**Attachment D - SEPP (Housing for Seniors and People with a Disability) 2004 Compliance Table**

Application: DA/882/2021 (PAN -125315) PPSHCC-86– Central Coast

Address: 19 Bias Avenue and 1 Harbour Street Bateau Bay (known as Nareen Gardens)

Proposal: Seniors Housing Development comprising demolition works, construction of a residential care facility (RACF) with independent living units (ILU’s) with associated on-site support services and communal facilities, car parking, landscaping, and other ancillary works.

|  |  |  |
| --- | --- | --- |
| **SEPP (Housing for Seniors or People with a Disability) 2004 Compliance Table – DA/882/2021** | | |
| **SEPP clauses** | **Proposal** | **Compliance** |
| **Clause 4**   **Land to which Policy applies**  (1) **General** 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—  (a)  development for the purpose of any of the following is permitted on the land—  (i)  dwelling-houses,  (ii)  residential flat buildings,  (iii)  hospitals,  (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  (b)  the land is being used for the purposes of an existing registered club.  (2) **Land that is not zoned primarily for urban purposes**  (4) **Land that adjoins land zoned primarily for urban purposes but for the presence of a public road**  (5) **Application of Policy to land zoned for special uses and existing registered clubs**  (6) **Land to which Policy does not apply**  This Policy does not apply to—  (a)  land described in Schedule 1 (Environmentally sensitive land), or  (b)  land (other than land to which [*Warringah Local Environmental Plan 2000*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2000-0690) applies) that is zoned for industrial purposes, or  (c)    (Repealed)  (d)  the land to which [*Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-1989-0443) applies, or  (e)  the land to which [*State Environmental Planning Policy (Western Sydney Parklands) 2009*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2009-0091) applies.  (7)  Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because—  (a)  the land is identified under [*State Environmental Planning Policy (Coastal Management) 2018*](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2018-0106), or  (b)  in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—  (i)  private open space, or  (ii)  open space where dwellings or dwelling-houses are permitted. | The site is zoned R1 and R2 which is land zoned primarily for urban purposes.  Within the R1 zoned land (19 Bias Ave 37000m²), dwelling houses and residential flat buildings (RFB’s) are permitted.  Within the R2 zoned land (1 Harbour St 623m²), dwelling houses are permitted (but not RFB’s).  Land is not zoned as special uses.  The site is not identified as environmentally sensitive land under Schedule 1.  The site does not include a registered club but an existing aged care facility. | Yes |
| **4A**   **Land to which Policy applies—heritage conservation areas in Greater Sydney Region**  (1)  This Policy does not apply to land in the Greater Sydney Region if an environmental planning instrument identifies the land as being within a heritage conservation area. | The site is not located within a heritage conservation area. | N/A |
| **4B**   **Land to which Policy applies—metropolitan rural areas in Greater Sydney Region**  (1)  This Policy does not apply to land identified on the metropolitan rural areas exclusion zone map as a metropolitan rural area exclusion zone. | N/A | N/A |
| **5**   **Relationship to other environmental planning instruments**  (3)  If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.  (4)  This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item. | Noted | Yes |
| **7**   **Suspension of certain agreements and covenants**  (1)  For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act, any agreement or covenant imposing restrictions on any such development, to the extent necessary to serve that purpose, does not apply to the development. | Noted | Yes |
| **Chapter 2 Key concepts** | | |
| **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 [*Aged Care Act 1997*](http://www.legislation.gov.au/) 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 proposal provides housing for Seniors as defined under the SEPP. | Yes |
| **9**   **People with a disability**  In this Policy, ***people with a disability*** are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life. | The proposal provides housing for Seniors whether or not they have a disability as defined under the SEPP. | Yes |
| **10**   **Seniors housing**  In this Policy, ***seniors housing*** is residential accommodation that is, or is intended 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.  **Note—**  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.  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—  (a)  seniors or people who have a disability,  (b)  people who live within the same household with seniors or people who have a disability,  (c)  staff employed to assist in the administration of and provision of services to housing provided under this Policy.  Relevant classifications in the *Building Code of Australia* for the different types of residential accommodation are as follows—  (a)  Class 3, 9a or 9c in relation to residential care facilities,  (b)  Class 1b or 3 in relation to hostels,  (c)  Class 1a or 2 in relation to self contained dwellings. | The development includes 'self-contained dwellings', hereon referred to as independent living units (ILUs). The development also includes a ‘residential care facility’. The development includes Assisted Living Apartments also referred to as ILU’s. | Yes |
| **11**   **Residential care facilities**  In this Policy, a ***residential care facility*** is residential accommodation for seniors or people with a disability that includes—  (a)  meals and cleaning services, and  (b)  personal care or nursing care, or both, and  (c)  appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,  not being a dwelling, hostel, hospital or psychiatric facility.  **Note—**  The [*Aged Care Act 1997*](http://www.legislation.gov.au/) of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements. | The development includes a Residential Care Facility consistent with the definition. | Yes |
| **12**   **Hostels**  In this Policy, a ***hostel*** is residential accommodation for seniors or people with a disability where—  (a)  meals, laundering, cleaning and other facilities are provided on a shared basis, and  (b)  at least one staff member is available on site 24 hours a day to provide management services.  **Note—**  A facility may be a hostel (as defined by this Policy) even if it does not provide personal care or nursing care to its residents. A facility that provides such care may be a residential care facility (as defined by this Policy), regardless of how the facility may describe itself. | N/A | N/A |
| **13**   **Self-contained dwellings**  (1) **General term: “self-contained dwelling”** In this Policy, a ***self-contained dwelling*** 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.  (2) **Example: “in-fill self-care housing”** In this Policy, ***in-fill self-care housing*** 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.  (3) **Example: “serviced self-care housing”** In this Policy, ***serviced self-care housing*** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care. | The proposal includes the construction of self- contained dwellings or ILUs in a number of attached buildings. All dwellings comply with the general definition of in-fill self-care housing.    The proposal is for serviced self-care housing. | Yes |
| **Chapter 3 Development for seniors housing** | | |
| **14**   **Objective of Chapter**  **15**   **What Chapter does**  **16**   **Development consent required** | Consistent and consent is sought | Yes |
| **17**   **Development on land adjoining land zoned primarily for urban purposes** | N/A | N/A |
| **18**   **Restrictions on occupation of seniors housing allowed under this Chapter** | Would be conditioned with any consent granted. | Yes |
| **19**   **Use of seniors housing in commercial zones** | N/A | N/A |
| **21**   **Subdivision**  Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority. | No subdivision is proposed | N/A |
| **22**   **Fire sprinkler systems in residential care facilities for seniors** | A Fire Safety Schedule will be prepared for the Construction Certificate stage. The proposed buildings have been designed to include fire safety sprinklers, fire exits and fire extinguishers on all floors. | Yes, subject to conditions |
| **23   Development on land used for the purposes of an existing registered club**  (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—  (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  (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.  Note— The Gaming Machines Act 2001 and the regulations made under that Act provide for gambling harm minimisation measures.  (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—  (a) any separate pedestrian access points for the club and the residential areas of the proposed development,  (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.  Note— See also clause 34 in relation to noise minimisation design principles. | N/A | N/A |
| **Part 1A Site compatibility certificates** | | |
| **24**   **Site compatibility certificates required for certain development applications**  **25**   **Application for site compatibility certificate** | Site compatibility Certificate is not required as in accordance with Clause 24(1A), the proposed development is permissible with consent on the land under WLEP 2013. | N/A |
| **Part 2 Site-related requirements** | | |
| **26**   **Location and access to facilities**  (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—  (a)  shops, bank service providers and other retail and commercial services that residents may reasonably require, and  (b)  community services and recreation facilities, and  (c)  the practice of a general medical practitioner.  (2)  Access complies with this clause if—  (a)  the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the 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)  a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,  (ii)  a gradient of no more than 1:10 for a maximum length of 5 metres at a time,  (iii)  a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or  (b)  in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development—  (i)  that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and  (ii)  that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and  (iii)  that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),  and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or  (c)  in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—  (i)  that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and  (ii)  that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and  (iii)  that is available both to and from the proposed development 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).  **Note—**  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.  (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)  a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,  (ii)  a gradient of no more than 1:10 for a maximum length of 5 metres at a time,  (iii)  a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.  (4)  For the purposes of subclause (2)—  (a)  a ***suitable access pathway*** 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  (b)  distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.  (5)  In this clause—  ***bank service provider*** means any bank, credit union or building society or any post office that provides banking services. | There are bus stops located along the Bias Ave site frontage on both sides of Bias Avenue within 400m of the site.  The overall average gradient of the existing footpath and topography generally between the site and the bus stops is within the 1:14 required by the SEPP.  There is a concrete footpath along the southern and western sides of Bias Ave. On the northern there is a bus shelter with a concrete apron but no footpath.  Works to provide safe access to the bus stop on the opposite (eastern) side of Bias Ave  will need be conditioned  Access to the bus stop from within the development will be designed to comply with Clause 26. The proposal involves an expansive connection of new pedestrian pathways throughout the site to improve access from the development to the public bus stop on Bias Avenue.  A Disability Access report (dated 20 May 2022) has been provided for the proposal which outlines how the proposal will comply internal to the site with the provisions for access under the relevant legislation.  The bus stop is serviced by Red Bus Service (Route 21) which provides connections between Wyong Hospital, Lake Haven Shopping Centre, Toukley Shopping Centre, The Entrance, The Entrance North, Bay Village Bateau Bay, Wamberal, Erina, East Gosford, and Gosford town centre. These locations allow access to a comprehensive range of services, consistent with Clause 26 of the SEPP  There are also numerous services to Tuggerah and Wyong town centres, Mingara Recreation Club that operate from Bay Village.  These centres provide a comprehensive range of services, consistent with Clause 26 of the SEPP. The service  operates seven days a week, meeting SEPP requirements.  The bus frequents the stop at least once an hour between 6:00am and 8:00pm daily (includes weekends). | Yes |
| **27**   **Bush fire prone land**  (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 10.3 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2”, “Bush fire prone land—vegetation category 3” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bush Fire Protection,*ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.  (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 10.3 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2”, “Bush fire prone land—vegetation category 3” or “Bush fire prone land—vegetation 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—  (a)  the size of the existing population within the locality,  (b)  age groups within that population and the number of persons within those age groups,  (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,  (d)  the number of schools within the locality and the number of students at those schools,  (e)  existing development within the locality that has been carried out under this Policy or [*State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*](https://legislation.nsw.gov.au/view/html/repealed/current/epi-1998-0009),  (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,  (g)  the adequacy of access to and from the site of the proposed development for emergency response vehicles,  (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)  the requirements of New South Wales Fire Brigades.  (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. | The site is identified as Bushfire Prone Land. The proposal involves Special Fire Protection Purpose (SFPP) development. The application was referred to the NSW RFS who have issued their GTA’s.  The proposed APZ was designed by use of the Short Fire Run model in close consultation with the NSW Rural Fire Service. The proposed APZ will exceed the distance required by the model. | Yes |
| **28**   **Water and sewer**  (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 the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.  (2)  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. | There are existing reticulated water and sewer services available for the site and development. The development will need to satisfactorily connect to the reticulated water system and sewerage system.  The proponent will be required to submit a s305 application and obtain the s307 certificate prior to issue of the Occupation Certificate.  Detail design will be reviewed as part of the S305 application assessment. Developer charges under the Water Management Act will be applicable for the proposed development. | Yes |
| **29**   **Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply**  (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) to which clause 24 does not apply.  **Note—**  Clause 24 (1) sets out the development applications to which that clause applies.  (2)  A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).  (3)  Nothing in this clause 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.  **Clause 25(5)(b) (i), (iii) and (v)** reads:  (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—  (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,  (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 | The development meets all the criteria referred to under  clause 25 (5) (b) (i), (iii) and (v). The proposal is compatible with the surrounding land uses having regard to:  The proposed redevelopment of the site has been designed taking to consideration the natural environment and all site opportunities and constraints including bushfire (and APZ requirements), ecology, tree retention, localised flooding and stormwater management.  The development has been sensitively designed to sensitively respond to the constraints and is a suitable residential context for the additional residential development as proposed.  The site is located within an established suburb with existing infrastructure and services available. The proposal will be responsible for the required upgrades to this infrastructure although no financial contributions will be applicable.  The site satisfies the SEPP locational criteria under Clause 26 for bus servicing, access to retail and medical services and the site is located within an established local community.  The bulk, scale, built form and character of the proposed development is satisfactory having regard for the surrounding context. The development proposes to increase the intensification and density of seniors housing on the subject site. However, the proposed setbacks, building separation, landscaping and articulation has been designed to ensures proposal is suitable for the site and context.  There will be an impact to the current outlook of those dwellings on the eastern and northern boundaries and opposite the site on Altona Avenue and Bias Avenue.  However, the development complies with the FSR, and height and generally with the setbacks under Council’s controls. The development has been designed to minimise any other potential adverse impacts to surrounding properties. | Yes |
| **Part 3 Design requirements**  **Division 1 General** | | |
| **30 Site analysis**   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. 2. A site analysis must—   (a) contain information about the site and its surrounds as described in subclauses (3) and (4), and (2)(b). | A site analysis has been carried out addressed these aspects.  A Visual Impact Assessment has also been provided which demonstrates how the design of the proposed development has considered the site analysis, local context and design principles. | Yes |
| **31 Design of in-fill self-care housing**  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. | The development is for ‘serviced self-care housing’ not ‘infill self-care housing’. | N/A |
| **32 Design of residential development**  A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2. | Noted and outlined below | - |
| **Division 2 Design principles** | | |
| **33 Neighbourhood amenity and streetscape**  The proposed development should—  (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  (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  (c) maintain reasonable neighbourhood amenity and appropriate residential character by—  (i) providing building setbacks to reduce bulk and overshadowing, and  (ii) using building form and siting that relates to the site’s land form, and  (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and  (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and  (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  (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and  (f) retain, wherever reasonable, major existing trees, and  (g) be designed so that no building is constructed in a riparian zone. | The proposal is compatible with the existing character of neighbourhood-built form and landscape. Generous landscaped setbacks, including the new mature tree planting, and the  reduction and “stepping” of building heights ensure a sympathetic transition  of the site’s built form at the zone transitions to the east and west. Refer to the Design Verification Statement for further comments.  The building height at 1 Harbour Street is two (2) storeys and set back from the bend in the site boundary, ensure a sympathetic transition in built form from the site to its surrounds.  The local precinct is undergoing a transition as older building stock is being removed and replaced with new or substantially refurbished dwellings. As such the character of the area is evolving. Due to the site’s location, a “coastal architectural style” is appropriate, and is evident in some of the newer dwellings in the area. The proposed development has been designed with this in mind and will complement the future character of the precinct.  The proposed buildings are articulated to minimise their apparent bulk and are appropriately separated and set back from the boundary to avoid  unreasonable adverse impacts to the amenity of the surrounding development. The upper levels of Blocks 1 and 2 have been stepped back from Altona Avenue. Blocks 2 and 5 along the eastern boundary have been lowered in height and redesigned to include greater setbacks and stepping of the building including a view corridor mid-way of each building.  Comprehensive landscaping of all boundaries is included including the retention of existing native trees along the eastern and western sides of the site. No building will be constructed in a riparian zone. | Yes |
| **34 Visual and acoustic privacy**  The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by—  (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and  (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.  Note—  The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels. | The site directly adjoins residential boundaries to the east and north and is opposite residential development in both Altona and Bias Avenue. The buildings have been designed to provided sufficient separation distances (for visual and acoustic privacy) from the existing residential development surrounding the site along these boundaries and on the opposite sides of the road frontages.  A Noise Impact Assessment report accompanied the application which provides recommendations to ensure future residents are not adversely impacted by noise.  The design of the development has also considered visual and acoustic privacy for residents through the following measures:  ▪ Compliant building setbacks and separation in accordance with the ADG and DCP. ILUs have been set back further from boundaries than regulations  require.  ▪ The parking and driveways have been centrally places away from residential boundaries. Bedrooms have been sited away from driveways and carparks. The majority of living areas, bedrooms and private open space are located minimum 3.3m above pathways.  ▪ Upper level living rooms, along the eastern boundary ILUs, have solid balcony balustrades and blade screens directing sight lines away from neighbours.  ▪ Substantial landscaping has been provided to limit direct visual intrusion into neighbouring yards. All ILUs have adjustable privacy screens.  ▪ The sensitive location and orientation of windows and balconies,  ▪ The use of privacy screening, high level windows and landscaping where possible, and  ▪ The responsive layout of internal spaces.  ▪ Landscaping and pedestrian paths separate the ILU buildings from main internal roads.  The proposed buildings have been arranged to provide a series of communal open spaces (COS) connected by landscaped 'pedestrian' streets. This design allows for connectivity to the public domain, view corridors and increased privacy throughout the site. All buildings are generally separated by a minimum 12m separation distance, which allows increased sunlight access and comfortable distances from balcony to balcony. The proposed buildings generally comply with the DCP setback controls with minor encroachments of Blocks 1 and 2 to the street.  The buildings are articulated with a variety of balcony treatments and recesses in the facades. The upper floor of the buildings adjacent to the neighbours on the eastern boundary have been setback further for greater privacy. The number of units with their outlook to the eastern boundary has been reduced in favour or increasing the number of internally west facing units.  Fencing is proposed along the eastern boundary to provide increased privacy for residents as well as the existing residential development adjoining the subject site. Discussions will occur with individual neighbours regarding the height, style and type of fencing they would prefer. Abundant landscaping is proposed throughout the site that will provide separation between Bias Avenue and Block 6, and Altona Avenue and Block 1 and 2. | Yes |
| **35 Solar access and design for climate**  The proposed development should—  (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  (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.  Note—  AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions. | The proposed dwellings are generally oriented towards the north-west where possible, to receive adequate solar access.  Energy use is minimised with dwellings with the addition of solar panels and extensive landscaping surrounding the proposed senior's buildings and within COS.  Adequate sunlight is provided to the proposed communal open space (COS) centrally located within the site. The proposal will not result in any significant additional overshadowing impacts neighbouring dwellings.  Detailed Solar Access Diagrams for the eastern boundary neighbours have been provided indicating that the solar access to living areas and substantial areas of private open space is maintained up until late afternoon in mid-winter.  Living area windows have been located on the outer most  walls of the ILUs to maximise solar access. Increased setbacks from the eastern interface ensures the dwellings to the east on Lakin Street (Appendix A4) are not unreasonably overshadowed from the development.  Overall, the proposed layout and design of the proposal ensures adequate daylight and natural ventilation is provided to the development. | Yes |
| **36 Stormwater**  The proposed development should—  (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  (b) include, where practical, on-site stormwater detention or re-use for second quality water uses. | The proposed stormwater drainage system consists of a pipe network designed for controlling more frequent flooding (minor system, 5% AEP) combined with a continuous overland flow path to accommodate less frequent flood events (major system, 1% AEP) and flows in excess of the minor systems.  The proposed stormwater management measures have considered both low and high-volume flow situations to ensure runoff does not impact adjoining properties. | Yes |
| **37 Crime prevention**  The proposed development should provide personal property security for residents and visitors and encourage crime prevention by—  (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  (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and  (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door. | CPTED Report has been prepared which provides an evaluation of the key elements of the development against the CPTED principles and concludes that the proposal encourages casual surveillance; access to the site is direct and controlled; and maintenance of the site is expected to be appropriate.  The proposal has been designed in accordance with the CPTED principles. The proposal was amended to provide ground level units within the development to increase activation around each building. Where relevant, the CPTED Report provides additional measures to provide sufficient security and safety provisions to mitigate the risk of crime. Subject to these measures, the proposal will achieve a high level of casual surveillance, lighting measures and controlled access to protect the safety of residents and visitors of the site, as well as the community generally. | Yes |
| **38 Accessibility**  The proposed development should—  (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and  (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors. | An Access Report has been prepared which demonstrates that all accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking and dwelling design can be readily achieved.  A feature of this proposal is the new clearly defined 1,500mm wide pedestrian links throughout the internal network of the site as well as from Bias Avenue to Altona Avenue to improve the level of comfort experienced by pedestrians walking from car parking areas, individual units and public transport stops.  A convenient drop-off bay is proposed via a porte-cochere driveway that can be accessed from the Bias Avenue entrance or the Altona Avenue entrance.  Potential conflicts between vehicles and pedestrians will be mitigated by appropriate signage, separated pedestrian paths and raised thresholds across the pedestrian marking to slow down vehicles approaching the driveway. Resident and visitor parking is contained within the site. | Yes |
| **39 Waste management**  The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities. | A Waste Management Plan has been prepared. The proposed waste management strategies maximise recycling, where possible. | Yes |
| **Part 4 Development standards to be complied with**  **Division 1 General** | | |
| **40 Development standards—minimum sizes and building height**  (1) **General** 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. | Refer below. | - |
| (2) **Site size** The size of the site must be at least 1,000 square metres. | The site is over 1000sqm. | Complies |
| (3) **Site frontage** The site frontage must be at least 20 metres wide measured at the building line. | The site frontage is greater than 20m wide at the building line. | Complies |
| (4) **Height in zones where residential flat buildings are not permitted** If the development is proposed in a residential zone where residential flat buildings are not permitted—  (a) the height of all buildings in the proposed development must be 8 metres or less, and  Note—  Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).  (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  Note—  The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.  (c) a building located in the rear 25% area of the site must not exceed 1 storey in height. | Residential Flat Buildings are permissible in the R1 zone but not permitted in the R2 zone under WLEP 2013.  Building 6, which is partially located on No. 1 Harbour Street (within the R2 zoned area) has been designed to not exceed the 8m ceiling height limit on that lot. The proposed maximum floor to ceiling height for Block 6 is 7.87m. This building is two storeys in height.  Under Clause 3 of the SEPP ‘height’ is defined as:  ***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.  Under Clause 40(5), Clause 40(20 (3) and (4) do not apply to a social housing provider.  Uniting is a social housing provider | Yes |
| (5) **Development applications to which clause (40) does not apply** Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following—  (a) the Department of Housing,  (b) any other social housing provider. | The proponent is a social housing provider. | Yes |
| **Division 2 Residential care facilities—standards concerning accessibility and useability**  Note— Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia. | | |
| **Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability** | | |
| **41 Standards for hostels and self-contained dwellings**  (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.  (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.  *Compliance with Schedule 3 Standards are outlined later in this table* | The proposal includes self- contained dwellings in residential flat buildings. Ground floor units are proposed. The proponent is wholly a social housing provider.  1. The application includes seniors housing.  2. Pathway lighting is designed to avoid glare for pedestrians and adjacent dwellings and provides at least 20 lux at ground level.  3. Letterboxes are situated on a hardstand area and have wheelchair access, are lockable, and located together in a central location, as per the Australian Post Guidelines.  4. The majority of the car parking spaces dimensions are standard dimensions and so do not comply with AS 2890 (2004) for parking for persons with a disability. 15 accessible spaces have been provided for the ILU’s (including 6 spaces having a space dimension of 3.8m and 9 spaces designed in accordance with AS 2890.6 (2009) with a shared space).  However, the standard spaces could be designed to comply with AS2890.6(2009) but this would result in a loss of overall parking spaces and the applicant has argued there is no demand for 100% of these accessible spaces based on their previous experience.  All garage doors are power operated.  5. Every entry to a dwelling complies with clauses 4.3.1 and 4.3.2 of AS4299.  6. The garbage storage area is located in an accessible location.  The clauses under Schedule 3 have been addressed within the design of the proposed development (refer to that section later in this table). | Satisfactory - refer to the table for Schedule 3  Compliance  A Clause 4.6 Exception has been provided to Clause 5 of Schedule 3 in relation to parking. |
| **Part 5 Development on land adjoining land zoned primarily for urban purposes** | | N/A |
| **Part 6 Development for vertical villages** | | |
| **45 Vertical villages**   1. **Application of clause** This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted. 2. **Granting of consent with bonus floor space** Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio. 3. Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan. 4. In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents’ living areas) is to be excluded. 5. However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area. 6. **Requirements relating to affordable places and on-site support services** A consent authority may only grant consent to a development application as referred to in subclause (2) if—   (a) the consent authority is satisfied, on written evidence, that—  (i) the proposed development will deliver on-site support services for its residents, and  (ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and  (b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.   1. **Grounds on which consent cannot be refused** A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a). 2. **Conditions on grants of development consent** A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application. 3. A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing. 4. Subclauses (8) and (9) do 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. 5. **Clause does not apply to certain heritage affected land** Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies. 6. Definitions In this clause—   **affordable place**, in relation to seniors housing, means a dwelling for the accommodation of a resident—  (a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—  Very low income household  less than 50%  Low income household  50% or more but less than 80%  Moderate income household  80–120%  (b) who is to pay rent that does not exceed a benchmark of 30% of the resident’s actual household income.  **on-site support services**, in relation to residents of seniors housing, means—  (a) 3 meals a day provided on a communal basis or to a resident’s dwelling, and  (b) personal care, and  (c) home nursing visits, and  (d) assistance with housework. | Residential flat buildings are permissible on the R1 zoned land but not the R2 zoned land.  The proposed development is for a vertical village in the R1 zone pursuant to this clause, noting the requirement for residential flat buildings to be permissible on the land is satisfied by the R1 zoning on the land (excluding 1 Harbour Street).  (2) The maximum permissible FSR is 1.1.1 (excluding the site at 1 Harbour Street), noting the ''base'' FSR in the Wyong DCP is 0.6:1 and the bonus FSR under this clause of the SEPP is 0:5.1.  (3) The FSR is expressed in the WDCP. The proposal complies with the FSR having an overall FSR of 0.87:1. This FSR is below the maximum permissible FSR standard established by the Seniors SEPP for this site.  (4) The development will include on-site support services. Consistent with, and as permitted by this clause, the on-site support services GFA has been excluded from the total calculations. The on-site support services total 451m².  (5) Not applicable. The support services do not exceed 50% of the GFA.  (6) On-site support services have been provided and 23 dwellings 12.7% of total dwellings have been identified as being affordable places as required.  The affordable units are:  R.1.01; R.1.02; R.1.06; R.1.09; R.1.10; R.2.01; R.2.02; R.2.05; R.2.10; R.3.01; R.3.09; R.3.10; R.4.01; R.4.02; R.4.10 (15 Units on level 3 of the RACF building)  And,  6.G.03; 6.G.04; 6.G.05; 6.1.03; 6.1.04; 6.1.05 (6 Units at ground and level 1 in Block 6)  And,  3.1.03 and 3.1.05 (2 Units at Level 1 in Block 3).  (7) Noted. Clause 40(4)(a), 48(a), 49(a) or 50(a) each relate to the max building height of 8m.  (8) Noted.  (9) Noted. Uniting is a community housing provider.  (10) Noted.  (11) Not applicable. The site is not heritage affected land.  (12) Noted. | Yes |
| **Part 7 Development standards that cannot be used as grounds to refuse consent**  **Division 1 General** | | |
| 46 **Inter-relationship of Part with design principles in Part 3**  (1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.  Note—  It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.  (2) For the avoidance of doubt, nothing in this Part limits the matters to which the relevant panel may have regard in refusing to issue a site compatibility certificate. | Noted. Adequate regard has been given to the principles set out in Division 2 of Part 3 including:  Neighbourhood Amenity and Streetscape;  Visual and acoustic privacy;  Solar Access and Design for Climate;  Stormwater;  Crime Prevention;  Accessibility and Waste Management  as all discussed earlier in the table and report. | Yes |
| **47 Part does not apply to certain development applications relating to heritage affected land** | N/A | N/A |
| **Division 2 Residential care facilities** | | |
| 48 **Standards that cannot be used to refuse development consent for residential care facilities**  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) 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  (b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,  (c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,  (d) parking for residents and visitors: 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.  Note—  The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent. | The proposal includes a residential care facility.  (a) The proposed development exceeds this standard. Notwithstanding, it is not a development standard, but rather, a standard whereby the DA cannot be refused on these grounds. The suitability and impacts of the height of the development is addressed in Section 6.3 of this SEE.  (b) The proposed RACF has an FSR of 1:1 which complies.  (c) The proposed RACF will include well over 4000m²of total landscaped area, required for the number of beds (160x25= 4000).  (d) The proposed development will deliver 108 car parking spaces connected to the RACF plus 1 ambulance parking space.  The SEPP requires 51 spaces based on 70 staff (35 spaces) and 160 beds (16 spaces). Parking is therefore in excess of the minimum is provided. | Satisfactory  Refer Cl 45(7) regarding height. |
| **Division 3 Hostels** | | |
| 49 **Standards that cannot be used to refuse development consent for hostels**  A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a hostel on any of the following grounds | The proposal does not include any hostel accommodation. | N/A |
| **Division 4 Self-contained dwellings**  50 **Standards that cannot be used to refuse development consent for self-contained dwellings**  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— | | |
| (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), | The proposed buildings exceed this standard. However, this is not a development standard, but rather, a standard whereby the DA cannot be refused. As assessment of the impacts and suitability of the building height has been carried out and is discussed in the report. | No -refer Cl 45(7) |
| (b) **density and scale**: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, | The proposed development has an overall FSR of 0.87:1 and the ILU component has an FSR of 0.81:1. The proposed density is considered acceptable on a merit basis and is well under the maximum FSR of 1:1.1 permitted pursuant to Clause 45. | No but Clause 45(2) applies. |
| (c) **landscaped area**: if—  (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  (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped, | The proposed development will include soft landscaped area in excess of the required minimum 6,300m² for a social housing provider and also in excess of 30% of the site area. | Yes |
| (d) **Deep soil zones**: 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 deep soil zone). 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, | The proposed development will include 10,984m² deep soil zones which complies with the minimum of 15 % of the site area (ie. 5550m²). Although there is not a traditional rear are of the site, the deep soil zones have a minimum dimension of 3m and are located along all shared boundaries. | Yes |
| (e) **solar access**: 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, | 70 % of the ILUs will have a minimum 3 hours of direct sunlight between 9am and 3pm in mid-winter. | Yes |
| (f) **private open space for in-fill self-care housing**: 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,  Note—  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. | All balconies and courtyards within the block buildings comply with the minimum requirements. However, a number of units within the Assisted Living Units on Level 3 of the RACF do not strictly comply with the required minimum area. A condition will be recommended requiring compliance be achieved for these balconies prior to issue of the CC. | Yes, subject to conditions |
| (g) (Repealed) | - | - |
| (h) **parking**: 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  (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.  Note—  The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent. | At least 36 spaces (180 dwellings/5) are required and 133 spaces are provided for the ILU’s . The parking provision is in excess of the SEPP requirements. | Yes |
| **Chapter 4 Miscellaneous**  **51 Amendments to the bush fire evacuation risk map** | | |
| 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. | A Fire Safety Schedule will be prepared for the Construction Certificate stage. The proposed buildings have been designed to include fire safety sprinklers, fire exits and fire extinguishers on all floors. | Yes – subject to conditions. |
| **Schedule 1 Environmentally sensitive land**  Land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions—  (a) coastal protection,  (b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),  (c) critical habitat,  (d) environment protection,  (e) open space,  (f) escarpment,  (g) floodway,  (h) high flooding hazard,  (i) natural hazard,  (j) (Repealed)  (k) scenic (but not land that is so identified if—  (i) the land is within a residential zone in which development of two storeys or more in height is permitted, or  (ii) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),  (l) water catchment,  (m) natural wetland.  Land shown cross-hatched on the bush fire evacuation risk map. | The site is not identified as environmentally sensitive land under Schedule 1 | N/A |
| **Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings** | | |
| **Part 1 Standards applying to hostels and self-contained dwellings**  **1 Application of standards in this Part**  The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings. | The application includes seniors housing that consists of self-contained dwellings. The proponent is wholly a social housing provider.  The applicant has provided a Disability Access Report which details compliance with the standards that apply under this Schedule. | Yes |
| **2 Siting standards**  (1) **Wheelchair access** If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.  (2) If the whole of the site does not have a gradient of less than 1:10—  (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and  (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.  Note—  For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.  (3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development. | The proposal complies.  The applicable siting standards for this development are (1) and (3). The site has an overall gradient less than 1: 10 and community facilities are provided.  All of the ILUs are accessible to people with disabilities.  Each Block has direct access to the internal roadway and  community facilities, including external landscaped areas.  An accessible path of travel is available to the street footpath  along Bias Avenue. | Yes |
| **3 Security**  Pathway lighting—  (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and  (b) must provide at least 20 lux at ground level. | Pathway lighting is designed to avoid glare for pedestrians and adjacent dwellings and provides at least 20 lux at ground level. This will be further addressed during detailed design. | Yes subject to conditions |
| **4 Letterboxes**  Letterboxes—  (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and  (b) must be lockable, and  (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry. | Letterboxes are provided at each entrance foyer in an accessible location. An accessible path of travel is provided from the letterboxes to the entrance of the unit entrances via the lifts within each building. Letterboxes should be provided within the accessible height range of 900-1100mm above ground level to assist persons using a wheelchair / scooter. For letterboxes to the ILU associated within RACF, a managed approach to mail delivery will be adopted per Uniting operational procedures.  All letterboxes are situated on a hardstand area and have wheelchair access, are lockable, and located together in a central location, as per the Australian Post Guidelines. | Yes |
| **5 Private car accommodation**  If car parking (not being car parking for employees) is provided—  (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and  (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and  (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date. | This clause requires all parking provided to have dimensions in accordance with AS2890 (which in 2004 was 3.2m wide)  The majority of car parking spaces for the self-contained dwellings (140) have standard dimensions and so do not comply with AS 2890. However, there is capacity to provide increased accessible spaces if needed at a later date as site not subdivided but under central management. This would result in a loss of total spaces which is not preferred by the applicant. A Clause 4.6 variation has been submitted.  There are 155 spaces provided the ILU’s. The majority of the car parking spaces dimensions are standard spaces provided for the self-contained dwellings dimensions and so do not comply with AS 2890 (2004) for parking for persons with a disability.  There are 15 accessible spaces (10%) that have been provided for the ILU’s (including 6 spaces having a space dimension of 3.8m and 9 spaces designed in accordance with AS 2890.6 (2009) with a shared space).  However, the standard spaces could be designed to comply with AS2890.6(2009) but this would result in a loss of overall parking spaces and the applicant has argued there is no demand for 100% of these accessible spaces based on their previous experience.  All garage doors are power operated so this aspect of the clause (subclause (c)) will comply. | Satisfactory Clause 4.6 variation - refer to report. |
| 6 **Accessible entry**  Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299. | Every entry to a dwelling complies with clauses 4.3.1 and 4.3.2 of AS4299.  Adequate circulation areas provided. Door schedule indicates that the nominated leaf size will achieve 850mm clear opening.  The requirement for door hardware should be implemented  during detailed design. | Yes. |
| 7 **Interior: general**  (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.  (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.  (3) Circulation space at approaches to internal doorways must comply with AS 1428.1. | Doorway circulation generally achieves compliance with AS1428.1 as per SEPP requirements.  Within the 2 &3-bedroom ILU arrangements the doorways to some secondary bedrooms do not circulation requirements of AS1428.1 for circulation at the latch side. For bedroom areas, the robe can be modified to achieve the required circulation spaces as required.  The secondary bathroom is not required to be an accessible facility under the SEPP and as such there is no  requirement for doorway circulation areas  Also, secondary bedrooms are not required to have wheelchair circulation areas around the bed or any other accessible features, the circulation at these doorways (and in accordance with AS1428.1) is not critical to the overall accessibility of the unit / dwelling | Yes |
| 8 **Bedroom**  At least one bedroom within each dwelling must have—  (a) an area sufficient to accommodate a wardrobe and a bed sized as follows—  (i) in the case of a dwelling in a hostel—a single-size bed,  (ii) in the case of a self-contained dwelling—a queen-size bed, and  (b) a clear area for the bed of at least—  (i) 1,200 millimetres wide at the foot of the bed, and  (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and  (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and  (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and  (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and  (f) wiring to allow a potential illumination level of at least 300 lux. | The main bedroom within each ILU offers adequate circulation area. Additional requirements listed above to be implemented during detailed design. | Yes |
| 9 **Bathroom**  (1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1—  (a) a slip-resistant floor surface,  (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,  (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future—  (i) a grab rail,  (ii) portable shower head,  (iii) folding seat,  (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,  (e) a double general power outlet beside the mirror.  (2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility. | One bathroom within each of the ILU is conducive to the requirements of an accessible bathroom, meeting the requirements of the SEPP. Additional requirements listed above to be implemented during  detailed design.  The SEPP allows for future adaption of bathroom areas that reflect the individual needs of the residents. | Yes |
| 10 **Toilet**  A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.  11 **Surface finishes**  Balconies and external paved areas must have slip-resistant surfaces.  Note—  Advise regarding finishes may be obtained from AS 1428.1.  12 **Door hardware**  Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.  13 **Ancillary items**  Switches and power points must be provided in accordance with AS 4299. | A toilet within each of the ILUs meets the requirements of AS4299.  Door hardware is to be operable with one hand and in the height range of 900- 1100mm above the floor level. The use of lever handles is encouraged to assist persons with a manual disability such as arthritis.  Switches such as light switches must be located within the accessible height range of 900-1100mm above the floor level as required by AS4299.  Other aspects will be addressed under the detailed design stage. | Yes |
| **Part 2 Additional standards for self-contained dwellings**  14 Application of standards in this Part  The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings. | | |
| 15 **Living room and dining room**  (1) A living room in a self-contained dwelling must have—  (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and  (b) a telephone adjacent to a general power outlet.  (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux. | The open plan arrangement of living / dining areas within each of the dwellings provides sufficient area to satisfy SEPP requirements for circulation spaces within living and dining rooms. The requirement for telephone outlet, general purpose outlet and lux levels should be implemented during detailed design. | Yes |
| **16 Kitchen**  A kitchen in a self-contained dwelling must have—  (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and  (b) a circulation space at door approaches that complies with AS 1428.1, and  (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299—  (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),  (ii) a tap set (see clause 4.5.6),  (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,  (iv) an oven (see clause 4.5.8), and  (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and  (e) general power outlets—  (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and  (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed. | Kitchens have been designed to provide the required 1550mm between benches. Additional requirements for kitchens as listed above, should be implemented during detailed design. | Yes |
| 17 **Access to kitchen, main bedroom, bathroom and toilet**  In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level. | In multi-storey residences, the kitchen, main bedroom, bathroom and toilet must be located on the entry level and the proposal complies | Yes |
| 18 **Lifts in multi-storey buildings**  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 Building Code of Australia. | A lift is provided for access between levels of each Block and will offer compliance with regard to the overall size of the lift shaft. | Yes |
| 19 **Laundry**  A self-contained dwelling must have a laundry that has—  (a) a circulation space at door approaches that complies with AS 1428.1, and  (b) provision for the installation of an automatic washing machine and a clothes dryer, and  (c) a clear space in front of appliances of at least 1,300 millimetres, and  (d) a slip-resistant floor surface, and  (e) an accessible path of travel to any clothesline provided in relation to the dwelling. | Laundries are provided with adequate circulation being in a cupboard configuration. Requirements such as floor finish and access to clothes lines to be implemented during detailed design. | Yes |
| 20 **Storage for linen**  A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299. | The requirement for adjustable shelving is to be implemented during detailed design. | Yes |
| 21 **Garbage**  A garbage storage area must be provided in an accessible location. | The garbage storage area is located in an accessible location. A central garbage storage area is provided at the ground floor of each block. | Yes |