

Appendix 7 – Seniors Living SEPP Compliance Table

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

GENERAL CONSIDERATIONS			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Permissibility (Clause 4)	Land zoned primarily for urban purposes or adjacent to urban land.	The site is zoned SP3 Tourist however the land use is permissible under the LEP.	N/A
Site Compatibility Certificate (Clause 24)	Not required for urban zone (unless a vertical village is proposed).	N/A	N/A
Location, Facilities and Support Services (Clause 26)	Max. 400m from shops, banks, retail, community services and medical services being no more than 1:14 gradient or as otherwise stipulated within Clause 26(2).	The site has adequate access to the necessary facilities and services on-site and via public transport (bus) services as well as the provision of a small bus operated by the facility to transport residents to services and facilities off site.	Yes
Water and Sewer (Clause 28)	Housing connected to a reticulated water system with adequate waste water disposal.	Services are currently available. A standard condition requiring a Section 73 Certificate is recommended to be imposed in the consent.	Yes
Site Capability Criteria (Clause 29)	If Clause 24 is not applicable, the consent authority is to consider the requirements within Clause 25(b)(i), (ii) and (v) being the natural environment and existing uses in immediate locality, impact of proposed works on future uses of land (being more than the subject site) and impact of bulk, scale and built form on character of area.	Developments in the area are predominantly residential with recreational and commercial uses further to the north. The proposal is compatible with the natural and built environment in terms of height, bulk and scale.	Yes

PART 3 - DIVISION 1 - GENERAL DESIGN REQUIREMENTS			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Analysis (Clause 30)	Site analysis required.	<p>The submitted site analysis plan demonstrates the following:</p> <ul style="list-style-type: none"> - The proposal is consistent with the principle of view sharing. - Supporting services including public open space, water and sewer are available in the locality. - The amenity of adjoining developments including solar access and privacy will be maintained. 	Yes

PART 3 - DIVISION 1 - GENERAL DESIGN REQUIREMENTS			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Design Consideration (Clause 31)	Assessment against Seniors Living Policy – Urban Design Guideline for Infill Development (DOP, March 2004).	<p>The proposal is compatible with the existing and future residential character of the locality.</p> <p>The applicant has minimised the building footprint and maximised deep soil planting.</p> <p>The proposal will have a positive impact on the streetscape.</p> <p>The proposal is adequately setback from boundaries and together with the proposed landscaping will maintain the amenity of neighbouring properties.</p> <p>Internal amenity is maintained through maximising solar access, provision of open space and maintaining privacy.</p>	Yes

PART 3 - DIVISION 2 - DESIGN PRINCIPLES			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Neighbourhood Amenity & Streetscape (Clause 33)	Recognise and respond to area character and consider heritage items, maintain reasonable amenity and character through setbacks, height, fencing, planting and retaining walls, etc.	<p>The proposed seniors housing is compatible with the desired future character of the locality.</p> <p>Four different land use zones (SP3 Tourist, R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation) define the character of the area surrounding the site and the different development forms located within each zone. This varying character provides the opportunity for this seniors housing development to create a transition between the Panthers Precinct SP3 zoning and the medium density residential development to the south.</p> <p>The proposal is considered to be sympathetic to the existing built environment.</p>	Yes

PART 3 - DIVISION 2 - DESIGN PRINCIPLES

CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Visual & Acoustic Privacy (Clause 34)	Consider location of windows and balconies, use of screening devices, landscaping and noise generation by locating paths, parking and driveways away from dwellings.	<p>The proposed development will not have any impact on the visual and acoustic privacy of neighbours in the vicinity, with the closest residential neighbour being the residential aged care facility on the opposite side of Jamison Road, which is located approximately 45m from the southern boundary of the site.</p> <p>The design of the proposed development has located sources of potential noise generation (including the driveway to the basement parking, loading area and facilities for the residential aged care facility) away from the independent living units.</p> <p>Potential noise sources within the ground level courtyard open space (e.g. children's playground) have also been located away from dwellings and buffered by landscape features.</p>	Yes

PART 3 - DIVISION 2 - DESIGN PRINCIPLES

CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Solar Access (Clause 35)	Adequate solar access to living areas and POS of neighbours and reduced energy use by locating windows of living and dining areas to the north.	<p>The shadow diagrams that accompany the DA have indicated that existing adjoining dwellings will experience no overshadowing in mid-winter.</p> <p>The orientation of the site ensures adequate solar access to the living areas and private open space of the proposed dwellings.</p>	Yes
Stormwater (Clause 36)	Control and minimize stormwater runoff and include (where practical) OSD.	The proposal incorporates deep soil areas and a large area of ground level communal open space. Various pervious and semi pervious surfaces are provided throughout the development including grass, soft landscaping and decking to assist in minimising stormwater runoff. On site stormwater disposal is detailed in the Concept Stormwater & WSUD Strategy.	Yes
Crime Prevention (Clause 37)	Ensure passive surveillance and lockable shared entries.	The units are designed to provide passive surveillance.	Yes

PART 3 - DIVISION 2 - DESIGN PRINCIPLES

CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Accessibility (Clause 38)	Safe pedestrian links to public transport and facilities and safe and convenient access and parking.	<p>The proposed development links the site to the services and facilities of the Panthers Penrith Precinct to the north via the main ground floor reception area and proposed pedestrian crossing directly to the north. Pedestrian links to the west of the site have been restricted, responding to the UDRP advice received on the initial proposed design. Access to the public transport bus stop to the south (located on Jamison Road) and the pedestrian/cycle pathway along Jamison Road is also provided for in the building and landscape design.</p> <p>The proposed development has access to transport and services as outlined above and safe and convenient access is provided to the secure resident and visitor car parking located in the basement level car park.</p>	Yes
Waste Management (Clause 39)	Provide waste facilities that maximize recycling.	A waste management plan has been submitted with the DA. A general garbage room as well as a bulky waste room is proposed in the basement with lifts for access by persons with a disability.	Yes

PART 4 - DIVISION 1 – GENERAL STANDARDS TO BE COMPLIED WITH			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Area (does not apply to social housing provider) (Clause 40(2))	Min. 1,000m ²	Well in excess.	N/A
Frontage (does not apply to social housing provider) (Clause 40(3))	Min. 20m	Well in excess.	N/A
Building Height (Rear 25% control does not apply to Social Housing Provider) (Clause 40(4))	Height not to exceed 8m. Adjacent to boundary must be 2 storeys in height. Rear 25% to be single storey.	The proposed development has a building height greater than the maximum 20m height limit under Penrith LEP 2010. A Clause 4.6 variation request has been prepared to support this variation to the maximum building height.	No

PART 7 – DIVISION 1 – GENERAL (CANNOT BE GROUNDS FOR REFUSAL)			
General Consent Restriction (Clause 46)	Cannot grant consent if site analysis considerations are not satisfactory.	Satisfactory	Yes

PART 7 – DIVISION 4 – SELF CONTAINED DWELLINGS(CANNOT BE GROUNDS FOR REFUSAL)

CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Height (Clause 50(a))	8m (max. two storeys at rear)	Proposal exceeds this maximum. The consent authority cannot use height of a building as a reason for refusal if it is compliant with this clause. Refusal is not recommended so therefore the maximum height may be determined by the LEP.	N/A
FSR (Clause 50(b))	0.5:1 (ILUs) 1:1 (RACF)	The proposal has a FSR of 0.12:1 calculated in accordance with Clause 4.5 of Penrith LEP 2010 with the gross floor area calculated as 25 488sq.m and the site area (being the part of Lot 13 DP 710086 on which “seniors housing” is permissible) being 213 637m ² . The proposed FSR is considered appropriate and provides a development that is consistent with the floor space objectives of Clause 4.4 of LEP 2010.	Yes

<p>Landscaped Area</p> <p>(Clause 50(c))</p>	<p>Min. 30%</p>	<p>Ground level central courtyard = 2 104sq.m. Roof top gardens (Level 3) = 718sq.m. Terrace gardens (Level 2) = 438sq.m. Perimeter landscaping = 2 740sq.m.</p> <p>Total = 6 000sq.m</p> <p>$6\,000 / 213\,637 = 3\%$</p>	<p>No, however these standards are merely in relation to grounds for refusal rather than requirements for consent.</p> <p>Additionally, the layout and design of the proposed development is considered acceptable following review of the development against the provisions of SEPP 65.</p>
<p>Solar Access</p> <p>(Clause 50(e))</p>	<p>70% solar access to living areas for 3 hrs between 9am and 3pm</p>	<p>The latest solar access diagrams submitted by the applicant indicate that 100 units will receive at least 3 hours of solar access.</p> <p>$100 / 151 = 66\%$</p>	<p>No, however these standards are merely in relation to grounds for refusal rather than requirements for consent.</p> <p>Additionally, the layout and design of the proposed development is considered acceptable following review of the development against the provisions of SEPP 65.</p>

POS (Infill) (Clause 50(f))	Ground floor: 15m ² of POS per unit being a min. 3m x 3m and accessed off living area. First floor and above: 10m ² per unit	21 sq.m per unit as a minimum.	Yes
Parking (Clause 50(h))	1 car space per 5 dwellings (ILUs - 151) 1 car space per 10 beds (RACF - 126 beds)	43 car spaces required and 170 car spaces proposed.	Yes

SCHEDULE 3 – SELF CONTAINED DWELLING STANDARD			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Wheelchair Access (Clause 2(1))	If entire site is <1:10 grade, 100% to be wheelchair accessible.	Access report submitted confirming the site gradient is less than 1:10 and all areas will be linked by an accessible path.	Yes
(Clause 2(2))	If not, the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater.	All areas are linked by an accessible path of 1:14.	Yes
Lighting (Clause 3)	Must provide at least 20 lux at ground level.	Compliance subject to condition.	Yes

SCHEDULE 3 – SELF CONTAINED DWELLING STANDARD			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Letterboxes (Clause 4)	Lockable. Situating on hard stand that is wheelchair accessible. Central location adjacent to street entry.	Compliance subject to condition.	Yes
Private Car (Clause 5)	Must comply with AS 2890. Garages – power operated doors or enable a future one to be installed.	Compliance subject to condition.	Yes
Internal Design (Clause 7)	Refer to Clauses 6-17, 19 and 20 of Schedule 3 for design requirements.	Compliance subject to condition.	Yes
Lift Access (Clause 18)	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with Clause E3.6 of the <i>Building Code of Australia</i> .	Four separate lifts provided.	Yes
Garbage Storage (Clause 21)	A garbage storage area must be provided in an accessible location.	Provided via chutes to basement.	Yes