

Appendix 1 - Seniors Living SEPP Compliance Table

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

GENERAL CONSIDERATIONS			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Location, Facilities and Support Services (Clause 26)	Max. 400m from shops, banks, retail, community services and medical services being no more than 1:14 gradient or as otherwise stipulated within Clause 26(2).	The proposal, being in Penrith City Centre, has adequate access to the necessary facilities and services within 400m.	Yes
Water and Sewer (Clause 28)	Housing connected to a reticulated water system with adequate waste water disposal.	Sydney Water in its letter dated 4 March has stated it is working to support development by undertaking an options study. They advised that wastewater capacity is available however limited capacity in drinking water. A standard condition requiring a Section 73 Certificate could be conditioned however the application is recommended for refusal.	Yes
PART 3 - DIVISION 1 - GENERAL DESIGN REQUIREMENTS			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Analysis (Clause 30)	Site analysis required.	The was supported by a site analysis plan.	Yes
PART 3 - DIVISION 2 - DESIGN PRINCIPLES			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE

Neighbourhood Amenity & Streetscape (Clause 33)	Recognise and respond to area character and consider heritage items, maintain reasonable amenity and character through setbacks, height, fencing, planting and retaining walls, etc.	<p>The proposal does not adequately align itself with the above principles in regarding to achieving the desired future character that is outlined in the Penrith DCP 2014 E11 Part A in regards to the landscape corridor along Woodriff Street. Building design and stormwater infrastructure encroachment into setbacks impact on the ability to achieved mature tree planting. The Reserve Street frontage is also impacted by the building design and stormwater infrastructure which will restrict any meaningful canopy tree planting.</p> <p>Building 1 has been designed to have an inset at the Reserve Street frontage to accommodate the canopy and APZ of an existing tree, however it is assessed that the deviation in building line is not sufficient to accommodate for the future growth of the tree. The minimal building offset requires that northern canopy be reduced in places by half, perhaps even more once the required pruning is undertaken at the appropriate pruning point. This level of pruning is considered to be outside the tolerances of the tree, will leave the tree misshapen and create issues in regards to the future growth habit of the tree.</p>	No
Visual & Acoustic Privacy (Clause 34)	Consider location of windows and balconies, use of screening devises, landscaping and noise generation by locating paths, parking and driveways away from dwellings.	<p>The design of the proposed development has not located sources of potential noise generation (including the driveway to the basement parking and loading area) away from the independent living units. The impacts of predicted noise associated with the loading dock has not been assessed with the Noise Impact Assessment Report as it relates to receivers within the proposed development complex, particularly south facing units of Building 3.</p> <p>There is a communal pathway which wraps around Building 3 south and western sides. This pathway adjoins the building along the western edge and will have privacy impacts for the ground floor units.</p>	No

Solar Access (Clause 35)	Adequate solar access to living areas and POS of neighbours and reduced energy use by locating windows of living and dining areas to the north.	<p>The shadow diagrams that accompany the DA have indicated that existing residential dwellings adjacent on Woodriff Street will experience minimal overshadowing at 3pm in the front setback in mid-winter. The adjacent site on Reserve Street is the at grade carpark associated with the shopping centre.</p> <p>As outlined in the ADG criteria assessment, and further in this report at Division 4 Self-contained dwellings, the proposal does not meet the minimum requirement (70%) of 3 hours of sunlight between the hours of 9am and 3pm to dwellings in Building 2 and 3 (Independent Living Buildings).</p> <p>Solar diagrams indicate only 67% of dwellings comply. Skylights have been proposed on the diagrams to achieve compliance however this is not supported and will not provide adequate solar penetration as per the ADG.</p> <p>In addition, only 54% of units receive natural cross ventilation. Again, skylights are proposed to achieve a complaint cross ventilation calculation, which is not supported. The ADG specifically states <i>'light wells are not to be the primary air source for habitable rooms'</i>.</p>	No
Stormwater (Clause 36)	Control and minimize stormwater runoff and include (where practical) OSD.	The application has not demonstrated that the proposal can manage its stormwater appropriately and effectively, ensure no impacts on or off site. The application was not supported by MUSIC model, compliant OSD tanks and there was inconsistent information between plans. Further detail is outlined in Penrith DCP section of this report.	No
Crime Prevention (Clause 37)	Ensure passive surveillance and lockable shared entries.	The units are designed to provide passive surveillance.	Yes
Accessibility (Clause 38)	Safe pedestrian links to public transport and facilities and safe and convenient access and parking.	The proposed development is within Penrith City Centre and has access to transport and services. The proposal incorporates safe and convenient access to the secure resident and visitor car parking located in the basement level car park.	Yes

Waste Management (Clause 39)	Provide waste facilities that maximize recycling.	The application does not meet the minimum standards for waste management set under Penrith DCP 2014. The proposal is deficient in multiple areas. Further detail is outlined in Penrith DCP section of this report.	No
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PART 4 - DIVISION 1 – GENERAL STANDARDS TO BE COMPLIED WITH			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Area (Clause 40(2))	Min. 1,000m ²	Complies.	Yes
Frontage (Clause 40(3))	Min. 20m	Complies.	Yes
Building Height (Clause 40(4))		Complies.	Yes
PART 6 – Vertical villages			
Bonus floor space (Clause 45(2))		The FSR applicable to the site under Penrith LEP 2010 is 2:1. The proposal incorporates the 10% affordable dwellings and on-site services. Therefore, the bonus floor space of 0.5 can be applied. The resulting FSR for the proposal is 2.49:1	Yes
PART 7 – GENERAL (CANNOT BE GROUNDS FOR REFUSAL)			
General Consent Restriction (Clause 46)	Cannot grant consent if site analysis considerations are not satisfactory.	Satisfactory	Yes
PART 7 – Division 2 Residential care facilities (CANNOT BE GROUNDS FOR REFUSAL)			

General Consent Restriction (Clause 48(a))		The proposed development has a building height less than the maximum 24m height limit under Penrith LEP 2010.	Yes
FSR (Clause 48(b))		As per Clause 45(2).	Yes
Landscape area	25 m2 per bed	25m2 x 120 beds = 3000 square metres.	No. However, the overall site achieves a 54% landscaping which is acceptable in this instance.
PART 7 – DIVISION 4 – SELF CONTAINED DWELLINGS(CANNOT BE GROUNDS FOR REFUSAL)			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Height (Clause 50(a))		The proposed development has a building height less than the maximum 24m height limit under Penrith LEP 2010.	N/A
FSR (Clause 50(b))		As per Clause 45(2).	Yes
Landscaped Area (Clause 50(c))	Min. 30%	The overall site achieves 54% landscaping.	Yes

Solar Access (Clause 50(e))	70% solar access to living areas for 3 hrs between 9am and 3pm	Solar diagrams indicate only 67% of dwelling receive the required amount of sunlight. Skylights have been proposed on the diagrams to comply however this is not supportable as it conflicts with the ADG on this matter.	No
POS (Infill) (Clause 50(f))	Ground floor: 15m ² of POS per unit being a min. 3m x 3m and accessed off living area. First floor and above: 10m ² per unit	Ground floor units are satisfactory however eight (8) x two (2) bedroom units which do not meet the 10m ² minimum.	No
Parking (Clause 50(h))	1 car space per 5 dwellings (ILUs - 74) 1 car space per 10 beds (RACF - 120 beds)	The car parking numbers are satisfactory.	Yes

SCHEDULE 3 – SELF CONTAINED DWELLING STANDARD			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Wheelchair Access (Clause 2(1))	If entire site is <1:10 grade, 100% to be wheelchair accessible.	Access report submitted confirming the site gradient is less than 1:10 and all areas will be linked by an accessible path.	Yes
(Clause 2(2))	If not, the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater.		Yes
Lighting (Clause 3)	Must provide at least 20 lux at ground level.	Compliance can be conditioned however application is recommended for refusal.	Yes
Letterboxes (Clause 4)	Lockable. Situated on hard stand that is wheelchair accessible. Central location adjacent to street entry.	Compliance can be conditioned however application is recommended for refusal.	Yes

SCHEDULE 3 – SELF CONTAINED DWELLING STANDARD			
CLAUSE	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Private Car (Clause 5)	Must comply with AS 2890. Garages – power operated doors or enable a future one to be installed.	Compliance can be conditioned however application is recommended for refusal.	Yes
Internal Design (Clause 7)	Refer to Clauses 6-17, 19 and 20 of Schedule 3 for design requirements.	Compliance can be conditioned however application is recommended for refusal.	Yes
Lift Access (Clause 18)	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with Clause E3.6 of the <i>Building Code of Australia</i> .		Yes
Garbage Storage (Clause 21)	A garbage storage area must be provided in an accessible location.	Provided via chutes to basement.	Yes