

Table 1 – SEPP (Housing for Seniors of People with a Disability) 2004

Clause	Provisions	Compliance
Part 2 Site-related requirements		
26 Location and access to facilities	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to—</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if—</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the 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—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(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—</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more</p>	<p>Recommendations for compliance</p> <p>The proposal has minor non-compliances with the provisions in Clause 26 however, the report provided with the DA (refer to Appendix 9) provides a number of recommendations to ensure compliance with the access requirements.</p>

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	<p>than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>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.</p> <p>(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—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2)—</p> <p>(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</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by</p>	

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	<p>reference to the length of any such pathway.</p> <p>(5) In this clause—</p> <p>bank service provider means any bank, credit union or building society or any post office that provides banking services.</p>	
28 Water and sewer	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(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.</p>	<p>Complies</p> <p>The Infrastructure Report (refer to Appendix 22) indicates that there is an existing water and sewerage network in the area of the development and the site will be connected to this.</p>
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p> <p>Note—</p> <p>Clause 24 (1) sets out the development applications to which that clause applies.</p> <p>(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).</p> <p>(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</p>	<p>Clause 25 (b)(i) Natural environment and existing and approved uses: The site was recently rezoned to R3 Medium Density Residential and is surrounded by residential accommodation which is zoned R3 and R2. The Contamination Assessment (refer to Appendix 6) concludes that the site can be made suitable for residential accommodation provided a RAP is prepared and implemented. Accordingly, the development of seniors housing on the site is considered to be compatible with the existing surrounding residential accommodation.</p> <p>Clause 25 (b)(iii) – Services and infrastructure: There are</p>

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	<p>determining a development application to which this clause applies.</p> <p>25 Application for site compatibility certificate</p> <p>(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel—</p> <p>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—</p> <p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(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,</p> <p>(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,</p>	<p>currently no known capacity constraints on local services or utility infrastructure in the area. Essential utilities are available from surrounding local areas including Brighton Le-Sands, Rockdale and Kogarah and is located in close proximity to St George Private Hospital. In addition, the site is well located to a number of bus services that provide access to various retail, community, financial and medical services.</p> <p>Clause 25 (b)(v) – bulk, scale, built form and character: The proposed bulk, scale and form of the development will have minimal impact on the existing and approved uses of the site, or future uses of land in the vicinity of the development. The proposed development will be of a similar height to the surrounding development and the buildings has been sensitively designed to mitigate any impacts on surrounding development including overshadowing, visual and acoustic privacy. The height of the development is stepped down to two storeys at the boundaries and incorporates generous landscaping buffers.</p>
Part 3 Design Requirements		
30 Site analysis	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must—</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the</p>	<p>Complies</p> <p>A site plan has been prepared and is provided in the architectural package in Appendix 3. The site plan addresses the following items:</p> <ul style="list-style-type: none"> • Site dimensions • Topography • Services • Vegetation

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	<p>case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site)—</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p>	<ul style="list-style-type: none"> Views; and Overshadowing <p>The DA provides shadow diagrams, solar access diagrams, and site details in the architectural drawings package, and an accompanying written statement is provided in the SEE (Section 5.1.2) which addresses each of the design principles.</p>
Division 2 Design principles		
33 Neighbourhood amenity and streetscape	<p>The proposed development should—</p> <p>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p> <p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by—</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with,</p>	<p>Complies</p> <p>Refer to Section 5.4 of the SEE for further discussion.</p>

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	<p>but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	
34 Visual and acoustic privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by—</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p> <p>Note—</p> <p>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.</p>	<p>Complies</p> <p>Refer to Section 5.4 of the SEE for further discussion.</p>
35 Solar access and design for climate	<p>The proposed development should—</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note—</p>	<p>Complies</p> <p>Refer to Section 5.4 of the SEE for further discussion.</p>

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	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.	
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.	Complies Refer to Section 5.4 of the SEE and the Civic Engineering Report Appendix 11 for further discussion.
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.	Complies Refer to Section 5.4 of the SEE for further discussion. The CPTED Report (refer to Appendix 12) address this clause and the principles of CPTED in further detail.
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.	Complies Refer to Section 5.4 of the SEE for further discussion.
39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Complies Refer to Section 5.4 of the SEE for further discussion.

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Part 4 Development standards to be complied with		
Division 1 General 40 Development standards—minimum sizes and building height	<p>(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.</p> <p>(2) Site size The size of the site must be at least 1,000 square metres.</p> <p>(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p> <p>(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—</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>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).</p> <p>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p>Note—</p> <p>The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	<p>Complies for site size</p> <p>The total site area is 7,218m².</p> <p>Complies for site frontage</p> <p>Site frontage to West St of approximately 35m.</p> <p>Height in zones where residential flat buildings are not permitted</p> <p>Non-compliance with subclause (a) – however under Clause 48(a) this is a standard that cannot be used to refuse consent.</p> <p>The site is zoned R3 Medium Density Residential and residential flat buildings are not permitted in the zone. The proposed development is greater than 8m however this is a standard that cannot be used to refuse consent. The non-compliance is supported by a Clause 4.6 variation (refer to Appendix 13).</p> <p>Complies with subclause (b)</p> <p>The building adjacent to the boundaries is 2 storeys in height.</p> <p>Non-compliance with subclause (c)</p> <p>The built form to the rear 25% of the site is 2 storeys in height. The variation with this control is addressed in the Clause 4.6 Variation in Appendix 13.</p>
Division 2 Residential care facilities		
48 Standards that cannot be used to	A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of	Non-compliance

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refuse development consent for residential care facilities	<p>development for the purpose of a residential care facility on any of the following grounds—</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</p>	<p>This is a development standard that cannot be used to refuse consent and whilst the development exceeds 8m, it is considered the density is appropriate for the site. A Clause 4.6 variation has been provided, refer to Appendix 13.</p>
	<p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p>	<p>Complies</p> <p>The development proposes an FSR of 0.991:1 (or GFA of 7,138.6m²) which complies with this provision.</p>
	<p>(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</p>	<p>Complies</p> <p>The proposed development includes 3,223m² of landscaped area which equates to 25.6m²/bed. This is a standard that cannot be used to refuse consent.</p>
	<p>(d) parking for residents and visitors: if at least the following is provided—</p> <p>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</p> <p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p> <p>Note—</p> <p>The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>Complies</p> <p>The proposal is required to provide 39 spaces and 1 space for an ambulance. The proposal complies with this provision, refer Section 6.4 of the SEE for further discussion.</p>