

5 Section 79C – Matters for Consideration

The following provides an assessment of the proposal against the provisions of Section 79C of the Environmental Planning and Assessment Act (as amended).

(a) the provisions of:

(i) any environmental planning instrument, and

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

Pursuant to Clause 2(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, local environmental planning instruments are set aside in the assessment of 'Housing for Seniors or People with a Disability' development, with the development to be assessed in terms of the aims, objectives and standards of the SEPP. Compliance with these provisions are discussed below.

5.1.1 Definition (Clause 13)

The proposed SEPP development is defined as '*in-fill self-care housing*' under clause 13 of the SEPP.

5.1.2 Location and Access to Facilities (Clause 26)

Clause 26 of the SEPP requires the site to have 'reasonable access to shops, banks and other retail and commercial services, community services and recreation facilities, and the practice of a general medical practitioner for residents of the proposal', or to public transport to reach these facilities and services.

The nearest facilities and services are in the Campbelltown Town Centre which is approximately 5.5 km southwest of the site. As the Centre is greater than 400m from the subject site the provision of public transport is required to meet the SEPP requirements for access to facilities and services.

Note: Minto Mall is within 400m of the subject site. However, the future economic viability of the Mall is unclear having been without an owner for the past year and with the withdrawal of major retailers such as Coles and the Post Office. As such, Campbelltown City Centre has been chosen as the closest retail centre as its viability is assured and can continue to service the development in the future.

Bus route 870 runs directly along Ben Lomond Road, with a designated bus stopping bay within the site's frontage, which is operated by Interline Bus Services. This route connects Campbelltown Town Centre and Liverpool, via Ingleburn and Glenfield. These destinations provide the shops, banks and other retail and commercial services, community services and recreation facilities, and the practice of a general medical practitioner required by the SEPP. The site therefore meets the locational criteria of the SEPP.

Because the subject site is in the Sydney Statistical Division the Seniors SEPP requires that there is at least one transport service that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day

from Monday to Friday (both days inclusive). The below table demonstrates compliance with this requirement.

Route	Connects to	Frequency		
		Monday - Friday	Saturday	Sunday & Public Hols.
870	Campbelltown Town Centre and Liverpool, via Ingleburn and Glenfield	41 services daily (Minimum 2 per hour)	20 Services (Minimum 4 per hour)	10 Services (Minimum 2 per hour)

Source: Interline Bus Services

5.1.3 Design of in-fill self-care housing (Clause 31)

The proposed development has been designed in accordance with the provisions of the “*Seniors Living Policy: Urban Design Guidelines for Infill Development*”; refer to sections 5.1.5-5.1.11 for further information in this regard.

5.1.4 Design Principles (Clauses 33-39)

Compliance of the proposed development with the design principles in Part 3, Division 2 of the SEPP (clauses 33-39) is as follows.

Design Principles	Development should:	Proposed	Compliance (Yes/No)
Neighbourhood amenity and streetscape	(a) recognise the desirable elements of the location’s current character so that new buildings contribute to the quality and identity of the area, and	Greenfield site, development as part of an overall master plan. No current character. Modern, contemporary, high quality design will positively contribute to any future character of the area. Note: Development directly across road consists of a petrol station, large commercial shed selling fruit and a retail building currently tenanted by ‘Blockbuster’.	YES
	(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	Site not within designated Character Conservation Area and not designated as being heritage listed.	N/A
	(c) maintain reasonable neighbourhood amenity and appropriate residential character by:		

Design Principles	Development should:	Proposed	Compliance (Yes/No)
	(i) providing building setbacks to reduce bulk and overshadowing	No overshadowing of adjoining properties expected. See Submitted shadow diagram.	YES
	(ii) using building form and siting that relates to the site's land form, and	Height of buildings staggered to reflect contours /topography of site.	YES
	(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and	Two storey nature of development is in sympathy with surrounding development – Fruit Orchard, 7 Eleven petrol station and adjoining two storey residences to east and west.	YES
	(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	Small depth of side elevation, and relatively low height. No overshadowing likely to occur – see shadow diagrams	YES
	(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	Front buildings of the development setback in sympathy with likely future character. See Section 6.1 Setbacks for further information.	YES
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Streetscape planting as per Concept Plan approval and undertaken by others.	N/A
	(f) retain, wherever reasonable, major existing trees, and	The site is already cleared of vegetation, owing to subdivision works and previous use of site – Oval.	N/A
	(g) be designed so that no building is constructed in a riparian zone.		N/A

Design Principles	Development should:	Proposed	Compliance (Yes/No)
Visual and Acoustic Privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>Minimum windows orientated to the east/west being the common boundary. Balconies positioned on the north/south elevation of proposed buildings.</p> <p>No openings in eastern elevation of buildings-fronting car parking area.</p> <p>All openings to bedrooms on north/south elevation – facing street/internal landscaped areas.</p>	<p>YES</p> <p>YES</p>
Solar Access	<p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>No overshadowing of adjoining neighbours and 100% of proposed units achieve direct solar access between 9am-3pm winter solstice for a minimum of 3hrs – see submitted shadow plans for further information.</p> <p>All living areas are orientated to the north. All dwellings are naturally ventilated and will not rely on mechanical systems to cool buildings.</p>	<p>YES</p> <p>YES</p>
Stormwater	<p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The lowest portion of the site fronts Ben Lomond Road, where stormwater will be directed for final disposal. No impact expected upon adjoining land.</p> <p>All stormwater directed to RWT – then reused throughout the site for landscaping – finally being disposed through Council's stormwater system.</p>	<p>YES</p> <p>YES</p>
Crime Prevention	<p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general</p>	<p>Bedrooms and living rooms are orientated to the street allowing for observation of</p>	<p>YES</p>

Design Principles	Development should:	Proposed	Compliance (Yes/No)
	observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	approaches to dwellings Shared entries provided. All entries to units via individual access ways/ bridges.	YES
	(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	All dwellings have windows opening onto entry/door approaches.	YES
Accessibility	(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and	Public pathway along street frontages with direct access to local transport and shops.	YES
	(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Ample parking and pathways are provided. All top floors accessible via lifts.	YES
Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Recycle bins have been provided to the development at the rate of 1 bin per 2 units, in accordance with Council guidelines/comments	YES

5.1.5 Neighbourhood Amenity and Streetscape

The Minto Renewal DCP prescribes that dwellings are setback a minimum of 4m from the front building line. Extrusions permitted within this front setback up to 1m are balconies/ verandas/ porches (excluding carports). The maximum building height is 2 storeys

In reference to the above, no part of the development exceeds two storeys in height. Furthermore, in accordance with the Seniors SEPP all ceilings are less than 8m in height, this fact combined with the low pitched roofs (1-3 degrees) render the scale of the development appropriate for the likely future character of the surrounding medium density residential developments.

In regards to setbacks, Block C is positioned 4m off Ben Lomond Road, with private open space areas located forward of the building line, which will be individually landscaped by the tenants. Block A is positioned approximately 4.7m off Cathedral Street, between which is the common fire stair located in the south western corner of the building, the common raised walkways/platform areas giving access to the individual units and the letterboxes. These encroachments are approximately 2m off Cathedral Street. The setbacks are considered acceptable in this instance owing to the nature and extent of the encroachment, combined with the high quality design of the development, building articulation and street plantings.

5.1.6 Visual and Acoustic Privacy

The arrangement of units in the proposed development allows for high levels of privacy, whilst minimising the impact on adjoining neighbouring properties. The placement of windows, landscaping, building layout and setbacks have been used to minimise overlooking and achieve internal privacy – refer to Section 6.4 for further information.

Acceptable noise levels between units will be achieved in accordance with the Building Code of Australia (BCA) requirements for sound and impact transmission.

Usual noise levels associated with the building are likely to be generated during construction hours, which should have minimal adverse effects given the lack of existing neighbouring properties. No major plant or equipment is to be installed and noise generated on completion is likely to be compatible with the residential environment.

5.1.7 Solar Access and Design for Climate

The proposed development has been designed to permit solar access into the units. The submitted plan titled *Solar Access Schedules*, drawing No. A700 shows the number of hours of solar access received by each unit between the hours 9am-3pm on the June 22, being the winter solstice. This schedule indicates that 100% of the units achieve at least a minimum of 4 hours direct sun light during these hours, with the vast majority achieving more than 6 hours, complying with Clause 50 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This clause requires that 70% of the living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

It should be noted, that no overshadowing of adjoining properties occurs as a result of the subject development. As can be seen from the submitted shadow diagrams, owing to the north south orientation of the site, the configuration and height of the proposed buildings the incidence of overshadowing upon adjoining lands is negligible. On the 22nd June all shadows exerted by the subject development are contained within the subject site, that is the shadows do not extend beyond the 1.8m high boundary fence, running along the side boundaries of the site.

In regards to designing for climate, all of the units are naturally ventilated by having windows in both the north and south elevations, permitting airflow across the units. Positive pressure on the windward and/or a vacuum on the lee side of the building cause air movement through the units from the windward to the lee side, provided the windows on both sides of the room are open.

Designing for cross ventilation in buildings allows for passive cooling and removes the need for mechanical ventilation/cooling. The cross ventilation principle is, like all natural ventilation principles, based on the requirement of ensuring a fresh and comfortable indoor climate. This is done with minimal energy consumption and at low cost.

5.1.8 Stormwater

All stormwater is directed to a large underground rain water tank; from here it is dispersed throughout the site for landscaping irrigation, finally being disposed through Council's stormwater system on Ben Lomond Road. No detention tanks are proposed. Detailed information is provided on the accompanying hydraulic plans, Hydraulic Services – Site Stormwater (H02, H03 and H04).

Appropriate measures will be implemented during construction to mitigate soil erosion and sedimentation. These measures are set out in the document titled *Managing Urban Stormwater Soils and Construction Handbook* (1998), published by the then Department of Housing.

5.1.9 Crime Prevention

Principles of Safer by Design have been incorporated into the development. This includes Territorial Re-enforcement, through the positioning of front fencing – delineating public and private spaces; Surveillance, through position of balconies and windows overlooking the street and communal garden areas – located between the buildings; Natural Access Control, through the encouragement of persons and vehicles to the common parking areas, the clearly delineated pathways and pedestrian routes to the buildings and throughout the common garden area and finally Space Management, through the well planned and utilisation of the site effectively limiting any ‘no-go’ areas infrequently used, which are commonly abused by criminals and a source for potential anti-social behaviours.

5.1.10 Accessibility

All units are disabled accessible. Access arrangements can be seen in the submitted plans.

5.1.11 Waste Management

In accordance with Council’s Senior Waste Management Officer’s recommendation the development has been provided with a total of 48 x 240 litre mobile garbage bins (MGB), comprising 20 garbage, 20 recycle, 4 spare and 4 organic garden bins. These bins are located in three separate locations throughout the site – please refer to the Site Plan (A001) for specific locations.

It is common practice for the Land and Housing Corporation to engage the services of a private contractor to attend the site once a week in order to put the garbage bins on the street kerb ready for collection. The same contractor will attend the site the next day placing the bins in their resting/normal position. This same management technique will be used in this development – addressing any mobility impairments of the residents given the intended use.

5.1.12 Development Standards (Clauses 40 & 41)

Clause 40 – Site size and frontage and building height:

Development Standard	Required	Proposed	Compliance (Yes/No)
Site size	At least 1,000 m ²	7,137.4 m ²	Exemption to Social Housing Providers 40(5)

Development Standard	Required	Proposed	Compliance (Yes/No)
Site frontage	At least 20 m	61.5m	Exemption to Social Housing Providers 40(5)
Height In zones where residential flat buildings not permitted Buildings located in the rear of site	8 m or less (ground to ceiling level) Building located in rear 25% area of site not to exceed 1 storey	8m (max)	Yes Not applicable to NSW

Clause 41 & Schedule 3 – Access and useability standards for self-contained dwellings:

The following standards apply to all dwellings in seniors developments undertaken by the L&HC -

Development Standard	Required	Proposed	Compliance (Yes/No)
Siting: Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10 'Sloping' sites i.e. with gradients entirely or partially >1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road. % of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to driveway or public road that is accessible to all residents.		Yes N/A
Common areas	All common areas and facilities to have wheelchair accessibility as per AS 1428.1.		YES
Security	Pathway lighting to be designed and located to avoid glare and to provide minimum 10 lux at ground level.		YES
Letterboxes	To be lockable, located in central position adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS 1428.1).	Refer to accompanying site plan for exact locations	YES

The following standards only apply to ground floor dwellings in seniors housing developments undertaken by the DOH –

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Development Standard	Required	Proposed	Compliance (Yes/No)
	<p>wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>		<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Bathroom	<p>At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p style="padding-left: 40px;">(i) a grab rail,</p> <p style="padding-left: 40px;">(ii) portable shower head,</p> <p style="padding-left: 40px;">(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility</p>		<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Toilet	A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS		YES

Development Standard	Required	Proposed	Compliance (Yes/No)
	4299.		
Surface finishes	Balconies and external paved areas must have slip-resistant surfaces.		YES
Door hardware	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.		YES
Ancillary items	Switches and power points must be provided in accordance with AS 4299.		YES
Living room and dining room	A living room in a self-contained dwelling must have:		
	(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and		YES
	(b) a telephone adjacent to a general power outlet.		YES
	A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.		YES
Kitchen	A kitchen in a self-contained dwelling must have:		
	(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and		YES
	(b) a width at door approaches complying with clause 7 of this Schedule, and		YES
	(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:		YES
	(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),		YES
	(ii) a tap set (see clause 4.5.6),		YES
	(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,		YES
	(iv) an oven (see clause 4.5.8), and		YES
	(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and		YES
	(e) general power outlets:		YES
	(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and		
	(ii) one of which is provided for a refrigerator in such a position as to		

Development Standard	Required	Proposed	Compliance (Yes/No)
	be easily accessible after the refrigerator is installed.		
Access to kitchen, main bedroom, bathroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.		YES
Laundry	A self-contained dwelling must have a laundry that has: (a) a width at door approaches that complies with clause 7 of this Schedule, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.		YES YES YES YES YES
Storage for linen	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	680 mm	YES

5.1.13 Standards that cannot be used to refuse consent for self-contained dwellings (Clause 50)

Note: Non-compliance with these standards does not require a consent authority to refuse a DA. However non-compliance requires comprehensive justification in terms of social impact and SEPP objectives.

Development Standard	Required	Proposed	Compliance (Yes/No)
Building Height	8 m or less		Yes
Density and Scale	Floor Space Ratio 0.5:1 or less	0.45:1	Yes
Landscaped Area	Minimum 35 m ² per dwelling	69sqm (2,780.44/40)	YES
Deep Soil Zone	Minimum 15% of area of site. Minimum two thirds to be at rear of site. Minimum dimension 3 m.	2774.95sqm (38%)	YES NA Yes
Solar Access	70% of living areas & main private open space to receive minimum 3 hrs sunshine between 9 am and 3 pm at mid-winter.	Refer to accompanying shadow diagrams	YES

Development Standard	Required	Proposed	Compliance (Yes/No)
Private Open Space	Ground level: Minimum 15 m ² per dwelling. One area minimum 3 m x 3 m, accessible from living area.		YES
	Upper level/s: 1 bedroom: Minimum 6 m ² . Minimum dimension 2 m.		N/A
	2 or more bedrooms: Minimum 10 m ² . Minimum dimension 2 m.		Yes
Car parking	Minimum 1 car space for each 5 dwellings (NSWH concession)	20 provided spaces	YES

5.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) – Residential under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as seniors housing and is permissible pursuant to clause 15 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposal is consistent with the 2(b) zone objectives, particularly objective (c) of the zone,

- (a) to make general provision for land to be used for housing and associated purposes, and
- (b) to permit the development of a range of housing types, and

(c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities, and

The proposed senior's housing development is consistent with the zone objectives, providing higher density development for the purposes of accommodating older people and people with a disability in locations accessible to public transport, retail, commercial and service facilities. The development will also increase the supply of appropriate housing for seniors or people with a disability, which is in high demand in most local government areas and is likely to increase as the population ages.

Clause 39 – earthworks and preservation of trees, applies to development applications that propose to cut and fill, and seeks approval to remove trees. In this instance however, this clause is not considered applicable as the cut and fill works required to facilitate the development have occurred in accordance with DA2672/2010/DA-S, which relates to the subdivision works, associated with Stage 9 of the Minto Renewal Project.