



# ATTACHMENTS

## LOCAL PLANNING PANEL MEETING

Wednesday 27 April 2022  
at 4:00pm



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**ATTACHMENT/S**

**REPORT NO. LPP22/22**

**ITEM 1**

- 1. LOCALITY PLAN**
- 2. PROPOSED SUBDIVISION PLAN**
- 3. STORMWATER PLANS**
- 4. STATEMENT OF ENVIRONMENTAL EFFECTS**

**ATTACHMENT 1 - ITEM 1**



**LOCALITY PLAN**  
**DA/34/2022**  
**No. 3 Windsor Court, Castle Hill**

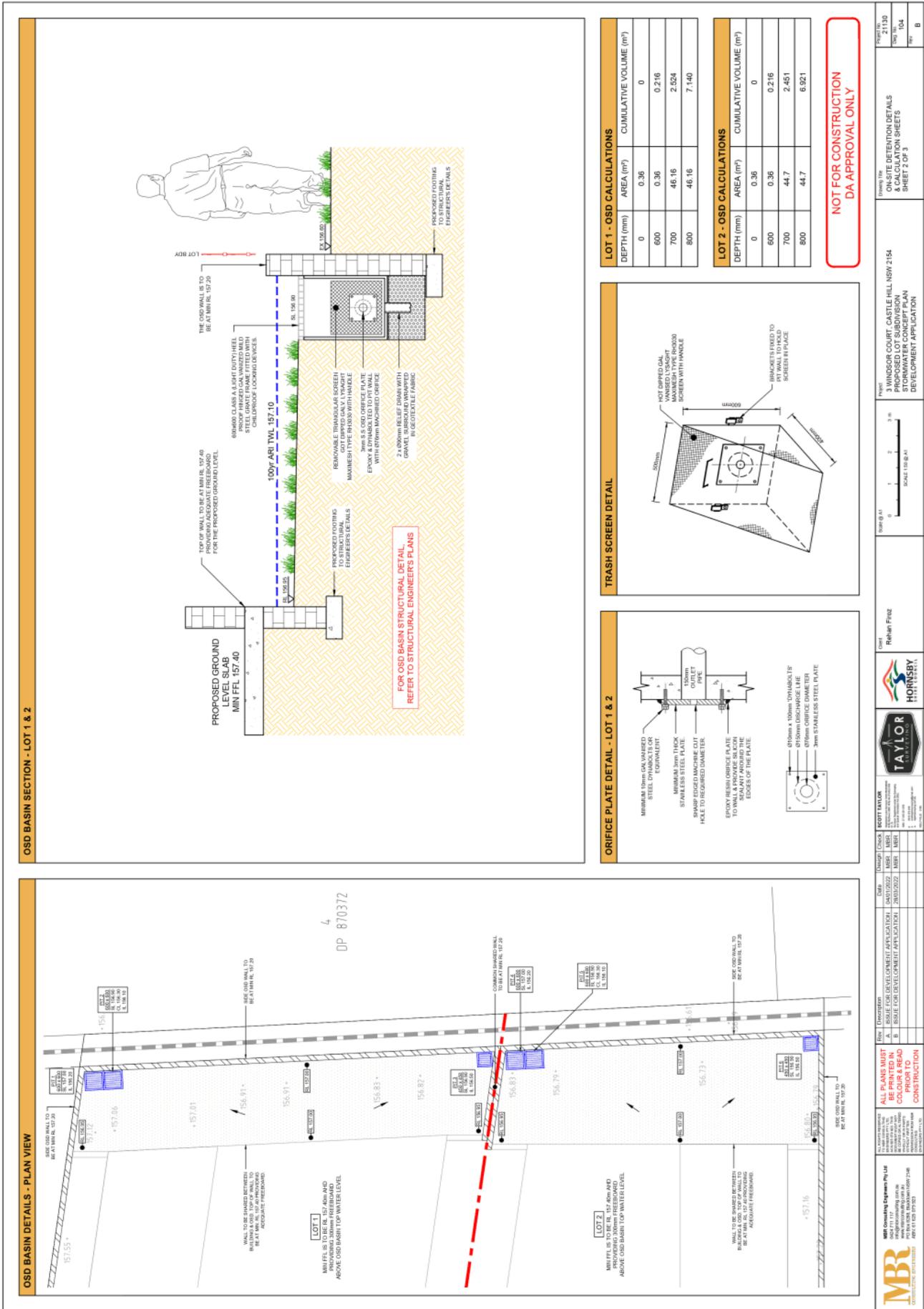












# ATTACHMENT 3 - ITEM 1



*3 Windsor Court, Castle Hill*

# *Environmental Planning Approvals*

*Town Planning and Urban Planning Specialists*

## Statement of Environmental Effects – Sub-division of land

3 Windsor Court Castle Hill

January 2022

**ATTACHMENT 4 - ITEM 1**

3 Windsor Court, Castle Hill

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# ATTACHMENT 4 - ITEM 1

3 Windsor Court, Castle Hill

## 1. Introduction

*Environmental Planning Approvals* has been engaged by the owners of 3 Windsor Court, Castle Hill to prepare documentation regarding a development application for the demolition of existing dwelling a 1 lot into 2 lot subdivision of land.

We thank Hornsby Council staff members who have been of assistance during the formulation phase of this proposal.

This document includes

- an analysis of the subject site and surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Hornsby *Local Environmental Plan 2013 (LEP 2013)*, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This document is submitted for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This document concludes that the proposal is consistent with the objectives and provisions of the *HLEP2013*.

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## 2. The Site Locality & Proposal

### 2.1 Site and Locality

The site is legally defined as Lot 92 in DP 786466 and is a square shaped lot of 1,000m<sup>2</sup> with a 3 bedroom dwelling. The frontage to Windsor Court is approximately 32m.



Figure 1: Aerial Site Image 3 Windsor Court – Source: (<https://maps.six.nsw.gov.au/>)



Figure 2: Location Map with lot labels - Source: (<https://maps.six.nsw.gov.au/>)

## 2.2 The Proposal

The proposal is for the demolition of the existing dwelling and a 1 lot into 2 lot sub-division of the land at 3 Windsor Court, Castle Hill. The proposed sub division plan extract is shown below.

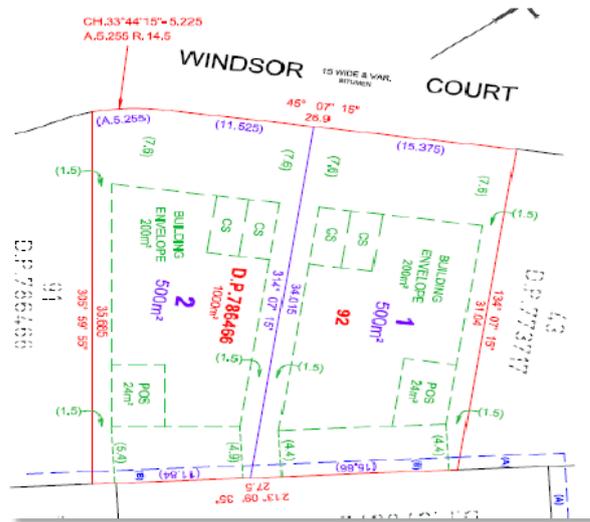


Figure 3: Subdivision plan extract.

3 Windsor Court, Castle Hill

### 3. Environmental Mapping Constraints - Hornsby LEP 2013

#### 3.1 Site Zoning

##### **Objectives of the R2 – Low Density Residential zone:**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

##### **2 Permitted without consent**

Environmental protection works; Home occupations

##### **3 Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems

##### **4 Prohibited**

Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

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## 4. Environmental Assessment

### 4.1 Hornsby Local Environmental Plan 2013

The Hornsby *Local Environmental Plan 2013* is the primary environmental planning instrument that applies to this site. The property is zoned R2 – Low Density Residential under the *LEP 2013*. The development provisions of the *LEP 2013* for consideration and comment relative to compliance are outlined in the table below.

Clause	Provisions	What is proposed and statement of compliance
1.1	Name of Plan	Not relevant
1.1AA	Commencement	Not relevant
1.2(2)	Aims of Plan	
	(a) to facilitate development that creates: (i) progressive town centres, thriving rural areas and abundant recreation spaces connected by efficient infrastructure and transport systems, and (ii) a well-planned area with managed growth to provide for the needs of future generations and people enriched by diversity of cultures, the beauty of the environment and a strong economy,	Compliant.
	(b) to guide the orderly and sustainable development of Hornsby, balancing its economic, environmental and social needs,	Compliant.
	(c) to permit a mix of housing types that provide for the future housing needs of the community near employment centres, transport nodes and services,	Compliant.
	(d) to permit business and industrial development that meets the needs of the community near housing, transport and services, and is consistent with and reinforces the role of centres within the subregional commercial centres hierarchy,	Compliant.
	(e) to maintain and protect rural activities, resource lands, rural landscapes and biodiversity values of rural areas,	Compliant.
	(f) to provide a range of quality passive and active recreational areas and facilities that meet the leisure needs of both the local and regional community,	Compliant.
	(g) to facilitate the equitable provision of community services and cultural opportunities to promote the well being of the population of Hornsby,	

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	(h) to protect and enhance the scenic and biodiversity values of environmentally sensitive land, including bushland, river settlements, river catchments, wetlands and waterways,	
	(i) to protect and enhance the heritage of Hornsby, including places of historic, aesthetic, architectural, natural, cultural and Aboriginal significance,	
	(j) to minimise risk to the community in areas subject to environmental hazards, including flooding and bush fires.	
<b>1.3</b>	Land to which Plan applies	The project is on land governed by this Plan.
<b>1.4</b>	Definitions	Noted.
<b>1.5</b>	Notes	Not relevant
<b>1.6</b>	Consent authority	Noted
<b>1.7</b>	Maps	Noted
<b>1.8</b>	Repeal of planning instruments applying to land	Not relevant
<b>1.8A</b>	Savings provision relating to development applications	Not relevant
<b>1.9</b>	Application of SEPPs	Project will comply with all relevant SEPPs
<b>1.9A</b>	Suspension of covenants, agreements and instruments	Not relevant
<b>2.1</b>	Land use zones	Noted
<b>2.2</b>	Zoning of land to which Plan applies	Compliant
<b>2.3</b>	Zoning objectives and Land Use Table	Noted

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2.4	Unzoned land	Not relevant
2.5	Additional permitted uses for particular land	Not relevant
2.6	Subdivision consent requirements	Noted
2.7	Demolition requires development consent	Noted
2.8	Temporary use of land	Not relevant.
3	Exempt and complying development	Not relevant
3.1	Exempt development	
3.2	Complying development	
3.3	Environmentally sensitive areas excluded	
4	<b>Principal development standards</b>	
4.1	<p>Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide for the subdivision of land at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land,</p> <p>(b) to ensure that lots are of a sufficient size to accommodate development.</p> <p>(2) This clause applies to a subdivision of any land shown on the <a href="#">Lot Size Map</a> that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p> <p>(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.</p>	Complies. Proposed lots will meet the min lot size controls of 500sqm

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<b>4.1AA</b>	Minimum Subdivision lot size for community title schemes	Not relevant
<b>4.1A</b>	Minimum subdivision lot size for strata plan schemes in certain zones	Not relevant
<b>4.1B</b>	Minimum lot size for certain split zone lots	Not relevant
<b>4.2</b>	Rural subdivision	Not relevant
<b>4.3</b>	Height of buildings	Noted
<b>4.4</b>	Floor space ratio	Noted
<b>4.5</b>	Calculation of floor space ratio and site area	Noted
<b>4.6</b>	Exceptions to development standards	Not relevant
<b>5</b>	<b>Miscellaneous provisions</b>	
<b>5.1</b>	Relevant acquisition authority	Not relevant
<b>5.1A</b>	Development on land intended to be acquired for public purposes	Not relevant
<b>5.2</b>	Classification and reclassification of public land	Not relevant
<b>5.3</b>	Development near zone boundaries	Not relevant
<b>5.4</b>	Controls related to miscellaneous permissible uses	Not relevant
<b>5.5</b>	Development within the coastal zone	Not relevant
<b>5.6</b>	Architectural roof features	Not relevant
<b>5.7</b>	Development below mean high water mark	Not relevant
<b>5.8</b>	Conversion of fire alarms	Not relevant
<b>5.9</b>	Preservation of trees or vegetation	Noted.
<b>5.9AA</b>	Trees or vegetation not prescribed by development control plan	Noted. Development consent is not required for

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		the removal of a tree that is not 'prescribed'.
<b>5.10</b>	Heritage conservation	Not relevant
<b>5.11</b>	Bush fire hazard reduction	Not relevant
<b>5.12</b>	Infrastructure development and use of existing buildings of the Crown	Not relevant
<b>5.13</b>	Eco-tourist facilities	Not relevant
<b>5.14</b>	Siding Spring Observatory – maintaining dark sky	Not adopted
<b>5.15</b>	Defence communications facility	Not adopted
<b>Part 6</b>	Additional local provisions	Not relevant
<b>6.1</b>	Acid sulfate soils	Not relevant
<b>6.2</b>	Earthworks	No earthworks are proposed as part of this development application.
<b>6.3</b>	Flood planning	Not relevant
<b>6.4</b>	Terrestrial biodiversity	Not relevant
<b>6.5</b>	Limited development on foreshore area	Not relevant
<b>6.6</b>	Restrictions on certain development in Dural Village	Not relevant
<b>6.7</b>	Location of sex services premises	Not relevant
<b>6.8</b>	Design excellence	Not relevant
<b>6.9</b>	Dual occupancies (attached) on land in certain rural zones	Not relevant

#### 4.2 Stormwater

A stormwater concept plan has been prepared by MBR Consulting Engineers and provides support for the proposed subdivision.

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#### 4.4 Hornsby Development Control Plan 2013

The Hornsby Development Control Plan 2013 (DCP 2013) contains relevant guidelines and controls that apply to this proposal.

##### 6.1.1 General Provisions

These general provisions apply to all subdivision applications.

##### Desired Outcomes

- a. Subdivision design that provides usable allotments that relate to site conditions.
- b. Subdivision design that provides for the retention of significant landscape features and respects site constraints including:
  - significant trees,
  - remnant bushland,
  - steep topography,
  - watercourses, riparian land and stormwater overland flow paths, and
  - bushfire hazard asset protection zones.
- c. Subdivision design that provides for all necessary services and facilities, including any required extension or amplification to Council infrastructure.

Comment: The proposal meets all the desired outcomes and retains all existing landscape features and significant trees.

##### 6.2 Urban Subdivision

###### 6.2.1 Residential Lands Subdivision

##### Lot Size

- a. The minimum lot size is depicted on the Minimum Lot Size map.

Comment: The proposal maintains minimum lot size for both proposed lots

##### Lot Shape

- d. Lot design should maintain a minimum lot width that is compatible with the subdivision pattern.

Comment: The proposal maintains the existing subdivision pattern for both lots

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f. Lot design should identify a potential developable area. This area is to accommodate the following: a building envelope of 200m<sup>2</sup> with a minimum dimension of 10 metres;

a principal private open space area, area for parking 2 cars behind the building line, and comply with the general provisions in Section 6.1

Comment: The proposed subdivision plan shows the 200m<sup>2</sup> building platform, POS and car spaces.

Setbacks

h. Setbacks to the proposed building envelope and ancillary structures should comply with Table 6.2(c).

Comment: The proposed subdivision plan shows an increased front setback of 7.6m instead of the 6m typically, to align better with other dwellings in the street. Due to this, the rear setback varies from 5.5m to 4.4m. Since the standard is 5m rear setback, it is request that a variation to this control be granted to allow for the increased front setback.

#### 4.3 Section 4.15 Considerations

##### The Suitability of the Site for the Proposed Development and the Public Interest

###### Suitability of the Site for the Development

Previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

The proposal is consistent with the existing development within the locality.

The proposal is consistent with the objectives and development standards applying to the land.

Overall the development is considered an appropriate usage of the site.

###### Public Interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It is consistent with all relevant LEP aims and objectives.

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**Section 4.15 of the Environmental Planning and Assessment Act, 1979**

Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iiia) – Has consideration been given to all relevant provisions of any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15(1)(a)(v) – Has consideration been given to any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i> )?	N/A
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

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## 5. Summary and Conclusion

*Environmental Planning Approvals* is pleased to submit this application for demolition of the existing dwelling and a 1 lot into a 2 lot subdivision at 3 Windsor Court, Castle Hill.

Consideration has been given to;

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2013*, as well as relevant DCPS, SEPPs, and deemed SEPPs, and other relevant statutory controls that apply to the site.

The proposal is considered to accord with the wider public interest and will allow usable allotments that relate to site conditions and it is requested that council approve this proposal.

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