

**COUNCIL SUPPLEMENTARY ASSESSMENT REPORT –
MODIFICATION APPLICATION**
SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-367 – MDA-2025/27
PROPOSAL	Modification to DA-2021/95 to an approved residential care facility including internal and external alterations, increase in bed numbers from 115 to 128 beds, modifications to basement level, roof pitch, change to façade and materials, and changes to open space areas
ADDRESS	Lot 2 in DP 857520 - 119 Barton Street Monterey
APPLICANT	Mecone Group Pty Ltd and Monterey Equity Pty Ltd
OWNER	Monterey Equity Pty Ltd
MOD LODGEMENT DATE	3 March 2025
ORIGINAL DA DETERMINATION DATE	29 November 2023
APPLICATION TYPE	Modification Application under Section 4.55(2)
REGIONALLY SIGNIFICANT CRITERIA	Clause 2.19(1), Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : declares the proposal regionally significant development as development that has an estimated development cost of more than \$30 million and subject to Ministerial Directions for a modification application under S.4.55(2) of the Act that may amend a condition previously imposed by the panel.
CIV	Originally \$ 36,365,251.00 (excluding GST)
CLAUSE 4.6 REQUESTS	No change – previously approved variation to building height under clause 4.3 of the Bayside LEP 2021 to be retained.
KEY SEPP/LEP	Housing SEPP, Biodiversity and Conservation SEPP, Industry and Employment SEPP and Bayside LEP 2021.
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Seven (7) unique submissions – building height, overshadowing, loss of privacy and amenity, noise, landscaping, construction impacts, setbacks, insufficient car parking and traffic congestion.
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural and landscape plans, plan of management, statement of environmental effects, traffic and parking assessment, operational waste management plan and acoustic assessment.

SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	22 July 2025
PLAN VERSION	Sheet created on 20 October 2024 Revision Nos D & E
PREPARED BY	Michael Maloof – Senior Development Assessment Planner
DATE OF REPORT	21 July 2025

BACKGROUND

This supplementary report addresses a comparison assessment of the modification application under both the State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004 and SEPP (Housing) 2021. This report should be read in conjunction with the original Planning Assessment Report for this application.

On 15 March 2021 a development application (DA-2021/95) was lodged with Council for the demolition of the existing structures and construction of a part 2 and part 3 storey residential aged care facility comprising of 112 rooms (115 beds), basement level parking, front fencing and signage. This application was approved by the Sydney Eastern City Planning Panel on 21 December 2021.

On the 26 November 2021 the SEPP (Housing) 2021 commenced in law. In this regard, DA-2021/95 was made, but not determined, before the commencement date of the SEPP Housing 2021. As such, the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 (hereon called SEPP Seniors Living 2004) continue to apply to the application.

The provisions of the SEPP (Seniors Living) 2004 were inserted into Chapter 3 of the SEPP (Housing) 2021 which is Part 5 Housing for Seniors and People with a Disability prior to its repeal. The SEPP (Seniors Living) 2004 was repealed on 26 November 2021.

EXECUTIVE SUMMARY

This supplementary report details a comparison assessment of the modification application under both SEPP Seniors Living 2004 and SEPP Housing 2021. This has been written for the Sydney Eastern City Planning Panel in considering the determination of the modification application (MDA-2025/27) at 119 Barton Street Monterey.

The key development standards in the SEPP Seniors Living 2004 were inserted into SEPP Housing 2021 apart from the single storey height restriction located in the rear 25% of the site pursuant to clause 40(4)(c) of SEPP Seniors Living 2004.

Specifically, this supplementary report addresses the modification application in respect to the relevant provisions of each SEPP and demonstrates how the scheme satisfies the requirements of each. A comparison is contained in Appendix 1 of this report.

STATUTORY CONSIDERATIONS

Schedule 7A of the SEPP Housing 2021 contains savings and transitional provisions which state the following:

2 General savings provision

- (1) This Policy does not apply to the following matters—
 - (a) a development application made, but not yet determined, on or before the commencement date,
 - (b) to (d)
 - (da) an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date,
 - (e)

Based on the above, the SEPP Housing 2021 does not apply to the previously approved development application (DA-2021/95) nor the modification application submitted for the site. As such, the modification application has been assessed in a comparison table with the relevant analogous provisions of the SEPP Seniors Living 2004. This is outlined in the table in Appendix 1 below.

The proposal includes minor changes to the previously approved development which were discussed in the previous planning assessment report (e.g. rationalising the internal layout of the facility, courtyard design, setbacks, and the like). Notwithstanding the minor changes, the modification proposed is generally consistent with the previous approval in respect to the relevant provisions of SEPP Housing 2021. In this regard, the direct comparison of these nearly identical provisions has been outlined in the table in Appendix 1. The provisions are the same apart from the single storey height restriction pursuant to clause 40(4)(c) of SEPP Seniors Living 2004 which relates to the building height in the rear 25% of the site. This development standard was not carried over (deleted) in SEPP Housing 2021.

Considering the above, the proposed modification is acceptable as the extent of change does not alter the basis of assessment under the relevant provisions of each planning instrument (i.e., each SEPP).

CONCLUSION

The modification application has been considered in respect to the provisions of both SEPP Seniors Living 2004 and SEPP Housing 2021. Based on a thorough assessment of the planning controls, it is considered that the application can be supported. The proposal is acceptable despite minor differences between the relevant provisions of each SEPP, and the modified scheme is consistent with the overall layout and intent of the previously approval. The site is suitable for the proposal and the modification will retain the scope of the previous approval. Subject to the amended conditions, the proposal will not exceed the constraints of the site and is acceptable in this regard.

RECOMMENDATION

It is recommended:

- That the Modification Application No MDA-2025/27 to DA-2021/95 to an approved residential care facility including internal and external alterations, increase in bed numbers from 115 to 128 beds, modifications to basement level, roof pitch, change to façade and materials, and changes to open space areas at 119 Barton Street Monterey be APPROVED pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to the previous planning assessment report at Attachment A; and
- Pursuant to Clause 118 of the *Environmental Planning and Assessment Regulation 2021*, a notice of determination is to be prepared by Council following the Panel's determination of this modification application.

APPENDIX 1 – COMPARISON BETWEEN SEPP SENIORS LIVING 2004 AND SEPP HOUSING 2021

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
CI 26 - Location / Access to Facilities	<p>Access within 400m max from site to shops / banks / retail / commercial services / GP / community services / recreation facilities and accessed by suitable pathway max 1:14</p> <p>Public transport (available minimum once between 8am – 12pm and 12-6pm daily Monday to Friday) and within 400m of site and accessible by suitable pathway</p>	A Clause 26 report has been submitted which details three footpath locations that are required to be improved to allow compliance with the gradient requirements.	<p>Yes - subject to footpath works being carried out at three locations to ensure gradients comply.</p> <p>Yes</p>	Clause 94	Similar provisions	<p>Acceptable as the site benefits from the access to these services as detailed in the previous clause 26 report.</p> <p>As detailed in the original SEE submitted with the application and addressed in the assessment report for the approved DA.</p>	Yes
CI 28 – Water and Sewer	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	The site currently has access to water and sewer services - provision exists in the street. A Section 73 will be required prior to Occupation Certificate.	Yes	Removed	Similar provisions	No change to assessment.	Yes

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
CI 29 - Compatibility Criteria	<p>Consideration to be given to clause 25(5)(b)(i), (iii) & (v) including whether the proposed development is compatible with the surrounding land uses having regard to:</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>The proposed development exceeds the maximum permitted height and does not comply with the rear setback requirements in the SEPP. The proposal will result in adverse scale and visual bulk impacts to surrounding residents and the height variation is not supported by Council officers nor the Council's Design Review Panel. The layout of the proposal is not supported by the Design Review Panel who recommended that an orthogonal scheme be provided in lieu of the diagonal scheme proposed. The Panel were of the view that the proposed scheme would result in visual bulk impacts despite the breaks in the built form.</p>	No	CI. 97 – Refers to the Design of Seniors Housing and references Schedule 8	See response in row below for amenity provisions.	See response in row below for amenity provisions.	No change

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
	(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.						
CI 33 – Neighbourhood Amenity and Streetscape	<p>New buildings to contribute to the quality and identity of the area</p> <p>Maintain reasonable neighbourhood amenity and appropriate residential character</p> <p>Front setbacks in sympathy with existing building line</p> <p>Planting in sympathy with streetscape</p> <p>Retain major existing trees</p>	<p>The proposal has been amended to improve its relationship with Barton Street, increase setbacks from adjoining boundaries to 6m and reduced its intensity.</p> <p>However, the proposal remains part three storey and will result in adverse scale and visual impacts when viewed from surrounding properties. The Council's Design Review Panel have reviewed the scheme and is not supportive.</p>	No - see Note 1	CI. 97 – Schedule 8 Point 1. Neighbourhood amenity and streetscape	<p>Seniors housing should be designed to—</p> <p>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</p> <p>(b) recognise the desirable elements of—</p> <p>(i) the location's current character, or</p> <p>(ii) for precincts undergoing a transition— the future character of the location so new buildings contribute to the quality and identity of the area, and</p>	<p>Proposal has a different building shape as per (a) however proposal has not demonstrated that they have recognised the desirable elements of the sites current character – i.e. 2 storey development with orthogonal form as per DRP comments. The proposal also results in adverse impacts to surrounding properties, including the three storey walls adjacent to the boundary.</p>	<p>No change - However, the proposal is consistent with the previously approved development, apart from minor changes to the external appearance.</p> <p>Generally acceptable given the modifications are consistent with the overall approval and building layout in respect to this clause.</p>

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
					(c) complement heritage conservation areas and heritage items in the area, and (d) 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 buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (e) set back the front building on the site generally in line with the existing building line, and (f) include plants reasonably similar to		

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
					other plants in the street, and (g) retain, wherever reasonable, significant trees, and (h) prevent the construction of a building in a riparian zone.		
CI 34 – Visual and Acoustic Privacy	Appropriate location and design of windows and balconies and the use of screening devices and landscaping Locating bedrooms away from driveways, parking areas and paths	The proposal is surrounded by rear yards of 18 detached dwellings and 6 villas. The proposal aims to reduce visual privacy impacts by orienting the building on angles to minimise overlooking. However given the significant number of windows, juliette style balconies and large common terrace at level 2, the proposal will result in adverse visual privacy to adjoining properties. While setbacks to boundaries have been increased to allow additional planting, several areas are unable to contain trees due to conflicts with the stormwater system. Planning Principles also confirm that reliance on planting cannot be used to address privacy. Council's Environmental	No	CI. 97 – Schedule 8 Point 2. Visual and Acoustic Privacy	Appropriate location and design of windows and balconies and the use of screening devices and landscaping Locating bedrooms away from driveways, parking areas and paths	No change to assessment	NO – Consistent with the previously approved development, apart from minor changes to the side and rear setbacks. Generally acceptable given the modifications are consistent with the overall approval and building layout in respect to this provision.

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
		Health Officers have advised that inadequate information has been provided to demonstrate that noise from the facility will be minimised and acceptable.					
CI 35 – Solar Access and Design for Climate	<p>Adequate daylight to main living area of neighbours and residents</p> <p>Adequate sunlight to substantial areas of private open space</p> <p>Reduce energy use and maximise natural ventilation, solar heating and lighting with provision of northern windows and living areas</p>	<p>The applicant has provided shadow diagrams showing that the proposal will only start impacting the rear courtyard of one or two villas at 121 Barton Street after 1pm. Therefore, the amended scheme retains adequate daylight to main living areas of dwellings on neighbouring properties. Refer to assessment of Part 4.4.2 of RDCP 2011 for more detail.</p> <p>Within the site, most of the private open space areas at the periphery of the site benefit from adequate sunlight, however the areas between the wings of the building do not. This was not supported by the Design Review Panel who recommended north-south orientated courtyards to benefit from winter sun and to respect the site context.</p>	Yes - however, inadequate solar access between building wings during the winter months	CI. 97 – Schedule 8 Point 3. Solar Access and Design for Climate	<p>The design of seniors housing should—</p> <p>(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, 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>Inadequate solar access provided for future occupants due to building orientation.</p> <p>Windows to several common spaces face south or have sunlight blocked by proposed built form.</p>	<p>NO – But remains acceptable as previously approved.</p> <p>Consistent with the previously approved development, apart from minor changes to the side and rear setbacks.</p> <p>Generally acceptable given the modifications are consistent with the overall approval and building layout in respect to this clause.</p>

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
		Sustainability and energy reduction measures have not been adequately employed including solar energy, heating and water saving devices and WSUD.					
CI 25 - 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.	Subject to the imposition of conditions, the proposal can comply with these requirements.	Yes	CI. 97 – Schedule 8 Point 4. Stormwater	The design of seniors housing should aim to— (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.	Subject to the imposition of conditions, the proposal can comply with these requirements.	Yes – No change to the previously approved scheme. The conditions are retained and shall be complied with in this regard.
CI 37 – Crime Prevention	Provide security and encourage crime prevention	The proposed development provides access control and other measures in line with safer by design principles such as secured boundary fencing and	Yes	CI. 97 – Schedule 8 Point 5. Crime Prevention	No significant change - Provide security and encourage crime prevention	Acceptable subject to conditions and submitted report.	Yes

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
		CCTV facilities. Passive surveillance of the street and front garden is achieved by having some rooms fronting the street. Additional proposed measures shall be included as conditions of consent. The proposal is satisfactory in regards to safety and security.					
CI 38 – Accessibility	To be provided to public transport services / local facilities To parking on site	An Access Review Report has been submitted. The report makes recommendations to achieve compliance with relevant standards. The recommendations are to be incorporated in the construction certificate documentation and implemented during construction. A condition of consent is proposed to achieve compliance with the recommendations of the report. The proposal is satisfactory having regard to this clause.	Yes	CI. 97 – Schedule 8 Point 6. Accessibility.	To be provided to public transport services / local facilities To parking on site	No change to assessment.	Yes
CI 39 – Waste Management	Appropriate facilities to be provided	A waste storage room is provided at basement level which can be accessed by a Medium Rigid Vehicle (SRV). Waste collection can be carried out by	Yes	CI. 97 – Schedule 8 Point 7. Waste Management	Appropriate facilities to be provided to maximise recycling.	Remains acceptable.	Yes

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
		private contractor using a MRV.					
40 (2) - Site Area	Min. 1000sq/m	Site has an area of 7,218m ² in a battle axe configuration	Yes	Cl. 84 (2)(a) – Site Area	No change - Min. 1000sq/m	Site has an area of 7,218m ² in a battle axe configuration	Yes
40 (3) - Site Frontage	20m wide at building line	Site has a frontage of 34.385m to Barton Street	Yes	Cl. 84 (2)(b) – Site Frontage	No change - 20m wide at building line	Site has a frontage of 34.385m to Barton Street	Yes
40 (4)(a) – Height <i>"means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."</i>	Max. 8m	Maximum height of 9.975m (24.68% or 1.975m variation) under the SEPP - measured to the top ceiling height Height of 12.6m under the RLEP 2011 (48.2% or 4.096m variation) measured to highest point on the roof	No - max 9.975m (24.68% or 1.975m variation) Clause 4.6 variation submitted with the application not supported.	Cl. 84 (2)(c)(i) - Height Cl. 84(3) – Height of Service Equipment	(i) Height max 9.5m (height defined by definition in Standard LEP Template) Max 11.5m if servicing equipment on the roof is integrated into the building and screened from view from public places; and Is limited to max 20% of the roof surface.	10.126m in height (6.6% variation) 12.6m maximum height for residential portion and servicing equipment which is integrated into the roof.	NO – 6.6% or 0.626m variation. As previously approved. NO – 9.6% variation or 1.1m variation. As previously approved.
40 (4)(b) – Storeys	<i>"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"</i> "storey" means a space within a building that is	Maximum of 3 storeys for part of the site. The third level is setback 6m from the sites northern boundary with No.109 Barton Street and 5.2m from the sites boundary with No. 115 Barton Street, and is considered to be 'adjacent to' this site boundary. The applicant was requested to submit a clause 4.6 variation however is of the view that the provision has	No - See Note 2. Variation not supported. Clause 4.6 variation not provided.	Cl. 84 (2)(c)(ii)	No change – No more than 2 storeys if the building is adjacent to the boundary of the site.	Maximum of 3 storeys adjacent to boundary	NO – 33% variation. Acceptable as previously approved.

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
	situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include: (a) a space that contains only a lift shaft, stairway or meter room, or (b) a mezzanine, or (c) an attic.	no work to do as the building is not adjacent to the sites boundary.					
40 (c) - Height at Rear 25% of site	Max. 1 storey at rear of site Rear 25% of site depth = 23.8m Rear 25% of battle axe head = 16.0m	Setback of first floor at rear is 12.5m and steps in at one point to 23.8m and out again - portions of non compliance Setback of second floor at rear is 19.5m	No - does not comply - applicant contends area based control to defend building step in and out	Removed from SEPP	Removed from SEPP.	N/A	N/A
48(a) - Building Height	Proposal cannot be refused if it's height is 8m or less	Maximum height of 9.975m (24.68% or 1.975m variation) and may be refused based on height.	No	Non-discretionary development standards Cl. 107(2)(a) Cl.107(2)(b)	Proposal cannot be refused if its height is 9.5m or less Max 11.5m if servicing equipment on the roof is integrated into the building and screened from view from public places; and Is limited to max 20% of the roof surface.	Maximum height of 10.126m (6.6% or 0.626m variation) and may be refused based on height. 10.126m maximum height for residential portion and servicing equipment which is integrated into the roof.	NO – No change Acceptable as previously approved. NO – No change Acceptable as previously approved.

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
48 (b) – Density and Scale	1:1	0.94:1 (6,798.2m ²)	Yes	Cl. 107(2)	1:1	No change 0.94:1 (6,798.2m ²)	Yes
48 (c) - Landscaped Area	Min. 25sq/m per bed (116 beds = 2,900 sq/m) landscaped area means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.	3,430m ² (1,793 m ² - Deep Soil area - landscaped area excludes built upon area)	Yes - however stormwater retention tanks located within setback areas will not permit appropriate planting in accordance with the submitted plans.	Cl. 107(2)	Min. 15m ² landscape area per bed (1,740m ²) Min. 15% of site area as deep soil (1,082m ²) Min. 10m ² Internal and external communal area Per bed = 1,160m ²	3,430m ² landscape area 1,793 m ² - Deep Soil area Appears to comply.	Yes - however stormwater retention tanks located within setback areas will not permit appropriate planting in accordance with the submitted plans. Addressed through conditions of consent.
48 (d) - Parking	1 per 10 beds = 12 spaces for 116 beds 1 per 15 beds dementia = 0 spaces no dementia beds 1 per 2 staff = 20 spaces for 40 staff 1 ambulance bay (shared with loading bay) Total Required = 32 spaces + 1 ambulance bay	39 car parking spaces and 1 shared loading bay / Ambulance space	Yes - however separate ambulance bay should be provided	Cl. 107(2)	28 spaces required: * 1 per 15 beds = 9 spaces for 128 beds * 1 per 2 staff = 24 spaces for 48 staff * 1 ambulance bay (shared with loading bay) Total Required = 34 spaces + 1 ambulance and 1 loading bay	40 car parking spaces and 1 loading bay / 1 Ambulance space provided	Yes – complies with parking spaces and separate ambulance and loading bay has been provided

Seniors Living SEPP 2004				Housing SEPP 2021 - Equivalent / New Provision			
SEPP (Housing for Seniors or People with a Disability) 2004 (Standard)	Requirement	Proposal	Complies with Seniors Living SEPP	SEPP (Housing) 2021 Standard	Requirement	Proposal	Complies with Housing SEPP
				91 Fire sprinkler systems in residential care facilities	(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.	Details not provided	Details not provided.