



New South Wales

# **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)**

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. (S08/01679)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)*.

### **2 Commencement**

This Policy commences on 1 January 2009.

### **3 Aims of Policy**

The aims of this Policy are as follows:

- (a) to provide that a site compatibility certificate is not required for a development application made pursuant to Chapter 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the **Principal Policy**) if the application concerns:
  - (i) development for the purposes of seniors housing where the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument, or
  - (ii) development of a kind to which clause 53 (2) or (3) of the Principal Policy applies,
- (b) to clarify the relationship between the Principal Policy and local environmental planning instruments that apply in Sutherland Shire,
- (c) to clarify the application of standards for internal spaces when granting consent to a development application made pursuant to Chapter 3 of the Principal Policy for development for the purpose of a hostel or self-contained dwelling,
- (d) to omit certain provisions from the Principal Policy that cease to have effect at the end of 31 December 2008,
- (e) to make consequential amendments to *Sutherland Shire Local Environmental Plan 2006* and amendments in the nature of law revision.

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

This Policy applies:

- (a) in respect of the aims set out in clause 3 (a) and (c)—to the land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies, and
- (b) in respect of the aim set out in clause 3 (b):
  - (i) to the 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* (as in force immediately before its repeal) and
  - (ii) to land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, and
  - (iii) to land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A, Zone 6—Multiple Dwelling B, Zone 7—Mixed Use—Kirrawee, Zone 8—Urban Centre, Zone 9—Local Centre and Zone 10—Neighbourhood Centre under *Sutherland Shire Local Environmental Plan 2006*, and
- (c) in respect of the aim set out in clause 3 (d)—to the land referred to in clause 4 (9) of, and Schedule 2 to, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,
- (d) in respect of the aim set out in clause 3 (e)—to the land to which *Sutherland Shire Local Environmental Plan 2006* applies.

#### **5 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* is amended as set out in Schedule 1.

#### **6 Amendment of Sutherland Shire Local Environmental Plan 2006**

*Sutherland Shire Local Environmental Plan 2006* is amended as set out in Schedule 2.

## 2008 No 630

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Schedule 1 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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## Schedule 1 Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

(Clause 5)

### [1] Clause 3 Interpretation

Insert after clause 3 (2):

- (2A) A reference in this Policy 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*.

### [2] Clause 4 Land to which Policy applies

Omit the note to clause 4 (1).

### [3] Clause 4 (9)–(13)

Omit the subclauses. Insert instead:

#### (9) Application of Policy to certain land in Sutherland Shire

For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the 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* is taken to be land that is zoned primarily for urban purposes.

**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 this subclause.

- (10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.
- (11) Subclause (6) does not apply in relation to:
- (a) the land referred to in subclause (9), or
  - (b) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, 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.

**[4] Clause 5 Relationship to other environmental planning instruments**

Insert after clause 5 (1):

- (2) Despite anything to the contrary in this Policy:
  - (a) a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* relating to development for the purposes of seniors housing, and
  - (b) the provisions of clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency.

**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 clause 4 (9).

Clause 65 (5) of *Sutherland Shire Local Environmental Plan 2000* (when read with clause 4 in Part 1 of Schedule 8 to that Plan):

- (a) applies the development standards in Parts 4 and 7 of Chapter 3 of this Policy to development for the purposes of seniors housing on the land referred to in clause 4 (9), and
- (b) provides for those development standards to prevail to the extent of any inconsistency with development standards set out in Part 1 of Schedule 8 to the Plan for such development on that land.

**[5] Clause 20 Special provisions concerning certain land to which this Policy applies**

Omit the clause.

**[6] Clause 24 Site compatibility certificates required for certain development applications**

Insert after clause 24 (1):

- (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect

## **2008 No 630**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Amendment No 4)

Schedule 1      Amendment of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

**[7] Clause 45 Vertical villages**

Omit “clause 4 (9) (b)” from clause 45 (1).

Insert instead “clause 4 (9)”.

**[8] Clause 53 Savings and transitional provisions for development applications made before SEPP (Seniors Living) 2004 (Amendment No 2)**

Insert after clause 53 (3):

- (4) Clause 24 does not apply to a development application for the purposes of development of a kind to which subclause (2) applies or extends.

**[9] Schedule 2 Special provisions relating to certain land**

Omit the Schedule.

**[10] Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings**

Omit clause 7. Insert instead:

**7 Interior: general**

- (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.
- (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.
- (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.

**[11] Schedule 3, clause 16 (b)**

Omit the paragraph. Insert instead:

- (b) a circulation space at door approaches that complies with AS 1428.1, and

**[12] Schedule 3, clause 19 (a)**

Omit the paragraph. Insert instead:

- (a) a circulation space at door approaches that complies with AS 1428.1, and

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## Schedule 2      Amendment of Sutherland Shire Local Environmental Plan 2006

(Clause 6)

**[1]    Clause 8 Application of SEPPs and REPs**

Omit note entitled “Note about application of this plan to seniors housing” at the beginning of the clause and the note to clause 8 (1).

**[2]    Dictionary**

Omit “*State Environmental Planning Policy (Seniors Living) 2004*” wherever occurring from the definitions of *hostel*, *permanent group home*, *seniors housing* and *transitional group home*.

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

**[3]    Dictionary, definition of “seniors housing”**

Omit the note to the definition.