***Attachment B*** - ***Apartment Design Guide – Compliance Table***

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| **Guidelines** | | **Considerations** | **Comment** | |
| Apartment type | | A combination of perimeter block apartments, tower apartments and courtyard apartments in “one” building. | - | |
| Building Height | | Complies with Council’s height controls | Complies | |
| Floor Space Ratio | | Complies with Council’s FSR controls | Complies | |
| Building Depth | | 12-18m glass to glass  Vary building depth relative to orientation, eg. buildings facing east-west capture sun from both aspects & may have apartments of up to 18m wide (if dual aspect), while buildings facing north-south should be narrower to reduce the number of south facing apartments that have limited or no direct sunlight access | Satisfactory – the building depth is variable at each point (up to 37m at one part) but is considered satisfactory as satisfactory solar access and ventilation is achieved consistent with the Apartment Design Guide. | |
| Building Separation | | Minimum separation distances for buildings are:  *Up to four storeys (approximately 12m):*   * 12m between habitable rooms/balconies * 9m between habitable and non-habitable rooms * 6m between non-habitable rooms   *Five to eight storeys (approximately 25m):*   * 18m between habitable rooms/balconies * 12m between habitable and non-habitable rooms * 9m between non-habitable rooms   *Nine storeys and above (over 25m):*   * 24m between habitable rooms/balconies * 18m between habitable and non-habitable rooms * 12m between non-habitable rooms   At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.  No building separation is necessary where building types incorporate blank party walls. Typically, this occurs along a main street or at podium levels within centres. | Complies. Concern was initially raised regarding internal site separation distances. However, the internal building separation has been satisfactorily addressed under the amended plans.  The changes included removal of openings and introduction of operable or fixed screens to separate balconies from adjoining rooms and the reconfiguration of POS and living areas. | |
| **Guideline objective** | **Design Criteria and Guidance** | | | **Comment** |
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| **Orientation**   * Building types and layouts respond to the streetscape and site while optimising solar access within the development. * Overshadowing of neighbouring properties is minimised during mid-winter | | Buildings along the street frontage define the street & include direct access from street. Street frontage east or west – rear buildings oriented to north.  Street frontage north or south, minimise overshadowing & buildings behind street frontage be oriented to the east and west. | The proposal is satisfactory and complies. | |
| **Public Domain Interface** | | Transition between private and public domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced | The proposal is satisfactory and complies. | |
| **Communal and public open space** | | Communal Open Space (COS):-   * 25% of the site * A minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am & 3 pm on 21 June (mid-winter). * Solar access should be provided year-round along with protection from strong winds. * A minimum dimension of 3m. * Co-located with deep soil areas * Direct, equitable access provided to COS areas from common circulation areas, entries and lobbies * COS incorporate some of the following:   • seating for individuals or groups  • barbecue areas  • play equipment or play areas  • swimming pools, gyms, tennis courts or common rooms   * Visual impacts of services (ventilation, duct outlets, carpark exhaust electrical substations and detention tanks) should be minimised. * COS be readily visible from habitable rooms and private open space areas. * COS be well lit * Range of recreational activities should be provided for people of all ages. * Boundaries should be clearly defined between public open space and private areas | The proposal is satisfactory and complies. 28% of the site area comprises communal open space and the development achieves a minimum of 50% direct sunlight to the principal usable part of the COS (within the area to the rear of the building) for a minimum of 2 hours between midday and 3pm mid-winter (21 June). This area has a minimum dimension of 5 metres which complies. Although this area is elevated and therefore does not includes deep soil landscape planting, it will offer a high level of amenity for future residents The COS is readily visible from habitable rooms and will be well lit. The area incorporates seating, a community garden and viewing platforms. | |
| **Deep soil zones** | | * Min 7% of site * Min dimension 3m (for sites under 1500m²) | Complies as 18% of the site (with a minimum of 6m dimension) comprises deep soil zone. | |
| **Visual Privacy** | | Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:  Up to 12m (4 storeys):  6m (habitable rooms)  3m (non-habitable rooms)  Note: Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out above) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping. | The proposal is satisfactory and complies. | |
| **Pedestrian access and entries** | | * Connects to and addresses the public domain * Accessible and easy to identify. * Large sites provide pedestrian links for access to streets and connection to destinations. | The proposal is satisfactory and complies. Each tower building within the site has its own separate entry from the street to a lobby with a lift. | |
| **Vehicle access** | | Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes | The proposal is satisfactory and complies. Vehicle access is from the Gallipoli Road frontage. | |
| Bicycle and car parking | | For developments in the following locations:   * On sites that are within 800m of a railway station or light rail station in Sydney Metropolitan Area; or * On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.   The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever it the lesser.  The car parking needs for a development must be provided off street.  Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. Direct, clearly visible and well-lit access should be provided into common circulation areas.  A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. For larger car parks, safe pedestrian access should be clearly defined, and circulation areas have good lighting, colour, line marking and/or bollards. Protrusion of car parks should not exceed 1m above ground level. | Satisfactory. Complies with car parking but not with bicycle parking.  The site is not identified as being located within a nominated regional centre under the SEPP. The proposal is satisfactory with regard to the provision of the parking in the basement. The number and design of parking spaces complies with the SEPP (HSPD).  No bicycle parking has been provided; however, the applicant has provided storage spaces with charging stations within the basement for motor scooter parking. It is considered that bicycles where needed can be stored within a basement designated storage area where required. | |
| Solar & Daylight Access | | * Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas * In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter. * A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter | The proposal is satisfactory and complies with 80% of units (72 out of 89) receiving 2 hours minimum of solar access mid- winter.  But 15.7% (14 units) do not receive satisfactory solar access in compliance with the ADG. | |
| Natural Ventilation | | At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.  Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line | 65% (58 units) achieve compliance | |
| Ceiling Heights | | Ceiling height achieves sufficient natural ventilation and daylight access. Ceilings are to comply with minimum ceiling heights set out under 4C-1. | The proposal is satisfactory and complies. Habitable rooms will have a ceiling level of 2.7m. | |
| Apartment size & layout | | The layout of rooms within an apartment is functional, well organized and provides a high standard of amenity.   * Apartments are required to have the minimum internal areas as set out under 4D-1.     additional bathroom 5m²  4th bedroom and further bathroom – extra 12m²   * Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.   Environmental performance of the apartment is maximised.  1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.  2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.  Apartment layouts are designed to accommodate a variety of household activities and needs.      The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts | The proposal is satisfactory and complies with the minimum apartment sizes. | |
| Private Open Space & Balconies | | All apartments are required to have primary balconies with minimum area and depth as set out under 4E-1.    For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m. | The proposal is satisfactory. All but 3 balconies comply having balcony areas of between 9.3m² – 88m² and a minimum dimension of 2. The 3 units that don’t comply are U43, U45 U62.  Courtyards at ground level all comply with the ADG minimum areas and dimensions having between 21m² – 102m². | |
| Common circulation & spaces | | Maximum number of apartments off a circulation core on a single level is 8.  For buildings of 10 storeys and over, the maximum number of apartments sharing a lift is 40 | The proposal is satisfactory and complies. The maximum number of units off a circulation core is 7. The proposal is not over 10 storeys. | |
| Storage | | Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided as setout under 4G-1.     * At least 50% of the required storage is to be located within the apartment.   Additional storage is conveniently located, accessible and nominated for individual apartments. | The proposal is satisfactory and complies. Storage areas within the basements include areas between 8m² - 33m² for the 2 bedroom dwellings and between 15m²-33 m² for the 3 bedroom dwellings. 50% of the storage is within each apartment. | |
| Acoustic Privacy | | Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments. | The proposal is satisfactory and complies. An acoustic report supports the proposal, and this is satisfactory subject to conditions. | |
| Noise Pollution | | In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. | The site is located on The Entrance Road which has significant background traffic noise. Also, the site adjoins an existing club to the north. An acoustic report has been prepared which includes measures to address the potential noise impacts to the future residents. | |
| Apartment mix | | A range of apartment types and sizes is provided to cater for different household types now and into the future. The apartment mix is distributed to suitable locations within the building. | The proposal does not provide a range of apartment sizes but are predominantly 2 bedroom and this is considered reasonable given that it is housing for seniors. | |
| Ground floor apartments | | Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents. | The proposal is satisfactory and complies. There are ground floor apartments on all the three street frontages. | |
| Facades | | Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the façade. | The proposed facade is satisfactory and complies with the objectives for design excellence. | |
| Roof Design | | Roof treatments are integrated into the building design and positively respond to the street.  Opportunities to use roof space for residential accommodation and open space are maximised.  Roof design incorporates sustainability features. | The proposal is satisfactory and complies. The proposal includes communal open space provision with gardens at roof top level. There are also solar panels proposed on the rooftop of the north-western building. | |
| Landscape Design | | Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity. | The proposed landscape design is satisfactory and complies. | |
| Planting on structures | | Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces | The proposal is satisfactory and complies. | |
| Adaptive Reuse | | New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse. | N/A | |
| Mixed use | | Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents. | N/A | |
| Universal design | | Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable  designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs. | The proposal is satisfactory and complies. The proposal complies with the design requirements for SEPP (HSPD) for adaptable apartments. | |
| Energy Efficiency | | Development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation. | A Basix Certificate has been provided for the development. Natural ventilation is to be provided under the design to the majority of dwellings in accordance with the ADG requirements. | |
| Water Management & Conservation | | Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into site design. | The proposal is satisfactory and complies with Council’s requirements. The proposal incorporates a rain garden in the south west corner. | |
| Waste Management | | Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient source separation and recycling. | The proposal is satisfactory and complies with Council’s Waste Guidelines. Waste storage and collection is located within the basement. | |
| Building Maintenance | | Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs. | The proposal is satisfactory and complies. Materials have been carefully selected for durability and aesthetics. | |

***Attachment C******- WLEP and DCP Planning Controls Compliance Table***

**Application No** DA/1260/2021 (PAN -144003) PPSHCC-91 – Central Coast

**Description of Land** 24-26 Gallipoli Road, and 315 The Entrance Road Long Jetty

**Proposed Development** Senior Housing Development comprising 89 dwellings, in two buildings, strata subdivision and associated demolition, landscaping and other works.

**Zoning** RE2 – Private Recreation under Wyong LEP 2013

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| **Numerical Compliance Table (Relevant controls)** | | | |
| **Control** | **Proposed** | **Required** | **Compliance** |
| **Site Area**  Lot 4 (24 Gallipoli St)  Lot 3 (315 The Entrance Rd)  Lot 2 | 23,883m² (Lot 3 &4)  7,143m²  16,740 m²  2670m² | -  -  -  - | N/A |
| **Height** (WLEP 2013) | 16m max  8.5m max | 16 m max  8.5m max | Yes  Yes |
| **FSR** (WLEP 2013) | 0.72:1  0.49:1 | 0.85:1  0.5:1 | Yes  Yes |
| **Gross Floor Area**   * **Existing Club (lot 3)** * **Proposed (Lot 4)** * **Existing Hotel (lot 2)** | -  8,060m²,  8,666m²  1999m² | Applicable FSR | Yes |
| **Building setbacks minimum**  (DCP Ch 2.4)  Front – Archbold Road  (Southern)  Side - CC Highway  (Eastern)  Side – Gallipoli Road  (Western)  Rear/side (Northern)  1-4 storeys  Fifth floor | -  -  7.5m (all levels)  -  -  7.5m (all levels)  -  -  7.5m  -  -  -  6m  6m | -  -  7.5m  -  -  7.5m  -  -  7.5m  -  -  -  6m  9m | -  -  Yes  -  -  Yes  -  -  Yes  -  -  -  Yes  No (ground floor is below NGL) |
| **Site coverage (soft/natural landscaping)**  -  All Landscaped Area  (DCP Ch 2.4 - Cl.3.2 & 6.2.1) | 37% (2660m²)  -  -  52% (3,763m²) | 25% of the site area as soft landscaping (excluding hardstand)  N/A | Yes |
| **Deep soil planting**  **- DCP Ch 2.4 -** (ie.50% of the required soft landscaped area)  **- SEPP 65 ADG** - 7% site area  and 3m min dimension | -  18% (1306m²)  -  18%  6m | -  12.5% (892m²)  -  7%  3m | Yes |
| **Adaptable Units** | All units designed as adaptable to comply Seniors SEPP.  All have lift access, and all have a minimum width of 3.2m. There are also 6 accessible parking spaces. | 10% units **(**DCP Ch2.4)  SEPP(HSPD) controls | Yes, designed to comply with SEPP (HSPD) |
| **Parking (SEPP - HSPD)**  - Residential  0.5 space/ bedroom      Visitor spaces (SEPP) | 106 spaces (total)  90 spaces  16 spaces | 0.5 spaces/bedroom =  180 bedrooms x 0.5  Not required under SEPP | Yes |
| Parking (WDCP Ch 2.4)  Visitor parking (WDCP Ch 2.4) | 90 spaces  16 spaces | 1.2/1.5space per bedroom = 108 spaces  1 space/5 units (89 units =18 spaces) | No but SEPP prevails. |
| - Washbay space (visitor)  - Accessible spaces  - Motorcycle parking  - Enclosed space/dwelling  - Bicycle parking | 1 wash bay/visitor  2 accessible visitors  3 spaces  All in basement  None proposed | 1 wash bay space  Min 1 accessible visitor  1 mb space/50 spaces  Enclosed space  1/3 dwellings (30) | Yes  Yes  Yes  Satisfactory  No but storage spaces with charging stations for motor scooters provided. |
| Parking spaces design (SEPP-HSPD) | 84 spaces x 3.2m width  6 spaces x 3.8m width  2 visitor spaces x 2.4m width plus shared zone | Dimensions to comply with AS2890  5% parking widened to 3.8m | AS2890 been updated and requirements need shared zones so alternative of 3.2m proposed. |
| Car park design | Complies  Loading area caters for 11m waste vehicle | To enter & exit in a forward direction | Complies |
| **Cross Ventilation**  **(SEPP 65)** | 65% (58 units) comply | 60% of units to be naturally cross ventilated. | Yes |
| **Solar access for proposed dwellings (internal)**  **(DCP Ch 2.4 & ADG)** | 80% (72 units) comply with 3 hours | 70% of apartments receive 3 hours direct sunlight between 9am - 3pm mid-winter. In dense urban areas a minimum of 2 hours. | Yes |
| **Max South facing apartments**  **(DCP Ch.2.4 and ADG)** | 15.7% -14 units do not achieve solar access in accordance with ADG as they face south-east or south or are overshadowed by development. All of these units do not receive any direct sunlight. | DCP- 10% max  ADG - A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter. | No (4% variation to ADG which prevails but 38% variation to DCP) |
| **Solar access for existing adjoining dwellings (external)**  **(DCP Ch 2.4)** | Complies as the site does not share any common boundary with residential. | 75% POS of adjoining dwellings to receive 3hrs solar access btn 9am-3pm midwinter | Complies |
| **Max dwellings with a southerly aspect (DCP Ch.2.4)** | 1 dwelling with a wholly southerly aspect (DCP) and | Max 10% (9) dwellings with a southerly aspect (DCP) | Complies |
| **Separation distances for visual privacy (**between 2 external buildings)  **Up to 4 storeys**  **5-8 storeys**  **9 storeys**  **(DCP Ch2.4 and ADG)** | The site is well separated as has 3 street frontages and adjoins a club (north)  Over 12m (external)  Over 18m (external)  N/A | •12m between habitable rooms/ balconies (DCP)  ADG is 6m separation  • 9m btn habitable and non-habitable rooms (DCP)  • 6m between non-habitable rooms (DCP) ADG 3m separation. | Yes |
| **Separation distances for visual privacy** (internally)  **Up to 4 storeys**  **5-8 storeys**  (DCP Ch2.4- cl.6.4.1) | Satisfactory visual privacy has been achieved under the latest amended plans. | 6m (12m combined)  9m (18m combined) | Satisfactory visual privacy achieved in design. |
| **Units accessible from a single core (SEPP 65)** | Max 7 units | Max 8 units | Yes |
| **Private open space**  **- Balconies** (ADG & DCP Ch 2.4)**:**   * Min dimension * Directly accessible from living area * Min grade * Solar access * Min area   **- Courtyards (DCP Ch 2.4 &ADG)**   * Min dimension * Directly accessible from living area * Min grade * Solar access * Min area | -  -  2m  Adjoins living area  -  1:14  Complies  -  9.3m²- 88m²  21m²  -  -  -  Over 4.5m  Adjoining living area  -  1:14  Complies  21m² – 102m² | -  -  2m (balcony)  Adjoining living area  -  1:14  Rec 3 hours mid-winter  10m²/ 2 bed dwelling  12m /3 bed dwelling  -  -  -  -  4.5m (DCP) 3m (ADG)  Adjoining living area  -  1:14  Rec 3 hours mid-winter  15m² (ADG) & 45m² (DCP) | -  -  Yes  Yes  -  Yes  Yes  -  Yes (except U43, U45 U62 - other balconies all comply)  -  Yes  Yes  -  Yes  Yes  Yes |
| **Communal Open Space**  **DCP Ch.2.4**   * Min 10m²/dwelling * Min dimension * Min 3hrs solar access   **SEPP 65** **ADG**  - 25% site area  - 3m min dimension  - Solar access | 28% 2030m²  -  22m²/dwelling  5m  Less than 20%  -  28% site (2030m²)  5m  Complies | 25% site area (1786m²)  -  890m² (10m²/unit)  Min 5m  75% of area  -  25% site area (1786m²)  3m  50% direct sunlight to principal usable part for 2 hours midwinter | Yes  Yes  Yes  Yes  -  Yes  Yes  Yes |
| **Laundries (Ch 2.4)** | Internal laundry for each dwelling | 1/dwelling | Yes |
| **Façade articulation** | Satisfactory | Max 10m length & 3m in height | Yes |
| **Storage (Ch 2.4)**  1-2 bedrooms  3 or more bedrooms  **Storage (ADG)**  2 bedroom  3 bedroom  (50% within apartment) | -  8m²  10m²  -  8-33m²  15-33m²  Complies | -  3m²  6m²  -  8m³  10m³  50% | -  Yes  Yes  -  Yes  Yes  Yes |
| **Basix Certificate & Nathers (SEPP BASIX)** | Provided | Required | Yes |
| **Letterboxes** | Provided | Required | Yes |
| **Variety of unit sizes** | Predominantly 2 bedroom | Mix of 1, 2, and 3 bedroom | No but designed for Seniors who have smaller households |
| **Courtyard fencing (DCP)** | Courtyard fencing setback and screened with landscaping | Staggered with landscaping setbacks from the front boundary over 1.5m. | Satisfactory |
| **Waste room**  (DCP Ch 2.4) | Storage in basement and collection (4 rooms)  No chute included | Screened & integrated  Separate bin rooms  -  Chute required over 3 storeys with lift | Yes  Yes  -  No |

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

Application: DA/1260/2021 (PAN -144003) PPSHCC-91 – Central Coast

Address: 24-26 Gallipoli Road, Long Jetty Lot 4 DP 271196 and 315 The Entrance Road Long Jetty (club) Lot 3 DP.2791196

Proposal: Senior Housing Development comprising 89 dwellings, in two buildings, strata subdivision and associated demolition, landscaping and other works.

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| **SEPP (Housing for Seniors or People with a Disability) 2004 Compliance Table – DA/1260/2021** | | |
| **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. | Site is zoned RE2 which adjoins land zoned for urban purposes however, within the RE2 zone dwelling houses and residential flat buildings are not permitted.  Land is not zoned as special uses.  However, the site contains an existing registered club therefore the SEPP applies. Most of the land adjoining the site is land zoned for urban purposes in accordance with subclause (5).  The site is affected by SEPP (Coastal Management) 2018 but is not identified as environmentally sensitive land under Schedule 1.  None of the site is identified in another EPI as private open space or open space where dwellings or dwelling-houses are permitted. | 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. | Yes |
| **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  The permissibility of the development is not dependent upon the SEPP.  Senior’s housing is permissible under Additional Permitted Uses in Schedule 1 of WLEP. | 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 comprises 'self-contained dwellings', hereon referred to as independent living units (ILUs). | 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. | N/A | N/A |
| **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 89 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 or infill self-care housing.  The proposal is not 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** | The proposed development is not reliant on these provisions for permissibility as the proposal is permissible with consent on the land under the APU map to WLEP 2013. | N/A |
| **18**   **Restrictions on occupation of seniors housing allowed under this Chapter** | Would be conditioned (including 88E) with any consent granted. Restrictions also provided in  Strata Management  Statement restricting  occupation of development  by persons 55 years and  older and restricting use of  development in perpetuity  as a seniors living village  operated under the  Retirement Village Act 1999 | 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. | Strata subdivision of the development is proposed. | Yes |
| **22**   **Fire sprinkler systems in residential care facilities for seniors** | N/A | N/A |
| **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. | The subject land does include an existing registered club -although technically being located on the adjoining lot 3. Details provided in Social Impact Assessment (SIA) and as to how potential impacts of Club activities on future residents are to be minimised. In this regard, the Club is a party to the  development as the owner  of the site, and its board and  management is conscious  of the club’s responsibilities  with respect to managing  the potential for impacts on  residents who will be residing  adjacent to the club. Club  management has advised  that its Responsible Service  of Alcohol (RSA) and  Responsible Conduct of  Gambling (RCG) and other  regulatory obligations will be  applied diligently to  neighbouring residents, as is  the case with other  members and guests.  An acoustic report and operational management plans have been provided for the proposal to ensure that the future development is suitably managed with regard to the club operations. | Yes |
| **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 the proposed development is permissible with consent on the land under the APU map to 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 site frontage on both sides of the highway within 400m of the site. There are also bus stops located to the south of the site on both sides of The Entrance Road within 50m of the site. All gradients to the bus stops are less than 1:14 gradient.  There are footpaths along both sides of The Entrance Road and a pedestrian mid-block on Archbald Road and on The Entrance Road in front of Lot 4, and a signalised crossing on The Entrance Road in front of Lot 3.  Access to the bus stop from within the development will be designed to comply with Clause 26. A Disability Access report 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 Services including route 16, 17, 18, 21, 22, 26, 28 & 29 which provides connections to Gosford & Wyong town centres and to Bay Village Bateau Bay, The Entrance, The Entrance North, Lake Haven. The bus services (route 29) also provide access to Wyong Hospital (daily). The bus frequents the stop at least once an hour between 6:00am and 8:00pm daily (includes weekends).  These centres provide a comprehensive range of services, consistent with Clause 26 of the SEPP. | 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 not identified as Bushfire Prone Land. | N/A |
| **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. | The development will satisfactorily connect to a 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 natural environment and surrounding land uses. The site is not environmentally constrained land and is in suitable a suitable residential context for additional residential development. The site does not contain any significant native flora or fauna and is not bushfire prone or flood affected.  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 and 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. There will be view loss for the properties located opposite the site on The Entrance Road as these site’s borrow their views of the lake through and across the site. The resulting development of the site will remove these. However, the development complies with the FSR, height and 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). | Site analysis has addressed these aspects. | 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 design of the development has addressed the relevant  design principles of this document including responding to context and existing character; site planning and design; streetscape; impact on neighbours and internal site amenity. Design Excellence Report identified how it meets requirements of SEPP 65 and ADG. | Yes |
| **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 satisfactory and complies. The proposal responds to the local context and neighbourhood character by maintaining an appropriate scale within the planning parameters. The front setbacks of 7.5m are in keeping with the DCP and the proposed design includes courtyard apartments to Gallipoli Road to provide a sense of identity in keeping with the existing streetscape character. The proposal facilitates the transition between these two typologies by  providing a larger structure with residential materials and distinct individual dwellings to  create a human scale, contributing to the quality and identity of the area.  Parking is out of ready view within the building underground and landscape planting is generous and has been selected  in sympathy with the planting along Long Jetty Foreshore Reserve. Where possible he existing street trees have been retained along the Central Coast  Highway. There are no riparian zones impacted by the development. | 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 does not directly adjoin any residential boundaries as the boundaries of the site comprise three street frontages and the existing club. This allows for sufficient separation distances (for visual and acoustic privacy) from the existing residential development surrounding the site on the opposite sides of the road frontages. An acoustic report accompanied the application which upon further amendment is satisfactory subject to recommended conditions. | 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 proposal is satisfactory and complies. Under the amended plans 80% (72 units) comply with 3 hours direct sunlight between 9am - 3pm mid-winter. There are  65% (58 units) naturally cross ventilated. The proposed development includes numerous initiatives that contribute to the efficient use of resources including: Shading devices designed to provide shade in Summer and allow Solar Access in Winter; Low maintenance materials; Green podiums and low water planting throughout; solar panels; rainwater tanks; operable windows including awning windows. | 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 Stormwater Management Plan addresses stormwater quantity and quality, as well as retention and re-use. The system consists of rainwater tanks and a pit and pipe network around the building which directs stormwater to an on-site detention (OSD)/bio-retention tank in the south-east corner of the site. The stormwater design has been considered and incorporated into the landscape design to create a feature with a rainwater garden provided on the South West Corner, near the main entry. | 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. | The proposal is satisfactory and complies. A CPTED Report was prepared for the proposal.  Crime risk can be minimised through the design and ongoing  management of the development by incorporation of measures identified in the report including: Perimeter fencing, security access to entry doors; on-site 24 hour manager; well positioned lighting, clear signage; design for nature surveillance; minimising entrapment spots; white ceiling to basement; letterbox placement in secure location; cleanliness and maintenance of all facilities. | 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. | The plans identify clear, safe pedestrian links to, within and around the development. The proposal encourages social interaction with a physical link to Diggers at The Entrance that allows the residents to easily access the facilities there and interact with others. | Yes |
| **39 Waste management**  The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities. | The proposal is satisfactory and complies. The waste arrangements are suitable subject to recommended conditions. | 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 not permissible in the RE2 zone. However, the RE2 zone is not a residential zone. | N/A |
| (5) **Development applications to which clause 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 not a social housing provider. | - |
| **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 multi storey buildings. The proponent is not jointly or wholly a social housing provider.  An Accessibility Design Review Report has been prepared for the application.  The clauses under Schedule 3 have been addressed within the design of the proposed development (refer to that section later in this table. | Yes, refer to later in the table for Schedule 3  compliance |
| **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. | Residential flat buildings are not permissible on the land. The site is zoned RE2 which is not a residential zone. | N/A |
| **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. | 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. | The proposal does not include a residential care facility | N/A |
| **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), | A maximum building height of 8 metres or less is noted as a non-refusal standard under the SEPP for the self-contained dwellings.  The proposed buildings exceed this standard. However, we note that is not a development standard, but rather, a standard whereby the DA cannot be refused. The Building Height complies with Council’s mapped Building Height maximum under WLEP 2013 and is therefore considered suitable. | No but complies with WLEP mapped height control. |
| (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 proposal exceeds this standard. However, it is not a development standard, rather a standard whereby the DA cannot be refused. The FSR complies with Council’s mapped FSR maximum under WLEP 2013 and is therefore considered suitable. | No, but complies with WLEP mapped FSR control. |
| (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 52% (3,763m²) landscaped area which exceeds the 30% required. | 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 18% (1306m²) of the site as deep soil zone. The proposal exceeds 15% of deep planting required. | 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, | 80% the ILUs (living rooms and private open space) 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. | (i) All ground floor apartments have a private outdoor area at least 21m² with an area that is not less than 3m wide and 3m long accessible from a living area located on the ground floor, dimensions and areas are shown on plans.  (ii) Each dwelling (except for U43, U45 and U62) has a balcony area of at least 10m² with a minimum dimension of 2m in either length or depth, dimensions. There are 3 units which do not comply having a balcony size of 9.3m² (U43 & U45), and 9.9m (U62). | Yes (except 3 units out of 89 which have an undersized balcony (by up to 7% from the minimum required) |
| (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. | 87 x 2bedrooms = 174 bedrooms  2 x 3 bedrooms = 6 bedrooms  TOTAL = 180 BEDROOMS x 0.5 spaces/bedroom = 90 spaces required  PROVIDED = 106 SPACES | 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. | The proposed buildings have been designed to include fire safety sprinklers, fire exits and fire extinguishers on all floors. A Fire Safety Schedule will be prepared for the Construction Certificate stage. | 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. | An Accessibility Design Review Report has been prepared for the application.  The proposal includes self- contained dwellings in multi storey buildings. The proponent is not jointly or wholly a social housing provider. | 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. | 100% of the dwellings have wheelchair access by a continuous accessible path of travel to each adjoining public road. A continuous accessible path of travel is to be provided to and within the communal opens pace areas of the development and to and within all other common areas like lobbies, waste storage rooms etc.. | 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. | Lighting design to confirm that minimum illumination levels achieved. Minimum levels of maintenance illumination to be provided. | 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. | All letterboxes are located in the foyer area and have wheelchair  access by a continuous accessible path of travel. All letterboxes will be lockable. Each set of letterboxes are located in their own central lobby area adjacent to their street entry. | 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. | Parking for disabled persons  provided at appropriate rate under AS2890 and meeting dimensions under AS 2890.  The development proposed the following parking provisions:   * 84 x residential spaces with a width of 3.2 metres; * 6 x residential spaces with a width of 3.8 metres (6.7% of total requirement); and * 2 x visitor spaces with a width of 2.4 metres and adjacent shared zone (no requirement).   The above residential accessible parking arrangements are consistent with the requirements of AS2890 (2004), which was the intended standard for SEPP. | Yes |
| 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 for a dwelling  complies with clauses 4.3.1  and 4.3.2 of AS 4299. | 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. | (1) Internal doorways have a  minimum clear opening that  complies with AS 1428.1. These clearances are shown on the plans in blue.  (2) Internal corridors have a  minimum unobstructed width of 1,000 mm.  (3) Circulation at approaches to internal doorways complies with AS1428.1. These clearances are shown on the plans in blue. | 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. | (a) & (b) Each main bedroom has a minimum dimension of 3520 x 3570 mm to allow the required  circulation around a queen-sized bed in a self –contained dwelling. These dimensions are shown on the plans.  (c) & (d) The design is capable of compliance and the power outlets will be specified during  Construction Certificate Stage.  (e) & (f) The design is capable of compliance and the telephone outlet and lighting illumination will be specified during CC stage. | Yes subject to conditions |
| 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. | (a) An appropriate slip resistance rating will be specified at CC Stage to comply.  (b) A washbasin that can be adapted to comply with AS1428.1 is shown in the ensuites.  (c) All ensuite bathrooms will be provided with plywood backing that will allow a grab rail, portable shower head and folding seat to be accommodated in the future.  (d) Illumination will be specified during CC Stage to comply.  (e) The design is capable of compliance and the power outlet will be specified during CC Stage. (2) A shower screen that can be easily removed will be installed in the ensuites to facilitate future accessibility | Yes subject to conditions |
| 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—  Advice 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. | Every toilet in each ensuite  complies with the requirements for sanitary facilities of AS 4299.  Balconies and external paved areas will be specified with the appropriate slip rating at CC stage to comply.  Door hardware will be specified in accordance with AS 4299 CC stage to comply.  Switches and power points will be specified in accordance with AS 4299 CC stage to comply. | Yes subject to conditions |
| **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. | (1) All living rooms have a circulation space of 2250mm shown in blue on each typical floor plan type.  (2) A telephone point adjacent to a general power outlet will be specified in accordance with AS 4299 CC stage to comply. | Yes subject to conditions |
| **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. | (a) Circulation space 1550mm wide is shown in blue on each typical floor plan type to comply with clause 4.5.2. (b) Circulation space at door approaches is shown in blue on each typical floor plan type that complies with 1428.1. (c) Fittings will be specified to the relevant subclauses of clause 4.5 of AS 4299 at CC stage to comply. (d) “D” pull handles will be specified at Construction Certificate Stage to comply. (e) General power outlets will be specified at CC stage to comply. | Yes subject to conditions |
| 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. | All unit’s single storey (i.e. no units have an upper floor component) | N/A |
| 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. | The lifts are capable of compliance and will be specified to comply with E3.6 of the BCA | Yes subject to conditions |
| 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. | (a) The units are equipped with a cupboard or European laundry that opens out  (b) Each laundry has provision for the installation of an automatic washing machine and a clothes dryer  (c) A clear space in front of the laundry is shown in blue on each typical floor plan type.  (d) An appropriate slip rating will be specified for laundry floors at CC stage to comply.  (e) Clothes lines are not provided | Yes subject to conditions |
| 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. | A 600 wide linen storage area is shown in blue on each typical floor plan type in compliance with clause 4.11.5 of AS 4299. | Yes |
| 21 **Garbage**  A garbage storage area must be provided in an accessible location. | Accessible garbage areas are provided near each lift core in the basement. | Yes |

**Attachment E – Coastal Management Assessment under SEPP *(Resilience and Hazards) 2021***

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 2 – Coastal Hazards applies to the development as the subject site is located within a coastal environment area and a coastal use area. Clauses 2.10 and 2.11 are to be taken into consideration by the consent authority when it determines a development application to carry out development on land to which this SEPP applies. The proposed development has satisfactorily addressed the matters of consideration outlined as indicated below:

Coastal environment area (Clause 2.10):

|  |  |
| --- | --- |
| **Matters for Consideration** | **Compliance Y/N/NA** |
| ***(1)* Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:** | |
| *(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment* | Y- The proposal will include significant earthworks, however these will be suitably managed to sure that there is minimal impact upon the biophysical, hydrological and ecological environment. |
| *(b) coastal environmental values and natural coastal processes* | Y- The proposal will have minimal impact upon the coastal environmental values and natural coastal process, as the site adjoins the lake. |
| *(c) the water quality of the marine estate (within the meaning of the* [*Marine Estate Management Act 2014*](https://www.legislation.nsw.gov.au/#/view/act/2014/72)*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1* | Y- The proposal will have minimal impact upon the quality of the marine estate. |
| *(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms* | Y- The proposal will have minimal impact upon the marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. |
| *(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability* | Y- The proposal and its site does not directly adjoin foreshore areas or public open space. |
| *(f) Aboriginal cultural heritage, practices and places* | Y -An AHIMS search information (dated 27.8.21) identified that there are no Aboriginal sites recorded in or near the above location and no Aboriginal places have been declared in or near the above location. In accordance with section 8 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales the subject site is classified as disturbed land. As such, it is considered that the site is highly unlikely to contain any Aboriginal Cultural Heritage due to the disturbed nature of the site, location and the previous history of development etc. |
| *(g) use of the surf zone.* | Y- The proposed development is not in proximity to the surf zone. |
| ***(2)* Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:** | |
| *(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1)* | Y The proposed development has been designed, sited to avoid any adverse impact referred to in subclause (1). |
| *(b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact* | Y-The proposed development has been designed, sited to avoid any adverse impacts. |
| *(c) if that impact cannot be minimised - the development will be managed to mitigate that impact* | Y-The proposed development has been designed, sited to minimise any adverse impacts. |

Coastal use area (Clause 2.11):

|  |  |
| --- | --- |
| **Matters for Consideration** | **Compliance Y/N/NA** |
| 1. *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:* | |
| 1. *has considered whether the proposed development is likely to cause an adverse impact on the following:* | |
| *(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability* | Y - The subject site does not adjoin a foreshore area. There is a foreshore area within 200m of the site which has existing public access to and along this foreshore area. |
| *(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores* | Y- The proposed development is located upslope and not directly adjoining any foreshore areas. Therefore, the proposal will not result in any impact of overshadowing, wind funneling or loss of views from public places to foreshores. |
| *(iii) the visual amenity and scenic qualities of the coast, including coastal headlands* | Y - The subject site does not directly adjoin any foreshore area, however, due to the height and scale of the development, it will be visible from nearby foreshore areas. The proposal has been designed to minmise any adverse impact on the visual amenity and scenic qualities of the foreshore. The proposal will not obstruction on views to or from any coastal headlands. |
| *(iv) Aboriginal cultural heritage, practices and places* | The subject site is located adjacent to the foreshore and the AHIMS search information (dated 27.08.22) identified that there are no Aboriginal sites recorded in or near the above location and no Aboriginal places have been declared in or near the above location. In accordance with section 8 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales the subject site is classified as disturbed land. As such, it is considered that the site is highly unlikely to contain any Aboriginal Cultural Heritage due to the disturbed nature of the site, location and the previous history of development etc. |
| *(v) cultural and built environment heritage* | The subject site has not been identified as containing cultural and built environmental heritage. |
| 1. is *satisfied* that: |  |
| *(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or* | The proposed development has been designed, sited to avoid any adverse impact referred to in paragraph (a). |
| *(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or.* | Y-The proposed development has been designed, sited to avoid any adverse impacts. |
| *(iii) if that impact cannot be minimised - the development will be managed to mitigate that impact, and* | Y-The proposed development has been designed, sited to minimise any adverse impacts. |
| 1. *has taken into account the surrounding coastal and built* environment*, and the bulk, scale and size of the proposed development* | The proposed development has taken into account the surrounding coastal and built environment and the bulk and scale and size of the proposed development. |