

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

Chapter 1 Preliminary		
Development Control	Complies	Comment
2 Aims of Policy		
1. This Policy aims to encourage the provision of housing (including residential care facilities) that will: a. increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and b. make efficient use of existing infrastructure and services, and c. be of good design. 2. These aims will be achieved by: a. setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and b. setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and c. ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.	Yes	The proposed development satisfies the aims of the SEPP.
4 Land to which Policy applies		
3. General This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if: a. development for the purpose of any of the following is permitted on the land: i. dwelling-houses, ii. residential flat buildings, iii. hospitals, iv. development of a kind identified in	Yes	The site is currently zoned B2 Local Centre and R4 High Density Residential pursuant to the Blacktown Local Environmental Plan (BLEP) 2015 (which commenced on 7 July 2015 following the lodgement of this DA). Subject to clause 1.8A 'Savings provision relating to development applications' within BLEP 2015, as this DA was lodged before BLEP 2015

respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or b. the land is being used for the purposes of an existing registered club.	began and the DA has not been fully determined before that date, the DA must be determined as if the BLEP 2015 has not commenced. Therefore, this DA is assessed under BLEP 1988, in which the site was zoned 3(a) General Business, 2(a) Residential, 5(a) Special Uses Railway and 5(a) Special Uses Telecom. The policy does not apply to all of the land within the site of the development. A site compatibility statement has been obtained to render the proposal permissible.
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5 Relationship to other environmental planning instruments

1. This Policy repeals State Environmental Planning Policy No 5 — Housing for Older People or People with a Disability. 2. Despite anything to the contrary in this Policy: a. a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of Sutherland Shire Local Environmental Plan 2000 relating to development for the purposes of seniors housing, and b. the provisions of clause 65 (5) of Sutherland Shire Local Environmental Plan 2000 relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency. 3. If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency. 4. This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.	N/A	Noted
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Chapter 2 Key concepts

Development Control	Complies	Comment
8 Seniors		
In this Policy, seniors are any of the following: a. people aged 55 or more years, b. people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided, c. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.	Yes	Noted A suitable condition will be imposed on any consent.
9 People with a disability		
In this Policy, people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.	Yes	The development may cater for people with a disability.
10 Seniors housing		
In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: a. a residential care facility, or b. a hostel, or c. a group of self-contained dwellings, or d. a combination of these, but does not include a hospital. Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing. Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following: a. seniors or people who have a disability, b. people who live within the same household with seniors or people who have a disability, c. staff employed to assist in the administration of and provision of	Yes	The proposal provides a variety of housing forms suitable for people who qualify under these criteria.

services to housing provided under this Policy. Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows: - Class 3, 9a or 9c in relation to residential care facilities, - Class 1b or 3 in relation to hostels, - Class 1a or 2 in relation to self contained dwellings.		
11 Residential care facilities		
In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes: - meals and cleaning services, and - personal care or nursing care, or both, and - appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.	Yes	Part of the proposal complies with this definition.
12 Hostels		
In this Policy, a hostel is residential accommodation for seniors or people with a disability where: meals, laundering, cleaning and other facilities are provided on a shared basis, and at least one staff member is available on site 24 hours a day to provide management services.	Yes	Part of this development complies with this definition.
13. Self-contained dwellings		
- In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis. Example: "in-fill self-care housing" In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the	Yes	Part of this development complies with this definition. The application states that the self-contained dwellings will be 'in-fill self-care housing'.

following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.		
3. Example: “serviced self-care housing” In this Policy, <i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.		

Chapter 3 Development for seniors housing

Development Control	Complies	Comment
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Part 1 General

14 Objective of chapter

The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.	Yes	The proposed development is suitably located and designed for a variety of resident needs.
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15 What chapter does

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: a. development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and b. development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.	Yes	Noted
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16 Development consent required

Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.	Yes	This DA seeks approval from the JRPP for the purpose of the development of housing for seniors.
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18 Restrictions on occupation of seniors housing allowed under this chapter

1. Development allowed by this Chapter may be carried out for the accommodation of the following only:	Yes	Suitable conditions of development consent will be imposed requiring a restriction as to user to be registered on
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a. seniors or people who have a disability, b. people who live within the same household with seniors or people who have a disability, c. staff employed to assist in the administration of and provision of services to housing provided under this Policy. 2. A consent authority must not consent to a development application made pursuant to this Chapter unless: a. a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and b. the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1). 3. Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.		the title/s requiring the accommodation to be utilised for only: a. seniors or people who have a disability, b. people who live within the same household with seniors or people who have a disability, c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.
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19 Use of seniors housing in commercial zones

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	Yes	A portion of the site is zoned for commercial purposes. The ground floor is not used for residential purposes.
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21 Subdivision

Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority. Note. Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former Sutherland Shire Local Environmental Plan 2000 (which continues to apply to the land by virtue of clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006).	N/A	The proposal does not include subdivision. A suitable condition, however, will be imposed requiring consolidation of the development site.
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22 Fire sprinkler systems in residential care facilities for seniors		
Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.	Yes	Fire sprinklers will be provided via conditions of consent.
23 Development on land used for the purposes of an existing registered club		
1. A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that: a. the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and b. an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development. Note. The Gaming Machines Act 2001 and the regulations made under that Act provide for gambling harm minimisation measures. 2. For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following: a. any separate pedestrian access points for the club and the residential areas of the proposed development, b. any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.	N/A	The subject site is not used for the purposes of an existing registered club.
Development Control	Complies	Comment
Part 1A Site compatibility certificates		
24 Site compatibility certificates required for certain development applications		
1. This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy)	Yes	A site compatibility certificate was obtained because part of the site was zoned 'Special Uses' at the time the application

if: a. the development is proposed to be carried out on any of the following land to which this Policy applies: i. land that adjoins land zoned primarily for urban purposes, ii. land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), iii. land that is used for the purposes of an existing registered club, or b. the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45. (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument. 2. A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion: a. the site of the proposed development is suitable for more intensive development, and b. development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b). Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate. 3. Nothing in this clause: a. prevents a consent authority from: i. granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development	was submitted. The Director- General was satisfied that the site satisfies the relevant criteria.
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in respect of which a site compatibility certificate was issued, or ii. refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or b. otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies. Note. Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50. 4. (Repealed)		
Development Control	Complies	Comment
Part 2 Site-related requirements 26 Location and access to facilities		
1. A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: a. shops, bank service providers and other retail and commercial services that residents may reasonably require, and b. community services and recreation facilities, and c. the practice of a general medical practitioner. 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	Yes	The site is located immediately adjacent to a full range of facilities and services. It is within walking distance of shops and other facilities in Rooty Hill Road South and is adjacent to the railway station. As part of the DA additional facilities are also proposed.

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, or b. in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development: i. that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and ii. that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and iii. 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), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or c. in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development: i. that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and ii. that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and iii. that is available both to and from		
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the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3). Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services. 3. For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be 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. 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 b. distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway. 5. In this clause: bank service provider means any bank, credit union or building society or any post office that provides banking services.		
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28 Water and sewer		
1. A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage. 2. If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.	Yes	The subject site is capable of being serviced by reticulated water and sewage system. This will be conditioned accordingly.
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply		
1. This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply. Note. Clause 24 (1) sets out the development applications to which that clause applies. 2. A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v). 3. Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.	N/A	The proposed development relies upon a site compatibility statement for part of the site. Adequate consideration can be given to all relevant issues as part of this assessment.
Development Control	Complies	Comment
Part 3 Design requirements - Division 1 General		
30 Site analysis		
1. A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the	Yes	The DA is accompanied by a site analysis. The applicant has considered the characteristics of the site.

applicant in accordance with this clause.		
31 Design of in-fill self-care housing		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	Yes	The development contains in-fill self-care housing and it is satisfactory.
32 Design of residential development		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Noted	An assessment of the principles set out in Division 2 is outlined below.
Development Control	Complies	Comment
Part 3 Design requirements - Division 2 Design principles		
33 Neighbourhood amenity and streetscape		
The proposed development should: a. recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and 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 c. maintain reasonable neighbourhood amenity and appropriate residential character by: i. providing building setbacks to reduce bulk and overshadowing, and ii. using building form and siting that relates to the site's land form, and iii. adopting building heights at the street frontage that are compatible in scale with adjacent development, and	Yes Yes Yes Yes Yes	The area has little character and the proposed development is consistent with the desired future character of the immediate vicinity. The existing heritage item has been satisfactorily considered by the heritage impact assessment. The development will provide reasonable neighbourhood amenity. Setbacks from street frontages are adequate. The site is flat and the development provides no relief. The building heights are consistent with the desired future character. Setbacks to the street frontages are consistent with the existing adjoining developments.

iv. considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and 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 e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and f. retain, wherever reasonable, major existing trees, and g. be designed so that no building is constructed in a riparian zone.	No Yes	There is no existing planting but new planting is proposed. All existing vegetation will be removed There will be no construction in a riparian zone.
34 Visual and acoustic privacy		
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: a. appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and b. ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Yes Yes	There is an adequate setback to Mavis Street to provide privacy for the southern neighbours. There are no driveways adjacent to residential properties.
35 Solar access and design for climate		
The proposed development should: 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 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.	Yes No	There are no neighbours adjoining the proposed development. Assessment under the Residential Flat Design Code reveals that the proposal is not designed to reduce energy use. Ventilation and solar access could be improved with design changes. Conditions have been recommended, to address the design and amenity of the proposal.
36 Stormwater		
The proposed development should: a. control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters	Yes	Council's engineers have assessed the proposed development in relation to

by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and b. include, where practical, on-site stormwater detention or re-use for second quality water uses.		stormwater management and have no objection to the development subject to conditions.
37 Crime prevention		
The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: a. site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general 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 c. provide dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Yes No N/A	The development, when completed, will be secure for the residents. The orientation and layout of the buildings will allow casual surveillance of the public domain. There are no ground floor units.
38 Accessibility		
The proposed development should: a. have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and b. provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Yes	The proposed development has clear pedestrian linkages within the site. Access to public transport services is clear and convenient.
39 Waste management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Yes	Waste collection (general and recycling) will be via a private waste contractor. The application demonstrates that the suitable facilities are provided.

Development Control	Complies	Comment
Part 4 Development standards to be complied with - Division 1 General		
40 Development standards—minimum sizes and building height		
1. General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause. 2. Site size The size of the site must be at least 1,000 square metres. 3. Site frontage The site frontage must be at least 20 metres wide measured at the building line. 4. Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: a. the height of all buildings in the proposed development must be 8 metres or less, and Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). b. a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape. c. a building located in the rear 25% area of the site must not exceed 1 storey in height. 5. Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: a. the Department of Housing, b. any other social housing provider.	No Yes Yes No No N/A	A variation is requested to a development standard. Site area = 2.7 hectares Site frontage to Mavis St = 90m Site frontage to Rooty Hill Rd. South = 60m Residential flat buildings are not permitted in a small south-eastern portion of the site. Height exceeds 8 m The particular part of the site now allows residential flat buildings so compliance is not considered necessary. Number of storeys – The development is 4 storeys in height. However, there is no adjoining residential development and the zoning has changed to permit residential flat buildings. The purpose is achieved. Subclause (5) applies. The applicant is a social housing provider, and so (2), (3) and (4)(c) do not apply. However, (4)(a) and (4)(b) do apply. The application seeks to vary these development standards.

Development Control	Complies	Comment
Part 4 Development standards to be complied with - Division 2 Residential care facilities—standards concerning accessibility and useability		
Note. Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia.	Yes	Noted. The development provides good access.
Development Control	Complies	Comment
Part 4 Development standards to be complied with - Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability		
41 Standards for hostels and self-contained dwellings		
1. A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development. 2. Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.	Yes	Very few criteria apply. The application is submitted by a social housing provider.
Development Control	Complies	Comment
Part 5 Development on land adjoining land zoned primarily for urban purposes		
42 Serviced self-care housing		
1. A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to: a. home delivered meals, and b. personal care and home nursing, and c. assistance with housework. 2. For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to	N/A	Development does not include a component of serviced self care housing.

in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).		
Development Control	Complies	Comment
Part 7 Development standards that cannot be used as grounds to refuse consent - Division 1 General		
46 Inter-relationship of Part with design principles in Part 3		
1. Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3. Note. It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios. 2. For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.	No	Noted. As the principles of Division 2 of part 3 are not satisfied the provisions of this Division do not override the other provisions.
47 Part does not apply to certain development applications relating to heritage affected land		
Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.	N/A	The subject site is not a listed heritage item.
Development Control	Complies	Comment
Part 7 Development standards that cannot be used as grounds to refuse consent - Division 2 Residential care facilities		
48 Standards that cannot be used to refuse development consent for residential care facilities		
A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds: a. building height: if all proposed buildings are 8 metres or less in height	No	(a) building height: is greater than 8m.

(and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or b. density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, c. landscaped area: if a minimum of 25 sqm of landscaped area per residential care facility bed is provided, d. parking for residents and visitors: if at least the following is provided: i. 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and ii. 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and iii. 1 parking space suitable for an ambulance. Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.	N/A Yes Yes	(b) density and scale cannot be determined as the facility is not on a separate lot. (c) landscaped area: 90 beds requires 2250 sqm and provides 1432 sqm (d) parking: <u>Requirement</u> (i) 90 beds requires 9 spaces (ii) 36 persons employed requires 18 spaces (iii) 1 ambulance Total of 27 spaces plus 1 ambulance is therefore required. <u>Proposed</u> The development provides 27 car spaces, 1 ambulance space and 1 mini bus space for this component of the development, and therefore complies Overall, the development provides a surplus of 98 car parking spaces for the Seniors Housing.
Development Control	Complies	Comment
Part 7 Development standards that cannot be used as grounds to refuse consent - Division 4 Self-contained dwellings 50 – Standards that cannot be used to refuse development consent for self-contained dwellings		
A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds: building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, landscaped area: if: i. in the case of a development application made by a social housing provider—a minimum 35	No No Yes	The determining authority is not precluded from refusing the application on the basis of height, density or solar access because these criteria are not satisfied. All buildings have a height that exceeds 8 m. The density cannot be determined as the facility is not on a separate lot, however, the density does exceed 0.5:1. The proposal requires 5775 sqm of landscaped area. 6816 sqm is provided.

square metres of landscaped area per dwelling is provided, or ii. in any other case—a minimum of 30% of the area of the site is to be landscaped, Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres, solar access: if 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, private open space for in-fill self-care housing: if: i. in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and ii. in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area, parking: if at least the following is provided: i. 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or ii. 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	Yes No Yes Yes	Ample deep soil is provided. Only 50.3% of units receive 3 hours direct sunlight to the living rooms. The balconies satisfy these criteria. The development requires 33 car spaces. The self-contained units provide 132 car parking spaces.
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Chapter 4 Miscellaneous

Development Control	Complies	Comment
55 Residential care facilities for seniors required to have fire sprinkler systems		
A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.	Yes	This requirement will be appropriately conditioned to ensure a fire sprinkler system is installed in accordance with BCA requirements.

Schedule 3 – Standards concerning accessibility and useability for hostels and self-contained dwellings

Development Control	Complies	Comment
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Part 1 Standards applying to hostels and self-contained dwellings

The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.

2 – Siting standards

1. Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. If the whole of the site does not have a gradient of less than 1:10: - 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, and - the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents. 2. Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
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3 Security

Pathway lighting: must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and	Yes	Appropriate conditions will be imposed to control the spillage of light.
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b. must provide at least 20 lux at ground level.		
4 Letterboxes		
Letterboxes: a. must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and b. must be lockable, and c. must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.	Yes	Appropriate conditions will be imposed to ensure suitable letterbox facilities are provided for the development.
5 Private car accommodation		
If car parking (not being car parking for employees) is provided: a. car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and b. 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and c. any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	Yes	Appropriate conditions will be imposed to ensure suitable car parking facilities are provided for the development.
6 Accessible entry		
Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Yes	A condition will be imposed to address this matter.
7 Interior: general		
1. Internal doorways must have a minimum clear opening that complies with AS 1428.1. 2. Internal corridors must have a minimum unobstructed width of 1,000 millimetres. 3. Circulation space at approaches to internal doorways must comply with AS 1428.1.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
8 Bedroom		
At least one bedroom within each dwelling must have: a. an area sufficient to accommodate a	N/A	This requirement does not apply because the application is submitted by a social housing

wardrobe and a bed sized as follows: i. in the case of a dwelling in a hostel—a single-size bed, ii. in the case of a self-contained dwelling—a queen-size bed, and b. a clear area for the bed of at least: i. 1,200 millimetres wide at the foot of the bed, and ii. 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and c. 2 double general power outlets on the wall where the head of the bed is likely to be, and d. at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and 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 f. wiring to allow a potential illumination level of at least 300 lux.		provider.
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9 Bathroom

1. 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: a. a slip-resistant floor surface, b. a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1, c. a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future: i. a grab rail, ii. portable shower head, iii. folding seat, d. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, e. a double general power outlet beside the mirror. 2. Subclause (1) (c) does not prevent the installation of a shower screen that can	N/A	This requirement does not apply because the application is submitted by a social housing provider.
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easily be removed to facilitate future accessibility.		
10 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 4299.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
11 Surface finishes		
Balconies and external paved areas must have slip-resistant surfaces.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
12 Door hardware		
Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
13 Ancillary items		
Switches and power points must be provided in accordance with AS 4299.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
Development Control	Complies	Comment
Part 2 – Additional standards for self-contained dwellings		
14 Application of standards in the Part		
The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.		
15 Living room and dining room		
1. 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 b. a telephone adjacent to a general power outlet. 2. A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
16 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 b. a circulation space at door approaches	N/A	This requirement does not apply because the application is submitted by a social housing provider.

that complies with AS 1428.1, and c. the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: i. benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), ii. a tap set (see clause 4.5.6), iii. cooktops (see clause 4.5.7), except that an isolating switch must be included, iv. an oven (see clause 4.5.8), and d. "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and e. general power outlets: 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 be easily accessible after the refrigerator is installed.		
17 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.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
18 Lifts in multi-storey buildings		
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> .	N/A	This requirement does not apply because the application is submitted by a social housing provider.
19 Laundry		
A self-contained dwelling must have a laundry that has: a. a circulation space at door approaches that complies with AS 1428.1, 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	N/A	This requirement does not apply because the application is submitted by a social housing provider.

d. a slip-resistant floor surface, and e. an accessible path of travel to any clothes line provided in relation to the dwelling.		
20 Storage for linen		
A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	N/A	This requirement does not apply because the application is submitted by a social housing provider.
21 Garbage		
A garbage storage area must be provided in an accessible location.	Yes	Appropriate conditions will be imposed to ensure suitable waste facilities are provided for the development.