

Attachment 3

SEPP HSPD Compliance Table

SEPP Requirement	Proposed	Compliance
Chapter 1 Preliminary		
cl. 2 Aims of Policy	<p>This Policy aims to encourage the provision of housing that will:</p> <p>(a) <i>increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i></p> <p>(b) <i>make efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>be of good design.</i></p> <p>The proposed development is not inconsistent with these aims.</p>	Yes
cl.4 Land to which this policy applies	<p>Clause 4(1)(a) of SEPP HSPD provides the policy applies to land that adjoins land zoned primarily for urban purposes where dwelling houses are permitted.</p> <p>Clause (6)(a) of SEPP HSPD provides that this policy does not apply to land described in Schedule 1 (Environmentally Sensitive land). The subject site is not identified in another environmental planning instrument by any of the descriptors identified in Schedule 1 and therefore this Policy can be applied to the site.</p>	Yes
Chapter 3 Development for Seniors Housing		
Part 1 General		
cl.16 Development consent required	Development for the purposes of seniors housing utilising the provisions of SEPP HSPD may be carried out with the consent of the relevant consent authority.	Yes
cl.18 Restrictions on occupation of seniors housing allowed under this Chapter	In the event the matter is determined by way of approval, a condition of development consent must be imposed to the effect that only the kinds of people referred to in subclause (1) of this provision may occupy any accommodation to which the development application relates. This will be achieved by way of a restriction as to user, registered against the title of the property on which development is to be carried out, in accordance with s.88E of the <i>Conveyancing Act 1919</i> .	Capable of complying via condition.
Part 2 Site-related requirements		
cl.26 Location and access to facilities	<p>Clause 26 (Location and Access to facilities) in <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, namely Clause 26 (2)(b)(i), (ii) and (iii) provide:</p> <p>(b) <i>in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:</i></p>	Yes

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
 - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),*
- and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*

The Village is serviced by 3 bus stops on The Entrance Road all within 400m as follows:

- One next to Caltex immediately to the north of the site of the apartments for buses heading to north;
- One directly opposite the site on the eastern side of The Entrance Road for buses heading south; and
- One at the southern entry in the Village on both sides of The Entrance Rd for buses heading north.

In addition, a bus stop is located on either side of Bellevue Road immediately adjacent to the site of the apartments opposite the Caltex for buses heading both north and south.

Each of these stops is serviced by the major Gosford to The Entrance bus routes (nos. 17, 18, 19, 21, 22, 23 and 28) operated by Red Bus Service. These routes provide multiple services each hour between 8am and 6pm between The Entrance Town Centre and Gosford CBD, including stops at the Bay Village to the north and Erina Fair to the south and the extensive commercial, medical and retail facilities in each of these locations, thereby satisfying the requirements of cl. 26 (2)(b)(i), (ii) and (iii) of SEPP HSPD.

In addition to these extensive public transport services, a village bus owned and operated by Retire Australia also provides services to nearby retail, recreational, commercial and health facilities. Furthermore, the Access Report, prepared by Assistive Technology Australia, dated 31 August 2017 confirms that the siting of the village satisfies the requirements of cl.26(b)(3) of SEPP HSPD.

cl.27 Bush fire prone land	NSW Rural Fire Service has provided general terms of approval for the above Integrated Development in accordance with s.4.46 of the Environmental Planning and Assessment Act 1979 by way of a bush fire safety authority as required under s.100B of the <i>Rural Fires Act 1997</i> .	Yes
cl. 28 Water and sewer	Council's reticulated water and sewer currently service the development site. Council's Water and Sewer Section have confirmed that the existing services can accommodate the additional load that will be generated by the development.	Yes
cl.29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	<p>Clause 29(2) provides that a consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in cl. 25 (5) (b) (i), (iii) and (v):</p> <p><i>cl. 25 (5) (b) (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</i></p> <p><u>Comment</u></p> <p>The site is located within a bushfire prone area, but has been designed to mitigate this threat. The site is generally unconstrained in terms of physical characteristics.</p> <p><i>cl. 25 (5) (b) (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 requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision</i></p> <p><u>Comment</u></p> <p>This matter has been addressed previously with regard to cl.26 of SEPP HSPD.</p> <p><i>cl. 25 (5) (b) (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</i></p> <p><u>Comment</u></p> <p>The proposed building is located on a large, self-contained residentially zoned site and is separated from existing villas in the Village such that it is unlikely to have an adverse impact on surrounding residences. Council's Architect has concluded the building is appropriate in terms of articulation, bulk and scale and responds to the topography of the site.</p>	Yes

Part 3 Design Requirements		
Division 1 General		
cl.30 Site analysis	In accordance with the provisions of cl.30, the consent authority must be satisfied the applicant has taken into account a site analysis in accordance with cl.30 (1), (2), (3) and (4). It is considered the site analysis plan adequately addresses how the proposal achieves compliance with cl.30 (1), (2), (3) and (4) of SEPP HSPD.	Yes
cl.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.	Yes
Division 2 Design principles		
cl.33 Neighbourhood amenity and streetscape	<p>The proposed development is considered to contribute to the quality of the area by demonstrating a well-articulated building envelope. It should be noted the subject site does not contain any heritage items listed under Schedule 5 of GLEP 2014 and is not located within a heritage conservation area.</p> <p>The entry to the proposed basement car park does not exceed 25% of the site frontage and does not dominate the streetscape. Building separation and integrated landscaping presents a light weight appearance. Materials, colours and finishes are consistent with surrounding developments and the desired future character of the area.</p> <p>The proposed development is a significant opportunity to upgrade and invest in the long term financial viability of the site and provide a development in accordance with the needs of the surrounding residential population.</p>	Yes
cl.34 Visual and acoustic privacy	<p><u>Visual Privacy</u></p> <p>Proposed site planning will maintain visual privacy for apartments within the development and neighbouring properties.</p> <p>It is considered the development is adequately setback from adjoining residential properties (both within the Village and external to the Village) so as to minimise any adverse impact associated with light spillage, headlight glare and a loss of visual or acoustic privacy.</p> <p><u>Acoustic Amenity</u></p> <p>The Noise Impact Assessment, prepared by Spectrum Acoustics, dated August 2017 determined that east-facing windows of residential apartments in Levels 1 and 2 will require upgrade from standard 4mm glazing to minimum 6.5mm laminated single glazing in order to achieve the internal design traffic noise levels listed in the <i>Development Near Rail Corridors And Busy Roads – Interim Guidelines</i>, prepared by the Department of Planning, dated 2008. In this</p>	<p>Yes</p> <p>Yes</p>

	<p>regard, Condition 2.22, 4.21 and 6.26 are recommended for imposition.</p> <p>Due to the location and semi-excavated nature of the basement parking area, parking and access points will not present an acoustic nuisance to residents.</p>	
cl.35 Solar access and design for climate	<p>The proposed development has met the BASIX requirements for passive solar design and water and energy conservation.</p> <p>In excess of 70% of apartments within the proposed development receive 3 hours sun between 9am and 3pm during midwinter.</p> <p>The submitted shadow diagrams indicate that overshadowing from the development will be fall within the bounds of the site between 9am and 3pm during midwinter. At no time will any adjoining residential property be affected by a loss of solar access associated with the development.</p>	Yes
cl.36 Stormwater	Council's Development Engineer raises no objection to the proposal subject to the imposition of conditions.	Yes
cl.37 Crime prevention	<p>The design of the proposed development has considered crime prevention through environmental design principles to minimise the opportunity for crime on and in proximity to the site. The building incorporates living areas and terraces/balconies on each side, providing maximum casual surveillance of the site. Entry to the building is provided via security controlled access point in the basement and a single foyer from the internal road that allows access to be controlled and monitored.</p> <p>Crime Prevention Through Environmental Design (CPTED) will be further confirmed via Condition 5.7 and 6.11.</p>	Yes
cl.38 Accessibility	Internal footpaths and driveways link the site to Bellevue and The Entrance Roads and nearby bus stops and services. These pathways link the proposed development to the remainder of the site and surrounds.	Yes
cl.39 Waste management	<p>The Waste Management Plan (WMP), prepared by Elephants Foot, dated 29 August 2017, provides details of the waste management activities during the demolition and constructions phases of the development including on-going waste management operations.</p> <p>Council's Waste Officer reviewed the submitted WMP and raised no objection subject to the imposition of Conditions 6.18 and 6.19 confirming compliance with the stated requirements.</p>	Yes

Part 4 Development standards to be complied with		
Division 1 General		
cl.40 Development standards—minimum sizes and building height	<p>Development consent must not be granted to a development unless the proposed development complies with the following standards:</p> <ul style="list-style-type: none"> • 40(2) Site size – minimum 1,000m² • 40(3) Site frontage – 20 metres wide measured at the building line • 40(4) Height in zones where residential flat buildings are not permitted. <p>The proposal complies with the standards specified in this clause, as the total area of the site is 217,300m² and the site has a frontage The Entrance Road and Bellevue Road that exceeds 20m satisfying Clause 40 (2) and (3).</p> <p>Clause 40 (4) does apply in this circumstance. Clause 40(4) provides the following:</p> <p><i>(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:</i></p> <p><i>(a) the height of all buildings in the proposed development must be 8 metres or less, and</i></p> <p><i>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).</i></p> <p><i>(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</i></p> <p><i>Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</i></p> <p><i>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</i></p> <p>Council has received a written request seeking to justify the contravention cl.40(4)(a) and (b) of SEPP HSPD in accordance with cl.4.6(4) of GLEP 2014. As discussed elsewhere in this report, these variations are supported.</p> <p>The proposed development does not result in a variation to cl.40 (4)(c) of SEPP HSPD. Clause 40(4)(c) requires that <i>"a building located in the rear 25% area of the site must not exceed 1 storey in height"</i>, whereas the proposed</p>	<p>Yes</p> <p>No</p>

	development is not located in the rear 25% of the site. Rather, the proposed development is located in the section of the site considered to be the front given it abuts the main property frontage to The Entrance Road, as well as the secondary street frontage to Bellevue Road. The rear portion of the site would be that section facing Bakali Road. If referring to the site of the proposed development in isolation, the rear 25% would be the south-west quarter where neither section of the site (or the building) fronts the above-mention roads.	
Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability		
cl.41(1) Standards for hostels	The proposal has been design in accordance with these requirements.	Capable of complying via condition.
Part 7 Development standards that cannot be used as grounds to refuse consent		
Division 1 General		
cl.46 Inter-relationship of Part with design principles in Part 3	The proposed development in its current form does adequately address Part 3.	Yes
cl.49 Standards that cannot be used to refuse development consent for hostels	<p>Clause 49 provides 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 hostel on any of the following grounds:</p> <p><i>(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</i></p> <p><u>Comment</u></p> <p>As the site is zoned R2 Low Density Residential under GLEP 2014, the 8m maximum height restriction applies to the subject land. A number of sections of the building exceed the 8m maximum height allowable under cl. 40(4)(a) of SEPP HSPD, with encroachments ranging in size from 1.24m (15.5% variation) to 3.7m (46.25% variation).</p> <p><i>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</i></p> <p><u>Comment</u></p> <p>The proposed floor space ratio is 0.286:1.</p> <p><i>(c) landscaped area: if a minimum of 25 square metres of landscaped area per hostel bed is provided,</i></p> <p><u>Comment</u></p> <p>25m² of landscaped area per hostel bed equates to the provision of 1,875m² of landscaped area. 31% or 3123m² of the development site area is predominantly provided as deep soil zones with minimum 6m dimension.</p> <p><i>(d) parking: if at least the following is provided:</i></p>	cl.49 (a) of SEPP HSPD can be utilised in refusing the subject development application.

	<p>(i) 1 parking space for each 5 dwellings in the hostel, and</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, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p> <p><u>Comment</u></p> <p>Total development comprises 75 dwellings and a maximum 18 staff. Therefore, the total parking required is 24 spaces as follows:</p> <ul style="list-style-type: none"> • 15 spaces for dwellings (residents); and • 9 spaces for staff. <p>In response, 32 spaces have been provided, comprising 18 resident spaces in an open car park to the south of the building and 9 staff spaces and 5 resident visitor spaces in the basement.</p>	
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings		
Part 1 Standards applying to hostels and self-contained dwellings		
cl.1-13	The proposal has been design in accordance with these requirements.	Capable of complying via condition.
Part 2 Additional standards for self-contained dwellings		
cl.14-21	The proposal has been design in accordance with these requirements.	Capable of complying via condition.