

Assessment against planning controls

1 Environmental Planning and Assessment Act 1979

a. Section 4.15 'Heads of Consideration'

The development satisfies the matters for consideration under section 4.15 of the Act as detailed below.

Heads of Consideration s4.15	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI) (iii) Any development control plan (DCP) (iv) The regulations	The proposal is considered to be generally consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury - Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP No. 19 – Bushland in Urban Areas, SEPP No. 55 – Remediation of Land, SEPP (Building Sustainability Index: BASIX) 2004, SEPP (Housing for Seniors or People with a Disability) 2004, Central City District Plan 2017, BLEP 2015 and BDCP 2015. The proposal is consistent with State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004) with the exception of exceeding the height building height limit of 8 m as measured to the ceiling of the topmost floor of the buildings and being greater than 2 storeys in height. Refer to further discussion at section 7 of the Assessment Report and attachments 8 and 10. The proposed height exceedance is considered acceptable in this instance. The proposed '<i>housing for aged or disabled persons</i>' is a permissible land use within the R2 Low Density Residential zone and satisfies the zone objectives outlined under BLEP 2015. It is noted that the portions of the existing building form exceed the 9 m building height limit. This proposal also seeks to exceed the 9 m building height limit. Refer to further discussion at section 7 of the Assessment Report and attachments 9 and 11. The proposed height exceedance is considered acceptable in this instance. The application is consistent with the numerical controls of BDCP, with the exception of proposing 4 storeys for the proposed Residential Aged Care Facility (RACF) which exceeds the limit of 1 storey. Refer to further discussion at section 7 of the Assessment Report.	Satisfactory
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered that the likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, flora and fauna, landscaping, waste management, contamination and stormwater management have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.	Yes

Heads of Consideration s4.15	Comment	Complies
	In view of the above it is believed that the proposed development will not result in unfavourable social, economic or environmental impacts.	
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential with a 9 m building height limit under BLEP 2015. The proposed seniors housing development (which includes a residential care facility, self-contained dwellings and hostel) and place of public worship are permissible on the site with development consent. The site has an area and configuration that is suited to the continued use of this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is suitably located, with existing access maintained to major roads, public transport and local shops. The site is a desirable location given it is compatible with the adjoining land uses, including schools and places of public worship located to the north and east of the site. The site is therefore considered suitable for the proposed development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The proposal was publicly exhibited and a submission was received from the owner of a dwelling in the adjoining medium density residential development objecting to increased traffic congestion along Reservoir Road as a result of the increased population generated by this proposal. The issue raised is addressed in detail in section 8 of the Assessment Report. The issues raised do not warrant refusal of the application, and can be suitably ameliorated via conditions of consent.	Yes
e. The public interest	Overall, the proposal provides a positive public benefit in the form of Seniors Living, is a land use which will be compatible with the surrounding residential and non-residential land uses, is compatible with the existing and desired future character of the immediate locality and is therefore considered to be in the public interest.	Yes

2 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of BLEP and SEPP Seniors Housing. The development complies with the development standards and controls

established within BLEP and SEPP Seniors Housing to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

3 State Environmental Planning Policy (State and Regional Development) 2011

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$63.3 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

4 State Environmental Planning Policy (Infrastructure) 2007

The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The proposed development has 201 car parking spaces and therefore triggers the threshold for referral to the RMS. Reservoir Road is also a RMS Classified road. The RMS raised no objection to the proposal, subject to conditions of consent.

5 State Environmental Planning Policy No. 19 – Bushland in Urban Areas

SEPP No. 19 Bushland in Urban Areas aims to protect and preserve bushland within urban areas, including Blacktown. Clause 9 states that where a public authority proposes to grant approval or development consent in relation to development on land to which this clause applies, the public authority shall not grant the approval or development consent unless it has taken into account:

“(c) the need to retain any bushland on the land,

(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and

(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.”

The proposal includes the replacement of the existing driveway along the southern boundary adjoining Harper's Bush Reserve (Council owned Reserve 752). These works will impact on 3 existing trees in the adjoining Harper's Bush Reserve. Our Civil and Open Space Infrastructure Section and Natural Areas Section do not object to the removal of these 3 trees to permit these works to be undertaken, subject to the imposition of conditions of consent requiring a tree preservation bond to be applied and a contribution to be paid by the applicant for the replacement of these trees.

The Applicant has demonstrated that the proposed works will not result in an increase to the existing level of stormwater drainage flows via the existing headwall within Harper's Bush. On this basis, the proposal is not considered to create adverse impacts with regard to flora and fauna. Our Natural Areas Section does not object to the proposal, subject to the installation of Cumberland Plain Woodland climber planting along the retaining walls on the southern boundary adjoining Council's reserves, such as *Hardenbergia violacea*, *Glycine clandestine* and *Glycine tabacina*. This will also be managed via a condition of consent.

No further removal of bushland is proposed. Therefore, the proposal is considered satisfactory with regard to clause 9 of SEPP No. 19.

6 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

The site has been operating as a residential land use since approximately 1985, and its continued operation for residential purposes is considered to be a suitable development outcome. To ensure that any potentially hazardous building materials are identified and appropriately managed on the site, the Applicant submitted the following:

- A Hazardous Building Materials Audit prepared by Progressive Risk Management and dated August 2016 which identifies specific hazardous building materials and provides recommendations for their management and removal. This report was prepared in accordance with the National Environmental Protection Measure (NEPM) 2013 Guidelines.
- A Hazardous Materials Management Plan prepared by Progressive Risk Management and dated August 2016 - this report identifies that hazardous building materials on the site include asbestos containing materials and synthetic mineral fibre containing materials. This Plan details appropriate workplace management of hazardous materials with provision of safe work procedures and control measures, and emergency procedures, including Work Health and Safety legislation and codes of practice including Safe Work Australia.

These reports demonstrate that the relevant legislation and codes of practice will be adhered to by the Applicant to protect the safety of residents, staff and visitors to the site. Conditions of consent are to be imposed to ensure that the recommended measures in the above reports are adhered to.

Standard conditions of consent are also recommended to be imposed to ensure that any contaminated materials which are identified during demolition, excavation and works are appropriately managed.

Therefore, the site is suitable for its continued use for residential purposes subject to conditions of consent to manage any potential site contamination and hazardous building materials in accordance with the NEPM 2013 requirements.

7 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been lodged as part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certificate, which relate to the proposed 3 and 4 storey Independent Living Unit component of this application, located at the eastern part of the site. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores. A suitable condition will be imposed requiring compliance with the submitted BASIX certificate.

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

SEPP Seniors Housing will apply to that part of the development which is proposed to be developed for the purpose of seniors housing.

The proposed development has been assessed against the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) and is considered to satisfactorily achieve the aims of the policy. The application satisfies the site requirements for a seniors living development and achieves compliance with the design requirements, principles and development standards outlined in the Seniors Housing SEPP, with the exception of building height.

i. Clause 4.6 Exceptions to development standards

A consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has made a written request that has adequately addressed the matters required to be demonstrated, being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the zone.

The applicant is seeking an exemption under clause 4.6 to the development standard for the height of building, maximum number of storeys and the 1 storey restriction for the rear 25% of the site (however given that the rear portion of the site consists of an existing 2 storey Hostel building, and no further additions are proposed for the rear 25% of this site, this clause is not considered to be relevant in this instance).

A copy of the applicant's clause 4.6 variation requests is provided at **attachment 8**, while an assessment against the development standards is discussed in detail in **section 7** of the Assessment Report and **attachment 10**.

Consideration of the proposal with regard to SEPP Seniors Housing is provided in the following table:

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	Yes	The proposed development satisfies the aims of the SEPP.

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.		
4 Land to which Policy applies		
1. 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 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.	Yes	The site is zoned R2 Low Density Residential pursuant to Blacktown Local Environmental Plan (BLEP) 2015. Dwelling houses are permitted with consent. Therefore this Policy applies to this land.
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

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 caters 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 services to housing provided under this Policy. Relevant classifications in the Building Code of Australia for the different types of residential	Yes	The proposal provides a variety of housing forms suitable for people who qualify under these criteria.

accommodation are as follows: a. Class 3, 9a or 9c in relation to residential care facilities, b. Class 1b or 3 in relation to hostels, c. 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: 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.	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: a. 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. This is also an existing component of the development.
13. Self-contained dwellings		
1. 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. 2. 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 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, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are	Yes	Part of this development complies with this definition.

available on the site: meals, cleaning services, personal care, nursing care.		
Chapter 3 Development for seniors housing		
Development Control	Complies	Comment
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.
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
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 Sydney Planning Panel for the purpose of the development of housing for seniors.
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: 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	Yes	Suitable conditions of consent will be imposed requiring a restriction as to user to be registered on 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

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.		Policy.
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.	N/A	The site is not zoned for commercial purposes.
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).	Yes	The proposal includes the consolidation of the lots. A suitable condition will be imposed requiring consolidation of the development site and removal of redundant easements.
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	N/A	The subject site is not used for the purposes of an existing registered club.

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.		
Part 1A Site compatibility certificates 24 Site compatibility certificates required for certain development applications		
Site compatibility certificates	N/A	The clause does not apply.
Part 1A Site compatibility certificates 25 Application for site compatibility certificate		
As required by clause 29 below, a consent authority, in determining an application to which this clause applies, must take into consideration the criteria referred to in clause 25(5)(b)(i), (iii) and (v). These clauses are as follows: 1. (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria: (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development, (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access	Yes	Refer to discussion at clause 29 below.

requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision, (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.		
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 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	Yes	The area is well serviced by a full range of facilities and services. Access to these facilities is available by public transport, including bus services which are within 400 m walking distance from the site at regular times. As part of the DA additional facilities are also proposed.

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 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		
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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.		
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 serviced by a 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	Yes	Clause 24 does not apply. Consideration of clause 25 (5) (b) (i), (iii) and (v) is as follows: (i) The compatibility of the proposal has been considered with regard to the surrounding natural environment, being the adjoining land zoned RE1 Public Recreation to the north and west of the site (to

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.	the rear) and the land zoned E2 Environmental Conservation to the south of the site, known as Harper's Bush. These areas are mapped as containing Shale Hills Woodland. There is also evidence of lead contamination on Harper's Bush Reserve, however the application demonstrates that pre stormwater flows for this proposal are maintained and not increased. Therefore the proposal does not impact on the natural environment of land in the vicinity of the proposed development. The proposal is considered compatible with the surrounding natural environment, subject to conditions of consent. The proposal has also been considered with regard to the surrounding land uses, including the residential dwellings to the north and south, the child care centre to the north, and educational establishments to the east. The proposal provides a suitable interface with these surrounding land uses, and is not considered to adversely impact on the continued enjoyment of their land. Therefore, the proposal is compatible with the surrounding land uses. (iii) The proposal includes suitable access to services and infrastructure (including the services which are proposed within this development). The provision of infrastructure is provided for within this DA. (v) The proposal provides a built form which is considered to be a positive improvement to the streetscape presentation of the site and which is compatible with the immediate locality. The proposal is considered to provide an outcome which respects the surrounding land uses and does not detract from the continued use and enjoyment of the surrounding land.
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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 applicant in accordance with this clause.	Yes	The DA is accompanied by a site analysis. The applicant has considered the characteristics of the site.
31 Design of infill self-care housing		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of infill 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.	N/A	This clause is not applicable to this development, as all dwellings will have access to services such as meals, cleaning services, personal care and/or nursing care.
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 set out below.
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	Yes	The area has a broad mix of existing land uses and the proposal provides a suitable design response to the site and its surrounds to offer an improved built form outcome, which is a positive outcome with regard to the quality and identity of the area.
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	N/A	There are no heritage items in the vicinity of the site.
c. maintain reasonable neighbourhood amenity and appropriate residential character by:	Yes	The development will provide reasonable neighbourhood amenity.

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 iv. considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and		The proposal provides a suitable street setback and 2 separate narrow building forms as viewed from Reservoir Road. These aspects ensure that the bulk of the development is reduced. The building form and siting is responsive to the existing conditions on the site and is considered appropriate. The proposal presents as a 3 storey building form at the street frontage as viewed from Reservoir Road. Although this is higher than the surrounding 1 and 2 building forms in the immediate vicinity, the proposed building height is considered to be acceptable in this instance. The proposal provides an increased building separation to the adjoining residential properties when compared to the existing buildings on the site. The position of the walls, windows to habitable rooms and balconies for the Independent Living Units, which are in the vicinity of the adjoining residential properties, are suitably placed and orientated so as to protect the amenity of the neighbours.
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	Yes	The setback to the street frontage is consistent with the existing adjoining developments.
e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Yes	Suitable planting is proposed which will suitably enhance the quality of the streetscape.

f. retain, wherever reasonable, major existing trees, and g. be designed so that no building is constructed in a riparian zone.		Trees will be removed throughout the Stage 1 and 2 portions of the site to allow for the proposed works. 3 trees within the street setback area will be retained. There are no other major existing trees that warrant retention, in particular given the transmission easement portion of the height limits the height of trees to 3 m. 129 replacement trees and shrubs will be provided, which is considered appropriate to create long term tree and landscaping opportunities. There is no riparian zone within the site.
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	The proposal is considered to suitably ameliorate potential visual and acoustic privacy impacts on nearby residential properties by providing suitable building setbacks, suitably orientated habitable windows and balconies, screening devices and landscape screening. The new dwellings are suitable located with regard to potential noise impacts.
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	Yes	The proposal will result in additional overshadowing of the adjoining residential property to the south, 144 Reservoir Road. At midwinter the additional overshadowing will overshadow approximately half of this residential property's rear private open space, as shown on Shadow Diagram (June) Drawing No. 1508-11, provided at Attachment 5. The Applicant has demonstrated that there is no overshadowing impact on this adjoining residential property at other periods of the

		year, as shown on Shadow Diagrams (March & September) and (December) Drawing Nos. 1508-12 and 1508-13, provided at attachment 5. The Applicant has demonstrated that their community consultation process included direct contact with the owners and occupiers of 144 Reservoir Road, and they did not raise any objection. This property was also notified during our exhibition period, and no submission was received. In fact, the Applicant has spoken directly with the property owner of 144 Reservoir Road, the outcome of which was that he did not raise any objection to the development and would like to see his elderly mother and sibling placed within St Hedwig Village in due course when the time is right. The extent of additional overshadowing is considered acceptable in this instance.
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	The site planning, dwelling design and landscaping is suitable with regard to minimising energy use. The proposed design is representative of best practice with regard to natural ventilation and northerly orientated habitable rooms and balconies to enable access to sunlight.
36 Stormwater		
The proposed development should: a. control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and b. include, where practical, on-site stormwater detention or re-use for second quality water uses.	Yes	Council's engineers have assessed the proposed development in relation to stormwater management. The proposal provides a high level of water retention and re-use measures. The retention and upgrades to the existing stormwater discharge to the adjoining Reserve 752 ('Harper's Bush') has demonstrated that the pre stormwater discharge levels are not increased as a result of this proposal. No objection is raised 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 Yes Yes	All building and dwelling entries and shared/public spaces have a suitable level of casual and direct surveillance. All shared entries have a suitable level of surveillance and are secure. Dwelling entries have a suitable level of surveillance, including peepholes.
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 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, recycling and medical) will be via a private waste contractor. The application demonstrates that suitable facilities are provided.
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.	No	A clause 4.6 variation is requested to a development standard. Refer to attachment 8.
2. Site size The size of the site must be at least 1,000 square metres.	Yes	Site area = 2.5056 hectares

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.	Yes No No No N/A	Site frontage to Reservoir Road = 70.4 m Residential flat buildings are not a permissible land use. Height exceeds 8 m. A clause 4.6 variation is requested to a development standard. Refer to attachment 8. Our consideration of the height variation is provided at section 7 of the Assessment Report and attachment 8. Number of storeys – The development is 3 and 4 storeys in height. A clause 4.6 variation is requested to a development standard. Refer to attachment 8. Our consideration of the variation to the number of storeys is provided at section 7 of the Assessment Report and attachment 10. The rear 25% of the site consists of an existing 2-3 storey building, which is to be retained. Therefore this clause is not applicable in this instance. Subclause (5) applies. The applicant is not a social housing provider.
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.

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.	Yes	Existing situation. Very few criteria apply.
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.	N/A	N/A

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: - home delivered meals, and - personal care and home nursing, and - assistance with housework.	Yes	Residents will have reasonable access to home delivered meals, personal care, home nursing and 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 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).		

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	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.
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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.		
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.
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 (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,	No No Yes	(a) building height: is greater than 8 m. (b) floor space ratio is greater than 1:1, being 1.36:1 (c) landscaped area: 135 beds requires 3,750 sqm. In culmination with the landscaped area required for the ILU and existing Hostel and Nursing Home, the minimum required landscaped area 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.	Yes	(d) parking: <u>Requirement</u> (i) 210 RACF beds requires 21 spaces (ii) 114 persons employed in total which requires 57 spaces (iii) 1 ambulance Total of 78 spaces plus 1 ambulance is therefore required. <u>Proposed</u> The development provides a total of 82 spaces comprising 25 RACF car spaces, 57 staff spaces and 1 ambulance space for this component of the development, and therefore complies.
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 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,	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 1,969 sqm (30%) of the site area of the ILU portion of the site to be landscaped area. This minimum requirement is achieved.

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	54.3% of the site is deep soil and supports the growth of trees and shrubs.
	No	100% of the ILU dwellings receive 3 hours direct sunlight to the living rooms.
	N/A	N/A
	Yes	153 beds (63 dwellings) require 76.5 car parking spaces. This is provided.
	N/A	N/A
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
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: a. 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 b. 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.	Yes	A condition will be imposed to address these matters.
3 Security		
Pathway lighting: a. must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and b. must provide at least 20 lux at ground level.	Yes	Appropriate conditions will be imposed to control the spillage of light.
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	Yes	Appropriate conditions will be imposed to ensure suitable letterbox facilities are provided for the development.

together in one or more central locations adjacent to the street entry.		
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.	Yes	Conditions will be imposed to address these matters.
8 Bedroom		
At least one bedroom within each dwelling must have: a. an area sufficient to accommodate a 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	Yes	A condition will be imposed to address these matters.

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.		
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 easily be removed to facilitate future accessibility.	Yes	A condition will be imposed to address this matter.
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.	Yes	A condition will be imposed to address this matter.
11 Surface finishes		
Balconies and external paved areas must have slip-resistant surfaces.	Yes	A condition will be imposed to address this matter.
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.	Yes	A condition will be imposed to address this matter.

13 Ancillary items		
Switches and power points must be provided in accordance with AS 4299.	Yes	A condition will be imposed to address this matter.
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.	Yes	A condition will be imposed to address this matter.
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 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	Yes	A condition will be imposed to address this matter.

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	All self-contained dwellings are single storey.
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> .	Yes	A condition will be imposed to address this matter.
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 d. a slip-resistant floor surface, and e. an accessible path of travel to any clothes line provided in relation to the dwelling.	Yes	A condition will be imposed to address this matter.
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.	Yes	A condition will be imposed to address this matter.
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.

9 Central City District Plan 2018

The proposal is consistent with the 20 year vision set out in the Central City District Plan 2018 to create a productive, liveable and sustainable city. The proposal is considered to be a positive contribution to this district which is responsive to demographic trends and improving housing diversity and affordability, fosters cohesive communities and supports planning for adaptable housing and aged care.

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of development applications, an assessment of the Central City District Plan 2018 has been undertaken. Outlined below is where the Development Application is consistent with the overarching priorities outlined in the District Plan:

Liveability

- Improving housing diversity and affordability
- Supporting planning for adaptable housing and aged care
- Creating great places.

10 Blacktown Local Environmental Plan 2015

BLEP 2015 applies to the site. The table below provides a summary assessment of the development standards established within BLEP and the proposal's compliance with these standards. The development complies with the development standards contained within BLEP.

Blacktown Local Environmental Plan 2015 – came into effect on the 29 July 2015			
Development Standard	Requirement	Proposal	Compliant
2.6 Subdivision – consent requirements	Land may be subdivided with development consent.	The proposal includes consolidation of the two lots into one.	Satisfactory, subject to conditions .
2.7 Demolition requires development consent	The demolition of a building may only be carried out with development consent.	The proposal includes demolition.	Satisfactory, subject to conditions .
Zoning R2 Low Density Residential Objectives:	To provide for the housing needs of the community within a low density residential environment.	The proposal maintains existing housing accommodation, and creates new housing accommodation which is responsive to the needs of the demographics of the community. The proposal is compatible with the site and surrounds, in particular as it is an existing land use.	Satisfactory
	To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal includes facilities and services to suit the needs of residents and their visitors, including a café, medical consulting rooms, hairdresser and gym.	Satisfactory

	To enable certain activities to be carried out within the zone that do not adversely affect the amenity of the neighbourhood.	The continued use of the site as a Seniors Housing development is suitable and is not considered to adversely affect the amenity of the neighbourhood.	Satisfactory
Permissible Uses:	Seniors Housing including a combination of a residential care facility, hostel, a group of self-contained dwellings Places of public worship.	The proposed land use is permissible in this zoning with consent.	Satisfactory
Prohibited Uses:	Medical Centre	The Applicant has confirmed that the proposed 'medical consulting rooms' are for the use of residents only, and does not fall within this definition.	N/A
PRINCIPAL DEVELOPMENT STANDARDS			
4.3 Height of buildings	Maximum building height is 9 m.	The proposal exceeds this with a building height of up to 4.525 m, being a variation of 50 %.	The Applicant has submitted a clause 4.6 submission to justify the height, which is provided at attachment 9 . No objection is raised.
4.4 Floor space ratio	N/A	N/A	N/A
4.6 Exceptions to development standards	The applicant must submit a written request to justify the contravention of the development standard.	The applicant has submitted a clause 4.6 submission to justify the building height, which is provided at attachment 9 .	The clause 4.6 variation is supported, as discussed in attachment 11 .
MISCELLANEOUS PROVISIONS			
5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	The proposal seeks to remove 96 trees and shrubs. There are no other major existing trees that warrant retention, in particular given the transmission easement portion of the height limits the height of trees to 3 m. A total of 129 new replacement trees and shrubs are proposed to be planted, which are considered appropriate to create long term tree and landscaping opportunities.	Satisfactory

		There are 3 trees within Harper's Bush Reserve that is impacted upon by the proposed replacement of the driveway. Our Civil and Open Space Infrastructure Section and Natural Areas Section do not object to the removal of these trees, subject to the imposition of conditions of consent requiring a contribution to be paid by the applicant for the replacement of these trees.	
5.10 Heritage Conservation	The objective of this clause is to conserve the environmental heritage in Blacktown.	The site is not in the vicinity of a heritage item.	N/A
ADDITIONAL LOCAL PROVISIONS			
7.1 Flood planning	Minimise the flood risk to life and property.	The site is not identified as subject to flood risk.	N/A
7.2 Terrestrial biodiversity	Protect native fauna and flora.	The site is identified as containing terrestrial biodiversity including Shale Hills Woodland and Shale Plains Woodland. There are 3 trees within Harper's Bush Reserve that is impacted by the proposed replacement of the driveway. Our Civil and Open Space Infrastructure Section and Natural Areas Section do not object to the removal of these trees, subject to the imposition of conditions of consent requiring a contribution to be paid by the applicant for the replacement of these trees.	Satisfactory, subject to Conditions .
7.3 Riparian land & watercourses	Protect and maintain water quality within watercourses.	The site is not in the vicinity of a watercourse.	N/A
7.4 Active street frontages	N/A	N/A	N/A

7.5 Essential services	Adequate arrangements for the supply of water, supply of electricity, management and disposal of sewerage, stormwater drainage or conservation, and suitable road access.	The applicant has demonstrated these items are currently in place and are capable of being replaced / augmented.	Satisfactory, subject to conditions .
7.7 Design Excellence	The development is to demonstrate a high level of architectural and urban design.	This requirement is not relevant to this site.	N/A
7.9 Development with frontage to certain roads in Zone SP2	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following: (a) where practicable, whether vehicular access to the land is provided by a road other than the road referred to in subclause (2), <i>[being Reservoir Road]</i> (b) whether the safety, efficiency and ongoing operation of the road will be adversely affected by the development as a result of: (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the road to gain access to the land, (c) whether the development is of a type that is sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the road.	The site adjoins land zoned SP2 Classified Road to the east, being Reservoir Road. The site has road frontage to Reservoir Road only. The existing 2 driveways to Reservoir Road are proposed to be retained, which is considered satisfactory by RMS and Council's ATMS section. The proposed development is considered to be an appropriate land use, with good siting and design which satisfactorily respects these requirements. The proposal is not considered to result in adverse impacts on the operation of Reservoir Road, nor the amenity of the future residents, staff and visitors of the proposal.	Satisfactory

7.10 Minimum site requirements for development on certain land	Key Sites	The site is not identified as a 'key site.'	N/A
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11 Blacktown Development Control Plan 2015 (BDCP)

The provisions of the Development Control Plan 2015 (BDCP) including Part C, Section 7 – Seniors Housing, Part G – Site Waste Management and Minimisation and Part J Water Sensitive Urban Design and Integrated Water Cycle Management are relevant to the proposal. The following table outlines that the application is generally compliant with the relevant provisions of BDCP, with the exception of the height of buildings.

Section	Comment	Complies
Part A Introduction and General Guidelines		
Car Parking	<u>SEPP Requirement</u> (i) 210 RACF beds requires 21 spaces (ii) 114 persons employed in total which requires 57 spaces (iii) 1 ambulance Total of 78 spaces plus 1 ambulance is therefore required. <u>Proposed</u> The development provides a total of 82 spaces comprising 25 RACF car spaces, 57 staff spaces and 1 ambulance space for this component of the development, and therefore complies.	Yes
Part C Section 7 Seniors Housing		
7.2.2 Height of Buildings Depending on the level of disability involved, buildings for aged or disabled persons should be 1 storey in height.	The proposal is for a 3 to 4 storey development. Appropriate access is achieved throughout the levels of the development to suit the needs of the staff, residents and visitors via stairs and lifts to all levels.	No , however a variation is considered acceptable in this instance. Refer to section 7 of the Assessment Report for further details.
7.2.3 Minimum Room Sizes	The room sizes are proposed in accordance with the Building Code of Australia as documented on the submitted Access Report. BCA report provided.	Yes

7.2.4 Designing for peoples with a disability	The building and surrounds are accessible and allows persons with disabilities ease of access and movement. Suitable paths of travel and lifts are provided throughout. The proposal is supported by a BCA / Accessibility Compliance Statement which confirms that the development is capable of satisfying the BCA with regard to access for people with disabilities. The proposal provides habitable rooms which received direct sunlight during winter months. Balconies are provided which afford views from a sitting position. However, this is balanced with screening devices to protect the visual amenity of neighbouring properties.	Yes
7.2.5 Laundries	Each ILU has an internal laundry. Laundry facilities are also available to all residents. The facility services the needs of the residents with regard to laundering.	Yes
7.2.6 Wheelchair Access	Wheelchair access has been provided in accordance with AS 1428, where compliance is required with the provisions of the Seniors Housing SEPP. This is achieved via ramps and lifts to all levels.	Yes
7.2.7 Facilities for Nursing and Convalescent Homes and Hostels	The building provides for adequate communal areas for residents, visitors and staff. This includes kitchen and dining areas, communal lounges and sitting areas, activity areas, medical consulting rooms, café, hair salon, gym, outdoor courtyard and garden areas, outdoor covered terrace areas, and staff rooms, staff amenities and administration areas.	Yes
7.2.8 Community facilities for self-contained dwellings	Suitable provision of indoor and outdoor community facilities are provided for the use of residents and their visitors.	Yes
7.2.9 Common Rooms	Several common rooms/areas are provided throughout the development. Suitable heating, ventilation and solar access is achieved.	Yes
7.2.10 Car Parking	The proposed parking provision satisfies the requirements of the Seniors Housing SEPP as discussed above.	Yes
Part G		
Site Waste Management and Minimisation	Council's Waste Management Officer has reviewed the proposed waste storage and collection arrangements and no objection is raised subject to conditions of consent.	Yes
Part J		
Water Sensitive Urban Design & Integrated Water Cycle Management	Council's Engineers have undertaken an assessment of the proposal in accordance with the requirements of BDCP Part J, and no objection is raised subject to conditions of consent.	Yes