

Attachment C: State Environmental Planning Policy (Housing) 2021
Part 5 Housing for seniors and people with a disability

Division 1 Land to which Part applies	
<p>79 Land to which Part applies This Part applies to land in the following zones—</p> <ul style="list-style-type: none"> (a) Zone RU5 Village, (b) Zone R1 General Residential, (c) Zone R2 Low Density Residential, (d) Zone R3 Medium Density Residential, (e) Zone R4 High Density Residential, (e1) Zone E1 Local Centre, (e2) Zone E2 Commercial Centre, (e3) Zone E3 Productivity Support, (e4) Zone MU1 Mixed Use, (f) Zone B1 Neighbourhood Centre, (g) Zone B2 Local Centre, (h) Zone B3 Commercial Core, (i) Zone B4 Mixed Use, (j) Zone B5 Business Development, (k) Zone B6 Enterprise Corridor, (l) Zone B7 Business Park, (m) Zone B8 Metropolitan Centre, (n) Zone SP1 Special Purposes, (o) Zone SP2 Infrastructure, (o1) Zone SP4 Enterprise under the following local environmental plans— <ul style="list-style-type: none"> (i) Canada Bay Local Environmental Plan 2013, (ii) Central Coast Local Environmental Plan 2022, (iii) Penrith Local Environmental Plan 2010, (iv) Pittwater Local Environmental Plan 2014, (v) Port Macquarie-Hastings Local Environmental Plan 2011, (vi) Sutherland Shire Local Environmental Plan 2015, (vii) The Hills Local Environmental Plan 2019, (viii) Warringah Local Environmental Plan 2011, (o2) Zone SP5 Metropolitan Centre, (p) Zone RE2 Private Recreation. 	<p>The subject site is located within the R3 Medium Density Residential zone in accordance with the Shellharbour LEP 2013 and therefore this Part applies to the proposal.</p>
<p>80 Land to which Part does not apply—general (1) This Part does not apply to the following land—</p>	<p>The land is not identified within schedule 3 environmentally sensitive land.</p>

<p>(a) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan,</p> <p>(b) land described in Schedule 3.</p> <p>(2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because—</p> <p>(a) the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or</p> <p>(b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—</p> <p>(i) private open space, or</p> <p>(ii) open space where dwellings or dwelling houses are permitted.</p>	
<p>81 Seniors housing permitted with consent</p> <p>Development for the purposes of seniors housing may be carried out with development consent—</p> <p>(a) on land to which this Part applies, or</p> <p>(b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</p>	<p>Noted. Seniors Housing is permitted in the R3 Medium Density Residential zone under the SLEP 2013.</p>
<p>Division 2 Preliminary</p>	
<p>82 Definitions</p> <p><i>Infill self-care housing means seniors housing consisting of at least 2 independent living units and at which none of the following services are provided on the site-</i></p> <p>a) <i>Meals</i></p> <p>b) <i>cleaning services</i></p> <p>c) <i>personal care</i></p> <p>d) <i>nursing care</i></p> <p><i>seniors means the following people—</i></p> <p>(a) <i>people who are at least 60 years of age,</i></p> <p>(b) <i>people who are resident at a facility at which residential care, within the meaning of the Aged Care Act 1997 of the Commonwealth, is provided,</i></p> <p>(c) <i>people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</i></p>	<p>The proposed modification and stage 1 development for senior housing development, specifically the development of 152 x independent living units for residents who comply with the definition of 'seniors'.</p>
<p>Division 3 Development standards</p>	

<p>84 Development standards—general</p> <p>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</p> <p>(2) Development consent must not be granted for development to which this section applies unless—</p> <ul style="list-style-type: none"> (a) the site area of the development is at least 1,000m², and (b) the frontage of the site area of the development is at least 20m measured at the building line, and (c) for development on land in a residential zone where residential flat buildings are not permitted—the development will not result in a building— <ul style="list-style-type: none"> (i) with a height of more than 9.5m, or (ii) with more than 2 storeys if the building is adjacent to the boundary of the site area. <p>(3) The servicing equipment must—</p> <ul style="list-style-type: none"> (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) not result in the building having a height of more than 11.5m. <p>(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following—</p> <ul style="list-style-type: none"> (a) the Land and Housing Corporation, (b) another social housing provider. 	<p>(1) The proposed modification seeks consent to amend a concept development for senior living. The original development granted consent for 352 x independent living units, and the modification application seeks consent to amend the proposed total of units located within the stage 1 area of the site to be increased by 11, presenting a total of 152 x units within stage 1. The modification to erect four residential flat buildings within the stage 1 area of the site and the four buildings to host the 152 units.</p> <p>(2) The proposed site has an area greater than 1000m, being 4.26 hectares. Similarly, the site frontage along Wattle Road exceeds 20m, with a frontage greater than 400m. Residential flat buildings are permitted within consent in the R3 zone under the SLEP 2013, therefore the proposed heights are acceptable and height limitations specified within this section are not applicable as the concept approval prevails.</p> <p>(3) Servicing is proposed on the roof and complies with the requirements of the clause, and are not expected to be visual dominate from the public domain. The maximum building height, inclusive of roof plant does not exceed 20m and the maximum height of the buildings were approved via the concept approval, which prevails. The roof plant does not exceed more than 20% of the surface area of the roof, all roof plant associated to each corresponding building is less than 20% of the roof surface.</p> <p>(4) The proposed development complies with the requirements of (2)(a) and (b) above, however the development application has been made by a registered social housing provider.</p>
<p>85 Development standards for hostels and independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p> <p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the</p>	<p>The proposal relates to the construction of independent living units. An assessment of the proposal against the relevant standards contained in Schedule 4 is provided below.</p>

<p>requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.</p> <p>Note— Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the <i>Building Code of Australia</i>.</p>	
<p>86 Development standards for seniors housing—Zones RE2, SP1, SP2, RU5 and R2</p> <p>(1) Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows—</p> <ul style="list-style-type: none"> (a) for development on land in Zone RE2 Private Recreation— <ul style="list-style-type: none"> (i) the development is carried out on land used for the purposes of an existing registered club, and (ii) the land adjoins land in a prescribed zone, (b) for development on land in Zone SP1 Special Purpose or Zone SP2 Infrastructure— <ul style="list-style-type: none"> (i) development for the purposes of a place of public worship, an educational establishment, a hospital or seniors housing is permitted on the land, and (ii) the land adjoins land in a prescribed zone, (c) for development on land in Zone RU5 Village— <ul style="list-style-type: none"> (i) the development is carried out on land within 50km of a 24-hour health services facility, and (ii) the land is serviced by reticulated water and sewerage, (d) for development on land in Zone R2 Low Density Residential— <ul style="list-style-type: none"> (i) the land is owned, or the development is carried out on the land, by the Land and Housing Corporation, or (ii) the development is carried out on Lots 28–31, DP 255616, Janpieter Road, Box Hill, or (iii) the land is proposed to be used for seniors housing that will be provided by an operator. <p>(2) Nothing in this section prevents a consent authority from granting development consent for development for the purposes of seniors housing on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</p> <p>(3) In this section— operator has the same meaning as in the Retirement Villages Act 1999.</p>	<p>Not applicable. The subject site is zoned R3 Medium Density Residential.</p>

<p>87 Additional floor space ratios</p> <p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</p> <p>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5 or another environmental planning instrument, or</p> <p>(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</p> <p>(2) Development consent may be granted for development to which this section applies if—</p> <p>(a) the site area of the development is at least 1,500m², and</p> <p>(b) the development will result in a building with the maximum permissible floor space ratio plus—</p> <p>(i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</p> <p>(ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or</p> <p>(iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and</p> <p>(c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.</p>	<p>The proposed modification does not seek to increase or rely upon additional floor space ratio. The concept approval determined a FSR of 1.07:1 being a maximum of 45,800m². The modification to stage 1 increases the floor space ratio located within stage 1, however the cumulative total remains consistent with the approved total.</p>
<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</p> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>A condition requiring that a restriction be registered on the title of the land which reflects the requirements of this clause is recommended. Imposed within subsequent development applications.</p>
<p>Division 4 Site-related requirements</p>	

93 Location and access to facilities and services—independent living units	
<p>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services—</p> <ul style="list-style-type: none"> (a) by a transport service that complies with subsection (2), or (b) on-site. 	<p>A range of on-site facilities are proposed and approved under the concept approval, and the proposed modification seeks to redistribute the ancillary uses throughout the site to be included and available proportionally to each development stage.</p> <p>In conjunction with the ancillary uses and services that will be available to future residents and the wider community within the site, Council is satisfied the residents will have adequate access to facilities and services through the available public transport routes. The site is well connected to the bus routes, with a bus stop located at the southern end of the Wattle Road frontage. Additionally, the Stockland's Shopping centre is approximately 150m from the site and further connections to local bus routes is accessed at the centre.</p> <p>Council is satisfied the future residents will have adequate access to daily facilities and services.</p>
<p>(2) The transport service must—</p> <ul style="list-style-type: none"> (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land within the Greater Sydney region— <ul style="list-style-type: none"> (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and (c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday. 	<p>As per subsection (3) the site is well located to existing services, being within 400m radius. See further discussion below.</p>
<p>(3) For the purposes of subsections (1) and (2), access is adequate if—</p> <ul style="list-style-type: none"> (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with subsection (4)(c). 	<p>The site is located within a 400m radius of existing facilities and services, the Shellharbour Hospital and Stockland's Shopping Centre is within walking distance of the site (150m from stage 1), and is accessible via secure pathway. Connection to the existing footpaths to be included within the site in the later stages of the development. Further assessment of the paths of travel and associated gradients to considered within concurrent stage 1 development application, and later applications for further stages.</p>

<p>(4) In subsection (3)—</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) the distance is to be measured by reference to the length of the pathway, and</p> <p>(c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than—</p> <p>(i) 1:12 for a maximum length of 15m at a time, or</p> <p>(ii) 1:10 for a maximum length of 5m at a time, or</p> <p>(iii) 1:8 for a maximum length of 1.5m at a time.</p>	<p>Noted. To be assessed within stage 1 development application. The modification application seeks consent to amend the conceptual approval.</p>
<p>(5) In this section—</p> <p>facilities and services means—</p> <p>(a) shops 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>provide a booking service has the same meaning as in the <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i>, section 7.</p> <p>Note—</p> <p>Provide a booking service is defined as carrying on a business taking bookings for taxis or hire vehicles to provide passenger services, whether immediately or at a later time, and communicating the bookings to drivers for passenger services or providers of passenger services.</p>	<p>Noted. The proposed modification does not alter the accessibility to facilities and services.</p>
<p>94 Location and access to facilities and services—residential care facilities</p> <p>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—</p> <p>(a) on-site, or</p> <p>(b) by a transport service other than a passenger service.</p> <p>(2) In this section—</p> <p>facilities and services—see section 93.</p> <p>passenger service has the same meaning as in the <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i>.</p> <p>Note—</p> <p>A passenger service is defined as the transport, by a motor vehicle other than a bus, of passengers within, or partly within, this State for a fare.</p>	<p>Not applicable. Proposed modification application to an approved concept development being seniors housing in the form of independent living units.</p>

<p>95 Water and sewer</p> <p>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</p> <ul style="list-style-type: none"> (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage. <p>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—</p> <ul style="list-style-type: none"> (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development. <p>(3) In this section— relevant authority means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.</p>	<p>Noted. The site is expected to be well connected to utilities, including water and sewer.</p>
<p>96 Bush fire prone land</p> <p>(1) A consent authority must not consent to development under this Part on bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.</p>	<p>The site is not bushfire affected land.</p>
<p>(2) In determining a development application for development under this Part on land near bush fire prone land, the consent authority must—</p> <ul style="list-style-type: none"> (a) consult with the NSW Rural Fire Service and consider its comments, and (b) consider the following including— <ul style="list-style-type: none"> (i) the location of the development, (ii) the means of access to and egress from the location, (iii) the size of the existing population within the area, (iv) age groups within the population and the number of persons within the age groups, (v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities, (vi) the number of schools within the area and the number of students at the schools, (vii) existing seniors housing within the area, (viii) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire, 	<p>Not Applicable.</p>

<p>(ix) the adequacy of access to and from the site of the development for emergency response vehicles,</p> <p>(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,</p> <p>(xi) the requirements of Fire and Rescue NSW.</p>	
<p>(3) In this section— bush fire prone land means land identified on a bush fire prone land map, certified under the Act, section 10.3, as the following— (a) “Bush fire prone land—vegetation category 1”, (b) “Bush fire prone land—vegetation category 2”, (c) “Bush fire prone land—vegetation category 3”, (d) “Bush fire prone land—vegetation buffer”. Planning for Bushfire Protection means the document titled <i>Planning for Bush Fire Protection</i> (ISBN 978 0 646 99126 9) prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.</p>	<p>Not Applicable.</p>
<p>Division 5 Design requirements</p>	
<p>(2) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.</p> <p>(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.</p>	<p>Senior housing design guide to be considered within the assessment. Noting the proposed modification application demonstrates general alignment with the guide. See further discussion and assessment against Schedule 8 below.</p> <p>Furthermore, the ADG and Seniors Housing Design Guide present minor overlaps between the design guide, however consideration of both completed and form part of assessment.</p>
<p>Division 7 Non-discretionary development standards</p>	
<p>106 Application of design principles for seniors housing Nothing in this division affects the operation of section 97(2).</p>	<p>Noted.</p>

<p>107 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities—</p> <ul style="list-style-type: none"> (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building, (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— <ul style="list-style-type: none"> (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, (c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, (d) internal and external communal open spaces with a total area of at least— <ul style="list-style-type: none"> (i) for a hostel—8m² for every bed, or (ii) for a residential care facility—10m² for every bed, (e) at least 15m² of landscaped area for every bed, (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site, (g) for a hostel—at least 1 parking space for every 10 beds in the hostel, (h) for a residential care facility—at least 1 parking space for every 15 beds in the facility, (i) at least 1 parking space for every 2 employees who are on duty at the same time, (j) at least 1 parking space for the purpose of ambulance parking. 	<p>The proposed modification does not pertain the development for a hostel or residential care facilities.</p>
<p>108 Non-discretionary development standards for independent living units—the Act, s 4.15</p>	

<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—</p> <p>(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</p> <p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</p> <p>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(d) a minimum landscaped area that is the lesser of—</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area,</p> <p>(e) (Repealed)</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</p> <p>(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</p> <p>(i) at least 15m² of private open space per dwelling, and</p>	<p>(1) The proposed modification application is for the development of seniors housing in the form of independent living units. The concept approval granted the development of 352 x independent living units across the subject site; however, the modification seeks to include an additional 11 units within the stage 1 area of the site. As such the modification application seeks consent for 152 independent living units within the stage 1 area of the site.</p> <p>a) The concept approval granted consent for the maximum building height to be 20m inclusive of roof plant. The concept approval prevails where there is inconsistency with regard to the height. The proposed modification aligns with the building height development standards approved via the original approval, noting the maximum height 19.5m.</p> <p>b) The roof plant to be concealed and is not expected to dominate the public domain. Additionally, the roof plant and services do not exceed 20% of the surface of the associated roof.</p> <p>c) The FSR is consistent with the provisions approved via the concept approval, which prevails. The approved FSR for the site 1.07:1 which equates to 45,800m². The maximum gross floor area is 45,800m² and the modification application to stage 1 remains to be consistent with the FSR being 17,608m². The modification seeks to increase the FSR in stage 1 by 284m², which is 0.6% of the overall GFA total and is a considerably minor increase. Notwithstanding that, compliance with the concept approval to be retained through the offset of GFA within later stages of the concept approval.</p> <p>d) The lesser landscape area is 35m² per dwelling, which requires a total landscape area of 12,320m² across the entire site, as calculated on the total independent living units (350 x 35m²). Henceforth, the total landscape area for the concept approval is 12,320m². Within the stage 1 area, the modification application demonstrates a landscape area of 6370m², which is 51.7% of the required landscape space. Noting the staged nature of the concept development, it is expected the total landscape area will be</p>
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<p>(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor, Note— The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one—see Schedule 4, section 2.</p> <p>(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m², or (ii) for each dwelling containing 1 bedroom—an area of at least 6m²,</p> <p>(j) for a development application made by, or made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings,</p> <p>(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.</p>	<p>satisfactory and demonstrate compliance at the completion of later stages.</p> <p>e) Repealed</p> <p>f) The total deep soil area for the whole site requires 6,390m² to comply with the 15% requirements as specified. The proposed modification demonstrates a deep soil area of 3264m² within the stage 1, which is 20.6%. The deep soil within stage 1 forms 51% of the overall concept approval site. The modification does reduce the deep soil area within stage 1, however total compliance is expected to be satisfactory.</p> <p>g) The proposed modification demonstrates 109 independent living units will receive 2 hours of solar access, which forms 71.7% of stage 1. Therefore, compliance is achieved. Noting the objective 4A-1 of the ADG state the units at this site, being outside of a metropolitan area would need to achieve 3 hours of solar access. However, this is superseded by this clause 108(2) (g). As such the design is compliant with the solar access principles. Further compliance is expected to be achieved with regard to the whole concept approval, as 109 units forms 30.9% of the total 352 x independent living units. Therefore 137 units within the later stages required to receive 2 hours of solar to present a totally compliant design.</p> <p>h) All dwellings with located on the ground floor within the stage 1 buildings demonstrate a compliant private open space design. All units have a POS of greater than 15m² and with a minimum dimension of 3m.</p> <p>i) All dwellings that are not located on the ground floor present a private open space within a balcony that exceed a floor space area of 10m², with a minimum dimension of 2m. Noting an exemption for 1 x bedroom units, all of which exceed 6m².</p> <p>j) The proposed modification application is made by a social housing provider, as such the proposal is required to provide 1 x space/5 x dwellings, which equates to 30.4 (Stage 1 – 152 x units/5 = 30.4).</p>
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	<p>The plans show a total of 157 x spaces for the proposed development, significantly in excess of the requirements. Furthermore, consideration of the wholistic concept development demands 70.4 parking spaces to accommodate the 352 units proposed across the subject site. Therefore, the proposed parking spaces located within stage 1 satisfies the parking requirements of relevant provision.</p> <p>k) Not applicable as development is for a social housing provider</p>
<p>Chapter 4 Design of residential apartment development</p> <p>142 Aims of chapter</p> <p>(1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</p> <p>(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—</p> <p>(i) providing socially and environmentally sustainable housing, and</p> <p>(ii) being a long-term asset to the neighbourhood, and</p> <p>(iii) achieving the urban planning policies for local and regional areas,</p> <p>(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</p> <p>(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,</p> <p>(d) to better satisfy the increasing demand for residential apartment development, considering—</p> <p>(i) the changing social and demographic profile of the community, and</p> <p>(ii) the needs of a wide range of people, including persons with disability, children and seniors,</p> <p>(e) to contribute to the provision of a variety of dwelling types to meet population growth,</p> <p>(f) to support housing affordability,</p> <p>(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,</p> <p>(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.</p> <p>(2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.</p>	
	<p>The modification application seeks consent to amend the approved concept development for seniors living. The seniors living includes 352 x independent living units in the form of residential flat buildings, as such Chapter 4 applies to the subject development.</p> <p>Specifically, stage 1 pertains to the development of four residential flat buildings and the delivery of 152 independent living units.</p>

<p>143 Land to which chapter applies This chapter applies to the whole of the State, other than land to which State Environmental Planning Policy (Precincts—Regional) 2021, Chapter 4 applies.</p>	<p>Noted.</p>
<p>144 Application of chapter (1) In this policy, development to which this chapter applies is referred to as residential apartment development. (2) This chapter applies to the following— (a) development for the purposes of residential flat buildings, (b) development for the purposes of shop top housing, (c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter. (3) This chapter applies to development only if— (a) the development consists of— (i) the erection of a new building, or (ii) the substantial redevelopment or substantial refurbishment of an existing building, or (iii) the conversion of an existing building, and (b) the building is at least 3 storeys, not including underground car parking storeys, and (c) the building contains at least 4 dwellings. (4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2). (5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the Building Code of Australia. (6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 applies may also be residential apartment development under this chapter. (7) In this section— underground car parking storey means a storey used for car parking that is— (a) below ground level (existing), or (b) less than 1.2m above ground level (existing).</p>	<p>The proposed development is for seniors independent living in the form of residential flat buildings. The development is for the erection of new buildings, 10 within the site in total, and four located within the stage 1 area of the site.</p> <p>All 10 residential flat buildings are greater than 3 storeys.</p> <p>The proposed modification pertains to Buildings R1, R2, R3 and R4, all of which are 4 – 6 storeys and collective offer a total of 152 dwellings.</p> <p>Underground car parking is proposed within the development scope and are below ground level.</p>
<p>145 Referral to design review panel for development applications (1) This section applies to a development application for residential apartment development, other than State significant development. (2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in</p>	<p>The proposed modification and concurrent stage 1 development application have been referred to the Shellharbour Design Review Panel (DRP). Details of DRP included within section 2.2 of SRPP Determination Report.</p>

<p>which the development will be carried out for advice on the quality of the design of the development.</p> <p>(3) This section does not apply if—</p> <p>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</p> <p>(b) a competitive design process has been held.</p> <p>(4) In this section—</p> <p>competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</p>	
<p>146 Referral to design review panel for modification applications</p> <p>(1) This section applies to a modification application for residential apartment development, other than State significant development.</p> <p>(2) If the statement by the qualified designer required to accompany the modification application under the Environmental Planning and Assessment Regulation 2021, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.</p> <p>(3) The consent authority may also refer a modification application for residential apartment development to the relevant design review panel for advice before determining the modification application.</p> <p>(4) The design review panel must advise whether the modification—</p> <p>(a) diminishes or detracts from the design quality of the original development, or</p> <p>(b) compromises the design intent of the original development.</p> <p>(5) Subsection (2) does not apply if—</p> <p>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</p> <p>(b) a competitive design process has been held.</p> <p>(6) In this section—</p> <p>competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</p> <p>relevant design review panel means the design review panel for the local government area in which the development will be carried out.</p>	<p>See above.</p>
<p>147 Determination of development applications and modification applications for residential apartment development</p>	<p>Noted.</p>

<p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide,</p> <p>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</p> <p>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</p> <p>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	
<p>148 Non-discretionary development standards for residential apartment development—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note—</p> <p>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The following are non-discretionary development standards—</p> <p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>As per Part 3J of the Apartment Design Guide (ADG) the number of car parking spaces for the stage 1 buildings 167.1, being the lesser of the <i>Guide to Traffic Generating Development</i> and the <i>Shellharbour Development Control Plan 2013</i>. However, noting the development is for senior living and made by a social housing provider, the parking rate to comply within 108 (j) prevail in reference to the standard within subject clause. Notwithstanding that, in accordance with the concept development 456 onsite parking spaces are required in accordance with notice of determination. The proposed modification to provide 157 onsite parking spaces, which is a minor reduction in space by 9 x car parks</p> <p>All internal areas of each independent living units included within the stage 1 development demonstrate a compliant internal area, that is equal or greater than corresponding minimum for the apartment types.</p> <p>All ceiling heights of the independent living units included within the stage 1 development demonstrate a compliant ceiling height, all of which exceed the minimum standard of 2.7m for habitable residential spaces.</p>

<p>149 Apartment Design Guide prevails over development control plans</p> <p>(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <ul style="list-style-type: none"> (a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. <p>(2) This section applies regardless of when the development control plan was made.</p>	Noted.
<p>Schedule 4 Standards concerning accessibility and usability for hostels and independent living units</p>	
<p>Part 1 Standards applying to hostels and independent living units</p> <p>1 Application of standards in this Part</p> <p>The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units.</p> <p>1A Definitions</p> <p>In this schedule—</p> <p>circulation space has the same meaning as in AS 1428.1.</p> <p>continuous accessible path of travel has the same meaning as in AS 1428.1.</p> <p>general power outlet means a general power outlet that complies with AS 1428.1.</p> <p>AS 4586—2013 means the Australian Standard entitled AS 4586—2013, Slip resistance classification of new pedestrian surface materials, published on 28 June 2013.</p> <p>2 Siting standards</p>	<p>Noted. A detailed assessment to be completed within the concurrent stage 1 development application DA0365/2024. Furthermore, the relevant conditions to be imposed within the concurrent stage 1 application notice of determination.</p> <p>However, in accordance with clause 85 (2), section 2, 5-13 and 15-21 do not apply to ground floor units within a multi storey building whereby the application is made by a social housing provider.</p>

<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 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 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 subsection. 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> <p>3 Letterboxes</p> <p>(1) Letterboxes—</p> <p>(a) must be located on a hard standing area, and</p> <p>(b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and</p> <p>(c) must be lockable by a lock that faces a wheelchair accessible path.</p> <p>(2) If a structure contains multiple letterboxes, the structure must be in a prominent location.</p> <p>(3) At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).</p> <p>4 Car parking</p> <p>(1) If parking spaces attached to or integrated with a class 1 building under the Building Code of Australia are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must—</p> <p>(a) be at least 3.2m wide, and</p> <p>(b) be at least 2.5m high, and</p> <p>(c) have a level surface with a maximum gradient of 1:40 in any direction, and</p>	
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<p>(d) be capable of being widened to 3.8m without requiring structural modifications to a building.</p> <p>(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies—</p> <p>(a) for a parking space not in a group—the parking space must comply with AS/NZS 2890.6,</p> <p>(b) for a group of 2–7 parking spaces—</p> <p>(i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) 50% of the parking spaces must—</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,</p> <p>(c) for a group of 8 or more parking spaces—</p> <p>(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) at least 50% of the parking spaces must—</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.</p> <p>(3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c)(i) or (ii).</p> <p>(4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6.</p> <p>(5) A parking space required by this section to comply with AS/NZS 2890.6, other than a visitor parking space, is not required to include the international symbol of access.</p> <p>(6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.</p> <p>(7) A parking space, other than a parking space under subsection (6), must be—</p> <p>(a) secured by a power-operated door, or</p> <p>(b) capable of accommodating the installation of a power-operated door, including by having—</p> <p>(i) access to a power point, and</p> <p>(ii) an area for motor or control rods for a power-operated door.</p>	
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<p>(8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6.</p> <p>(9) In this section, a parking space is in a common area if it is not attached to or integrated with a hostel or independent living unit.</p> <p>5 Accessible entry</p> <p>(1) The main entrance to a dwelling must have—</p> <p>(a) a clear opening that complies with AS 1428.1, and</p> <p>(b) a circulation space in front of the door and behind the door that complies with AS 1428.1.</p> <p>(2) This section does not apply to an entry for employees.</p> <p>6 Interiors</p> <p>(1) An internal doorway must have an unobstructed opening that complies with AS 1428.1.</p> <p>(2) An internal corridor must have an unobstructed width of at least 1,000mm.</p> <p>(3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1—</p> <p>(a) a kitchen,</p> <p>(b) a laundry,</p> <p>(c) a bathroom,</p> <p>(d) a toilet,</p> <p>(e) a bedroom,</p> <p>(f) a living area,</p> <p>(g) the main area of private open space.</p> <p>(4) To avoid doubt, subsection (3)(b) does not apply to laundry facilities in a cupboard.</p> <p>7 Bedroom</p> <p>At least one bedroom in a dwelling must have the following—</p> <p>(a) a clear area, not including a circulation space, sufficient to accommodate—</p> <p>(i) for a hostel—a wardrobe and a single-size bed, or</p> <p>(ii) for an independent living unit—a wardrobe and a queen-size bed,</p> <p>(b) a clear area around the area for the bed of at least—</p> <p>(i) 1,200mm at the foot of the bed, and</p> <p>(ii) 1,000mm on each side of the bed,</p>	
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<p>(c) at least 2 double general power outlets on the wall where the head of the bed is likely to be,</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be.</p> <p>8 Bathroom</p> <p>(1) At least one bathroom in a dwelling must be located on—</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The bathroom must have the following—</p> <p>(a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,</p> <p>(b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines,</p> <p>(c) a shower that—</p> <p>(i) is accessible without a shower-hob or step, and</p> <p>(ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and</p> <p>(iii) is in the corner of a room, and</p> <p>(iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1,</p> <p>(d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux,</p> <p>(e) a double general power outlet in an accessible location, in accordance with AS 1428.1.</p> <p>(3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.</p> <p>9 Toilet</p> <p>(1) At least one toilet in a dwelling must be located on—</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The toilet must have the following—</p> <p>(a) a water closet pan—</p>	
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<p>(i) in the corner of the room, and (ii) with a centreline set-out in accordance with AS 1428.1, (b) a circulation space in front of the water closet pan that is— (i) at least 1,200mm long and at least 900mm wide, and (ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails, (c) a circulation space around the water closet pan that complies with AS 1428.1, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1. (3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).</p> <p>10 Surfaces of balconies and external paved areas Balconies and external paved areas must have surfaces that are slip resistant and comply with— (a) the Building Code of Australia, or (b) the Standards Australia Handbook SA HB 198:2014, Guide to the specification and testing of slip resistance of pedestrian surfaces, published on 16 June 2014.</p> <p>11 Door hardware (1) Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1. (2) To avoid doubt, subsection (1) does not apply to cabinetry.</p> <p>12 Switches and power points (1) Switches and power points must— (a) comply with AS 1428.1, or (b) be capable of complying with AS 1428.1 through future adaptation. (2) Subsection (1) does not apply to— (a) remote controls, or (b) power points likely to serve appliances that are not regularly moved or turned off.</p> <p>13 Private passenger lifts</p>	
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<p>(1) This section applies to a private passenger lift that is required by this schedule to be accessible only from inside a particular dwelling.</p> <p>(2) The private passenger lift must—</p> <p>(a) be at least 1,100mm wide and at least 1,400mm long, measured from the lift car floor, and</p> <p>(b) have a clear indoor landing on all floors serviced by the lift, other than the floor on which the main area of private open space is located, at least 1,540mm long and at least 2,070mm wide, and</p> <p>(c) have controls that comply with—</p> <p>(i) AS 1735.12:2020, Lifts, escalators and moving walks, Part 12: Facilities for persons with disabilities, published on 26 June 2020, or</p> <p>(ii) AS 1735.15:2021, Lifts, escalators and moving walks, Part 15: Safety rules for the construction and installation of lifts — Special lifts for the transport of persons and goods — Vertical lifting platforms intended for use by persons with impaired mobility, published on 23 July 2021.</p> <p>(3) The width of the door opening of the private passenger lift must be at least 900mm.</p> <p>(4) The private passenger lift must not be a stairway platform lift.</p>	
<p>Part 2 Additional standards for independent living units</p> <p>14 Application of standards in this Part</p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.</p> <p>15 Bedroom</p> <p>At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on—</p> <p>(a) the same floor as the entry to the unit, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the unit.</p> <p>16 Living room</p> <p>(1) A living room in an independent living unit must be located on—</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The living room must have—</p> <p>(a) a circulation space that—</p> <p>(i) is clear of all fixtures, and</p>	<p>Noted. A detailed assessment to be completed within the concurrent stage 1 development application DA0365/2024. Furthermore, the relevant conditions to be imposed within the concurrent stage 1 application notice of determination.</p>

<p>(ii) has a diameter of at least 2,250mm, and (b) a telecommunications or data outlet adjacent to a general power outlet.</p> <p>17 Main area of private open space The main area of private open space for an independent living unit must be located on— (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>18 Kitchen (1) A kitchen in an independent living unit must be located on— (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance. (3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without— (a) relocating the sink, or (b) moving a load-bearing wall, or (c) breaching another circulation requirement. (4) The kitchen must have the following fittings— (a) a bench that includes at least one work surface that is— (i) at least 800mm long, and (ii) clear of obstructions, and (iii) not in the corner of the room, (b) a lever tap set with the lever and water source that is within 300mm of the front of the bench, (c) a cooktop next to the work surface, (d) an isolating switch for the cooktop, (e) an oven that— (i) has operative elements between 450mm and 1,250mm above the finished floor level, and (ii) is next to the work surface, (f) at least one double general power outlet located within 300mm of the front of a work surface. (5) The cupboards must—</p>	
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<p>(a) not be entirely located in the corner of the bench or the corner of the room, and</p> <p>(b) face where the user of the fixture is likely to be.</p> <p>(6) An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.</p> <p>(7) A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.</p> <p>(8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must—</p> <p>(a) not be in the corner of the bench or the corner of the room, and</p> <p>(b) face where the user of the fixture is likely to be.</p> <p>(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.</p> <p>19 Laundry</p> <p>(1) A laundry in an independent living unit must be located on—</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The laundry must have the following—</p> <p>(a) a circulation space that complies with AS 1428.1 at the approach to any external doors,</p> <p>(b) an appropriate space for an automatic washing machine and a clothes dryer,</p> <p>(c) a clear space in front of each appliance of at least 1,550mm,</p> <p>(d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,</p> <p>(e) a continuous accessible path of travel to the main area of private open space or any clothes line provided for the dwelling.</p> <p>(3) The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door.</p> <p>(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations—</p> <p>(a) for below-bench cupboards—towards the top,</p> <p>(b) for overhead cupboards—towards the bottom,</p> <p>(c) for floor-to-ceiling doors—between 900mm and 1,100mm above the finished floor level.</p> <p>(5) In this section—</p> <p>laundry includes laundry facilities in a cupboard.</p>	
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<p>20 Linen storage An independent living unit must have a floor-to-ceiling linen storage cupboard that—</p> <ul style="list-style-type: none"> (a) is at least 600mm wide, and (b) has adjustable shelving. <p>21 Lift access in multi-storey buildings An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the Building Code of Australia, Volume 1, Part E3.</p> <p>22 Garbage and recycling A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.</p>	
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Schedule 8 Design principle for seniors

<p>1 Neighbourhood amenity and streetscape Seniors housing should be designed as follows—</p> <ul style="list-style-type: none"> (a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, (b) to recognise the desirable elements of— <ul style="list-style-type: none"> (i) the location's current character, or (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, (c) to complement heritage conservation areas and heritage items in the area, (d) to 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 buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, (e) to set back the front building on the site generally in line with the existing building line, 	<p>The proposal does not pertain to a residential care facility. However, the proposed arrangement of the residential flat buildings for seniors living, presents a complimentary design that promotes an operation and functional living arrangement for seniors. All units exceed the minimum internal requirements, and majority of the units offer a greater POS than required. As such, the design is considered to be complimentary to the needs of seniors. Furthermore, the modification application is driven by updated market expectation and social demands, amending the mix of apartment types. Notably, the increase of 3 x bedroom units to be increased by 9%, the 2 x bedroom units reduced by 2% and the 1 x bedrooms reduced by 7%, however 10% of the 1 x bedroom units to be dedicated affordable housing. Henceforth the reconfiguration of the unit compositions is responsive and reflect to the economic demands, and the amendments to the building envelopes is considered to promote alignment.</p> <p>The site is vacant, and the activation of the site through the proposed development is considered to be a positive addition to the locality, which will further promote the establishment and activation of the Shellharbour City Centre. The design of the stage 1 buildings is complimentary to the existing character, both in terms of the natural and built environment. The site is not</p>
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<p>(f) to include plants reasonably similar to other plants in the street, (g) to retain, wherever reasonable, significant trees, (h) to prevent the construction of a building in a riparian zone.</p>	<p>identified as a heritage conservation area and no heritage items are identified within the site.</p> <p>The proposed modification seeks to amend the setbacks of the stage 1 buildings; however, the proposed amended setback design remains consistent with the PDS. The setbacks do not contravene the recommended setback arrangement of the endorsed PDS. Similarly, the storeys of each building and the storey presentation from the public domain is consistent with the PDS and concept approval. The built form and the sitting of the buildings are not expected to adversely impact the public domain. The scale of the buildings is consistent with the residential flat buildings identified within the town centre.</p> <p>The modification to the building envelopes of R1 and R2 are generally consistent with the arrangement approved under the original assessment, however a slight reduction in the setback from the southern boundary is demonstrated. As measured from the closest point, the R1 building is setback 17m from the southern boundary and southern neighbouring, being 15 Benson Avenue, Shellharbour City Centre. The reduction in the setback is does not present unreasonable overshadowing impacts to 15 Benson Avenue, Shellharbour City Centre and the shadow diagrams included are considered to allow ample solar access.</p> <p>The landscape design and tree removal to be considered within the concurrent stage 1 development application DA0365/2024. However, a preliminary review of the landscape area suggests ample landscaping and planting to be available throughout the site.</p> <p>The site is not located within a riparian zone.</p>
<p>2 Visual and acoustic privacy Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by— (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>A comprehensive assessment of the visual and acoustic privacy to be completed within the concurrent stage 1 development application DA0365/2024.</p> <p>However, the proposed modification to the building envelopes; heights and setbacks does not offer unreasonable impacts to the adjoining sites. The stage 1 buildings provide suitable setbacks from all adjoining properties, 17m from the southern neighbour and 15.8m from the western site.</p>
<p>3 Solar access and design for climate The design of seniors housing should—</p>	<p>As noted above, shadow diagrams have been submitted for consideration. The shadow diagrams demonstrate some overshadowing during the morning</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>to the southern neighbouring property, however over the course of the day the impact will reduce. The modification to the building envelopes is noted to reduce the overshadowing impacts, as such an improvement.</p> <p>109 independent living units within the stage 1 site are expected to receive a minimum of 2 hours of solar access, which forms 71.7% of the units within stage 1 and 30% of the overall development. As such, it is expected that the overall concept development and the later stages of the development will achieve the necessary solar access.</p>
<p>4 Stormwater</p> <p>The design of seniors housing should aim to—</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>Council Engineers have considered the stormwater design proposed for the site and denoted a conditionally satisfactory response. The design suitably accommodates the scale and scope of the seniors living and ancillary non-residential uses.</p>
<p>5 Crime prevention</p> <p>Seniors housing should—</p> <p>(a) be designed in accordance with environmental design principles relating to crime prevention, and</p> <p>(b) provide personal property security for residents and visitors, and</p> <p>(c) encourage crime prevention by—</p> <p>(i) 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 the area, driveway or street, and</p> <p>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</p> <p>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The modifications present within the application is not expected to adversely impact the crime prevention and safety throughout the site. The design promotes ample opportunity for natural passive surveillance and observation of the site. Greater assessment of the CPTED requirements to be completed within the concurrent stage 1 development application DA0365/2024 as greater detail needed to completed a thorough analysis.</p>
<p>6 Accessibility</p> <p>Seniors housing should—</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</p> <p>(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>Safe and secure paths of travel are retained within the proposed modification application. A shared footpath along Wattle Road to be conditioned within concurrent stage 1 development application DA0365/2024 to enable improved accessible movement between the public and private domain. Further assessment of the path gradients and patterns to be completed within concurrent stage 1 development application DA0365/2024.</p>

<p>7 Waste management Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The proposed modification seeks consent to amend the waste collection of the senior living development, being located in the basement of R4. Further assessment of the waste generation and suitability of the waste storage space to be completed within concurrent stage 1 development application DA0365/2024.</p>
<p>Schedule 9 Design principles for residential apartment development</p>	
<p>1 Context and neighbourhood character (1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions. (2) Responding to context involves identifying the desirable elements of an area's existing or future character. (3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. (4) Consideration of local context is important for all sites, including sites in the following areas— (a) established areas, (b) areas undergoing change, (c) areas identified for change.</p>	<p>The modification to the concept approval demonstrates a residential flat building design and arrangement that responds to the site context, and the local context. The arrangement of the four buildings within the stage 1 area accommodates the natural topography in which reduces the appears of the built form bulk and scale as observed from the public domain. The proposal is considered to be consistent with the social, economic, health and environmental conditions. The development is suitable for the context and the design is considered to be sympathetic to the transition nature between the high density and town centre locality to the west of the site and the established low density residential context along the eastern side of Wattle Road.</p> <p>The site has been identified as Precinct M Eastern Residential – Wattle Road, within the Shellharbour City Centre Master Plan. The site is consistent with the desired future character of the area, and support the urban vitality of the city centre. The development is compliant and complementary to the Development Principles identified for Precinct M, through the addition of attractive building frontages along Wattle Road which improve the interface. The design to create a strong city edge and boundary in which contributes to the identity of the neighbourhood.</p> <p>The site is complimentary the immediately adjoining properties. Noting the immediately adjoining site to the west, 13 Benson Bason, Shellharbour City Centre is known as Precinct L and has a concept development application that includes future precinct development strategy, which pertains to mixed-use residential flat buildings.</p> <p>The site has been identified through extensive strategic planning as a promising site in which offers greater housing opportunity for seniors, in which diversifies the housing within the town centre.</p>
<p>2 Built form and scale (1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p>	<p>The proposed modification seeks to amend the concept development application which approved the key design quality principals, and was considered a 'broad brush' approach. The subject modification seeks to</p>

<p>(2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—</p> <ul style="list-style-type: none"> (a) building alignments and proportions, (b) building type, (c) building articulation, (d) the manipulation of building elements. <p>(3) Appropriate built form—</p> <ul style="list-style-type: none"> (a) defines the public domain, and (b) contributes to the character of streetscapes and parks, including their views and vistas, and (c) provides internal amenity and outlook. 	<p>amend the setbacks, height and GFA, however the amendments remain consistent and appropriate with the existing and desired future local characteristics. The bulk and scale are deemed suitable for the City Centre context.</p> <p>The architectural design and built form design treatment to be considered with the concurrent stage 1 development application. Although the modification to the building envelopes are expected to accommodate and create opportunity for improvements to the design.</p>
<p>3 Density</p> <p>(1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>(2) Appropriate densities are consistent with the area's existing or projected population.</p> <p>(3) Appropriate densities are sustained by the following—</p> <ul style="list-style-type: none"> (a) existing or proposed infrastructure, (b) public transport, (c) access to jobs, (d) community facilities, (e) the environment. 	<p>The proposed modification demonstrates an improved level of amenity for the residents. The increase in building separation offers increased levels of visual and acoustic privacy, solar access, open space and landscaping opportunities.</p>
<p>4 Sustainability</p> <p>(1) Good design combines positive environmental, social and economic outcomes.</p> <p>(2) Good sustainable design includes—</p> <ul style="list-style-type: none"> (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs. <p>(3) Good sustainable design also includes the following—</p> <ul style="list-style-type: none"> (a) recycling and reuse of materials and waste, (b) use of sustainable materials, (c) deep soil zones for groundwater recharge and vegetation. 	<p>Consideration of the development's compliance with solar access and cross ventilation standards within the ADG has been completed and the application demonstrates a compliant design. Further consideration will be completed within the concurrent stage 1 development application DA0365/2024. Within the assessment of concurrent DA, a BASIX certificate and NatHERS stamped plans are required to be submitted for assessment in accordance with the State Environmental Planning Policy (Sustainable Buildings) 2022, which will determine the thermal design, heating and cooling.</p>
<p>5 Landscape</p> <p>(1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.</p>	<p>The modification demonstrates a landscape area of 6370m² collectively throughout the stage 1 area. The landscape space is distributed throughout the site, particularly along the Wattle Road, western and southern boundary. The modification seeks to realign the internal access road to travel through the site from north to south, parallel along the western boundary. The</p>

<p>(2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>(3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—</p> <ul style="list-style-type: none"> (a) the local context, (b) co-ordinating water and soil management, (c) solar access, (d) micro-climate, (e) tree canopy, (f) habitat values, (g) preserving green networks. <p>(4) Good landscape design optimises the following—</p> <ul style="list-style-type: none"> (a) usability, (b) privacy and opportunities for social interaction, (c) equitable access, (d) respect for neighbours' amenity. <p>(5) Good landscape design provides for practical establishment and long term management.</p>	<p>redesign of the road creates a uniform and improved road design, of which create a consistent landscape planting space between the western boundary and road. The landscape reduces the impact of the retaining wall and impact of the hard stand space of the road.</p> <p>Similarly, landscaping is proposed along the Wattle Road frontage. Opportunity for dense planting along the southern boundary is presented, to offer natural screen and visual relief to the residents at 15 Benson Avenue, Shellharbour City Centre.</p> <p>Internally, between the eastern buildings (R1 and R3) and the western buildings (R2 and R4), ample landscape space is demonstrated.</p> <p>Further consideration of the landscape design to be completed within the concurrent assessment of the stage 1 application DA0365/2024.</p>
<p>6 Amenity</p> <p>(1) Good design positively influences internal and external amenity for residents and neighbours.</p> <p>(2) Good amenity contributes to positive living environments and resident well-being.</p> <p>(3) Good amenity combines the following—</p> <ul style="list-style-type: none"> (a) appropriate room dimensions and shapes, (b) access to sunlight, (c) natural ventilation, (d) outlook, (e) visual and acoustic privacy, (f) storage, (g) indoor and outdoor space, (h) efficient layouts and service areas, (i) ease of access for all age groups and degrees of mobility. 	<p>The site is located in the city centre, and in a rapidly transforming neighbourhood with new developments primarily consisting of mixed-use residential towers. The proposed building use is consistent with the exiting neighbourhood developmental typology to the south-west along Benson Avenue, and the future desired urban patterns.</p> <p>Noting the modification is to a concept development application, the proposed modification demonstrates good amenity in a manner that contributes positively to the future residents, the wider community and overall LGA. Assessment against the Apartment Design Guide has been completed, see Attachment D. A detailed assessment to be completed within stage 1, to ensure consistency, the proposed modification demonstrate the future staged development is generally compliant with the minimum room dimensions, solar access, cross ventilation, storage, indoor and outdoor spaces.</p> <p>Further assessment in relation to the visual and acoustic privacy to be completed within the scope of concurrent stage 1 application DA0365/2024, as detailed design available for thorough consideration.</p>

	The proposed modification depicts the development to promote and deliver a amenable space for seniors within the Shellharbour City Centre.
7 Safety (1) Good design optimises safety and security within the development and the public domain. (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose. (3) Opportunities to maximise passive surveillance of public and communal areas promote safety. (4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	The modification does not demonstrate compromised safety through the proposed amendments. The modification creates improved safety through the activation of the site, through the positive enhancement through the establishment of the relationship between the public and private domain. Further assessment completed within concurrent stage 1 development application DA0365/2024, and relevant conditions imposed within the notice of determination to promote a safe and secure site.
8 Housing diversity and social interaction (1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. (2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix. (3) Good design involves practical and flexible features, including— (a) different types of communal spaces for a broad range of people, and (b) opportunities for social interaction among residents.	The modification application is driven by updated market expectation and social demands, amending the mix of apartment types. Notably, the increase of 3 x bedroom units to be increased by 9%, the 2 x bedroom units reduced by 2% and the 1 x bedrooms reduced by 7%, however 10% of the 1 x bedroom units to be dedicated affordable housing. Henceforth the reconfiguration of the unit compositions is responsive and reflect to the market demands and housing type needed. Affordable housing option are offered within the mix of unit types, which promotes inclusivity.
9 Aesthetics (1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. (2) Good design uses a variety of materials, colours and textures. (3) The visual appearance of well-designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The stage 1 building envelopes are considered proportional and appropriately scaled to the context. The four-storey presentation outward to Wattle Road and the western boundary, with the concentration of two additional storeys oriented inward into the site complements the topography and henceforth reduces the appearance of bulk. The footprint and pattern of the proposed built form is appropriate. However, further consideration of the aesthetics and design detail of the built form to be completed within the concurrent stage 1 development application DA0365/2024.