

Attachment B: SEPP (Housing for Seniors and People with a Disability) 2004 Assessment

Clause		Comment
Chapter 1 Preliminary		
4 Land to which this policy applies.	<p>General</p> <p>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—</p> <p>(a) development for the purpose of any of the following is permitted on the land—</p> <p>(i) dwelling-houses,</p> <p>(ii) residential flat buildings,</p> <p>(iii) hospitals,</p> <p>(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</p> <p>(b) the land is being used for the purposes of an existing registered club.</p> <p>(4) Land that adjoins land zoned primarily for urban purposes</p> <p>For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.</p> <p>(6) Land to which Policy does not apply</p> <p>This Policy does not apply to—</p> <p>(a) land described in Schedule 1 (Environmentally sensitive land)</p>	<p>The proposed development pertains to seniors living in the form of residential flat buildings. Furthermore, the site is zoned R3 Medium Density Residential under the provisions of the SLEP 2013, which permits both residential flat buildings and seniors living. The zoning is appropriate and permits the proposed development, and the land is zoned primary for urban purposes. Additionally, the land is not described or identified within Schedule 1 Environmentally Sensitive land.</p>
5 Relationship to other Environmental Planning Instruments		<p>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. Noted.</p>

Chapter 2 Key Concepts		
10 Seniors Housing	In this Policy, <i>seniors housing</i> 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.	The proposed modification application remains consistent with the concept approval. The modification retains the developments scope being for seniors housing in the form of 352 x independent living units. Therefore, the senior housing development is a group of self-contained dwellings.
13 Self-contained dwellings	<p>1. General term: “self-contained dwelling”</p> <p>In this Policy, a <i>self-contained dwelling</i> 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.</p> <p>2. Example: “in-fill self-care housing”</p> <p>In this Policy, <i>in-fill self-care housing</i> 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.</p> <p>3. Example: “serviced self-care housing”</p> <p>In this Policy, <i>serviced self-care housing</i> 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.</p>	<p>The proposed modification application does not seek to alter the approved use of seniors living in the arrangement of self-contained dwellings in an in-fill self-care housing arrangement.</p> <p>The arrangement presents a range of self-contained dwellings within a residential flat building typology. All units offer independent facilities for the future residents, boasting kitchen, bedroom and washing amenities within the self-contained unit. As such the proposed seniors living aligns with the general term of self-contained dwelling.</p> <p>The development is considered to be in-fill self-care housing as the future residents are expected to be independent with no meals, cleaning services, personal or nursing care services dedicated or available within the site.</p>
Chapter 3 Development for seniors housing		
Part 1 General		
14 Objective of Chapter	The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are	The proposed modification is consistent with the objectives and provisions of this chapter. The development offers greater seniors living housing options and facilities within the Shellharbour LGA.

	frail, and other people with a disability regardless of their age.	
15 What Chapter does	<p>This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy—</p> <p>(a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and</p> <p>(b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.</p>	<p>Noted. However, in accordance with the SLEP 2013 the site is zoned R3 Medium Density Residential and seniors living is permitted with consent.</p> <p>Notwithstanding that, the original development consent was assessed SLEP 2000 and the site zoned 2(e) Mixed Use Residential and seniors living was allowed only with development consent.</p>
16 Development consent required	Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.	The subject proposal seeks the development consent required via this Chapter.
18 Restrictions on occupation of seniors housing allowed under this Chapter	<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only—</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless—</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p>	<p>The modification application remains consistent with the originally approved development, which is accommodation for senior residents.</p> <p>Noting the application proposed is a modification to a conceptual approval, conditions for the permitted use of the site to be imposed within associated development application for the development of seniors living.</p>

	(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.	
19 Use of seniors housing in commercial zones	Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	The subject site is not within a commercial zone.
20 (Repealed)		Repealed.
21 Subdivision	Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.	No subdivision is proposed.
22 Fire sprinkler systems in residential care facilities for seniors		The proposal does not relate to a residential care facility.
23 Development on land used for the purposes of an existing registered club		The proposal does not relate to the development on land which is used for the purposes of a registered club.
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> <ul style="list-style-type: none"> (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. <p>(2) Access complies with this clause if—</p>	<p>The proposed modification remains as per the original development assessment and do not contravene the provisions of clause. The modification does not hinder or inhibit future residents' ability to access services, community or recreational facilities or medical services. The site is accessible and well connected to daily services and facilities.</p> <p>The design facilitates and accommodates all levels of mobilities, and is well connected to public transport and daily services. The Shellharbour Stockland Shopping Centre is within 150m from the site; therefore, the site presents as a suitable location for seniors living. Accessible paths of travel are located outside to of the site, and the detail design of pathways to be considered within the stage 1 development application.</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 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>(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)—</p>	
--	---	--

	<p>there is a transport service available to the residents who will occupy the proposed development—</p> <ul style="list-style-type: none"> (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). <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> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time 	
--	---	--

	<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 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>Noted.</p> <p>The site to be connected to water and sewerage infrastructure.</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 determining a development application to which this clause applies.</p>	<p>Clause 24 does not apply to this development as a site compatibility certificate is not required for the site. Henceforth, the application seeks to amend the concept development and remains to be consistent with the original assessment which approved the site for the purpose of seniors housing development.</p> <p>As such, this clause does apply. The concept plan considered this component through the original assessment and the modification application remains consistent.</p> <p>Notably, the proposed modification has been considered against clause 25 (5) (b), (i), (iii) and (v). The development is compatible with the natural environment, and is well connected and is expected to be easily accessible to services and infrastructure, available to accommodate future residents' daily needs. Finally, the proposed modification seeks to impose minor amendments to the building envelopes within stage 1 of the site, however the bulk, scale and built form is anticipated to be complementary and sympathetic to the local context. The impact of built form and character will be assessed using the ADG requirements as part of subsequent DAs for all stages of the development.</p>
Part 3 Design Requirements		
Division 1 General		
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>Assessed under original approval, site analysis plans will be lodged with any subsequent development applications for all stages of proposed building work.</p> <p>The modification application remains substantially the same as the original conceptual approval, however an analysis of the site demonstrates a site conducive to such a development.</p>
31 Design of in-fill self-care housing	<p>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 <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the</p>	<p>Noted. As per the original assessment, the modification application remains consistent with the concept approval.</p>

	Department of Infrastructure, Planning and Natural Resources in March 2004.	
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. See below.
Division 2 Design principles		
33 Neighbourhood amenity and streetscape	<p>The proposed development should—</p> <ul style="list-style-type: none"> (i) 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 (ii) 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 (iii) maintain reasonable neighbourhood amenity and appropriate residential character by— <ul style="list-style-type: none"> (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 (iv) 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 (v) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and 	<p>The proposed modification remains generally consistent with the original development approval and consent, noting the approval being a conceptual design. Notwithstanding that, the site creates a unique offering whereby the development will add positively the streetscape, housing diversity within the Shellharbour City Centre and add to the neighbourhood amenity. The new buildings proposed within the stage 1 area will contribute in a productive manner to the quality and identity of the area, while being harmonious and sympathetic. The site serves as the city centre edge, being the transitional point between the town centre, and higher density pattern and the low density residential to the east.</p> <p>The proposed amendment to the stage 1 building setback remains consistent and compliant with the PDS. The design of the residential flat buildings is responsive to the site topography and orient the bulk and appearance inward into the site, reducing impacts on the streetscape or public domain. The heights are scaled appropriately to the site, and are not expected to dominate the streetscape. The proposed amendments to the heights do not exceed the height limits approved under the concept approval. Generally, the development appears to present a design that has positive streetscape and neighbourhood amenity.</p> <p>The proposed modification presents minor amendments to the building envelopes which include setbacks along Wattle Road, and the western boundary, building heights and building separation. The presentation is not expected to impact the adjoining property to the south in a negative manner.</p>

	<p>(vi) retain, wherever reasonable, major existing trees, and</p> <p>(vii) 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>The proposed modification seeks to amend the approved concept approval, in which does not include a detailed design of the internal arrangement and layout of the stage 1 buildings. Noting the concurrent development application for the stage 1 development for the seniors living is currently under assessment a detailed analysis of the visual and acoustic privacy to form part of that assessment.</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>The development is not expected to result in any unreasonable overshadowing on adjoining properties, particularly 15 Benson Avenue, which is the immediately adjoining the site to the south. The proposed modification application retains a sufficient setback from the southern boundary and neighbouring property is expected to received solar access throughout the course of the day.</p>
36 Stormwater	<p>The proposed development should—</p> <p>(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</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposed modification has provided stormwater management details, which were referred to Council Engineers to assess the stormwater design for the proposed development. Council Engineers have considered the design and provided a conditionally satisfactory response. Amended conditions to be included within the modified notices of determination.</p>
37 Crime prevention	<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by—</p> <p>(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</p>	<p>Noting the proposed modification seeks consent to impose amendments to the approved concept development and design, consideration for CPTED will be completed through a comprehensive analysis of subsequent development applications pertaining to the building stages.</p>

	(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.	
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 proposal is generally compliant with regard to accessibility. All units have been designed to be capable of adaption, and compliant and safe pedestrian links are proposed to public transport services.
39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed modification seeks to amend the waste collection point and design within the stage 1 area of the concept development. The waste collection will be undertaken internally within the basement, the basement design amended to permit internal collection via the basement associated to Buildings R2 and R4. The waste collection design is considered to be an enhancement to the concept approval, provided dedicated facilities and space for the safe storage and collection of waste generated in an ongoing capacity.
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. (2) Site size The size of the site must be at least 1,000 square metres. (3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The site has an area of 42,600m ² , and therefore exceeds the site size requirements. Similarly, the site has a frontage to Wattle Road of in excess of 400m. Residential flat buildings are permitted within the R3 zone in accordance with the SLEP 2013. However, the concept approval prevails over the provisions specified within the SLEP and respective instrument. The concept approval permitted a maximum height of 20m inclusive of roof plant for the development, and the proposed modification does not exceed the maximum height requirement as approved by the concept approval.

	<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— 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>(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—</p> <p>(a) the Department of Housing,</p> <p>(b) any other social housing provider.</p>	<p>In conjunction with the specified maximum building heights, the concept approval included the building envelopes which defined the storey profile of the buildings. A four-storey design along Wattle Road and from the western boundary is specified within the concept approval to reduce the bulk and scale as observed from the public domain. The modification application retains the storey pattern of all the stage 1 buildings, demonstrating consistency with the concept approval. Noting the concept approval prevails and the design is acceptable.</p> <p>However, noting the above, the application, both the original approval and subject modification application has been made by a registered social housing provider as acknowledged by the National Regulatory System for Community Housing by the NSW Government.</p>
Division 2 Residential care facilities—standards concerning accessibility and useability		
		The proposal does not relate to a residential care facility.
Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability		
41 Standards for hostels and self-contained dwellings	<p>(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.</p>	See below for assessment against Schedule 3.

	(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.	
Part 5 Development on land adjoining land zoned primarily for urban purposes		
42 Serviced self-care housing	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to—</p> <ul style="list-style-type: none"> (a) home delivered meals, and (b) personal care and home nursing, and (c) assistance with housework. <p>(2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).</p>	The proposed modification application and original consent approved seniors living, in the form of in-fill self-care housing. As such, not applicable.
43 Transport services to local centres	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development—</p> <ul style="list-style-type: none"> (a) that will drop off and pick up passengers at a local centre that provides residents with access to the following— 	<p>See discussion at clause 26 above.</p> <p>Furthermore, a bus stop which provides access to local services is located along Wattle Road frontage at the southern end, adjacent to 15 Benson Basin. Future residents are well connected to wider daily goods, services and facilities.</p> <p>However, noting the proposed modification pertains to a concept development and compliance with provisions of transport services to</p>

	<p>(i) shops, bank service providers and other retail and commercial services that residents may reasonably require,</p> <p>(ii) community services and recreation facilities,</p> <p>(iii) the practice of a general medical practitioner, and</p> <p>(b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.</p> <p>(2) Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.</p> <p>(3) In this clause, <i>bank service provider</i> has the same meaning as in clause 26.</p>	<p>be considered and conditioned in an ongoing capacity in later applications for the built form development.</p>
44 Availability of facilities and services	<p>A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.</p>	<p>The original development approval permitted ancillary non-residential uses within the site. However, the ancillary uses were concentrated within Buildings R5, R6, R7 and R8 which are located within later stages of the development, given the proposed staging design.</p> <p>As such the modification application seeks consent to redistribute the communal facilities to include a clubroom space, library, administration spaces and communal amenities within R3, which is located within stage 1. The proposed modification to include communal facilities within stage 1 improves compliance with regard to respective provision and will be available to residents within stage 1, whilst awaiting the development of later stages. The modification to redistribute the communal facilities throughout the site is considered to be an improvement to the conceptual design.</p> <p>The proposed modification considered to improve compliant with provision.</p>
Part 6 Development for vertical villages		
45 Vertical villages	<p>(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.</p> <p>(2) Granting of consent with bonus floor space Subject to subclause (6), a consent authority may consent to a</p>	<p>This clause applies as the seniors living is provided within the form of residential flat buildings; however, the proposed modification does not seek consent to amend or increase the cumulative approved floor space of the senior living development. Furthermore, the concept approval specified provisions for the maximum GFA and the modification application remains compliant with the approved development standards as per the concept approval.</p>

	<p>development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.</p> <p>Note—</p> <p>For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.</p> <p>(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.</p> <p>(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.</p> <p>(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.</p>	
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	<p>(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.</p> <p>Note—</p> <p>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.</p>	See Part 3 above. The proposed modification remains generally consistent with the original concept approval. Furthermore, subsequent applications for the staged development of the built form to undergo thorough assessment.

	(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.	
47 Part does not apply to certain development applications relating to heritage affected land	Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.	Noted
Division 2 Residential care facilities		The proposal does not relate to a residential care facility.
Division 3 Hostels		The proposal does not relate to a hostel.
Division 4 Self-contained dwellings		
50 Standards that cannot be used to refuse development consent for self-contained dwellings	<p>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—</p> <ul style="list-style-type: none"> (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), (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, (c) landscaped area: if— <ul style="list-style-type: none"> (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, 	<p>The proposed modification seeks to modify the approved conceptual development approved for seniors living. The maximum building height provisions approved via the original consent and permitted a maximum height of 20m which was inclusive of roof plant. Furthermore, the concept development specified the permitted storeys for the building envelopes. The proposed modification remains to be generally consistent with the approved building envelopes.</p> <p>Buildings R1 and R3 are oriented along Wattle Road, and the eastern aspect of the built form to be four storeys presented to Wattle Road. The maximum building height associated to Buildings R1 and R3 as observed from Wattle Road, which is inclusive of the architectural roof design, is 17.3m. Therefore, the storey presentation and maximum building height is consistent with the approved concept. Similarly, Buildings R2 and R4 which are located along the western boundary of the site, are limited to a four-storey presentation which is compliant with the building envelopes of the concept approval. The maximum height, as observed from the western aspect is 16.8m, which is compliant with the maximum building height approved for the site as specified within the concept approval.</p> <p>The internal presentation of Buildings R1 and R3 demonstrates 6 storeys which aligns with the approved building envelopes. Notwithstanding that, the maximum RL approved under the original concept approval 59.4RL and the proposed modification to Buildings R1 and R3 building RLs remain.</p>

	<p>(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,</p> <p>(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,</p> <p>(f) private open space for in-fill self-care housing: if—</p> <p>(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</p> <p>(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,</p> <p>Note— The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of</p>	<p>The density and scale of the proposed modifications to the concept approval remains consistent with the overall permitted floor space ratio. It is noted, the modification application seeks consent to increase the FSR within stage 1 of the development, however the increase to be absorbed by later stages of the development due to redistribution of independent living units, and communal open space. Notably, the PDS specifies a suitable FSR of 1:1, however the approved concept development permitted a FSR of 1.07:1, which equates to 45,800m². The proposed modification seeks to increase the GFA by 287m² within stage 1 which forms 0.6% of the overall GFA total and as such later stages to accommodate the relocation of GFA. Conditions to be included to ensure where redistribution of GFA is proposed, later stages within the concept approval will offset and modified arrangement.</p> <p>In relation to the landscaping required within stage 1 area of the concept development, the dwellings proposed to be increased by 11 units, presenting a total of 152 within the stage 1 area. Therefore 5,320m² of landscape space needed to support the development made by a social housing provider. The modification plans demonstrate a landscape area of 6370m². The total needed for the site is 12,320m², which is expected to be achieved within the development of the later stages.</p> <p>The deep soil zone is proposed to be reduced as a result of the proposed modification. The deep soil zone to be reduced from 25.6% as per the concept approval to 20.6%, which preserves compliance with (d).</p> <p>The proposed modification redefined the solar access and improves the compliance from 56.6% to 58.9%. Noting the original development did not present a compliant design within regard to solar access, the modifications demonstrate an improved solar access design.</p> <p>The units located at ground floor of all four stage 1 residential flat buildings demonstrate a provide open space area of 15m or greater, and with an area no less than 3m wide.</p>
--	--	--

	<p>AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.</p> <p>(g) (Repealed)</p> <p>(h) parking: if at least the following is provided—</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(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.</p> <p>Note— The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>All other units that are not located at ground level and offer the private open space within a balcony, present a POS space of greater than 10m and have an area no less than 2m in depth.</p> <p>As the development application is made by a social housing provider, the cumulative total of parking space for a senior housing development comprised of 352 x independent living units is 70.4 car spaces (5 dwelling / 352). The proposed modification application seeks to reduce the available parking space located within stage 1 by 9 space. The modification to provide 157 parking spaces within the stage 1 area of the site, which demonstrates a compliant parking design with regard to the parking provisions of the SEPP. As such ample parking is proposed, however compliance with the total number of car parking spaces approved under the original consent to be complied with. Loss of parking within stage 1 to be offset and mitigated by later stages within the development.</p>
--	--	--

Chapter 4 Miscellaneous		
51 Amendments to the bush fire evacuation risk map		Noted
52 Savings for development applications made before SEPP (Seniors Living) 2004 (Amendment No 1)		Noted – Not applicable
53 Savings and transitional provisions for development applications made before SEPP (Seniors Living) 2004 (Amendment No 2)		Noted – Not applicable
54 Savings and transitional provisions—site compatibility amendments		Noted – Not applicable
54A Savings and transitional provisions— State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment 2018		Noted – Not applicable
54B Savings provision—bush fire prone land		Noted- Not applicable
55 Residential care facilities for seniors required to have fire sprinkler systems		The development does not relate to a residential care facility.
Schedule 3 Standards concerning accessibility and useability for 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.	Modification to seniors housing in the form of self-contained dwellings.
2 Sitting standards	<p>(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.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10—</p> <p>(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</p> <p>(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.</p> <p>Note—</p> <p>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.</p> <p>(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.</p>	Noted. As per 41(2) does not apply as the application made by a social housing provider.
3 Security	<p>Pathway lighting—</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p>	Noted. A detailed assessment to be completed within concurrent stage 1 development application DA0365/2024. Furthermore, the relevant conditions to be imposed within concurrent stage 1 application.
4 Letterboxes	<p>Letterboxes—</p> <p>(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</p> <p>(b) must be lockable, and</p>	Noted.

	(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.	
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.	Noted.
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.	Noted.
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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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	Noted. As per 41(2) does not apply as the application made by a social housing provider.

	<p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(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</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	
9 Bathroom	<p>(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—</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future—</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
11 Surface finishes	<p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p>Note—</p> <p>Advise regarding finishes may be obtained from AS 1428.1.</p>	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.

13 Ancillary items	Switches and power points must be provided in accordance with AS 4299.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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.	Noted.
15 Living room and dinning 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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
17 Access to kitchen, main bedroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Noted. As per 41(2) does not apply as the application made by a social housing provider.

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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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 clothes line provided in relation to the dwelling.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
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.	Noted. As per 41(2) does not apply as the application made by a social housing provider.
21 Garbage	A garbage storage area must be provided in an accessible location.	Noted. As per 41(2) does not apply as the application made by a social housing provider.