

**State Environmental Planning Policy (Housing for Seniors or People with a Disability)  
2004 Compliance Table**

The subject application proposes the construction of a new Residential Aged Care Facility on site and therefore the application has been assessed against the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 as follows:

Criteria	Comment	Compliance
<b>Chapter 1 – Preliminary</b>		
<b>2 Aims of Policy</b>		
1(a) This Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability	The proposal is for the erection of a residential care facility and meets this aim of the policy.	Yes
(b) Make efficient use of existing infrastructure and services;	It is considered that the applicant has demonstrated that the proposal would make an efficient utilisation of existing infrastructure and services in the area.	Yes
(c) Be of good design	The proposal is considered to be a well conceived scheme that will complement the existing character of the locality.	Yes
2(a) These aims will be achieved by setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy.	Proposed residential care facility has been prepared having regard to the provisions of the SEPP.	Yes
(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form,	The proposal is considered to have been designed taking into consideration of the design principles of the SEPP.	Yes
<b>4 Land to which Policy applies</b>		
1 This Policy applies to land within NSW that is land zoned primarily for urban purposes or land that adjoins land zoned	The subject site is zoned R2 Low Density Residential under Fairfield LEP. The land is zoned for urban purposes.	Yes

primarily for urban purposes.		
<b>Chapter 2 Key concepts</b>		
<b>10 Seniors Housing</b>		
In this Policy, <b>seniors housing</b> 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) appropriate a group of self- (d) contained dwellings, or a combination of these,  but does not include a hospital.	The proposal is for a residential care facility for seniors.	Yes
<b>11 Residential care facilities</b>		
In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes: (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.	The proposal is for the purposes of a residential care facility that has been designed having regard to the requirements of the SEPP.	Yes
<b>Chapter 3 Development for Seniors Housing</b>		
<b>14. Objective of Chapter</b>		
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 frail, and other people with a disability regardless of their age.	The proposal provides a new aged care facility that complies with this objective.	Yes
<b>15 What Chapter Does</b>		
(a) This Chapter allows the following development despite the provisions of	The proposal is for the erection of a residential care facility and the	Yes

<p>any other environmental planning instrument if the development is carried out in accordance with this Policy:</p> <ul style="list-style-type: none"> <li>development on land zoned primarily for urban purposes for the purpose of any form of seniors housing.</li> </ul>	<p>site is zoned primarily for urban purposes.</p>	
<b>16 Development consent required</b>		
<p>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.</p>	<p>This application seeks approval from the Sydney Western City Planning Panel for the demolition of an existing aged care facility and construction of a new residential care facility, pursuant to SEPP (Housing for Seniors or People with a Disability).</p>	<p>Yes</p>
<b>18 Restrictions on occupation of seniors housing allowed under this Chapter</b>		
<p>Development allowed by this Chapter may be carried out for the accommodation of seniors or people who have a disability, people who live within the same household with seniors or people who have a disability, 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,</p>	<p>The proposal is for the erection of a residential care facility to house seniors as defined by the SEPP, as well as staff to help in the administration, care and provision of services for seniors. This aspect can be enforced as a standard condition of development consent.</p>	<p>Yes</p>

in accordance with section 88E of the <u>Conveyancing Act 1919</u> , limiting the use of any accommodation to which the Application relates to the kinds of people referred to in subclause (1).		
<b>Part 2 Site-related requirements</b>		
<b>26 Location and access to facilities</b>		
1(a) Residents will have access to shops, bank service providers and other retail and commercial services that residents may reasonably require.	The applicant has advised that : the new facility will continue to provide 24-hour nursing and personal care for seniors who are less independent or frail. The facility has been designed to provide residents with medical, rehabilitative and restorative care. Personal care services will include cleaning, laundry, meals and assistance with bathing, personal hygiene, eating and transport. Essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy and podiatry will also be provided on-site. Further there will be an onsite hair and beauty salon, the facility arranges on site visitors from clothing providers, there will be available small retail items such as cafe style coffee dispensation and drinks and snack food dispensers. Billing will occur via direct debit arrangements.	Yes
(b) Residents will have access to community services and recreation facilities.	The applicant has demonstrated that the site is well serviced by public transport and is within close proximity to community and recreational facilities for the residents.	Yes
(c) Residents will have access to the practice of a general medical practitioner.	The applicant has advised that essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy and podiatry will be provided on-site.	Yes

2(a) Facilities and services are located at a distance of not more than 400m from the site and accessible via a footpath with average gradient of no more than 1:14.	The applicant has demonstrated that the site has access to bus stops (one on each side of the road) on Quarry Road located directly in front of the subject property. The site therefore, complies with the “distance to public transport” development standard in this clause. There are level footpaths along both sides of Quarry Road.	Yes
(i) A gradient of no more than 1:12 for slopes for a maximum 15m at a time.	The pedestrian route defined by the applicant complies with this requirement.	Yes
(ii) A gradient of no more than 1:10 for a maximum length of 5 metres at a time.	The pedestrian route defined by the applicant complies with this requirement.	Yes
(iii) A gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.	The pedestrian route defined by the applicant complies with this requirement.	Yes
(b) In the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development.	The site is located within the Sydney Statistical Division and the site has access to a regular bus services.	Yes
(i) A public transport service is located at a distance of not more than 400m from the site of the proposed development and the distance is accessible by means of a suitable access pathway.	There is a bus stops located directly at the front of the subject site on Quarry Road.	Yes
(ii) A public transport service 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.	The site is regularly serviced by public transport that will provide residents access to services and facilities within 400m of where they are taken.	Yes
iii) A public transport 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	The bus route (806/807) Quarry Road goes to Prairiewood, Bonnyrigg and Liverpool which has all the services required by residents of the proposed aged care facility.	Yes

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).		
<b>28 Water and Sewer</b>		
Water & Sewer	Water and sewer is available in the area and the site.	Yes
<b>29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply.</b>		
Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply.	Not applicable in this case as the site is already zoned for urban purposes.	Yes
<b>Part 3 Design requirements</b>		
<b>30 Site analysis</b>		
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.	The required site analysis plan prepared in accordance with the heads of consideration within Clause 30 has been submitted with the application	Yes
<b>32 Design of residential development</b>		
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.	It is considered that the design principles outlined in Division 2 of the SEPP have been considered by the applicant, as shown below.	Yes
<b>Division 2 Design Principles</b>		
<b>33 Neighbourhood amenity and streetscape</b>		
(a) The proposed development should 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	The proposal will primarily consist of a 2 storey building with a part 3 element in the central and eastern portion of the site. All parking is at grade located behind the front building line. The predominant two storey approach to the design is consistent with	Yes

that new buildings contribute to the quality and identity of the area, and	the desired future character of the area as reflected in the R2 Low Density Residential zoning of the surrounding sites under Fairfield LEP 2013.	
(b) Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	There are no heritage items within the vicinity of the site.	Yes
(c)(i) Maintain reasonable neighbourhood amenity and appropriate residential character by providing building setbacks to reduce bulk and overshadowing.	<p><b>Northern Setback.</b> The applicant has advised that: the building line has been setback approximately 4 to 4.5 metres from the northern boundary.</p> <p><b>Eastern Setback</b> The proposed building will be setback 4 metres from the boundary and the windows on the upper ground floor will be fixed with privacy louvres and obscured glazing.</p> <p><b>Southern Setback</b> The proposed building will be two storeys on this frontage and setback 6.5 metres from the Turquoise Street frontage and is consistent with the established setback within the existing streetscape. The setback will also be landscaped is considered satisfactory in these circumstances.</p> <p><b>Western Setback</b> The set back to the western property boundary is 4 metres.</p> <p>Appropriate landscaping is also proposed on the boundary.</p> <p>Council's minimum setback to a boundary is 900mm.</p> <p>Given that the minimum permitted setback which would ordinarily be</p>	Yes

	expected within the existing low density residential environment is 900mm. The proposed setbacks exceed the minimum requirement and therefore provide a greater transition between the proposed built form and that of the adjoining residential dwellings.	
(ii) Using building form and siting that relates to the site's land form.	It is considered that the proposal appropriately relates to the site's land form.	Yes
(iii) Adopting building heights at the street frontage that are compatible in scale with adjacent development.	The heights of the proposed buildings are generally consistent with a two storey building – which is commonly found in the R2 Low Density Residential zone. Whilst it is acknowledged that the building contains a 3-storey element, based on Councils assessment of the submitted plans, the proposed built form presents as a 2-storey building.	Yes
(iv) Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.	The proposal is considered to appropriately respond to neighbouring properties.	Yes
(d) Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.	Given the width of the proposed setback to Turquoise Crescent and that, the building presents as a 2-storey building to within the existing streetscape it is considered that the development is sympathetic to adjoining developments.  The building is not visible from Quarry Road.	Yes
(e) Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	Considered acceptable	Yes
(f) retain, wherever reasonable, major existing trees, and	The subject site contains a variety of vegetation and mature trees including Cumberland Plan Woodland species located along the western and northern property boundaries.	Yes



	An Ecologist Report has been submitted with the application, stating that a total of 28 trees, including 2 Cumberland Plan Woodland species, will be removed from the site and replacement planting will be provided.	
(g) be designed so that no building is constructed in a riparian zone.	No part of the site is affected by a riparian corridor.	Yes
<b>34 Visual and Acoustic</b>		
(a) The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping.	<p>It is considered that the proposal is unlikely to result in an unreasonable visual/acoustic privacy problem to any neighbouring properties.</p> <p>This has been achieved through the providing setbacks to the northern, eastern western boundaries which exceed the minimum setback requirement within the R2 zone, landscaping including mature tree planting within the setback areas, and setting back the uppermost floor beyond the ground floor setback where the development adjoins residential dwellings.</p> <p>Most of the adjoining properties on the northern and western sides of the site are setback from the shared boundary, thus increasing the setback of the RACF to the adjoining buildings.</p> <p>The southern elevation adjoins a public road.</p>	Yes
(b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	<p>It is considered that acceptable noise levels will be provided to each of the rooms of the proposal, having regard to the siting and position of the proposal.</p> <p>Appropriate sound proofing can be covered as a condition of development consent.</p>	Yes

<b>35 Solar Access and Design for climate</b>		
(a) The proposed development should 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.	The applicant has demonstrated that the proposal will maintain reasonable solar access to the living rooms and the private open spaces of neighbouring properties.	Yes
(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.	It is considered that the proposal appropriately responds to the orientation of the site and has been designed to maximise natural ventilation and lighting.	Yes
<b>36 Stormwater</b>		
(a) The proposed development should 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 include, where practical, on-site stormwater detention or re-use for second quality water uses.	Council's Development Engineers are satisfied that the proposal has been generally designed to comply with Council's Stormwater Drainage Policy.	Yes
<b>37 Crime prevention</b>		
(a) The proposed development should provide personal property security for residents and visitors and encourage crime prevention by 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	<p>It is considered that the proposal incorporates appropriate casual surveillance and security measures for the residents, visitors and staff of the facility.</p> <p>There is one main point of pedestrian entry into the facility for visitors wanting to access the building, simplifying the monitoring of people entering the facility and providing safety and security for the residents. A maintenance ramp is provided at</p>	Yes

such area, driveway or street.	<p>the rear SW corner from the Turquoise Crescent garden setback which is secure and only accessible by staff.</p> <p>All dementia wings will be secure and require keypad codes to access or egress these wings.</p> <p>The garden areas will also be secure. Generally, outdoor access will be on timed doors, with free access to residents, staff and visitors during the daylight hours and restricted, or no access during night hours.</p> <p>Reception will operate during business hours and nurse stations will be manned 24/7 and will control access and incoming calls outside of normal hours.</p>	
(b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked.	See above	Yes
(c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	As the proposal is for a residential care facility that contains security devices and nursing stations, it is not critical that individual bedrooms be designed to allow residents to see who approaches.	Yes
<b>38 Accessibility</b>		
(a) The proposed development should have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.	The proposal incorporates a safe pedestrian link from the site that provides access to a regular bus services.	Yes
(b) Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposal achieves this with an upgraded at-grade car park and new expanded main building entrance underneath a porte cochere and pedestrian footpaths at each end. This will allow access for motorists pedestrian and ambulance vehicles.	Yes

<b>39 Waste management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The applicant has advised that appropriate facilities will be provided on site for the management of waste, which will be collected from the loading dock within the building.	Yes
<b>Part 4 Development standards to be complied with</b>		
<b>Division 1 General</b>		
<b>40 Development standards—minimum sizes and building height</b>		
(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.	The proposal is generally consistent with the development standards outlined in this Clause	Yes
(2) Site size - The size of the site must be at least 1,000 square metres.	The subject land has an area of 7528m <sup>2</sup> .	Yes
(3) Site frontage - The site frontage must be at least 20 metres wide measured at the building line	The subject land has the following approximate frontages:- <ul style="list-style-type: none"> <li>• 16.43 metres to Quarry Road</li> <li>• 22.05 metres to Turquoise Crescent</li> </ul>	Yes
(4)(a) 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, the height of all buildings in the proposed development must be 8 metres or less.	<p>The maximum height of the buildings proposed on the site is 8 metres, in accordance with the definition of height in the Seniors Housing SEPP, except 4 small areas within the central portion of the building including lift lobby/sun room, lift overrun and roof plant located above the roof line.</p> <p>The height of the ceiling in the Lift lobby is 10.742 metres, a non-compliance of 2.742m. The height of the ceiling in the lift lobby exceeds the 8 metre height limit, due to the pattern of the ceiling and the slope of the land</p>	Yes subject to supporting a Clause 4.6 variation.

	<p>and that it provides access to the roof terrace area.</p> <p>The applicant has provided a Clause 4.6 variation request to the height standard. The applicant's justification to varying the height standard is supported in the circumstances of this case.</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.	<p>The buildings are a maximum of 2 storeys in height adjacent to the boundary, however, part of the development has a third "storey" (lower ground level) which is sited up to 2,5 metres below ground. Height, under the Seniors Living SEPP is measured from ground level.</p> <p>On this basis, the proposal presents as a 2-storey building to the adjoining residential properties and from the street. Notwithstanding, the applicant has submitted a Clause 4.6 variation which is supported.</p>	Yes subject to supporting a Clause 4.6 variation.
(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	<p>It is problematic to define and identify the rear 25% area of the site given the fact that the site has a frontage to 2 different streets and 5 other side boundaries</p> <p>It is assumed that the objective of the standard is to minimise amenity impacts of overshadowing and overlooking on adjoining dwellings and their private open spaces and to maintain a low scale residential form. The design of the proposal achieves these objectives.</p> <p>To avoid any alleged non-compliance with this standard, the applicant has submitted a Clause 4.6 variation which is supported.</p>	Yes subject to supporting a Clause 4.6 variation.
(5) Development applications to which clause does not apply	N/A	N/A

- Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) the Department of Housing, (b) any other social housing provider.		
<b>Part 4 Development Standards to be complied with</b>		
<b>Division 2 Residential care facilities—standards concerning accessibility and useability</b>		
Development standards concerning accessibility and useability for residential care facilities are to be in accordance with the Commonwealth aged care accreditation standards and the <i>Building Code of Australia</i> .	The applicant advised that the proposal is to be in accordance with the Commonwealth aged care accreditation standards and the Building Code of Australia	Yes
<b>Part 7 Development Standards that cannot be used as grounds to refuse consent</b>		
<b>Division 1 General</b>		
<b>46 Inter-relationship of Part with design principles in Part 3</b>		
(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.	It is considered that the applicant has sufficiently demonstrated that the proposed development has been designed having regard to the character of the area and surrounding residential properties and takes into consideration of design principles set out in Division 2 of Part 3 of the SEPP	Yes
<b>Division 2 Residential care facilities</b>		
<b>48 Standards that cannot be used to refuse development consent for residential care facilities</b>		
A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:		
(a) <b>Building height:</b> 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).	This aspect has been satisfactorily addressed above in Section 40(4) of this table	Yes
(b) <b>Density and scale:</b> if the density and scale of the buildings when expressed as	The FSR for the development is 0.9:1	Yes

a floor space ratio is 1:1 or less.		
(c) <b>Landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided.	<p>The applicant needs to provide a minimum of 3350m<sup>2</sup> of landscaped area to satisfy the requirements of clause 48 of the SEPP.</p> <p>A total of 3378m<sup>2</sup> of landscaped area is provided for a total of 134 beds.</p>	Yes.
(d) parking for residents and visitors: if at least the following is provided:		
(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia).	<p>The proposal requires 14 car parking based on 134 beds in the RACF and 15 car parking spaces for the 30 staff to be employed on site. The minimum number of car parking spaces required under the SEPP is 29 spaces. The applicant will provide 35 car spaces which is 6 spaces above the required parking under Clause 48 of the SEPP.</p>	Yes
(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time.	<p>The applicant advised that the proposed facility will employ 30 staff, thus 15 staff car spaces are required.</p>	Yes
(iii) 1 parking space suitable for an ambulance.	<p>The proposal provides adequate space for parking, turning and movement of ambulance vehicles. Ambulances will be able to drive into the basement and park in a dedicated ambulance bay.</p> <p>A dedicated bus parking bay is also provided.</p>	Yes