

STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED MODIFICATION APPLICATION

FOR RETIREMENT VILLAGE AT 392 GALSTON ROAD GALSTON

FEBRUARY 2023

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1.0 INTRODUCTION

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

TfNSW Developer Works Unit (DWU) indicated to Vigor Master in Feb 2021 that they were withdrawing consent for the previously approved civil design of roadworks. Vigor Master has been in regular contact with TfNSW Developer Works Unit team members following their notice. TfNSW expressed satisfaction with our latest designs and recommended immediate submission to Council as a MOD application.

Furthermore, Vigor Master has received advice that current bus operator CDCBus objects to the addition of two bus stops near the entrance to the village (see attached email from Michael Perrone, 15 Feb 2021). TfNSW has expressed they have no objection to the deletion of the requirement for additional bus stops.

This Modification application proposes changes to the public road design to comply with TfNSW requirements, removing the requirement of constructing two bus stops, construction of a footpath from the Galston Rd entrance to the existing bus stop at the corner of Mid Dural Rd and Galston Rd and amendment of terms of consent conditions 5, 59, 60, 66-78 to reflect these changes.

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

1.1 Background

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

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

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

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

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

Modification application (DA/484/2011/I) was approved on 13 October 2021 to change the terms of consent conditions.

Modification application (DA/484/2011/K) was approved on 6 April 2022 to change the layout out of villas in stage and the design of the permanent community centre.

Modification application (DA/484/2011/L) was approved on 10 October 2022 to complete the Community Centre in Stage 1 of the development rather than Stage 2.

Modification application (DA/484/2011/M) was approved on 28 October 2022 to modify the internal layout of building types B1, B2 and some minor external elements.

2.0 THE SITE AND SURROUNDS

2.1 The Subject Site

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

The site has been used for agricultural purposes in the past, but in recent times has been largely vacant. Currently, the construction of villas 1 to 25 is completed.



Figure 1: Subject Site

2.2 Local Context



Figure 2: Local Context

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

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

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

2.3 Site Constraints

The following site constraints have been identified.

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

Is the land identified as being Bush Fire?	No	No issue
Is a Traffic Impact Assessment required?	Yes	The impact has been assessed under the original DA. New Traffic Report has been prepared to support this modification.
Are there Flora and Fauna, Threatened Species or Native Vegetation Issues?	No	As indicated in the Flora and Fauna Assessment dated May 2011 for the original DA, there are no Flora and Fauna, Threatened Species or Native Vegetation implications related to the proposed works along Galston Rd and Mid Dural Rd.
Are there Aboriginal Significance Issues?	No	No issue
Are there Heritage Issues?	No	The site is not identified on the State Heritage Register Curtilage nor a part of the Hornsby Shire Council's Heritage Conservation Areas.
Is the land identified as being land slip risk area?	No	No Issue
Is the land identified as being potentially affected by Acid Sulphate Soils?	No	No issue
Is the land identified as wetland buffer zone?	No	No issue

Where relevant, these issues have been addressed throughout the report.

3.0 PROPOSED MODIFICATION

This application seeks consent to make the following changes:

1. Public road design – changes to the public road design in accordance with TfNSW DWU directions;
2. Proposed new footpath connecting the village entrance at Galston Road to the existing bus stop near the intersection of Galston Road and Mid Dural Road; and
3. Consent conditions – changes to the terms of consent conditions 5, 59, 60, 66-78.

3.1 Changes to Public Road Design

Prior to construction, the project has received complaints from neighbours regarding the proposed centre median islands that only permits LEFT IN/LEFT OUT access to the village. The neighbours expressed a concern they would not be able to access their properties when operating larger vehicles and objected to no longer being able to turn right into their own driveways.

The applicant had two meetings with TfNSW in early 2021 and was advised that the current road design has road safety concerns and is not practical for the community. TfNSW recommended to redesign the road and ancillary works.

Also, upon consultation with the CDCBus they notified us that:

- a) The road condition has been upgraded in the past 10 years;
- b) The existing bus stops are less than 400 metres from the development site;
- c) The CDCBus objects the addition or relocation of any bus stops;
- d) The proposed locations of bus stops are not safe.

The proposed changes to the public road works have been made in response to the comments received from TfNSW¹. For both Galston Road and Mid Dural Road frontages, a left in/left out vehicle access and deceleration lane will be constructed to TfNSW specifications.

The proposed changes also include removing the requirement for new bus stops and the boardwalk on Mid Dural Rd to the previously approved bus stop.

¹ Please see the collection of emails reflecting the correspondence between TfNSW and Vigor Master to ensure the submitted plans responds to all of the design concerns and objectives.

3.2 Changes to Consent Conditions

The applicant seeks the consent to modify the terms of conditions 5, 18, 19, 56, 57, 59, 60, 66-78 and 79.

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

5. Boardwalk design

DELETE

Reasons: the approved bus stop which the boardwalk is connected to has been removed from the modified design.

59. Works in Galston Road

Central ~~median~~ islands ~~and pedestrian refuges~~ are to be constructed in ~~the driveways accessing~~ Galston and Mid-Dural Roads subject to detailed design and approval process by ~~the RTA TfNSW~~ and Council and shall be completed prior to the issue of an occupation certificate for Stage 2.

Reasons: the Central island design ensures Left-in, Left-out access for the subject site without impacting amenity for neighbouring properties and is the prescribed solution from TfNSW DWU.

60. Works in Mid-Dural Road

DELETE

Reasons: This condition duplicates condition 59 and is redundant.

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

WILL BE UPDATED

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

3.3 Details of New Footpath

The proposed new footpath along Galston Road connects the village entrance at Galston Road to the existing bus stop near the intersection of Galston Road and Mid Dural Road. Routes 637 and 638 operated by CDCBus serve this stop and the stop on the other side of the Galston Road past the roundabout.

The construction of the footpath will be completed prior to the occupation of the Stage 2 residents. The long section of the proposed footpath confirms it has a gradient that is no more than 1:14.

The residents can access northbound bus routes by walking 243m to the north from Galston Road entrance to catch services to Galston village, Glenorie or Berowra Waters.

To access the southbound bus service to castle hill or Pennant Hills, residents can walk 378m to the north along the new pathway and then cross the road safely via the existing pedestrian refuge at the roundabout.



Figure 3: Walking distance from the village entrance to existing bus stop for northbound bus services



Figure 4: Walking distance from the village entrance to existing bus stop for southbound bus services

3.4 Substantially the Same Development

The proposed modifications respond to matters raised by neighbours, TfNSW DWU and Hill Bus. They relate exclusively to works external to the village. This modification does not propose changes to any features within the village including:

- The number or layout of any Independent Living Units;
- The layout or characteristics of any communal areas;
- Any matters relating to the management or ongoing operation of the village; and
- Any matters relating to staging of the construction.

4.0 PLANNING CONTROLS

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

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Housing) 2021
- Hornsby Local Environmental Plan 2013
- Hornsby Development Control Plan 2013
- Seniors Living Policy – Urban Design Guidelines for Infill Development
- Compatibility Certificate

4.1 State Environmental Planning Policy 55 – Remediation of Land

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

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

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

4.3 State Environmental Planning Policy (Infrastructure) 2007

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

4.4 State Environmental Planning Policy (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 contains Savings and transitional provisions in Schedule 7, Clause 2 which reads:

2 General savings provision

The former provisions of a repealed instrument continue to apply to the following—

(a) a development application made, but not yet determined, on or before the commencement date,

(b) a concept development application made, but not yet determined, on or before the commencement date,

(c) a staged development application made subsequent to a concept development application approval granted on or before the commencement date,

(d) a development consent granted on or before the commencement date,

(e) an environmental impact statement prepared in compliance with an environmental assessment requirement that is—

(i) issued by the Planning Secretary on or before the commencement date, and

(ii) in force when the statement is prepared.

The original development application (DA484/2011) was granted prior to 26 November 2021, and therefore the former provision under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 continues to apply.

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

Part/Clause	Provision	Proposal	Compliance
Part 2 Site-related requirements	Location and access to facilities, Bushfire prone land, Water and sewer, site compatibility criteria.	The proposed modifications will change the design of public road works. The changes have been made in response to the comments received from TfNSW.	Yes
Part 3 Design requirements			
Clause 30	Site Analysis	No change	Yes
Clause 31	Design of in-fill self-care housing	No change	Yes
Clause 33	Neighbourhood amenity and streetscape	No Change	Yes
Clause 34	Visual and acoustic privacy	No Change	Yes
Clause 35	Solar access and design for climate	No Change	Yes
Clause 36	Stormwater	No Change	Yes
Clause 37	Crime prevention	No Change	Yes

Clause 38	Accessibility	No Change	Yes
Clause 39	Waste management	No Change	Yes
Part 4 Development standards to be complied with			
Clause 40	Development standards – minimum sizes and building height	No Change	Yes
Clause 41	Standards for hostels and self-contained dwellings	No Change	Yes
Part 5 Development on land adjoining land zoned primarily for urban purposes			
Clause 42	Serviced self-care housing	The relevant services will be available to residents as approved in original DA.	Yes
Clause 43	Transport services to local centres	No change	Yes
Clause 44	Availability of facilities and services	No change	Yes
Part 7 Development standards that cannot be used as grounds to refuse consent			
Clause 50	Standards that cannot be used to refuse development consent for self-contained dwellings	No Change	Yes
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings			
Clause 2	Siting standards	No Change	Yes
Clause 3	Security	No Change	Yes
Clause 4	Letterboxes	No Change	Yes
Clause 5	Private car accommodation	No Change	Yes
Clause 6	Accessible entry	No Change	Yes
Clause 7	Interior: general	No Change	Yes
Clause 8	Bedroom	No Change	Yes
Clause 9	Bathroom	No Change	Yes
Clause 10	Toilet	No Change	Yes
Clause 11	Surface finishes	No Change	Yes
Clause 12	Door hardware	No Change	Yes
Clause 13	Ancillary items	No Change	Yes
Clause 14	Application of standards in this Part	No Change	Noted
Clause 15	Living room and dining room	No Change	Yes
Clause 16	Kitchen	No Change	Yes
Clause 17	Access to kitchen, main bedroom, bathroom and toilet	No Change	N/A
Clause 18	Lifts in multi-storey buildings	No Change	N/A
Clause 19	Laundry	No Change	Yes
Clause 20	Storage for linen	No Change	Yes
Clause 21	Garbage	No Change	Yes

4.5 Hornsby Local Environmental Plan 2013

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

4.6 Hornsby Development Control Plan 2013

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

4.7 Seniors Living Policy – Urban Design Guidelines for Infill Development

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

Control	Relevant requirement	Compliance
1. Responding to context	Analysis of neighbourhood character including Street layout and hierarchy; Block and lots; Build environment; Trees.	Yes The proposed modifications will not affect the approved Site Analysis. No change is proposed to scale and height, existing streetscape and tree retention.
2. Site planning and design	Built form; Trees, landscaping and deep soil zones; Parking, garaging and vehicular circulation.	Yes The proposal will not affect the approved landscape plans.
3. Impacts on streetscape	Built form; Trees, landscaping and deep soil zones; Residential amenity; Parking, garaging and vehicular circulation.	Yes The proposal will not affect the previous assessment of streetscape.
4. Impacts on neighbours	Built form; Trees, landscaping and deep soil zones; Residential amenity; Parking, garaging and vehicular circulation.	Yes No change is proposed to side setback. Amenity loss from reduced vehicular accessibility to their properties will be avoided. The proposal will not affect the previous assessment of impacts on neighbours.

5. Internal site amenity	Built form; Trees, landscaping and deep soil zones; Residential amenity; Parking, garaging and vehicular circulation.	Yes The proposal will not affect the previous assessment of internal site amenity.
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4.8 Compatibility Certificate

Below is an assessment against the Site Compatibility Certificate.

Control	Compliance
94 self contained unit (serviced self care housing) of single storey construction.	Yes The proposal does not increase the number of dwellings.
On site services including meals, cleaning, personal and medical care and nursing.	Yes No change to previous services arrangement.
A Community facility.	Yes No change
1. Development consisting of one storey as proposed.	Yes
2. Compliance with at least the standards in clause 50 (b), (c), (d) and (e) of the SEPP covering density and scale, landscaped area, deep soil zones, and solar access.	Yes No change
3. Private open space is to be provided for each dwelling at least to the standard of clause (f) of the SEPP.	Yes No change
4. Council being satisfied that the development will be retirement village, as required by clause 17(2) of the SEPP. Management mechanisms for the services to be provided are to be to the satisfaction of Hornsby Council.	Yes No change
5. The final number of dwellings (not to exceed 94) to be determined taking into account Council's Development Control Plan and other formal policies, such as setbacks to boundaries, on site effluent disposal, drainage and the like, and the open space and landscaping requirements of the SEPP.	Yes No change
6. Siting of dwellings to maximise accessibility to services in Galston village and to public transport.	Yes No change
7. Negotiation with Hill Bus before submission of a development application on the provision of a bus stop to service the proposed development.	Yes No change

8. Demonstration of adequate infrastructure for, or treatment of, wastewater and siting of any on-site treatment to the rear of the site, including further discussions with Sydney Water re. the availability of reticulated sewer.	Yes No change
9. A buffer/setback to be provided from all boundaries in accordance in accordance with Council's Rural Lands Development Control Plan.	Yes No change
10. The size of the community facility to be a minimum of 300 sq. metres and include common dining and recreational areas.	Yes No change
11. Any development application should consider potential contamination issues as the result of previous uses on the site.	Yes No change

5.0 ENVIROMENTAL PLANNING ASSESSMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.8 Section 4.15(1)(d) – Submissions

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

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

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

5.10 Section 4.15(3A) - Development Control Plans

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

6.0 CONCLUSION AND RECOMMENDATION

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

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

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

Accordingly, it is recommended that the proposed modifications to roadworks and construction of a new footpath be approved.