Statement addressing SEPP (Housing for Seniors or People with a Disability) 2004 site compatibility criteria for the site at St Patricks, Kogarah		
Clause/provision	Comment	Compliance
PART 2 – SITE RELATED REQUIREMENTS		
24 Site compatibility certificates required for certain development applications		
(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if: *(a) the development is proposed to be carried out on any of the following land to which this Policy applies:* *(i) land that adjoins land zoned primarily for urban purposes,* *(ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),* *(iii) land that is used for the purposes of an existing registered club, or* *(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*	The land is located within zone SP2 Special Uses (Educational Establishment). Accordingly, a site compatibility certificate is required.	YES
(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.	The proposal is not permissible with consent under the existing land use zone.	N/A
(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion: *(a) the site of the proposed development is suitable for more intensive development, and*	For reasons discussed within the Site Compatibility Certificate request application the site is considered to be suitable for the proposed development and compatible with the surrounding environment having regard to the	YES

(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).	criteria specified in clause 25.	
25 Application for site compatibility certificate		
(1) An application for a site compatibility certificate for the purposes of clause 24 may be made to the Director-General: *(a) by the owner of the land on which the development is proposed to be carried out, or* *(b) by any other person, with the consent of the owner of that land.* *(2) An application must be:* *(a) in writing, and* *(b) in the form (if any) approved by the Director-General from time to time, and* *(c) accompanied by such documents and information as the Director-General may require.*	The landowner has provided consent to lodge the application to the Department of Planning and Infrastructure for a Site Compatibility Certificate under *SEPP (Housing for Seniors with a Disability) 2004*.	YES
(5) The Director-General must not issue a site compatibility certificate unless the Director-General: *(a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and* *(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:* *(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,* *(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,* *(iii) the services and infrastructure that are or will be available to meet the*	The attached request discusses the suitability of the proposed development against the compatibility of the proposal with surrounding land uses with regards clause (b) (i), (ii), (iii), (iv), (v) and (vi). In particular: • The site does not contain any significant environmental values, resources or hazards which would prevent the use of the land for housing for seniors people; • The site is located within accessible walking distance of the Kogarah town centre, medical services and frequent bus services;	YES

demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision, *(iv) in the case of applications in relation to land that is zoned open space or special uses-the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,* *(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,* *(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 -the impact that the proposed development is likely to have on the conservation and management of native vegetation.*	• The proposal is considered to be consistent in bulk, scale and built for and character of the existing, proposed and future uses of land within the facility of the development; • No clearing of native vegetation is required that would be subject to the requirements of section 12 of the *Native Vegetation Act 2003*. Refer to the Master Plan in Attachment 2 for more details.	
(6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.	The proposal is not considered to have any adverse impacts upon the surrounding environment for reasons discussed in the attached request information.	YES
26 Location and access to facilities		
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: *(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and* *(b) community services and recreation facilities, and* *(c) the practice of a general medical practitioner.*	The site is within (the Kogarah town centre and within 400m of shops, bank services, other retail and commercial services. The site is also within 200m walking distance of Kogarah public and private hospital. The Kogarah railway station is within 700m on a relatively level walk.	YES

(2) Access complies with this clause if: *(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:* *(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,* *(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,* *(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or* *(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:* *(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and* *(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and* *(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),* *and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or* *(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division-there is a transport service available to the residents who will occupy the proposed development:* *(i) that is located at a distance of not more than 400 metres from the site of*	• The proposed development site is within the Kogarah Town Centre which is an entirely walkable neighbourhood.. The centre provides a range of shops, bank service providers, other retail and commercial services, community and recreation facilities. • The Kogarah public and private hospitals are within 200m walking distance from the proposed development site (Refer to the locational diagram provided within the master plan report); • Kogarah train station is within 700m walking distance away from the proposed development site which provides access to a further choice of services; • The Kogarah town centre and local medical facilities are accessible by means of a suitable access pathway with a slope less than 1:12. • Bus services No 476 (Dolls Point via Ramsgate), 477 (Miranda via Ramsgate), 947 (Hurstville via Ramsgate and Dolls Point) and 958 (Rockdale Plaza) are all located with 400m walking distance of the proposed development site and accessible by means of a suitable access pathway; and • Each bus route mentioned above will provide at least one bus service between	YES

the proposed development and the distance is accessible by means of a suitable access pathway, and *(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and* *(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),* *and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*	the hours of 8am and 12pm and 12pm and 6pm Monday to Friday.	
(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable: *(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,* *(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,* *(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*	The area is relatively flat and gradients along a suitable access pathway to the transport in close proximity will be able to be achieved.	YES
(4) For the purposes of subclause (2): *(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* *(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.*	The access pathways to the town centre, medical facilities and bus services would be suitable for walking, an electric wheelchair, motorised scooter or the like.	YES
(5) In this clause: *"bank service provider" means any bank, credit union or building society or any post office that provides banking services.*	SCU Bank is within 270m walking distance and the main retail precinct of the Kogarah town centre is within 400m which provides a range of	YES

	services regularly accessed by the elderly.	
27 Bush fire prone land		
(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Actas "Bush fire prone land-vegetation category 1", "Bush fire prone land-vegetation category 2" or "Bush fire prone land-vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bush Fire Protection, ISBN 0 9751033 2 6* , prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.	The site is not categorised as being category 1 or 2 bushfire prone land.	N/A
(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land-vegetation category 1", "Bush fire prone land-vegetation category 2" or "Bush fire prone land-vegetation buffer", must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following: *(a) the size of the existing population within the locality,* *(b) age groups within that population and the number of persons within those age groups,* *(c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,* *(d) the number of schools within the locality and the number of students at those schools,* *(e) existing development within the locality that has been carried out under this Policy or State Environmental Planning Policy No 5-Housing for Older People or People with a Disability ,* *(f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were*	The site is not categorised as being category 1 or 2 bush fire prone land.	N/A

a need to evacuate persons from the locality in the event of a bush fire, *(g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,* *(h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,* *(i) the requirements of New South Wales Fire Brigades.*		
(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.	Not relevant.	N/A
28 Water and sewer		
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The site can be adequately serviced by connection to existing water and sewage services in the area.	YES
(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.	The site can be adequately serviced by reticulated water and sewage services.	YES
PART 3 – DESIGN REQUIREMENTS		
Site analysis		
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	The master plan report (which includes architectural plans) provides this information and will be submitted at DA stage in accordance with the clause.	YES

33 Neighbourhood amenity and streetscape		
The proposed development should: *(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and* *(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* *(c) maintain reasonable neighbourhood amenity and appropriate residential character by:* *(i) providing building setbacks to reduce bulk and overshadowing, and* *(ii) using building form and siting that relates to the site's land form, and* *(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and* *(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and* *(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, and* *(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and* *(f) retain, wherever reasonable, major existing trees, and* *(g) be designed so that no building is constructed in a riparian zone.*	The master plan report (which includes architectural plans) discusses the contextual appropriateness of the use of the site for seniors housing in regard to neighbourhood amenity, streetscape, built form and landscaping.	YES
34 Visual and acoustic privacy		
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: *(a) appropriate site planning, 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.*	The master plan has considered the visual and acoustic privacy of surrounding properties.	YES

35 Solar access and design for climate		
The proposed development should: *(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and* *(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.*	Shadow diagrams have been provided within the master plan report, which demonstrates adequate day lighting to main living areas and private open space has been considered.	YES
36 Stormwater		
The proposed development should: *(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and* *(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*	The proposal will be designed to minimise the impacts of stormwater runoff at DA stage.	YES
37 Crime prevention		
The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: *(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and* *(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and* *(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*	The proposal will be designed to comply with the control and the principles of Crime Prevention Through Environmental Design (CPTED) at DA stage.	YES

38 Accessibility		
The proposed development should: *(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and* *(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*	Accessibility to the site and surrounds will be obvious, attractive and safe and has been discussed within the attached master plan report and development proposal information.	YES
39 Waste management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposal will provide appropriate waste management facilities at DA stage.	YES
PART 4 - DEVELOPMENT STANDARDS TO BE COMPLIED WITH		
40 Development standards-minimum sizes and building height		
(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.	The proposal will be able to comply with the standards specified within this clause.	YES
(2) Site size The size of the site must be at least 1,000 square metres.	The site is at least 1,000m^2	YES
(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The site frontage is greater than 20m	YES
(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:	Not applicable.	N/A