

ATTACHMENT 6

COMPLIANCE TABLE

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

Development Application: 56271/2019

Proposed Development: **NOMINATED INTEGRATED Residential 108 Bed Aged Care Facility**

Street Address: **LOT: 1 DP: 1261345, 88 Scaysbrook Drive KINCUMBER**
Formally LOT: 103 DP: 707503, 290 Avoca Drive KINCUMBER

Development Standard Required	Proposed	Comply
Chapter 1 Clause 4 – Land to which this policy applies		
Applies to land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if development for the purposes of dwelling-houses, residential flat buildings, hospitals, is permitted on the land.	The land is partly zoned R2 Low Density Residential and part E3 Environmental Management under GLEP 2014 The proposal will be located within that part of the land zoned R2 where dwellings are permitted on the land.	Yes
Does not apply to Environmentally Sensitive Land as defined under Schedule 1	The land is not identified as being within any environmentally sensitive land defined under Schedule 1 of the SEPP or as described within GLEP 2014 or Coastal Management SEPP.	Yes
Chapter 1 Clause 5 – Relationship to other EPs		
(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, the Policy prevails to the extent of the inconsistency.	The permissibility of the development is sought through the Seniors Housing SEPP which prevails to GLEP 2014. There is no inconsistency as seniors housing is permissible under GLEP 2014.	Yes
Chapter 2 Clause 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 <i>Aged Care Act 1997</i> 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.	The development will provide housing for people who are defined as seniors under the SEPP.	Yes
Chapter 2 Clause 10 – Seniors Housing		
Seniors housing is residential accommodation 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.	The proposed development will provide housing for seniors in the form of a residential care facility .	Yes

Chapter 2 Clause 11 – Residential care facilities		
<p>a residential care facility is residential accommodation for seniors or people with a disability that includes:</p> <p>(a) meals and cleaning services, and</p> <p>(b) personal care or nursing care, or both, and</p> <p>(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.</p>	<p>The proposed development is categorised as a residential care facility as it provides residents with meals and cleaning services; personal and nursing care; and appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care. The proposal is not a dwelling, hostel, hospital or psychiatric facility.</p>	Yes
Chapter 3 Part 1 Clause 18 – Restrictions on occupation of seniors housing allowed under this Chapter		
<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p>	<p>The development will accommodate persons in accordance with this clause. Compliance achieved by condition of consent.</p> <p>Refer Condition 5.10</p>	Yes
Part 1A Clause 24 – Site Compatibility Certificates		
	<p>The proposed development does not require a site compatibility certificate in accordance with Clause 24(1A).</p>	Yes
Part 2 Site-related requirements		
Clause 26 – Location and access to facilities		
<p>The subject land is located within the Greater Sydney (Greater Capital City Statistical Area).</p> <p>1) Written evidence must be provided, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) For access to comply, facilities and services referred to in subclause (1) are in accordance with either 2a, b, or c.</p> <p>(2) (b) The subject land is located within the Greater Sydney (Greater Capital City Statistical Area) - a public transport service must be available to the residents who will occupy the proposed development:</p> <p>(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</p>	<p>Notwithstanding that the proposed development will provide high care nursing accommodation for residents that are not independently mobile, the subject land is located 2.7km from the Kincumber shopping precinct that provides a range of shops, other commercial and retails services as stated in clause 26(1)(a-c) and is serviced by established bus routes from Avoca Drive Route 66A and Scaysbrook Drive Route 64 direct to the shopping centre.</p> <p>The site within 400 metres of Busways Route 66A (the bus stop is directly on the site's Avoca Drive frontage) via an accessible pathway which provides the required frequency of service to Kincumber Shopping Village thereby satisfying the facilities access requirements of Clause 26(1)(b).</p> <p>Busways is the local bus operator for this area providing an hourly service along Route 66A, with more frequent services during peak periods.</p>	Yes

<p>(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</p> <p>(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)</p> <p>(3) Where 2(b) applies 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:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p>	<p>The sealed pathway can comply with the gradient requirements of Clause 26(3)).</p> <p>The proposal will be required to provide footpath to the bus stop and also to the access/footpath to the bus stop opposite the site on the northern side of Avoca Drive. Condition applied. Refer Condition 2.7</p> <p>A secondary bus stop is located on the site's southern frontage to Scaysbrook drive that is serviced by a public bus Route 64. Whilst there are pathways from the Central Building to Scaysbrook Road, these pathways are not accessible due to the prevailing existing topography.</p> <p>The RACF proposes to use a shuttle service available at the nearby Brentwood Village seniors living development which can provide a regular bus service to the aged care facility. This is considered a more appropriately option. Condition applied. Refer Condition 6.1</p>	
Clause 27 – Bushfire prone land		
<p>A consent authority must not consent to a development application on bushfire prone land unless it is satisfied that the development complies with the document <i>Planning for Bushfire Protection 2006</i> prepared by NSW Rural Fire Service</p>	<p>The land is identified as bushfire prone land on Council's bushfire maps.</p> <p>The NSW Rural Fire Service has issued a Bushfire Safety Authority under section 100B of the <i>Rural Fires Act 1997</i></p>	N/a
Clause 28 – Water and Sewer		
<p>A consent authority must not consent to a development application unless adequate water and sewer facilities must be provided to the site.</p>	<p>The proposal will be connected to the Council's reticulated water and sewer systems.</p>	Yes
Clause 29 – Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply		
<p>A consent authority must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</p> <p>25 (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</p> <p>(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,</p>	<p>Council is of the opinion that the proposed development is compatible with surrounding land uses having regard to Clause 25 5 (b) (i) (iii) (v) in the following manner:</p> <p>Clause 25(5)(b)(i) The proposed building footprint has been reduced to that of the seniors housing development previously located on the site. This however, results in the proposed building heights and excavation to create flat</p>	Yes

(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,

(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,

floor plates for optimal business operations of the RACF.

Notwithstanding this, the design enables extensive landscaping to be provided around the building which serves to ensure integration with immediately adjoining development and the locality generally. The building is positioned towards the centre layers of landscaping and the 'stepping' of the development down the natural slope.

The proposal provides transition in built form to the E3 zoned land by providing a 2.8m setback to the E3 zone boundary and a single storey built form of the central building and ensures the built form sits below the tree line.

The proposal has a stepped built form, articulated façade, retained and enhanced vegetation to integrate the development with the natural environment.

Provides extensive building setbacks to boundaries:

- Setback of Northern wing to the west boundary: 17.2m
- Setback of Southern wing to the west boundary: 29.1m
- Setback to east boundary: 110m
- Setback to Avoca Drive site boundary: 10.8m
- Setback to Scaysbrook Drive site boundary 26m – 39m.

Good amenity is achieved in low scale residential suburban environments from the proposed separation distances to the residential development to the west as shown on the architectural section plans.

The assessment has determined that there is appropriate contextual relationship between building forms and no material adverse amenity effects will be experienced between the proposed development and nearby residential areas.

Clause 25(5)(b)(iii)

The site is within an established urban area and is well serviced in terms of infrastructure and public transport services.

Clause 25(5)(b)(v)

The location of uses within the site, as well as the placement of building mass, form, scale and heights have been guided by the

	<p>constraints of the site and responds to adjoining development. This is evidenced through:</p> <ul style="list-style-type: none"> • The building will maintain consistency with the street context and streetscape character by increasing the existing 6m setback of residential development in the vicinity of the site. • The building is articulated, provides façade variations and uses a variety of materials, colours and finishes to divide the building mass and reduce the bulk and scale of the building. This will minimise visual impact to the surrounding area. • Existing landscaping retained on the E3 zoned land. Proposed landscaping, together with the retained landscaping will screen and soften built form and soften/reduce visual impact of the development. • The stepped building alignment breaks up the building bulk, defines the street edge and contributes to the landscape setting of buildings. • Provides extensive building setbacks to boundaries and therefore generous level of physical separation distance to site frontage boundaries and to adjacent properties. • Taller building elements are located in the centre of the site to minimise impact on neighbouring residential development, maximise setbacks and minimise overshadowing and privacy impacts. • The proposal will have beneficial social and economic impacts through provision of high care nursing home accommodation and provide additional employment in construction and provision of services to care for residents of the nursing home once operational. 	
Part 3 Design requirements		
Clause 30 – Relationship to other EPIs		
<p>A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p>	<p>A site analysis has been provided in the Architectural Plans demonstrating that the proposed development will provide sufficient separation to adjoining allotments so as to allow landscaping and privacy to be maintained within the low-density zone.</p>	Yes

(ii) Explaining how the design of the proposed development has regard to the design principles set out in Division 2.		
Clause 32 – Design of the residential development		
A development must demonstrate the design of the proposed development has regard to the design principles set out in Division 2.	Addressed below	Yes
Part 3 Division 2 Design principles		
Clause 33 – Neighbourhood amenity and streetscape		
<p>The proposed development should:</p> <p>(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</p> <p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(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</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone</p>	<p>The building is articulated, provides façade variations and uses a variety of materials, colours and finishes to divide the building mass and reduce the bulk and scale of the building. This will minimise visual impact to the surrounding area.</p> <p>Existing landscaping retained on the E3 zoned land. Proposed landscaping, together with the retained landscaping will screen and soften built form and soften/reduce visual impact of the development.</p> <p>The stepped building alignment breaks up the building bulk, defines the street edge and contributes to the landscape setting of buildings.</p> <p>Provides extensive building setbacks (10.8m to 26m) to boundaries and therefore generous level of physical separation distance to site frontage boundaries and to adjacent properties.</p> <p>The proposal seeks to increase the building height, it does so in a contextually appropriate and sensitive manner that ensures the development does not dominate the streetscape by virtue of its scale and bulk. The extensive landscaping proposed will ensure the proposed development will not be visually prominent in the surrounding landscape.</p> <p>The proposed development is considered to have a positive impact on the streetscape and is not considered to have adverse amenity impacts on the surrounding neighbourhood.</p>	Yes
Clause 34 – Visual and acoustic privacy		

<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The generous separation distance to residential development together with the floor planning and design of the resident suites, placement of windows and landscaping have been arranged to achieve good levels of privacy, both for their respective interior spaces and also for their private outdoor spaces.</p>	<p>Yes</p>
Clause 35 – Solar access and design for climate		
<p>The proposed development should:</p> <p>(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</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>The floor planning and design:</p> <ul style="list-style-type: none"> • ensures adequate daylight to the main living areas of neighbours and adequate sunlight to substantial areas of private open space. • Sustainable outcomes in energy and resource use efficiency is provided by natural ventilation, solar heating and lighting through appropriate location of windows and inclusion of significant private open space areas between the wings of the building. • The development satisfies the relevant Section J compliance certificate statutory requirements for energy and other forms of resources efficiency. 	<p>Yes</p>
Clause 36 – Stormwater		
<p>The proposed development should:</p> <p>(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</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The development meets the standards specified for stormwater management and minimisation of effects.</p>	<p>Yes</p>
Clause 37 – Crime prevention		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(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</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The development meets the standards specified for crime prevention.</p> <p>The proposed facility will be operated 24 hours/7 days with a large nursing staff and is designed to provide natural surveillance of building approaches and entries via multiple facilities being private courtyards, café seating, private community gardens, balconies and dining/lounge areas.</p>	<p>Yes</p>
Clause 38 – Accessibility		

<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The development meets the standards specified for accessibility.</p> <p>The development is designed to comply with applicable Building Code of Australia, SEPP and Australian Standards requirements for access for persons who are senior and/or with a disability providing:</p> <ul style="list-style-type: none"> • Safe pedestrian links from the site to public transport services on Avoca Drive via sealed accessible pathways and to Scaysbrook Drive via sealed pathways and bus shuttle service. • Passenger lifts within the central building provide access to each residential wing and lounge/dining areas and linking the main kitchens / laundries / staff areas with the resident floors. 	Yes
Clause 39 – Waste Management		
<p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>Suitable construction and operational waste facilities are provided – refer waste management plan.</p>	Yes
Part 4 Development Standards to be complied with		
Clause 40 – Development Standards – minimum sizes and building height		
<p>(2) Site Size – min 1,000m²</p>	<p>Site area is 2.448ha and has dual zoning R2 Low Density Residential/E3 Environmental Management under GLEP 2014.</p> <p>The RACF is located/permissible on the R2 zoned land which is 12,842m² in area.</p>	Yes
<p>(3) Site frontage – min 20m</p>	<p>Site frontage to Scaysbrook Drive is 109m and 118.62m to Avoca Drive.</p>	Yes
<p>(4) Height in zones where residential flat buildings are not permitted</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>(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</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	<p>The proposal has a maximum topmost ceiling height of 13.81m above natural ground level and exceeds the height standard of 8m – variation is 5.81m.</p> <p>The Seniors Housing SEPP provides that “height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point”.</p> <p>The proposal has a maximum of 3-4 storeys and exceeds the standard of two storeys in height.</p> <p>In accordance with Clause 40 (5), Catholic Care is a registered social housing provider and as a consequence Clause 40(4)(c) does not apply.</p>	<p>No Variation is supported</p> <p>Refer Clause 4.6 exception to development standards</p>
Clause 46 – Inter-relationship of Part with design principle in Part 3		

This clause requires the consent authority to be satisfied that a DA has given adequate regard to the principles provided in Clauses 33 - 39 of the Seniors Housing SEPP	<p>The development has given appropriate regard to the relevant design principles in Clauses 33 – 39 as detailed above.</p> <p>A statement is provided by the project architect, Jackson Teece, demonstrating how the principles have been considered and addressed.</p>	Yes
Part 7 Development Standards that cannot be used as grounds to refuse consent		
Clause 48 – Development Standards that cannot be used as grounds to refuse consent for residential care facilities		
(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	The proposal is 3-4 storeys in height and has a maximum topmost ceiling height of 13.81m above natural ground level and exceeds the height standard of 8m – variation is 5.81m.	No The variation is justifiable and does not warrant refusal
(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	<p>The proposed development complies with the maximum floor space ratio development standard of 1:1, having a floor space ratio of 0.5:1 when calculated on the area of the R2 Low Density Residential zoned land of the site.</p> <p>In accordance with the definition in Seniors Housing SEPP of gross floor area</p> <p>(f) in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.</p>	Yes
(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	<p>108 beds require a minimum of 1,700m² of landscaped area.</p> <p>A total of 6,513.8m² of landscaped area is provided which equates to 60.3m² per bed.</p>	Yes
<p>(d) parking for residents and visitors: if at least the following is provided:</p> <p>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), 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>Car parking required:</p> <p>108 beds:</p> <ul style="list-style-type: none"> • 36 Dementia Unit beds = 2.4 car spaces • 72 Beds = 7.2 car spaces • 40 peak time staff = 20 car spaces <p>Total minimum required = 29.6 or 30 car spaces (rounded up)</p> <p>1 Ambulance bay = 1</p> <p>Car parking provided:</p> <p>Total provided = 38 car spaces plus Ambulance space = 1</p>	Yes
Chapter 4 Miscellaneous		
Clause 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	The proposal incorporates a fire sprinkler system	Yes

