



New South Wales

# **State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)**

under the

**Environmental Planning and Assessment Act 1979**

Her 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 Planning. (CH.RL S06/00724-1)

FRANK SARTOR, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)*.

### **2 Commencement**

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

### **3 Aims of Policy**

The aims of this Policy are as follows:

- (a) to rename *State Environmental Planning Policy (Seniors Living) 2004* (the **Principal Policy**) as *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,
- (b) to require a strategic assessment to be carried out by the Director-General to ensure that the use of certain land under the Principal Policy is compatible with the surrounding environment,
- (c) to permit development for the purposes of serviced self-care housing in certain circumstances on land adjoining land zoned primarily for urban purposes,
- (d) to clarify the circumstances in which land is to be treated as being zoned principally for urban purposes or as adjoining land that is zoned principally for urban purposes under the Principal Policy,
- (e) to permit development under the Principal Policy for the purposes of seniors housing on land where an existing registered club is located,
- (f) to extend the operation of the Principal Policy to land to which an interim heritage order or a listing on the State Heritage Register applies and to land identified on a bush fire prone land map certified under section 146 of the *Environmental Planning and Assessment Act 1979* as “Bush fire prone land—vegetation category 1”,

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- (g) to make it clear that land does not cease to be land to which the Principal Policy applies only because the land is identified under *State Environmental Planning Policy No 71—Coastal Protection* or, in the case of land on which an existing registered club is located, the land is zoned as private open space or open space on which dwellings or dwelling-houses are permitted,
  - (h) to remove duplication and to amend and consolidate the standards set out in the Principal Policy concerning accessibility and useability in relation to development for the purposes of hostels and self-contained dwellings,
  - (i) to make further provision with respect to the granting of development consent under the Principal Policy for vertical villages,
  - (j) to reinstate certain provisions concerning transport and other service standards in respect of development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes,
  - (k) to provide for the expiry on 31 December 2008 of certain provisions of the Principal Policy that limit the application of the Policy to certain local government areas in which local councils have previously undertaken to make adequate provision for seniors housing or housing for people with a disability,
  - (l) to make certain other amendments to the Principal Policy to improve the operation of the Principal Policy (including amendments to definitions and amendments in the nature of law revision),
  - (m) to make consequential amendments to other state environmental planning policies.

#### **4 Land to which Policy applies**

This Policy applies to the whole of the land to which *State Environmental Planning Policy (Seniors Living) 2004*, as amended by this Policy, applies.

#### **5 Amendment of State Environmental Planning Policy (Seniors Living) 2004**

*State Environmental Planning Policy (Seniors Living) 2004* is amended as set out in Schedules 1 and 2.

#### **6 Consequential amendment of other State Environmental Planning Policies**

The State Environmental Planning Policies specified in Schedule 3 are amended as set out in that Schedule.

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# Schedule 1      Principal amendments to State Environmental Planning Policy (Seniors Living) 2004

(Clause 5)

## [1]    Clause 1 Name of Policy

Omit “(Seniors Living)”.

Insert instead “(Housing for Seniors or People with a Disability)”.

## [2]    Clause 3 Interpretation

Insert in alphabetical order in clause 3 (1):

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Building Code of Australia** has the same meaning as in the Act.

**Note.** The term is defined in section 4 (1) of the Act.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access to the building or space, whether operated for gain or not.

**dual occupancy** means 2 dwellings (whether attached or detached) on one lot of land.

**existing registered club** means a registered club in existence on land immediately before the date on which *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* commences.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**registered club** means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

**site compatibility certificate** means a certificate issued by the Director-General under clause 24C for the purposes of clause 24B (2).

**Note.** A certificate remains current only for the period of 24 months after it is issued—see clause 24C (9).

***social housing provider*** means any of the following:

- (a) the New South Wales Land and Housing Corporation,
- (b) the Department of Housing,
- (c) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (d) the Aboriginal Housing Office,
- (e) a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*,
- (f) the Department of Ageing, Disability and Home Care,
- (g) a local government authority that provides affordable housing,
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants.

**[3] Clause 3 (1)**

Omit the definitions of *AS 1428*, *AS 3740* and *AS 4299*. Insert instead:

***AS 1428.1*** means the version of the Australian Standard entitled AS 1428.1, *Design for access and mobility*, Part 1: *General requirements for access—New building work*, published by Standards Australia, that is adopted in the *Building Code of Australia*.

***AS 2890*** means the version of the Australian Standard entitled AS 2890, *Parking facilities*, Part 1: *Off street parking*, published by Standards Australia, that is adopted in the *Building Code of Australia*.

***AS 4299*** means the Australian Standard entitled AS 4299–1995, *Adaptable housing*, published by Standards Australia, as in force on the date of commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)*.

**[4] Clause 3 (1), definition of “bush fire evacuation risk map”**

Omit “(Amendment No 5)” and “Department of Infrastructure, Planning and Natural Resources”.

Insert instead “(Amendment No 6)” and “Department of Planning” respectively.

**[5] Clause 3 (1), definition of “general power outlet”**

Omit “AS 1428”. Insert instead “AS 1428.1”.

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**[6] Clause 3 (1), definition of “heritage conservation area”**

Omit the definition. Insert instead:

*heritage conservation area* means:

- (a) land identified in another environmental planning instrument as a heritage conservation area and includes buildings, works, trees, archaeological sites, Aboriginal objects or places situated on or within that land, or
- (b) a place of architectural significance identified in another environmental planning instrument, or
- (c) a place of Aboriginal heritage significance identified in another environmental planning instrument.

**[7] Clause 3 (1), definition of “heritage item”**

Omit “relic, tree or place”.

Insert instead “tree, archaeological site, Aboriginal object or place”.

**[8] Clause 3 (1), definition of “heritage significance”**

Insert “architectural,” after “archaeological,”.

**[9] Clause 3 (1), definition of “in-fill self-care housing”**

Omit “clause 14”. Insert instead “clause 13 (2)”.

**[10] Clause 3 (1), definition of “local government or community housing provider”**

Omit the definition.

**[11] Clause 3 (1), definition of “self-contained dwelling”**

Omit “clause 13”. Insert instead “clause 13 (1)”.

**[12] Clause 3 (1), definition of “serviced self-care housing”**

Omit “clause 15”. Insert instead “clause 13 (3)”.

**[13] Clause 4**

Omit the clause. Insert instead:

**4 Land to which Policy applies**

**(1) General**

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

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- (a) development for the purpose of any of the following is permitted on the land:
    - (i) dwelling-houses,
    - (ii) residential flat buildings,
    - (iii) hospitals,
    - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or
  - (b) the land is being used for the purposes of an existing registered club.

**Note.** Clause 22 gives effect to Schedule 3. That Schedule contains provisions that restrict the persons who may make development applications pursuant to this Policy in respect of land located in certain local government areas. The Schedule should be consulted to determine whether any special provisions apply to land that is to be the subject of a development application made pursuant to this Policy.

(2) **Land that is not zoned primarily for urban purposes**

For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument:

- (a) a zone that is identified as principally for rural uses,
  - (b) a zone that is identified as principally for urban investigation,
  - (c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*).
- (3) Nothing in subclause (2) operates to make any land that is not within a zone referred to in that subclause land that is zoned primarily for urban purposes.

(4) **Land that adjoins land zoned primarily for urban purposes**

For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.

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(5) **Application of Policy to land zoned for special uses and existing registered clubs**

For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

- (a) land on which development for the purposes of special uses is permitted, or
- (b) land that is being used for the purposes of an existing registered club,

as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

(6) **Land to which Policy does not apply**

This Policy does not apply to:

- (a) land described in Schedule 1 (Environmentally sensitive land), or
- (b) land (other than land to which *Warringah Local Environmental Plan 2000* applies) that is zoned for industrial purposes, or
- (c) land to which *Warringah Local Environmental Plan 2000* applies if the land is located in any of the following localities under that Plan:
  - (i) A1 (Cottage Point),
  - (ii) A6 (Ku-ring-gai Chase National Park),
  - (iii) A7 (Mona Vale Road North),
  - (iv) B9 (Mona Vale Road East),
  - (v) B10 (Narrabeen Lake),
  - (vi) C4 (Garigal National Park),
  - (vii) C6 (Cook Street),
  - (viii) C7 (Bare Creek),
  - (ix) C9 (Austlink Business Park),
  - (x) C10 (Mona Vale Road West),
  - (xi) E3 (Cromer Industrial),
  - (xii) F1 (Brookvale Centre),
  - (xiii) F2 (Brookvale Service Centre),
  - (xiv) F3 (Brookvale Industrial),
  - (xv) G1 (Harbord Industrial),
  - (xvi) G4 (Rodborough Road),
  - (xvii) G9 (Warringah Mall),



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- (xviii) G10 (Brookvale Industrial West), or
- (d) the land to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* applies.
- (7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because:
- (a) the land is identified under *State Environmental Planning Policy No 71—Coastal Protection*, or
- (b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:
- (i) private open space, or
- (ii) open space where dwellings or dwelling-houses are permitted.
- (8) **Application of Policy to land in Warringah**
- For the purposes of this Policy, land to which *Warringah Local Environmental Plan 2000* applies is taken to be land that is zoned primarily for urban purposes only if the land is located within any of the following localities under that Plan:
- (a) A3 (Terrey Hills Village),
- (b) B1 (Frenchs Forest East),
- (c) B3 (Oxford Heights/ Carnarvon Drive),
- (d) B4 (Narrabeen Village),
- (e) B5 (Narrabeen Lakeside),
- (f) B6 (War Veterans),
- (g) B7 (Narrabeen Lake Suburbs),
- (h) B8 (Red Hill),
- (i) B11 (Forest Way Village),
- (j) B12 (Perentie and Dawes Roads),
- (k) C1 (Middle Harbour Suburbs),
- (l) C2 (Glen Street Village),
- (m) C3 (Forestville Village),
- (n) C5 (Forestway Shops),
- (o) C11 (Belrose Road Corridor),
- (p) D1 (Collaroy/ Narrabeen),
- (q) D2 (Collaroy Village),
- (r) D3 (Collaroy Footslopes),

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- (s) D4 (Collaroy Plateau),
- (t) D5 (Long Reef),
- (u) E1 (Dee Why North),
- (v) E2 (Dee Why Lagoon Suburbs),
- (w) E4 (Dee Why Parade),
- (x) E5 (Howard Avenue),
- (y) E6 (Oaks Avenue),
- (z) E7 (Pacific Parade),
- (aa) E8 (Sturdee Parade),
- (ab) E9 (Pittwater Road),
- (ac) E10 (Civic Centre),
- (ad) E11 (Fisher Road),
- (ae) E12 (Mooramba Road),
- (af) E13 (Dee Why Park),
- (ag) E14 (Dee Why Basin),
- (ah) E15 (Wingala Hill),
- (ai) E16 (Pittwater Road North),
- (aj) E17 (Town Centre South),
- (ak) E18 (The Strand),
- (al) E19 (Delmar Parade),
- (am) E20 (Mooramba West),
- (an) F4 (Brookvale Valley),
- (ao) F5 (Curl Curl),
- (ap) G2 (Riverview Parade),
- (aq) G3 (Manly Lagoon Suburbs),
- (ar) G5 (Manly Vale Centre),
- (as) G6 (Manly Vale Business),
- (at) G7 (Innes Road),
- (au) G8 (Queenscliff),
- (av) G11 (Aquatic Drive),
- (aw) H1 (Freshwater Beach),
- (ax) H2 (Harbord Village).

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(9) **Application of Policy to land in Sutherland Shire**

This Policy does not apply to land in Sutherland Shire, except in relation to:

- (a) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or
  - (b) land that is shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to *Sutherland Shire Local Environmental Plan 2000*, or
  - (c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under *Sutherland Shire Local Environmental Plan 2006*:
    - (i) Zone 4—Local Housing,
    - (ii) Zone 5—Multiple Dwelling A,
    - (iii) Zone 6—Multiple Dwelling B,
    - (iv) Zone 7—Mixed Use—Kirrawee,
    - (v) Zone 8—Urban Centre,
    - (vi) Zone 9—Local Centre,
    - (vii) Zone 10—Neighbourhood Centre, or
  - (d) land in Zone 12—Special Uses under *Sutherland Shire Local Environmental Plan 2006*, or
  - (e) land in the 5 (a) Special Uses zone under *Sutherland Shire Local Environmental Plan 2000* that is excluded from *Sutherland Shire Local Environmental Plan 2006* under section 68 (5) or 70 (4) of the Act, or
  - (f) an application to carry out development made by or on behalf of:
    - (i) the Director-General of the Department of Housing, or
    - (ii) a social housing provider.
- (10) This Policy applies:
- (a) in relation to the land referred to in subclause (9) (b)—despite anything to the contrary in subclauses (1) and (6), and
  - (b) in relation to the land referred to in subclause (9) (a) or (c)—despite anything to the contrary in subclause (6).

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- (11) Nothing in this Policy affects the operation of clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* in its application to the land referred to in subclause (9) (b).

**Note.** Clause 7 (2) (a) of *Sutherland Shire Local Environmental Plan 2006* continues the application of *Sutherland Shire Local Environmental Plan 2000* to the land referred to in subclause (9) (b).

- (12) A reference in this clause to *Sutherland Shire Local Environmental Plan 2000* is a reference to that Plan as in force immediately before the commencement of *Sutherland Shire Local Environmental Plan 2006*.

- (13) The following provisions cease to have effect on 31 December 2008:
- (a) subclause (9) (except paragraph (b) of that subclause),
  - (b) subclause (10) (b).

### [14] Clause 5 Relationship to other environmental planning instruments

Omit clause 5 (2).

### [15] Clause 8

Omit the clause. Insert instead:

#### 8 Seniors

In this Policy, *seniors* are any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

### [16] Clause 9

Omit the clause. Insert instead:

#### 9 People with a disability

In this Policy, *people with a disability* are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

**[17] Clause 10 Seniors housing**

Insert at the end of the note to the section:

Relevant classifications in the *Building Code of Australia* for the different types of residential accommodation are as follows:

- (a) Class 3, 9a or 9c in relation to residential care facilities,
- (b) Class 1b or 3 in relation to hostels,
- (c) Class 1a or 2 in relation to self contained dwellings.

**[18] Clause 11 Residential care facilities**

Insert at the end of the clause:

**Note.** The *Aged Care Act 1997* of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.

**[19] Clause 12 Hostels**

Insert at the end of the clause:

**Note.** A facility may be a hostel (as defined by this Policy) even if it does not provide personal care or nursing care to its residents. A facility that provides such care may be a residential care facility (as defined by this Policy), regardless of how the facility may describe itself.

**[20] Clause 13**

Omit clauses 13–15. Insert instead:

**13 Self-contained dwellings****(1) General term: “self-contained dwelling”**

In this Policy, a *self-contained dwelling* is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

**(2) Example: “in-fill self-care housing”**

In this Policy, *in-fill self-care housing* is seniors housing on land zoned primarily for urban purposes that consists of 2 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.

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(3) **Example: “serviced self-care housing”**

In this Policy, *serviced self-care housing* is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

[21] **Clause 16 Objective of Chapter**

Omit “frailer”. Insert instead “frail”.

[22] **Clause 17 What Chapter does**

Omit clause 17 (b). Insert instead:

- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.

[23] **Clause 19**

Omit the clause. Insert instead:

**19 Development on land adjoining land zoned primarily for urban purposes**

- (1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:
  - (a) a hostel,
  - (b) a residential care facility,
  - (c) serviced self-care housing.
- (2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:
  - (a) for people with a disability, or
  - (b) in combination with a residential care facility, or
  - (c) as a retirement village (within the meaning of the *Retirement Villages Act 1999*).

**Note.** Clause 13 (3) defines *serviced self-care housing* as seniors housing that consists of self-contained dwellings where meals, cleaning

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services, personal care and nursing care are available on site. Clause 74 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 74 also provides that if services are limited to those provided under Government provided or funded community based care packages, this does not constitute reasonable access to services.

**[24] Clause 20 Restrictions on occupation of seniors housing allowed under this Chapter**

Omit clause 20 (2). Insert instead:

- (2) A consent authority must not consent to a development application made pursuant to this Chapter unless:
  - (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and
  - (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).

**[25] Clause 22 Special provisions concerning certain land to which this Policy applies**

Insert at the end of the clause (after the note):

- (2) The provisions of Schedule 3 cease to have effect on 31 December 2008.

**[26] Clause 23 Subdivision**

Insert at the end of the clause:

**Note.** Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former *Sutherland Shire Local Environmental Plan 2000* (which continues to apply to the land by virtue of clause 7 (2) (a) of *Sutherland Shire Local Environmental Plan 2006*).

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### [27] Clause 24A

Insert after clause 24:

#### 24A Development on land used for the purposes of an existing registered club

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that:
  - (a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and
  - (b) an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.

**Note.** The *Gaming Machines Act 2001* and the regulations made under that Act provide for gambling harm minimisation measures.

- (2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following:
  - (a) any separate pedestrian access points for the club and the residential areas of the proposed development,
  - (b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.

**Note.** See also clause 32 in relation to noise minimisation design principles.



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**[28] Chapter 3, Part 1A**

Insert after Part 1 of Chapter 3:

**Part 1A Site compatibility certificates****24B Site compatibility certificates required for certain development applications**

- (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:
  - (a) the development is proposed to be carried out on any of the following land to which this Policy applies:
    - (i) land that adjoins land zoned primarily for urban purposes,
    - (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),
    - (iii) land that is used for the purposes of an existing registered club, or
  - (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 77.
- (2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:
  - (a) the site of the proposed development is suitable for more intensive development, and
  - (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 24C (5) (b).

**Note.** Clause 50 (2A) of the *Environmental Planning and Assessment Regulation 2000* requires a development application to which this clause applies to be accompanied by a site compatibility certificate.

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- (3) Nothing in this clause:
- (a) prevents a consent authority from:
    - (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or
    - (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or
  - (b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.

**Note.** Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 79, 80 and 81.

### 24C Application for site compatibility certificate

- (1) An application for a site compatibility certificate for the purposes of clause 24B may be made to the Director-General:
- (a) by the owner of the land on which the development is proposed to be carried out, or
  - (b) by any other person, with the consent of the owner of that land.
- (2) An application must be:
- (a) in writing, and
  - (b) in the form (if any) approved by the Director-General from time to time, and
  - (c) accompanied by such documents and information as the Director-General may require.
- Note.** Clause 262A of the *Environmental Planning and Assessment Regulation 2000* provides for the maximum fee for an application for a site compatibility certificate.
- (3) Subject to subclause (4) (b), the Director-General must provide a copy of the application to the General Manager of the council for the area in which the development concerned is proposed to be carried out (the **relevant General Manager**) within the period of 7 days after the application is made.

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- (4) Subject to subclause (5), the Director-General:
- (a) may determine the application by issuing a certificate or refusing to do so, and
  - (b) if the Director-General refuses to issue a certificate at any time within the period of 7 days after the application is made—is not required to comply with subclause (3).
- (5) The Director-General must not issue a site compatibility certificate unless the Director-General:
- (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and
  - (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:
    - (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,
    - (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,
    - (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 25) and any proposed financial arrangements for infrastructure provision,
    - (iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,
    - (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.
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- (6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.
- (7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.
- (8) The Director-General must, if it is reasonably practicable to do so, determine an application within 35 days after it is lodged.
- (9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General.
- (10) The provisions of subclauses (3) and (5) (a) do not apply in relation to the determination of an application for a site compatibility certificate if the Director-General has delegated the function of determining the application to the council for the area in which the development concerned is proposed to be carried out.

**Note.** Section 23 of the Act enables the Director-General to delegate to a council any of the functions of the Director-General imposed or conferred by or under the Act or any other Act.

### [29] Chapter 3, Part 2

Omit “Department of Infrastructure, Planning and Natural Resources” from the note at the beginning of the Part.

Insert instead “Department of Planning”.

### [30] Clause 25

Omit the clause. Insert instead:

#### **25 Location and access to facilities**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:
  - (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
  - (b) community services and recreation facilities, and
  - (c) the practice of a general medical practitioner.

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- (2) Access complies with this clause if:
- (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:
    - (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
    - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
    - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or
  - (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:
    - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
    - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
    - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),  
and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or
  - (c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:
    - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
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(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

**Note.** Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

(4) For the purposes of subclause (2):

(a) a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and

(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

(5) In this clause:

**bank service provider** means any bank, credit union or building society or any post office that provides banking services.

**[31] Clause 26 Bush fire prone land**

Omit clause 26 (1). Insert instead:

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bushfire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

**[32] Clause 26 (3)**

Omit “subclause (2)”. Insert instead “subclause (1) or (2)”.

**[33] Clause 27A**

Insert after clause 27:

**27A Consent authority to consider certain site compatibility criteria for development applications to which clause 24B does not apply**

- (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24B does not apply.  
**Note.** Clause 24B (1) sets out the development applications to which that clause applies.
- (2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 24C (5) (b) (i), (iii) and (v).
- (3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.

**[34] Clause 28 Site analysis**

Insert after clause 28 (4) (m):

- (n) Adjoining **land uses and activities** (such as agricultural activities)

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### [35] Clause 35 Crime prevention

Omit clause 35 (a). Insert instead:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and

### [36] Clause 38 Development standards—minimum sizes and building height

Insert as a note to clause 38 (4) (a):

**Note.** Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 79 (a), 80 (a) and 81 (a).

### [37] Clause 38 (5) (b)

Omit “a local government or community housing provider”.

Insert instead “any other social housing provider”.

### [38] Chapter 3, Part 4, Division 2, heading

Omit “access”. Insert instead “accessibility”.

### [39] Chapter 3, Part 4, Division 2, note

Omit “access”. Insert instead “accessibility”.

### [40] Chapter 3, Part 4, Division 3

Omit Divisions 3 and 4 of Part 4 of Chapter 3. Insert instead:

## **Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability**

### **39 Standards for hostels and self-contained dwellings**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 4 for such development.
- (2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 4, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those



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provisions if the development application is made by, or by a person jointly with, a social housing provider.

**[41] Clauses 74 and 75**

Insert before clause 76:

**74 Serviced self-care housing**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing 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.
- (2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).

**75 Transport services to local centres**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development:
  - (a) that will drop off and pick up passengers at a local centre that provides residents with access to the following:
    - (i) shops, bank service providers and other retail and commercial services that residents may reasonably require,
    - (ii) community services and recreation facilities,
    - (iii) the practice of a general medical practitioner, and

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- (b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.
- (2) Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.
- (3) In this clause, *bank service provider* has the same meaning as in clause 25.

### [42] Clause 77

Omit the clause. Insert instead:

#### 77 Vertical villages

##### (1) Application of clause

This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9) (b)) on which development for the purposes of residential flat buildings is permitted.

##### (2) Granting of consent with bonus floor space

Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than *State Environmental Planning Policy No 1—Development Standards*) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.

**Note.** For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

- (3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.
- (4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.

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- (5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.
- (6) **Requirements relating to affordable places and on-site support services**
- A consent authority may only grant consent to a development application as referred to in subclause (2) if:
- (a) the consent authority is satisfied, on written evidence, that:
    - (i) the proposed development will deliver on-site support services for its residents, and
    - (ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and
  - (b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.
- (7) **Grounds on which consent cannot be refused**
- A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 38 (4) (a), 79 (a), 80 (a) or 81 (a).
- (8) **Conditions on grants of development consent**
- A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.
- (9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.
- (10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.
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(11) **Clause does not apply to certain heritage affected land**

Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the *Heritage Act 1977* applies.

(12) **Definitions**

In this clause:

**affordable place**, in relation to seniors housing, means a dwelling for the accommodation of a resident:

- (a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:

Very low income household    less than 50%

Low income household        50% or more but less than 80%

Moderate income household   80–120%

- (b) who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.

**on-site support services**, in relation to residents of seniors housing, means:

- (a) 3 meals a day provided on a communal basis or to a resident's dwelling, and  
(b) personal care, and  
(c) home nursing visits, and  
(d) assistance with housework.

**[43] Clause 78 Inter-relationship of Part with design principles in Part 3**

Insert at the end of the clause (after the note):

- (2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.

**[44] Clause 78A**

Insert after clause 78:

**78A Part does not apply to certain development applications relating to heritage affected land**

Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the *Heritage Act 1977* applies.

**[45] Clause 79 Standards that cannot be used to refuse development consent for residential care facilities**

Insert “(and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)” after “in height” in clause 79 (a).

**[46] Clause 79 (d) (i)**

Omit “dwellings” wherever occurring. Insert instead “beds”.

**[47] Clause 80 Standards that cannot be used to refuse development consent for hostels**

Insert “(and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)” after “in height” in clause 80 (a).

**[48] Clause 81 Standards that cannot be used to refuse development consent for self-contained dwellings**

Insert “(including in-fill self-care housing and serviced self-care housing)” after “for the purpose of a self-contained dwelling”.

**[49] Clause 81 (a)**

Insert “(and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)” after “in height”.

**[50] Clause 81 (c) and (h)**

Omit “the Department of Housing or a local government or community housing provider” wherever occurring.

Insert instead “a social housing provider”.

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**[51] Clause 81 (f)**

Omit “AS 1428” from the note. Insert instead “AS 1428.1”.

**[52] Clause 81 (g)**

Omit the paragraph.

**[53] Clause 82 Amendments to the bush fire evacuation risk map**

Insert after clause 82 (2) (e):

- (f) any recommendations made by the NSW Rural Fire Service.

**[54] Clause 84**

Insert after clause 83:

**84 Savings and transitional provisions for development applications made before SEPP (Seniors Living) 2004 (Amendment No 2)**

- (1) A development application made pursuant to Chapter 3 that was lodged with a consent authority (but not finally determined) before the commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* is to be determined as if that Policy had not been made.
- (2) Despite any other provision of this Policy, a consent authority may consent to a development application relating to development for the purposes of serviced self-care housing on land adjoining land zoned primarily for urban purposes even though the consent authority is not satisfied of the matters referred to in clause 19 (2) if the consent authority is satisfied that:
  - (a) the development concerned forms part of a “deferred commencement” consent under section 80 (3) of the Act, or a staged development, in which the first or an earlier stage was granted development consent before the commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)*, or
  - (b) the development concerned is the subject of a site specific master plan or development control plan that was made or adopted before the commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)* and development consent was granted before that commencement for the carrying out of other development identified by the plan.

- (3) Without limiting subclause (2), the provisions of that subclause extend to development for the purposes of serviced self-care housing on any of the following land even if the development concerned is not of a kind referred to in subclause (2) (a) or (b):
- (a) Lot 1, DP 1108240, 599–607 Old Northern Road, Glenhaven and Lot 1, DP 135398, Lot 2 & Lot 3, DP 225754, 589–591 and 593 Old Northern Road, Glenhaven,
  - (b) Lot 188, DP 755537 and Lot 155, DP 755537, 24 Coronation Road, Congarinni North,
  - (c) Lot 4, DP 262132, 38 Progress Street, Tahmoor, Lot A DP, 365411, 30 Progress Street, Tahmoor, Lot 1, DP 623127, 36 Progress Street, Tahmoor and Lot 222, DP 10669, 42 Progress Street, Tahmoor.

**[55] Schedule 1 Environmentally sensitive land**

Omit “(Clause 4 (2))”. Insert instead “(Clause 4 (6) (a))”.

**[56] Schedule 1**

Omit paragraph (j) from the matter relating to land identified in another environmental planning instrument.

**[57] Schedule 1**

Omit the matter relating to land identified on a bush fire prone land map.

**[58] Schedule 2 Consequential amendment of other State Environmental Planning Policies**

Omit the Schedule.

**[59] Schedule 3 Special provisions relating to certain land**

Omit “local government or community housing provider” wherever occurring. Insert instead “social housing provider”.

**[60] Schedule 3**

Omit clause 3 (b) and (c). Insert instead:

- (b) in relation to land in an accessible housing area (within the meaning of *Blue Mountains Local Environmental Plan 2005*), or
- (c) in relation to land in a zone under the *Blue Mountains Local Environmental Plan 2005* in which development of

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land for the purpose of a dwelling house is permitted, with or without development consent, for:

- (i) the purpose of a residential care facility, or
- (ii) the purpose of a hostel, or
- (iii) a purpose of the kind referred to in clause 114 (“Self-sustained” development outside the accessible housing area) of that Plan.

### [61] Schedule 4

Insert after Schedule 3:

## **Schedule 4 Standards concerning accessibility and useability for hostels and self-contained dwellings**

(Clause 39 (1))

### **Part 1 Standards applying to hostels and self-contained dwellings**

#### **1 Application of standards in this Part**

The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.

#### **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 (within the meaning of AS 1428.1) 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 (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

**Note.** For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by



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this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.

(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.

**3 Security**

Pathway lighting:

- (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
- (b) must provide at least 20 lux at ground level.

**4 Letterboxes**

Letterboxes:

- (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
- (b) must be lockable, and
- (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

**5 Private car accommodation**

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

- (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and
- (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and
- (c) any garage must have a power-operated 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.

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### 6 Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

### 7 Interior: general

Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1.

### 8 Bedroom

At least one bedroom within each dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a bed sized as follows:
  - (i) in the case of a dwelling in a hostel—a single-size bed,
  - (ii) in the case of a self-contained dwelling—a queen-size bed, and
- (b) a clear area for the bed of at least:
  - (i) 1,200 millimetres wide at the foot of the bed, and
  - (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (f) wiring to allow a potential illumination level of at least 300 lux.

### 9 Bathroom

- (1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:
  - (a) a slip-resistant floor surface,
  - (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,

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- (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
    - (i) a grab rail,
    - (ii) portable shower head,
    - (iii) folding seat,
  - (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
  - (e) a double general power outlet beside the mirror.
- (2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

**10 Toilet**

A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

**11 Surface finishes**

Balconies and external paved areas must have slip-resistant surfaces.

**Note.** Advice regarding finishes may be obtained from AS 1428.1.

**12 Door hardware**

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

**13 Ancillary items**

Switches and power points must be provided in accordance with AS 4299.

**Part 2 Additional standards for self-contained dwellings****14 Application of standards in this Part**

The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.

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### **15 Living room and dining room**

- (1) A living room in a self-contained dwelling must have:
  - (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and
  - (b) a telephone adjacent to a general power outlet.
- (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

### **16 Kitchen**

A kitchen in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and
- (b) a width at door approaches complying with clause 7 of this Schedule, and
- (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
  - (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
  - (ii) a tap set (see clause 4.5.6),
  - (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,
  - (iv) an oven (see clause 4.5.8), and
- (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (e) general power outlets:
  - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
  - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

### **17 Access to kitchen, main bedroom, bathroom and toilet**

In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

**18 Lifts in multi-storey buildings**

In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the *Building Code of Australia*.

**19 Laundry**

A self-contained dwelling must have a laundry that has:

- (a) a width at door approaches that complies with clause 7 of this Schedule, and
- (b) provision for the installation of an automatic washing machine and a clothes dryer, and
- (c) a clear space in front of appliances of at least 1,300 millimetres, and
- (d) a slip-resistant floor surface, and
- (e) an accessible path of travel to any clothes line provided in relation to the dwelling.

**20 Storage for linen**

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

**21 Garbage**

A garbage storage area must be provided in an accessible location.

**2007 No 499**

State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)

Schedule 2 Amendments to State Environmental Planning Policy (Seniors Living) 2004 relating to renumbering

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**Schedule 2 Amendments to State Environmental Planning Policy (Seniors Living) 2004 relating to renumbering**

(Clause 5)

**[1] Clauses 16–39 and 74–84**

Renumber clauses 16–39 and 74–84, as amended or inserted by Schedule 1 to this Policy, with clauses numbered consecutively starting from clause 14 and amend any cross-reference in the Policy to a renumbered clause (including in any notes) by renumbering the cross-reference accordingly.

**[2] Schedules 3 and 4**

Renumber Schedules 3 and 4, as amended or inserted by Schedule 1 to this Policy, as Schedules 2 and 3, respectively, and amend any cross-reference in the Policy (including in any notes) to a renumbered Schedule by renumbering the cross-reference accordingly.

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## Schedule 3 Consequential amendment of other State Environmental Planning Policies

(Clause 6)

### 3.1 State Environmental Planning Policy No 9—Group Homes

#### [1] Clause 2 Definitions

Omit “*State Environmental Planning Policy (Seniors Living) 2004*” from the definition of **permanent group home** in clause 2 (1).

Insert instead “*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*”.

#### [2] Clause 2 (1), definition of “transitional group home”

Omit “*State Environmental Planning Policy (Seniors Living) 2004*”.

Insert instead “*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*”.

### 3.2 State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation

#### Clause 6 Buildings to which this Policy applies

Omit “*State Environmental Planning Policy (Seniors Living) 2004*” from clause 6 (2) (d).

Insert instead “*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*”.