

Appendix B – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act 1979			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will promote the social and economic welfare of the community by delivering high-quality seniors housing in an accessible and high-amenity location in proximity to services and public transport. It contributes to the local economy through construction and ongoing jobs. The design responds to the site's built form and environmental context, incorporates sustainability measures, retains and enhances landscaping, and manages potential impacts through targeted mitigation, thereby ensuring the proper management and development of the site's resources while contributing to a better urban environment.	Throughout EIS
	<i>To promote the supply, delivery and maintenance of housing, including affordable housing</i>	The proposal directly promotes the supply, delivery and maintenance of a diverse housing typology by delivering 126 independent living units and 48 residential care facility beds, responding to the needs of an ageing population in the local area.	
	<i>To promote productivity through the development and management of the State and its resources</i>	The proposal will promote productivity efficient development and management of land by delivering purpose-designed seniors housing on an appropriately located site in proximity to public transport and services. The development makes effective use of an existing underutilised and undeveloped site to contribute to housing supply and diversity for an ageing population. Ongoing management of the development will ensure the site	

	continues to operate productively over time, providing long-term social and economic benefit.
<i>To protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats</i>	A Biodiversity Development Assessment Report has been prepared for the site. The BDAR concluded that, while there are some areas of biodiversity value within the site, there is a low and acceptable risk of any impacts to biodiversity as a result of the development.
<i>To promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention</i>	The proposal considers climate change and natural disaster resilience through the integration of ESD initiatives into the design of the development, including an all-electric, fossil fuel free design, rooftop solar PV, rainwater harvesting and energy efficient building systems. Additionally, the site is unaffected by flooding and bushfires, including in a future climate change scenario, as demonstrated in the Flood Risk Assessment and Bushfire Prone Land Statement.
<i>To promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage</i>	An Aboriginal Cultural Heritage Assessment (ACHA) and Historical Archaeological Assessment (HAA) have been prepared to assess the impacts of the proposal on built and cultural heritage. A Heritage Impact Statement was not required for this SSDA as there are no State or local heritage items located on or in proximity to the site. Both reports have concluded that the proposed development will not a detrimental impact on any matters of built and cultural heritage. The ACHA has found that no known Aboriginal objects or Aboriginal places have been identified within the curtilage of the subject site. The HAA determined that there is moderate potential for archaeological remains on the subject site, and outlined mitigation measures for any impacts on

	archaeological relics to be appropriately avoided or minimised.
<i>To promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings</i>	The proposed design was developed in consultation with the State Design Review Panel in order to ensure that the proposal would achieve a high standard of design and amenity. The SDRP reviewed the proposal twice before SSDA lodgement and each time the proposal was refined in response to the SDRP feedback, ensuring that the design was of a high-quality.
<i>To provide opportunities for participation in environmental planning and assessment</i>	Community and stakeholder engagement has been undertaken during the preparation of the SSDA, as detailed in Section 5 of the EIS. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA.
<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, and the conservation of biological and ecological integrity. In addition, an ESD Report has been prepared to accompany the EIS which identifies how ESD principles are incorporated into the design and ongoing operation of the proposed development, how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards, and how the development minimises greenhouse gas emissions and consumption of resources.
<i>To promote a proportionate and risk-based approach to environmental planning and assessment</i>	The proposal has been assessed using a proportionate and risk-based approach consistent with the scale and nature of the development. Environmental

		assessment has focused on matters of potential impact, with specialist studies prepared where appropriate to identify, avoid and mitigate impacts. The level of assessment is commensurate with the proposal's impacts.	
	<i>To promote the orderly and economic use and development of land</i>	The proposed redevelopment of the site responds to Ku-ring-gai's ageing population and the need to build seniors housing in accessible locations to cater to the needs of this population and improve housing diversity. The development of the site has been informed by a thorough site and local context analysis, environmental assessments and assessment against strategic and statutory planning policies to promote the orderly and economic use and development of the land.	
Section 4.15	Relevant environmental planning instruments: ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Housing) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ▪ <i>Ku-ring-gai Local Environmental Plan 2015</i>	See detail below under State Environmental Planning Policies (SEPPs).	See below.
	Draft environmental planning instruments ▪ Climate Change and Natural Hazards SEPP	See further detail in table below.	
	Relevant planning agreement or draft planning agreement	Not applicable.	Not applicable

	Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	Not applicable
	Development control plans: <i>Ku-ring-gai Development Control Plan 2025 (KDCP 2025)</i>	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of the Policy) do apply to state significant development.	Not applicable
	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 likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7
	Any submission made	Submissions will be considered following exhibition of the application.	Section 7
	The public interest	The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at Appendix D. On balance, the benefits of the development outweigh any adverse impacts and the development is deemed to be in the public interest.	Section 7
Environmental Planning and Assessment Regulation 2021			
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Appendix A
Biodiversity Conservation Act 2016			

Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	The SEARs require the preparation of a BDAR as the proposal seeks to remove vegetation and impact on biodiversity values at the site. A BDAR has been prepared for the proposal.	Section 6.6 and Appendix R
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>	Section 28 of Schedule 1 of the Planning Systems SEPP sets out that development which has an estimated development cost of more than \$30 million for the purpose of seniors' housing that includes a RCF is SSD. <i>28 Seniors Housing Development for the purposes of seniors housing if—</i> <i>(a) the seniors housing component has an estimated development cost of—</i> <i>(i) for development on land in the Greater Sydney region—more than \$30 million, or</i> <i>(ii) otherwise—more than \$20 million, and</i> <i>(b) the seniors housing component includes a residential care facility, and</i> <i>(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.</i>	The proposed development is located in Greater Sydney, has an EDC of greater than \$30 million, includes a residential care facility component and is permissible on the site under the Housing SEPP. Therefore, the proposed development is appropriately classified as SSD.	Section 4 and Appendix EE
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Detailed Site Investigation has been prepared to address the potential for contamination on the site. The DSI concludes that there is no requirement for remediation on the site and that the site in its current condition is considered suitable for the proposed development, subject to the implementation of a series of mitigation measures.	Section 6.9.3 and Appendix Q

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)	<u>Section 2.119 – Development with frontage to a classified road</u>	The proposed development will have vehicular access to Link Road, which is a classified road, via the proposed access driveway through the Masada College site. Vehicular access to the site will also be provided via College Crescent.	Section 6.7 and Appendix L
	For development with frontage to a classified road, the consent authority must be satisfied that:		
	(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and		
	(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—	The design of the Link Road vehicular access does not impact the safety, efficiency and operation of traffic on Link Road.	Section 6.7 and Appendix L
	(i) the design of the vehicular access to the land, or		
	(ii) the emission of smoke or dust from the development, or	The emission of smoke or dust from the development does not impact the safety, efficiency and operation of traffic on Link Road.	Section 6.7 and Appendix L
	(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	The nature, volume and frequency of vehicles using Link Road to access the development will be minimised through the proposed left-in/ left-out arrangements.	Section 6.7 and Appendix L
	(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	Given that an access driveway (50+ metres) through the Masada College site will link the classified road (Link Road) to the development, the development is located well setback from the classified road. This minimises any potential traffic noise and vehicle emissions from Link Road reaching the development.	Section 6.7 and Appendix L
	<u>Section 2.122 – Traffic-generating development</u>		
	Traffic generating development specified at Section 2.122 requiring referral to Transport for NSW (TfNSW) includes:	The proposed development is considered to be traffic generating development as it will deliver more than 75 dwellings on a site with access to a classified road.	Section 6.7 and Appendix L
	Residential accommodation including 75 or more dwellings if the proposal has access, or connects to a road that has access, to a classified road.	A referral response from Transport for NSW was received via email on 5 December 2025.	
State Environmental Planning Policy (Biodiversity and	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural	The accompanying Aboricultural Impact Assessment demonstrates how the proposal seeks to minimise tree removal. No trees that have been proposed for	Section 6.5, Section 6.6,

Conservation) 2021 (B&C SEPP)	areas of the State through the preservation of trees and other vegetation.	removal have been assessed to contain high retention value. A BDAR has been prepared for the proposed development which outlines that the proposed development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix R and Appendix S
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	Chapter 3 Part 5 – Housing for seniors and people with a disability <u>Section 79 Land to which Part applies</u> This section applies to land in the SP2 Infrastructure zone.	The site is located within the SP2 Infrastructure zone.	Section 4
	Section 80 Land to which Part does not apply – generally This section notes that this part does not apply to certain land identified as ‘environmentally sensitive land’ within Schedule 3 of the SEPP.	The site contains portions of land on the eastern and southern boundaries mapped as containing high biodiversity value, meaning seniors housing is not permissible in these portions of the site. The proposed seniors housing development (other than a small portion of the access road) is contained entirely within the portions of the land which are not mapped as containing biodiversity value, where it is permissible, with the areas of biodiversity value retained as landscaped areas. In respect to the access road, ‘roads’ are a permitted use within the SP2 Infrastructure zone under the KLEP 2015.	Section 4
	<u>Section 81 Seniors housing permitted with consent</u> This section allows development for the purposes of seniors housing to be carried out with development consent— ▪ on land to which this Part applies, or ▪ on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	The proposed development is located on land to which this part applies, being land zoned SP2, and as such seniors housing is permissible with development consent. However, seniors housing is not permissible on the portions of the site which are identified as environmentally sensitive land, as per Section 80 (refer to comments above).	Section 4

Section 81 Seniors housing permitted with consent

Section 4

The proposed allied health uses form part of the seniors housing proposal and to the extent they are available for broader public use, they are considered ancillary to the primary seniors housing use on the site, and hence permissible with development consent under the Housing SEPP.

The NSW Government Planning System Circular PS21-008, issued on 2 December 2021, provides guidance in relation to ancillary development. It states that if an ancillary component of a development can be characterised as being subservient to a dominant purpose, rather than as an independent and separate purpose, the ancillary use is development for the dominant purpose. If the dominant purpose is permissible in this case, development consent may be granted.

The allied health facilities will serve the primary and dominant use of the site as seniors housing by providing health services primarily to residents of the seniors housing development, as well as being open to the broader community. Crucially, these ancillary uses only exist on the site by virtue of their association with the dominant use and, should the seniors housing development cease to exist, so too would the allied health facilities. The allied health facilities are, therefore, intrinsically linked with the seniors housing serving as the primary purpose.

The Planning Circular also outlines considerations for characterisation of uses. The section notes that a development may contain features that are both ancillary and independent, and sets out questions for consideration should this be the case. These questions are reproduced below and responded to accordingly.

Question	Discussion
Is the component going to serve the dominant purpose of the development or is it independent?	Yes. The allied health facilities will be primarily for the use of the residents of the seniors housing development, which is the dominant purpose. However, the allied health facilities will also be available to the general public, thereby providing health services to members of the local community who may not need to move into a seniors housing community yet. This model is consistent with the continuum of care philosophy that underpins Montefiore and supports the intergenerational health of the community. Nevertheless, the allied health facilities would not exist independent of the primary use of the site as a seniors housing development, as they are primarily intended to be used by residents.
What is the amount of land to be used for a certain component, relative to the amount of land	The total GFA of the development is 25,233.5m ² . It is calculated that 24,999.5m ² of GFA is provided for the primary purpose, being seniors housing, representing 99% of the total floor space. 524m ² of floorspace

proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.	is provided for the allied health facilities, noting that 290m ² of this is not counted towards GFA as it is located within the basement of the residential care facility (i.e. the hydrotherapy pool and associated amenities). Subsequently, the allied health facilities only account for 1% of the total floorspace.
Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.	A primary purpose of this seniors housing proposal is to provide accommodation and care for seniors within the Ku-ring-gai community and broader area and allowing them to age in place. The allied health facilities are directly linked with this primary purpose as they will provide services that support the health and wellbeing of residents of the development, as well as the broader Ku-ring-gai community.
If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.	The allied health facilities will be permanent, however they are directly linked to the seniors housing development as they will primarily provide health services for the use of residents. The use of the health facilities by the public will be secondary to their use by residents. Accordingly, whilst permanent, the allied health facilities remain subservient and dependent on the dominant use of the site for seniors housing.
If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).	It is reasonable and expected for seniors housing developments of the proposed scale to provide health-related facilities, such as hydrotherapy and physiotherapy, especially in conjunction with a residential care facility, in order to support the needs and wellbeing of residents. There are many examples of this model across the Sydney metropolitan area.
Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.	The allied health facilities are strongly related to the dominant use of the site for seniors housing. They would not exist independent of the dominant use, as they are primarily intended to be used by residents.

Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.	The allied health facilities are located within Building B (at the basement and ground level). That is, they are directly accessible to the RAC that is also accommodated in Building B and is also convenient to the ILUs within Buildings A, C and D. Access to these facilities is also provided via the public entrance to Building B.
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Based on the above discussion, it is clear the proposed allied health facilities are ancillary to the dominant purpose of seniors housing on the site, and accordingly are permissible with development consent under the Housing SEPP.

In any case, putting the ancillary use matter to one side, the proposed allied health facilities can also be accurately defined as '*community health service facilities*' which is included as one type of '*health service facility*' which is permitted with development consent under Clause 2.60(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Section 84 Development standards – general

(1) This section applies to development for the purposes of seniors housing involving the erection of a building.

The proposal is for the purposes of seniors housing and involves the erection of four multi-storey buildings that will accommodate 126 Independent Living Units (ILUs) and 48 Residential Care Facility (RCF) beds.

Appendix D

(2) Development consent must not be granted for development to which this section applies unless—

The area of the site is 14,480m² which exceeds 1000m².

Site area (m²) is notated on the Architectural Plans at **Appendix D**.

(a) the site area of the development is at least 1,000m², and

b) the frontage of the site area of the development is at least 20m measured at the building line, and

The site frontage to College Crescent exceeds 20m in length.

Appendix D
Appendix H

(c) for development on land in a residential zone where residential flat buildings are not permitted—

Not applicable as the site is not located within a residential zone.

N/A

(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and

(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m, the servicing equipment must—

- (A) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and
- (B) be limited to an area of no more than 20% of the surface area of the roof, and
- (C) not result in the building having a height of more than 11.5m, and

Section 85 Development standards for hostels and independent living units

The development complies with the relevant standard in Schedule 4, as outlined further in this table. **See below.**

- (1) 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.

- 2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.

Not applicable. This SSDA is not made jointly by a person with a social housing provider.

N/A

Section 86 Development standards for seniors housing – Zones RE2, SP1, SP2 and RU5

The subject site is zoned SP2 Infrastructure and development for the purposes of educational establishments is permitted on the site. The site adjoins land zoned R2, R3, and R4, all of which are prescribed zones.

Section 4

- (1) Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows—
- (b) for development on land in Zone SP1 Special Purpose or Zone SP2 Infrastructure—
- (i) development for the purposes of a place of public worship, an educational establishment, a hospital or seniors housing is permitted on the land, and
- (ii) the land adjoins land in a prescribed zone,

Section 87 Additional floor space ratios

Not applicable. Development for the purposes of a residential flat building or shop top housing is not

N/A

(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if— (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5, Chapter 6 or another environmental planning instrument, or (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	permitted on the site under Chapter 5 or 6 of the Housing SEPP or another environmental planning instrument. The site is not zoned E2 or B3.	
<u>Section 88 Restriction on occupation of seniors housing</u> (1) <i>Development permitted under this Part may be carried out for the accommodation of only the following—</i> (a) <i>seniors or people who have a disability,</i> (b) <i>people who live in the same household with seniors or people who have a disability,</i> (c) <i>staff employed to assist in the administration and provision of services to housing provided under this Part.</i> (2) <i>Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</i>	The proposed development will deliver ILUs and RCF beds that are strictly for the accommodation of seniors.	Throughout EIS
<u>Section 89 Use of ground floor in seniors housing in business zones</u> (1) This section applies to a building used for the purposes of seniors housing on land in a business zone.	Not applicable. The site is located within the SP2 Infrastructure zone, which is not a business zone.	N/A
<u>Section 90 Subdivision</u> (1) <i>Development consent may be granted for the subdivision of land on which development is carried out under this Part.</i>	Not applicable. No subdivision is proposed.	N/A
<u>Section 91 Fire sprinkler systems in residential care facilities</u>	A fire sprinkler system will be installed within the proposed residential care facility.	Appendix D

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- (1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.
- (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.

Section 93 Location and access to facilities and services – independent living units

- (1) 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—
- (a) by a transport service that complies with subsection (2), or
- (b) on-site.
- (2) The transport service must—
- (a) take the residents to a place that has adequate access to facilities and services, and
- (b) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City—
- (i) not be an on-demand booking service for the transport of passengers for a fare, and
- (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and
- (3) For the purposes of subsections (1) and (2), access is adequate if—
- (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and

The development will operate a regular mini-bus service for ILU residents which will satisfy the relevant service and access requirements set out in this Section.

Appendix L

(b) the distance is accessible by means of a suitable access pathway, and

(c) the gradient along the pathway complies with subsection (4)(c).

Section 94 Location and access to facilities and services – residential care facilities

(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—

(a) on-site, or

(b) by a transport service other than a passenger service.

The development will operate a regular mini-bus service for RCF residents.

Appendix L

Section 95 Water and Sewer

(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—

(a) be connected to a reticulated water system, and

(b) have adequate facilities for the removal or disposal of sewage.

(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—

(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or

(b) if reticulated services are not available—must satisfy the responsible authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.

Network utilities and underground services are already established on and surrounding the site. The proposed development will be readily able to connect to these services.

Section 6.9.4 and Appendix N

Section 96 Bushfire prone land

(1) A consent authority must not consent to development under this Part on relevant bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.

Not applicable. The site is not located on bushfire prone land.

N/A

(2) In determining a development application for development under this Part on land near relevant bush fire prone land, the consent authority must—

(a) consult with the NSW Rural Fire Service and consider its comments, and

(b) consider the following including—

(i) the location of the development,

(ii) the means of access to and egress from the location,

(iii) the size of the existing population within the area,

(iv) age groups within the population and the number of persons within the age groups,

(v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities,

(vi) the number of schools within the area and the number of students at the schools,

(vii) existing seniors housing within the area,

(viii) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire,

(ix) the adequacy of access to and from the site of the development for emergency response vehicles,

(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,

A Bushfire Statement has been prepared by Building Code and Bushfire Hazard Solutions which confirms that the subject site is not mapped as bushfire prone land and that further bushfire assessment is not required.

Appendix Z

(xi) *the requirements of Fire and Rescue NSW.*

Section 97 Design of seniors housing

(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the *Seniors Housing Design Guide*, published by the Department in December 2023.

(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

The proposal has been designed in accordance with the Seniors Housing Design Guide and Schedule 8 of the Housing SEPP. Responses to these guidelines have been provided in Section 8 of the Architectural Design Report at Appendix E.

Appendix E

Section 107 Non-discretionary development standards for hostels and residential care facilities – the Act, s4.15

(1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

Refer below.

(2) *The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities—*

(a) *no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,*

The site is not subject to a maximum building height control under the Ku-ring-gai LEP. As such, the proposal has been developed and assessed on a merit basis. The appropriate scale and capacity of the site have been determined through detailed massing studies, visual impact analysis, and overshadowing assessment, alongside demonstrated compliance with the Housing SEPP and the Apartment Design Guide (**ADG**).

The development has a maximum height of 30.2m. As the 9.5m height limit set out in this clause is a non-discretionary standard, non-compliance with does not constitute grounds for refusal of the application.

**Section 6.2,
Appendix D,
Appendix E and
Appendix K**

<i>b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i> <i>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i> <i>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</i> <i>(iii) does not result in the building having a height of more than 11.5m,</i>	Building B has minimal plant and servicing equipment, which will be setback from the roof edge and appropriately screened.	Appendix D
<i>(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</i>	The site is not subject to a maximum FSR control under the Ku-ring-gai LEP. As such, the proposal has been developed and assessed on a merit basis. The appropriate scale and capacity of the site have been determined through detailed massing studies, visual impact analysis, and overshadowing assessment, alongside demonstrated compliance with the Housing SEPP and the Apartment Design Guide (ADG). The development has an FSR of 1.74:1. As the 1:1 FSR control set out in this clause is a non-discretionary standard, non-compliance with does not constitute grounds for refusal of the application.	Section 6.2, Appendix D, Appendix E and Appendix K
<i>(d) internal and external communal open spaces with a total area of at least—</i> <i>(i) for a hostel—8m² for every bed, or</i> <i>(ii) for a residential care facility—10m² for every bed,</i>	Based on the proposed 48 RCF beds, the development is required to provide 480sqm of communal open space. The development will provide 1,450sqm which is well in exceedance of the requirement.	Appendix D
<i>(e) at least 15m² of landscaped area for every bed,</i>	Based on the proposed 48 RCF beds, the development is required to provide 720sqm of communal open space. The development will provide 1,572sqm which is well in exceedance of the requirement.	Appendix D
<i>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if</i>	The proposed development will provide 24% of the site area as deep soil, which will be provided around the perimeter of the site within the 9m landscaped	Appendix G

<i>practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	setback, as well as within the Village Heart central open space.	
<i>(h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,</i>	A minimum of 1 parking space for every 15 RCF beds is provided as part of the proposed development.	Appendix L
<i>(i) at least 1 parking space for every 2 employees who are on duty at the same time,</i>	A minimum of 1 parking space for every 2 RCF employees is provided as part of the proposed development.	Appendix L
<i>(j) at least 1 parking space for the purpose of ambulance parking.</i>	1 ambulance bay will be provided within the RACF visitor section of the basement car park.	Appendix L
<u>Section 108 Non-discretionary development standards for independent living units</u> <i>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Refer below.	
<i>(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</i>	The site is not subject to a maximum building height control under the Ku-ring-gai LEP. As such, the proposal has been developed and assessed on a merit basis. The appropriate scale and capacity of the site have been determined through detailed massing studies, visual impact analysis, and overshadowing assessment, alongside demonstrated compliance with the Housing SEPP and the Apartment Design Guide (ADG). The development has a maximum height of 30.2m. As the 9.5m height limit set out in this clause is a non-discretionary standard, non-compliance with does not constitute grounds for refusal of the application.	Section 6.2, Appendix D, Appendix E and Appendix K
<i>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i>	The plant and servicing strategy for the proposed development consists of consolidating the bulk of the	Appendix D

(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m,	plant onto the rooftop of Building A, which will service the whole site. This strategy will improve the efficiency of the development and ensure that minimal plant and servicing equipment is located on the rooftops of Buildings B, C and D. However, this will result in greater than 20% of the roof area of Building A being covered in servicing equipment. Nevertheless, this equipment is set back from the roof edge and will be appropriately screened from view so as to not be visible from public places. Additionally, this clause control is a non-discretionary standard, meaning that non-compliance does not constitute grounds for refusal of the application.	
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The site is not subject to a maximum FSR control under the Ku-ring-gai LEP. As such, the proposal has been developed and assessed on a merit basis. The appropriate scale and capacity of the site have been determined through detailed massing studies, visual impact analysis, and overshadowing assessment, alongside demonstrated compliance with the Housing SEPP and the Apartment Design Guide (ADG). The development has an FSR of 1.74:1. As the 0.5:1 FSR control set out in this clause is a non-discretionary standard, non-compliance with does not constitute grounds for refusal of the application.	Section 6.2, Appendix D, Appendix E and Appendix K
(d) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area,	The proposed development will provide 10,468sqm of landscaped area which is equivalent to 72% of the site area and is well in exceedance of the minimum requirement.	Appendix G
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	The proposed development will provide 24% of the site area as deep soil, which will be provided around the perimeter of the site within the 9m landscaped	Appendix G

	setback, as well as within the Village Heart central open space.	
<i>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</i>	Over 70% of units receive the required minimum 2 hours of solar access to living rooms and private open space between 9am–3pm in mid-winter.	Section 6.3.2, Appendix D and Appendix E
<i>(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</i> <i>(i) at least 15m² of private open space per dwelling, and</i> <i>(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</i>	Ground floor units have private open space with a minimum area of 15m ² and minimum dimensions of 3m, accessible from the living area.	Appendix D
<i>(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—</i> <i>(i) an area of at least 10m², or</i> <i>(ii) for each dwelling containing 1 bedroom—an area of at least 6m²,</i>	All unit balconies have a minimum dimension of 2m and a minimum area of 10m ² for 2- and 3-bedroom units and 6m ² for 1-bedroom units.	Appendix D
<i>(j) for a development application made by, or made by a person jointly with, a social housing provider or Landcom—at least 1 parking space for every 5 dwellings,</i> <i>(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.</i>	The development proposes 126 Independent Living Units, consisting of 302 bedrooms. A minimum of 0.5 car spaces per bedroom (151 spaces) is provided for ILUs. .	Appendix L
<u>Section 108CB Considerations before carrying out development</u> <i>(1) Before carrying out development to which this division applies, the relevant authority must consider—</i> <i>(a) the Seniors Housing Design Guide, published by the Department in December 2023, and</i>	The proposal has been designed in accordance with the Seniors Housing Design Guide and Schedule 8 of the Housing SEPP. Responses to these guidelines have been provided in Section 8 of the Architectural Design Report at Appendix E.	Appendix E

(b) the design principles for seniors housing set out in Schedule 8.

Schedule 4 Standards concerning accessibility and usability for hostels and independent living units

Section 2 Siting standards

- (1) **Wheelchair access** 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 to an adjoining public road.
- (2) If the whole of the site does not have a gradient of less than 1:10—
- (a) 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
- (b) the wheelchair access provided must be by a continuous accessible path of travel to an adjoining public road or an internal road or a driveway that is accessible to all residents.
- (3) **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.

Section 3 Letterboxes

- (1) Letterboxes—
- (a) must be located on a hard standing area, and
- (b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and
- (c) must be lockable by a lock that faces a wheelchair accessible path.
- (2) If a structure contains multiple letterboxes, the structure must be in a prominent location.

Continuous accessible pathways are provided throughout the development, connecting to College Crescent and Link Road.

Access to all common areas is designed to comply with AS 1428.1.

Appendix D

A dedicated mailroom is located at ground floor adjacent to the main entry and reception of Building A.

The mailroom is wheelchair accessible in accordance with AS 1428.1, with a minimum of 20% of letterboxes positioned between 600mm and 1200mm above finished floor level.

Appendix D

(3) *At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).*

Section 4 Car parking

(1) If parking spaces attached to or integrated with a class 1 building under the Building Code of Australia are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must—

- (a) be at least 3.2m wide, and*
- (b) be at least 2.5m high, and*
- (c) have a level surface with a maximum gradient of 1:40 in any direction, and*
- (d) be capable of being widened to 3.8m without requiring structural modifications to a building.*

(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies—

- (a) for a parking space not in a group—the parking space must comply with AS/NZS 2890.6,*
- (b) for a group of 2–7 parking spaces—*
 - (i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and*
 - (ii) 50% of the parking spaces must—*
 - (A) comply with AS/NZS 2890.6, or*
 - (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,*
- (c) for a group of 8 or more parking spaces—*
 - (i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and*

All resident parking for the Independent Living Units (BCA Class 2) is provided within the basement car park. A minimum of 15% of spaces are designed in accordance with AS 2890.6, with 50% of spaces provided at 3.2m width and a maximum gradient of 1:40.

5% of provided visitor spaces provided comply with AS2890.6.

The basement car park is secured by a power operated roller shutter.

**Appendix D and
Appendix L**

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- (ii) at least 50% of the parking spaces must—
 - (A) comply with AS/NZS 2890.6, or
 - (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.
 - (3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c)(i) or (ii).
 - (4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6.
 - (5) A parking space required by this section to comply with AS/NZS 2890.6, other than a visitor parking space, is not required to include the international symbol of access.
 - (6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.
 - (7) A parking space, other than a parking space under subsection (6), must be—
 - (a) secured by a power-operated door, or
 - (b) capable of accommodating the installation of a power-operated door, including by having—
 - (i) access to a power point, and
 - (ii) an area for motor or control rods for a power-operated door.
 - (8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6.
 - (9) In this section, a parking space is in a **common area** if it is not attached to or integrated with a hostel or independent living unit.
-

Section 5 Accessible entry

- (1) The main entrance to a dwelling must have—*
- (a) a clear opening that complies with AS 1428.1, and*
 - (b) a circulation space in front of the door and behind the door that complies with AS 1428.1.*
- (2) This section does not apply to an entry for employees.*

The main entry door to each dwelling has a clear opening and circulation spaces that comply with AS1428.1.

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Section 6 Interiors

- (1) An internal doorway must have an unobstructed opening that complies with AS 1428.1.*
- (2) An internal corridor must have an unobstructed width of at least 1,000mm.*
- (3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1—*
- (a) a kitchen,*
 - (b) a laundry,*
 - (c) a bathroom,*
 - (d) a toilet,*
 - (e) a bedroom,*
 - (f) a living area,*
 - (g) the main area of private open space.*
- (4) To avoid doubt, subsection (3)(b) does not apply to laundry facilities in a cupboard.*

Internal doorway widths, corridor widths and circulation spaces at doors comply with this section.

Appendix D

Section 7 Bedroom

- At least one bedroom in a dwelling must have the following—*
- (a) a clear area, not including a circulation space, sufficient to accommodate—*
- (i) for a hostel—a wardrobe and a single-size bed, or*

The master bedroom of the ILUs is sized to accommodate a wardrobe and a queen bed with the required clear areas at the sides and foot of the bed to satisfy this section.

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- (ii) for an independent living unit—a wardrobe and a queen-size bed,
 - (b) a clear area around the area for the bed of at least—
 - (i) 1,200mm at the foot of the bed, and
 - (ii) 1,000mm on each side of the bed,
 - (c) at least 2 double general power outlets on the wall where the head of the bed is likely to be,
 - (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be.
-

Section 8 Bathroom

- (1) At least one bathroom in a dwelling must be located on—
 - (a) the same floor as the entry to the dwelling, or
 - (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.
 - (2) The bathroom must have the following—
 - (a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,
 - (b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines,
 - (c) a shower that—
 - (i) is accessible without a shower-hob or step, and
 - (ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and
 - (iii) is in the corner of a room, and
 - (iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1,
-

The main bathroom in the ILUs is designed to comply with this section with the selection and set out of fixtures, fittings and hydraulics to allow for future adaptation.

All units are single level units and therefore the bathroom is provided on the same level as the entry.

Appendix D

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- (d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux,*
 - (e) a double general power outlet in an accessible location, in accordance with AS 1428.1.*
 - (3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.*

Section 9 Toilet

- (1) At least one toilet in a dwelling must be located on—*
 - (a) the same floor as the entry to the dwelling, or*
 - (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.*
- (2) The toilet must have the following—*
 - (a) a water closet pan—*
 - (i) in the corner of the room, and*
 - (ii) with a centreline set-out in accordance with AS 1428.1,*
 - (b) a circulation space in front of the water closet pan that is—*
 - (i) at least 1,200mm long and at least 900mm wide, and*
 - (ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails,*
 - (c) a circulation space around the water closet pan that complies with AS 1428.1,*
 - (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,*
 - (e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1.*
- (3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).*

The toilet is provided in the main bathroom of the ILUs, as above. The set out of the pan and the circulation spaces comply with AS1428.1 and this section.

Appendix D

<u>Section 10 Surfaces of balconies and external paved areas</u> <i>Balconies and external paved areas must have surfaces that are slip resistant and comply with—</i> (a) <i>the Building Code of Australia, or</i> (b) <i>the Standards Australia Handbook SA HB 198:2014, Guide to the specification and testing of slip resistance of pedestrian surfaces, published on 16 June 2014.</i>	Balconies and external paved areas will achieve the required slip ratings to comply with the BCA and relevant Australian Standards.	Appendix CC and Appendix DD
<u>Section 11 Door hardware</u> (1) <i>Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1.</i> (2) <i>To avoid doubt, subsection (1) does not apply to cabinetry.</i>	Door handles and hardware will comply with AS1428.1.	Appendix CC and Appendix DD
<u>Section 12 Switches and power points</u> (1) <i>Switches and power points must—</i> (a) <i>comply with AS 1428.1, or</i> (b) <i>be capable of complying with AS 1428.1 through future adaptation.</i> (2) <i>Subsection (1) does not apply to—</i> (a) <i>remote controls, or</i> (b) <i>power points likely to serve appliances that are not regularly moved or turned off.</i>	All switches and powerpoints will comply with AS1428.1 or be capable of complying through future adaptation.	Appendix CC and Appendix DD
<u>Section 13 Private passenger lifts</u> (1) <i>This section applies to a private passenger lift that is required by this schedule to be accessible only from inside a particular dwelling.</i> (2) <i>The private passenger lift must—</i> (a) <i>be at least 1,100mm wide and at least 1,400mm long, measured from the lift car floor, and</i>	No private passenger lifts are provided within units.	N/A

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- (b) have a clear indoor landing on all floors serviced by the lift, other than the floor on which the main area of private open space is located, at least 1,540mm long and at least 2,070mm wide, and
 - (c) have controls that comply with—
 - (i) AS 1735.12:2020, Lifts, escalators and moving walks, Part 12: Facilities for persons with disabilities, published on 26 June 2020, or
 - (ii) AS 1735.15:2021, Lifts, escalators and moving walks, Part 15: Safety rules for the construction and installation of lifts — Special lifts for the transport of persons and goods — Vertical lifting platforms intended for use by persons with impaired mobility, published on 23 July 2021.
 - (3) The width of the door opening of the private passenger lift must be at least 900mm.
 - (4) The private passenger lift must not be a stairway platform lift.
-

Section 15 Bedroom

At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on—

- (a) the same floor as the entry to the unit, or
 - (b) a floor serviced by a private passenger lift accessible only from inside the unit.
-

All units are single level units and therefore the bedroom is provided on the same level as the entry.

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Section 16 Living room

- (1) A living room in an independent living unit must be located on—
 - (a) the same floor as the entry to the dwelling, or
 - (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.
 - (2) The living room must have—
-

All units are single level units and therefore the living room is provided on the same level as the entry.

The living room is sized to provide the required 2250mm diameter clearance clear of all fixtures.

A telecommunications or data outlet will be provided adjacent to a GPO.

Appendix D

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- (a) a circulation space that—
 - (i) is clear of all fixtures, and
 - (ii) has a diameter of at least 2,250mm, and
 - (b) a telecommunications or data outlet adjacent to a general power outlet.
-

Section 17 Main area of private open space

The main area of private open space for an independent living unit must be located on—

- (a) the same floor as the entry to the dwelling, or
 - (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.
-

All units are single level units with the private open space provided on the same level as the entry.

Appendix D

Section 18 Kitchen

(1) A kitchen in an independent living unit must be located on—

- (a) the same floor as the entry to the dwelling, or
- (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.

(2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.

(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without—

- (a) relocating the sink, or
- (b) moving a load-bearing wall, or
- (c) breaching another circulation requirement.

(4) The kitchen must have the following fittings—

- (a) a bench that includes at least one work surface that is—
-

All units are single level units and therefore the kitchen is provided on the same level as the entry.

A minimum of 1200mm is provided between the benches with this capable of increasing to 1550mm to comply with this section.

Kitchen equipment, cupboards, works surface and fixtures will be designed to comply with this section.

Appendix D

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- (i) *at least 800mm long, and*
 - (ii) *clear of obstructions, and*
 - (iii) *not in the corner of the room,*
 - (b) *a lever tap set with the lever and water source that is within 300mm of the front of the bench,*
 - (c) *a cooktop next to the work surface,*
 - (d) *an isolating switch for the cooktop,*
 - (e) *an oven that—*
 - (i) *has operative elements between 450mm and 1,250mm above the finished floor level, and*
 - (ii) *is next to the work surface,*
 - (f) *at least one double general power outlet located within 300mm of the front of a work surface.*
 - (5) *The cupboards must—*
 - (a) *not be entirely located in the corner of the bench or the corner of the room, and*
 - (b) *face where the user of the fixture is likely to be.*
 - (6) *An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.*
 - (7) *A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.*
 - (8) *The lever tap set, cooktop, isolating switch, oven and double general power outlet must—*
 - (a) *not be in the corner of the bench or the corner of the room, and*
 - (b) *face where the user of the fixture is likely to be.*
-

(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.

Section 19 Laundry

(1) A laundry in an independent living unit must be located on—

- (a) the same floor as the entry to the dwelling, or*
- (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.*

(2) The laundry must have the following—

- (a) a circulation space that complies with AS 1428.1 at the approach to any external doors,*
- (b) an appropriate space for an automatic washing machine and a clothes dryer,*
- (c) a clear space in front of each appliance of at least 1,550mm,*
- (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,*
- (e) a continuous accessible path of travel to the main area of private open space or any clothes line provided for the dwelling.*

(3) The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door.

(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations—

- (a) for below-bench cupboards—towards the top,*
- (b) for overhead cupboards—towards the bottom,*
- (c) for floor-to-ceiling doors—between 900mm and 1,100mm above the finished floor level.*

All units are single level units and therefore the laundry is provided on the same level as the entry.

The laundry is sized to allow for a washing machine and dryer with a clear space of at least 1550mm in front of appliances.

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	(5) <i>In this section—</i> laundry includes laundry facilities in a cupboard.		
	<u>Section 20 Linen storage</u> <i>An independent living unit must have a floor-to-ceiling linen storage cupboard that—</i> (a) <i>is at least 600mm wide, and</i> (b) <i>has adjustable shelving.</i>	Linen storage is provided within the ILUs to comply with this section with a minimum depth of 600mm.	Appendix D
	<u>Section 21 Lift access in multi-storey buildings</u> <i>An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the Building Code of Australia, Volume 1, Part E3.</i>	All units above ground floor are accessible via 2 lifts. Lift is designed to comply with BCA Part E3.	Appendix D and Appendix CC
	<u>Section 22 Garbage and recycling</u> <i>A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.</i>	A garbage room is provided on each floor of the ILU buildings adjacent to the lift core, with garbage chutes and recycling bins for use of occupants. These garbage rooms are provided with a clear door width and circulation spaces to comply with AS1428.1	Appendix D and Appendix V
<i>State Environmental Planning Policy (Sustainable Buildings) 2021</i>	The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.	An ESD Report and BASIX Report have been prepared for the proposed development, which demonstrates compliance with the relevant standards.	Section 6.9.1, Appendix T and Appendix U
Draft State Environmental Planning Policies			
<i>State Environmental Planning Policy (Climate Change and Natural Hazards)</i>	Based on the explanation of intended effect (EIE) that was on public exhibition from 17 February to 16 March 2025, the NSW Government proposes to introduce a new SEPP relating to climate change and natural hazards, which will replace the R&H SEPP. The proposed SEPP will:	The site is not bushfire-prone and is not affected by flooding up to and including the PMF event, making it suitable for the proposed development from a natural hazards perspective. Climate change conditions were considered as part of the Flood Risk Assessment. The development proposes the retention of 97% of existing trees on site as well as the planting of 119 new trees, resulting in a net increase in tree canopy	Appendix G, Appendix O, Appendix S and Appendix Z

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- Introduce new guidelines for managing natural hazards and update existing natural hazards controls to streamline decision-making.
 - Focus on climate risks, rebuilding after natural disasters, coastal hazards, flooding, bushfires and urban heat.
 - Establish a consistent approach for assessing climate risk and natural hazards throughout development assessment.
 - Provide an all-hazards approach to planning to ensure communities and developments are resilient to both current and future risks.
 - Helps consent authorities, such as local councils, assess climate and natural hazards risks for different development types and guide decisions based on acceptable risk levels.
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coverage on the site to 42% which will assist in addressing urban heat.

Ku-ring-gai Local Environmental Plan 2015

Zoning and Land Use

The site is zoned SP2 Infrastructure under the Ku-ring-gai Local Environmental Plan.

The SP2 zone has the following objectives:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Whilst seniors housing is not permitted in the SP2 zone under the Ku-ring-gai LEP, Chapter 3 Part 5 of the Housing SEPP identifies that seniors housing is permitted within certain prescribed zones, including SP2 Infrastructure.

Accordingly, by way of Chapter 3 Part 5 of the Housing SEPP, the proposed development is permitted as 'development with consent' on the site.

The proposal also remains consistent with the SP2 zone objectives in that the proposal will be compatible with the educational use on the adjoining site at Masada College by contributing to the creation of a multi-generational precinct, and it will not detract from the operations of the College, as the subject site

Section 4

		represents residual land that is surplus to the needs of the College.	
4.3 Height of Buildings	No height of building control applies to the subject site.	N/A	N/A
4.4 Floor Space Ratio	No floor space ratio control applies to the subject site.	N/A	N/A
5.10 Heritage Conservation	Development consent is required to <i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	The site does not contain an item of local or state heritage significance and is not located within a heritage conservation area. The site is not in the vicinity of any heritage items or heritage conservation areas. A Historical Archaeological Assessment has been prepared to assess potential impacts of the development in relation to archaeological relics. The HAA determined that there is moderate potential for archaeological remains on the subject site, and outlined mitigation measures for any impacts on archaeological relics to be appropriately avoided or minimised.	Section 6.9.7 and Appendix X
5.21 Flood Planning	<i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i> <i>(a) is compatible with the flood function and behaviour on the land, and</i> <i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i> <i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i>	Not applicable. The site is not located within the flood planning area.	Section 6.9.5 and Appendix O

	<i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i> <i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i>		
6.1 Acid Sulfate Soils	The site has Class 5 Acid Sulfate Soils. Development consent is required for the carrying out of works described below: Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The proposed development does not involve works within 500 metres of adjacent acid sulfate soils or that will likely result in the lowering of the watertable.	N/A
6.2 Earthworks	<i>(2) Development consent is required for earthworks unless—</i> <i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i> <i>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i> <i>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> <i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> <i>(b) the effect of the development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of any fill material and the destination of any excavated material,</i> <i>(f) the likelihood of disturbing relics,</i>	Consent is sought for earthworks to accommodate a 2-storey basement parking area. A Geotechnical Investigation has been prepared by Douglas Partners in support of the proposed development. This report provides recommendations on excavation, shoring, foundations, and other geotechnical issues relevant to the proposed development. Bulk excavation plans are provided within the civil design documentation within the Integrated Water Management Plan.	Section 6.9.2, Appendix N and Appendix P

	<i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> <i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>		
6.3 Biodiversity Protection	<i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i> <i>(a) the impact of the proposed development on the following—</i> <i>(i) any native vegetation community,</i> <i>(ii) the habitat of any threatened species, population or ecological community,</i> <i>(iii) any regionally significant species of plant, animal or habitat,</i> <i>(iv) any biodiversity corridor,</i> <i>(v) any wetland,</i> <i>(vi) the biodiversity values within any reserve,</i> <i>(vii) the stability of the land, and</i> <i>(b) any proposed measure to be undertaken to ameliorate any potential adverse environmental impact, and</i> <i>(c) any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.</i> <i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i> <i>(a) is consistent with the objectives of this clause, and</i> <i>(b) is designed, and will be sited and managed, to avoid any potentially adverse environmental impact or, if a potentially adverse environmental impact cannot be avoided—</i>	The impact of the proposed development on biodiversity values has been assessed in accordance with the Biodiversity Assessment Method (BAM) and reported in the BDAR at Appendix R. In accordance with BAM Section 7.1.1, impacts from clearing native vegetation and threatened species habitat has been avoided by locating the proposal in areas that lack biodiversity values and where the native vegetation and habitat is in the poorest condition. Consequently, only very minimal direct impacts on native vegetation are proposed, which include the clearing of one planted tree located in a garden bed and four immature trees planted along College Drive. The proposed development incorporates appropriate excavation and shoring measures to ensure that it does not impact on the stability of the land. The proposal will not result in the loss of impact on any significant vegetation or habitat. The proposal's landscaping will supplement the proposal's avoidance of impacts and result in a positive net impact.	Appendix P and Appendix R

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- (i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, and*
 - (ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and*
 - (iii) the development avoids clearing steep slopes and facilitates the stability of the land, and*
 - (iv) measures have been considered to achieve no net loss of significant vegetation or habitat.*
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Section 6.5
Stormwater and
water sensitive
urban design

- (2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that—*
 - (a) water sensitive urban design principles are incorporated into the design of the development, and*
 - (b) riparian, stormwater and flooding measures are integrated, and*
 - (c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems, and*
 - (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.*
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The stormwater management system for the development has been designed in compliance with Ku-Ring-Gai Council requirements, as demonstrated in the Integrated Water Management Plan and civil plans. WSUD, upstream catchment drainage risk and flood risk have been considered and integrated into the design. An OSD tank is provided to avoid cumulative impacts on surrounding waterways.

**Section 6.9.4 and
Appendix N**