

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

Criteria	Comment	Compliance
Chapter 1 – Preliminary		
2 Aims of Policy		
1(a) This Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability	The proposal is for the erection of a residential care facility and meets this aim of the policy.	Yes
(b) Make efficient use of existing infrastructure and services;	It is considered that the applicant has demonstrated that the proposal would make an efficient utilization of existing infrastructure and services in the area.	Yes
(c) Be of good design	The proposal is considered to be a well conceived scheme that will complement the existing character of the locality.	Yes
2(a) These aims will be achieved by 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.	Proposed residential care facility has been prepared having regard to the provisions of the SEPP.	Yes
(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form,	The proposal is considered to have been designed taking into consideration of the design principles of the SEPP.	Yes
4 Land to which Policy applies		
1 This Policy applies to land within NSW that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes.	The subject site is zoned R2 Low Density Residential under Fairfield LEP. The land is zoned for urban purposes.	Yes
Chapter 2 Key concepts		
10 Seniors Housing		

<p>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:</p> <ul style="list-style-type: none"> (a) a residential care facility, or (b) a hostel, or (c) appropriate a group of self- (d) contained dwellings, or <p>a combination of these,</p> <p>but does not include a hospital.</p>	<p>The proposal is for a residential care facility and is residential accommodation for seniors.</p>	<p>Yes</p>
11 Residential care facilities		
<p>In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:</p> <ul style="list-style-type: none"> (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility. 	<p>The proposal is for the purposes of a residential care facility that has been designed having regard to the requirements of the SEPP.</p>	<p>Yes</p>
Chapter 3 Development for Seniors Housing		
14. Objective of Chapter		
<p>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.</p>	<p>The proposal provides a new aged care facility that complies with this objective.</p>	<p>Yes</p>
15 What Chapter Does		
<p>(a) This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with</p>	<p>The proposal is for the erection of a residential care facility and the site is zoned primarily for urban purposes.</p>	<p>Yes</p>

<p>this Policy:</p> <ul style="list-style-type: none"> development on land zoned primarily for urban purposes for the purpose of any form of seniors housing. 		
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.	This application seeks approval from Council for the erection of a residential care facility, pursuant to SEPP (Housing for Seniors or People with a Disability).	Yes
18 Restrictions on occupation of seniors housing allowed under this Chapter		
<p>Development allowed by this Chapter may be carried out for the accommodation of seniors or people who have a disability, people who live within the same household with seniors or people who have a disability, staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <p>(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</p> <p>(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 <u>Conveyancing Act 1919</u>, limiting the use of any accommodation to which the</p>	The proposal is for the erection of a residential care facility to house seniors as defined by the SEPP, as well as staff to help in the administration, care and provision of services for seniors. This aspect can be enforced as a standard condition of development consent.	Yes

Application relates to the kinds of people referred to in subclause (1).		
Part 2 Site-related requirements		
26 Location and access to facilities		
1(a) Residents will have access to shops, bank service providers and other retail and commercial services that residents may reasonably require.	The applicant has advised that : the facility will provide 24-hour nursing and personal care for seniors who are less independent or frail. The facility has been designed to provide residents with medical, rehabilitative and restorative care. Personal care services will include cleaning, laundry, meals and assistance with bathing, personal hygiene, eating and transport. Essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy and podiatry will also be provided on-site. Further there will be an onsite hair and beauty salon, the facility arranges on site visitors from clothing providers, there will be available small retail items such as cafe style coffee dispensation and drinks and snack food dispensers. Billing will occur via direct debit arrangements.	Yes
(b) Residents will have access to community services and recreation facilities.	The applicant has demonstrated that the site is well serviced by public transport and is within close proximity to community and recreational facilities for the residents.	Yes
(c) Residents will have access to the practice of a general medical practitioner.	The applicant has advised that essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy and podiatry will be provided on-site.	Yes
2(a) Facilities and services are located at a distance of not more than 400m from the site and accessible via a footpath with average gradient of no	The applicant has demonstrated that the site has access to bus stops (one on each side of the road) on Edensor Road either via footpaths on Furci Avenue or via	Yes

more than 1:14.	<p>Booralla Road. The distance involved is less than 300 metres and therefore, complies with the “distance to public transport” development standard in this clause.</p> <p>There are level footpaths along both sides of Furci Avenue and Edensor Road. It should be noted that the footpath is not continuous on the Booralla Road frontage but this aspect can be addressed as a condition of development consent.</p>	
(i) A gradient of no more than 1:12 for slopes for a maximum 15m at a time.	The pedestrian route defined by the applicant complies with this requirement.	Yes
(ii) A gradient of no more than 1:10 for a maximum length of 5 metres at a time.	The pedestrian route defined by the applicant complies with this requirement.	Yes
(iii) A gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.	The pedestrian route defined by the applicant complies with this requirement.	Yes
(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.	The site is located within the Sydney Statistical Division and the site has access to a regular bus services.	Yes
(i) A public transport service is located at a distance of not more than 400m from the site of the proposed development and the distance is accessible by means of a suitable access pathway.	There are bus stops located in Edensor Road less than 300 metres from the Furci Avenue frontage of the site.	Yes
(ii) A public transport service 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.	The site is regularly serviced by public transport that will provide residents access to services and facilities within 400m of where they are taken.	Yes
iii) A public transport is available both to and from the proposed development at least once between 8am	The bus route (817) on Edensor Road goes to Cabramatta which has all the services required by residents of the proposed aged	Yes

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).	care facility.	
28 Water and Sewer		
Water & Sewer	Water and sewer is available in the area and the site.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply.		
Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply.	Not applicable in this case as the site is already zoned for urban purposes.	Yes
Part 3 Design requirements		
30 Site analysis		
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 applicant in accordance with this clause.	The required site analysis plan prepared in accordance with the heads of consideration within Clause 30 has been submitted with the application	Yes
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.	It is considered that the design principles outlined in Division 2 of the SEPP have been considered by the applicant, as shown below.	Yes
Division 2 Design Principles		
33 Neighbourhood amenity and streetscape		
(a) The proposed development should recognise the desirable elements of the location's current character	The proposal will primarily consist of a 2 storey building with part single storey and part 3 and 4 storey elements in the	Yes

<p>(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</p>	<p>middle of the site. Basement parking constitutes the bottom storey in the middle and on the northern part of the site. The predominant two storey approach to the design is consistent with the desired future character of the area as reflected in the R2 Low Density Residential zoning of the surrounding sites under Fairfield LEP 2013</p>	
<p>(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</p>	<p>There are no heritage items within the vicinity of the site.</p>	<p>Yes</p>
<p>(c)(i) Maintain reasonable neighbourhood amenity and appropriate residential character by providing building setbacks to reduce bulk and overshadowing.</p>	<p>Northern Setback. The applicant has advised that: the building line has been setback approximately 6.5 metres from the northern boundary with a single storey colonnade wall built along the 3 metre setback. The roof line on the upper level has then been setback so that it is not visible behind the colonnade wall when viewed from ground level on the adjoining property. The area between the colonnade wall and the resident rooms will include extensive planting to provide a pleasant outlook for residents</p> <p>Western Setback The single storey dwelling at No. 2 Scarcella Place is setback approx. 3.5 metres from the shared boundary with the site. The proposed buildings will be setback 4 metres from the boundary and the windows on the upper ground floor will be oriented away from the open space at No.2.</p> <p>The two storey dwelling at No. 7 Crestani Place is setback approx.</p>	<p>Yes</p> <p>Yes</p>

	<p>1 metre from the shared boundary with the site. There are no windows on the eastern side of this dwelling. The windows on the upper ground floor of the proposal will be sited to minimise overlooking of the open space at No.7.</p> <p>Landscaping is also proposed between the proposed development and properties on the western side of the development</p> <p>No. 15-17 Booralla Road, a vacant site of approximately 2,450m², to the west of the site. The lower and upper ground floor levels of the proposal are setback 5.2 metres from the shared boundary in the middle of the block and stepping in to 4m at the street frontage to Booralla Road. Appropriate landscaping is also proposed on the boundary.</p> <p>Southern Setback The proposed building will be two storeys on this frontage and setback 5.5 metres from the Booralla Street frontage. The setback will also be landscaped. The setback is satisfactory.</p> <p>Eastern Setback The set back to the Sweethaven Road frontage is varied. The building façade is not regular over the 180 m long frontage. The various buildings on this frontage are two storeys in scale and are not square to street frontage. The buildings fronting Sweethaven Road will have the following minimum setbacks:</p> <p>500 mm 1700 mm 3800 mm</p>	<p>Yes</p> <p>No, however this aspect can be enforced as a condition of development consent.</p>
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	1600 mm 3400 mm 3200 mm Council's minimum setback to a boundary is 900mm. The applicant does not comply with this minimum requirement.	
(ii) Using building form and siting that relates to the site's land form.	It is considered that the proposal appropriately relates to the site's land form.	Yes
(iii) Adopting building heights at the street frontage that are compatible in scale with adjacent development.	The heights of the proposed buildings are generally consistent with a two storey building – which is commonly found in the R2 Low Density Residential zone.	Yes
(iv) Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.	The proposal is considered to appropriately respond to neighbouring properties.	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.	Given the width of the road reserve in Sweethaven Road, the setback of the buildings from the street set back in sympathy with adjoining developments.	Yes apart from one building. This issue can be addressed through conditions of development consent.
(e) Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	Considered acceptable	Yes
(f) retain, wherever reasonable, major existing trees, and	The existing trees within the building envelope of the building are to be removed and replaced.	There are no existing trees on the site.
(g) be designed so that no	No part of the site is affected by a	Yes

building is constructed in a riparian zone.	riparian corridor.	
34 Visual and Acoustic		
(a) The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping.	<p>It is considered that the proposal is unlikely to result in an unreasonable visual/acoustic privacy problem to any neighbouring properties.</p> <p>This has been achieved through the setting back of development from the northern and western boundaries, landscaping of the setback areas, the inclusion of standard glazing to windows of the rooms with acoustic seals and the capability of closing these windows.</p> <p>Most of the adjoining properties on the northern and western sides of the site are setback from the shared boundary, thus increasing the setback of the RACF to the adjoining buildings.</p> <p>The eastern and southern elevations adjoin public roads.</p>	Yes
(b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	It is considered that acceptable noise levels will be provided to each of the bedrooms of the proposal, having regard to the siting and position of the proposal. Units 32, 33 on the upper ground level and Units 60 and 61 on the first floor adjoin the exit driveway on the Sweethaven Road frontage. Appropriate sound proofing can be covered as a condition of development consent.	Yes subject to a condition requiring sound proofing of four units next to the exit driveway for the underground car park.
35 Solar Access and Design for climate		
(a) The proposed development should 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.	The applicant has demonstrated that the proposal will maintain reasonable solar access to the living rooms and the private open spaces of neighbouring properties.	Yes

<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>It is considered that the proposal appropriately responds to the orientation of the site and has been designed to maximise natural ventilation and lighting.</p>	<p>Yes</p>
<p>36 Stormwater</p>		
<p>(a) The proposed development should 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 include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>Council's Development Engineers are satisfied that the proposal has been generally designed to comply with Council's Stormwater Drainage Policy.</p>	<p>Yes</p>
<p>37 Crime prevention</p>		
<p>(a) The proposed development should provide personal property security for residents and visitors and encourage crime prevention by 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.</p>	<p>It is considered that the proposal incorporates appropriate casual surveillance and security measures for the residents, visitors and staff of the facility.</p> <p>To enter the site a person will either need to be let in via intercom, need a FOB/swipe card or know security keypad codes. Perimeter gates will be locked and CCTV cameras will cover external exit points into the building.</p> <p>A keypad code to exit the site will also be used to assist/prevent residents leaving the site. All dementia wings will be secure and require keypad codes to access or egress these wings. The garden areas will also be secure. Generally, outdoor</p>	<p>Yes</p>

	<p>access will be on timed doors, with free access to residents, staff and visitors during the daylight hours and restricted, or no access during night hours.</p> <p>Reception will operate during business hours and nurse stations will be manned 24/7 and will control access and incoming calls outside of normal hours.</p>	
(b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked.	See above	Yes
(c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	<p>It should be noted that the RACF has been designed to ensure overlooking of all five street frontages.</p> <p>As the proposal is for a residential care facility that contains security devices and nursing stations, it is not critical that individual bedrooms be designed to allow residents to see who approaches.</p>	Yes
38 Accessibility		
(a) The proposed development should have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.	The proposal incorporates a safe pedestrian link from the site that provides access to a regular bus services.	Yes
(b) Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposal achieves this with separate basement parking for visitors and staff as well as access for service vehicles and ambulances.	Yes
39 Waste management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The applicant has advised that appropriate facilities will be provided on site for the management of waste, which will be collected from the Scarcella Place frontage of the site.	Yes
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.	The proposal is generally consistent with the development standards outlined in this Clause	Yes
(2) Site size - The size of the site must be at least 1,000 square metres.	The subject land (Lot 2, DP 833184) has an area of 1.577 hectares.	Yes
(3) Site frontage - The site frontage must be at least 20 metres wide measured at the building line	<p>The subject land has the following approximate frontages:-</p> <ul style="list-style-type: none"> • 88 metres to Sweethaven Road; • 70 metres to Booralla Road; • 8 metres to Crestani Place; • 16 metres to Scarcella Place; and • 24 metres to Furci Avenue 	Yes
(4)(a) 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, the height of all buildings in the proposed development must be 8 metres or less.	<p>The maximum height of the buildings proposed on the site is 8 metres, in accordance with the definition of height in the Seniors Housing SEPP, except two small areas above the tea room and above the multifunction room on the first floor.</p> <p>The height of the ceiling in the tea room is 8.674 metres, a non-compliance of 674mm. The height of the ceiling in the multifunction room varies, due to the pattern of the ceiling and the slope of the land, from below 8 metres to a maximum height of 11.379 metres, a non-compliance of 3.379 metres.</p> <p>The applicant has provided a Clause 4.6 variation request to</p>	Yes subject to supporting a Clause 4.6 variation.

	the height standard. The applicant's justification to varying the height standard is supported in the circumstances of this case.	
(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.	<p>The buildings are a maximum of 2 storeys in height adjacent to the boundary, however, part of the development has a third "storey" which is partially below ground. Height, under the Seniors Living SEPP is measured from ground level.</p> <p>The proposal presents as two storeys above ground level and as such compliance with this standard is achieved. To avoid any alleged non-compliance with this standard, the applicant has submitted a Clause 4.6 variation which is supported.</p>	Yes subject to supporting a Clause 4.6 variation.
(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	<p>It is problematic to define and identify the rear 25% area of the site given the fact that the site has a frontage to five different streets.</p> <p>It is assumed that the objective of the standard is to minimise amenity impacts of overshadowing and overlooking on adjoining dwellings and their private open spaces and to maintain a low scale residential form. The design of the proposal achieves these objectives.</p> <p>To avoid any alleged non-compliance with this standard, the applicant has submitted a Clause 4.6 variation which is supported.</p>	Yes subject to supporting a Clause 4.6 variation.
<p>(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:</p> <p>(a) the Department of Housing,</p>	N/A	N/A

(b) any other social housing provider.		
Part 4 Development Standards to be complied with		
Division 2 Residential care facilities—standards concerning accessibility and useability		
Development standards concerning accessibility and useability for residential care facilities are to be in accordance with the Commonwealth aged care accreditation standards and the <i>Building Code of Australia</i> .	The applicant advised that the proposal is to be in accordance with the Commonwealth aged care accreditation standards and the Building Code of Australia	Yes
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.	It is considered that the applicant has sufficiently demonstrated that the proposed development has been designed having regard to the character of the area and surrounding residential properties and takes into consideration of design principles set out in Division 2 of Part 3 of the SEPP	Yes
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 (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).	This aspect has been satisfactorily addressed above in Section 40(4) of this table	Yes
(b) Density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.	The FSR for the development is 0.875:1	Yes
(c) Landscaped area: if a	The applicant needs to provide a	Yes. Given

<p>minimum of 25 square metres of landscaped area per residential care facility bed is provided.</p>	<p>minimum of 6,975m² of landscaped area to satisfy the requirements of clause 48 of the SEPP.</p> <p>A total of 7,102m² of landscaped area is provided for a total of 279 beds. In addition, 656m² of landscaping could be provided within the Sweethaven Road reserve and 149m² of landscaping could be provided within the extension of Scarcella Place.</p>	<p>the reduced building setbacks on the Sweethaven Road frontage additional landscaping in the road reserve will be required as a condition of development consent</p>
<p>(d) parking for residents and visitors: if at least the following is provided:</p>		
<p>(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).</p>	<p>The proposal requires 28 car parking based on 279 beds in the RACF and 38 car parking spaces for the 75 staff to be employed on site. The minimum number of car parking spaces required under the SEPP is 66 spaces. The applicant will provide 71 car spaces within the basement, which is 5 spaces above the required parking under Clause 48 of the SEPP.</p>	<p>Yes</p>
<p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time.</p>	<p>The applicant advised that the proposed facility will employ 75 staff, thus 38 staff car spaces are required.</p>	<p>Yes</p>
<p>(iii) 1 parking space suitable for an ambulance.</p>	<p>The proposal provides adequate space for parking, turning and movement of ambulance vehicles. Ambulances will be able to drive into the basement and park in a dedicated ambulance bay.</p> <p>A dedicated bus parking bay is also provided.</p>	<p>Yes</p>