



New South Wales

# **State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 1)**

under the

**Environmental Planning and Assessment Act 1979**

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 8 November 2000

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**2000 No 663**

Clause 1                    State Environmental Planning Policy No 5—Housing for Older People or  
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**State Environmental Planning Policy No 5—Housing  
for Older People or People with a Disability  
(Amendment No 1)**

**1 Name of Policy**

This Policy is *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 1)*.

**2 Commencement**

This Policy commences 14 days after the day on which this Policy is published in the Gazette.

**3 Principal Policy**

In this Policy, *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability* is referred to as the Principal Policy.

**4 Aims, objectives etc**

This Policy aims to make miscellaneous amendments to the Principal Policy to clarify and assist its application.

**5 Land to which this Policy applies**

This Policy applies to the whole of the land to which the Principal Policy applies.

**6 Amendment of Principal Policy**

The Principal Policy is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 6)

### [1] Clause 4 Where this Policy applies

Omit clause 4 (1) (b) (iv). Insert instead:

- (iv) development of a kind identified in respect of land zoned for special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.

### [2] Clause 6A

Insert after clause 6:

#### 6A Calculation of number of storeys

In calculating the number of storeys in a development for the purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.

### [3] Clause 12 Matters for consideration

Omit clause 12 (1) and (2). Insert instead:

#### (1) Location, facilities and support services

The consent authority must not consent to a development application made pursuant to this Part 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, banks 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.
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- (2) Access complies with this subclause 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, or
  - (b) there is a transport service available to the residents who will occupy the proposed development:
    - (i) that is located at a distance of not more than 400 metres from the site of the proposed development, and
    - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and
    - (iii) that is available both to and from the proposed development during daylight hours at least once per day from Monday to Friday (both days inclusive).
- (2A) The consent authority must not consent to a development application made pursuant to this Part to carry out development on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:
- (a) home delivered meals, and
  - (b) personal care and home nursing, and
  - (c) assistance with housework.

### [4] Clauses 13 and 13A

Omit clause 13. Insert instead:

#### **13 Development standards—building height and street frontage**

##### **(1) General**

A consent authority must not consent to a development application made pursuant to this Part unless it complies with the standards specified in this clause.

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- (2) **Height in zones where residential flat buildings are not permitted**  
If the development is proposed in a residential zone where residential flat buildings are not permitted:
- (a) the height of all buildings in the proposed development must be 8 metres or less, and
  - (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height.
- (3) **Site frontage**  
The site frontage must be at least 15 metres wide.

### 13A Development standards—access and useability

- (1) **General**  
A consent authority must not consent to a development application made pursuant to this Part unless it complies with the standards specified in this clause.
- (2) **Siting**  
The standards are:
- (a) **wheelchair access:**
    - (i) if the whole of the site has a gradient of less than 1:10, 100% of the hostel or residential care facility beds and 100% of the dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road or an internal road or a driveway that is accessible to all residents, or
    - (ii) if the whole of the site does not have a gradient of less than 1:10, a percentage (which is not less than the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and which in this subparagraph is called *the specified minimum percentage*) of any hostel or residential care facility beds and the specified minimum percentage of any dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS 1428)

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to an adjoining public road or an internal road or a driveway that is accessible to all residents, and

- (b) **road access:** at least 10% of any hostel or residential care facility beds and at least 10% of any dwellings which meet the requirements of paragraph (a) must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road, and
  - (c) **common areas:** access must be provided so that a person using a wheelchair can use common areas and common facilities associated with the development, and
  - (d) **adaptability:** 10% of any hostel or residential care facility beds and 10% of any dwellings which meet the requirements of paragraph (a) must also have, or be capable of being modified so that they have, wheelchair access by a continuous path of travel (within the meaning of AS 1428) to all essential areas and facilities inside the hostel, residential care facility or dwellings, including a toilet, bathroom, bedroom and a living area.
- (3) **Identification**  
If the site includes more than one street, street signage incorporating house numbers must be provided at each intersection.
- (4) **Security**  
Pathway lighting:
- (a) must be positioned at low height to avoid glare, and
  - (b) must provide at least 50 lux at ground level.
- (5) **Letterboxes in multi-dwelling developments**  
Letterboxes for multi-dwelling developments:
- (a) must be lockable, and
  - (b) must be located together in a central location adjacent to the street entry, and
  - (c) must be situated on a hard standing area and have wheelchair access by a continuous path of travel (within the meaning of AS 1428).

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(6) **Private car accommodation**

If car parking (not being car parking for employees) is provided:

- (a) each car parking space must be not less than 6 metres × 3.2 metres or the design of the development must be such as to enable the size of the car parking space to be increased to an area of not less than 6 metres × 3.2 metres, and
- (b) any garage or carport must have an internal clearance of at least 2.5 metres as measured from the finished floor level of the garage or carport, and
- (c) any garage must have a power-operated roller door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

(7) **Accessible entry**

Every entry (whether a front entry or not) to a hostel, residential care facility or dwelling, not being an entry for employees:

- (a) must not have a slope that exceeds 1:40, and
- (b) must comply with clauses 4.3.1 and 4.3.2 of AS 4299, and
- (c) must have an entry door handle and other hardware that complies with AS 1428.

(8) **Exterior: general**

All external doors to any one dwelling must be keyed alike.

(9) **Interior: general**

Internal doors must have a clearance of at least 820 millimetres.

Internal corridors must have a width of at least 1 000 millimetres.

The width at internal door approaches must be at least 1 200 millimetres.

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(10) **Living room and dining room**

A living room in a self-contained dwelling must have:

- (a) a circulation space:
  - (i) of at least 2 250 millimetres in diameter, and
  - (ii) as set out in clause 4.7 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.

A living room and dining room must have a potential illumination level of at least 300 lux.

(11) **Kitchen**

A kitchen in a self-contained dwelling must have:

- (a) a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
- (b) a width at door approaches of at least 1 200 millimetres, and
- (c) benches that include at least one work surface:
  - (i) that is at least 800 millimetres in length, and
  - (ii) the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- (d) a tap set:
  - (i) that is located within 300 millimetres of the front of the sink, and
  - (ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and
- (e) a thermostatic mixing valve for the hot water outlet, and
- (f) cook tops:
  - (i) with either front or side controls, and
  - (ii) with controls that have raised cross bars for ease of grip, and
  - (iii) that include an isolating switch, and
- (g) a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (h) an oven that is located adjacent to a worksurface the height of which can be adjusted, and



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- (i) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
  - (j) general power outlets:
    - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a worksurface, and
    - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.
- (12) **Main bedroom**  
At least one bedroom within a self-contained dwelling must have:
- (a) an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1 200 millimetres wide at the foot of the bed, and
  - (b) 2 double general power outlets on the wall where the head of the bed is likely to be, and
  - (c) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
  - (d) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
  - (e) a potential illumination level of at least 300 lux.
- (13) **Bathroom**  
A bathroom must have:
- (a) an area that complies with AS 1428, and
  - (b) a slip-resistant floor surface, and
  - (c) a shower:
    - (i) the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
    - (ii) the recess of which does not have a hob, and
    - (iii) that is waterproofed in accordance with AS 3740, and
    - (iv) the floor of which falls to a floor waste, and
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- (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
  - (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
  - (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
  - (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
  - (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
  - (d) thermostatic mixing valves for all hot water outlets, and
  - (e) a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
  - (f) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
  - (g) a mirror, and
  - (h) a double general power outlet beside the mirror.
- (14) **Toilet**  
A dwelling must have a toilet:
- (a) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
  - (b) that is installed in compliance with AS 1428, and
  - (c) that has a slip-resistant floor surface, and
  - (d) the WC pan of which is located from fixed walls in accordance with AS 1428, and
  - (e) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.
- (15) **Access to kitchen, main bedroom, bathroom and toilet**  
In a multi-storey self-contained dwelling:
- (a) the kitchen, main bedroom, bathroom and toilet must be located on the ground floor, or
  - (b) if the kitchen, main bedroom, bathroom and toilet are not located on the ground floor, the ground floor living

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space must be able to be altered so as to accommodate them, or

- (c) if the kitchen, main bedroom, bathroom and toilet are located on a floor above the ground floor, the stairs to the higher floor:
  - (i) must be equipped with a stair climber that is capable of being used by a person in a wheelchair, or
  - (ii) must be sufficiently wide to enable the installation of a stair climber that is capable of being used by a person in a wheelchair.

**(16) Laundry**

A self-contained dwelling must have a laundry:

- (a) that has provision for the installation of an automatic washing machine, and
- (b) that has provision for the installation of a clothes dryer, and
- (c) that has a clear space in front of appliances of at least 1 300 millimetres, and
- (d) that has thermostatic mixing valves for all hot water outlets, and
- (e) that has a slip-resistant floor surface, and
- (f) that has an accessible path of travel to any clothes line provided in relation to the dwelling.

**(17) Storage**

A self-contained dwelling must be provided with a linen cupboard:

- (a) that is at least 600 millimetres wide, and
- (b) that has adjustable shelving.

**(18) Doors**

Door hardware provided as the means for opening doors must be:

- (a) able to be operated with one hand, and
- (b) located between 900 millimetres and 1 100 millimetres above floor level.

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- (19) **Surface finishes**  
Balconies and external paved areas must have slip-resistant surfaces.
- (20) **Ancillary items**  
Switches must be located between 900 millimetres and 1 100 millimetres above floor level.  
General purpose outlets must be located at least 600 millimetres above floor level.
- (21) **Garbage**  
An outside garbage storage area must be provided in an accessible location.
- (22) **Applications by certain housing providers**  
Despite the provisions of subclauses (2) and (9)–(20), a dwelling, or part of a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those subclauses if the development application is made by, or by a person jointly with, the Department of Housing or a local government or community housing provider.

### [5] **Clause 14 Standards which cannot be used as grounds for refusal**

Omit “that is serviced on a frequent and regular basis” from clause 14 (b) (ii).

Insert instead “that operates from Monday to Friday (both days inclusive)”.

### [6] **Clause 14 (e), (f) and (g)**

Insert at the end of clause 14 (d):

, or

- (e) **visitor parking:** if, in the case of development that comprises less than 8 dwellings and is not situated on a clearway, no visitor parking is provided within the development, or
- (f) **landscaped areas:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or

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otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area (preferably located at the rear of the site) of not less than the width of the site multiplied by 15% of the length of the site, or

- (g) **private open space for in-fill housing:** if:
- (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and
  - (ii) in the case of any other dwelling, there is a balcony with an area of not less than 6 square metres, that is not less than 1.8 metres in length and that is accessible from a living area.

**[7] Clause 14**

Insert at the end of clause 14:

**Note.** The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

**[8] Clause 17 Department of Housing and local government or community housing providers**

Omit the clause.

**[9] Clause 19 Heritage conservation areas and heritage items**

Insert “heritage” after “State or regional” in clause 19 (1).

**[10] Clause 19 (3)**

Insert after clause 19 (2):

- (3) This clause does not apply to development that requires the approval of the Heritage Council in respect of the doing or carrying out of an act, matter or thing referred to in section 57 (1) of the *Heritage Act 1977*.

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### [11] Clause 24 Site analysis

Insert “by the applicant” after “prepared” in clause 24 (1).

### [12] Clause 24 (2) (b)

Omit the paragraph. Insert instead:

- (b) be accompanied by a written statement (that may be supported by drawings):
  - (i) explaining how the design of the proposed development has regard to the site analysis, and
  - (ii) explaining how the design of the proposed development has regard to the principles set out in clause 25.

### [13] Clause 25 Design of residential development

Omit clause 25 (a). Insert instead:

- (a) **Neighbourhood amenity and streetscape:** The proposed development should:
  - (i) contribute to an attractive residential environment with clear character and identity, and
  - (ii) where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and
  - (iii) where possible, maintain reasonable neighbour amenity and appropriate residential character by providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing, and
  - (iv) where possible, maintain reasonable neighbour amenity and appropriate residential character by using building form and siting that relates to the site’s land form, and

- (v) where possible, maintain reasonable neighbour amenity and appropriate residential character by adopting building heights at the street frontage that are compatible in scale with adjacent development, and
- (vi) where possible, maintain reasonable neighbour amenity and appropriate residential character by considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (vii) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and
- (viii) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.

**[14] Clause 25 (b)**

Omit “where practicable”. Insert instead “where possible”.

**[15] Clause 25 (b) (ii)**

Insert “by locating the living and sleeping areas away from driveways, parking areas and paths” after “dwellings”.

**[16] Clause 25 (c) (ii)**

Insert “by locating the windows of living and dining areas in a northerly direction” after “lighting”.

**[17] Clause 25 (d) (i)**

Insert “by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas” after “waters”.

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### [18] Clause 25 (d) (iii)

Insert “by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas” after “water”.

### [19] Clause 25 (h)

Omit the paragraph.

### [20] Schedule 1 Environmentally sensitive land

Insert after “floodway”:

- high flooding hazard

### [21] Schedule 1

Insert after “natural hazard”:

- high bushfire hazard

### [22] Dictionary

Insert in alphabetical order:

*AS 1428* means Australian Standard 1428.1–1998 *Design for access and mobility—Part 1: General requirements for access—New building work*, as amended from time to time.

*AS 3740* means Australian Standard 3740–1994 *Waterproofing of wet areas within residential buildings*, as amended from time to time.

*AS 4299* means Australian Standard 4299–1995 *Adaptable housing*, as amended from time to time.

**general power outlet** means a general power outlet that complies with AS 1428.

**in-fill housing** means housing for older people or people with disabilities on land zoned primarily for urban purposes that consists of two or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.



**[23] Dictionary**

Omit the definition of *critical habitat*. Insert instead:

*critical habitat*—see section 4 (1) of the Act.

**[24] Dictionary, definition of “gross floor area”**

Omit “lift towers,” from paragraph (b).

**[25] Dictionary, definition of “gross floor area”**

Insert at the end of paragraph (d):

, and

- (e) the width of that part of any stairway required to meet the standard prescribed by clause 13A (15) (c).