

## Annexure 2 – SEPP (Housing for Seniors or People with a Disability) 2004

The following table provides an assessment of the relevant clauses of SEPP (Housing for Seniors or People with a Disability) 2004:

<b>SEPP (Housing for Seniors or People with a Disability) 2004</b>		
<b>Provision</b>	<b>Response</b>	<b>Compliance</b>
<i>Clause 4 Land to which Policy applies</i>	The Policy applies to land that is zoned primarily for urban purposes (B3 Commercial Core) only if certain land uses are permitted on the land. In this instance, the applicant relies on a hospital being permitted under SEPP (Infrastructure) 2007, for this Policy to apply. The application of the Policy using a third environmental planning instrument that is contrary to Lane Cove Local Environmental Plan 2009, has been reviewed in detail, and the Policy is considered to apply. The SEPP anticipates permissibility on commercially zoned land by way of Clause 19.	Yes
<i>Clause 13 Self-contained dwellings</i>	The form of seniors housing proposed is self-contained dwellings, further defined as in-fill self-care housing.	Yes
<i>Clause 18 Restriction on occupation of seniors housing allowed under this Chapter</i>	A draft recommended condition limiting the persons able to be accommodated and placing a restriction on title is proposed to satisfy Clause 18 ( <b>refer to draft recommended condition 12</b> ).	Yes
<i>Clause 19 Use of seniors housing in commercial zones</i>	The SEPP requires non-residential uses at the ground floor on land zoned primarily for commercial purposes. The proposal has been amended by the applicant to wholly provide commercial floor space at the ground floor level. Use of the floor space would be subject to separate approval ( <b>refer to draft recommended condition 13</b> ).	Yes
<b>Part 2 Site Related Requirements</b>		
<i>Clause 26 Location and access to facilities</i>	The SEPP requires the development be provided access to facilities (including shops, community services and a general medical practitioner).  The proposal relies on Clause 2(b) which allows for access to be satisfied in Greater Sydney if there is public	Yes

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	<p>transport service available to the facilities required.</p> <p>The applicant submitted further information in an 'Amended Accessibility Assessment' by BCA Logic dated 7 July 2020. <b>(See Annexure 8 to this report).</b></p> <p>The report demonstrates the bus services available to the front of the site will satisfy the gradient, timetabling and facility access provisions of Clause 26.</p>	
<i>Clause 27 Bush fire prone land</i>	The site is not identified as bushfire prone. Accordingly, Clause 27 does not apply to the subject proposal.	N/A
<i>Clause 28 Water and Sewer</i>	The subject site is located within an established residential / commercial area that has access to adequate facilities for the disposal or removal of sewage. The proposed development is capable of being connected to a reticulated water system and infrastructure for the provision of sewage. Necessary arrangements will be made with Sydney Water for connections to the water / sewer system.	Yes
<i>Clause 30 – Site analysis</i>	<p>The preliminary assessment of the submitted Site Analysis raised concerns Clause 30(4)(c)(d) and (e) in relation to view impact analysis, level differences due to insufficient section drawings (number and lack of natural ground level) and the height and location of walls on boundaries.</p> <p>The applicant provided additional Site Analysis documentation through Drawing DA1.01, DA1.04, DA1.03C and DA1.03D to now provide for the information required by Clause 30. The Site Analysis documentation is contained within the final architectural package <b>(See Annexure 4 to this report).</b></p>	Yes
<i>Clause 31 - Design of in-fill self-care housing</i>	The proposal is for the purpose of in-fill self-care housing. The proposed development has taken into consideration the provisions of the	Yes

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	<i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	
<i>Clause 32 – Design principles</i>	The consent authority must be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 (Clause 33 to 39 – see below).	Yes
<b>Clause 33 – Neighbourhood Amenity and Streetscape</b>		
<i>(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</i>	The current local planning controls applying to the site would allow for/anticipate redevelopment of the subject site. An assessment of the proposal has demonstrated that the height, setbacks/separation, will positively contribute to the quality and identity of the area.	Yes
<i>(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,</i>	The site is not located within a heritage conservation area or in close proximity to any existing heritage items.	N/A
<i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site’s land form, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> <i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i>	The proposal provides reasonable neighbourhood amenity and appropriate residential character as follows: <ul style="list-style-type: none"> <li>• A building setback of 9m is provided to the southern boundary over and above the DCP and ADG requirements (6m at Level 1 to 4) to reduce bulk and scale;</li> <li>• The front setback to Greenwich Road was increased by the applicant during the assessment to between 6.5m and 8.0m in keeping with the adjoining residential areas character to the south (despite Council’s commercial planning controls allowing for a 5.0m setback).</li> <li>• The rear boundary building separation (and building setback) was increased to 9m (Level 1 to Level 4) and 12m (Level 5 to Level</li> </ul>	Yes

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	<p>8) in accordance with ADG requirements for building separation at a transition point to a low-density zone.</p> <ul style="list-style-type: none"> <li>• The building height adopted at the street frontage is generally in accordance with local planning controls (25m), transitions between 154 Pacific Highway and 4 Greenwich Road, and the rooftop structures above the 25m will not be visually discernible at the street frontage.</li> <li>• Clause 33(iv) is not applicable.</li> </ul>	
<i>(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</i>	The proposed setback was increased to be between 6.5m-8.0m through amended plans (Revision 3). The setback is greater than the existing building line, and greater than the average street setback of 6.36m (as shown in the applicant's Site Analysis drawing no. DA1.04) , and is in keeping with the desired future character for residential flat buildings along Greenwich Road (7.5m with a 500mm allowance for articulation to 7.0m). The majority of the building is behind the 7.5m setback line. Accordingly, the proposal satisfies Clause 33(d).	Yes
<i>e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i>	Council's Landscape Assessment Officer has reviewed the streetscape planting (as shown in Drawing No. 08-20.31 in the Landscape Drawings) and is satisfied the retention of existing street tree planting (mature and free of electricity pole/line affectation), in combination with the proposed front setback on-structure and deep soil planting would result in a compliant streetscape presentation.	Yes
<i>(f) retain, wherever reasonable, major existing trees, and</i>	The proposal seeks consent for the removal of 16 tree. Council's Tree Preservation Officer comments that the site contains few trees worthy of retention. Council's Tree Preservation Officer is of the view that of the 14 trees proposed to be removed along the southern boundary, they are of low value, and the combination of proposed	Yes

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	canopy and understorey trees would provide a better outcome in the long term. The proposal reasonably retains major existing trees.	
<i>(g) be designed so that no building is constructed in a riparian zone.</i>	The site is not located on a riparian corridor.	Not applicable.
<b>Clause 34 – Visual and Acoustic Privacy</b>		
<i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i>		
<i>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping,</i>	<p>The proposal fully complies with the building separation requirements of the ADG and accordingly suitable visual privacy are considered to be provided.</p> <p>Notwithstanding, the proposal includes additional measures to further improve visual privacy for residents and neighbours as follows:</p> <ul style="list-style-type: none"> <li>• Privacy screens are proposed along the northern elevation to provide privacy for residents from the adjoining commercial building; and</li> <li>• Privacy screens are proposed along the southern elevation where directly interfacing (at eye-level) No. 4 Greenwich Road including the commercial level and Level 1 immediately above.</li> </ul>	Yes
<i>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i>	<p>The proposal provides for suitable separation of bedrooms from driveways, parking areas and paths principally through the provision of a commercial level at the ground level (drawing no. DA2.05) to provide vertical separation to the bedrooms on Level 1 above.</p> <p>Further, the noise levels in dwellings are considered acceptable as outlined in the submitted Acoustic Report prepared by Acoustic Logic and dated 24 April 2020 <b>(See Annexure 12 to this report).</b></p>	Yes
<b>Clause 35 – Solar Access and Design for Climate</b>		

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<i>(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</i>	The proposal as amended provides for adequate daylight to main living areas and substantial areas of private open space for residents of the development as well as neighbours in the vicinity. Refer to ADG assessment for numerical assessment of solar access ( <b>See Annexure 3</b> ).	Yes
<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>The proposal provides ground-plane, vertical and roof-top landscaping to reduce energy use. The proposal was accompanied by a BASIX Certificate to comply with minimum sustainability provisions for dwelling design.</p> <p>The site to the north (large commercial building) mean generally windows of living and dining areas are not proposed directly north facing. Notwithstanding, the proposal seeks to provide maximum solar access within the site constraints, noting additional amenity is received to the south through the outlook.</p>	Yes
<b>Clause 36 – Stormwater</b>		
<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,</i>	<p>The proposal was accompanied by a Stormwater Management Plan by Marchese Partners (<b>See Annexure 19 to this Report</b>) which captures roofwater and surface stormwater runoff.</p> <p>More directly to the design examples of the SEPP, the proposal provides reasonable deep soil landscape buffers to the adjoining residential properties (3m to the south, 6m to the east).</p>	Yes
<i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i>	A new 45m <sup>3</sup> OSD tank is proposed in the south eastern of the site designed in accordance with Council's DCP.	Yes
<b>Clause 37 – Crime Prevention</b>		
<i>(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</i>	The proposed development has been designed to allow for active uses on the ground level (commercial) and apartments above to provide appropriate security, while allowing for	Yes

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<i>from a dwelling that adjoins any such area, driveway or street, and</i>	an appropriate level of passive surveillance. Notwithstanding, a recommended draft condition is proposed to ensure glazing remains clear to the ground-floor level facing Greenwich Road ( <b>Refer to draft condition 14</b> ).	
<i>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</i>	Shared entries are provided in the form of lobby areas on each residential floor. The development proposes 5 to 7 dwellings per lobby which is consistent with ADG requirements. Dwellings would be lockable and presumably lift access will also be controlled.	Yes
<i>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i>	The development would include secure access which would enable residents to control who approaches their dwellings.	Yes
<b>Clause 38 – Accessibility</b>		
<i>The proposed development should:</i>		
<i>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i>	The front setback of the proposed development would provide appropriate landscaping to provide safe and amenable paths of travel for residents, staff and visitors. A public bus stop is located directly outside the site on Greenwich Road which would provide access to local facilities.	Yes
<i>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i>	The proposed development provides distinct pedestrian and vehicular access points, improving safety across the site. The entry lobby to the proposed development has been appropriately delineated from the driveway entrance through landscaping and the inclusion of a 'plaza'.  Resident, visitor and staff car parking access is provided via the existing driveway along the northern boundary to the 3 levels of basement car parking. The car parking arrangement would be secure and convenient, with internal lift access provided to residents, visitors and staff.	Yes

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<b>Clause 39 – Waste Management</b>		
<i>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities</i>	Dedicated waste management rooms and facilities have been incorporated within the proposed development, including separate residential and commercial waste storage areas in the basement levels.	Yes
<b>Clause 40 – Development Standards</b>		
<b>Site Size – Minimum 1,000sqm</b>	2,140m <sup>2</sup>	Yes
<b>Site Frontage – Minimum 20m</b>	43.5m	Yes
<p><b>Height zones where residential flat buildings are not permitted</b>  <i>If the development is proposed in a residential zone where residential flat buildings are not permitted:</i></p> <ul style="list-style-type: none"> <li>- the height of all buildings in the proposed development must be 8 metres [as defined within the Seniors Housing SEPP] or less, and</li> <li>- a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</li> <li>- a building located in the rear 25% area of the site must not exceed 1 storey in height.</li> </ul>	Not applicable – The development standard does not apply as the development is not proposed in a <u>residential zone</u> where residential flat buildings are not permitted. That is, while residential flat buildings are not permitted in the B3 Commercial Core zone, the zoning is a commercial zone, and therefore the development standard does not apply.	N/A
<p><b>Clause 41 – Standards for hostels and self-contained dwellings</b>  <i>A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.</i></p>	The proposal is for self-contained dwellings and accordingly Clause 41 applies in this instance. development complies with Schedule 3 as detailed in the applicant's 'Amended Accessibility Assessment' by BCA Logic dated 7 July 2020. <b>(See Annexure 8 to this report).</b> The report has reviewed the plans in detail and states that compliance is readily achievable. Notwithstanding, a draft recommended condition of consent is proposed to ensure compliance with Schedule 3 is demonstrated prior to the issue of the relevant Construction Certificate <b>(refer to draft condition 15).</b>	Yes

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<p><b>Clause 50 – Standards that cannot be used to refuse development consent for self-contained dwellings</b>  <i>Note: The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent</i></p>		
<p>(a) <b>building height:</b> <i>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), or</i></p>	<p>The proposed development has a maximum building height of 25.75m when calculated under the SEPP definition of building height. The proposed residential levels comply (max 25m) with the local planning provisions. The rooftop toilet does not comply with local planning provisions (max 2.75m) Given residential-level compliance with the local planning provisions, and the toilet being provided at the request of Council, there is sufficient grounds to approve the proposed height above the 'do not refuse' standards within the SEPP.</p>	<p>Satisfactory on merit. See section 5.1.1.1.2 of the report for further detail.</p>
<p>(b) <b>density and scale:</b> <i>if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</i></p>	<p>The proposed GFA calculated under the SEPP is 2.99:1. The proposal complies with the local planning provisions but does not meet the do not refuse standard of the SEPP. Given compliance with the local planning provisions, there is sufficient grounds to approve the proposed FSR above the 'do not refuse' standards within the SEPP.</p>	<p>Satisfactory on merit. See section 5.1.1.1.1 of the report for further detail.</p>
<p>(c) <b>landscaped area:</b> <i>if:</i></p> <p>(i) <i>in the case of a development application made by a social housing provider – a minimum of 35 square metres of landscaped area per dwelling is provided; or</i></p> <p>(ii) <i>in any other case – a minimum of 30% of the area of the site is to be landscaped</i></p>	<p>The SEPP defines landscaped area as follows:</p> <p><b>landscaped area</b> <i>means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.</i></p> <p>Excluding the parking and building areas, the proposed landscaped area is 43%. The applicant submitted a diagram supplementing the architectural plan package (shown below in Figure 1) to detail this calculation.</p>	<p>Yes</p>

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<p><i>(d) <b>Deep soil zones:</b> if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the <b>deep soil zone</b>). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</i></p>	<p>Deep soil proposed is 18.5%. The deep soil areas are well-located with 2/3rds adjacent to the eastern rear boundary (with a minimum 6m dimension) and an area to the southern side boundary (with a minimum 3m dimension).</p>	<p>Yes</p>
<p><i>(e) <b>solar access:</b> if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p>	<p>42.5%</p>	<p>Satisfactory on merit. See section 5.1.1.1.3 of the report for further detail.</p>
<p><b>(f) private open space for in-fill self-care housing:</b> if:</p> <p><i>(i) in the case of a single storey dwelling or a dwelling that is located wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</i></p> <p><i>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</i></p>	<p>Complies. In the case of the subject development being in a commercial zone, the ground level is non-residential. However there is a lower-ground level, south and east facing, which includes units with large private open space areas meeting the requirements of the Seniors SEPP.</p> <p>Balconies above the ground floor for 1 bedroom units range between 11.8m<sup>2</sup> and 11.9m<sup>2</sup>. Balconies above the ground floor for 2+ bedroom units range between 10.6m<sup>2</sup> and 35.3m<sup>2</sup>. All balconies are provided with either a 2m length/depth accessible from the living area.</p>	<p>Yes</p> <p>Yes</p>
<p><i>(d) <b>parking:</b> if at least the following is provided:</i></p>		

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<i>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</i>	Total bedrooms: 4 + 28 + 66 = 98 Total parking required: 49 Total parking provided: 53 (surplus of 4 spaces)	Yes
<i>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</i>	N/A	N/A

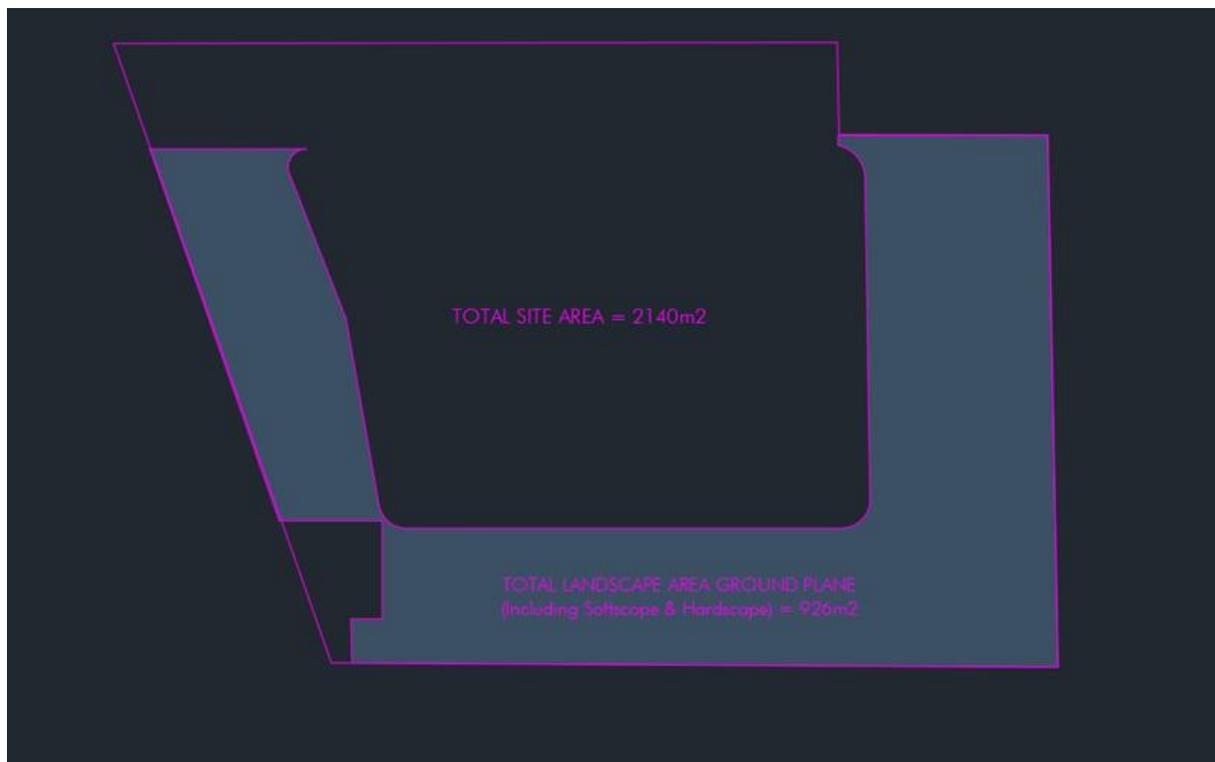


Figure 1: Landscaped Area Calculation