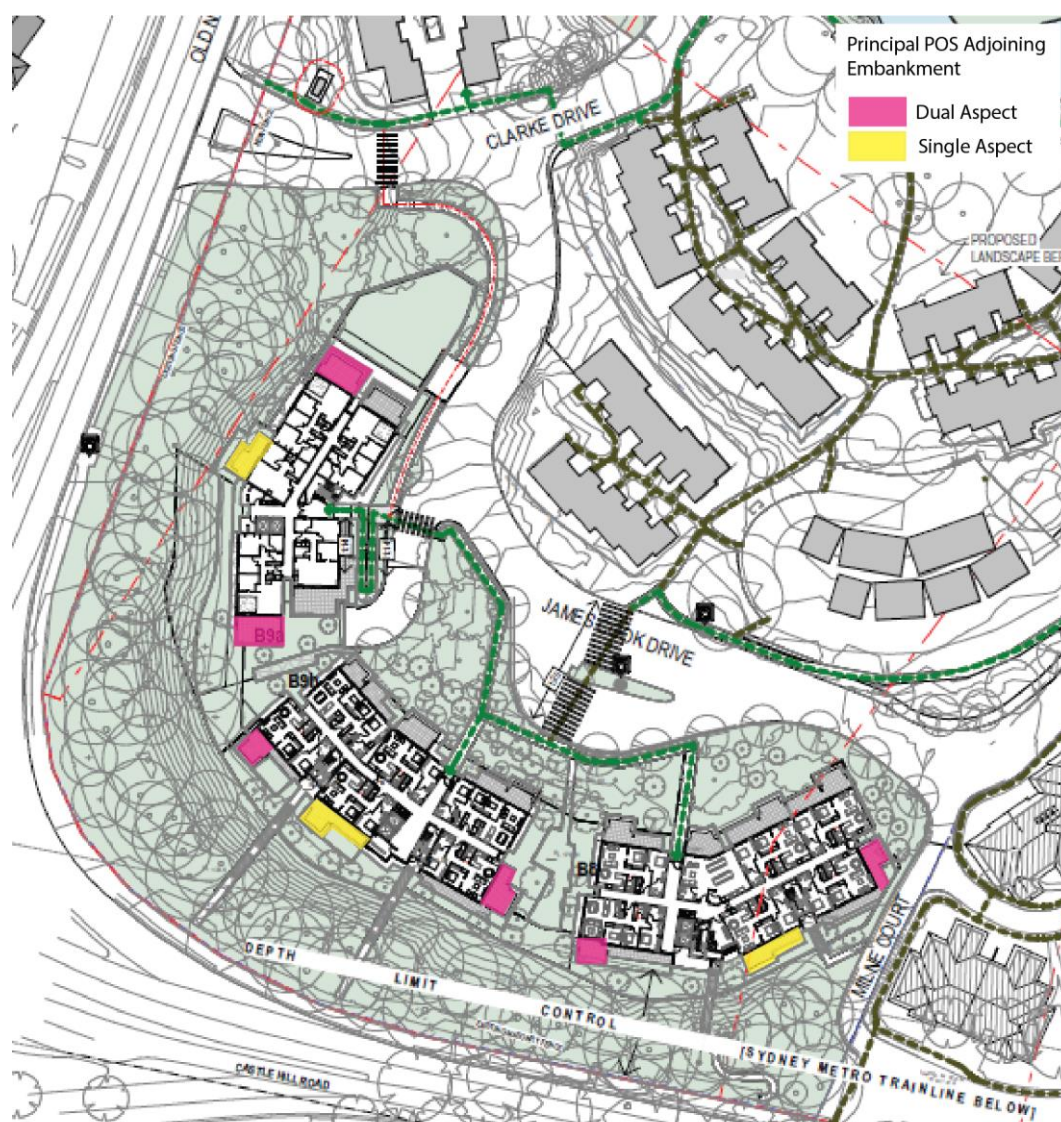


Figure 12 Courtyards adjacent to the embankments (extracted from DA-035)

Section 4.5.2 of the Urban Design Report has analysed the worst case scenarios (being the apartments with single aspect courtyards) and has formed the opinion that each achieves an acceptable level of amenity. The dual aspect courtyards have the benefit of secondary outlook away from the embankments affording a greater level of amenity.

### 5.2.6 Solar Access to the Apartment Buildings

Jackson Teece Architects has prepared view from the sun diagrams to verify the solar access to all apartments (refer drawings DA714-DA730). The view from the sun diagrams show sunlight to each window and private open space area for each apartment in each building at each hour between 9am and 3pm at the winter solstice. This has allowed a thorough assessment against the ADG (2 hour) and SEPP Seniors (3 hour) solar access requirements. The results of the solar analysis have been tabulated by Jackson Teece Architects in DA-604. A summary of the results of the solar analysis is provided below.

#### SEPP 65 and Apartment Design Guide

The ADG requires solar access to be achieved for each building (not the overall development). Therefore, each building has been analysed separately as detailed in the **Table 11** below (which is a summary of the data from DA-604). In addition, each apartment has been

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assessed in relation to solar access to both the living room and private open space. The solar access design criteria for each building is achieved as set out below.

**Table 11 Solar Compliance: SEPP 65 and Apartment Design Guide**

Building	2 hours solar combined living & private open space (Min 70%)	No solar (max 15%)
8	75%	15%
9A	100%	0%
9B	72.2%	11.1%
Villas	Not required to be assessed under SEPP 65 or the ADG	
<b>Overall</b>	<b>81.1%</b>	<b>9.4%</b>

Note: The community room on the ground level of B8 has been excluded from the calculations.

### SEPP Seniors Compliance

SEPP Seniors does not require the solar access criteria to be assessed on a building by building basis, but for the overall development. The total number of dwellings (apartments and villas) that achieve the solar criteria has been tabulated on a building by building basis and also for the overall development (**Table 12**).

In order to achieve the 3 hours of solar access to some dwellings, skylights are provided to 3 villas. The skylights are 'Velux' style approximately 740mm x 1140mm with glazing to allow sunlight to penetrate into the living room<sup>1</sup>. Unlike the ADG, SEPP Seniors does not limit the use of skylights for solar access. The skylights are only used for SEPP Seniors compliance.

**Table 12 Solar Compliance: SEPP Seniors**

Building	3 hours solar to living rooms (Minimum 70%)	3 hours solar to private open space (Minimum 70%)	3 hours solar combined Living & POS (Minimum 70%)
8	14	14	12
9A	9	15	9
9B	14	14	14
Villas	13	13	13
<b>TOTAL</b>	<b>50</b>	<b>56</b>	<b>48</b>
<b>% out of 66 dwellings</b>	<b>75.8% (complies)</b>	<b>84.8% (complies)</b>	<b>72.7% (complies)</b>

### 5.2.7 Heritage Conservation Management Plan

A Conservation Management Plan (CMP) was prepared by Paul Davies Pty Ltd Heritage Consultants in February 2019 (which is an update of the 2001 CMP). The 2019 CMP incorporates more recent developments referred to as Lober Square, the refurbishment of Lober House and the reconstruction of the Chapel. A copy of the CMP is submitted with the DA. The CMP *"recognizes the changes that have occurred to the village complex over the last 18 years, including the implementation of many of the recommendations of the previous CMP. The key policies that have been developed in this review are:*

<sup>1</sup> Some of the apartments are provided with ventilated skylights and are required to achieve the cross ventilation requirements of the ADG and are not relied upon for solar access. The apartments will nevertheless receive the benefit of additional solar and daylight access, as a result of these skylights.

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- *The campus is ideally suited to its 60 year use for retirement living and should continue in that use.*
- *The identified heritage elements, buildings and fabric should continue to be conserved, maintained and used as core facilities of the campus.*
- *The garden setting of the core heritage buildings, that is an important aspect of their significance, should be retained and managed as a heritage landscape.*
- *Site features such as the entry drive alignment, the original front fence and early eucalypt plantings along the entry driveway should be retained as part of the historic setting of the place.*
- *New buildings within the vicinity of the heritage elements of the site are to be designed to contextually fit around the heritage elements and should not reduce the setting or prominence of those structures.”*

There are several elements of the updated CMP that are relevant to the proposed development:

- Clause 6.10.1 of the Conservation and Management Principles notes that the retirement living function of the site is of high social significance and should be enabled to continue to grow to meet the needs of this function generally across the site, but not in the heritage listed buildings structures. None of the heritage listed structures are affected by the proposed development (as confirmed in the Heritage Impact Statement (HIS) discussed in **Section 5.2.8** of this SEE).
- Figure 136 of the CMP provides a plan of the identified heritage curtilage of the site. The location of the proposed development is outside of, and well removed from, the identified curtilage.
- Clause 6.11.5 notes that there should be no requirement for heritage assessments outside of the curtilage area unless works are immediately adjacent to the curtilage boundary or where there is an impact on the views and setting identified in the CMP. The closest heritage structure is the Gate House. A heritage impact statement has been prepared which is discussed below.

Section 5.6 of the updated CMP requires the CMP to be endorsed by Hornsby Shire Council or its delegate and sets out the implications of endorsement.

*“In the process of endorsement the Council would be adopting the Statement of Significance for the site, and the curtilage at Figure 135 would become the main reference for assessing the impact of new development upon the historic fabric of the site. The entire Conservation Management Plan would become the reference for assessing future proposals.”*

The updated CMP is a more appropriate assessment tool than the out of date 2001 CMP. The endorsement of the CMP is not a pre-requisite for determination of the DA.

### 5.2.8 Heritage Impact Statement

The site is identified as a heritage item (Item 255) under Hornsby LEP 2013. The site not included on the State Heritage Register and is identified as being of local significance under Hornsby LEP 2013. Kemp & Johnson Heritage Consultants has prepared a Heritage Impact Statement (HIS) dated February 2019 a copy of which is submitted with the DA. Kemp and Johnson Heritage Consultants has prepared a Heritage impact Statement (HIS) for the proposal.

#### **Conservation Management Plan, 2019**

The HIS has assessed the development against the Policies of the 2019 CMP (discussed above). Relevant points from the HIS assessment against the 2019 CMP Policies are:

- The proposal for renewal and continuation of the site for retirement living and redevelopment is consistent with the CMP.



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- The area of proposed works is outside of the heritage curtilage area defined in the updated CMP.
- Alterations to the Gate House are not proposed and proposed works are outside of its heritage curtilage. Whilst works are within the vicinity of the Gate house no significant views are impacted.

### Hornsby LEP 2013

Clause 5.10 of Hornsby LEP 2013 applies, and the HIS notes the following in relation to Clause 5.10.

*"The proposal complies with the objectives and controls of Clause 5.10 of the Hornsby LEP 2013, as the proposal will have no impact on the heritage significance of the significant buildings and items on the site, the heritage impacts have been considered, and this Heritage Impact Statement fulfils the requirements of Clause 5.10 (5)."*

### Hornsby DCP 2013: Part 9: Heritage

The HIS has provided responses against the objectives and controls in Part 9 of the DCP. The proposal is consistent with the relevant provisions of the DCP.

In conclusion, the HIS has found that the *"The proposal complies with all relevant Heritage objectives and controls of Clause 5.10 of the Hornsby LEP 2013 and the Hornsby DCP 2013 and relevant policies of the 2019 CMP, and will have no adverse impact on the buildings and items of heritage significance within the Castle Hill Village."*

#### 5.2.9 Traffic and Parking

Stantec has prepared a Transport Impact Assessment (TIA) for the proposed development, a copy of which is submitted with the DA.

##### Access

The overall Castle Hill site is currently accessed from Old Northern Road, Castle Hill Road and David Road. The location of the proposed development is currently accessed from Old Northern Road at the intersection with Clarke Drive (being the entry into the village). The Clarke Drive entrance is a divided entry with ingress and egress separated by a traffic island. The current intersection provides for all turning movements. This vehicle access is proposed to be retained without any modifications to the road reserve.

##### Internal Road Network

James Cook Drive is proposed to be realigned shifting its intersection with Clarke Drive further north. This will increase the separation of the intersection from Old Northern Road from 25m to 50m increasing queuing capacity within the site.

The existing roundabout on Clarke Drive at the current James Cook Drive intersection will be removed, with the central median island into the site to prevent U-turn manoeuvres by external traffic.

The realigned section of James Cook Drive is designed to accommodate two-way movement for 12.5m long buses. The junction of James Cook Drive and Western Road (at the Milne Court intersection) is also proposed to be realigned which will provide better access for public bus services and waste vehicles.

Swept path / manoeuvring analyses for a 12.5m long bus, 10.5m long garbage vehicle and 7.33m service vehicle have been prepared and are included as Appendix A to the Stantec Traffic Impact Assessment.

##### Traffic Impact

Stantec has considered the traffic generation of the proposed development. A total of 66 dwellings are proposed and a total of 67 dwellings are proposed to be demolished as part of this DA and on that basis Stantec notes there is no net effective change in traffic generation of the proposed development.

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The main focus of the traffic assessment is on Old Northern Road, as this is the main access point. Key findings of their assessment are:

- The level of service of the access arrangement with Old Northern Road is similar to the existing arrangement.
- Traffic generated by the development proposal (being less than existing) will not impact on the operation of the existing site accesses or the surrounding road network.

### Car Parking Provision

Stantec has assessed the car parking provision for the proposed development. A summary of car parking provision is provided in **Table 13**.

Table 13 Car Parking Provision			
Use	Rate	Required	Provided
Self-contained dwellings (53 apartments)	1 space / 4 dwellings under SEPP Seniors	13 – 14 spaces	53 – based on Anglicare's preference for 1 car parking space / dwelling
Self-contained dwellings (13 villas)	1 space / 4 dwellings under SEPP Seniors	3 – 4 spaces	13 spaces (1 garage per villa)
Self-contained dwellings (visitors)	1 space / 5 dwellings Hornsby DCP	13 -14 spaces (based on 66 dwellings)	11 spaces in basement 1 space for each self-contained dwelling = 13 Total 24 spaces.
Administration building 813m <sup>2</sup>	1 space / 40m <sup>2</sup> Hornsby DCP	21 spaces	17 spaces.

The basement car park is provided with 11 visitor car parking spaces meeting the visitor car parking requirement for the apartment buildings. Each self-contained dwelling has a car parking space forward of the garage which can be used for visitors to those dwellings (the same as could occur for a dwelling house). The visitor car parking demands are satisfied on site.

The administration building requires the provision of 21 car parking spaces based on Council's DCP rate for commercial premises. The administration building is ancillary to the Castle Hill Village and will accommodate staff already working in the village. The demand for staff parking is therefore not increasing as a result of this development.

### Car Parking Design

As detailed elsewhere in this SEE, the car parking provision complies with SEPP Seniors. Stantec has reviewed the car parking design (road network, aisle widths, car parking bay widths including parking for people with disabilities, ramp grades, height clearances and internal queuing) against the relevant Australian Standards and found that the design complies with the relevant design guidelines. Swept paths have been prepared for various movements and are appended to the TIA prepared by Stantec.

### Loading and Waste

The loading and waste collection arrangements have also been reviewed by Stantec. The loading facility is located adjacent to Building B9A and has been designed with an internal clearance of 4.5m and is suitable for rigid vehicles up to 12.5m in length (to accommodate Council's waste vehicles should they ever be required to service the development). The loading dock complies with Council's requirements and AS2890.2:2018. The dimensions of the loading dock will enable vehicle to enter and leave in a forward direction.

The loading dock will serve as the waste vehicle collection point for the apartment buildings. Anglicare will use an electric motorised towing vehicle (tug) to transfer bins from each building

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to the loading dock. Stantec has reviewed the grades of all roads, car park accesses and circulation aisles along the travel paths between bin storage rooms and the loading dock confirming their suitability for the tug.

### 5.2.10 Tree Removal

Tree Wise Men has prepared an Arboricultural Impact Assessment Synopsis (AIAS) of the proposed development which is submitted with the DA. Their report has considered impacts of buildings, earthworks, stormwater infrastructure (including the relocation of the RMS stormwater easement), retaining walls, pedestrian pathways and impacts to BGHF species.

Tree Wise Men has assessed 372 trees. **Table 14** summarises the impacts.

Table 14 Tree Assessment	
Trees Assessed	372 assessed
Trees retained	317 (85%)
Trees removed	55 (15%)

As illustrated on Tree Protection Plans in the AIAS the trees to be removed are distributed around the site and predominantly part of the planted landscape associated with Kilvinton village. New building work around Tom Thumb Lagoon and in the stands of BGHF has been limited to smaller buildings sited in cleared areas or are elevated to minimise ground level impacts to trees and the BGHF.

The cluster of trees retained around Tom Thumb Lagoon and the BGHF will maintain the treed character of this part of the site.

Tree Wise Men has assigned a tree retention value (A to D) to all assessed trees to evaluate impacts. The retention values are a combination of landscape significance and useful life expectancy. Tree retention 'A' has the highest value to be considered for retention. **Table 15** summarises the impacts.

Table 15 Tree Assessment by Retention Value			
Retention Value	Total	Removed	Retained
A	59	1	58
B	176	25	151
C	96	17	78
D	42	12	30
<b>Total</b>	<b>373</b>	<b>55</b>	<b>317</b>

Only 1 tree with a retention value of 'A' is proposed to be removed which is Tree 293, a Rough Barked Angophora (*Angophora floribunda*) located near Villa B22. Tree Wise Men notes that removal of only one tree with a retention value of 'A' is a very good outcome for a site that contains a considerable number of mature trees.

This outcome is consistent with clause 33(f) of SEPP Seniors "to retain, wherever reasonable, existing major trees." The approach to tree retention will retain much of the existing treed character in the site.

#### Tree Protection Zones

Of the trees to be retained Tree Wise Men has also assessed whether the development is clear of tree protection zones or whether the tree protection zone impacts are acceptable. Conditions of consent can be imposed to require site specific tree protection measures.

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### Blue Gum High Forest Tree Impacts

An ecological assessment has been prepared which is discussed in **Section 5.2.11** of this SEE. Tree Wise Men has separately assessed impacts to the BGHF trees on the site. There are 148 trees characteristic of the BGHF community and 126 (85%) of those trees will be retained under the layout with only 22 (15%) proposed to be removed.

Tree Wise Men notes that 20 of the 22 BGHF trees to be removed are semi-mature, recent plantings in the south eastern corner adjacent to Milne Court. The 20 trees are located in the stand of trees (T415-T433 and T436<sup>2</sup>) located adjacent to proposed Building B8 and are unable to be retained to accommodate bulk excavation and retaining walls. The landscape plans propose replacement planting in this location including trees that will have a mature height of between 6.5m to 18m in height as well as supplementary planting to the BGHF on the embankment to the south of B8 that will compensate for their removal.

As noted in the discussion following (**Section 5.2.11**), a further 139 trees characteristic of the BGHF community and a further 172 native trees (a total of 311 native trees) are proposed to be planted as part of the development.

Of the BGHF trees to be removed only one has a tree retention value of 'A' and Tree Wise Men notes that the development layout is very responsive to the ecological constraints of the site.

### Condition 23 of DA/359/2013 dated 18 July 2013

Condition 23 of DA/359/2013 dated 18 July 2013 related to the demolition of 6 residential buildings and removal of trees. Condition 23 of the consent required 24 locally indigenous trees consistent with species that form part of the existing adjacent mapped Blue Gum Shale Forest are to be planted on the subject site. There is no record of where these trees have been planted. If they include any of the trees proposed to be removed as part of this development, then the proposed planting of 139 BGHF trees more than compensates for the removal of the BGHF trees as part of the development and will further address the offset required by condition 23 of the previous consent.

### 5.2.11 Flora and Fauna

A flora and fauna assessment has been undertaken by Ecoplaning Pty Ltd and is submitted with the DA. Portions of the site are mapped as 'Biodiversity Value' on the Department of Planning, Industry and Environment Biodiversity Values Map. The parts of the site mapped as biodiversity value are scattered areas north of Tom Thumb lagoon and the relevance of the mapped areas is discussed under the heading of Biodiversity Conservation Act, 2016 below.

The site is not mapped as Terrestrial Biodiversity under Hornsby LEP 2013.

Of the 55 trees to be removed:

- 24 are exotic species
- 31 are native species, and, of those, 22 trees have been determined by Ecoplaning to be local native species (being part of the Blue Gum High Forest (BGHF) community).
- Of the 22 BGHF (local native trees) Tree 293 is in the footprint of Villa 22B and Tree 305 is a small tree near the amphitheatre walling. The remaining 20 are a planted cluster of trees located adjacent to Milne Court (near proposed Building B8).

Direct impact to native vegetation (31 trees) has been calculated by Ecoplaning at 0.08ha. (800m<sup>2</sup>) The impacted areas are illustrated in **Figure 13** in yellow outline (see following page). The BGHF impacts are shaded green on **Figure 13**.

<sup>2</sup> Trees 434, 435 and 473 are Black Sheoaks which are not a BGHF species – refer to Table 4.1 of the Ecoplaning Flora and Fauna Assessment.



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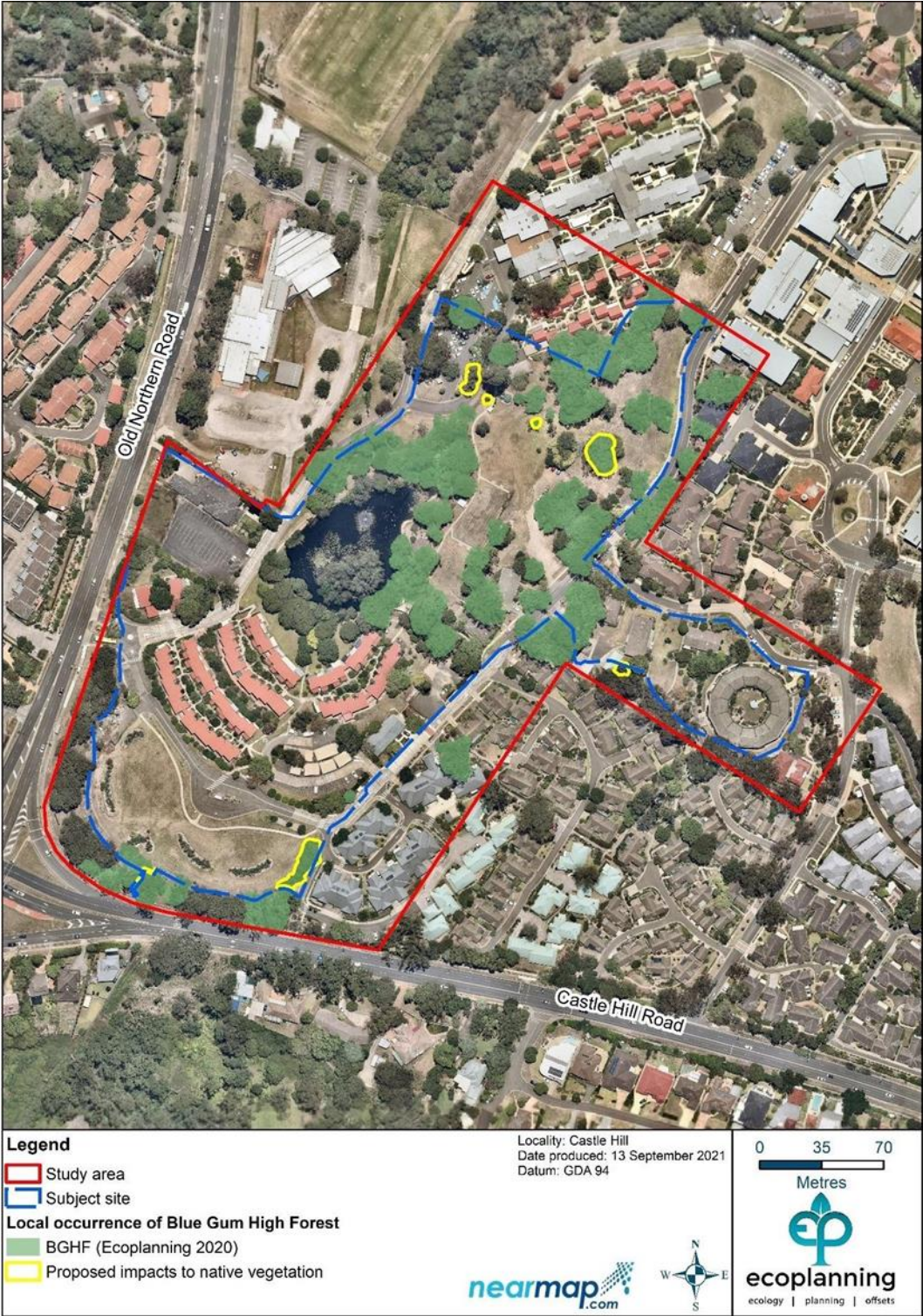


Figure 13 Location of Blue Gum High Forest (source Ecoplanning, 2019)



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### Blue Gum High Forest (BGHF)

Of the 0.08ha of native vegetation to be removed, Ecoplanning has calculated that 0.05ha (500m<sup>2</sup>) is BGHF comprising 2 trees (T293 and T305) and 20 immature BGHF trees adjacent to Milne Court.

The BGHF community is an endangered ecological community (EEC) listed under the Biodiversity Conservation Act, 2016 (BC Act) and a Critically Endangered Ecological Community (CEEC) under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act). However, Ecoplanning has concluded that the occurrences of BGHF within the site do not meet the definition of the ecological community under the EPBC Act.

The number of BGHF trees to be removed is more than compensated by the proposed planting of 139 BGHF trees and a further 172 native trees (refer landscape plans prepared by Landform Studios).

### Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (EPBC)

Ecoplanning determined that the occurrences of BGHF on the site do not meet the definition of a BGHF ecological community under EPBC Act because the native shrub layer or understory typical of BGHF is entirely absent from the study area. In this instance, the BGHF present on the site does not form part of the listing under the EPBC Act. The proposed removal of the BGHF vegetation is therefore not a 'controlled activity' under that Act.

### Biodiversity Conservation Act, 2016

The *Biodiversity Conservation Act, 2016* (BC Act) relates to native vegetation which includes the BGHF community present on the site and other native vegetation proposed to be removed. Ecoplanning has ascertained that the proposed works do not exceed any of the three thresholds under the BC Act that would require the proposed development to be assessed under the offset scheme under the BC Act because

- The removal of native vegetation is not greater than 0.25 ha (based upon minimum lot size of less than 1 ha)
- The removal of native vegetation does not occur on land within the areas mapped on the Biodiversity Values Map, which identifies areas of high biodiversity value; and
- The removal of the vegetation does not significantly affect threatened species or ecological communities, or their habitats (according to s7.3 of the BC Act) and as set out in Ecoplanning's Assessment of Significance at Appendix C of their report.

They conclude that assessment of the proposal using the biodiversity offset scheme under Part 6 of the BC Act is not required.

Other ecological attributes and impacts of this site are summarised below:

- No threatened flora species were recorded within the site during Ecoplanning's site inspection other than two threatened species *Eucalyptus nicholii* (tree 226 which is noted in the Arborist as having been previously removed) and *Syzygium paniculatum* (Tree 100 retained and Tree 142 retained). Ecoplanning has noted that these trees are planted and are outside the natural range of these species.
- No threatened fauna species were recorded within the site during site inspections.
- Habitat values within the site are those associated with scattered native and exotic canopy species and a highly modified understorey.
- Three hollow-bearing trees (270, 289 and 314) were observed within the site, all of which are retained. Generally, the study area appears to provide habitat for bird and reptile species commonly found in urbanised areas.

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- Impacts to threatened species and ecological communities, including BGHF, Grey-headed Flying-fox, Powerful Owl and threatened microbats, have been assessed against relevant assessments of significance, including relevant guidelines. These assessments concluded that the potential impacts would not be significant. Referral to the Commonwealth Department of Environment is not required.

### Hornsby LEP and DCP Considerations

Clause 6.4 – Terrestrial Biodiversity of Hornsby LEP 2013 applies to land identified on the accompanying Terrestrial Biodiversity Map. The site is **not** identified on that map and therefore clause 6.4 does not apply. Because the BGHF is an endangered ecological community Ecoplanning has examined the 20m buffer control in Table 1C.1.1(a) of the DCP.

Ecoplanning has observed that there are existing buildings, structures and maintained lawn areas within the 20m buffers of the existing patches of BGHF communities identified on the site. There are also existing roads within the 20m buffers. The proposed development includes development within the 20m buffer however, the development is generally occurring on already disturbed land.

The existing BGHF communities are already affected by structures, disturbed land or are part of a maintained landscape. The application of a 20m buffer is overly conservative and the strict application of the 20m buffers would result in the sterilisation of a significant area of the site. Whilst development is proposed within the 20m buffers, the proposal meets the Desired Outcomes of Clause 1C.1.1 of the DCP, being:

- Development that provides for the conservation of biodiversity including threatened species and populations, endangered ecological communities, remnant indigenous trees, regionally and locally significant terrestrial and aquatic vegetation.*
- Development that maintains habitat for native wildlife and wildlife corridors to provide for the movement of fauna species.*

As demonstrated in the Flora and Fauna Assessment, the development conserves the majority of the BGHF. This outcome will maintain habitat for native wildlife and maintain the existing vegetated corridors in this part of the site. In addition, the proposal includes the planting of 139 trees representative of the BGHF community and 172 other native trees (a total of 311 native trees) which will support both of the Desired Outcomes of the Clause 1C.1.1 of the DCP.

The project is unlikely to significantly impact the BGHF ecological community and the proposed works do not exceed any of the triggers under the BC Regulation 2017 in relation to offset schemes.

State Environmental Planning Policy (Koala Habitat Protection) 2021, applies to land within the Hornsby LGA (discussed in **Section 5.1.2** of this SEE). However, the site does not meet the definition of potential Koala habitat and there is no evidence of koalas in the area and little chance of koalas making their way to the site due to the developed nature of the surrounding areas. As the proposal is likely to have low or no impact on koalas or koala habitat, no further assessment is required in accordance with the SEPP.

### 5.2.12 Flooding, Water Quantity and Water Quality

PTC (civil engineers) has prepared stormwater plans and a Civil Design Report for the proposed development.

#### Flooding and Stormwater

Clause 5.21 of Hornsby LEP 2013 provides that development consent must not be granted to development on land that the consent authority considers to be within the flood planning area unless the consent authority is satisfied that the development has addressed certain matters contained in subclauses (a) to (e) of the clause.

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The land is not mapped as a Flood Planning Area under the LEP. However, a section 10.7 Planning Certificate advises that Lot 1 DP 177433 is subject to “*current exposure to flood hazard risk*” which, for urban land, is described in the planning certificate as being based on the 1 in 100 year ARI (average recurrent interval) storm event flowpath identified by the Hornsby Overland Flow Study, 2010. PTC has considered the potential flooding impacts of the site.

PTC has considered the topography of the site and observes that because the site is located at the top of the catchment, the location of potential flood hazard will be at the lowest point of the site at Tom Thumb Lagoon which is located in Lot 1 DP 177433.

As detailed in the Civil Design Report the stormwater infrastructure and overland flow paths have been designed to comply with Hornsby DCP specification 0074 which requires a stormwater design to limit site discharge to a 20 year ARI major event to less than the 5 year ARI minor event in existing conditions. This has been achieved by a series of on site detention tanks. PTC confirms that the stormwater design will also reduce the current flooding 100 year ARI event around and downstream of the pond and therefore the flood will be controlled.

Buildings B12 and Villa 23B have floor levels of RL168.13 and RL171.80, respectively, and are therefore provided with more than 500mm freeboard avoiding potential flooding impacts.

B19 (Administration) has its lowest floor level at 163.80 and PTC notes that there is an existing (natural) earth mound at approximately RL164.00 located between the lagoon and the building which protects this building from flooding in the event of the channel outlet pipe being blocked.

PTC has also considered each of the subclauses (a) to (e) of clause 5.21(2) of Hornsby LEP 2013 which is reproduced below:

Subclause (a) - is compatible with the flood function and behaviour on the land.

*“The proposed development is compatible with the flood function and behaviour on the land as it is not identified as being in a “Flood Planning Area” under Hornsby Local Environmental Plan (HLEP) 2013. Safe overland flow paths are incorporated in the design including Lot 1 DP 177433, which is at or below the level of a 1:100 ARI flood event plus 0.5 metre freeboard and, evacuation routes to higher ground are available for all proposed areas.”*

Subclause (b) - will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.

*“The proposed development will not adversely affect flood behaviour in a way that results in the detrimental increases in the potential flood affectation of other development or properties, as the total proposed site discharge is less than site discharge in the existing conditions.”*

Subclause (c) - will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.

*“The proposed development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.”*

Subclause (d) - incorporates appropriate measures to manage risk to life in the event of a flood.

*“The proposed development incorporates appropriate measures to manage risk to life in the event of a flood by providing safe overland flow paths for major storm events including 100 Year ARI, 9 individual OSD tanks are placed to capture the flows from the buildings and associated landscape and discharge it to the existing pond and evacuation routes to higher ground are available for all proposed areas.”*

Subclause (e) - will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses

*“The proposed development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river*

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*banks or watercourses as these are being left unchanged and the site discharge into Tom Thumb Lagoon and further into Pyes creek is being controlled through OSDs."*

In terms of Clause 5.21(3), the consent authority must also consider additional matters are responses are provided below.

(a) the impact of the development on projected changes to flood behaviour as a result of climate change.

As noted by PTC in relation to clause 5.21(2) the proposed development will not adversely affect flood behaviour and the lagoon flood levels are well in excess of anticipated flood level rises which will allow for climate change impacts of increased rainfall (sea level rise does not affect the site).

(b) the intended design and scale of buildings resulting from the development.

The design (siting and floor levels) of the development has factored in the flood levels from the lagoon and all building have adequate freeboard. The scale of the development does not impact on the flood outcome as the OSD tanks *"reduce the current flooding (in existing site conditions) around and downstream of the pond for a 100 year ARI as per the 2010 study."* That is, the scale of the development does increase the impact, but reduces the impact.

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood.

This has been addressed in response to clause 5.21(2)(c) and (d) above.

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

The site is not in a location where matters such as riverine flooding or coastal erosion require buildings to be adaptable to changing conditions in the natural environment. All proposed buildings are provided with adequate freeboard such that they do not require modification to manage flooding impacts.

It should also be noted that the flooding risk already exists, and the site is accessible to all residents including where the *"flood hazard risk"* presently occurs. Residents can currently walk around the lagoon on pathways that are potentially affected by flood. Similarly, vehicles can drive along Clarke Drive where the lagoon discharges. The existing community is therefore potentially affected by flooding. The proposed stormwater system design by PTC including the OSD tanks will store more water compared to current conditions and therefore *"reduce the current flooding (in existing site conditions) around and downstream of the pond for a 100 year ARI as per the 2010 study"*. The proposal therefore reduces the risk to the existing community and manages risk to the future community.

### **Stormwater Quality**

The Civil Design Report prepared by PTC has modelled the proposed stormwater system using MUSIC. The modelling has confirmed that the stormwater quality targets of Hornsby DCP can be achieved with the proposed stormwater design. Further details can be found in the Civil Design Report and the MUSIC model provided electronically.

PTC has also prepared a series of sediment and erosion control plans that are also submitted with the DA.

### **5.2.13 Acoustic Impacts**

Acoustic Logic has prepared a DA Noise Impact Assessment which is submitted with the DA.

### **Interior Noise to Residential Accommodation**

The Acoustic Assessment has considered the potential impacts of road noise on the internal amenity of the proposed dwellings (Buildings B8, B9A, B9B and Villas 28A and 28B). The background noise levels along Old Northern Road and Castle Hill Road have been measured.

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Acoustic Logic has applied the more stringent of the various noise intrusion criteria in their assessment. In order to achieve the recommended acoustic design sound level for the internal spaces, Acoustic Logic has recommended glazing and door treatments which vary according to location.

The Assessment also notes that the NSW Department of Planning document “Development near Busy Roads and Rail Corridors - Interim Guideline” provides as follows:

*“If internal noise levels with windows or doors open exceed the criteria by more than 10dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.”*

Acoustic Logic note that with windows open, “the allowable internal noise goal is permitted to be 10dB(A) higher than when the windows are closed (i.e. – allowable level in bedrooms becomes 45dB(A), and 50dB(A) in living rooms).” They have concluded that mechanical ventilation will be required for sleeping spaces which have direct line of sight to Old Northern Road or Castle Hill Road in order to meet the above criteria. They also note that a mechanical engineer is to confirm if supplementary ventilation (to meet Australian Standard AS1668.2 requirements) will be required to these rooms. This can be managed as part of the detailed design at the construction certificate stage.

The treatments are illustrated in Appendix Two of their report. Acoustic Logic has also provided recommended construction standards for the roof/ceiling and masonry or lightweight walls for the residential buildings.

### **Mechanical Plant**

Mechanical plant has not been selected at this stage. A provision has been made in the basement of the apartment buildings for mechanical plant. Locating the plant in the basements will assist in managing potential acoustic impacts to the occupants of the buildings.

The nearest residential receivers are located on the opposite side of Old Northern Road or Castle Hill Road and therefore noise emissions from mechanical plant should be readily capable of being managed.

#### **5.2.14 Air Quality**

SLR Consulting Australia has prepared an Air Quality Assessment which is submitted with the DA.

The assessment of impacts of emissions from Old Northern Road and Castle Hill Road addresses Section 101 of SEPP Infrastructure 2007 and the NSW Department of Planning document “Development Near Rail Corridors and Busy Roads – Interim Guideline”.

In terms of air quality from road traffic, SLR Consulting has concluded that the proposed development is unlikely to be significantly impacted by the air emissions from Old Northern Road or Castle Hill Road due to the rapid decrease in air pollutant concentrations with the increasing distance from the roadside. They also note that retaining the vegetative screen along Old Northern Road and Castle Hill Road will further assist in reducing concentrations of air pollutants.

#### **5.2.15 Waste Management**

UFD has prepared a Waste Management Plan (WMP) for the proposed development which is submitted with the DA.

The WMP uses the “Better Practice Guide for Resource Recovery in Residential Developments”, NSW EPA, April 2019 (the Guide). The WMP includes the ancillary café and administration building.

All wastes will be collected by a private contractor.



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The loading dock adjoining building B9A services the proposed apartment buildings. The Architectural Plans (reference DA-109) illustrate that the loading bay (including its opening) has 4.6m overhead clearance meeting Council's requirements.

UFD notes that waste collection of general waste and recycling will be carried out twice weekly and on separate days, therefore the central bin storage room in the loading dock does not have to accommodate the total weekly waste volume of all bins for both waste streams.

### **Apartment Buildings**

All bins for the apartment buildings will be 240 litre bins and waste storage rooms are sized to accommodate the required number of 240L bins for each building.

A 'tug' with a trailer will transport the 240L bins to the collection point in the loading dock. This removes the need for a waste vehicle to access the apartment building(s) or for bins to be temporarily stored on the kerbside outside each building prior to collection. The Waste Management Plan illustrates the tug route from the basement and road network.

UFD confirms that a Spacepac tug (a provider of such tugs) with aluminium trailer can meet the requirements of travelling up and down ramp gradients no steeper than 1:5. The civil plans prepared by PTC (Drawing C031) and DA-109 (in the architectural set) document the basement ramp gradient and the internal roads do not exceed a gradient of 1:5 and are therefore accessible for the proposed tug. A dedicated parking and charging space for the tug is proposed adjacent to the waste holding area of Building 9B.

Each building is provided its own waste room and bulk storeroom.

### **Villas**

The architectural plans (DA-160 and DA-165) show bin storage behind a screened area on the side of each of villa. The occupants of the villas will transfer their bins to the street for collection.

### **Building 12 (Café)**

Four x 240L 'wheelie' bins are proposed which are to be stored on the western side of the building adjacent to the amenities/storeroom (refer DA127 of the architectural plans). Bins will be transported by on-site staff from the storage location around B19 (Administration) to Western Road for kerbside collection by the private contractor.

### **Building 19 (Administration)**

Five x 240L bins are provided and will be stored on the eastern side of the building (refer DA172 of the architectural plans). Bins will be moved from the storage location to the kerbside for collection by the private contractor.

### **Construction and Demolition Waste Management Plan**

A construction and demolition waste management plan has been prepared by RJA Projects and is submitted with the DA.

#### **5.2.16 Crime and Safety**

The proposed development has been assessed against the four (4) principles of crime prevention through environmental design (CPTED), as discussed below.

#### **Territorial reinforcement**

The principle of territorial re-enforcement relates to the ownership of public space, establishment of actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space and encourage responsibility for these spaces.

The existing brick boundary fencing along Old Northern and Castle Hill Roads will be retained with a new boundary fence to match the existing provided along the frontages of 411-415 and

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417-419 Old Northern Road. The continuation of the boundary wall treatment will clearly define the public/private interface of the site.

The existing pedestrian and vehicular entry from Old Northern Road will be retained in its current form. This will control the access point for vehicles and pedestrians and act a visual cue that this is the main entrance off Old Northern Road.

### **Surveillance**

The principle of surveillance relates to the interaction of people and spaces and involves either natural surveillance (a normal user seeing other users), technical/mechanical surveillance (CCTV or similar electronic measures) or formal/organised surveillance (tactical positioning of guardians).

As noted above, the continuation of the boundary wall treatment along Old Northern Road will control access. The vehicular entrance from Old Northern Road will still serve as a main entry point to the western part of the Castle Hill Village and vehicles entering and arriving (including buses) will provide a degree of activity along the roads providing casual surveillance.

The apartment buildings and villas all have facades with pedestrian entries, balconies or terraces that overlook the grounds, roads and pathways.

The existing and proposed network of accessible pathways will also allow for and encourage residents to walk around the village which provides further casual surveillance.

In addition, the existing dwellings on the eastern side of Western Road and Milne Court will also provide casual surveillance across the site.

Collectively these will maximise the opportunities for surveillance of the site.

### **Access control**

The principle of access control relates to the restriction, channelling or encouraging of people and vehicles into, out of or around development. Access control could be natural access control (use of landforms, waterways or building configuration), technical/mechanical access control (using security hardware) or formal/organised access control (employed security officers).

The overall village will be accessible to the public and is not designed as a gated community. This design approach is consistent with the other site boundaries of the Castle Hill village. This ensures that the site engages with the surrounding neighbourhood.

The buildings, road and pathways effectively 'control' the movement of people around the site and the buildings. These will be designed to clearly direct people around the site and to the proposed buildings.

### **Space and Activity Management**

The principle of space and activity management is used to maintain natural community control of an area and may involve formal supervision, caring for a development or organising activity in or around an area.

The existing Castle Hill village is already managed by a team of building and grounds maintenance staff. These management arrangements will also apply to the proposed development to attend to day-to-day maintenance needs. The landscape design provides a series of pathways through the site to encourage residents to use the spaces that will also add to the community control of the site. The passive supervision of spaces by the residents, staff and visitors of the site will ensure that formal supervision is not warranted.

### 5.3 Suitability of the Site for Development

The following subsections assess the suitability of the site in accordance with section 4.15(1)(c) of the EP&A Act.

## 5 Environmental Planning Assessment

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### 5.3.1 Location and Accessibility

The site is well located to take advantage of the current services and facilities available in the wider Castle Hill Village (e.g. services and facilities in Lober Square, chapel, community rooms, men's sheds, Will's café, recreational facilities). Future residents of the proposed development will be able to utilise the services and facilities that have already been established.

Hillsbus operates two bus services through the site which will provide residents with access to either Castle Hill or Pennant Hills centres both of which have a wide range of retail, commercial, professional and recreational facilities. The bus services and the access they provide has been discussed in **Section 5.1.1** of this SEE. The bus stops are currently located on Clarke Drive, James Cook Drive and Western Road. James Cook Drive will be realigned and is designed to accommodate buses. Provision has also been made for new bus stops where necessary to provide convenient access to public transport for the future residents. The operation of the bus services will need to be managed during construction (which is no different to the management of bus services that was required for the redevelopment of Lober Square).

Clause 38 of SEPP Seniors requires as follows:

*The proposed development should:*

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The proposed pathways through the site are generally designed at a gradient of at least 1:20 where possible to avoid the use of handrails and the 'institutional' appearance that these create. Drawings DA-035 and DA-036 – Site Accessibility Plans highlight the proposed accessible paths of travel which has a maximum of 1:20 gradient or lesser gradients as noted. They also illustrate the existing path network. The network of paths connects buildings with the common open spaces, café, community spaces, internal road network and footpaths in the adjoining parts of the Castle Hill village. The pathways are designed in a logical manner to make it convenient and legible for residents and visitors to navigate their way around the village. The paths also pass around the lagoon and through the central green corridor with the BGHF so that residents can enjoy the natural qualities of the site.

### 5.3.2 Geotechnical and Groundwater

Douglas Partners has prepared a Geotechnical Investigation and Waste Classification report, a copy of which is submitted with the DA.

19 boreholes were drilled. Topsoil / filling was noted at depths of between 0.1m to 2.1m. Bedrock (being low strength shale or low/medium strength ironstone) was encountered at depths of between 4.5m to 6m for the basement car park.

Based on the geotechnical attributes of the site, Douglas Partners has recommended that past filling of the land be excavated and replaced in a controlled manner in order to support the new pavements and slabs.

Douglas Partners did not observe any ground water in the boreholes and the water table is likely to be at considerable depth. They note that water seepage could occur in basements and could be controlled by sub-floor drainage and collection system.

Douglas Partners notes that a typical earthworks methodology can be employed for the site conditions and they provide recommendations in relation to support for excavations and have not identified any geotechnical constraints of the site in relation to its suitability for the proposed development.

## 5 Environmental Planning Assessment

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### 5.3.3 Essential Services and Infrastructure

Additional substations have been identified as being required for the development and are detailed on the architectural plans and landscape plans. These are located on Clarke Drive (near the entry from Old Northern Road) and midway along Western Road (opposite Vittoria Smith Avenue).

The site is already serviced with water and sewer. The proposed development results in a similar number of dwellings (67 demolished and 66 proposed). A section 73 compliance certificate(s) under the Sydney Water Act 1994 will be obtained for the proposed development to identify any upgrades that might be required.

### 5.4 Public Interest

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest as it provides an upgrade and redevelopment of an existing and well-established seniors housing development in Castle Hill.

Whilst some of the existing dwellings are retained 67 dwellings are proposed to be replaced as they are not meeting current standards or are a housing product that Anglicare desires to offer at their Castle Hill Village. These dwellings are proposed to be replaced with a range of seniors housing typologies including apartments of varying sizes and villas. These will provide housing choice and opportunities for the ageing population. This replacement of older housing stock with newer dwellings designed to current accessibility standards is considered to be in the public interest.

The proposed development has been demonstrated to meet the relevant objectives of the R2 zone as detailed in this SEE and in that regard is not contrary to the public interest.

The proposed seniors housing is appropriately located with public bus services operating through the village including bus stops (existing and relocated) on Clarke Drive, James Cook Drive and Western Road that are conveniently located to the proposed dwellings. The buses servicing the site provide access to the range of services and facilities required by SEPP Seniors.

The proposed new seniors housing is also well placed to take advantage of the services and facilities provided elsewhere in the Castle Hill Village such as St James Chapel, community facilities, medical services, social clubs and groups that are active within the village. Likewise, the proposed development (such as additional community spaces, upgraded landscaping around Tom Thumb Lagoon, croquet lawn) will provide additional facilities for the future and existing residents of the Castle Hill Village seniors community.

The proposed development has a built form that will not be readily apparent from the adjoining public roads and will fit comfortably with the streetscape along Old Northern Road and Castle Hill Road. The proposed buildings depart from the 2 storey building height control under SEPP Seniors, however, the proposed building scale is not out of character with the existing Castle Hill Village and do not give rise to adverse privacy, overshadowing, scale or traffic impacts either within the Castle Hill village or external to the site.

In accordance with Section 4.15(1)(e) of the EP&A Act, the proposed development is, for the above reasons, considered to be in the public interest.

## 6 Conclusion

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The proposed development for seniors housing at Anglicare Castle Hill has been assessed in accordance with the requirements of the EP&A Act and other relevant legislation.

Seniors housing is not identified as a permissible land use in the R2 zone under Hornsby LEP 2013. However, the proposed development is permissible under SEPP Seniors.

The site is currently used for the purposes of seniors housing, however, the form of the residential accommodation is outdated and not meeting the market demands for seniors housing in this location. The proposed development will replace some of the existing seniors housing with range of seniors housing typologies including apartments of varying sizes and villas.

Some of the proposed buildings depart from the development standard of SEPP Seniors relating to a 2 storey building height at the boundary of the site. The proposed built form including the height departure, is consistent with the character of the Castle Hill Village, is not readily apparent from outside the site and does not give rise to any adverse environmental impacts.

The proposal will have positive social and economic effects, including provision for seniors housing in a variety of housing typologies including aging in place within an established and growing urban area.

Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the site and the relevant legislation, is unlikely to result in adverse impacts in the locality and is worthy of approval.