

# State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (1998 EPI 9)

[1998-9]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (1998 EPI 9)



New South Wales

## Part 1 Preliminary

### 1 Name of policy

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

### 2 Commencement

This Policy commences on 14 February 1998.

### 3 Aims

- (1) This Policy aims to encourage the provision of housing that will:
  - (a) increase the supply and diversity of housing that meets the needs of older people or people with a disability, and
  - (b) make efficient use of existing infrastructure and services, and
  - (c) be of good design.
- (2) These aims will be achieved by:
  - (a) setting aside local planning controls that would prevent the development of housing for older people or people with a disability that meets the development standards specified in this Policy, and
  - (b) ensuring that applicants and councils take into consideration the level of additional demand for support services for older people or people with a disability in the council's area to be generated by the development when preparing and assessing development applications that are affected by this Policy, and
  - (c) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and location.

#### **4 Where this Policy applies**

- (1) This Policy applies to land within New South Wales:
  - (a) that is zoned primarily for urban purposes, or that adjoins land zoned primarily for urban purposes, and
  - (b) on which development for the purpose of any of the following is permitted:
    - (i) dwelling-houses,
    - (ii) residential flat buildings,
    - (iii) hospitals,
    - (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) This Policy does not apply to:
  - (a) land described in Schedule 1 (Environmentally sensitive land), or
  - (b) the land to which [Sydney Regional Environmental Plan No 17—Kurnell Peninsula](#) applies.

#### **Note—**

In the Kogarah local government area, an application to carry out development allowed by Part 2 can be made only by the Director-General of the Department of Housing or a local government or community housing provider (see clause 27).

In the Sutherland Shire area, an application to carry out development allowed by Part 2 can be made only in the circumstances set out in clause 28.

In the City of Blue Mountains, an application to carry out development allowed by Part 2 can be made only in the circumstances set out in clause 29.

#### **5 Relationship to other environmental planning instruments**

- (1) This Policy repeals *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons*.
- (2) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.
- (3) This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.

#### **6 Definitions**

Expressions used in this Policy that are defined in the Dictionary at the end of this Policy

have the meanings given in the Dictionary.

#### **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.

#### **7 Notes**

Notes to provisions of this Policy do not form part of this Policy. They are provided to assist understanding.

#### **8 Suspension of certain covenants etc**

- (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act, any agreement or covenant imposing restrictions on any such development, to the extent necessary to serve that purpose, does not apply to the development.
- (2) Subclause (1) does not apply to a covenant in favour of Sydney Water Corporation Limited or a water supply authority listed in Schedule 1 to the [Water Supply Authorities Act 1987](#).
- (3) Before this Policy was made, the Governor approved subclause (1) under section 28 of the Act.

### **Part 2 Development criteria**

#### **9 Objective**

The objective of this Part is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those older people who are independent, mobile and active as well as those who are frailer, and other people with a disability regardless of their age.

#### **10 What this Part does**

This Part allows development for the purpose of any form of housing for older people or people with a disability, despite the provisions of any other environmental planning instrument, if the development is carried out in accordance with this Policy.

#### **11 Development consent**

Development allowed by this Part may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.

## 12 Matters for consideration

- (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.
- (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.
- (3) **Availability of facilities and services** The consent authority must be satisfied that any facility or service provided as a part of the development will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.
- (4) **Water and sewer**

- (a) 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 the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.
- (b) Where the water and sewerage services referred to in subclause (4) (a) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.

**Note—**

Information and assessment guidelines provide assistance to councils in assessing location and provision of services.

**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.
- (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) 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).
- (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.

(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
  - (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

(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 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.

(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.

#### 14 Standards which cannot be used as grounds for refusal

The consent authority must not refuse consent to a development application under this Part on the grounds of:

- (a) **building height:** if all proposed buildings are 8 metres or less in height, or
- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is:
  - (i) 0.5:1 or less, except as provided by subparagraph (ii), or
  - (ii) 0.75:1 or less for hostels and residential care facilities located within 400 metres walking distance of a public transport node (being a public transport facility such as a railway station, bus stop, or ferry wharf, that operates from Monday to Friday (both days inclusive) in daylight hours), or
- (c) **landscaped area:** if a minimum of 35m<sup>2</sup> of landscaped area per dwelling and 25m<sup>2</sup> of landscaped area per hostel or residential care facility bed is provided, or
- (d) **parking:** if at least the following is provided:
  - (i) in the case of a hostel or residential care facility, at least:
    - 1 parking space for each 10 beds in the hostel or residential care facility, and
    - 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
    - 1 parking space suitable for an ambulance, and
  - (ii) in the case of dwellings, at least:

- 0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider, or
  - 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, the Department of Housing or a local government or community housing provider, 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 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.

**Note—**

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

## **15 Who can live in housing for older people or people with disabilities?**

Development allowed by this Policy may be carried out for the accommodation of the following:

- (a) older people or people who have a disability,
- (b) people who live with older people or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

## **16 Hospitals and nursing homes**

Development for the purpose of a hospital or nursing home may be carried out in connection with other development allowed by this Policy, but only with the consent of the consent authority.

## **17 (Repealed)**

## **18 Subdivision**

Land on which development has been carried out under this Policy may be subdivided with the consent of the consent authority.

## **19 Heritage conservation areas and heritage items**

- (1) If development to which this Policy applies is proposed to be carried out in a heritage conservation area or in the vicinity of a heritage item and the area or item is identified as being of State or regional heritage significance in another environmental planning instrument, the consent authority, before granting development consent, must notify the Heritage Council of New South Wales of its intention to grant development consent and must take into consideration any comments received from the Heritage Council within 28 days after the notification is given.
- (2) The consent authority is not required to give notification under this clause if it is of the opinion that the proposed development will not adversely affect the heritage significance of the heritage conservation area or heritage item.
- (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](#).

## **Part 3 Design requirements**

### **20 Objective**

The objective of this Part is to establish a process that encourages good design in residential development allowed by this Policy.

### **21 Development to which this Part applies**

This Part applies to development that is allowed to be carried out with development consent by this Policy.

### **22 When this Part applies**

This Part applies when a consent authority is determining an application for consent to the carrying out of development to which this Part applies.



### **23 What this Part does**

This Part requires certain design aspects to be taken into account when a consent authority considers an application for consent for the carrying out of development to which this Part applies.

### **24 Site analysis**

- (1) Consent must not be granted for development to which this Part applies unless the consent authority has taken into account a site analysis prepared by the applicant in accordance with this clause.
- (2) A site analysis must:
  - (a) contain information, where appropriate, about the site and its surrounds as described in Schedule 2 (Site analysis), and
  - (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.

### **25 Design of residential development**

Consent must not be granted for development to which this Part applies unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the following principles:

#### **(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.

**(b) Visual and acoustic privacy**

The proposed development should, where possible, consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (i) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
- (ii) ensuring acceptable noise levels in internal living and sleeping areas of new dwellings by locating the living and sleeping areas away from driveways, parking areas and paths.

**Note—**

Australian Standards AS 2107-1987 (Acoustics) and AS 3671 (Road Traffic Noise Intrusion) should be referred to in establishing acceptable noise levels.

**(c) Solar access and design for climate**

The proposed development should, where possible:

- (i) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and
- (ii) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

**Note—**

AMCORD A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

**(d) Stormwater**

The proposed development should, where possible:

- (i) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and
- (ii) include, where practical, on-site stormwater detention or re-use for second quality water uses, and
- (iii) be designed with regard to the scope for on-site infiltration of water by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas.

**(e) Crime prevention**

The proposed development should, where possible, provide personal property security for residents and visitors and encourage crime prevention by:

- (i) site planning that allows, from inside each dwelling, general observation of the street, the site and the approaches to the dwelling's entry, and
- (ii) providing shared entries that serve a small number of dwellings and are able to be locked, and
- (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

**(f) Accessibility**

The proposed development should, where appropriate:

- (i) have convenient, obvious and safe pedestrian and bicycle links from the site that provide access to public transport services and local facilities, and
- (ii) provide attractive, yet safe, environments for pedestrians, cyclists and motorists with convenient access and parking for residents and visitors, and
- (iii) where feasible, involve site layout and design that enables people with a disability to access, on one continuous accessible path of travel, the street frontage, car parking, and all buildings, facilities and open spaces within the site.

**Note—**

Australian Standards AS 4299-1995 (Adaptable Housing) and AS 1428—1992, 1993 (Design for Access and Mobility) should be referred to for design in considering people with a disability.

**(g) Waste management**

The proposed development should, where possible, be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

(h) (Repealed)

## **Part 4 Miscellaneous**

### **26 Development applications made before commencement of Policy**

A provision of this Policy does not apply to or in respect of the determination of a development application made, but not determined, before the commencement of the provision.

### **27 Development in Kogarah**

- (1) An application to carry out development allowed by Part 2, if the development is to be carried out on land within the Kogarah local government area, may be made only by or on behalf of:
  - (a) the Director-General of the Department of Housing, or
  - (b) a local government or community housing provider.
- (2) Despite clause 26, this clause extends to a development application made, but not finally determined, before the commencement of this clause.

### **28 Development in Sutherland**

- (1) An application to carry out development allowed by Part 2, if the development is to be carried out on land within the Sutherland Shire area, may be made only:
  - (a) by or on behalf of:
    - (i) the Director-General of the Department of Housing, or
    - (ii) a local government or community housing provider, or
  - (b) in relation to land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or
  - (c) in relation to land within Zone No 5 (a).
- (2) Despite clause 26, this clause extends to a development application, made but not finally determined before the commencement of this clause, but nothing in this clause prevents the granting of development consent to:
  - (a) a development application made on or before 6 May 2002 (being the date on which Sutherland Shire Council resolved to restrict the application of this Policy in its area), or
  - (b) a development application made before or after the commencement of this clause that relates to development for which a development consent is granted as referred to in section 80 (4) of the Act.

## 29 Development in Blue Mountains

- (1) An application to carry out development allowed by Part 2 on land within the City of Blue Mountains may be made only:
  - (a) by or on behalf of:
    - (i) the Director-General of the Department of Housing, or
    - (ii) a local government or community housing provider, or
  - (b) in relation to land shown as being within an accessible housing area on the maps exhibited under section 66 of the Act with the draft *Blue Mountains Local Environmental Plan 2002*, or
  - (c) in relation to a zone in which, if the draft *Blue Mountains Local Environmental Plan 2002*, as exhibited, were to be made, development of land for the purpose of a dwelling house would be permitted with or without development consent, for the purpose of:
    - (i) a residential care facility, or
    - (ii) a hostel, or
    - (iii) a self-sustained development within the meaning of the draft *Blue Mountains Local Environmental Plan 2002*.
- (2) This clause does not apply to or in respect of the determination of a development application made, but not finally determined, before the commencement of this clause.

## Schedule 1 Environmentally sensitive land

(Clause 4 (2))

Land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions:

- coastal protection
- conservation (but not land identified as a heritage conservation area in another environmental planning instrument)
- critical habitat
- environment protection
- open space
- escarpment
- floodway

- high flooding hazard
- natural hazard
- high bushfire hazard
- scenic (but not land that is so identified if:
  - (a) the land is within a residential zone in which development of two storeys or more in height is permitted, or
  - (b) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height)
- water catchment
- natural wetland

## **Schedule 2 Site analysis**

(Clause 24 (2))

### **COMPONENTS OF A SITE ANALYSIS**

#### **The Site**

Investigation of the site should identify:

- **Site dimensions:**
  - length
  - width
- **Topography:**
  - spot levels and/or contour
  - north point
  - natural drainage
  - any contaminated soils or filled areas
- **Services:**
  - easements
  - connections for drainage and utility services
- **Existing vegetation:**
  - location
  - height

spread of established trees

species

- **Micro climates:**

orientation

prevailing winds

- **Location of:**

buildings and other structures

heritage features and items including archaeology

fences

property boundaries

pedestrian and vehicle access

- **Views** to and from the site

- **Overshadowing** by neighbouring structures

### **The Surrounds**

Investigation of the surrounds should identify:

- **Neighbouring buildings:**

location

height

use

- **Privacy:**

adjoining private open spaces

living room windows overlooking site (particularly those within 9m of the site)

location of any facing doors and/or windows

- **Walls built to the site's boundary:**

location

height

materials

- **Difference in levels** between the site and adjacent properties at their boundaries

- **Views** and **solar** access enjoyed by neighbouring properties
- **Major trees** on adjacent properties, particularly those within 9m of the subject site
- **Street frontage features:**
  - poles
  - trees
  - kerb crossovers
  - bus stops
  - other services
- The **built form** and **character** of adjacent development including:
  - architectural character
  - front fencing
  - garden styles
- **Heritage features** of surrounding locality and landscape
- **Direction and distance to local facilities:**
  - local shops
  - schools
  - public transport
  - recreation and community facilities
- **Public open space:**
  - location
  - use
- Adjoining **bushland** or **environmentally sensitive land**
- **Sources of nuisance:**
  - flight paths
  - noisy roads or significant noise sources
  - polluting operations



## Dictionary

(Clause 6)

**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.

**consent authority** for a development application means:

- (a) except as provided by paragraph (b)—the council of the area in which it is proposed to carry out the development, or
- (b) if another environmental planning instrument provides for another consent authority for the kind of development proposed—that other consent authority.

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

**dwelling** means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

**environmental planning instrument** means a State environmental planning policy, a regional environmental plan, or a local environmental plan, and includes a deemed environmental planning instrument.

**floor space ratio** in relation to a building, means the ratio of the gross floor area of the building (exclusive of the area of any car port or garage) to the area of the allotment on which the building is or is proposed to be erected.

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

**gross floor area** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1 400 millimetres above each floor level), excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and
- (c) car parking needed to meet any requirements of the council and any internal access to the car parking, and
- (d) space for the loading and unloading of goods, and
- (e) the width of that part of any stairway required to meet the standard prescribed by clause 13A (15) (c).

**ground level** means the level of the site before development is carried out pursuant to this Policy.

**height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

**heritage conservation area** means land identified in another environmental planning instrument as an heritage conservation area and includes buildings, works, relics, trees and places situated on or within that land.

**heritage item** means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described as a heritage item in an environmental planning instrument.

**heritage significance** means historic, scientific, cultural, social, archaeological, natural or aesthetic significance.

**hostel** means residential accommodation housing older people or people with a disability where cooking and dining, laundering, cleaning and other facilities are provided on a shared basis and where a person having nursing or social work experience or other similar experience provides services.

**housing for older people or people with disabilities** means residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital.

**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.

**landscaped area** means that part of the site area which is not occupied by any building and includes so much of that part as is used or to be used for swimming pools or open-air recreation facilities but does not include so much of that part as is used or to be used for driveways, parking areas or drying yards.

**local government or community housing provider** means:

- (a) a local government organisation, or a not for profit organisation, that is a direct provider of housing to tenants receiving government housing subsidies, or
- (b) an organisation approved by the Minister.

**older people** means people aged 55 years or over.

**people with a disability** means people of any age who, as a result of having an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full and active life.

**residential care facility** means accommodation for older people that includes:

- (a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

**self-contained dwelling** means a dwelling or part of a building, whether attached to another dwelling or not, housing older people or people with a disability, where private facilities for 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 may be provided on a shared basis.

**site analysis** means the process of identification and analysis of key features of the site and immediate surroundings to assist in understanding how future dwellings will relate to each other and to their locality.

**streetscape** means the character of a locality (whether it is a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**wheelchair access**, in relation to any 2 points, means a continuous path of travel between those points which can be negotiated by a person using a wheelchair.