

**SEPP HSPD Assessment**

3 Quarry Road and 4 Vineys Road, Dural  
(Lot 2A, DP 158064 and Lot 1, DP 230172)

<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<b>Clause/ Control description</b>	<b>Planning Assessment Compliance Yes/No</b>	<b>Planning Assessment</b>
<b>Chapter 1 – Preliminary</b>			
<b>2. Aims of Policy</b>	<p>(1) <i>This Policy aims to encourage the provision of housing (including residential care facilities) that will:</i></p> <ul style="list-style-type: none"> <li>(a) <i>increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i></li> <li>(b) <i>make efficient use of existing infrastructure and services, and</i></li> <li>(c) <i>be of good design.</i></li> </ul> <p>(2) <i>These aims will be achieved by:</i></p> <ul style="list-style-type: none"> <li>(a) <i>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</i></li> <li>(b) <i>setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and</i></li> <li>(c) <i>ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.</i></li> </ul>	<b>YES</b>	The proposed development achieves the aims of SEPP HSPD by providing various housing types to accommodate seniors, within close proximity to existing services and infrastructure, that will meet the needs of an ageing demographic within The Hornsby local area.
<b>4. Land to which Policy applies</b>	<p>(1) <b>General</b> <i>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:</i></p> <ul style="list-style-type: none"> <li>(a) <i>development for the purpose of any of the following is permitted on the land:</i> <ul style="list-style-type: none"> <li>(i) <i>dwelling-houses,</i></li> <li>(ii) <i>residential flat buildings,</i></li> <li>(iii) <i>hospitals,</i></li> </ul> </li> </ul>	<b>YES</b>	The Site is identified as adjoining land zoned primarily for urban purposes as it adjoins land zoned B2 Local Centre under the provisions of <i>Hornsby Shire Local Environmental Plan 2013</i> (HLEP 2013) whereby dwelling houses are permitted. In accordance with Clause 4, SEPP HSPD therefore applies.

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	<p>(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</p> <p>(b) the land is being used for the purposes of an existing registered club.</p> <p><b>(4) Land that adjoins land zoned primarily for urban purposes</b> For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.</p>		
<b>Chapter 2 – Key Concepts</b>			
<b>10. Seniors Housing</b>	<p>In this Policy, <b>seniors housing</b> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of these,</p> <p>but does not include a hospital.</p> <p><b>Note.</b> 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.</p>	<b>YES</b>	<p>The proposed development includes:</p> <ul style="list-style-type: none"> <li>▪ 219 Independent Living Units</li> <li>▪ 74 bed Residential Aged Care</li> </ul> <p>The proposed development is consistent with the definition of a 'a residential aged care facility'. Residential Care Facilities are defined within Clause 11 of the SEPP HSPD as:</p> <p><i>In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:</i></p> <ul style="list-style-type: none"> <li>a) meals and cleaning services, and</li> <li>b) personal care or nursing care, or both, and</li> </ul>

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	<p>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:</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live within the same household with seniors or people who have a disability,</li> <li>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</li> </ul> <p>Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows:</p> <ul style="list-style-type: none"> <li>(a) Class 3, 9a or 9c in relation to residential care facilities,</li> <li>(b) Class 1b or 3 in relation to hostels,</li> <li>(c) Class 1a or 2 in relation to self-contained dwellings.</li> </ul>		<ul style="list-style-type: none"> <li>c) appropriate staffing, furniture, furnishings, and equipment for the provision of that accommodation and care,</li> <li>d) not being a dwelling, hostel, hospital, or psychiatric facility.</li> </ul> <p>The proposed development will provide housing needs of low medium and high care for a diverse population within a low density environment that is highly compatible with existing and surrounding land uses.</p>
13 Self-contained dwellings	<p>(1) <b>General term: "self-contained dwelling"</b> In this Policy, a <b>self-contained dwelling</b> 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.</p> <p>(2) <b>Example: "in-fill self-care housing"</b> In this Policy, <b>in-fill self-care housing</b> 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.</p> <p>(3) <b>Example: "serviced self-care housing"</b> In this Policy, <b>serviced self-care housing</b> is seniors housing that consists of self-contained dwellings where the following</p>	N/A	<p>The use of the proposed Independent Living Units (ILUs) is contained within the definition of "Self Contained Dwellings" of Clause 13 of the SEPP Seniors.</p> <p>The proposed ILUs are completely self-contained and are provided with independent cooking facilities, bedroom/s, living areas, bathrooms, laundry facilities etc.</p>

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	<i>services are available on the site: meals, cleaning services, personal care, nursing care.</i>		
<b>Chapter 3 – Development for Seniors Housing</b>			
<i>Part 1 – General</i>			
<b>14 Objective of Chapter</b>	<i>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</i>	<b>YES</b>	The proposed development reflects the application of SEPP HSPD to create accommodation that is suitable to a growing, ageing population.  The proposed development will provide Seniors Housing in a locality where there is a forecasted increase in an ageing population.
<b>15 What Chapter does</b>	<i>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:</i> (a) <i>development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and</i> (b) <i>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.</i>	<b>YES</b>	The Site adjoins land zoned primarily for urban purposes and consent is sought for an Integrated Seniors Living Precinct.  As such, the proposed development has been prepared in accordance with the relevant provisions of SEPP HSPD.
<b>16 Development consent required</b>	<i>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</i>	<b>TBC</b>	The cost of works will be determined prior to the submission of a Development Application.
<b>17 Development on land adjoining land zoned primarily for urban purposes</b>	<i>(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for</i>	<b>YES</b>	The proposed development is on land that adjoins land zoned primarily for urban purposes.

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	<p><i>urban purposes unless the proposed development is for the purpose of any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) a hostel,</i></li> <li><i>(b) a residential care facility,</i></li> <li><i>(c) serviced self-care housing.</i></li> </ul> <p><i>(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:</i></p> <ul style="list-style-type: none"> <li><i>(a) for people with a disability, or</i></li> <li><i>(b) in combination with a residential care facility, or</i></li> <li><i>(c) as a retirement village (within the meaning of the <a href="#">Retirement Villages Act 1999</a>).</i> <p><b>Note.</b> Clause 13 (3) defines <b>serviced self-care housing</b> as seniors housing that consists of self-contained dwellings where meals, cleaning services, personal care and nursing care are available on site. Clause 42 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 42 also provides that if services are limited to those provided under Government provided or funded community based care packages, this does not constitute reasonable access to services</p> </li></ul>		<p>The proposed Independent Living Units will be provided in combination with serviced care apartments and residential aged care facilities.</p> <p>As such, the proposed development is for an Integrated Seniors Living Precinct, providing for low, medium and high care, and is considered to meet the requirements of Clause 17.</p>
<p><b>18 Restrictions on occupation of seniors housing allowed under this Chapter</b></p>	<p><i>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</i></p> <ul style="list-style-type: none"> <li><i>(a) seniors or people who have a disability,</i></li> <li><i>(b) people who live within the same household with seniors or people who have a disability,</i></li> <li><i>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</i></li> </ul>	<p><b>YES</b></p>	<p>It is acknowledged that a condition will be placed on the consent that requires the proposal to be occupied by people over the age of 55, subject to a future development application.</p>

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	<p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(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.</p>		
<b>19 Use of Seniors housing in commercial zones</b>	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	<b>N/A</b>	The proposed development is not located on land in a commercial zone.
<b>21 Subdivision</b>	Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.	<b>N/A</b>	There is no subdivision proposed as part of this application.
<b>22 Fire Sprinkler systems in residential care facilities for seniors</b>	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	<b>YES</b>	Appropriate fire sprinkler systems will be included as part of a future development application.

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<b>23 Development on land used for purposes of an existing registered club</b>	<p>(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:</p> <ul style="list-style-type: none"> <li>(a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and</li> <li>(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.</li> </ul> <p><b>Note.</b> The <a href="#">Gaming Machines Act 2001</a> and the regulations made under that Act provide for gambling harm minimisation measures.</p> <p>(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:</p> <ul style="list-style-type: none"> <li>(a) any separate pedestrian access points for the club and the residential areas of the proposed development,</li> <li>(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.</li> </ul> <p><b>Note.</b> See also clause 34 in relation to noise minimisation design principles</p>	<b>N/A</b>	The Site is not located on land used for the purposes of an existing registered club.



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<b>Part 1A – Site-compatibility Requirements</b>			
<b>24 Site compatibility certificates required for certain development applications</b>	<p>(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) if:</p> <ul style="list-style-type: none"> <li>(a) the development is proposed to be carried out on any of the following land to which this Policy applies: <ul style="list-style-type: none"> <li>(i) land that adjoins land zoned primarily for urban purposes,</li> <li>(ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),</li> <li>(iii) land that is used for the purposes of an existing registered club, or</li> </ul> </li> <li>(c) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.</li> </ul> <p>(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.</p> <p>(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:</p> <ul style="list-style-type: none"> <li>(a) the site of the proposed development is suitable for more intensive development, and</li> </ul>	<b>YES</b>	<p>On 24 May 2017 the Director General of the Department of Planning &amp; Environment issued a Site Compatibility Certificate (SCC) under Clause 24(4)(a) of SEPP HSPD.</p> <p>The SCC certifies the Site’s suitability for the construction of a Seniors Living Precinct on the Site, notwithstanding the prohibition of seniors housing under HLEP 2013. Further, the SCC certifies that the Site is suitable for more intensive development than currently exists and that the proposed seniors living development is <i>compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b)’ of SEPP HSPD</i>, being:</p> <ul style="list-style-type: none"> <li>(i) <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></li> <li>(ii) <i>the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land;</i></li> <li>(iii) <i>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></li> <li>(iv) <i>in the case of applications in relation to land that is zoned open space or special uses -</i></li> </ul>



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	<p>(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).</p> <p><b>Note.</b> Clause 50 (2A) of the <a href="#">Environmental Planning and Assessment Regulation 2000</a> requires a development application to which this clause applies to be accompanied by a site compatibility certificate.</p> <p>(3) Nothing in this clause:</p> <p>(a) prevents a consent authority from:</p> <p>(i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or</p> <p>(ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or</p> <p>(b) otherwise 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.</p> <p><b>Note.</b> Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.</p> <p>(4) (Repealed)</p>		<p><i>the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development;</i></p> <p>(v) <i>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>(vi) <i>if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 – the impact that the proposed development is likely to have on the conservation and management of native vegetation.</i></p> <p>The SCC does not constitute development consent and the proposal is required to be assessed and determined by the relevant planning authority, under a future development application.</p> <p>Pursuant to Clause 24(2) of the SEPP HSPD:</p> <p><i>"A consent authority must not consent to a development application unless the consent authority is satisfied that the Director-General has certified in <b>current site compatibility certificate</b> that, in Director-General's opinion:</i></p> <p>(a) <i>the site of the proposed development is suitable for more intensive development; and</i></p> <p>(b) <i>development for the purposes of seniors housing of the kind proposed in the development application is</i></p>

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			<p><i>compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25(5)(b)"</i></p> <p>Further, Clause 25 (9) of SEPP HSPD provides:</p> <p><i>"(9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General."</i></p> <p>In light of the above, legal advice was obtained by Mills Oakley to determine whether a new SCC should be obtained to ensure an SCC was valid across the Site at the time of determination. As such, for the reasons outlined above, the consent authority can only grant development consent in reliance on the SCC if the SCC is current at the time of determination, that is, no later than 23 May 2019.</p> <p>Accordingly, the for reasons stated above, in order to have the proposal approved in reliance on the SCC, a new SCC is to be submitted to the DoPE. The proposed development subject to this SCC is identical as that proposed under the original SCC application. A meeting was held with the DoPE on 28<sup>th</sup> March 2018, to discuss the current SCC and the intention to prepare a subsequent SCC to ultimately preserve the validity of the existing SCC. Overall, the proposed development is to ensure the validity of the SCC approval process across the Site is preserved.</p>
<b>25 Application for site compatibility certificate</b>	<p>(1) <i>An application for a site compatibility certificate for the purposes of clause 24 may be made to the Director-General:</i></p> <p>(a) <i>by the owner of the land on which the development is proposed to be carried out, or</i></p> <p>(b) <i>by any other person, with the consent of the owner of that land.</i></p>	<b>YES</b>	<p>On 24 May 2017 the Director General of the Department of Planning &amp; Environment issued a Site Compatibility Certificate (SCC) under Clause 24(4)(a) of SEPP HSPD.</p> <p>A formal application will be submitted to obtain a new SCC, ultimately to preserve the validity of the existing SCC.</p>

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	<p>(2) <i>An application must be:</i></p> <ul style="list-style-type: none"> <li>(a) <i>in writing, and</i></li> <li>(b) <i>in the form (if any) approved by the Director-General from time to time, and</i></li> <li>(c) <i>accompanied by such documents and information as the Director-General may require.</i></li> </ul> <p><b>Note.</b> Clause 262A of the <a href="#">Environmental Planning and Assessment Regulation 2000</a> provides for the maximum fee for an application for a site compatibility certificate.</p> <p>(3) <i>Subject to subclause (4) (b), the Director-General must provide a copy of the application to the General Manager of the council for the area in which the development concerned is proposed to be carried out (the <b>relevant General Manager</b>) within the period of 7 days after the application is made.</i></p> <p>(4) <i>Subject to subclause (5), the Director-General:</i></p> <ul style="list-style-type: none"> <li>(a) <i>may determine the application by issuing a certificate or refusing to do so, and</i></li> <li>(b) <i>if the Director-General refuses to issue a certificate at any time within the period of 7 days after the application is made—is not required to comply with subclause (3).</i></li> </ul> <p>(5) <i>The Director-General must not issue a site compatibility certificate unless the Director-General:</i></p> <ul style="list-style-type: none"> <li>(a) <i>has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and</i></li> <li>(b) <i>is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</i> <ul style="list-style-type: none"> <li>(i) <i>the natural environment (including known significant environmental values, resources or hazards) and the</i></li> </ul> </li> </ul>		<p>Refer to SCC Application Report.</p>

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	<p><i>existing uses and approved uses of land in the vicinity of the proposed development;</i></p> <p><i>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,</i></p> <p><i>(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><i>(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,</i></p> <p><i>(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><i>(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the <a href="#">Native Vegetation Act 2003</a>—the impact that the proposed development is likely to have on the conservation and management of native vegetation.</i></p> <p><i>(6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.</i></p>		

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	<p>(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.</p> <p>(8) The Director-General must, if it is reasonably practicable to do so, determine an application within 35 days after it is lodged.</p> <p>(9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General.</p> <p>(10) The provisions of subclauses (3) and (5) (a) do not apply in relation to the determination of an application for a site compatibility certificate if the Director-General has delegated the function of determining the application to the council for the area in which the development concerned is proposed to be carried out.</p>		
<b>Part 2 – Site-related Requirements</b>			
<b>26 Location and access to facilities</b>	<p>(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:</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) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the</p>	<b>YES</b>	<p>There are four main commercial hubs that are accessible from the Site via public transport or walking. Each of the identified commercial hubs provides a range of services that cater to the needs of the community.</p> <p><u>North Q Business Park</u></p> <p>The North Q Business Park is located on the corner of Old Northern Road and Quarry Road, and is within 100m walking distance of the Site. The Business Park provides a range of services including:</p> <ul style="list-style-type: none"> <li>Retail premises: Hifi and music store, pet store, art supplies and fishing supplies;</li> </ul>

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3 Quarry Road and 4 Vineys Road, Dural  
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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause/ Control description	Planning Assessment Compliance Yes/No	Planning Assessment
	<p><i>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></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</i></p> <p><i>(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></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical</i></p>		<ul style="list-style-type: none"> <li>Commercial premises: Automotive autocare and autotune;</li> <li>Food and drink premises: Restaurants and cafes, take-away shops, McDonalds and KFC;</li> <li>Recreational Facilities: Gym;</li> <li>Medical Centres: Dural Family Medical Practice.</li> </ul> <p>In addition, other services are available along Old Northern Road and in close proximity to the Business Park such as Salvation Army, Shell Gas Station and Coles Express, Autobarn and Bunnings.</p> <p><u>Dural Village</u> The Dural Village is located approximately 2km Northwest of the Site and is considered to be a local commercial strip consisting of:</p> <ul style="list-style-type: none"> <li>Retail premises: IGA, Caltex Woolworths, newsagency and plant nursery;</li> <li>Commercial premises: post office;</li> <li>Food and drink premises: Restaurants and take-away shops;</li> <li>Medical facilities: Dural Medical Centre, Kellyville Podiatry, and pharmacy.</li> </ul> <p><u>Round Corner Shopping Centre</u> Round Centre Shopping Centre is approximately 1.9km west of the site and the available services include:</p> <ul style="list-style-type: none"> <li>Retail premises: Woolworths, ALDI, pet store, and speciality stores;</li> <li>Commercial premises: Post office, travel agents, hairdresser, banks and legal aid;</li> <li>Food and Drink premises: Restaurants and cafes, take-away shops, and Subway;</li> </ul>



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3 Quarry Road and 4 Vineys Road, Dural  
(Lot 2A, DP 158064 and Lot 1, DP 230172)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause/ Control description	Planning Assessment Compliance Yes/No	Planning Assessment
	<p><i>Division—there is a transport service available to the residents who will occupy the proposed development:</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(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).</i></p> <p><b>Note.</b> 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.</p> <p><i>(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></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</i></p>		<ul style="list-style-type: none"> <li>Medical Facilities: Round Corner Medical Practice, Physiotherapy Clinic and Pharmacy.</li> </ul> <p><u>Castle Hill Town Centre</u> Caste Hill Town Centre contains a range of services and facilities at street level and a shopping centre. It is located approximately 6km southwest of the site and the types of services available include:</p> <ul style="list-style-type: none"> <li>Retail premises: Coles, David Jones, Target, Kmart and speciality stores;</li> <li>Commercial premises: Post office, cinemas, hairdresser, banks;</li> <li>Food and drink premises: Restaurants and cafes, take-away shops, and McDonald's;</li> <li>Community Services: Police station, library, places of public worship, Castle Hill RSL.</li> <li>Medical Facilities: Castle Hill Medical Centre, Barwell Medical Centre, I-MED Radiology, Castle Hill Day Surgery, The Hills Clinic, and pharmacy.</li> </ul> <p>Overall, the Site is considered highly accessible in terms of services and facilities as well as public transport.</p> <p>Services and facilities within the immediate vicinity of the Site are accessible by a suitable pedestrian footpath located along the southern side of Quarry Road, with an average gradient of less than 1:14.</p>



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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause/ Control description	Planning Assessment Compliance Yes/No	Planning Assessment
	<p>(4) For the purposes of subclause (2):</p> <p>(a) a <b>suitable access pathway</b> 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</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p><b>bank service provider</b> means any bank, credit union or building society or any post office that provides banking services.</p>		
<b>27 Bushfire Prone Land</b>	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p> <p>(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation</p>	<b>YES</b>	<p>The Site is identified as being Bushfire Prone land.</p> <p>The eastern portion of the Site is identified as a Vegetation Buffer – 100m and 30m according to the Bushfire Prone Lands Maps 2014 by the Hornsby Shire Council. The existing pine plantation to the west as well as the vegetation to the east creates Bushfire Attached Level setbacks on the Site.</p> <p>The Site is considered to be suitable for the proposed Seniors Housing development and appropriate access for fire vehicles has been incorporated into the design. All buildings have been designed so as all access points to the built form are outside of the BAL -10 zones which has been agreed to by the RFS on a number of similar developments recently. Overall, the Site is therefore considered to comply with PBP 2006.</p>

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<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<b>Clause/ Control description</b>	<b>Planning Assessment Compliance Yes/No</b>	<b>Planning Assessment</b>
	<p><i>buffer”, must take into consideration the general location of the proposed development; the means of access to and egress from the general location and other relevant matters, including the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) the size of the existing population within the locality,</i></li> <li><i>(b) age groups within that population and the number of persons within those age groups,</i></li> <li><i>(c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,</i></li> <li><i>(d) the number of schools within the locality and the number of students at those schools,</i></li> <li><i>(e) existing development within the locality that has been carried out under this Policy or <u>State Environmental Planning Policy No 5—Housing for Older People or People with a Disability</u>,</i></li> <li><i>(f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,</i></li> <li><i>(g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,</i></li> <li><i>(h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,</i></li> <li><i>(i) the requirements of New South Wales Fire Brigades.</i></li> </ul> <p><i>(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.</i></p>		Refer to <b>Appendix 4</b> for further detail.
<b>28 Water and Sewer</b>	(1) <i>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</i>	<b>YES</b>	Connections to all relevant utility services are generally already available via the Quarry Road frontage.

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	<p><i>be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</i></p> <p>(2) <i>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.</i></p>		<p>The following infrastructure is available at or near Quarry Road:</p> <ol style="list-style-type: none"> <li>1. <b>Water Supply:</b> There are both 200mm and 100mm water mains in Quarry Road. This would be expected to be adequate to connect to and to service the proposed development, subject to Sydney Water application and approval.</li> <li>2. <b>Gas Supply:</b> There is a 110mm nylon, 210 kPa JEMENA gas main, 1.2m inside the boundary at Quarry Road which would be expected to be adequate to service the proposed development, subject to JEMENA application and approval.</li> <li>3. <b>High Voltage Supply:</b> An overhead HV supply is noted on the opposite side of road for connection to. However, electrical supply would be subject to application to and confirmation from Endeavour Energy on the capacity of the HV supply.</li> <li>4. <b>Sewer Main:</b> There is no sewer main in Quarry Road. However, there is a 225mm sewer manhole adjacent to the existing development on the opposite side of the road from which the proposed development could be serviced, subject to application to and approval from Sydney Waster. The proposed development sewer will be either gravity fed depending on Site levels, or a pump out station could be installed and connected to the existing manhole.</li> </ol> <p>It is therefore apparent that water, gas, electricity and sewer infrastructure is within relative proximity to the Site, subject to final approval from the relevant authorities and service providers.</p>

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<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<b>Clause/ Control description</b>	<b>Planning Assessment Compliance Yes/No</b>	<b>Planning Assessment</b>
<b>Part 3 – Design Requirements</b>			
<i>Division 1 – General</i>			
<b>30 Site Analysis</b>	<p>(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.</p> <p>(2) 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>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p> <p>(3) The following information about a site is to be identified in a site analysis:</p> <p>(a) <b>Site dimensions:</b> length width</p> <p>(b) <b>Topography:</b> spot levels and/or contour north point natural drainage any contaminated soils or filled areas</p> <p>(c) <b>Services:</b> easements</p>	<b>YES</b>	Refer to accompanying Architectural Plans as prepared by Marchese Partners ( <b>Appendix 1</b> ).

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause/ Control description	Planning Assessment Compliance Yes/No	Planning Assessment
	<p><i>connections for drainage and utility services</i></p> <p>(d) <b>Existing vegetation:</b>  <i>location</i>  <i>height</i>  <i>spread of established trees</i>  <i>species</i></p> <p>(e) <b>Micro climates:</b>  <i>orientation</i>  <i>prevailing winds</i></p> <p>(f) <b>Location of:</b>  <i>buildings and other structures</i>  <i>heritage features and items including archaeology</i>  <i>fences</i>  <i>property boundaries</i>  <i>pedestrian and vehicle access</i></p> <p>(g) <b>Views</b> to and from the site</p> <p>(h) <b>Overshadowing</b> by neighbouring structures</p> <p>(4) The following information about the surrounds of a site is to be identified in a site analysis:</p> <p>(a) <b>Neighbouring buildings:</b>  <i>location</i>  <i>height</i>  <i>use</i>  <i>balconies on adjacent properties</i>  <i>pedestrian and vehicle access to adjacent properties</i></p> <p>(b) <b>Privacy:</b>  <i>adjoining private open spaces</i>  <i>living room windows overlooking site</i>  <i>location of any facing doors and/or windows</i></p> <p>(c) <b>Walls built to the site's boundary:</b>  <i>location</i>  <i>height</i>  <i>materials</i></p>		

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause/ Control description	Planning Assessment Compliance Yes/No	Planning Assessment
	<p>(d) <b>Difference in levels</b> between the site and adjacent properties at their boundaries</p> <p>(e) <b>Views</b> and <b>solar</b> access enjoyed by neighbouring properties</p> <p>(f) <b>Major trees</b> on adjacent properties</p> <p>(g) <b>Street frontage features:</b> poles trees kerb crossovers bus stops other services</p> <p>(h) The <b>built form</b> and <b>character</b> of adjacent development (including buildings opposite on both sides of the street(s) fronted): architectural character front fencing garden styles</p> <p>(i) <b>Heritage features</b> of surrounding locality and landscape</p> <p>(j) <b>Direction and distance to local facilities:</b> local shops schools public transport recreation and community facilities</p> <p>(k) <b>Public open space:</b> location use</p> <p>(l) Adjoining <b>bushland</b> or <b>environmentally sensitive land</b></p> <p>(m) <b>Sources of nuisance:</b> flight paths noisy roads or significant noise sources polluting operations</p> <p>(n) Adjoining <b>land uses and activities</b> (such as agricultural activities)</p>		

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3 Quarry Road and 4 Vineys Road, Dural  
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<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<b>Clause/ Control description</b>	<b>Planning Assessment Compliance Yes/No</b>	<b>Planning Assessment</b>
<b>31 Design of in-fill self-care housing</b>	<i>In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill 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.</i>	<b>YES</b>	The proposed development will demonstrate compliance with Senior Living Policy: Urban Design Guideline for Infill Development.
<b>32 Design of residential development</b>	<i>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.</i>	<b>YES</b>	The proposal has demonstrated compliance with the Design Principles in Division 2.
<b>Division 2 – Design Principles</b>			
<b>33 Neighbourhood amenity and streetscape</b>	<p><i>The proposed development should:</i></p> <p><i>(c) 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</i></p> <p><i>(d) 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</i></p> <p><i>(e) maintain reasonable neighbourhood amenity and appropriate residential character by:</i></p> <p><i>(i) providing building setbacks to reduce bulk and overshadowing, and</i></p> <p><i>(ii) using building form and siting that relates to the site's land form, and</i></p> <p><i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i></p>	<b>YES</b>	<p>The proposed development has been designed having regard to the desirable elements of the location's existing character. The result is a development which is compatible with the surrounding locality.</p> <p>There are no heritage conservation areas in proximity of the site.</p> <p>The proposed development has been designed and sited to maintain neighbourhood amenity and appropriate residential character for the Site by:</p> <ul style="list-style-type: none"> <li>▪ Providing significant setbacks to the nearest adjoining development, resulting in no overshadowing or bulk and scale impacts;</li> <li>▪ Stepping the building form in such a way that the proposal relates to the site's topography;</li> <li>▪ Providing the lower scale components at the interface with the adjoining residential development to minimise the perceived height.</li> </ul>



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	<p><i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p> <p><i>(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</i></p> <p><i>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i></p> <p><i>(f) retain, wherever reasonable, major existing trees, and</i></p> <p><i>(g) be designed so that no building is constructed in a riparian zone.</i></p>		<p>The proposal seeks to retain, wherever possible, major existing trees which are located on the site. Whilst there are some trees proposed to be removed, the ecological value of the Site will increase with the proposal.</p>
<b>34 Visual and acoustic privacy</b>	<p><i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i></p> <p><i>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</i></p> <p><i>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths</i></p>	<b>YES</b>	<p>The proposed development has been designed to provide suitable acoustic measures for the proposed development and the surrounding locality.</p> <p>The built form has been suitably screened from nearby residences through appropriate site planning, with significant setbacks and landscaping provided to adjoining sites.</p> <p>Landscaping has been proposed in a manner that will largely ensure that the development remain unobtrusive when view from adjoining sites. Further, the built form has been designed to complement the existing rural character.</p> <p>Views from the proposed development toward neighbouring properties have been minimised through the strategic siting and orientation of windows and balconies, screening devices and vegetation adjacent to Site boundaries. Accordingly, the visual privacy of neighbouring properties will be adequately maintained as a result of the proposed development.</p>

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<b>35 Solar access and design for climate</b>	<p><i>The proposed development should:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>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.</i></p>	<b>YES</b>	The proposed development has been designed with respect to the surrounding context in order to protect a higher degree of neighbouring amenity, including in relation to solar access. As confirmed through detailed shadow diagrams, the proposed development will not reduce the daylight levels of nearby residences.
<b>36 Stormwater</b>	<p><i>The proposed development should:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>include, where practical, on-site stormwater detention or re-use for second quality water use</i></p>	<b>YES</b>	<p>On site stormwater detention is to be provided in accordance with Hornsby Shire Council requirements.</p> <p>An Overland Flow and Flood Analysis has been prepared by Marchese Partners and accompanies this application as <b>Appendix 5</b>.</p>
<b>37 Crime Convention</b>	<p><i>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</i></p>	<b>YES</b>	<p>All internal and external areas of the building and Site have been designed to promote the safety and security of all Site users. Driveways, pathways, building entries and landscaped areas will be suitably illuminated and have been designed to ensure appropriate sightlines.</p> <p>A Crime Risk Assessment Report will accompany any future development application. The report will address the four (4) key principles to limit crime, including:</p>

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	<i>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i>		<ul style="list-style-type: none"> <li>▪ Surveillance;</li> <li>▪ Access control;</li> <li>▪ Territorial re-enforcement;</li> <li>▪ Space/activity management.</li> </ul>
<b>38 Accessibility</b>	<p><i>The proposed development should:</i></p> <p><i>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i></p> <p><i>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i></p>	<b>YES</b>	A continuous path of travel for pedestrian access will be made available from the main entry lobby across the entire site.
<b>39 Waste Management</b>	<i>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</i>	<b>YES</b>	<p>A garbage/services area will be provided below each building within the basement, adjacent to the lift core.</p> <p>The operational waste of the ILUs and RACF will be managed individually.</p>
<b>Part 4 – Development standards to be complied with</b>			
<i>Division 1 – General</i>			
<b>40 Development standards – minimum sizes and building height</b>	<p><b>(1) General</b></p> <p><i>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.</i></p>	<b>YES</b>	
	<p><b>(2) Site size</b></p> <p><i>The size of the site must be at least 1,000 square metres.</i></p>	<b>YES</b>	Compliant.

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<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<b>Clause/ Control description</b>	<b>Planning Assessment Compliance Yes/No</b>	<b>Planning Assessment</b>
			The area of the Seniors Housing site is much larger than 1,000sqm, with a development footprint area of approximately 29,898m <sup>2</sup> .
	<b>(3) Site frontage</b> <i>The site frontage must be at least 20 metres wide measured at the building line.</i>	<b>YES</b>	Compliant.  The primary frontage to Quarry Road is 94m, with a secondary frontage to Vineys Road of 85m.
	<b>(4) Height in zones where residential flat buildings are not permitted</b> <i>If the development is proposed in a residential zone where residential flat buildings are not permitted:</i> <i>(a) the height of all buildings in the proposed development must be 8 metres or less, and</i> <b>Note.</b> <i>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> <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> <b>Note.</b> <i>The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</i> <i>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</i>	<b>YES</b>	Not applicable.  The application of Clause 40(4) only applies to circumstances where the Site is located in a residential zone. The RU4 Zone in which the Site sits, is not constituted as a residential zone. Therefore, the building height control under 40(4) does not apply to the proposed redevelopment as the site is not located in a "residential zone".  The proposed building height has been configured on design merit and the prevailing surrounding character.
	<b>(5) Development applications to which clause does not apply</b> <i>Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:</i> <i>(a) the Department of Housing,</i> <i>(b) any other social housing provider.</i>	<b>N/A</b>	-

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<i>Division 3 – Hostels and self-contained dwellings – standards concerning accessibility and useability</i>			
<b>41 Standards for hostels and self-contained dwellings</b>	<p>(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.</p> <p>(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.</p>	<b>N/A</b>	The proposed development does not seek consent for self-contained dwellings.
<b>Part 7 – Development standards that cannot be used as grounds to refuse consent</b>			
<i>Division 4 – Self-contained dwellings</i>			
<b>48 Standards that cannot be used to refuse development consent for residential care facilities</b>	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) <b>building height:</b> 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>SATISFACTORY</b>	The application of Clause 40(4) only applies to circumstances where the Site is located in a residential zone. The RU4 Zone in which the Site sits, is not constituted as a residential zone. Therefore, the building height control under 40(4) does not apply to the proposed

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<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<b>Clause/ Control description</b>	<b>Planning Assessment Compliance Yes/No</b>	<b>Planning Assessment</b>
			redevelopment as the site is not located in a "residential zone".
	<i>(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</i>	<b>YES</b>	The proposed RACF has a total gross floor area (GFA) of 3,600m <sup>2</sup> , which equates to an FSR of 0.12:1.
	<i>(c) <b>landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</i>	<b>YES</b>	The individual units of the RACF will be provided with adequate landscaped area and private open space.
	<i>(d) <b>parking for residents and visitors:</b> 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.</i>	<b>YES</b>	A total of 38.9 car parking spaces are required pursuant to SEPP HSPD.  The proposed development will ultimately satisfy the parking requirements of the SEPP HSPD and Council's relevant parking requirements.
	<b>Note.</b> The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.		-
<b>50 Standards that cannot be used to refuse development consent for self-contained dwellings</b>	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: <i>(a) <b>building height:</b> 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),</i>	<b>YES</b>	The application of Clause 40(4) only applies to circumstances where the Site is located in a residential zone. The RU4 Zone in which the Site sits, is not constituted as a residential zone. Therefore, the building height control under 40(4) does not apply to the proposed redevelopment as the site is not located in a "residential zone".

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause/ Control description	Planning Assessment Compliance Yes/No	Planning Assessment
	(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	<b>SATISFACTORY</b>	<p>The proposed development has a combined FSR of 0.82:1.</p> <p>Of the proposed GFA dedicated to Independent Living Units, of 18,143m<sup>2</sup>, the resultant FSR is 0.6:1.</p> <p>The resultant FSR, although exceeding the prescribed FSR of 0.5:1 is considered satisfactory as it is a minor exceedance and the built form has been designed to reflect the prevailing and desired future character of the surrounding development.</p>
	<p>(c) <b>landscaped area:</b> if:</p> <p>(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</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<b>YES</b>	<p>The individual units will be provided with adequate landscaped area and private open space. This will either be in the form of balconies or ground floor private open space, where applicable.</p> <p>The Site will contain significant landscaped areas and communal open space. Significant vegetation is to be retained around the perimeter of the Site to maintain a visual buffer between the Site and adjoining properties. Dedicated private open space and communal open space will be available to the residents.</p>
	(d) <b>Deep soil zones:</b> 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 <b>deep soil zone</b> ). 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,	<b>YES</b>	The proposed development will encourage deep soil zones along the perimeter with the side and rear setbacks.



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	(e) <b>solar access:</b> 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,	<b>YES</b>	Compliant.  The configuration of the proposed built form will ensure solar access is achieved, providing a high level of amenity to future residents. An assessment against solar access requirements will be carried out prior to the lodgement of a future development application.
	(f) <b>private open space for in-fill self-care housing:</b> 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,	<b>YES</b>	Compliant.  Private open space will be provided to the independent living units, either in the form of ground floor courtyards and/or balconies.  The proposed private open space will meet the minimum requirements and will ensure it is accessible from a living area.
	<b>Note.</b> The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.		-
	(g) (Repealed)		-
	(h) <b>parking:</b> 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	<b>YES</b>	The precinct is not to be operated by a social housing provider. Therefore 0.5 car spaces for each bedroom is required.  Based on the relevant provisions 187.5 car parking spaces are required. The proposed development will ultimately

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	<i>(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.</i>		satisfy the parking requirements of the SEPP HSPD and Council's relevant parking requirements.
	<b>Note.</b> The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.		-