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BREAKFAST POINT – PROPOSED S75W APPLICATION

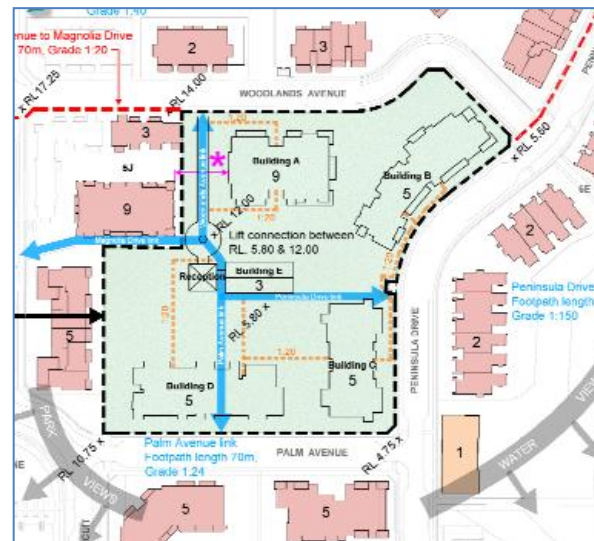
ASSESSMENT AGAINST STATE ENVIRONMENTAL PLANNING
POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A
DISABILITY) 2004

INTRODUCTION

This accompanies an application to amend the approved Concept Plan for Breakfast Point, made under s75W of the EPA Act 1979. That application involves incorporating Seniors Living in the former Seashores Precinct, within the envelopes approved for 4 buildings, and also involving the adaptive reuse of the former Plumbers Workshop building in the centre of the precinct for communal facilities associated with the proposed serviced self care housing facility.

The proposal incorporates a total GFA of 35,743sqm including 2404sqm of communal facilities with the former Plumbers Workshop Building. The 4 buildings accommodate 509 bedrooms, within 227 domiciles.

The precinct for the serviced self care housing facility is shown below, with the former Plumbers Workshop Building being Building E). The plan is schematic, noting the proposal relates to a Concept Plan, not a detailed design. **A Site analysis Plan is attached.** An extract is provided below:



The following table outlines an assessment of the proposal against the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

CLAUSE AND PROVISION	COMMENT
Chapter 1 Preliminary (Clauses 1-7)	
<p>Clause 2 The SEPP has the following aims:</p> <p>(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:</p> <p>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</p> <p>(b) make efficient use of existing infrastructure and services, and</p> <p>(c) be of good design.</p> <p>(2) These aims will be achieved by:</p> <p>(a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and</p> <p>(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and</p> <p>(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.</p>	<p>The proposal is consistent with all aims of the SEPP. The design of the buildings will follow in the detailed design stage, and the building forms will remain as approved. The proposal does not rely on provisions within the SEPP which allow Seniors Housing developments in zones where such development is not permitted. The proposed seniors housing use (as a serviced self care housing facility) is permitted in the current zone. Support services are provided in the former Plumbers Workshop Building.</p> <p>The SEPP applies to the land due to Clause 4, as the land is zoned for urban purposes and dwellings are permitted in the zone.</p> <p>Under Clause 5, in the case of an inconsistency with another EPI (eg Council’s LEP), the SEPP prevails.</p>
Chapter 2 Key Concepts (Clauses 8-13)	
<p>This Chapter provides the definitions and terms within the SEPP.</p> <p>Clause 10 states:</p> <p>In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p>	<p>For the purposes of the SEPP, the proposed seniors housing is a <i>serviced self care housing</i> facility. This is defined in the SEPP as:</p> <p><i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>



<p>(c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <ul style="list-style-type: none">(a) seniors or people who have a disability,(b) people who live within the same household with seniors or people who have a disability,(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.	<p>Meals will be available in a dining area in the adaptive reuse of the former Plumbers Workshop Building. Personal care and nursing care will be available on demand, with qualified staff on call. Similarly, cleaning services will be available through the central administration office in the former Plumbers Workshop Building. The fitout of the buildings and communal/care areas, and staffing, will be such to meet the needs of the senior occupants.</p> <p>The buildings will not be strata- titled.</p>
<p>Chapter 3 – Development for Seniors Housing</p>	
<p>Part 1: General Clause 18(2) states: A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <ul style="list-style-type: none">(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).	<p>The Clauses in this Part of the SEPP allowing Seniors Housing in certain zones or adjoining certain zones are not applicable as the proposal is permissible in the zone.</p> <p>A Condition requiring a restrictive covenant could be addressed through a condition of consent.</p> <p>The zone is not commercial, so Clause 19 does not apply.</p> <p>No strata subdivision is proposed and Clause 23 does not apply as the land does not contain a Registered Club.</p>
<p>Part 1A: Site Compatibility Certificates</p>	<p>Not applicable as the proposal is permissible.</p>



Part 2: Site-related Requirements

Clause 26 states:

(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.

(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).

Clause 26:

The proposed seniors living precinct will have access to shops, bank services and other retail services (eg supermarket, cafes, restaurants, liquor store, clothing etc), at the Village Centre within the Breakfast Point development. This is within 100-200m of the proposed seniors housing.

Within 400m of the seniors housing are also recreational facilities including the foreshore walk, village green, tennis courts and waterfront park. Communal facilities for the broader Breakfast Point community are also within 400m of the proposed seniors housing, including a child care centre, community meeting rooms, Village Green meeting place, communal recreation club and boatshed. This is in addition to the communal and care facilities that will be available in the former Plumbers Workshop Building for the senior occupants.

The village centre also contains a dentist, while arrangements are being finalised to secure a pharmacist. While a general practitioner does not exist on site at present, one will be sought if the seniors housing proposal is approved. Apart from this, it is noted the site is within the Sydney Statistical Division, and bus services within 400m of the site are available to such services. Concord Hospital is within 3km of the site, while further services are available close by at Rhodes.

The gradient requirements outlined in Clause 26 will be complied with. Levels are provided in the attached Site Analysis Plan. The nearest bus stop is within 200m of the seniors housing, on Tennyson Road, to routes 438, 439 and I38 and L39 as shown below (connecting Fivedock, Marrickville and the City). The services are regular (eg 6.40am-9.50pm), and buses have disabled access. The STA are considering providing buses into the site and the roads have been designed and constructed to accommodate State Buses. If this does not occur in the short term, it may be more likely in the medium to



Clause 29(2) states:

A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).

Clause 25(5)(b) cited above is:

The Director-General must not issue a site compatibility certificate unless the Director-General:

- (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 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.

longer term when the whole site has developed.



Clause 27 has provisions relating to bush fire prone land, while Clause 28 has provisions relating to water and sewer. The site is not bush fire affected, while the site is connected to reticulated water and sewer.

Clause 29

The surrounding residential and retail/community uses are compatible with the proposal. The site is serviced and located in an urban environment, within the “inner city”. The bulk and scale of the proposal, and surrounding buildings (existing and proposed) remain unchanged from the approved Concept Plan.



<p>Part 3: Design Requirements</p> <p>Division 1 – General Clause 30(1) states: 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</p> <p>Division 2 – Design principles Clause 33 - Neighbourhood amenity and streetscape Clause 34 – Visual and acoustic privacy Clause 35 – Solar access and design for climate Clause 36 – Stormwater Clause 37 – Crime Prevention Clause 38 - Accessibility Clause 39- Waste Management</p>	<p>A Site Analysis Plan has been prepared and is attached. Many of the matters referred to in the SEPP regarding matters to be considered in a Site Analysis Plan (such as site details, built form relationships, character, massing, heritage, linkages, open space and sensitive land) were considered, addressed and approved in the Concept Plan. The Site Analysis Plan concentrates on those matters of relevance to the proposed seniors housing proposal, appropriate for a Concept Plan modification.</p> <p>Similarly with neighbourhood amenity and streetscape, the proposal does not alter the building footprints, form, scale or approved envelopes. The massing appropriately relates to other buildings and the landscaped setting. No trees are required or proposed to be removed.</p> <p>In terms of privacy and solar access considerations in Clause 34-35 of the SEPP, the buildings are spaced and oriented to ensure sharing of amenity in terms of good solar access, with outlook and privacy carefully considered. Stormwater management will not be affected by the proposed modification. Crime Prevention can be appropriately considered at detailed design stage, while the buildings’ relationship to the street and each other provides spaces which will be activated and under surveillance, in accordance with CPTED principles. Waste management can appropriately be assessed at detailed design stage and addressed through conditions.</p>
<p>Part 4: Development Standards to be Complied with Clause 40(2) and (3) state: (2) Site size The size of the site must be at least 1,000 square metres. (3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p>	<p>The site size is over 1000sqm and 20m wide as stipulated in Clause 40. The other standards in Clause 40 relate to standards where a seniors housing proposal is not permissible, so do not apply here. The relevant governing standards are regulated by the approved concept plan, which have considered both the preceding approved Masterplan and the development standards applying in LEP 91 at the time, now transposed into Canada Bay LEP 2008.</p>



<p>Clause 41(1) states: (1) 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.</p>	<p>The accessibility requirements in Clause 41 relate to provisions within Schedule 3, which are addressed at the end of this table. The site of the proposed seniors housing facility has good access to infrastructure and services, within a site containing streets and a network of public domain which have been designed and constructed in accordance with Australian Standards for accessibility.</p>
<p>Part 5: Development on land adjoining land zoned primarily for urban purposes</p>	<p>Not applicable.</p>
<p>Part 6: Development for vertical villages</p>	<p>Not applicable.</p>
<p>Part 7: Development standards that cannot be used as grounds for refusal</p>	<p>These minimum standards are not applicable given the parameters for the overall concept are laid down in the approved Concept Plan.</p>
<p>Schedule 1: Environmentally Sensitive Land</p>	<p>The land is not environmentally sensitive.</p>
<p>Schedule 3: Standards concerning accessibility and useability for hostels and self contained dwellings</p> <ol style="list-style-type: none"> 1 Application 2 Siting standards 3 Security 4 Letterboxes 5 Private car parking 6 Accessible entry 7 Interior 8 Bedroom 9 bathroom 10 Toilet 11 Surface finishes 12 Door Hardware 	<p>The schedule is relevant to the proposal, as it is a serviced self care housing proposal.</p> <p>The siting of the development is appropriate. The overall gradient of the site does not exceed 1:10. Required wheelchair access will be provided to the housing and common areas.</p> <p>Security provisions such as lighting, glare and letterbox location will be appropriately designed and provided for at detailed design stage.</p> <p>The quantum of parking meets the minimum requirement in the SEPP, and the provision of spaces to meet the space requirements and proportion of disabled parking will be met, as will a mechanical door.</p> <p>Every building entry will be accessible.</p>



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<p>13 Ancillary items 14 Application 15 Living room and dining room 16 Kitchen 17 Access to kitchen, main bedroom and toilet 18 Lifts in multi-storey buildings 19 Laundry 20 Storage for linen 21 Garbage</p>	<p>Interior requirements relating to doorways, corridors, circulation space, size of rooms and clearance provisions, power points and switches, telephone connections, illumination levels, slip resistance and type of flooring, fixtures and furnishings in different specified rooms, grab rails, finishes, door and cupboard handles, lifts, laundries, storage and garbage provision will be met in terms of the SEPP and BCA requirements. This will be detailed at the Project/development application stage and/or the Construction Certificate stage, as appropriate.</p>
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Jason Perica
Director