

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-126
DA Number	DA124/21
LGA	Edward River Council
Proposed Development	Seniors Housing Precinct includes 32 single storey independent living dwellings , associated internal roadways and parking , and Community Centre
Street Address	Lot 1 DP 732067, Lot 2 DP1220715 384-392 Poitiers Street. Deniliquin
Applicant/Owner	Shannon Galea, CAF Consulting Edward River Council
Date of DA lodgement	13 December 2021
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 0 • 0
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (State Environmental Planning Policy (Planning Systems) 2011	<p>Council related development over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million if—</p> <p>(b) the council is the owner of any land on which the development is to be carried out, or</p> <p>(c) the development is to be carried out by the council,</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Deniliquin LEP 2013 • Deniliquin Development Control Plan 2016 • the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, • the suitability of the site for the development, • the public interest.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Document 1 - -Statement of Environmental Effects Version F • Document 2- Architectural plans Sheets AO1 – A36 • Document 3 BASIX Certificate Multi Dwelling Cert No 1251372M • Document 4 – Civil Plans , Sheets 3570/C01 – 3570 C30 • Document 5 – Landscape Concept Design Plans Sheets 1 – 4 • Document 6 – Record of Briefing – Western Regional Planning Panel-

	<ul style="list-style-type: none"> Document 7 – NGH contaminated land report review and evaluation Document 8 - Draft condition of Consent
Clause 4.6 requests	<ul style="list-style-type: none"> Nil Clause 4.6 variation requests
Summary of key submissions	<ul style="list-style-type: none"> Nil submissions
Report prepared by	Marie Sutton , Manager Development Services
Report date	17 August 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No**Conditions**

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes**ASSESSMENT REPORT****Contents**

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Executive Summary

1. The Development Application has been referred to the Western Region Planning Panel pursuant to clause 3, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 being Council related development that has a capital investment value of over \$5 million. The value of the development is \$10,000,000, excluding GST. Council is the owner of the land on which the development is to be carried out.
2. The application proposes the development of a Seniors Living Precinct comprising of thirty two (32) independent living dwellings. All dwellings are freestanding, single storey dwellings with a mix of two (2) and three (3) bedroom dwellings of various floor plan designs. The dwellings are of brick veneer and colorbond construction. Each dwelling has a connected garage and sufficient driveway space to allow visitor parking. The development also comprises of internal roadways, landscaping, additional trailer parking and a community centre building.
3. The development is proposed to be carried out on Lot 1 DP 732067, Lot 2 DP 120715, 384-392 Harfleur Street, Deniliquin. The land is zoned B2 Local Centre under the Deniliquin Local Environmental Plan 2013.
4. A Planning proposal was lodged for part of the site being Lot 2 DP1220715 to be rezoned from SP2 Infrastructure to B2 Local Centre, to allow for the development of this land for Seniors Housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Gateway determination for the rezoning to proceed was granted in 2020. The Planning proposal was finalised in October 2020 and the land rezoned to B2 (Local Centre).
5. The application for development was submitted in compliance with Clause 4 (a) (i) the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, with a dwelling house permissible on land being zoned primarily for Urban purposes 2B (Local Centre). The application was assessed against the provisions of the now repealed (Housing for Seniors or People with a Disability) 2004.
6. The application has been assessed against the State Environmental Planning Policy (Housing) 2021.

Prior to formal acceptance of the application by Council, State Environmental Planning Policy (Housing) 2021 came into effect and repealed the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed development is permissible with Development consent under Part 5 Clause 79 (g) and Clause 81 of the Housing SEPP.

Further Part 5, Clause 89 (2) Housing SEPP states that the use of ground floor of seniors housing in business zones that fronts a street will not be used for residential purposes.

Clause 89.4 states that Clause 89.2 does not apply if another Environmental Planning Instrument permits the use of the ground floor of the building for residential purposes.

The Deniliquin Local Environmental Plan 2013 permits dwellings in the B2 (Local Centre) zone.

7. In accordance with Councils Community Participation Plan, the proposal was notified and placed on public exhibition from 13 December 2021 -17 January 2022.

No submissions were received.

8. The Western Regional Planning Panel attended the site for a briefing and site visit on 22 March 2022. The key issues discussed at the briefing and site visit have been addressed in the background section of the report and conditions included in the DA conditions to address these matters as relevant.

Location and Site Description

The subject site is an irregular rectangle shaped parcel of land bounded by Harfleur Street, Hardinge Street and Poitiers Street, Deniliquin and is known as Lot 1 DP732067 and Lot 2 DP 122075, 384 - 392 Poitiers Street, Deniliquin. The land has a total area of 2.2 hectares

The subject site was formerly used as a railway yard with the associated sheds and turn table and residences being located on the site. These structures have been removed and the land is now a level vacant site .

The site is generally devoid of vegetation growth, other than sporadic weed growth. There are a limited number of trees located on the site. No tree removals are proposed as part of this Development

The topography of the land has an elevation of approximately 95m AHD, where the site is classed as flat with the slope having a slight fall from southwest to the northeast and the Edward River

To the north, the site adjoins land zoned B2 Local Centre in Hardinge Street . This area is a mixture of residential and commercial developments . Located further along Hardinge Street is a business precinct that includes Harvey Norman, Mitre 10 and the Deniliquin Plaza, comprising Coles supermarket and a variety of other retail shops.

To the north east ,the site adjoins land zoned B2 Local Centre in Poitiers Street Located in this area is an office building, the Town Band hall and a veterinary clinic.

To the south, the site adjoins land zoned B2 Local Centre in Napier St . Located on this land are Grain sheds which are no longer in use.

To the south -west of the site is land zoned B2 Local centre in Napier Street and across Harfleur Street. Located on this land is existing railway infrastructure, grain storage and commercial premises.

To the south east of the site and adjacent to the development in Poitiers Street the land is zoned R1 Residential . Located on the Corner of Poitiers and Napier Street is an Aged Care home.

Located further along Napier St is the picturesque Waring Gardens zoned RE1 , the Town Library and the main CBD area of the Deniliquin township , zoned B2 Local Centre.



Figure 1. Site plan



Figure 2. Land use zones -Deniliquin LEP 2013

History and use of the site

The subject site was formerly used as a railway yard with the associated sheds and turn table and residences being located on the site. Removal of these structures has historically occurred over a number of years and the land is now a vacant site which has been levelled

Preliminary and detailed site investigation were carried out in 2017 and 2018 respectively and identified specific areas of lead and bonded asbestos contamination. Remedial works were undertaken in 2018 and the validation report states that the validation objectives were achieved and the soils on the site are suitable for land use consistent with NEPM 2013 Residential A – Residential with Garden /Accessible . A copy of the validation report was submitted with the Development Application and a referral made to Councils Contaminated Land Consultant. A copy of the consultants report is provided in the attachments to this report.

The Proposal and Background

The Proposal

The application proposes the development of a seniors living precinct comprising of 32 independent living , single storey dwellings with associated parking and driveways to each dwellings, internal roadways, carport with solar panels and a community centre building.

The application seeks approval for the overall design and all stages of the Seniors Living precinct development ;

- Stage 1 – Development of six (6) dwellings and 6 metre road entry running from east to west
- Stage 2 - Development of nine (9) dwellings and continuation of road running south to north and, trailer parking compound, including a carport with solar panels
- Stage 3 – Development of a Community centre
- Stage 4 – Development of eleven (11) dwellings and continuation of 6 metre wide road running west to east
- Stage 5 – Development of six (6) dwellings and continuation of 6 metre wide road running south to north and turning area.
- Common facilities incorporated into the development include landscaping, car parking and the community centre facility

The dwellings will be of brick veneer construction with Colorbond roof and include various floor plans which will comprise of two (2) and three (3) bedroom dwelling configurations.

Each dwelling will have their own parking capacity via a garage connected to each dwelling. Each dwelling will also have sufficient driveway space to allow for visitor parking. A covered parking compound will also provide additional parking on site.



Figure 3 Photo Montage proposed Seniors living precinct

Background

The development application was formally lodged with Council on 14 December 2021.

Application timeline to date

Date	Action
29/08/21	Application submitted to the Planning Portal
5/10/21, 13/12/21	Further information requested
13/12/21	Application formally accepted by Council for lodgement
14/12/21	Application referred to Joint Regional Planning Panel
13/12/21	Notification and exhibition of application commenced
22/03/22	JRPP Briefing and site visit
27/05/22	Record of briefing provided to Council
17/08/23	Assessment Report submitted to JRPP via Planning Portal

JRPP Briefing and Site Visit

The key issues discussed at the briefing and site visit are noted and discussed below;

- *Panel identified that the statutory framework, assessment pathway and lodgement date are to be clarified by Council to ensure assessment progresses on basis of correct SEPP version*

and that all relevant SEPP clauses are satisfied and addressed including clauses which relate to use of seniors housing in business zones given B2 site zoning (cl19 of SEPPSL or Clause 89 of Housing SEPP)

The application has been assessed against the State Environmental Planning Policy (Housing) 2021.

Prior to formal acceptance of the application by Council , State Environmental Planning Policy (Housing) 2021 came into effect and repealed the State Environmental Planning Policy (Housing for Seniors or People with a Disability) .

- *Council outlined background to planning proposal which re-zoned part of the site from infrastructure to business for the purpose of seniors housing and the demand for seniors housing within LGA*

The Planning proposal for the rezoning of the SP2 Infrastructure zoned portion of the site was finalised in 2020. The land is zoned B2 Urban

- *The Panel discussed contextual issues and the importance of how the design interfaces its street frontages including fencing and landscaping for internal amenity and identified opportunities to improve streetscape and urban design. For consideration this included ;*
- *Opportunities to provide variation in the access alignment outside garage turning paths , to introduce landscaping that breaks do the long driveways visually and as traffic calming.,*

The proposed internal street layout is in keeping with the majority of residential streets within the town area being straight wide roads and cul-de-sacs. The roadways are not through roads so it is not expected that this will present a traffic issue. Traffic calming measures including landscaping can be included in the development if it identified that it is required.

- *Opportunity to terminate views down the long driveways by introduction of a new canopy at ends*

Noted – Condition

- *Opportunity to introduce a pedestrian connection within the layout through to Harfluer Street (noting a desired line towards business uses further along Hardinge Stree) whilst considering how the compound is treated.*

Noted - Condition

- *Opportunity for the wider verge in Harfleur Street to include footpath, street tree planting and other landscaping that can offset rear boundary fencing of units that face internally.*

Noted - Condition

- *Opportunity to revisit the type of fencing and how it presents to the public roads including Hardinge and Harfleur Street , subject to landscaping of the wider verges available*

The proposed fencing and entrance from Poitiers Street is seen as appropriate being of a brick and iron open structure which provides a form of separation to the street whilst still maintaining views to and from the street. Fencing of Hardinge and Harfleur Street is required for privacy and security of rear yards so type of fencing must meet this objective. Landscaping of wider verges could soften the appearance. Noted will be conditioned.

- *Opportunity to review the type of cul-de-sac head.*

Noted for future consideration

- *Opportunity to revisit the size of the community centre and nature of landscaped communal spaces that might be incorporated into the site layout for social gatherings and connection.*

Noted for future consideration. The size and location of the community centre have been determined however the floorplan layout has not been finalised. Based on the comments provided it is likely that a greater emphasis will be given to incorporating alfresco areas and activity spaces into the final design which give greater flexibility and encourage indoor/outdoor gatherings.

These matters have been discussed in the report and where relevant have been included in the DA conditions to address matters discussed.

Referrals

External

Contaminated Land Consultant	Confirmation based on PSI 2017 and the VR 2018 that known contamination has been removed and the site soils now comply with the adopted criteria for Residential A, Residential with Garden /Accessible soil . Conditions provided
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Internal

Engineering	Comments provided confirming availability of water ,sewer and stormwater infrastructure , site access . Conditions provided . No objection subject to imposition of appropriate conditions
Health & Building	Comments provided. No objection subject to imposition of appropriate conditions
Trade waste Consultant	Comments provided .No trade waste requirements for residential buildings

Statutory considerations

The following provides an assessment of the application against the requirements of Environmental Planning & Assessment Act, Section 4.15 Evaluation matters:

These matters as are of relevance to the development application include the following:

- a) The provisions of any environmental planning instrument , proposed instrument, development control plan, planning agreement and the regulations

State Environmental Planning Policy (Planning Systems) 2021

The application is regionally significant development pursuant to clause 3, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 being Council related development that has a capital investment value of over \$5 million .

The value of the development is \$10,000,000, excluding GST. Council is the owner of the land on which the development is to be carried out.

The application has been referred to the Western Regional Planning Panel for determination

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4

Clause 4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

Preliminary and detailed site investigations for the subject land were carried out in 2017 and 2018 respectively and identified specific areas of lead and bonded asbestos contamination. Remedial works were undertaken in 2018 and the validation report states that the validation objectives were achieved and the soils on the site are suitable for land use consistent with NEPM 2013 Residential A – Residential with Garden /Accessible .

A copy of the validation report was submitted with the Development Application and referred to NGH Contaminated Land Consultants. The consultant concluded that based on the findings of the PSI 2017 and the VR 2018, Lot 1 DP732067 and Lot 2 DP122075 , known contamination has been removed and the site soils now comply with the adopted criteria for Residential A , Residential with Garden/Accessible soil, Table 1A (1) of NEPM 2013.

State Environmental Planning Policy (Building Sustainability index BASIX) 2004

State Environmental Planning Policy - Building Sustainability Index BASIX 2004 (BASIX SEPP) applies to the development . The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote more sustainable development .

This application is accompanied by Multi Dwelling BASIX certificate No 1251372M issued by Rob Pickett Design dated 4 November 2021. The Certificate demonstrates the proposed development satisfies the relevant water , thermal and energy commitments as required by the BASIX SEPP subject to the recommended conditions of consent.

State Environmental Planning Policy (Housing) 2021

The principles of this Policy are as follows—

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) mitigating the loss of existing affordable rental housing.*

The provisions of Part 5, Housing for Seniors and people with a disability (Housing SEPP) ,apply to this development .

The proposed development is permissible with Development consent under Part 5 Clause 81, of the Housing SEPP.

Part 5 , Clause 89 (2) Housing SEPP states that the use of ground floor of Seniors Housing in business zones that fronts a street will not be used for residential purposes. Clause 89.4 does not apply if another Environmental Planning Instrument permits the user of the ground floor of the building for residential purposes . The Deniliquin Local Environmental Plan 2013 permits dwellings in the B2 zone.

The application has been assessed against the relevant provisions of the Part 5, Housing for seniors and people with a disability , State Environmental Planning Policy (Housing) 2021 as follows;

Part 5**Division 3 SEPP(Housing)2021****Development standards - Division 84-92**

84.The site areas is at least 1000m2	-	Land area is 22000m2
The frontage of the site area is at least 20m measured at the building line	-	Frontage exceeds 20 metres
For development of land in a residential zone where residential flat buildings are not permitted	N/A	Land is zoned B2 Local Centre
Servicing equipment	<p><i>a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i></p> <p><i>(b) be limited to an area of no more than 20% of the surface area of the roof, and</i></p> <p><i>(c) not result in the building having a height of more than 11.5m.</i></p>	Single storey dwellings only- minimal service equipment will not be intrusive on view and can be adequately screened if required.
85. 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.	<i>Schedule 4 assessment</i>	See table of assessment for Schedule 4 matters
86.Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5	N/A	Land is zoned B2 Local Centre
87.Additional floor space ratios	N/A	Land is zone B2 Local Centre

88.Restrictions on occupation of seniors housing	<p><i>Development permitted under this Part may be carried out for the accommodation of only the following;</i></p> <p><i>(a)Occupation of the accommodation of which this development relates will be limited to ;</i></p> <p><i>Seniors or people who have a disability,</i></p> <p><i>(b) people who live in the same household with seniors or people who have a disability,</i></p> <p><i>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</i></p>	<p>Occupation of the accommodation of which this development relates will be limited to ;</p> <p>Seniors or people who have a disability,</p> <p>people who live in the same household with seniors or people who have a disability,</p> <p>staff employed to assist in the administration and provision of services to housing provided under this Part.</p>
89. Use of ground floor of seniors housing in business zones	<p><i>Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.</i></p>	<p>Does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes.</p> <p>Dwellings are permitted in the B2 zone under the Deniliquin LEP 2013.</p>
90.Subdivision	N/A	The land is not proposed to be subdivided
91. Fire sprinkler systems in residential care facilities	N/A	This applies to residential care facilities only. The proposed development is for independent living dwellings
92. Development on land used for the purposes of an existing registered club	N/A	The development is not related to an existing registered club

Division 4 SEPP (Housing) –2021 -Site -related requirements

93. Location and access to facilities and services— independent living units	<i>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—</i>	<p>Facilities and services and transport are located at a distance of not more than 400m from the site, Transport services are available to residents on site by Intereach Community Transport, Courtesy car, taxis and Town bus service+ The distance is accessible by means of a suitable access pathway, and The gradient along the pathway complies with subsection (4)(c).</p> <p>The site is located within 400m of the CBD with facilities and services including shops, retail and commercial services, Library, banking facilities and parklands. Also located to the South west of the site within 400 metres is Intereach which is a major community organisation providing support to people with disability and older persons.</p>
94. Location and access to facilities and services— residential care facilities	N/A	The DA does not relate to residential care facilities
95. Water and sewer	<i>The development must (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage</i>	Reticulated Water and Sewer Infrastructure are available to service the development
96. Bush fire prone land	N/A	The land is not identified as Bushfire prone land on the Certified Bushfire prone land map

Division 5 SEPP (Housing) 2021- Design requirements

97. Design of in-fill self-care housing	N/A	The site is a greenfield site for individual independent living development.
98. Design of seniors housing	Consideration of Design Principles Division 6 must be given	Adequately meets design principles. Considered satisfactory

99. Neighbourhood amenity and streetscape	<i>recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation</i>	N/A
	<i>recognise the desirable elements of— (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, and</i>	The development in the proposed location is not out of character with the existing area. The site is located adjacent to the site is a single storey residential aged care facility. with landscaped surrounds. The proposed single storey independent living dwellings and proposed landscaping treatments are in keeping with existing development in the area.
	<i>complement heritage conservation areas and heritage items in the area, and</i>	The proposed site is not within a Heritage conservation area and there are no Items of Environmental Heritage in near proximity to the development
	<i>maintain reasonable neighbourhood amenity and appropriate residential character by—</i>	The dwellings have sufficient setback that reduce the bulk of the buildings and any overshadowing The landform is a flat level site and dwellings proposed are

	<p><i>(i) providing building setbacks to reduce bulk and overshadowing, and</i></p> <p><i>(ii) using building form and siting that relates to the site's land form, and</i></p> <p><i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</i></p> <p><i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p>	<p>single storey brick veneer with landscaped surrounds that relate to the simplicity of the site.</p> <p>All buildings adjacent to the site are single storey . The proposed development is compatible in scale .</p> <p>No buildings are proposed to be located on the boundary</p>
	<p><i>set back the front building on the site generally in line with the existing building line, and</i></p>	<p>The dwellings are setback approximately 5 metres from the internal roadway . This is in line with the required residential set back for single dwellings</p>
	<p><i>include plants reasonably similar to other plants in the street, and</i></p>	<p>The landscaping will be undertaken with drought tolerant varieties and sympathetic to the existing landscaping in the area.</p> <p>A landscaping plan has been provided for the development which includes garden beds, turf and tree plantings to beautify the site which is currently vacant and largely devoid of any vegetation.</p>
	<p><i>retain, wherever reasonable, significant trees, and</i></p>	<p>No trees are proposed to be removed.</p>
	<p><i>prevent the construction of a building in a riparian zone.</i></p>	<p>N/A</p>
100 Visual and acoustic privacy	<p><i>using appropriate site planning, including considering the location and design of windows and balconies, the</i></p>	<p>Each dwelling is single storey and located with sufficient setback to other dwellings in</p>

	<p><i>use of screening devices and landscaping, and</i></p> <p><i>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i></p>	<p>the precinct to provide for visual and acoustic privacy</p>
<p>101 Solar access and design for climate</p>	<p><i>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</i></p> <p><i>(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.</i></p>	<p>The development has a northern and eastern siting where future residents will have the appropriate solar to windows and private open space. The development has been sited where there is no impact to adjoining residential properties</p> <p>Siting of dwellings is to the north and east where it is considered the best practicable use of solar for the development.</p>
<p>102. Stormwater</p>	<p><i>The design of seniors housing should aim to—</i></p> <p><i>(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</i></p> <p><i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i></p>	<p>Engineering plans addressing the stormwater and drainage have been submitted with the application. Stormwater from dwellings and other hardstand areas will be piped from the site to Council's stormwater infrastructure system.</p>

103. Crime prevention	<p><i>(a) be designed in accordance with environmental design principles relating to crime prevention, and</i></p> <p><i>(b) provide personal property security for residents and visitors, and</i></p> <p><i>(c) encourage crime prevention by—</i></p> <p><i>(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</i></p> <p><i>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</i></p> <p><i>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i></p>	<p>The development has been designed with frontage to Poictiers Street which allows surveillance from the street.</p> <p>All dwellings are sited with frontage to the internal roadway of the development thereby allowing residents observation of public areas , driveways and roadway from each dwelling.</p>
104. Accessibility	<p><i>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</i></p> <p><i>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i></p>	<p>The development provides for internal road including pedestrian links from the site to Poictiers and Hardinge Street.</p> <p>Each dwelling is provided with a garage included additional space for visitor parking</p> <p>Additional on street parking is available to Poictiers Street</p>
105. Waste management	<p><i>should include waste facilities that maximise recycling by the</i></p>	<p>Each dwelling and future common area development</p>

	<i>provision of appropriate facilities</i>	will be provided with appropriate waste bins/facilities which will be managed in accordance with Councils kerbside collection requirements.
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Schedule 4 SEPP (Housing) 2021 - Standards concerning accessibility and usability for hostels and independent living units

Part 1: Standards applying to hostels and independent living units

1. Application of standards in this Part

The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units.

Standards		Comment
Wheelchair access	<p>1. <i>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</i></p> <p>(2) <i>If the whole of the site does not have a gradient of less than 1:10—</i></p> <p>(a) <i>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</i></p> <p>(b) <i>the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</i></p> <p>(3) <i>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.</i></p>	<p>The contour plans indicate that the site is level and flat .</p> <p>“Wheelchair access is provided by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents, to common facilities within the development and to dwellings</p>
Security	<p><i>Pathway lighting—</i></p> <p>(a) <i>must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</i></p> <p>(b) <i>must provide at least 20 lux at ground level.</i></p>	Satisfies standard

Letterboxes	<p><i>Letterboxes—</i></p> <p><i>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</i></p> <p><i>(b) must be lockable, and</i></p> <p><i>(c) must be located together in a central location adjacent to the street entry or, in the case of independent living units, must be located together in one or more central locations adjacent to the street entry.</i></p>	Satisfies standard
Private car accommodation	<p><i>If car parking (not being car parking for employees) is provided—</i></p> <p><i>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and</i></p> <p><i>(b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</i></p> <p><i>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</i></p>	<p>Carparking is provided to each dwelling by means of driveway</p> <p>A designated parking area for trailers is provided , No designated Carpark is proposed.</p> <p>Each dwelling will have an enclosed garage with a power operated door.</p>
Accessible entry	<p><i>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</i></p>	Satisfies Standard
Interior: general	<p><i>1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</i></p> <p><i>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</i></p> <p><i>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</i></p>	Satisfies Standard
Bedroom	<p><i>At least one bedroom within each dwelling must have—</i></p> <p><i>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows—</i></p>	Satisfies Standard

	<p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of an independent living unit—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least—</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</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, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	
Bathroom	<p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1—</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future—</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subsection (1)(c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	Satisfies Standard

Toilet	<i>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</i>	Satisfies Standard
Surface finishes	<i>Balconies and external paved areas must have slip-resistant surfaces. Note— Advice regarding finishes may be obtained from AS 1428.1.</i>	Satisfies Standard
Door hardware	<i>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</i>	Satisfies standard
Ancillary items	<i>Ancillary items Switches and power points must be provided in accordance with AS 4299.</i>	Satisfies Standard
Application of standards in this Part	<i>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.</i>	
Living room and dining room	<i>(1) A living room in an independent living unit must have— (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</i>	Satisfies Standard
Kitchen	<i>A kitchen in an independent living unit must have— (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a circulation space at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299— (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5(a), (ii) a tap set (see clause 4.5.6),</i>	Satisfies Standard

	<p><i>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</i></p> <p><i>(iv) an oven (see clause 4.5.8), and</i></p> <p><i>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</i></p> <p><i>(e) general power outlets—</i></p> <p><i>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</i></p> <p><i>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</i></p>	
Access to kitchen, main bedroom, bathroom and toilet	<i>In a multi-storey independent living unit, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</i>	N/A
Lifts in multi-storey buildings	<i>In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia</i>	N/A
Laundry	<p><i>An independent living unit must have a laundry that has—</i></p> <p><i>(a) a circulation space at door approaches that complies with AS 1428.1, and</i></p> <p><i>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</i></p> <p><i>(c) a clear space in front of appliances of at least 1,300 millimetres, and</i></p> <p><i>(d) a slip-resistant floor surface, and</i></p> <p><i>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</i></p>	Satisfies Standard
Storage for linen	<i>An independent living unit must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</i>	Satisfies Standard

Garbage .	<i>A garbage storage area must be provided in an accessible location</i>	Satisfies Standard
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Deniliquin Local Environmental Plan 2013

The relevant Local Environmental Plan applying to the site is the Deniliquin Local Environmental Plan 2013 .

The site is zoned B2 (Local Centre), Residential accommodation , Seniors Housing is not permissible in the B2 zone under the Deniliquin LEP 2013, however is permissible under the State Environmental Planning Policy (Housing) 2021.

The proposed development is permissible with Development consent under Part 5 , Clause 81.of the Housing SEPP.

Part 5 , Clause 89 (2) Housing SEPP states that the use of ground floor of seniors housing in business zones that fronts a street will not be used for residential purposes.

Clause 89.4 states subsection (2) does not apply if another Environmental Planning Instrument permits the user of the ground floor of the building for residential purposes .

The Deniliquin Local Environmental Plan permits dwellings in the B2 zone.

Deniliquin Development Control Plan 2016

Chapter 3 Commercial Zones , relates to the proposed development .

3.10 RESIDENTIAL DEVELOPMENT IN A COMMERCIAL ZONE

The following controls apply to ‘residential accommodation’ developments that are permissible with consent under the provisions of the LEP 2013 within a commercial zone.

The types of residential accommodation development permissible within a commercial zone include shop-top housing and dwelling houses within the B2 Local Centre zone.

Objectives

- a. Promote a diverse range of housing options.*
- b. Enhance the vitality of the CBD by allowing compatible residential development.*
- c. Promote mixed use development within close proximity to services and facilities.*

Controls

- 1. Residential development within a commercial zone must comply with car parking and access provisions of chapter 2.*
- 2. Residential development within a commercial zone must comply with the private open space, safety and security, and privacy controls in Chapter 2.*
- 3. New buildings must be compatible with the scale and character of adjoining developments or the intended built character for the area.*
- 4. If the residential development forms part of a mixed development, separate entrances must be provided for the residential and non-residential components of the development*

The proposed development complies with the objectives and controls contained within the Deniliquin Development Control Plan 2016

b) The likely impacts of the development including environmental impacts on both the natural and built environments and social and economic impacts on the locality

Natural Environment

The proposed development is unlikely to result in adverse impacts to the natural environment. The proposed landscape solution for the development aims to create a coherent and formal landscaping design that will improve the visual quality of the immediate environment , the streetscape and site itself.

Built Environment

The proposed development is unlikely to result in adverse impacts to the built environment. The architectural design, use of high quality materials and finishes will create a positive contribution to the streetscape.

Social Impact

The proposed development will have no adverse social impact. The development of the Seniors housing precinct will fulfil a much needed housing requirement in the area by providing new options for seniors accommodation.

Economic Impact

The proposed development will have no adverse economic impacts. Through the construction phase the development will ensure employment in this industry in the short term and opportunities for ongoing employment for ground and building maintenance if this development is approved.

(c) the suitability of the site for the development

This site generally free of constraints which would make it unsuitable for this development. The site is located with good access to facilities, amenities and transport. The site has access to adequate water, sewer and stormwater infrastructure.

Having regard to its size, shape, topography, vegetation and relationship to adjoining developments, the subject site does not contain any impediments that would preclude it or compromise its suitability for the intended land use as proposed.

The development will not adversely affect the amenity of adjoining properties and will not negatively affect the character and nature of the neighbourhood.

(d) Any submissions made in accordance with this Act or the regulations

There were no submissions received during the exhibition of the development.

(e) The public interest

The proposed development is considered to be in the public interest as it does not adversely impact the existing amenity or streetscape of the area.

The development will provide seniors specific housing, being independent living units, a housing type which is currently not available to the community.

The development meets the objectives of the SEPP (Housing) and a community need for additional housing as identified in the Edward River Local Strategic Planning Statement

Conclusion

The application has been assessed accordance with the requirements of the Environmental Planning & Assessment Act and the Regulations as outlined in this report. The proposed Seniors Housing is permissible with consent under the provisions of Part 5 , Clause 81.of the Housing SEPP. State Environmental Planning policy (Housing) 2021.

The development is generally consistent with the State Environmental Planning Policy (Housing) 2021 and appropriately meets considerations for design, access to facilities , services and transport and suitability of the site for the proposed development. The development will increase the supply of suitable housing for seniors and people with a disability.

Overall having regard to the matters for consideration under 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant matters discussed within this report it is considered appropriate that the development be recommended for approval subject to the recommended conditions of consent in Attachment 1.

Recommendation

That Development Application 124/21 for Seniors Housing Precinct comprising of 32 independent living dwellings, community centre building and trailer parking compound at Lot 1 DP 732067, Lot 2 DP1220715384-392 Poictiers Street. Deniliquin, be approved subject to the recommended conditions of consent in Attachment 8.