

#### File no: 17/07703 Report to the Secretary on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)

THE SITE: Castle Hill RSL Club, 77 Castle Street, Castle Hill (Lot 1 DP1080161)

APPLICANT: Castle Hill RSL Group

The Application Form **(Attachment F)** for a site compatibility certificate was submitted to the Department on 22 May 2017 by the land owner, Castle Hill RSL Group. On the 19 July, the proponent Willow Tree Planning, amended some anomalies to confirm the number of dwellings, tittle number and address.

**PROPOSAL:** Seniors Living Precinct

The Application Report **(Attachment G)**, prepared by Willow Tree Planning on behalf of the land owner, details a seniors living precinct (Figure 1), that is to surround the existing RSL Club and sport centre, which includes:

- 7 separate, 5 to 6-storey buildings containing 509 dwellings, comprising;
  - o 329 independent living units (with ancillary services);
  - o 90 serviced self-care apartments; and
  - o 90 residential aged care facilities;
- conducting alterations to the existing RSL Club, expanding the gross floor space area by 1,700sqm (the building height is to remain the unchanged);
- providing additional retail development (ancillary services) with a gross floor space area of 1,650sqm; and
- introduce a split-level basement car park (over 2 and 3 levels), positioned beneath the proposed building envelope, for a total of 1,429 vehicles.



Figure 1: Proposed development

The following additional supporting documentation was provided with the application:

- Pre-lodgement Minutes ......(Attachment G 1)
- Survey Plan ..... (Attachment G 2)
- Architectural Drawings......(Attachment G 3)
- Landscape Plans ...... (Attachment G 4)

- Traffic Report......(Attachment G 7)
   Tree Constraints Report ......(Attachment G 8)

- Economic and Employment Benefit......(Attachment G 12)

It is proposed that the independent living units will be operated by Castle Hill RSL Group. The serviced self-care apartments and the residential aged care facilities will be operated in partnership with a registered Aged Care Provider.

#### LGA: The Hills Shire Council

#### PERMISSIBILITY STATEMENT

The site is within an urban area, surrounded predominately by established low density housing. The existing planning controls for the subject site and surrounding land are under The Hills Local Environmental Plan 2012 (LEP). Figure 2 and Table 1(over), show the existing planning controls.



Figure 2: Land zone map

	Land Zones	Maximum Height of Buildings	Floor Space Ratio	Minimum Lot Size
The Site	RE2 Private Recreation	None	None	10ha
Land Adjoining the Site	R2 Low Density Residential	9m	None	700sqm
	RE1 Public Recreation	None	None	700sqm
	RE2 Private Recreation	None	None	10ha
Surrounding Land	R3 Medium Density Residential	9m	None	700sqm
	R4 High Density (adjoining castle Towers)	16m	None	1,800sqm
	R1 General Residential (adjoining castle Towers)	16m	1	600sqm

Table 1: Surround land zones and maximum height of buildings controls

#### Land to which Policy Applies

Clause 4(6) of the SEPP excludes the SEPP from applying to land which is environmentally sensitive. The site is not identified as environmentally sensitive land.

Clause 4(5)(b) identifies land that is being used for the purposes of an existing registered club, as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes. The site is being used as an existing registered club, identified as Castle Hill RSL Club LTD licence number LIQC300226301 by the Independent Liquor & Gaming Authority **(Attachment H)**.

It is considered that subject land satisfies the requirements of clause 24, as it is land which adjoins land zoned primarily for urban purposes, therefore fulfilling the Seniors Housing SEPP.

#### CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
  - (i) the site of the proposed development is suitable for more intensive development; and
  - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

#### **COMMENTS FROM COUNCIL**

On 30 May 2017, the Department requested comment from Council on the proposed seniors living development. Council requested extra time (10days) to consider the

application and provided comments to the Department on 3 July 2017 (Attachment B).

Council comments states "...the location and existing use of the site appears suitable to accommodate a seniors housing development and the proposed use has potential to integrate well into the functions of the RSL site." and that any future development must address issues relating to the separation of public and private areas.

Objections have been raised regarding the issuing of a site compatibility certificate, which are summarised in to the following key points:

- The proposed height, bulk and scale of the development is unacceptable as negative impacts on neighbouring low-density residential housing have not been adequately acknowledged or addressed, including:
  - o reduced privacy of private property owners;
  - o poor visual amenity;
  - o insufficient building setbacks;
  - o landscaping may not reduce impacts of bulk and scale; and
  - o no overshadowing analysis.
- The flooding and stormwater drainage assessment is inadequate, specifically regarding that:
  - o the proposed mitigation method is insufficient;
  - the lack of analysis of overland flows on the south of the site, specifically the consideration of works on Showground Road and effects on neighbouring properties;
  - the need for more thorough DRAINS and MUSIC modelling; and
  - the requirement to more adequately apply Council guidelines and NSW State Government Floodplain Development Manual.
- The need for further technical studies, including:
  - o traffic assessment;
  - o accessibility and mobility assessment;
  - o overshadowing; and
  - o flooding and stormwater management.

#### SUITABILITY OF THE SITE FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

### 1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is located in Castle Hill and covers an area of 49,182sqm, comprising an existing main RSL Club building, a sport centre and two car parking areas (Figure 3).



Figure 3: The site

There is no open green space but the boundary is predominately lined by mature trees. The RSL Club building is approximately three storeys high, consisting of a lounge, bar and bistro area, function rooms, administration and back of house areas. The sport centre is two storeys with an indoor aquatic centre, fitness centre and gymnastics facility. Car parking is available for 820 cars across two outdoor parking areas, with access via two separate entry/exit points and a drop-off/pick up area.

The site is on a slope of approximately 14m from its highest point (north eastern portion of the RSL building) to the lowest point (south western boundary).

#### Surrounding Land Uses

The site is predominately surrounded by low-density housing (1 to 2-storeys), adjacent to the site is a Bowling Club, high school, Scout Hall and small park (Figure 4) and 800m from Castle Towers Shopping Centre (Figure 5).



Figure 4: The site location



Figure 5: Surrounding land uses

It is considered that the site is suited to more intensive development as local facilities, services and infrastructure are within the vicinity of the site and given the prevailing mix of land uses in the area. Overall:

- the proposal is generally consistent with what is currently on the site, and has
  potential to integrate well with the existing uses;
- the site is suitable to accommodate the additional seniors housing development;
- there are no known environmental constraints that would preclude the development of the site for seniors housing;
- it is located adjacent to an established urban area with good road access and public transport connections to required facilities, including Castle Towers Shopping Centre;
- the proposal would contribute to meeting the needs for seniors housing in the north west of Sydney: and
- the proposed development will provide seniors housing diversity, and provide social benefit in providing housing options that will give local residents the opportunity to access appropriate forms of housing as their needs change over time.

#### COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The Secretary must not issue a certificate unless of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria.

## 1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i)).

It is considered there are no significant environmental values, resources or hazards in relation to the site, and the site is suitable for the proposed development satisfy clause

25(5)(b)(i) . However, further investigation into stormwater management, to the satisfaction of the consent authority, will be required

#### Bush Fire

The site is not identified as bushfire-prone land, satisfying clause 27 of the Seniors Housing SEPP.

#### Tree Constraints

The site is within a urban area, but the border contains Sandstone Gully Forest trees, as seen in Figure 6. The boundary with the bowling club contains a row of Sydney Turpentine Ironbark trees. There are no Threatened Ecological Communities as listed under the NSW *Threatened Species Conservation Act 1995* within the site, however Sydney Turpentine Ironbark Forest is listed under of the *Biodiversity Conservation Act 2016, Schedule 2, part 2 – endangered ecological communities.* 



Figure 6: Tree map

The Tree Constraints Report (Attachment G - 8) states there are 238 trees on the site and indicates 138 trees would need to be removed to permit the proposed development. The Landscape Plans (Attachment G - 4) details additional tree planting throughout the site, and is specifically focused on planting on the boundary to create a buffer screen to neighbouring residential development.

It is considered that the removal and re-planting of trees can be suitably assessed during a development assessment process, and that the nature of the existing vegetation on the site is not of such significance that it would preclude the issuing of a site compatibility certificate, or the subsequent development of the site.

#### Stormwater Management

A Stormwater Flood Analysis and Service Report (Attachment G - 9) identified an existing Council stormwater asset (1800mm drainage pipe, Figure 7 below) and a Sydney Water sewer that runs parallel are situated under the southern carpark. The report recommends that the sewer and stormwater pipe be diverted around the proposed 3-storey basement carpark along the southern boundary. However, it is noted that Council would prefer that the existing overland flow path remain as a landscape feature rather than being relocated as it may become problematic in the future.

It is considered that both mitigation options can adequately address stormwater management and that the decision over which mitigation method can be addressed during the development assessment process, and therefore should not preclude the issuing of a site compatibility certificate. It is recommended that the site compatibility certificate be conditioned to further investigate stormwater management to the satisfaction of the consent authority.



Figure 7: Stormwater drainage

#### Access to Utility Services

As identified in the Stormwater Flood Analysis and Service Report

(Attachment G - 9), the site is well serviced by utility services including; electricity, water and gas. It is considered that the increase in demand from the proposed development can be accommodated by existing available services. In line with Seniors Housing SEPP clause 28, the site will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

#### Compatibility with Existing and Approved Land Uses

The proposed seniors living complex does not remove any existing or approved uses, and is considered to be compatible with the existing and approved uses, being a well established RSL Club and sport centre.

The existing and approved uses of land surrounding the site is predominately residential, and includes a bowling club, high school and Scout hall. All are considered compatible with the proposed seniors living complex.

Therefore, the proposed seniors living complex and minor expansion to the club and sport centre are considered compatible with existing and future uses.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Secretary, are likely to be the future uses of that land (clause 25(5)(b)(ii)).

The proposed development is considered to be consistent with the future of the land, satisfying clause 25(5)(b)(ii).

The proposed development is aligned to the future needs of the local community and future uses of the land on site which has been identified for an increase in density and urban renewal in both local and NSW State Government plans.

There is demand for seniors housing in the area as stated in the Viability Statement **(Attachment G – 5)**, and as the site is surrounded by residential development, it is therefore considered that the seniors housing development will not preclude any known future use for the land.

The proposed seniors housing development and the existing residential development in the surrounding area are considered compatible, as they are both essentially residential in character.

#### Future Development in the Surrounding Area

The Hills Shire Council have released two strategic documents that relate to the site.

- The North West Rail Link Hills Corridor Strategy identifies capacity for close to 25,500 extra dwellings. The strategy supports Council's long-term principle of placing highest densities near to the centres and train stations.
- The Castle Hill North Precinct Plan (Attachment I) identifies areas suitable for higher density, close to the site (Figure 8, over).

NSW Stage Government released the Castle Hill Station Structure Plan:

- The Castle Hill Station Structure Plan (Attachment J) identifies a study area, around new underground station at Castle Hill which presents an opportunity for urban renewal and increased residential density.
- Within the study area are opportunity sites which have been identified for increased capacity (Figure 9, over). This includes lots adjacent to the site with potential for amalgamation with both short and long-term renewal opportunities, due to their good connectivity to Castle Hill Station
- It is also noted that land outside the study area has either a steep topography, inadequate road network or has been recently development, and is therefore not as suitable to increase residential density.





Figure 9: Opportunity sites

The proposed seniors living complex is strategically aligned with what is considered to be the future use of the land and surrounding area.

#### Further Strategic Justification

The following strategic plans identify the need to provided seniors housing in locations close to public transport and amenities.

A Plan For A Growing Sydney:

- Direction 1.10 indicates the need to plan for health services, and the need to assist health care providers in responding to population growth and the ageing population, ensuring there are services that respond to the needs of the community. The proposed development will assist in providing access to services required by elderly people.
- Direction 2.3 indicates the need to provide housing that enables people to 'age in place'. The proposed development provides independent living units that will allow people to downsize and age in place, close to the services and facilities they are likely to need.

Draft West Central District Pan:

 The applicant has provided a supporting document (Attachment G – 11) detailing how the proposed development would achieve the liveability priorities objectives contained in the draft West Central District Plan. The Department supports the suitability of the site's location, improved housing diversity; and notes the increasing numbers of people ages 65 or more, within the area.

Sydney Metro Northwest/ North West Rail Link

- The North West Rail Link is a priority transport infrastructure project for the NSW Government and includes eight new stations, including and new underground Castle Hill Station, connecting to Sydney's wider rail network.
- The north-west of Sydney is expected to experience high growth with the need for new dwellings and a more compact accessible city, within close proximity of public transport.

- Both A Plan for Growing Sydney and Draft Metropolitan Strategy for Sydney supports residential intensification within the walking catchment of the train stations.
- 3. 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 (clause 25(5)(b)(iii))

The services are considered to be available to meet the demands arising from the proposed development. However, it is considered that further justification of pedestrian access, and road network and parking is required.

#### Location and Access to Facilities

The site is located 800m from Castle Towers Shopping Centre which includes the services specified in clause 26(1) of the Seniors Housing SEPP including; 312 stores and services ranging from supermarkets (Coles and Aldi), banks and financial institutions (Commonwealth, HBSC and NRMA), and chemists and medical services (HCF, Eye Site Optometrist and Castle Towers Medical).

The Application Report states that the existing pathways are considered to meet relevant requirements and that a more comprehensive Access Report will be included as part of any future development application. The Department conducted a site visit on 24 July 2017 and a further desktop analysis of compliance with clause 26(2)(a) and 26(4)(a).

#### 26(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.

#### 26(4) For the purposes of subclause (2):

(a) a *suitable access pathway* is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and

The site is within 400m of two bus stop's on Showground Road, which are serviced by the same seven regular bus routes (604, 619, 715, 745, T60, T70 and T71) with a regular connection to Castle Towers Shopping Centre.

Route 1 (Figure 10) is the shortest route to a bus stop (307m) with an average gradient of 1.25 (4%), which is an acceptable distance and gradient to satisfy clause 26(2)(a). However, a 50m section through Britannia Park includes a pedestrian chicane barrier and no formed pathway to the pedestrian crossing, which is an unsuitable access pathway as described in clause 26(4)(a). However, it is considered that an arrangement could be made with Council to conduct formalise this pathway.



Figure 10: Route 1

Route 2 (Figure 11 over) is 400m from a bus stop with an average gradient of 1.76 (1.32%), and includes a steeper section with an average gradient of 1:21 (4.7%) which is an acceptable distance and gradient to satisfy clause 26(2)(a). However, there is currently a 50m section along Showground Road of unformed pathway, which is an unsuitable access pathway as described in clause 26(4)(a). However, page 7 of the Traffic Report **(Attachment G – 7)** indicates the current upgrade by Roads Maritime Services of Showground Road will provide a concrete footpath. It is considered that although currently inconsistent with clause 26(4)(a), that a formalised footpath will be in place prior to the completion of the proposed senior's development complex.



Figure 11: Route 2

Therefore, it is considered that the inconsistencies mentioned above should not preclude the issuing of a site compatibility certificate, and that the site compatibility certificate be conditioned to ensure compliance.

It is also noted that the Application Report indicates the intention for a community shuttle bus to operate between the site and local shopping and community facilities. It is also noted that the proposed development includes some retail space, which includes a convenience store, but this will be subject to the development assessment.

Road Network and Parking Requirements

The Traffic Report provided (Attachment G - 7) states the additional 609 car parking spaces to be provided and additional associates traffic will be adequately managed by the existing road network. This is, in part, due to the Showground Road Upgrade Plan (Attachment K) to 4 lanes, which will include traffic lights with pedestrian crossings at the intersection with Rowallan Avenue and new footpaths the length of Showground Road (Figure 12).



Figure 12: Showground Road upgrades

The results of the SIDRA analysis concluded that any additional traffic flows associated with the proposed development will not increase delays, or require any road upgrades. It also states that the parking requirements of the Seniors Housing SEPP and Development Control Plan 2012 can be adequately met. However:

- the traffic study does not identify the High School in its modelling and the applicant should provide additional traffic studies to the consent authority during the development assessment stage that analyse; and
- it should consider the outcomes of the upgrades to Showground Road or adequately address the effects of pedestrian access and mobility to and from the site.

It is considered that the inconsistencies mentioned above should not preclude the issuing of a site compatibility certificate, and that the site compatibility certificate be conditioned to require further investigate into traffic management to the satisfaction of the consent authority.

# 4. In the case of applications in relation to land that is zoned open space or special uses – the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The site is zoned for private recreation and, as there is no open green space on site, the proposed development will not reduce available open space or impact on the provision of land for special uses, satisfying clause 25(5)(b)(iv).

Surrounding the site is Britannia Park (1,800sqm), Bounty Avenue Reserve (2,200sqm) and Bert Parkinson Reserve (12,000sqm), and the proposed development may see an increase in patronage of these parks. It is noted the consent authority may require additional studies in relation to potential impacts and that this can be adequately managed during the development assessment process.

The neighbouring Castle Hill High School, to the east of the site, is considered to be special use. The topography of the site slopes away from the School. The proposed development is predominately on the west and south of the site and therefore will have minimal impacts. Some independent living units will overlook the school but the school boundary is lined by mature trees, and it is considered that any visual impacts or privacy issues can be addressed during the development application process.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

The proposed development presented is considered to have a greater bulk and scale than surrounding properties. However, the future uses of the land in the vicinity is increasing in residential density due to close proximity to the proposed Castel Hill Station. However, it is considered that further justification of the bulk and scale is needed to satisfy clause 25(5)(b)(v).

#### Effects on the Existing Character and Approved Uses

There are no heritage items adjoining or on the site, and therefore no heritage related concerns with the proposed development.

The existing character of the surrounding area is predominately low-density residential housing. The site is on the side of a small incline (Figure 13) and the proposed 6-story apartments on the north of the site and 4-storey apartments on the south, issues of of overshadowing, visual amenity and impact on the privacy of existing privately owned housing to the west and south is unknown and requires further investigation.



Figure 13: Topography map

#### Height, Bulk and Scale

The Architectural Drawings (Attachment G - 3), details how the bulk and scale of the proposed development is likely to impact the surrounding area and demonstrates a similar design approach, with courtyard-style apartments, envisaged for the future Castle Hill North Precinct. The concept layout plan has been designed to minimise the impact on existing surrounding uses, including minimising intrusive view impacts.

The visual dominance of the proposed development on the site is partly restricted due to the topography on the south section of the site, however the northern section contains the tallest, 6-storey apartments and are therefore most prominent (Figure 14 over).



Figure 14: Architectural cross section concept

A visual analysis was undertaken from 6 locations around the site (Figure 15). VO1, VO2 and VO3 all look slightly down on the site. VO4, VO5 and VO6 all look up towards the site. The most dominate view point of development is from VO1 located on the boundary of the school grounds (Figure 16), which shows the view of the proposed 6-story independent living units.



Figure 15: View impact map



Figure 16: View from VO1

#### Refinement of the Height, Bulk and Scale

It is noted that the proposed development is at a concept stage and there is a need for further investigation to address:

- overshadowing of neighbouring low-density residential houses
- privacy concerns apartments overlooking private land; and
- visual amenity.

Additional technical studies can assist in refining and justifying the height, bulk and scale of the proposed development.

It is considered that the consent authority is best placed to determine the final development layout, design and number of dwellings. These are to be subject to the consent authority being satisfied with the form, height, bulk, scale, setbacks, landscaping, overshadowing, solar access and residential amenity.

#### Future Use of the Land in the Vicinity

The proposed development is considered to have strategic merit as it is within an area that is predominately residential, and identified in local and NSW State Government strategic plans to increase residential density in the short and medium term;

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*— the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The Native Vegetation Act 2003 does not apply to this site.

#### CONCLUSION

The site is adjoining land for urban purposes and being used for the purpose of an existing club, meeting the requirement of the Seniors Housing SEPP. The proposed development will provide The Hills Shire with housing diversity for the needs of seniors housing, and care facilities for those with a disability in the locality where there are no significant constraints to more intensive development.

The application for a site compatibility certificate is consistent with clause 25 of the Seniors Housing SEPP and it is considered that housing for seniors or people with disability is a suitable use of the site and compatible with the surrounding land as:

- it is consistent with local and state government strategic plans;
- there are no environmental constraints; and
- there are adequate and suitable:
  - o services and utilities available; and
  - o traffic, public transport and pedestrian access routes.

Council considers the site to be suitable for a seniors housing development, but has raised concerns regarding potential negative effects on neighbouring low-density housing. It is considered that Council will be able to adequately address these concerns during the development application stage, and this should not preclude the issuing of a site compatibility certificate. It is acknowledged that more detailed investigation and justification of the proposed height, bulk and scale of the development is required. It is acknowledged that the consent authority may require additional technical studies to further assess potential impacts on surrounding private property.

Therefore, it is recommended a site compatibility certificate be issued, with conditions to further justify the final development layout, design and number of dwellings through technical studies and subject to the consent authority being satisfied with the resolution of issues relating to:

- height, bulk, scale, form, setbacks, landscaping and visual amenity
- overshadowing;
- privacy of private property;
- traffic, pedestrian mobility and access; and
- flooding and stormwater management.

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