



**SYDNEY ACCESS CONSULTANTS**  
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**MILTON MEADOWS**  
Senior's SEPP Aged Care Proposal  
Common Property Access Audit Report

Lot 1, DP 780801 Windward Way, Milton NSW 2538  
21 July 2020

**APPROVED**

*By Gary Finn at 11:30 am, Jul 21, 2020*

A black ink handwritten signature, appearing to be 'Gary Finn', is written below the approval text.

## **Senior's Living SEPP 2004**

In 2007 the Seniors Living SEPP was renamed as The State Environmental Policy (Housing for Seniors or People with a Disability) 2004 by then Minister for Planning Frank Sartor, MP and changes were implemented to plan for the growing number of people with a disability who currently represent approximately 20% of the population.

It is estimated that by 2050 the number of people aged over 65 in NSW will more than double the current number. In combination those over the age of 65, and those under the age of 65 who live with a disability represent almost half of the population of NSW that have the potential to live with access challenges. The measures proposed in this SEPP therefore represents a design approach better suited to the general population because of its inclusivity.

Senior's SEPP developments therefore are demanding of design solutions that are empathic with the key access issues impacting on the use of building for a wide range of people. This includes people such as older adults, people with mobility disabilities, people using mobility aids such as prams, pushers, wheeled luggage, wheelchairs as well as people with vision and hearing impairment. The public at large also benefit by the inclusion of improved circulation spaces and step free living for good transition between inside and outside.

### **Who are the Occupants?**

The type of person that can purchase homes in a Seniors Living development is limited, but the demands of these buyers to accommodate themselves and their families is very diverse. Accordingly, there is a need for a diverse range of dwelling types. It is a mistake to focus on the word "Seniors" when it is quite plausible that a prospective purchaser could also be a cashed up motor accident victim with a young family, for instance.

### **How are access issues prioritised?**

Priorities are based upon the need for action to occur, to ensure minimum access requirements are met to allow access to buildings and facilities by members of the public, building and facility occupants, residents and their visitors.

Although access priorities may differ for each person with disability or access challenge e.g. a person using a wheelchair may have different access priorities than that of a person with vision impairment, hearing impairment or other disability, the following priorities are suggested as a generic guide to priorities for access, given our understanding of the nature and use of the premises.

- **High priority**- works required so that a person with a disability or carer can park and safely exit a car, enter and exit a building a facility and if necessary utilise a toilet and shower facility.
- **Medium priority**- works required so that a person with a disability or carer can access and use public areas in a building.
- **Lower priority**- works required to assist a person to utilise more ancillary facilities and utilities in a building or facility.

A wide range of physical issues impact on the provision of access for people with disabilities. Responsive design, incorporating a continuous accessible path of travel, needs to be equitable and therefore inclusive of the needs of all the community. Access should cater for both pedestrians and users of wheelchairs and other mobility aids. In addition, consideration must be given to the needs of users who may require assistance from care providers, as well as from assistance animals.

#### **KEY ACCESSIBILITY INCLUSIONS I WOULD BE LOOKING FOR ARE:**

- Accessible path of travel from the dwelling's allotment boundary to and within each dwelling.
- Accessible path of travel from under cover parking to each dwelling
- Accessible path of travel to collect mail
- Accessible path of travel to garbage bins
- Accessible path of travel to clothes lines
- Accessible path of travel and access to utilise all community facilities
- An Accessible Bedroom, kitchen, Laundry and living areas.
- Accessible path of travel to private external recreation areas.
- Way finding using edges, accessible textures and luminance contrasts.
- Higher lighting levels including external night lighting to illuminate paths of travel.

- Weather protected rest locations along the principal paths of travel

## **DEFINITIONS**

Sydney Access Consultants are available to Site review of new and existing buildings for compliance with the applicable standards for disability access. This inspection service typically includes the issue of a certificate for tender to the Principal Certifying Authority to obtain an Occupancy Certificate on completion.

However, most of our services are provided earlier, to reduce the risk of non-compliances with the Disability Standards during construction. With respect to drawings, our Clients typically need to know what changes are required, if any, to reach the next milestone in the procurement process. Because the depth of information provided by extracting all of the relevant elements of the standards does not result in fewer errors during construction, our reports deliver advice in direct proportion to the level of information provided to us for review. That is, we think it is unhelpful for instance, to provide detailed information on tap selections and handle heights, at a stage when the design team has to resolve much broader planning issues of inadequate circulation space. Clients are therefore encouraged to issue for our review, their drawings and selections progressively, so that the salient points necessary for a successful outcome are not lost in communication.

For conveniently identifying access challenges inherent in the documents, the following report engages descriptive terms to alert the design architect to issues which Sydney Access Consultants assert, are critical to the successful completion of a building to which the Disability (Access to Premises) Standards 2010 applies.

### **“COMPLIES”**

Where site inspection reveals that a building complies with Disability Standards required, I will use this term, and make an explanatory comment where appropriate.

### **“WILL NOT COMPLY”**

Where my review reveals a building design that will likely result in a building that does not comply with the Disability Standards, I will use this term to alert the design/construction team of the Standard required, reasoning the non-compliance inherent in the design, and recommend where appropriate, a design approach to rectify the documents, or built element.

We consider that any element advised “*Will Not Comply*” requires the Architect’s immediate attention.

This report in final form, results from a process of review with the Applicant, eliminating elements marked “*Will Not Comply*”.

**"CAPABLE OF COMPLIANCE"**

Where my review of the construction drawings, or the building under construction, will likely result in a building that complies with a relevant Standard, I will use this term to alert the design/construction team of the Standard required to be met, and, where appropriate, alert the building team of access elements that have the potential to be overlooked because they are not adequately documented.

**"Minor design non-compliance"**

Where my review of DA Application drawings reveals a building design that will likely result in a building that complies with the Disability Standards, I will use this term to alert the design/construction team of the Standard required, and recommend where appropriate, a design approach to rectify the design at Construction Certificate stage.

**"EXEMPT"**

Where a space/area of a building may be considered exempt by reference to the Australian Human Rights Commission Guidelines to the Disability Access to Premises Standards 2010, I will use this term to remove doubt during construction of the building and where appropriate, state the reasons for exemption.

**ACCESS TO SHOPS AND PUBLIC TRANSPORT**

The current Senior's SEPP requires appropriate shops to be located within 400m of the proposed site, or alternatively, for public transport to be conveniently provided within 400m of the site. However, the site consists of an inclined topography which could have the potential to hamper adequate access throughout the site. Development on land where these circumstances exist is not prohibited under the SEPP, for instance, access is required to an internal road, where use of vehicles is permitted to overcome the challenging gradients:

Part 1 of Schedule 3 for independent living provides:

## 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.

### (2) 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.

**Note.** For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.

### (3) 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.

The proposed site consists of approximately 10 hectares of land. Residential components are proposed within 400m of the provided Communal facilities from where a bus service to further facilities within Milton, Mollymook and Ulladulla are available.

I have reviewed the proposed internal accessways on common land and I have proposed the development be modified for the installation of *Suitable Access Pathways* (within the meaning of the SEPP), from all sole occupancy units, safely separated from vehicular traffic, to all of the common area facilities . My proposal is attached.

The SEPP calls for a continuous accessible path of travel via a sealed pavement that is suitable for use by a person operating a mobility scooter. I have adopted this concept, restricting the suitable access pathways to those gradients limited by the SEPP, throughout the site to every SOU.

However, each dwelling must be provided with a continuous accessible path of travel from the dwelling, to the proposed common area footpaths. In my opinion, these design features can be detailed prior to a Construction Certificate being issued.

## RECOMMENDATION

Install a sealed “suitable access pathways” with appropriately designed kerb crossings compliant with AS 1428.1

My observations are that suitable access pathways ought to be constructed adjoining the proposed vehicular paths of travel.

## Conclusion

The proposed development site is capable of compliance with the Senior’s SEPP and the Disability Standards for accessibility.

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Kind regards



**APPROVED**

*By Gary Finn at 11:30 am, Jul 21, 2020*

**Gary Finn** dated 21 July 2020  
(Cert iv Access Consulting)  
Architect Principal #5774 (NSW)  
Builder #51908C (NSW)  
Access Consultant

A handwritten signature in black ink, appearing to read "Gary Finn", with a long horizontal stroke extending to the right.

## Sydney Access Consultants

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\*President Architects Association NSW (Incorporated);

\*Member of Master Builder's Association;

\*Associate of the Australian Institute of Architects;

\*Accredited member of the Association of Consultants in Access, Australia

\*Member of Association of Consulting Architects, Australia



## Curriculum Vitae

### Gary John Finn

#### Areas of Expertise

- Architectural design, defects and compliance issues
- Disability Access Consulting
- Residential Architecture
- Project Management
- Construction Documentation and detailing
- Aged Care & Disability Housing
- Expert Witness (NSW Supreme Court)

#### Qualifications

<b><i>Professional Certificate in Arbitration</i></b>	2004
Adelaide University	
<b><i>Graduate Diploma in Construction Law</i></b>	2004
Melbourne University	
<b><i>Cert iv in Access Consulting</i></b>	2015
Institute of Training in Access Australia	

#### Affiliations

- Member of Master Builders Association (2003)
- Associate Member of Royal Australian Institute of Architects (1986)
- Accredited Member #435 of Association of Consultants in Access Australia (2013)
- President Architect's Association Incorporated NSW (2016)

#### Builder

- |   |                |
|---|----------------|
| · NSW Master Builder's Association Legal and Contracts Committee  | 2005 – present |
| · Licensed as Builder by NSW Consumer Protection Agency 51908C    | 1993 – present |
| · Director Cameron Projects Pty Limited (Construction Management) | 2003 - 2006    |

#### Architect

- |   |                |
|---|----------------|
| · Proprietor and Architect Principal of Sydney Access Consultants       | 2003 - present |
| · Chartered Architect and Sole Practitioner                             | 1993 – 2003    |
| · Registered Architect in the NSW Division of Chartered Architects      | 1993 – present |
| · Architect's Accreditation Council of Australia - Practice Examination | 1993           |

- Tsinghua University - Beijing University of Technology (1984) Short Course Traditional Chinese Architecture (120 hours total lectures plus field trips over 16 week period)
- Third Party Accreditation as a Quality Endorsed Company (Finn Sherringham Architecture & Interior Design) to AS/NZS IOS 9001:1994 (Certificate No QEC13241 issued by Quality Assurance Services Pty Limited ACN 050 611 642 to December 2003) (accreditation now lapsed)
- Practice Accreditation by The NSW Sustainable Energy Development Authority via HMB NSW to provide Accredited House Energy Ratings (2000 - 2005) (Accreditation now lapsed)

## Summary of Professional Experience

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- Project Architect for NSW Dept of Aging Disability and Homecare Devolution Program at Hurstville, Punchbowl, Albion Park Rail, Castle Hill, Caringbah (2), Bega, Albion Park (3), Nowra, Kentlyn (2), Rosebery, Cobbitty, Baulkham Hills, Quakers Hill, Kembla Grange, Ulladulla, Greenleigh, Bombaderry (2), Mollymook, Worrigeer, Lavington (2), Wentworth Falls (Up to \$750k) (FS Architects Pty Ltd).
- Project Architect for NSW Dept Land & Housing Corporation for housing developments at Bega (\$150k), Bellambi (\$3.5m) and Claymore (\$2.0m).
- Project Manager for ATSI's NAHS (EHP) (Housing and Health Infrastructure) at Murrin Bridge (\$2.5m), Nanima (\$1.9m), Condobolin (\$800k), Gilgandra (\$2.5m) and Cobar (\$2.6m) ATSI Communities. Work involves complete Project Management and architectural services. (FS Architects Pty Limited)
- Project Manager for NSW Dept Aboriginal Affairs' ACDP works at Murrin Bridge Community (\$5m approx) involving Community Development Strategic Planning, housing, building, infrastructure, training and employment programming. (FS Architects Pty Limited)
- Community Housing and Environmental Health Planning at Cobar Indigenous community for NSW Aboriginal Housing Office. (FS Architects Pty Limited)
- Project Management on behalf of Aboriginal Housing Office for Urgent Minor works at Indigenous Housing in Gilgandra (\$300k) and Lake Cargelligo (\$200k) and Cobar (120k). (FS Architects Pty Ltd)
- Other works for ATSI communities including, infrastructure repairs and maintenance, Preschool development, workshops, offices and training facilities. (FS Architects Pty Ltd)
- Project Architects for ancillary development of the Szi Yup Kwan Ti Temple, Glebe, (National Estate for cultural significance).
- 30 years practical experience on numerous projects ranging up to approximately \$50m (Turnkey Design and Construction of Teluk Intan Hospital, a Leighton - Mudajaya Joint Venture) involving membership of interdisciplinary teams. (McConnel Smith & Johnson Pty Ltd) (1980 to present time).
- 5 years quality residential construction management experience (John Royle & Associates 1989 - 1993).
- Construction Manager on several award winning homes including two "Excellence in Housing" Awards by Daily Telegraph/Master Builder's Association and several "James Hardie's Design" Awards (John Royle & Associates 1989 - 1993).
- Experienced in computer assisted construction programming and monitoring (Over 90 projects).
- Experienced in Cost Analysis and Cost Planning (over 200 residential and commercial projects).

## Representative Projects

### (a) Health Buildings

Member of contract documentation teams for Teluk Intan Hospital Malaysia 1984, Sydney Hospital refurbishment 1985, Sydney Hospital Building 1986, RGH Concord Repatriation Surgical & Diagnostics Building & Stores Building 1985 - 1988, Netherliegh Private Hospital (Randwick) Proposal 1986 (All at McConnel Smith & Johnson Pty Ltd 1984-1988), Bermagui Ambulance Station 1982 and Maroubra Ambulance Station 1983 (John H Langmead Pty Ltd 1980 - 1983). Newcastle Training Hospital (NSW Public Works 1986)

Work involved documentation, co-ordination and consultation with client representative groups and other design consultants. Work on RGH Concord also involved advice during construction, representative meetings, checking contract documents, co-ordinating consultants.

Project Architect for Department of Aging Disability and Homecare's Devolution Project (11 separate project contracts to date) as principal consultant. (FS Architects P/L 2006 – present)

### (b) Aircraft Industry

Contract documentation team for Qantas Flight Simulator Building, Mascot. (McConnel Smith & Johnson Pty Ltd 1986)

### (c) Aboriginal Housing & Health Management, Strategic Planning & Implementation

Preliminary sketch plans to be used to assist in raising funds for Nanima Detoxification and Domestic Violence Recovery Units (Finn Sherringham work in abeyance and awaiting funds).

Community Infrastructure, Housing, Health and Development Planning for Dept Aboriginal Affairs (Murrin Bridge Village) and Cobar Indigenous Community (Aboriginal Housing Office) (FS Architects Pty Limited).

Project Management (including Architectural Services) for ATSIC community Housing and Infrastructure Program at Nanima Village NSW. (1.9m) (FS Architects Pty Limited)

Project Management (including architectural services) for ATSIC and ATSI National Aboriginal Health Strategy (Environmental Health Program) for housing and infrastructure in Cobar, Gilgandra, Lake Cargelligo (Murrin Bridge Village) and Condobolin communities. (\$8m accumulative total) (FS Architects Pty Limited)

Project Management (including Architectural Services) for NSW DAA's Aboriginal Community Development Program for Murrin Bridge and Lake Cargelligo communities. (\$5m).

Project Management (including Architectural Services) for NSW Aboriginal Housing Office (Gilgandra & Lake Cargelligo) community housing. (\$500k) (FS Architects Pty Limited)

### (d) Retirement Village

Sketch plan stages Pennant Hills Proposal 1983. (John H Langmead Pty Ltd for Berkley Building Services)

### (e) Night Clubs & Licensed Premises

Design, Documentation, Licensing applications for Bull & Bush Theatre Restaurant (Williams St); Capriccio's Theatre Restaurant (Oxford St); Les Girls (Kings X); The Midnight Shift (Oxford St); St Georges Rowing Club. (John H Langmead Pty Ltd 1980 - 1984)

## **(f) Fire Damage Reinstatement**

Substantial reinstatement to Capriccio's Theatre Restaurant (Three floors) (161 - 163 Oxford St); Substantial reinstatement to 143 Oxford St Darlinghurst. (Three Floors) (John H Langmead Pty Ltd 1980 -1984). Design, Documentation & Contract Administration.

## **(g) Commercial Buildings**

Design development, documentation and Contract administration team for Pilgrim House (Pitt St) refurbishment 1987-88 (8 Floors) (McConnel Smith & Johnson Pty Ltd) Suburban shops (Sussex Inlet) 1989-1990 (John Royle & Associates). Suburban Shop alterations and additions (Sussex Inlet) (Finn & Sherringham in abeyance), Tamworth Showroom & Warehouse (Project Management) (Finn Sherringham 1994), Principal architect for Bankstown West Terrace Offices (FS Architects 2000).

Work included design and documentation, co-ordination and consultation with client representative groups, other design consultants, local government authorities, co-ordination of Design team and preparation of trade tender packages during construction. Work on all shops included complete Project Management.

## **(h) Stadium**

Documentation Concord Oval 1982 (John H Langmead Pty Ltd).  
Design Sussex Inlet Grandstand.

## **(j) New Church Building**

Design, Documentation and Contract Administration of St Mark's Anglican Church Sussex Inlet 1992-3 (housing 100 person congregation and Sunday School) (John Royle & Associates).

## **(k) Education Facilities**

Documentation team for Eschol Park Primary School. (Reeler & Partridge 1983)  
Design Documentation and Project management for Condobolin Preschool. (1999) (FS Architects P/L)  
Design documentation and Project management for Murrin Bridge Preschool. (2000) (FS Architects P/L)  
Design Documentation and Project management for Gregorace Childcare Centre. (2003) (FS Architects P/L)  
Sketch Design documents for Murrin Bridge Vocational Training Centre. (2003) FS Architects P/L  
Design and Contract Documentation for Condobolin Childcare Facility. (FS Architects P/L) (2003)  
Preliminary Investigations for Gymea Preschool. (FS Architects P/L (2004)

## **(m) Historic Buildings**

"Applegarth" Milton residence design and documentation (John Royle & Associates 1991), Sydney Hospital Refurbishment documentation team 1984, Pitt St Uniting Church initial studies 1986 (McConnel Smith & Johnson Pty Ltd), Elizabeth Farm Ancillary Building documentation 1983 (Reeler & Partridge).

Range of projects involved design and documentation including community liaison and consultation with historic societies, local government, authoritative bodies and experts.

## **(n) Multi Unit Housing**

Macquarie Fields Medium Density Development 1995 (16 Dwellings) (Finn Sherringham), Berrara (32 holiday units) 1993 (John Royle & Associates), Lurnea Townhouses (16 Dwellings) (Finn Sherringham in abeyance), Sketch Plans for 10 Townhouses and shops, Ulladulla 1992 (John Royle & Associates), Sketch plans Residential tower, Darlinghurst 1983 (John H Langmead Pty Ltd), Contract Documentation of 10 Pensioner Units 1996 (Richard Barraclough Architects), numerous smaller town-house developments (John Royle & Associates & John H Langmead Pty Ltd) including: DA for Multi dwelling development Gymea Bay 1995 (Finn Sherringham), , Sketch plans 4 villas Bexley 1996 (Finn Sherringham), 6 Flats Nelsons Bay 1992 (John Royle & Associates), 4 Flats Ulladulla 1992 (John Royle & Associates), sketch plans 8 Pensioner Townhouses 1992 River Rd, Sussex Inlet (John Royle & Associates), sketch plans 8 Holiday cottages 1992 Jacobs Dr, Sussex Inlet (John Royle & Associates). 10 units SEPP 5 housing (1998), Connell's Point, 5 dwellings with underground parking Peakhurst (1999).

Design and documentation involving co-ordination of design teams and consultations with authorities. Berrara Village Resort 1993 included Project Management services of Stage 1 subdivision, infrastructure, and housing development (John Royle & Associates).

## **(p) Single Dwellings**

Responsible for the design and documentation of in excess of 200 projects (new or additions) since 1989 (as Senior Architect/Construction Manager at John Royle & Associates & at Finn Sherringham).

## **(q) Cinema**

Design, documentation and construction management Sussex Inlet Theatre refurbishment (John Royle & Associates), Design advice Ulladulla twin cinema (John Royle & Associates), Design and documentation of Bateman's Bay twin Cinema. (Finn Sherringham work in progress)

## **(r) Factory Refurbishment**

Upgrade 12000m<sup>2</sup> Punchbowl Factory for fire services, emergency egress, new offices and facilities, new façade, landscaping, vehicular movement. (FS Architects 2006 – present)

## **(s) Group Homes**

Project Architect for NSW Dept of Aging Disability and Homecare Devolution Program at Hurstville, Punchbowl, Albion Park Rail, Castle Hill, Caringbah (2), Bega, Albion Park (3) , Nowra, Kentlyn (2), Rosebery, Cobbitty, Baulkham Hills, Quacker's Hill, Kembla Grange, Ulladulla, Greenleigh, Bombaderry (2), Mollymook, Worrigeer, Lavington (2), Wentworth Falls (Up to \$750k) (FS Architects Pty Ltd).

## **(t) Access Consulting**

Disability Access Audits since 2013. My clients include other architects, developers, builders, Non Gov Organisations, NSW State Govt Departments, Local Government Departments. Projects requiring my specialist expertise have extended into the public and private sector for commercial, residential, education facilities, public buildings, historic buildings, transport buildings and urban redevelopment projects.

Disability Access Advice has been provided through all stages of procurement, up to and including certification on completion. I have completed numerous Performance Solutions, and I am very active within the Disability Access profession community, for Professional Development and mentoring. I have presented numerous CPD conferences in my field of expertise for my Architect peers.

## **(u) Expert testimony**

I have been engaged in recent years by the NSW Crown Solicitor's Office as an Expert.



## Certificate of Accredited Membership

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Ms Cathryn Grant

This is to certify that

**Gary Finn**

Membership Number

**435**

was admitted as an **Accredited Class Member** of the Association of Consultants in Access Australia, Inc. on the 7th day of November 2018.  
Membership is only valid whilst a current financial member.

Mr Mark Reif  
ACA NATIONAL PRESIDENT

Mr Terry Osborn  
ACA OFFICE ADMINISTRATOR

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