

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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26 Location and access to facilities

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:
 - (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
 - (b) community services and recreation facilities, and
 - (c) the practice of a general medical practitioner.
- (2) Access complies with this clause if:
 - (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:
 - (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
 - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
 - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or
 - (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:
 - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
 - (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

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

- (c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:
- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
 - (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

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

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

- (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:
- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
 - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
 - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.
- (4) For the purposes of subclause (2):
- (a) a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
 - (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

- (5) In this clause:

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

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