

# State Environmental Planning Policy (Seniors Living) 2004

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New South Wales

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### Notes—

- **Does not include amendments by**  
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### Authorisation

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# State Environmental Planning Policy (Seniors Living) 2004



New South Wales

## Contents

<b>Chapter 1 Preliminary</b> .....	7
1 Name of Policy .....	7
2 Aims of Policy .....	7
3 Interpretation .....	7
4 Land to which Policy applies .....	10
5 Relationship to other environmental planning instruments .....	12
6 Transitional provisions relating to certain development applications and development .....	12
7 Suspension of certain agreements and covenants .....	13
<b>Chapter 2 Key concepts</b> .....	13
8 Seniors .....	13
9 People with a disability .....	13
10 Seniors housing .....	13
11 Residential care facilities .....	14
12 Hostels .....	14
13 Self-contained dwellings .....	14
14 In-fill self-care housing .....	15
15 Serviced self-care housing .....	15
<b>Chapter 3 Development for seniors housing</b> .....	15
<b>Part 1 General</b> .....	15
16 Objective of Chapter .....	15

17 What Chapter does .....	15
18 Development consent required .....	15
19 Development on land adjoining land zoned primarily for urban purposes .....	15
20 Restrictions on occupation of seniors housing allowed under this Chapter .....	16
21 Use of seniors housing in commercial zones .....	16
22 Special provisions concerning certain land to which this Policy applies .....	16
23 Subdivision .....	16
24 Heritage conservation areas and heritage items .....	17
<b>Part 2 Site-related requirements</b> .....	<b>17</b>
Note .....	17
25 Location and access to facilities .....	17
26 Bush fire prone land .....	18
27 Water and sewer .....	19
<b>Part 3 Design requirements</b> .....	<b>20</b>
<b>Division 1 General</b> .....	<b>20</b>
28 Site analysis .....	20
29 Design of in-fill self-care housing .....	23
30 Design of residential development .....	23
<b>Division 2 Design principles</b> .....	<b>23</b>
31 Neighbourhood amenity and streetscape .....	23
32 Visual and acoustic privacy .....	24
33 Solar access and design for climate .....	24
34 Stormwater .....	25
35 Crime prevention .....	25
36 Accessibility .....	25
37 Waste management .....	25
<b>Part 4 Development standards to be complied with</b> .....	<b>26</b>
<b>Division 1 General</b> .....	<b>26</b>
38 Development standards—minimum sizes and building height .....	26

## **Division 2 Residential care facilities—standards concerning access and useability**

.....	26
Note.....	26

## **Division 3 Hostels—standards concerning access and useability .....27**

39 Standards for hostels.....	27
40 Siting standards.....	27
41 Security .....	27
42 Letterboxes.....	27
43 Private car accommodation .....	28
44 Accessible entry .....	28
45 Exterior: general.....	28
46 Interior: general.....	28
47 Bedroom .....	28
48 Bathroom.....	29
49 Toilet.....	30
50 Surface finishes .....	30

## **Division 4 Self-contained dwellings—standards concerning access and useability**

.....	30
51 Standards for self-contained dwellings .....	30
52 Siting standards.....	30
53 Identification .....	31
54 Security .....	31
55 Letterboxes in multi-dwelling developments .....	31
56 Private car accommodation .....	31
57 Accessible entry .....	31
58 Exterior: general.....	32
59 Interior: general.....	32
60 Living room and dining room .....	32
61 Kitchen .....	32
62 Main bedroom.....	33

63 Bathroom.....	33
64 Toilet.....	34
65 Access to kitchen, main bedroom, bathroom and toilet .....	35
66 Lifts in multi-storey buildings .....	35
67 Laundry .....	35
68 Storage.....	35
69 Doors.....	35
70 Surface finishes.....	36
71 Ancillary items.....	36
72 Garbage.....	36
73 Applications by certain housing providers.....	36

## **Part 5 Development on land adjoining land zoned primarily for urban purposes**

.....	36
74, 75 (Repealed).....	36
76 Availability of facilities and services .....	36

## **Part 6 Development for vertical villages.....**

77 Vertical villages .....	36
----------------------------	----

## **Part 7 Development standards that cannot be used as grounds to refuse consent**

.....	38
-------	----

### **Division 1 General.....**

78 Inter-relationship of Part with design principles in Part 3.....	38
---	----

### **Division 2 Residential care facilities.....**

79 Standards that cannot be used to refuse development consent for residential care facilities.....	38
---	----

### **Division 3 Hostels .....**

80 Standards that cannot be used to refuse development consent for hostels.....	39
---	----

### **Division 4 Self-contained dwellings .....**

81 Standards that cannot be used to refuse development consent for self-contained dwellings .....	39
---	----

<b>Chapter 4 Miscellaneous</b> .....	41
82 Amendments to the bush fire evacuation risk map .....	41
83 Savings for development applications made before SEPP (Seniors Living) 2004 (Amendment No 1) .....	42
<b>Schedule 1 Environmentally sensitive land</b> .....	42
<b>Schedule 2 Consequential amendment of other State Environmental Planning Policies</b> .....	43
<b>Schedule 3 Special provisions relating to certain land</b> .....	43

# State Environmental Planning Policy (Seniors Living) 2004



New South Wales

## Chapter 1 Preliminary

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Seniors Living) 2004*.

### 2 Aims of Policy

- (1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:
  - (a) increase the supply and diversity of residences that meet the needs of seniors 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 seniors or people with a disability that meets the development criteria and standards specified in this Policy, and
  - (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and
  - (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

### 3 Interpretation

- (1) In this Policy:

**AS 1428** means the Australian Standard entitled AS 1428.1–2001, *Design for access and mobility, Part 1: General requirements for access—New building work*, published

by Standards Australia, as in force from time to time.

**AS 3740** means the Australian Standard entitled AS 3740-1994, *Waterproofing of wet areas within residential buildings*, published by Standards Australia, as in force from time to time.

**AS 4299** means the Australian Standard entitled AS 4299-1995, *Adaptable housing*, published by Standards Australia, as in force from time to time.

**bush fire evacuation risk map** means the map marked “*State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 5) Bush Fire Evacuation Risk Map*” deposited within the Department of Infrastructure, Planning and Natural Resources.

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

- (a) except as provided by paragraph (b)—the council of the local government 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.

**disability** or **people with a disability**—see clause 9.

**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):

- (a) excluding 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) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and



- (c) excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and
- (d) including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and
- (e) excluding space for the loading and unloading of goods, and
- (f) in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.

**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 another environmental planning instrument.

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

**hostel**—see clause 12.

**in-fill self-care housing**—see clause 14.

**landscaped area** means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, 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 or parking areas.

**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.

**residential care facility**—see clause 11.

**riparian zone** means the area along or surrounding a natural water body such as a

river where the vegetation and associated ecology are influenced by the passage and storage of water, and conversely, the aquatic environment benefits from the proximity of the vegetation (for example, from bio-filtering of sediment or pollutants, inputs of detritus and shading).

**self-contained dwelling**—see clause 13.

**seniors housing**—see clause 10.

**serviced self-care housing**—see clause 15.

**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.

**Sydney Statistical Division** means the area that the Australian Bureau of Statistics determines from time to time to be the Sydney Statistical Division.

**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 that can be negotiated by a person using a wheelchair.

- (2) In calculating the number of storeys in a development for the purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.
- (3) Notes included in this Policy do not form part of this Policy.

#### **4 Land to which 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 as 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) land that is zoned for industrial purposes, or
- (c) the land to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* applies, or
- (d) land to which an interim heritage order made under the *Heritage Act 1977* by the Minister administering that Act applies, or
- (e) land to which a listing on the State Heritage Register kept under the *Heritage Act 1977* applies.

(3) **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” deposited in the Office of Sutherland Shire Council, but only to the extent provided by *Sutherland Shire Local Environmental Plan 2000*, or

**Note—**

The above land is excluded from the application of *Sutherland Shire Local Environmental Plan 2006*.

- (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) in relation to land in Zone 12—Special Uses under *Sutherland Shire Local Environmental Plan 2006*, or

- (e) in relation to 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 local government or community housing provider.
- (4) This Policy applies to land referred to in subclause (3) (a)–(c) despite subclause (2).
- (5) 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*.

**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.

**5 Relationship to other environmental planning instruments**

- (1) This Policy repeals *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.
- (2) The State Environmental Planning Policies specified in Schedule 2 are amended as set out in that Schedule.
- (3) 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.
- (4) This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.

**6 Transitional provisions relating to certain development applications and development**

- (1) Despite clause 5 (1), *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability* as in force immediately before its repeal continues to apply to and in respect of the following as if it had not been repealed:
  - (a) any development application made under that Policy on or before 18 February 2004, but not finally determined before the commencement of this Policy, and
  - (b) any development application, whether made before or after the commencement of this Policy, that relates to development for which a development consent was granted under the Policy as referred to in section 80 (4) of the Act, and

- (c) the carrying out of any development for which development consent was granted under the Policy before its repeal or that is granted under the Policy (as continued in force by this subclause).
- (2) For the purposes of subclause (1), *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability* is taken to be continued in force as if any requirement in that Policy for the installation or use of thermostatic mixing devices for hot water in kitchens, laundries or bathrooms could be satisfied by the installation or use of tempering valves for hot water in bathrooms only.
- (3) The provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*, as continued in force by subclause (1), do not apply so as to allow any enlargement, expansion or intensification of any development to which that subclause applies or any redevelopment.

## 7 Suspension of certain agreements and covenants

- (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 or a water supply authority listed in Schedule 3 to the *Water Management Act 2000*.
- (3) Before this Policy was made, the Governor approved this clause under section 28 of the Act.

## Chapter 2 Key concepts

### 8 Seniors

In this Policy, **seniors** are people aged 55 years or more.

### 9 People with a disability

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

### 10 Seniors housing

In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
- (b) a hostel, or

(c) a group of self-contained dwellings, or

(d) a combination of these,

but does not include a hospital.

**Note—**

The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.

Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 20 provides that seniors housing may be used for the accommodation of the following:

(a) seniors or people who have a disability,

(b) people who live within the same household with seniors 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.

### **11 Residential care facilities**

In this Policy, a **residential care facility** is residential accommodation for seniors or people with a disability 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, hostel, hospital or psychiatric facility.

### **12 Hostels**

In this Policy, a **hostel** is residential accommodation for seniors or people with a disability where:

(a) meals, laundering, cleaning and other facilities are provided on a shared basis, and

(b) at least one staff member is available on site 24 hours a day to provide management services.

### **13 Self-contained dwellings**

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.

#### **14 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.

#### **15 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 provided on site as part of the development: meals, cleaning services, personal care, nursing care.

### **Chapter 3 Development for seniors housing**

#### **Part 1 General**

##### **16 Objective of Chapter**

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

##### **17 What Chapter does**

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and
- (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 or a residential care facility.

##### **18 Development consent required**

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

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

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) (Repealed)
- (b) a hostel,
- (c) a residential care facility.

## **20 Restrictions on occupation of seniors housing allowed under this Chapter**

- (1) Development allowed by this Chapter may be carried out for the accommodation of the following only:
  - (a) seniors or people who have a disability,
  - (b) people who live within the same household with seniors 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.
- (2) A consent authority must not consent to a development application made pursuant to this Chapter unless 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.
- (3) Subclause (2) does 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.

## **21 Use of seniors housing in commercial zones**

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.

## **22 Special provisions concerning certain land to which this Policy applies**

The provisions of Schedule 3 have effect despite any other provision of this Policy.

### **Note—**

Schedule 3 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.

## **23 Subdivision**

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



## 24 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 2 Site-related requirements

### Note—

Information and assessment guidelines may be issued by the Department of Infrastructure, Planning and Natural Resources from time to time to provide assistance to councils in assessing locations and the provision of services.

## 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, 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 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 and the overall average gradient along the distance is no more than 1:14, although the following gradients along the distance 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 short distances of no more than 1.5 metres at a time, or
- (b) in the case of a proposed development on land zoned primarily for urban purposes 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
  - (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 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), 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
  - (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 each day from Monday to Friday (both days inclusive).

**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.

## **26 Bush fire prone land**

- (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 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 9585987 8 9, published by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of

Planning (as it then was), dated December 2001.

- (2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of 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”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:
- (a) the size of the existing population within the locality,
  - (b) age groups within that population and the number of persons within those age groups,
  - (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,
  - (d) the number of schools within the locality and the number of students at those schools,
  - (e) existing development within the locality that has been carried out under this Policy or *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*,
  - (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,
  - (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,
  - (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,
  - (i) the requirements of New South Wales Fire Brigades.
- (3) In exercising its functions under subclause (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.

## **27 Water and sewer**

- (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 the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

- (2) If the water and sewerage services referred to in subclause (1) 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.

## **Part 3 Design requirements**

### **Division 1 General**

#### **28 Site analysis**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.
- (2) A site analysis must:
- (a) contain information about the site and its surrounds as described in subclauses (3) and (4), and
  - (b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):
    - (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 design principles set out in Division 2.
- (3) The following information about a site is to be identified in a site analysis:
- (a) **Site dimensions:**
    - length
    - width
  - (b) **Topography:**
    - spot levels and/or contour
    - north point
    - natural drainage

any contaminated soils or filled areas

(c) **Services:**

easements

connections for drainage and utility services

(d) **Existing vegetation:**

location

height

spread of established trees

species

(e) **Micro climates:**

orientation

prevailing winds

(f) **Location of:**

buildings and other structures

heritage features and items including archaeology

fences

property boundaries

pedestrian and vehicle access

(g) **Views** to and from the site

(h) **Overshadowing** by neighbouring structures

(4) The following information about the surrounds of a site is to be identified in a site analysis:

(a) **Neighbouring buildings:**

location

height

use

balconies on adjacent properties

pedestrian and vehicle access to adjacent properties

(b) **Privacy:**

adjoining private open spaces

living room windows overlooking site

location of any facing doors and/or windows

(c) **Walls built to the site's boundary:**

location

height

materials

(d) **Difference in levels** between the site and adjacent properties at their boundaries

(e) **Views** and **solar** access enjoyed by neighbouring properties

(f) **Major trees** on adjacent properties

(g) **Street frontage features:**

poles

trees

kerb crossovers

bus stops

other services

(h) The **built form** and **character** of adjacent development (including buildings opposite on both sides of the street(s) fronted):

architectural character

front fencing

garden styles

(i) **Heritage features** of surrounding locality and landscape

(j) **Direction and distance to local facilities:**

local shops

schools

public transport

recreation and community facilities

(k) **Public open space:**

location

use

(l) Adjoining **bushland** or **environmentally sensitive land**

(m) **Sources of nuisance:**

flight paths

noisy roads or significant noise sources

polluting operations

## **29 Design of in-fill self-care housing**

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

## **30 Design of residential development**

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.

## **Division 2 Design principles**

### **31 Neighbourhood amenity and streetscape**

The proposed development should:

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and
- (b) 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

- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:
  - (i) providing building setbacks to reduce bulk and overshadowing, and
  - (ii) using building form and siting that relates to the site's land form, and
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (d) 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
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and
- (f) retain, wherever reasonable, major existing trees, and
- (g) be designed so that no building is constructed in a riparian zone.

### **32 Visual and acoustic privacy**

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

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

**Note—**

The Australian and New Zealand Standard entitled AS/NZS 2107-2000, *Acoustics—Recommended design sound levels and reverberation times for building interiors* and the Australian Standard entitled AS 3671-1989, *Acoustics—Road traffic noise intrusion—Building siting and construction*, published by Standards Australia, should be referred to in establishing acceptable noise levels.

### **33 Solar access and design for climate**

The proposed development should:

- (a) 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
- (b) 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.

**34 Stormwater**

The proposed development should:

- (a) 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
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

**35 Crime prevention**

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

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

**36 Accessibility**

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

**37 Waste management**

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

## **Part 4 Development standards to be complied with**

### **Division 1 General**

#### **38 Development standards—minimum sizes and building height**

- (1) **General** A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.
  - (2) **Site size** The size of the site must be at least 1,000 square metres.
  - (3) **Site frontage** The site frontage must be at least 20 metres wide measured at the building line.
  - (4) **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, and
- Note—**
- The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.
- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.
- (5) **Development applications to which clause does not apply** Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:
  - (a) the Department of Housing,
  - (b) a local government or community housing provider.

### **Division 2 Residential care facilities—standards concerning access and useability**

**Note—**

Development standards concerning access and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the *Building Code of Australia*.

## **Division 3 Hostels—standards concerning access and useability**

### **39 Standards for hostels**

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 unless the proposed development complies with the standards specified in this Division.

### **40 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) to an adjoining public road or an internal road or a driveway that is accessible to all residents.
- (2) 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) of any dwellings must have wheelchair access by a continuous accessible 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.
- (3) **Road access** At least 10% of any dwellings that meet the requirements of subclause (1) must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428) to an adjoining public road.
- (4) **Common areas** Access must be provided so that a person using a wheelchair can use common areas and common facilities associated with the development.

### **41 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 10 lux at ground level.

### **42 Letterboxes**

Letterboxes:

- (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 accessible path of travel (within the meaning of AS 1428).

### **43 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) the height at the entry of the garage or carport must be at least 2.3 metres as measured from the finished floor level of the entry, and
- (d) 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.

### **44 Accessible entry**

Every entry (whether a front entry or not) to a 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.

### **45 Exterior: general**

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

### **46 Interior: general**

- (1) Internal doors must have a clearance of at least 800 millimetres.
- (2) Internal corridors must have a width of at least 1,000 millimetres.
- (3) The width at internal door approaches must be at least 1,200 millimetres.

### **47 Bedroom**

At least one bedroom within each dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a single-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) wiring to allow a potential illumination level of at least 300 lux.

#### **48 Bathroom**

(1) A bathroom within a dwelling 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) plumbing that would allow either immediately or in the future the installation of a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- (e) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (f) a mirror, and

(g) a double general power outlet beside the mirror.

(2) Subclause (1) (c) (i) or (ii) does not prevent the installation of a shower screen that can easily be removed.

#### **49 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.

#### **50 Surface finishes**

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

### **Division 4 Self-contained dwellings—standards concerning access and useability**

#### **51 Standards for self-contained dwellings**

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of self-contained dwellings unless the proposed development complies with the standards specified in this Division.

#### **52 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) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

(2) 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) of any dwellings must have wheelchair access by a continuous accessible 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.

(3) **Road access** At least 10% of any dwellings that meet the requirements of subclause (1) must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428) to an adjoining public road.

- (4) **Common areas** Access must be provided so that a person using a wheelchair can use common areas and common facilities associated with the development.

### **53 Identification**

If the site includes more than one street, street signage incorporating house numbers must be provided at each intersection.

### **54 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 10 lux at ground level.

### **55 Letterboxes in multi-dwelling developments**

Letterboxes for multi-dwelling developments:

- (a) must be lockable, and
- (b) for self-contained dwellings that do not have their own private street entry—must be located together in one or more central locations adjacent to the street entry, and
- (c) must be situated on a hard standing area and have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428).

### **56 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) the height at the entry of the garage or carport must be at least 2.3 metres as measured from the finished floor level of the entry, and
- (d) 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.

### **57 Accessible entry**

Every entry (whether a front entry or not) to a self-contained 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.

#### **58 Exterior: general**

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

#### **59 Interior: general**

- (1) Internal doors must have a clearance of at least 800 millimetres.
- (2) Internal corridors must have a width of at least 1,000 millimetres.
- (3) The width at internal door approaches must be at least 1,200 millimetres.

#### **60 Living room and dining room**

- (1) 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.
- (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

#### **61 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) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, 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) 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
- (f) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (g) an oven that is located adjacent to a work surface the height of which can be adjusted, and
- (h) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (i) 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.

## **62 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) wiring to allow a potential illumination level of at least 300 lux.

## **63 Bathroom**

- (1) A bathroom within a self-contained dwelling 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) plumbing that would allow either immediately or in the future the installation of a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
  - (e) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
  - (f) a mirror, and
  - (g) a double general power outlet beside the mirror.
- (2) Subclause (1) (c) (i) or (ii) does not prevent the installation of a shower screen that can easily be removed.

#### **64 Toilet**

A self-contained dwelling must have a toilet on the ground floor:

- (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.

**65 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 ground floor.

**66 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.

**67 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 a slip-resistant floor surface, and
- (e) that has an accessible path of travel to any clothes line provided in relation to the dwelling.

**68 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.

**69 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.

## **70 Surface finishes**

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

## **71 Ancillary items**

- (1) Switches must be located between 900 millimetres and 1,100 millimetres above floor level.
- (2) General purpose outlets must be located at least 600 millimetres above floor level.

## **72 Garbage**

An outside garbage storage area must be provided in an accessible location.

## **73 Applications by certain housing providers**

Despite the provisions of clauses 52 and 59–71, 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.

## **Part 5 Development on land adjoining land zoned primarily for urban purposes**

### **74, 75 (Repealed)**

### **76 Availability of facilities and services**

A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes 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.

## **Part 6 Development for vertical villages**

### **77 Vertical villages**

- (1) This clause applies to land:
  - (a) that is zoned primarily for residential or commercial purposes, and
  - (b) on which buildings for residential purposes of a density and scale of 1:1 or more (when expressed as a floor space ratio) are permitted under another environmental planning instrument other than *State Environmental Planning Policy No 1—Development Standards* (the **standard density ratio**).

- (2) Subject to subclause (3), 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 standard density ratio by a bonus of 0.5 added to the gross floor area component of the standard density ratio.

**Note—**

For example, if the standard density ratio 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) A consent authority may only grant consent as referred to in subclause (2) to a development application made pursuant to this Chapter 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.
- (4) A development consent may be granted 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.
- (5) A development consent may be granted 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.
- (6) Subclauses (4) and (5) 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.
- (7) 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.

## **Part 7 Development standards that cannot be used as grounds to refuse consent**

### **Division 1 General**

#### **78 Inter-relationship of Part with design principles in Part 3**

Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

**Note—**

It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.

### **Division 2 Residential care facilities**

#### **79 Standards that cannot be used to refuse development consent for residential care facilities**

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:

- (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 1:1 or less,
- (c) **landscaped area:** if a minimum of 25 square metres of landscaped area per

residential care facility bed is provided,

- (d) **parking for residents and visitors:** if at least the following is provided:
- (i) 1 parking space for each 10 dwellings in the residential care facility (or 1 parking space for each 15 dwellings if the facility provides care only for persons with dementia), and
  - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
  - (iii) 1 parking space suitable for an ambulance.

**Note—**

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

## Division 3 Hostels

### 80 Standards that cannot be used to refuse development consent for hostels

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a hostel on any of the following grounds:

- (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 1:1 or less,
- (c) **landscaped area:** if a minimum of 25 square metres of landscaped area per hostel bed is provided,
- (d) **parking:** if at least the following is provided:
  - (i) 1 parking space for each 5 dwellings in the hostel, and
  - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
  - (iii) 1 parking space suitable for an ambulance.

**Note—**

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

## Division 4 Self-contained dwellings

### 81 Standards that cannot be used to refuse development consent for self-contained

## **dwelling**s

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:

- (a) **building height:** if all proposed buildings are 8 metres or less in height,
- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,
- (c) **landscaped area:** if:
  - (i) in the case of a development application made by the Department of Housing or a local government or community housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or
  - (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,
- (d) **Deep soil zones:** 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 of not less than 15% of the area of the site (the **deep soil zone**). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,
- (e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,
- (f) **private open space for in-fill self-care 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 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,

### **Note—**

The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428) if the dwelling itself is an accessible one. See Division 4 of Part 4.

- (g) **visitor parking:** if:



- (i) in the case of development that comprises 6 or less dwellings and is not situated on a clearway—1 space for visitor parking is provided within the development with a maximum parking period of 4 hours, or
  - (ii) in the case of development that comprises 7 or 8 dwellings and is not situated on a clearway—2 spaces for visitor parking are provided within the development with a maximum parking period of 4 hours for each space,
- (h) **parking:** if at least the following is provided:
- (i) 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
  - (ii) 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.

**Note—**

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

## **Chapter 4 Miscellaneous**

### **82 Amendments to the bush fire evacuation risk map**

- (1) The Director-General may prepare a map or maps for the purpose of amending or replacing the bush fire evacuation risk map.
- (2) In preparing such a map, the Director-General is to take the following matters into consideration:
  - (a) the size of the existing population within the locality,
  - (b) age groups within that population and the number of persons within those age groups,
  - (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,
  - (d) the number of schools within the locality and the number of students at those schools,
  - (e) existing development within the locality that has been carried out under this Policy.
- (3) A map prepared under this clause has effect only if this Policy is amended to give

effect to it.

### **83 Savings for development applications made before SEPP (Seniors Living) 2004 (Amendment No 1)**

A development application made pursuant to Chapter 3 that was lodged with the consent authority (but not finally determined) before the commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 1)* is to be determined as if that Policy had not been made.

## **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:

- (a) coastal protection,
- (b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),
- (c) critical habitat,
- (d) environment protection,
- (e) open space,
- (f) escarpment,
- (g) floodway,
- (h) high flooding hazard,
- (i) natural hazard,
- (j) high bushfire hazard,
- (k) scenic (but not land that is so identified if:
  - (i) the land is within a residential zone in which development of two storeys or more in height is permitted, or
  - (ii) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),
- (l) water catchment,
- (m) natural wetland.

Land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”.

Land shown cross-hatched on the bush fire evacuation risk map.

## **Schedule 2 Consequential amendment of other State Environmental Planning Policies**

(Clause 5 (2))

### **2.1 State Environmental Planning Policy No 9—Group Homes**

#### **[1] Clause 2 Definitions**

Omit “*State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons*” from the definition of **permanent group home** in clause 2 (1).

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

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

Omit “*State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons*”.

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

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

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

Omit clause 6 (2) (d). Insert instead:

(d) to which *State Environmental Planning Policy (Seniors Living) 2004* applies, or

## **Schedule 3 Special provisions relating to certain land**

(Clause 22)

### **1 Development in Kogarah**

An application to carry out development allowed by Chapter 3, 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 (Repealed)**

### **3 Development in Blue Mountains**

An application to carry out development allowed by Chapter 3 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*.

#### **4 Development in Ashfield**

An application to carry out development allowed by Chapter 3 on land within the Ashfield 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.

#### **5 Development in Hurstville**

An application to carry out development allowed by Chapter 3 on land within the City of Hurstville may be made only:

- (a) by or on behalf of the Director-General of the Department of Housing, or
- (b) by or on behalf of a local government or community housing provider, or
- (c) for the purpose of a residential care facility.

#### **6 Development in North Sydney**

An application to carry out development allowed by Chapter 3 on land within the North Sydney area may be made only:

- (a) by or on behalf of the Director-General of the Department of Housing, or

(b) by or on behalf of a local government or community housing provider.

**7 Development in Strathfield**

An application to carry out development allowed by Chapter 3 on land within the Strathfield area may be made only:

- (a) by or on behalf of the Director-General of the Department of Housing, or
- (b) by or on behalf of a local government or community housing provider, or
- (c) for the purpose of a residential care facility.