

Attachment D

SEPP (Housing) 2021 controls

Division 3 Development standards

84 Development standards—general

- (1) This section applies to development for the purposes of seniors housing involving the erection of a building.
- (2) Development consent must not be granted for development to which this section applies unless—
 - (a) the site area of the development is at least 1,000m², and
 - (b) the frontage of the site area of the development is at least 20m measured at the building line, and
 - (c) for development on land in a residential zone where residential flat buildings are not permitted—
 - (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and
 - (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and
 - (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.
- (3) The servicing equipment must—
 - (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and
 - (b) be limited to an area of no more than 20% of the surface area of the roof, and
 - (c) not result in the building having a height of more than 11.5m.
- (4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following—
 - (a) the Aboriginal Housing Office or the Land and Housing Corporation,
 - (b) another social housing provider.

85 Development standards for hostels and independent living units

- (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.
- (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.

Note—

Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the *Building Code of Australia*.

87 Additional floor space ratios

- (1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—

- (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or
 - (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.
- (2) Development consent may be granted for development to which this section applies if—
- (a) the site area of the development is at least 1,500m², and
 - (b) the development will result in a building with the maximum permissible floor space ratio plus—
 - (i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or
 - (ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or
 - (iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and
 - (c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.

Division 4 Site-related requirements

Note—

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

93 Location and access to facilities and services—independent living units

- (1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services—
 - (a) by a transport service that complies with subsection (2), or
 - (b) on-site.
- (2) The transport service must—
 - (a) take the residents to a place that has adequate access to facilities and services, and
 - (b) for development on land within the Greater Sydney region—
 - (i) not be an on-demand booking service for the transport of passengers for a fare, and
 - (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and
 - (c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.
- (3) For the purposes of subsections (1) and (2), access is adequate if—
 - (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and
 - (b) the distance is accessible by means of a suitable access pathway, and
 - (c) the gradient along the pathway complies with subsection (4)(c).

- (4) In subsection (3)—
- (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) the distance is to be measured by reference to the length of the pathway, and
 - (c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than—
 - (i) 1:12 for a maximum length of 15m at a time, or
 - (ii) 1:10 for a maximum length of 5m at a time, or
 - (iii) 1:8 for a maximum length of 1.5m at a time.

- (5) In this section—

facilities and services means—

- (a) shops 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.

provide a booking service has the same meaning as in the [Point to Point Transport \(Taxis and Hire Vehicles\) Act 2016](#), section 7.

Note—

Provide a booking service is defined as carrying on a business taking bookings for taxis or hire vehicles to provide passenger services, whether immediately or at a later time, and communicating the bookings to drivers for passenger services or providers of passenger services.

95 Water and sewer

- (1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—
- (a) be connected to a reticulated water system, and
 - (b) have adequate facilities for the removal or disposal of sewage.
- (2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—
- (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or
 - (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.
- (3) In this section—
- relevant authority** means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.

Division 5 Design requirements

98 Design of seniors housing

A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.

Division 6 Design principles

99 Neighbourhood amenity and streetscape

Seniors housing should be designed to—

- (a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and
- (b) recognise the desirable elements of—
 - (i) the location's current character, or
 - (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and
- (c) complement heritage conservation areas and heritage items in the area, and
- (d) 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 buildings, and
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (e) set back the front building on the site generally in line with the existing building line, and
- (f) include plants reasonably similar to other plants in the street, and
- (g) retain, wherever reasonable, significant trees, and
- (h) prevent the construction of a building in a riparian zone.

100 Visual and acoustic privacy

Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—

- (a) using appropriate site planning, including considering 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.

101 Solar access and design for climate

The design of seniors housing should—

- (a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, 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.

102 Stormwater

The design of seniors housing should aim to—

- (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.

103 Crime prevention

Seniors housing should—

- (a) be designed in accordance with environmental design principles relating to crime prevention, and
- (b) provide personal property security for residents and visitors, and
- (c) encourage crime prevention by—
 - (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and
 - (ii) providing shared entries, if required, that serve a small number of dwellings and that 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.

104 Accessibility

Seniors housing should—

- (a) have obvious and safe pedestrian links from the site that provide access to 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.

105 Waste management

Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.

Division 7 Non-discretionary development standards

106 Interrelationship of Division with design principles in Division 6

Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.

108 Non-discretionary development standards for independent living units—the Act, s 4.15

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
- (2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—
 - (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,
 - (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—
 - (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and
 - (ii) is limited to an area of no more than 20% of the surface area of the roof, and
 - (iii) does not result in the building having a height of more than 11.5m,
 - (c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,
 - (d) for a development application made by a social housing provider—at least 35m² of landscaped area per dwelling,
 - (e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,

- (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,
- (g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,
- (h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—
 - (i) at least 15m² of private open space per dwelling, and
 - (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,

Note—

The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one—see Schedule 4, section 2.

- (i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—
 - (i) an area of at least 10m², or
 - (ii) for each dwelling containing 1 bedroom—an area of at least 6m²,
- (j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,
- (k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.

Schedule 4 Standards concerning accessibility and usability for hostels and independent living units

section 85

Part 1 Standards applying to hostels and independent living units

1 Application of standards in this Part

The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units.

2 Siting standards

- (1) **Wheelchair access** If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.
- (2) If the whole of the site does not have a gradient of less than 1:10—
 - (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and
 - (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

Note—

For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subsection. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.

- (3) **Common areas** Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

3 Security

Pathway lighting—

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

4 Letterboxes

Letterboxes—

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

5 Private car accommodation

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

- (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and
- (b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and
- (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

6 Accessible entry

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

7 Interior: general

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

8 Bedroom

At least one bedroom within each dwelling must have—

- (a) an area sufficient to accommodate a wardrobe and a bed sized as follows—
 - (i) in the case of a dwelling in a hostel—a single-size bed,
 - (ii) in the case of an independent living unit—a queen-size bed, and
- (b) a clear area for the bed of at least—
 - (i) 1,200 millimetres wide at the foot of the bed, and
 - (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and

- (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (f) wiring to allow a potential illumination level of at least 300 lux.

9 Bathroom

- (1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1—
 - (a) a slip-resistant floor surface,
 - (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
 - (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future—
 - (i) a grab rail,
 - (ii) portable shower head,
 - (iii) folding seat,
 - (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
 - (e) a double general power outlet beside the mirror.
- (2) Subsection (1)(c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

10 Toilet

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

11 Surface finishes

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

Note—

Advise regarding finishes may be obtained from AS 1428.1.

12 Door hardware

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

13 Ancillary items

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

Part 2 Additional standards for independent living units

14 Application of standards in this Part

The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.

15 Living room and dining room

- (1) A living room in an independent living unit must have—
 - (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and
 - (b) a telephone adjacent to a general power outlet.

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

16 Kitchen

A kitchen in an independent living unit must have—

- (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and
- (b) a circulation space at door approaches that complies with AS 1428.1, and
- (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299—
 - (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5(a),
 - (ii) a tap set (see clause 4.5.6),
 - (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,
 - (iv) an oven (see clause 4.5.8), and
- (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (e) general power outlets—
 - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

17 Access to kitchen, main bedroom, bathroom and toilet

In a multi-storey independent living unit, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

18 Lifts in multi-storey buildings

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

19 Laundry

An independent living unit must have a laundry that has—

- (a) a circulation space at door approaches that complies with AS 1428.1, and
- (b) provision for the installation of an automatic washing machine and a clothes dryer, and
- (c) a clear space in front of appliances of at least 1,300 millimetres, and
- (d) a slip-resistant floor surface, and
- (e) an accessible path of travel to any clothes line provided in relation to the dwelling.

20 Storage for linen

An independent living unit must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

21 Garbage

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