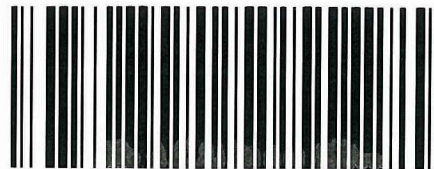


AUGUSTA



PCU014907

**Memo**

**To**

**From**

**Date**

**Reference**

Peter Goth

Andrew Hahn

16<sup>th</sup> September 2010

Site Compatibility Certificate



**RECEIVED**

23 SEP 2010

DEPARTMENT OF PLANNING  
SYDNEY WEST

Dear Peter;

The Department of Planning (Sydney Office – Darren) requested that I send you to your direct the enclosed application for a Site Compatibility Certificate to accompany lodgement of a SEPP Seniors Living DA application.

The reason for this, is our site at 10-14 Fairway Drive Kellyville involves Trunk Drainage and we have already obtained a current DA approval from Baulkham Hills Shire Council for a similar SEPP Seniors Living Development (in October last year).

However we are seeking to amend the existing DA from 148 dwellings to 171 dwellings (within the same FSR constraint) and are required to lodge a new DA and therefore obtain a revised Site Compatibility Certificate.

Our previous Site Compatibility Certificate was processed by Mathew Rose as delegated by Sam Haddad, however Mathew has changed roles and Darren noted that you would be the appropriate assessor.

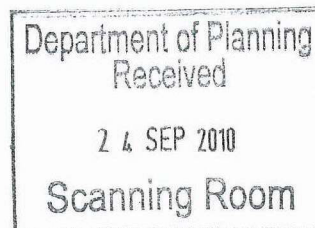
Attached are two site plans which show the two schemes relative to the trunk drainage. You will see that they are predominantly the same form of development on either side of the drainage channel.

Should you have any further queries then please contact me direct on 9889 7550 or [andrew@augustaproperties.com.au](mailto:andrew@augustaproperties.com.au)

Kind Regards,

Andrew Hahn

**AUGUSTA PROPERTIES**





- General notes:
1. Refer to landscape architects drawings for extent of pathways, vegetation etc
  2. Refer to civil engineers drawings for bulk earthworks, embankments and retaining walls
  3. Refer to hydraulic engineers drawings for stormwater details
  4. Refer to site survey for detail of property title, boundaries, levels, existing trees etc

1.8m masonry and open metal fence to street property boundary

Entry to basement level of apartment.  
Refer to Architectural Basement layout DA03  
and Civil Engineers drawings.

Apartment block (Type 01 and 01A).  
Refer to architectural drawing DA11.

Approximate location of  
proposed BHP round about

Proposed Ground FFL's to comply with SEPP  
Apartment (1m above lowest point)

01 - 57464  
02 - 59688  
03 - 65660  
04 - 66529  
05 - 66437  
06 - 64102  
07 - 65251  
08 - 67000  
09 - 63018  
10 - 61952

Villa:  
01/02 - 62837  
03/04 - 63809  
05/06 - 62700  
07/08 - 62342  
09/10 - 61326  
11/12 - 60849  
13/14 - 61809  
15/16 - 62032  
17/18 - 62231  
19/20 - 61500  
21/23 - 61800  
Communal facility  
63.000

Proposed Educational Establishment  
Lot 11 and 12, DP 247442

10m setback to primary street frontage

FAIRWAY DRIVE

Letterboxes and  
number

6m setback from side boundary (apartment)

Riparian zone (adjusted) with 3:1 ratio offset.  
20m line from centre of creek (riparian zone prior to  
adjustment)

Existing shallow pond to be removed

Drainage easement, DP 597871, land owned or to  
be acquired by Sydney Water. Zoned S(a) trunk  
drainage

Adjacent property  
Existing residence Lot 25, DP 247442

Villa (Type 01). Refer to architectural drawing DA13.

Villa (Type 02). Refer to architectural drawing DA14

Villa (Type 03). Refer to architectural drawing DA15

1.8m metal solid fence to property boundary

1.3m setback from side boundary (villa)

4.5m setback from rear boundary (villa)

Existing pond to be modified, regenerated and  
revegetated to landscape architects details

Access to pollutant  
traps

Approximate location  
of new kiosk substation

Apartment block (Type 02). Refer to  
architectural drawing DA12

Letterboxes and  
number

10 (Type 01A)

Waste store

Site boundary 18.7m

Waste store

Site boundary 18.7m

Waste store

Site boundary 18.7m

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Site boundary 18.7m

Waste store

Site boundary 18.7m

Villa (Type 04).  
Refer to architectural  
drawing DA16

Drainage easement,  
DP 597871, Sydney  
Water acquired land.  
Zoned S(a) trunk  
drainage

Strangers Creek  
(centreline)

1.8m metal solid  
fence to property  
boundary

25% rear of site area shown dashed. Single  
storey development proposed within this zone

1.5m setback from side boundary (villa)

4.5m setback from rear boundary (villa)

Adjacent property  
Lot 21 DP 247442

1.8m chainlink fence to golf course property boundary

Adjacent property  
Castle Hill Golf Course  
Lot 12, DP 778671

COMMUNAL FACILITY  
Refer to architectural drawing DA17

Site boundary 7.4.91m

Site boundary 37.603m

1.8m chainlink fence to golf course property boundary

Adjacent property  
Castle Hill Golf Course  
Lot 12, DP 778671

LEGEND

20m ZONE FROM CENTRELINE OF CREEK

PROPOSED RIPARIAN LANDSCAPE ZONE

PROPOSED VEHICULAR BRIDGE ACROSS CREEK (refer to engineers drawings)

PROPOSED ROADS/ DRIVE WAYS (refer to engineers drawings)

SYDNEY WATER PROPOSED ACQUISITION OF LAND

SURVEYED TOP OF BANK

CENTRELINE OF CREEK

PROPOSED PEDESTRIAN BRIDGE CREEK CROSSINGS

PROPOSED BUILDINGS (APARTMENT / VILLA / COMMUNAL FACILITY)

BASEMENT LINKS BELOW FINISHED GROUND LEVEL

COURTYARD AREAS

LEP

- Total infringement into "20m centreline of creek"  
zone is approx. 629m<sup>2</sup> (exact vehicular road and bridge)

- Total "20m centreline of creek" zone is 19,738m<sup>2</sup> in area

DWE

- Proposed total riparian area (nominal 20m centreline of  
creek zone area + riparian offset) is 15,715m<sup>2</sup>

Total site area = 60,868m<sup>2</sup> (incl. riparian zone)

Allowable FSR area = 0.5:1 = 30,434m<sup>2</sup>

Total Actual GFA = 25,168m<sup>2</sup> (Excl. basement level carparking)

Development Application

Site Plan - Ground Floor Layout

PROJECT NO: 07048

DA04

REVISION: A

DRAWING SCALE: A1

SHEET: KP

DATE: 26/09/08

PROJECT: BALMORAL GRANGE

Nos. 10, 12 & 14 Fairway Drive,  
Kellyville,  
NSW 2153

DEVELOPER: AUGUSTA PROPERTIES

Level 2, 16 Byfield St  
North Ryde, NSW 2113  
Ph: 02 99807550  
Fax: 02 99807559

ARCHITECT: GARDNER WETHFRIL & ASSOCIATES

LEVEL 2 Suite 2.01  
400 Pacific Highway  
Tel: 02 9523 6777  
F: 02 9523 3779  
E: design@gardnerwethfril.com.au  
ACN 104 443 833  
Gardner Wethfril & Associates Pty Ltd

APPROVED DA 04 2010







**SUPPORTING INFORMATION UNDER PART C**  
**SITE COMPATIBILITY CERTIFICATE APPLICATION**  
**SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**  
**LAND ZONED SPECIAL USES - 10-14 FAIRWAY DRIVE, KELLYVILLE**

**1 CONTEXT**

**The Site:**

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The land to which this application relates comprises the parts of the properties known as 10-14 Fairway Drive, Kellyville, that are zoned Special Uses 5(a) (Trunk Drainage), (special use land), under *Baulkham Hills Local Environmental Plan 2005 (BHLEP 2005)*.

10-14 Fairway Drive is situated on the eastern side of Fairway Drive, some 800m south-west of Windsor Road.

A locality plan is contained in **Annexure 1**.

The land is situated within the Balmoral Road Release Area and enjoys a common boundary with the Castle Hill Golf and Country Club to the east.

The special uses land comprises the land contained in parts of:

- Lot 1, DP 1107811;
- Lot 1, DP 1107823; and
- Lot 24, DP 247442,

and is located centrally within 10-14 Fairway Drive.

The special uses land has a width varying from 7m to 25m.

Overall, 10-14 Fairway Drive is irregular in shape and has

- a frontage of 466.935m to Fairway Drive;
- a depth varying from 137.72m to 245.36m relative to its Fairway Drive boundary; and
- an area of 60,868m<sup>2</sup>.

The special uses land accommodates a watercourse which represents the upper reaches of Strangers Creek.

There is scattered vegetation and man-made weirs and ponds throughout special uses land in what would best be described as a highly modified suburban landscape.



### **Surrounding Development:**

The land is situated in an area that has been developed as a rural/residential area to the west of the urban areas in Castle Hill.

Land in this area was zoned Rural 1(a) under the terms of both *BHLEP 1991*, which was made on 1 March 1991, and *BHLEP 2005*, when it was made 26 August 2005.

However, following an extensive and comprehensive community and landowner consultation process, the land in this area was, in the main, rezoned Residential 2(b1) by virtue of *BLEP 2005 (Amendment No.5)* made on 13 April 2006 in what is known as the Balmoral Road Release Area.

The land immediately to the east and west of the special uses land comprises the remainder of the properties known as 10-14 Fairway Drive zoned Residential 2(b1) under *BHLEP 2005*.

These properties contain:

- large one (1)/part two (2) contemporary brick dwelling houses on each of the three (3) allotments;
- a variety of detached outbuildings, such as garages and gazebos;
- a tennis court; and
- a swimming pool.

The land immediately to the north of the special use land comprises vacant land known as 8 Fairway Drive.

This land has a frontage of some 284m to Fairway Drive and an area of some 2 hectares.

The land immediately the south of the special uses land comprises the property known as 16 Fairway Drive.

This property contains a large single storey contemporary brick dwelling house on an allotment of land with a frontage of 66m to Fairway Drive and an area of some 2 hectares.

The land to the east of 10-14 Fairway Drive comprises the Castle Hill Golf and Country Club.

The land to the west of 10-14 Fairway Drive, on the opposite side of Fairway Drive, comprises the properties known as 11-23 Fairway Drive.

These properties contain one (1)/part two (2) storey contemporary brick dwelling houses on rural-residential allotments with areas of some 2 hectares.

Fairway Drive provides a single travel lane in each direction and has unformed road shoulders.



It is planned that Fairway Drive will provide a bus route through the Release Area.

In summary, while the area has an existing rural-residential character, recently enacted town planning policies facilitate, foster and promote an urban release area which is to have a desired future character involving much more intense residential development and a mixture of housing types.

### **Zoning:**

The special uses land located on 10-14 Fairway Drive has a width varying between 7m and 25m and is zoned Special Uses 5(a) (Trunk Drainage) under *BHLEP 2005*, by virtue of *BHLEP 2005 (Amendment No.5)* made on 13 April 2006.

The remainder of 10-14 Fairway Drive abutting the eastern and western boundaries of the special uses land is zoned Residential 2(b1) under the *Plan*.

Extracts from the zoning plan and the development control tables contained in *BHLEP 2005* are attached in **Annexure 2**.

10-14 Fairway Drive is shown with black edging on the zoning plan.

The special uses land comprises an area of approximately 4,000m<sup>2</sup>, or 6.6%, of the overall area of 60,868m<sup>2</sup> available on 10-14 Fairway Drive and a Residential 2(b1) zoning abuts both sides of the special uses land.

Development under the terms of the *Seniors Housing SEPP* is permissible within the Residential 2(b1) zone.

## **2 PROPOSAL**

Other than for vehicular and pedestrian bridges linking the parts of 10-14 Fairway Drive zoned Residential 2(b1) on the eastern and western side of the special uses land which are to replace similar existing structures, the only work proposed on the special uses land is work associated with trunk drainage and the riparian corridor to be established in the redevelopment of the residentially zoned sections of those properties.

The proposed development on the residentially zoned sections of 10-14 Fairway Drive involves:

- the demolition of all of the existing improvements on the land;
- the construction of a one (1)/part two (2) storey seniors housing complex containing a total of one hundred and forty-eight (148) self-contained self-care dwellings;
- the construction of a two storey communal facility; and
- work to be carried out within the area 20m from the centerline of the watercourse through the land.

A preliminary layout plan of that proposed development is contained in **Annexure 3**.



This proposed development has an existing DA approval granted by Baulkham Hills Shire Council in October 2009 for a SEPP Seniors Living project comprising 148 dwellings. A previous site compatibility certificate was required to accompany that application by the same applicant (Augusta Properties) on behalf of the same landowners (10-14 Fairway Drive). That certificate was obtained 14 November 2008 [Ref: CP08/471]. An amendment to the DA approval is now proposed to increase the dwelling yield from 148 to 171 dwellings within the same FSR constraints. The increase in yield requires a new DA rather than being able to be addressed via a s96 amendment. As a result, a further site compatibility certificate is necessary.

This new DA application has been discussed with Council's officers at meetings held on 18 June 2010, 28 July 2010 and at a formal DA pre-lodgement meeting on 10 September 2010. The amended application has been formulated in light of the issues that were raised at those meetings. In addition the applicant has met with the key referral authority; Sydney Water, on 6 August 2010 whose officer confirmed that the amended application was generally in accordance and had no greater impact than the current approved scheme.

The special uses land has been significantly modified as a result of past activities on the land to create what is best described as an attractive contrived suburban landscape.

Works have included:

- the construction of weirs and ponds;
- the construction of bridges over the watercourse;
- the manicuring of areas surrounding the watercourse; and
- the construction of private recreational facilities.

The riparian corridor proposed to be established in the redevelopment of 10-14 Fairway Drive is to have an average width of 40m and an area of some 14,900m<sup>2</sup>. The riparian corridor is wider than the area that has been designated as the special uses land, including additional land to the east and west of it.

The riparian corridor is to be re-engineered in accordance with the requirements of Sydney Water and the Department of Water & Energy:

- to enable it to perform its primary planned trunk drainage function for development in the Strangers Creek catchment of the Release Area; and
- to facilitate residential development on the remainder of 10-14 Fairway Drive in a manner contemplated by *BHLEP 2005 (Amendment No.5)*, the *Balmoral Road DCP* and the *Seniors Housing SEPP*.

The incorporation of the special uses land into the seniors housing complex provides the opportunity to manage, rehabilitate and maintain the riparian corridor in a unified way as opposed to a more fragmented approach inherent in the road construction/land subdivision scenario contemplated in the *Balmoral Road DCP* for the Release Area.

A preliminary environmental site assessment indicates that there are no acid sulfate or contaminated soil issues associated with the site that provide any constraint on its future development.



### **3 STRATEGIC JUSTIFICATION**

The only reason a Site Compatibility Certificate is required is because the special uses land is zoned Special Uses 5(a) (Trunk Drainage).

The special uses land represents a relatively narrow strip of land within 10-14 Fairway Drive, straddled by land zoned Residential 2(b1) zone, on which seniors housing is permissible without the need for a Site Compatibility Certificate.

The proposed redevelopment of 10-14 Fairway Drive for seniors housing is strongly consistent with the relevant aims of *BLEP 2005 (Amendment No.5)* which instituted the current zoning of the land, namely:

- to enable urban development within the area known as the Balmoral Road Release Area;
- to create sustainable residential- neighbourhoods consisting of a mix of housing types; and
- to protect, rehabilitate and conserve areas of environmental sensitivity or significance.

All of the dwellings to be constructed in the proposed development are to be located on the sections of 10-14 Fairway Drive zoned Residential 2(b1).

The proposed redevelopment is also strongly consistent with the aims of the *Seniors Housing SEPP* in that it will provide housing that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability;
- (b) make efficient use of existing infrastructure and services; and
- (c) be of good design.

The public interest would best be served by the proposed development in that it will:

- lead to a better use of the existing physical and social infrastructure in the area;
- provide of additional housing opportunities;
- widen affordable housing choice;
- be consistent with the principles of urban consolidation and urban containment which are metropolitan wide concepts for the efficient use of community infrastructure;
- be consistent with the principles of ecologically sustainable development;
- create a positive social benefit by providing additional housing opportunities without any adverse environmental effects;



- enhance the road infrastructure in Fairway Drive;
- enhance the trunk drainage infrastructure and riparian corridor through the land; and
- create employment opportunities during the construction phase of the development.

The development proposed on the special uses land does not require the provision of any utility service infrastructure and the capacity and capability of existing and planned infrastructure in this area will adequately and satisfactorily accommodate the development on the remainder of 10-14 Fairway Drive, as proposed.

#### **4 SITE COMPATIBILITY CRITERIA**

A Site Compatibility Certificate is only required for the section of the land zoned Special Uses 5(a) (Trunk Drainage).

The following assessment relates solely to the special uses land.

##### **Criteria 1 - Natural Environment and Surrounding Development**

The natural environment on the special uses land has been significantly modified as a result of past activities to create what is best described as an attractive contrived suburban landscape.

Works in the vicinity of the watercourse have included:

- the construction of weirs and ponds;
- the construction of bridges over the watercourse;
- the manicuring of **areas** surrounding the watercourse; and
- the construction of private recreational facilities.

There are no significant trees or elements of the natural environment on the special uses land.

The only land which would be impacted by the proposal is the seniors housing development proposed on the remainder of 10-14 Fairway Drive.

The proposal will not have any affect on the natural environment or existing uses and approved uses of land in the vicinity of the site.

In fact, the proposal will result in a significant enhancement of the natural environment not only on the special uses land, but also the surrounding riparian corridor, while maintaining its planned trunk drainage function.



## **Criteria 2 - Impact on Future Uses of the Land**

The proposal is consistent with the desired future character of the area as contemplated by *BHLEP 2005* and the *Balmoral Road DCP*.

The use of the special uses land, as proposed, is consistent with the development permissible on the remainder of the land on the east and west of it and in the Release Area generally.

The proposal will not have any impact on the likely future use of the land.

The work proposed on the special uses land will, in fact, enhance the future use of surrounding land.

## **Criteria 3 - Services and Infrastructure**

The proposal will facilitate the stormwater drainage infrastructure to be established for development in the Release Area generally.

The proposed work on the special uses land does not of itself require the provision of any utility service infrastructure nor does it raise any issue relating to access to services and facilities.

## **Criteria 4 - Impact on the Provision of Land for Special Uses**

The proposal will facilitate the stormwater drainage infrastructure to be established for the Release Area and the land is to be used to provide for its planned trunk drainage function.

The proposal will not have any impact on the provision of land for special uses in the vicinity of the proposal.

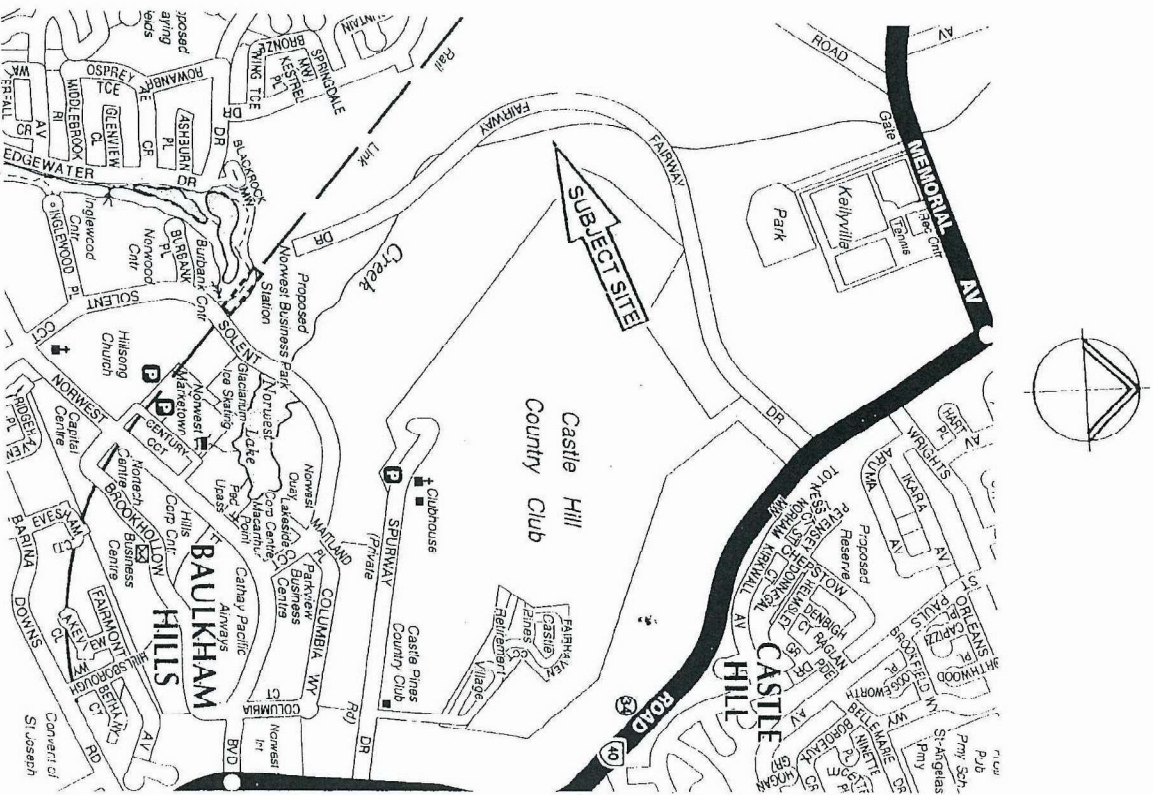
## **Criteria 5 - Impact of Bulk, Scale, Built Form and Character**

Other than the replacement bridges to be constructed over the special uses land, no buildings or structures are to be constructed on it.

The proposed bridges will have no impact on existing, approved or future uses of land in the vicinity.



# ANNEXURE 1









**Zone 5 (a) (Special Uses 5 (a) (Existing and Proposed) Zone)****1 Objectives of zone**

The objectives are:

- (a) to identify land to be or currently used by public authorities, private organisations and the Council on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, and
- (b) to identify land reserved for future acquisition by the Council for a range of community facilities and services, and
- (c) to identify land that has been reserved at the request of public authorities for their future acquisition on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, and
- (d) to identify land that has been acquired by private organisations and provide land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas (such as development for the purpose of educational establishments), and
- (e) to permit land that is not immediately required for special use purposes to be used for purposes permissible in adjoining zones where that use is compatible with the existing use or likely future use of the land.

**2 Development allowed without consent**

Exempt development.

**3 Development allowed only with consent**

Development for the purpose of:

- (a) in relation to land set aside for a particular land use (as indicated by black lettering on the map) other than railways:  
the particular land use for which the land has been set aside; bush fire hazard reduction; community facilities; open space; public buildings; recreation areas; renewable energy facilities; roads; utility installations (other than gas holders or generating works), and
- (b) in relation to land set aside for use for railways (as indicated by the word "Railways" on the map): open space; railways; renewable energy facilities; roads; utility installations.

Development for the purpose of the following (which is *notifiable development*):  
any land use specified in item 3 of the matter, in this Table, relating to any other zone in which land adjacent to the land concerned is situated; telecommunications facilities.

**4 Prohibited development**

Any development not included in item 2 or 3.