

Department of Planning and Environment


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Explanation of Intended Effect

Proposed amendments to the in-fill affordable housing, group homes, supportive accommodation and social housing provisions of the State Environmental Planning Policy (Housing) 2021

November 2022



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

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First published: November 2022

Department reference number: DOC22/291098

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TMP-MC-R-SC-V1.2

Abbreviations

Shortened term	Term
Affordable Rental Housing SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009
AHCS	affordable housing contribution scheme
AHURI	Australian Housing and Urban Research Institute
CDC	complying development certificate
CHP	community housing provider
CIV	capital investment value
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
DA	development application
EIE	explanation of intended effect
FSR	floor space ratio
GFA	gross floor area
Group Homes SEPP	State Environmental Planning Policy No 9 – Group Homes
Housing SEPP	State Environmental Planning Policy (Housing) 2021
ILU	independent living unit
LAHC	NSW Land and Housing Corporation
LEP	local environmental plan
LGA	local government area
LSPS	local strategic planning statement
NDIS	National Disability Insurance Scheme
SDRP	State Design Review Panel
SEPP	state environmental planning policy
SHP	social housing provider
SHS	specialist homelessness service
SSD	state-significant development
TSA	temporary supportive accommodation

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Introduction

Over the next 20 years, approximately 45,200 new homes need to be delivered each year to support NSW's projected population and the growth of prosperous and thriving communities. Without intervention, a safe, secure and affordable place to call home will be beyond the reach of future generations.

In response to this challenge, the NSW Government has announced the biggest investment in housing for decades - a \$2.8 billion housing package as part of the 2022-23 NSW Budget. The 2022 Housing Package is a whole-of-government approach that will take every available measure to supercharge housing supply. It will fast-track critical infrastructure and planning assessments to support people in NSW to own their home. The package includes funding to:

- upgrade more than 15,800 social homes,
- deliver new and upgraded homes for First Nations families,
- help single parents and older singles buy a home through shared equity schemes, and
- provide homes for rough sleepers.

This investment builds on the momentum generated by significant work already completed and underway through *Housing 2041* (the NSW Housing Strategy). The NSW Housing Strategy outlines the NSW Government's commitments, priorities, and activities over the next 20 years to improve a broad range of housing outcomes across NSW. Central to this strategy is its aim to provide NSW with housing 'that supports security, comfort, independence and choice for all people at all stages of their lives.'

In August 2022, the NSW Legislative Assembly's Committee on Social Services published the report of its inquiry into options for improving access to existing and alternative accommodation that will address the social housing shortage. The report concluded that both temporary and long term housing are needed to address the social housing shortage. It also found that 'meanwhile use' (also known as temporary supportive accommodation), could solve the short term housing needs of some of the most vulnerable members of the community.

The State Environmental Planning Policy (Housing) 2021 – also known as the Housing SEPP – plays an important and ongoing role in addressing the social and affordable housing shortage. It supports the NSW Government's housing supply priorities and applies the recommendations of the report. It has already undergone several amendments to:

- respond to stakeholder feedback about how the policy is working 'on the ground',
- ensure that it is operating as intended, including by:
 - effectively supporting a delivery pipeline of the right types of housing, in the right numbers and places to meet demand, and
 - giving industry the consistency and certainty it needs to deliver housing.

This explanation of intended effect (EIE) proposes more changes to the Housing SEPP to make it easier to plan and deliver housing for people with particular needs, including those on very low to moderate incomes, seniors, and people with a disability.

The proposed changes are aimed at facilitating the supply of social and affordable housing and include:

- supporting the delivery of affordable housing by increasing the in-fill affordable housing floor space ratio (FSR) bonuses by 25% and adjusting the base FSR threshold for calculating the FSR bonuses from 2.5:1 to 2:1. These provisions are available where 20% of a development's gross floor area (GFA) is delivered as affordable housing and are intended to improve the uptake of the in-fill affordable housing provisions by offering better incentives to encourage the delivery of affordable housing in our communities.
- introducing a new State significant development (SSD) pathway for large residential development with a capital investment value (CIV) of more than \$100 million that includes a minimum 20% affordable or social housing GFA along with a new SSD pathway for affordable housing to be delivered by the Transport Asset Holding Entity (TAHE) on its land through the TAHE Affordable Housing Pilot Program.
- amendments to help the New South Wales Land and Housing Corporation (LAHC) and the Aboriginal Housing Office (AHO) delivery social housing, including expanded self-assessment and SSD pathways.
- replacing the group homes and hostels provisions with two new housing types (high support accommodation and supported living). The proposed changes respond to stakeholder feedback that the current definitions and planning provisions for group homes are not fit for purpose.
- mechanisms to make it easier to deliver temporary supportive accommodation (TSA) where there is the opportunity and the need. This might include the use of existing buildings that are temporarily vacant, or the temporary use of vacant land, for people experiencing, or at risk of, homelessness.
- updates to the accessibility and design standards for independent living unit (ILU) seniors housing.
- permitting boarding houses on more land in regional areas and extending the existing floor space ratio (FSR) bonus for this housing type to land where shop top housing is permitted.

These proposed initiatives and the NSW Government's investment will support the delivery of more diverse and affordable homes sooner. They will also provide the certainty needed to attract the private investment needed to ensure the right types and numbers of homes are being built in the right places, in our cities and in our regions, to meet the community's needs.

Supporting more affordable housing

Everyone in NSW deserves a safe, secure and affordable home. The supply and delivery of affordable rental housing is important in every community in NSW.

The NSW Government is implementing a number of initiatives to boost and support housing supply as part of the \$2.8 billion housing package announced in the 2022 Budget.

We know that as the cost of living rises, it becomes harder for many families and households to enter the private rental or housing market. Affordable rental housing allows families and households to save for a home whilst living in quality housing in the community they know.

Most affordable rental homes are built and managed by Community Housing Providers (CHP's) who have an important role in helping people access affordable housing and get back on their feet.

However, increasing living costs, land values, development costs and approval blockages are making it harder for enough affordable rental housing to be built where it is most needed.

Since 2009, the NSW Government's planning policies have supported the community housing and private sectors to build over 2,000 affordable rental dwellings¹ and more recently, allowed local councils to develop and adopt affordable housing contribution schemes (AHCS) in their local government areas (LGAs).

In response to the growing need for affordable housing more needs to be done to encourage investment, unlock approvals and increase delivery. To do this we are planning several changes to the Housing SEPP. These changes will improve housing opportunities and better leverage the community housing and development industries to deliver affordable housing in NSW.

The current system

There are existing planning mechanisms to help with the delivery of affordable housing under Chapter 2 of the Housing SEPP.

Part 1 of Chapter 2 of the Housing SEPP identifies the need for affordable housing across the State and sets out requirements that a local council, as a consent authority, must consider before imposing an affordable housing condition on a development consent in accordance with section 7.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Under the EP&A Act, the consent authority may impose an affordable housing condition on a development consent provided the condition complies with the relevant provisions of a SEPP, is authorised to be imposed by the council's local environmental plan (LEP) and is in accordance with an affordable housing contribution scheme (AHCS) adopted by that LEP, as voluntarily developed and adopted by the local council.

¹ Community housing Industry Association (2021) *Taking Action on Affordability April 2021* <https://communityhousing.org.au/wp-content/uploads/2021/12/ARHSEPP-report-final-1.pdf>

Once the AHCS is adopted and authorised under the LEP, conditions can be imposed on development consents requiring the payment of affordable housing contributions for proposed development on land identified under the AHCS. There is currently no legislative requirement for a council to adopt an AHCS.

As a separate and distinct mechanism to facilitate the delivery of affordable housing on-site, Part 2, Division 1 of Chapter 2 of the Housing SEPP provides applicants and developers with incentives in the form of a floor space ratio (FSR) bonus and other non-discretionary development standards to offset the on-site delivery of affordable housing.

These provisions apply to certain residential development permitted with development consent under another environmental planning instrument (EPI) in certain geographical areas, including:

- accessible land in Greater Sydney, Wollongong and Newcastle, and
- in regional NSW, but only on certain land within 800 m walking distance of nominated business zones.

The provisions are voluntary and only apply to development that proposes to use a minimum 20% of the total floor space as affordable housing. Larger floor space bonuses are available as the percentage of affordable floor space increases, with bonuses capped for developments that include at least 50 per cent of gross floor area (GFA) as affordable housing. The nominated affordable housing dwellings must be used for affordable housing and managed by a registered CHP for a minimum 15 years.

Barriers to uptake of current provisions

To date, only five metropolitan councils have developed an AHCS under the Housing SEPP, though there is broad interest among councils in doing so. Many councils express an aspiration to do so in their local strategic planning statements (LSPSs). The NSW Department of Planning and Environment has developed resources such as the *Guideline for Developing an Affordable Housing Contribution Scheme* and online Affordable Housing Viability Tool to help support councils to develop viable schemes.

Councils have advised that the legislative complexity, costs, technical difficulty and limited evidence of viability have prevented them from developing AHCSs. Councils have also raised the prospect of regional-scale AHCSs and a more broad-based contribution that is less tied to development uplift within an identified precinct. They have asked for more Government support to develop these.

In 2018, the Australian Housing and Urban Research Institute (AHURI)² reported that the provisions for in-fill affordable housing under the former State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP) had only contributed to the delivery of approximately 2,000 affordable housing dwellings in Sydney. This equates to approximately 0.5% to 1% of the city's total dwelling supply between 2009 and 2017.

² Gurran, N., Gilbert, C., Gibb, K., Nouwelant, R., James, A., and Phibbs, P. (2018) *Supporting affordable housing supply: inclusionary planning in new and renewing communities*, AHURI Final Report No. 297, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/297>, doi:10.18408/ahuri-7313201.

Low uptake of the in-fill affordable housing provisions could be due to several factors, such as:

- difficulty in accommodating the full FSR bonus while complying with development standards and other local council controls (for example, height of building, setbacks and landscaping) and uncertainty around the application of clause 4.6 to vary development,
- lack of FSR bonus to overcome the cost of delivering and retaining affordable housing floor space for 15 years (formerly 10 years),
- the availability of other local environmental plan (LEP) bonuses (for example, design excellence provisions) that offer better incentives which allow for additional FSR without the requirement to deliver affordable housing, and
- financing limitations as affordable housing floor space must be used for that purpose for a minimum 15 years and managed by a CHP.

The opportunity

A fairer incentives framework for in-fill affordable housing

Affordable housing delivery must be viable for developers and investors. Planning incentives can help improve feasibility while delivering social public benefits, but not at the expense of poor development outcomes within our communities.

The existing FSR bonus incentives in the Housing SEPP have helped to deliver new affordable housing that meets the needs of the community, but their uptake has not been as high as originally anticipated or desired. Industry has also told us that changes to the current FSR bonus would improve and encourage increased affordable housing delivery under the existing provisions.

These changes could include:

- reducing the base FSR where a larger FSR bonus could be achieved,
- additional tiers of base FSR and higher bonuses for higher density sites (for example, highly accessible sites in mixed use zones), and
- greater certainty on the application of clause 4.6 variations where a proposal may need to rely on variations to certain council development standards to fully realise the floor space bonus.

The department proposes to amend the existing in-fill affordable housing FSR bonus provisions under Part 2, Division 1 of Chapter 2 of the Housing SEPP to make it easier to access the provisions.

Existing floor space ratio bonuses

The Housing SEPP currently has two scenarios that allow additional FSR where affordable housing is provided. These include:

- Where a site has a FSR of 2.5:1 or less:
 - If at least 50% of the building is affordable housing, an extra 0.5:1

- If less than 50% of the building is affordable housing, the floor space bonus is worked out as a percentage of the amount of affordable housing proposed to be provided, based on the formula **Floor space bonus = (% of affordable housing /100:1)**.

For example, if a proposal contains the minimum 20% affordable housing, then the extra bonus is 0.2:1.

- Where a site has a FSR more than 2.5:1:
 - If at least 50% of the building is affordable housing – an extra 20% on top of the existing FSR. In this case a site with a FSR of 2.6:1 would gain an extra 0.52:1.
 - If less than 50% of the building is affordable housing, the floor space bonus is based on a sliding percentage scale that is worked out as a percentage of the amount of affordable housing proposed to be provided, up to a maximum bonus FSR of 20%.

For example, if the minimum 20% is provided then the extra bonus is 8% of the existing FSR. In this case, a site with a FSR of 2.6: 1 would gain an extra 0.2:1.

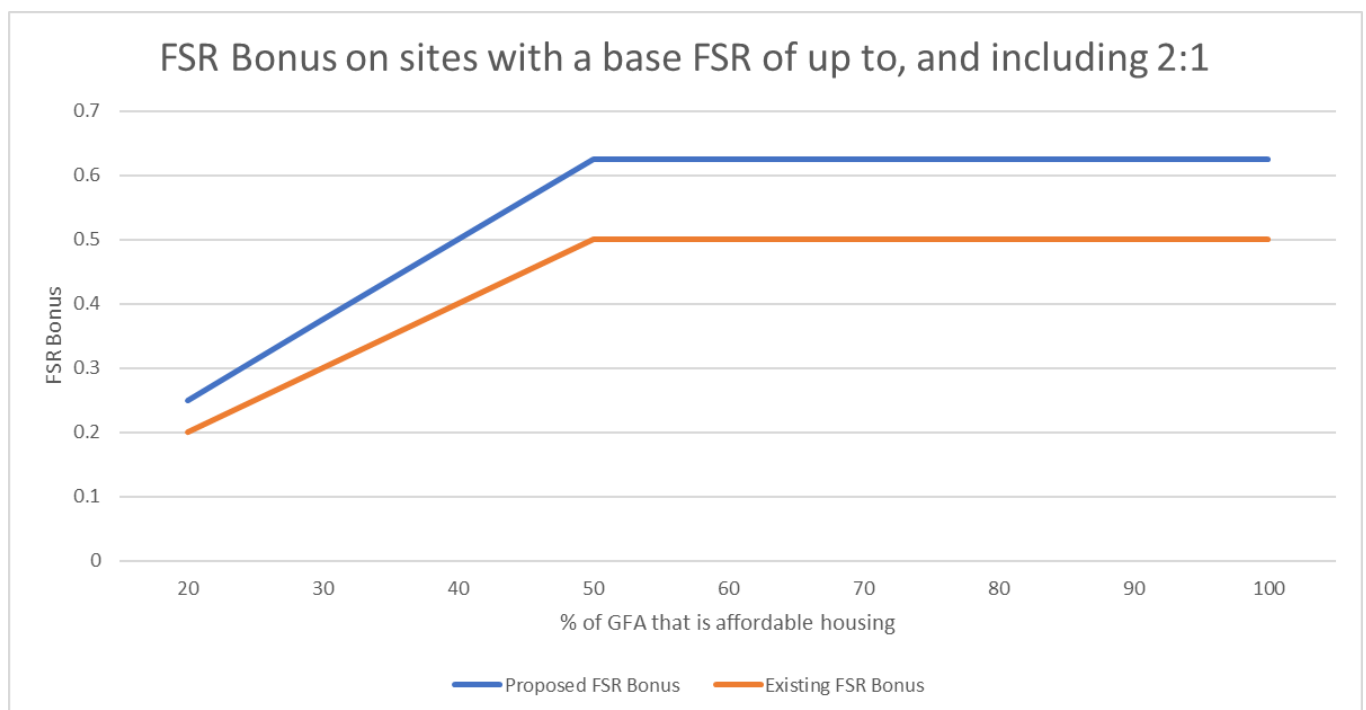
Proposed new floor space ratio bonuses

Revision of the FSR bonus percentages will help increase the economic incentive of the provisions and better support the delivery of more affordable housing in local communities.

The department proposes to amend the FSR bonus incentives framework as set out below:

For sites with a FSR of 2:1 and less:

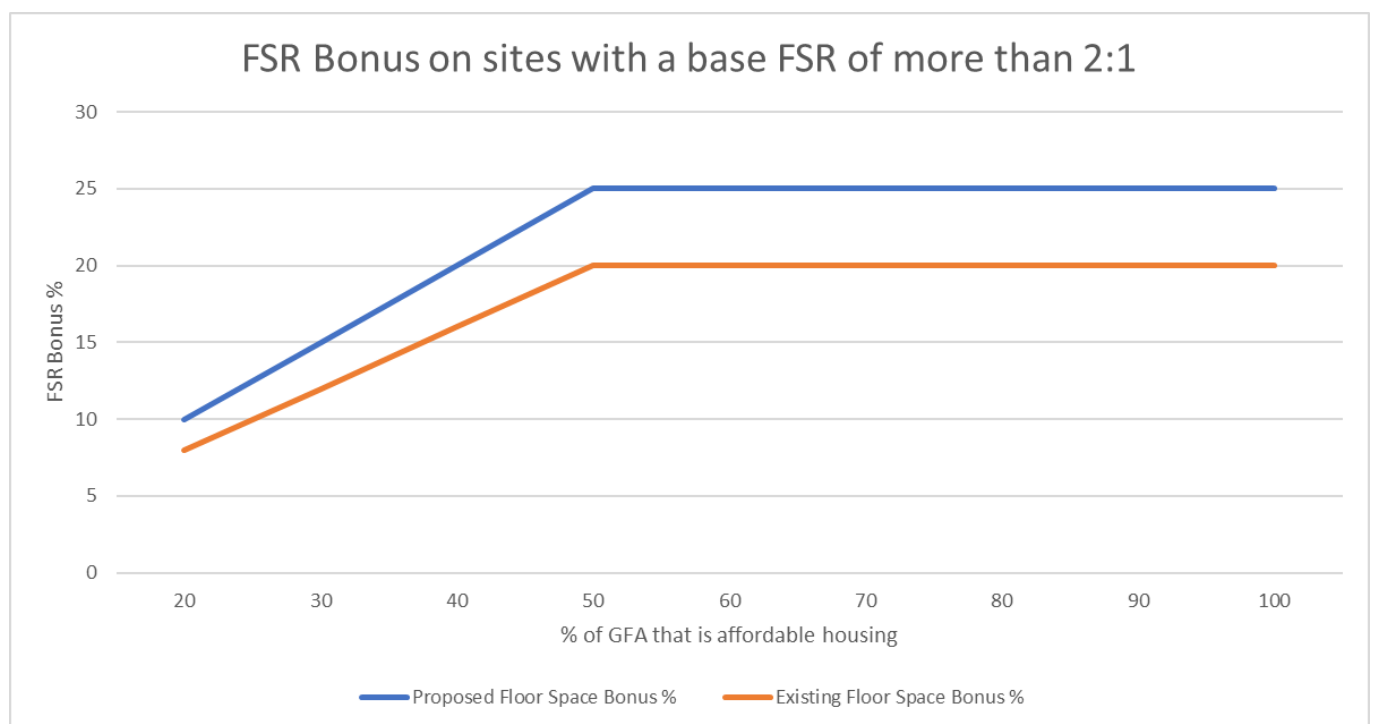
1. If 50% or more of the building is affordable housing, the base FSR plus an additional 0.625:1 FSR bonus, or
2. If less than 50% of the building is affordable housing, but no less than 20%, the base FSR plus an additional FSR determined by the percentage of proposed affordable housing and based on the formula: **Floor space bonus = (% of affordable housing % / 80:1)**.



The graph above illustrates the proposed changes, including a comparison against the existing FSR bonus. For example, a proposal on a site with a 1.5:1 FSR control under another environmental planning instrument that proposes 40% of the total development GFA as affordable housing, could achieve a final FSR of 2:1, comprising a 0.5:1 FSR bonus under the proposed amendments. Under the current provisions, the FSR bonus would be limited to 0.4:1.

For sites with a FSR of more than 2:1:

1. If 50% or more of the building is affordable housing, the base FSR plus an additional 25% of the existing base FSR, or
2. If less than 50% of the building is affordable housing, but no less than 20%, the base FSR plus an additional FSR represented as a percentage of the base FSR and determined by the amount of affordable housing proposed, based on the formula: **Floor space bonus % = (% of affordable housing / 2)**.



The graph above illustrates the proposed changes, including a comparison against the existing FSR bonus. For example, a proposal on a site with a 3.5:1 FSR control under another environmental planning instrument that proposes 40% of the total development GFA as affordable housing, could achieve a final FSR of 4.2:1, comprising a 0.7:1 FSR bonus under the proposed amendments. Under the current provisions, the FSR bonus would be limited to 0.56:1.

Delivering bonus affordable housing floor space under existing local controls

Existing development standards and local development controls (for example, height of building development standards) can deter or prevent applicants from applying the FSR bonuses available under the in-fill affordable housing provisions.

The NSW planning system already provides a pathway that allows consent authorities to flexibly apply developments standards via clause 4.6 of the Principal Local Environmental Plan (the

Standard Instrument LEP). Clause 4.6 provides a merit-based assessment process that can allow for the justified variation to existing development standards to realise floor space bonuses available under the in-fill affordable housing provisions.

Planned reforms to clause 4.6 of the Standard Instrument LEP will make variation requests simpler, provide greater consistency on the matters both consent authorities and applicants are required to consider and remove other consideration and concurrence requirements.

Consent authorities must still ensure a clause 4.6 variation request demonstrates the development standard contravention will result in an improved social, economic and environmental outcome. In that respect, where a variation request is required, it would be assessed on the planning outcome of the proposed development. This will improve flexibility in its application for development's that propose affordable housing, which the Government considers to be a social benefit.

Future guidance material will be developed to support the roll out of the clause 4.6 reforms, including guidance about how the clause should be applied for various development types. This will include where affordable housing is proposed to be delivered and provide stakeholders greater certainty about how clause 4.6 could be used when a non-compliant development standard is proposed as part of a residential development under the in-fill affordable housing provisions.

Updates to the Guideline for Developing an Affordable Housing Contribution Scheme

Stakeholders agree that where a need for affordable housing has been identified, the process for developing and implementing an AHCS should be efficient and mandatory. The need to simplify the process will be greater now that the Greater Cities Commission has released the *Six Cities Region* discussion paper, which proposes an affordable housing target of 10% for all new rezonings where there will be an uplift of residential development.

The department acknowledges the need to review the guideline to ensure it provides the appropriate guidance and support for councils so that the process of developing and adopting an AHCS is easier and more efficient.

Our review of the guideline would aim to create more flexibility for councils about how they wish to apply an AHCS in their LGAs by outlining alternative pathways. Any proposed changes would not affect a consent authority's requirements under section 7.32(1) of the EP&A Act. Proposed changes may include using a council-led planning proposal to:

- Introduce an affordable housing clause in an LEP that identifies potential areas and/or sites to be rezoned in the future. Basic feasibility analysis should be undertaken at this stage to identify a maximum applicable levy for the mapped sites. The contribution would then be triggered by a developer-initiated planning proposal for a mapped site, provided the council, as the consent authority, decides that it is reasonable to impose a condition on the development consent requiring the payment of an affordable housing contribution given the site-specific area.
- Introduce an affordable housing clause in an LEP that states a contribution rate may be applied for any developer-led planning proposal that seeks uplift on a site. The applicable levy would first need to be calculated by the developer. At the planning proposal stage the

council, as the consent authority, would need to review the proposed levy and agree that it is reasonable to impose a condition on the development consent requiring payment of an affordable housing contribution given the site-specific area.

These alternative pathways are consistent with the EP&A Act and are generally consistent with the guideline's intent to clearly communicate any applicable contribution levy prior to rezoning to give the market certainty about the amount of affordable housing to be provided, so that it can be factored into underlying land prices.

State significant development pathway for affordable and social housing projects

The department proposes to introduce a new SSD pathway for large residential developments:

- with a CIV of more than \$100 million, and
- that include a minimum 20% of GFA as either:
 - affordable housing, or
 - floor space delivered by a social housing provider.

It is also proposed introduce a new SSD pathway for affordable housing to be delivered by the Transport Asset Holding Entity (TAHE) on its land. The TAHE Affordable Housing Pilot Program will allocate surplus land for more than 300 new affordable homes in the Bayside, Blacktown, Inner West and Cumberland LGAs. The proposed SSD pathway will ensure timely assessment and delivery of these affordable homes.

The new SSD pathway will help the design and delivery of large-scale residential projects that include a social or affordable housing component. In keeping with existing provisions under the Housing SEPP, developments that include an affordable housing component will be conditioned to require it be retained and managed by registered community housing providers for a minimum 15 years.

The SSD pathway will have the benefit of using the department's State Design Review Panel (SDRP) that is administered by the department and the Government Architect NSW. It is also widely accepted that design review:

- improves the design quality of projects so they add value to the places where they are built,
- gives applicants timely and constructive advice, giving them more certainty in the assessment process, and
- gives consent authorities greater assurance and support in their assessment of proposals.

The SDRP's role in this reform would provide applicants and decision-makers with advice and recommendations on SSD proposal to ensure quality design outcomes. This advice will be beneficial given the transformational effect large scale SSD proposals can have on local communities. Ensuring these developments utilise any FSR bonuses under the Housing SEPP effectively will be important to ensure suitable built form outcomes are achieved.

Referring larger scale residential developments with a community housing benefit to the SDRP will also give applicants access to a pool of approximately 100 panellists with expertise across various project scales and typologies, and experience reviewing larger and more complex proposals. SDRP

meetings are typically more frequent, minimising impacts on development programs and allowing for the flexibility that larger and more complex proposals sometimes need.

The City of Sydney LGA would be excluded from the proposed SSD designation and DAs in the City of Sydney would continue to be assessed by the council and determined by the Central Sydney Planning Committee. This is already the case for build-to-rent housing, which is not SSD if proposed in the City of Sydney, regardless of the CIV of the project.

Planning pathways for social housing

There is significant and increasing demand for social, affordable and Aboriginal housing across NSW. Both the Australian and NSW Governments have recognised the urgency of the need for these types of housing through significant financial commitments to support their delivery:

- The NSW Government's recently announced Housing Package included \$554.1 million to fast-track the delivery of new and upgraded homes for both social and Aboriginal housing over the next four years.
- The Australian Government has, among other things, committed \$10 billion to a Housing Australia Future Fund with the target of delivering 30,000 social and affordable housing properties in its first 5 years.

The NSW Housing Strategy emphasises the importance of strengthening partnerships and cross-sector collaboration to deliver this much-needed housing as well as reducing planning assessment processing times and red tape.

The EIE proposes to complement these monetary commitments, and support delivery of the NSW Housing Strategy, by amending the Housing SEPP to improve the capacity of LAHC and the AHO to deliver social and affordable housing for the community. Together, these initiatives will help supercharge the building of new social housing in NSW.

Minimum lot size for dual occupancy lots

Currently, the minimum parent lot size for dual occupancy development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – also known as the Codes SEPP – is 400 m², or a larger area if specified in a local environmental plan (LEP) – and most LEPs specify a larger minimum area.

It is proposed to specify a minimum parent lot size of 400 m² for dual occupancies being delivered as complying development by the LAHC and the AHO.

Permitting social housing providers (SHPs) to deliver dual occupancies on smaller lots in this way would enable the delivery of this lower-impact in-fill housing type on a wider range of lots.

Expansion of self-assessment power for residential development

The LAHC and, more recently, the AHO, have powers to self-assess residential development under the Housing SEPP that contains up to 60 dwellings and has a maximum height of 9 metres under section 42 of the Housing SEPP.

It is proposed to extend these existing self-assessment powers to enable the LAHC and the AHO to self-assess residential development:

- containing up to 75 dwellings, and
- with a maximum building height up to that permitted under the relevant LEP.

These changes will support the delivery of in-fill social housing within residential areas, up to the height limit already adopted by the local council.

The proposed expansion of these existing self-assessment powers is supported by the recent release of the department's new *Guidelines for Division 5.1 assessments* (June 2022) for proponents and determining authorities assessing activities under Part 5 of the EP&A Act. Proponents, such as the LAHC and AHO, are now required to publish a decision statement alongside the review of environmental factors (REF) for developments with a CIV in excess of \$5 million on the NSW Planning Portal.

In addition, the LAHC and AHO are required to ensure that their self-assessed developments are designed with consideration given to the principles and controls of:

- for LAHC developments – *Good design for social housing* (September 2020) and the *Land and Housing Corporation Dwelling Requirements*, September 2020,
- for AHO developments – the *Aboriginal Housing Design Guidelines*, January 2020, and
- for residential flat buildings that are three storeys or more – the *Apartment Design Guide*.

Both the LAHC and the AHO are also required to notify councils and occupiers of adjoining land and take any responses from them into account. They will also be required to consult with other public authorities in certain circumstances, as set out in sections 2.15 and 2.17 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

These requirements ensure greater levels of assurance and transparency about the activities being undertaken within our communities and increase the level of accountability for our public authorities.

New threshold for State Significant Development

Under the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), two SSD pathways exist for development carried out by the LAHC. These include:

- LAHC development with a CIV of more than \$100 million under schedule 1, clause 26, and
- LAHC development on mapped sites (Ivanhoe Estate and Eden Street) with a CIV of more than \$30 million under schedule 2, clause 10.

The department proposes to amend schedule 1, clause 26 of the Planning Systems SEPP to better facilitate the delivery of large-scale social housing projects by removing the existing \$100 million SSD threshold and replacing it with a new, lower threshold.

In its place, it is proposed to introduce a new SSD threshold for development carried out by the LAHC containing more than 75 dwellings (that is, over the proposed new self-assessment threshold). The

proposed new SSD threshold roughly equates to a CIV of \$30 million, which is consistent with thresholds for some other types of SSD.

The SSD pathway under schedule 1, clause 26 of the Planning Systems SEPP, as is proposed to be amended, is also proposed to be extended to the AHO.

These proposed changes will ensure greater consistency in the assessment of development for new social and Aboriginal housing.

Group homes

The group homes provisions were introduced in 1983 to respond to the demand for residential care facilities and accommodation of a non-institutional nature. A growing need was also identified for short term, non-institutional accommodation for people faced with a crisis or emergency. Since their inception, the group homes provisions have been used to deliver a range of built form and operational outcomes for people who need support to live in the community.

In November 2021, the provisions of the Affordable Rental Housing SEPP were consolidated into the Housing SEPP and the Affordable Rental Housing SEPP was repealed.

The current framework

Group homes currently fall into one of two categories:

- Transitional group homes – which are intended to provide temporary accommodation for:
 - the relief or rehabilitation of people with a disability
 - drug or alcohol rehabilitation purposes
 - half-way accommodation for persons formerly living in institutions
 - temporary accommodation comprising refuges for men, women or young people
- Permanent group homes – which are intended to provide permanent accommodation for people with a disability or people who are socially disadvantaged.

In both cases, a group home:

- must be a dwelling
- must be occupied by persons as a single household
- can include paid supervision or care
- does not include development to which Chapter 3, Part 5 of the Housing SEPP (housing for seniors and people with a disability) applies.

Occupants may or may not be required to provide payment for board and lodging.

Group homes may be delivered using any of the following planning pathways:

1. Development without consent – up to 10 bedrooms within one or more group homes on a site, where the development is undertaken by or on behalf of a public authority on land in a prescribed zone. Prescribed zones include:
 - a. Zone R1 General Residential,
 - b. Zone R2 Low Density Residential,
 - c. Zone R3 Medium Density Residential,
 - d. Zone R4 High Density Residential,
 - e. Zone B4 Mixed Use,

- f. Zone SP1 Special Activities,
 - g. Zone SP2 Infrastructure, or
 - h. any other zone where dwelling houses or multi dwelling houses are permissible in another environmental planning instrument applying to the land.
2. Exempt development – for minor modifications to an existing group home, where the development is undertaken by or on behalf of a public authority and complies with the relevant development standards in Schedule 1 and section 2.20 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
3. Complying development - maximum of 10 bedrooms within one or more group homes on a site and complies with certain provisions of the Codes SEPP, is not within a draft heritage conservation area or on bush fire prone land, and also complies with the standards prescribed in Schedule 2 to the Housing SEPP.
4. With development consent – in all other cases when carried out in a prescribed zone. In those circumstances, and also where a group home is permissible with consent under another environmental planning instrument, the consent authority cannot refuse a DA without taking into consideration the need for a group home.

What we've heard so far

What needs to change

During consultation on the Housing SEPP, in feedback provided by stakeholders since the Housing SEPP was made, and in the 2022 NSW Legislative Assembly's Committee report, a number of issues with the group homes provisions have been identified. In particular:

- Definitions are vague and can require consent authorities to make subjective assessments of residents' disability or social disadvantage.
- Some dwellings are being inappropriately captured by the group homes provisions, resulting in unnecessary costs, delays and administrative burdens for accommodation providers and people with a disability wanting to share accommodation.
- Uncertainty about what is and is not covered by the existing definitions of group homes results in delays, uncertainty and sometimes litigation.
- Some services using the group homes provisions necessarily need to "fly under the radar" to provide their services appropriately – for example, refuges and out-of-home care for children and young people.
- The complying development pathway has resulted in large group homes in low density areas that are out of scale with surrounding development.
- Existing planning pathways are out of step with the current National Disability Insurance Scheme (NDIS) guidelines. For example, group homes with up to 10 bedrooms are permitted through the without consent and complying development pathways. However, no more than five bedrooms are permissible under one roofline to qualify for National Disability Insurance Agency (NDIA) funding.

- Some certifiers are reluctant to approve group homes as complying development due to uncertainty about how to classify this development under the National Construction Code.
- In some cases, group homes are poorly managed resulting in significant adverse impacts on local communities.
- There is a stigma associated with group homes. In some instances, this has led to considerable community backlash against a proposed development, resulting in delays in the assessment and determination process.
- There is currently no restriction on who can live in or operate a group home. This raises concerns that the provisions may be being exploited by for-profit developers to deliver housing for the general market.

What's working well

Stakeholders have noted that there are some features of the existing provisions that ought to be retained. In particular, those that enable:

- flexibility in the design of group homes, to enable responsiveness to the varying needs of those who live in them,
- the complying development pathway, which is usually significantly faster to obtain approval for a new group home than a DA pathway, and
- the accommodation of seniors or people with a disability in smaller-scale home-style settings – reflecting the continuing transition of providing care away from institutional settings.

Proposed amendments

The department proposes to replace the current definitions of group home, transitional group home and permanent group home with two new housing types. These include:

- high support accommodation, and
- supported living.

The proposed approaches include new or amended pathways for these housing types that will help to free up-councils to focus on more complex housing applications.

High support accommodation

High support accommodation would be premises that —

- have private rooms, which may have private kitchen and bathroom facilities,
- have at least one staff member on-site or on-call 24 hours a day,
- may only be used for the purposes of:
 - drug or alcohol rehabilitation, and
 - refuges or crisis accommodation for men, women, children or young people – including intensive therapeutic transitional care for children and young people under the parental responsibility of the Minister of Family and Communities.

The development size would be constrained by site coverage and height controls. It is not proposed to limit the number of occupants.

This accommodation:

- may provide only accommodation that is temporary in nature (that is, occupants may stay no longer than 18 months), and
- must be managed by a government agency, a registered community housing provider or a specialist homelessness service.

A without development consent pathway will be available for development delivered by a government agency, provided the agency carrying out the development has considered whether the development meets the standards set out in **Appendix 1** for this accommodation type.

Supported living

In addition to replacing the definition of group home, this new housing type will also replace existing definitions of 'hostel' in the Standard Instrument LEP, and in the Housing SEPP. The definition of supported living will make clear that it:

- provides accommodation on a single or shared basis, or a combination,
- has at least one staff member on-site or on call 24 hours a day,
- is a type of housing for seniors and people with a disability, and
- is not occupied as a single dwelling.

It is proposed to replace the existing DA pathway for hostels for seniors and people with a disability under the Housing SEPP (with standards designed for large-scale developments) with a complying development pathway for smaller scale supported living.

Supported living may only be operated by entities with current registration with the NDIS Commission as an NDIS provider. Certifiers, councils and the public will be able to verify registration currency using the NDIS provider register: <https://www.ndiscommission.gov.au/resources/ndis-provider-register/search>.

Similar to the existing provisions for hostels, occupancy of supported living will be restricted to:

- seniors or people with a disability,
- people who live in the same household with seniors or people with a disability, and
- staff employed to assist in the administration and provision of services.

Unlike the 10 bedroom cap under the current complying development pathway for group homes, there will be no limit on the number of bedrooms, or the number of occupants who can be accommodated in supported living. Development size will be constrained by site coverage and building height controls.

The proposed standards for supported living using this complying development pathway are set out in the table at **Appendix 1**.

The proposed changes will not apply to existing hostels, or to minor alterations and additions to existing hostels. Consideration of appropriate savings provisions for development applications lodged, but not yet determined as well as the continued application of the provisions for

applications to modify existing hostels, will be given before any amendments to the Housing SEPP are finalised.

It is also proposed to:

- Amend the definition of ‘people with a disability’ in the Standard Instrument LEP to align with the definition in section 7 of the *Disability Inclusion Act 2014* which reads as follows:
disability, in relation to a person, includes a long term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person’s full and effective participation in the community on an equal basis with others.
- Omit the definition of ‘people who are socially disadvantaged’ from the Standard Instrument LEP. Stakeholder feedback indicates that this term is out of date and can result in discrimination against people who are already vulnerable.

Temporary supportive accommodation

Developing housing solutions for people experiencing, or at risk of, homelessness is key to breaking the cycle of disadvantage. This is recognised in the 2021-22 action plan for implementation of the NSW Housing Strategy, which notes that the NSW Government has committed to reducing street homelessness by 50% across NSW by 2025.

While long term housing solutions are needed, these take time to deliver. The Committee on Social Services Report found that, in the interim, meanwhile uses (including temporary supportive accommodation (TSA)) can play an important role in providing short term housing for some of the most vulnerable members of the community.

This EIE proposes making changes to the planning system that will implement the recommendations of the report in relation to TSA for people experiencing homelessness and help to achieve this action plan outcome. The proposed changes aim to provide future proposals for TSA with a clear path to implementation, speeding up delivery of housing for those most in need.

Background

Temporary supportive accommodation (TSA) is used here to refer to the repurposing of existing buildings, or the temporary use of vacant land, to provide transitional housing to people experiencing, or at risk of, homelessness.

While anyone can experience homelessness, certain cohorts are at a higher risk. At risk cohorts include:

- those who have experienced domestic and family violence,
- young people,
- children subject to care and protection orders,
- Aboriginal and Torres Strait Islander people,
- people leaving health or social care arrangements,
- people aged 55 and over, and
- people with mental health issues.

Improving access to housing is associated with better health and wellbeing outcomes. Transitional housing provides occupants with an accommodation option while they wait for long term housing solutions, such as social housing or rental housing on the private market. It typically includes the provision of support services, or at least support coordination, to help occupants deal with the complexities of homelessness.

Without these support services, many people experiencing homelessness struggle to sustain a tenancy, and may cycle in and out of emergency and short term accommodation. By addressing some of the core factors that contribute to homelessness, support services can help prevent homelessness in the future.

The current framework

A number of innovative examples of TSA have been delivered in NSW to date, in some cases without the need for development consent.

Some TSA projects have been delivered using the existing group homes provisions. Others have used the existing without development consent pathway for supportive accommodation. This pathway enables existing residential flat buildings and boarding houses to provide accommodation and associated supervision and support services for people in need.

The opportunity

Better facilitating the delivery of TSA through the planning system will provide:

- greater clarity and certainty for the community housing providers and specialist homelessness services who work with people experiencing homelessness, and
- even more opportunities to provide housing for people in need.

Examples of how each of the proposed pathways might work are provided at **Appendix 2**.

Proposed amendments

Use of existing buildings

The department proposes to amend the supportive accommodation provisions of the Housing SEPP (set out in Chapter 2, Part 2, Division 4) to make it easier to provide temporary and permanent supportive accommodation.

The existing definition of supportive accommodation would be amended so that it refers to the use of an existing building or buildings to provide:

- accommodation to people experiencing, or at risk of, homelessness, and
- support services, in a dedicated room or area, only to people who live in that building or buildings.

Support services provided on-site may include:

- management, care for or supervision of occupants of the building,
- support coordination,
- medical services,
- counselling services,
- education and training services, and
- administrative services.

Two planning pathways would be available:

1. without development consent – this will involve modification of the existing without development consent pathway for supportive accommodation and will be available to government agencies only.
2. complying development – this will be a new pathway. There will be no restriction on who may deliver this type of development, but the management of the accommodation will be restricted to a government agency, registered CHP or specialist homelessness service (SHS).

Under both pathways:

- A member of staff of the government agency, registered CHP or SHS must be available on-site or on call to both occupants and neighbours 24/7.
- Consultation with the Department of Communities and Justice (DCJ) will be required before development is carried out. This process would be similar to the process set out in section 30 of the Housing SEPP for boarding houses delivered by the LAHC. In this process, the proponent would have to notify DCJ and take any response from them into account prior to proceeding with the development.
- The proponent must provide a plan of management to the relevant local council that addresses the matters set out in **Appendix 3** before carrying out the development. Council will not be required to review or assess the plan of management.

Without development consent pathway

The modified without development consent pathway will allow the repurposing of existing buildings that are currently used for following types of residential or tourist and visitor accommodation, provided no physical works are required, to enable the use of the building as supportive accommodation:

- backpackers' accommodation
- boarding houses
- co-living housing
- high support accommodation (as proposed by this EIE)
- hostels (whether under the Standard Instrument LEP or the existing hostels provisions of the Housing SEPP)
- hotel or motel accommodation
- multi dwelling housing
- residential flat buildings
- seniors housing
- serviced apartments
- shop top housing
- supported living (as proposed by this EIE).

Under this proposed pathway:

- The proponent must consider the safety aspects of the building that is proposed to be used as supportive accommodation and be satisfied that the building will be safe for the intended use.
- The proponent must give 7 days' notice of their intention to use the property as supportive accommodation to the local council. They must also provide the council with a copy of the plan of management for the use of the property as supportive accommodation.
- The council must acknowledge, in writing, the receipt of the notice, including acknowledgement of the proponent's proposed start date for the use of the building as supportive accommodation.

Complying development pathway

The new complying development pathway will be available in existing buildings where the existing land use is not residential accommodation or tourist and visitor accommodation.

Under this pathway:

- Use of a building will be limited to 5 years from the date the occupation certificate for the use is issued.
- Applicants will be required to satisfy sections 1.17A and 1.18 (except (1)(b) and (2)) of the Codes SEPP. These provisions set out general requirements for complying development, including that it not be on land that contains critical habitat or a heritage item, and that it meets the relevant provisions of the Building Code of Australia.
- The plan of management must be submitted with the complying development application and provided to council with the endorsed documents when the CDC is approved.

Temporary use of vacant land

We propose to amend the temporary use of land clause in the Standard Instrument LEP (optional clause 2.8) to allow for the provision of temporary residential accommodation on vacant land for a period of up to five years. This development consent pathway will:

- only apply to public land that is classified by the council as operational land. Under the *Local Government Act 1993*, councils are required to classify all public land as either 'community land' or 'operational land'. Operational land is generally council-owned land that facilitates the carrying out of the council's functions, such as works depot or drainage reserves. Operational land can be sold or developed for private use,
- only be available to government agencies, registered CHPs or specialist homelessness services, and
- require a staff member to be available on-site or on call to both occupants and neighbours 24/7.

Any development application will need to be accompanied by a plan of management, which addresses the matters set out in **Appendix 3**.

Clause 2.8 already requires the consent authority to be satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land, and
- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Amendments are also proposed to clause 2.8 (3)(b), as the current restriction is too onerous. It is proposed that this subclause read: 'the temporary use will not unreasonably impact on any adjoining land or the amenity of the neighbourhood'.

Accessibility and usability standards for independent living units

Supporting housing design that is adaptable and optimises technology to meet the changing and varied needs of NSW residents is a key priority of the NSW Housing Strategy.

The department proposes to update the accessibility and usability standards for independent living units (ILUs) seniors housing specified in Schedule 4 to the Housing SEPP.

Ongoing industry feedback, including detailed commentary from The Association of Consultants in Access Australia Inc. (ACAA), has identified several issues with the interpretation of the current standards that can impact assessment timeframes.

Changes are proposed to:

- remove outdated design specifications that have been superseded by technological improvements (for example, lighting and telecommunications),
- update and clarify the accessible car parking requirements for residents,
- update and improve accessibility standards for letterboxes (that is, to improve wheelchair access) and ancillary spaces (for example, garbage storage areas), and
- update and clarify the accessibility requirements for doors and entries and the main internal rooms and living spaces.

Updating these standards will ensure that the accessibility requirements for ILUs reflect industry best practice. These changes will also improve consistency in the assessment and determination of ILU seniors housing developments, and better equip the planning system to deliver safe and suitable seniors housing.

The proposed changes are set out in the table at **Appendix 4**.

We expect that the accessibility standards will be updated to coincide with the finalisation of the draft Seniors Housing Design Guideline, which has been available on the department's webpage since the release of the Housing SEPP in November 2021.

The draft Seniors Housing Design Guideline has been updated in response to amendments made to the Housing SEPP this year and is currently on exhibition with the EIE for review and comment. The draft Seniors Housing Design Guideline will be updated in response to feedback received during this consultation phase and finalised with the next Housing SEPP amendment.

Once finalised, the draft Seniors Housing Design Guideline will apply to all seniors housing types. The Housing SEPP will put the Seniors Housing Design Guideline into action. This will require the consent authority to consider the guideline when determining a development application for seniors housing.

More opportunities for boarding house development

We propose to further incentivise the development of boarding houses to generate renewal surrounding local centres and commercial cores and increase housing in Regional NSW. The proposed changes are an extension of recent amendments made to the Housing SEPP.

Outside of the Greater Sydney region, the boarding house provisions only apply to land in Zone R2 Low Density Residential if the site is within 400 m walking distance of land in Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.

It is proposed to increase the land on which the boarding house provisions apply in regional NSW by:

- including land within walking distance of Zone B1 Neighbourhood Centre and by expanding the walking distance from these business zones from 400 m to 800 m. These changes will make available additional R2 zoned land to accommodate boarding houses outside the Greater Sydney region.

A 25% FSR bonus currently applies to boarding houses delivered on land where residential flat buildings are permitted. It is proposed to extend this bonus so that it also applies to boarding houses delivered on land on which shop top housing is permitted.

Appendix 1. Summary of existing and proposed development standards

Table 1 below sets out the proposed standards for high-support accommodation, and for the proposed complying development pathway for supported living. It also includes the existing standards for group homes and hostels for comparison.

We propose these changes to:

- make the development standards clear
- give developers the maximum flexibility for design
- ensure that accommodation delivered using these pathways responds to the site and character of the local area.

Table 1. Proposed standards for high-support accommodation and proposed complying development pathway for supported living

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Minimum lot size	450 m ²	1000 m ² (does not apply to LAHC or other SHPs)	450 m ²	450 m ²
Height	8.5m	9.5m + 2m for servicing equipment	If no LEP height applies, maximum of 8.5m / 2 storeys	If no LEP height applies, maximum of 8.5m / 2 storeys
Maximum site coverage	70%		50%	50%
Setbacks	Front setback must be the average distance of the nearest 2 group homes or dwelling houses or 4.5 metres if a dwelling is not within 40 metres of the site. This setback varies depending on the	Must provide building setbacks to reduce bulk and overshadowing	As for group homes; the existing exceptions to setbacks will be substantially replaced by reference to the exceptions listed in section 3.11 of the Codes SEPP.	As for group homes; the existing exceptions to setbacks will be substantially replaced by reference to the exceptions listed in section 3.11 of the Codes SEPP.

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
	<p>classification of the road which the development fronts.</p> <p>The Housing SEPP also sets out setbacks to side and rear boundaries, as well as exceptions to setbacks.</p>			
Landscaped area	Minimum 20% of site area, with 50% behind the building line and minimum dimensions of 2.5m	At least 15m ² of landscaped area for every bed	<p>Minimum 20% of site area, with 50% behind the building line and minimum dimensions of 2.5 m.</p> <p>At least 25% of the area of the lot forward of the building line must be landscaped.</p>	<p>Minimum 20% of site area, with 50% behind the building line and minimum dimensions of 2.5 m.</p> <p>At least 25% of the area of the lot forward of the building line must be landscaped.</p>
Car parking	At least 2 off-street car parking spaces.	<p>At least:</p> <ul style="list-style-type: none"> • 1 space per 10 beds • 1 space per 2 employees on duty at the same time • 1 space for ambulance parking <p>Car parking for residents:</p> <ul style="list-style-type: none"> • must comply with AS 2890.6. • 10% of parking spaces (or at least one space) must allow for increase in width to 3.8 metres. 	At least 2 off-street car parking spaces	At least 2 off-street car parking spaces, 1 of which must comply with AS 2890.6 (Off-street parking for people with disabilities).
Building separation	The distance between group homes on a site must be at least 1.8 metres.			
Communal open space	24m ² , at least 4m wide and with a gradient no steeper than 1:50.	8m ² per bed		Minimum 20% of site area, and minimum 3m dimensions

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Provision of care and support	With or without paid supervision or care and whether or not payment for board and lodging is required	At least 1 staff member is available on site 24 hours a day to provide management services	At least 1 staff member on site or on call 24 hours a day	At least 1 staff member on site or on call 24 hours a day
Form	A dwelling occupied by persons as a single household	Building or place	Premises	Premises
Duration of accommodation	Temporary or permanent, depending on definition used	No limit or restriction on duration of stay	Maximum 18 months	No limit or restriction on duration of stay
Shared spaces and facilities	-	Meals, laundering, cleaning and other facilities are provided on a shared basis		
Permissibility	Various, depending on planning pathway	RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, B8 Metropolitan Centre, SP1 Special Purposes, SP2 Infrastructure, RE2 Private Recreation.	R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B4 Mixed Use, SP1 Special Activities and SP2 Infrastructure, where development for the purposes of a place of public worship, an educational establishment, a hospital, seniors housing is permitted.	R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B8 Metropolitan Centre, SP1 Special Purposes, SP2 Infrastructure, RE2 Private Recreation.

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Frontage	If not a battle-axe lot, has a boundary with a primary road of at least 12m If a battle-axe lot, has an access laneway of at least 3m in width	20 m measured at the building line (does not apply to LAHC or other SHPs)	For a lot other than a battle-axe lot – minimum frontage measured at the building line – 12 m for lots with an area of 450m ² to 900m ² , 15 m for lots with an area of 900m ² to 1500m ² 18 m for lots with an area greater than 1500m ² For a battle-axe lot – has an access laneway that is at least 3m in width and measuring at least 12m by 12m, excluding the access laneway	For a lot other than a battle-axe lot – minimum frontage measured at the building line – • 12 m for lots with an area of 450m ² to 900m ² , • 15 m for lots with an area of 900m ² to 1500m ² • 18 m for lots with an area greater than 1500m ² For a battle-axe lot – has an access laneway of at least 3m in width and measuring at least 12m by 12m, excluding the access laneway
Deep soil zone		15% of site area, with minimum dimensions of 6m for each deep soil zone and, if practicable, at least 65% of the deep soil zone located at rear of site		
Subdivision		May be subdivided except in B3	Not permitted	Not permitted
Bush Fire Prone Land	CDC not available if on bushfire prone land; usual requirements under <i>Rural Fires Act 1997</i> apply to DA and without consent pathways	Must comply with Planning for Bushfire Protection	Usual consent authority obligations under <i>Rural Fires Act 1997</i> apply	CDC not available if on bushfire prone land
Flood Prone Land	Development standards apply for flood control lots	Part 5 Housing for Seniors and people with a disability does not apply to land to which the Standard Instrument LEP, clause 5.22 applies in relation to seniors housing specified as sensitive and hazardous development		As for group homes

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Design		Must demonstrate consideration of design principles for: <ul style="list-style-type: none"> • Neighbourhood amenity and streetscape • Visual and acoustic privacy • Solar access and design for climate • Stormwater • Crime prevention • Accessibility • Recycling 		

Appendix 2. Temporary Supportive Accommodation examples

Use of existing buildings – residential and tourist and visitor accommodation

Under this proposed without development consent pathway, a specialist homelessness service (SHS) will be able to repurpose existing backpackers' accommodation to almost immediately begin providing accommodation for young people aged 16 – 24 years who are experiencing, or at risk of homelessness. All that will be needed to use the property for this purpose will be some minor refurbishments – new carpets and curtains, and simple furnishings for the bedrooms and existing shared spaces (lounge room and kitchen), an on-site office and a couple of rooms to be used for meetings or counselling sessions.

Young people might be accommodated for anywhere from overnight to permanently, but the SHS decides to offer accommodation to each young person for up to 2 years, which should be enough time to prepare them to live independently.

During their time in the accommodation, each young person will be provided with a case manager who will work with them to organise the support they need to help them live independently. This might be counselling provided by a specialist provider onsite, cooking and budgeting classes also provided onsite, or help to enrol in education or to secure and maintain a job.

It will be important to make sure that the vulnerable young people who are accommodated are safe and adequately cared for, and that any negative impacts on neighbours are minimised, so before repurposing the property, the SHS:

- carefully considers the safety aspects of the building, and is satisfied that it will be safe for its intended use,
- advises DCJ about what they are proposing. DCJ has some suggestions that might help to ensure the accommodation operates smoothly, and the SHS considers and implements this feedback, and
- gives 7 days notice to the local council of their intention to repurpose the property and provides them with a plan of management which details how the facility will operate.

From the time the property begins being used for this new purpose, the SHS will ensure that a member of their staff is available on-site to the young people in the accommodation, and any neighbours, at all times.

Use of existing buildings – other

In this hypothetical scenario, Delta Corp owns an old office building. They plan to redevelop the site, but it is going to take time to get the necessary approvals. As part of their corporate social

responsibility plan, they decide to provide the vacant building to Zeta (a not-for-profit specialist homelessness service), rent free, until approvals for the redevelopment are obtained.

Zeta would like to use the office building to provide hostel-style accommodation to homeless men and has an established network of professionals and companies who are able to provide refurbishment services and materials pro bono. However, it won't be possible to bring the entire building up to the appropriate standard, so Zeta seeks a complying development certificate (CDC) for conversion of the lowest three stories.

Zeta seeks a CDC for this. Initially consultation about the project is undertaken with DCJ in order to receive support for the concept. Zeta then approaches a certifier which is able to:

- Issue a CDC for the proposed changes to the lower three storeys of the building, confirming what works are necessary to satisfy the relevant requirements of the Building Code of Australia. The refurbishment includes the installation of a number of bathroom pods, supplied pro bono by one of Zeta's project partners. This makes it simpler and faster to bring parts of the building up to the appropriate standard.
- endorse the plan of management provided to them by Zeta. The plan of management makes clear that at least two members of Zeta staff will be on site at all times. These staff will be responsible for managing the ongoing operations.
- Issue an occupation certificate once the physical works are complete. This allows Zeta to begin its use of the building for up to 5 years from the date it is issued.

At the end of the 5 years, Zeta has found an opportunity to continue providing its hostel-style services out of another vacant building nearby, under a similar arrangement. Zeta organises the removal of the bathroom pods to this new site, and vacate the old office building, which is to be demolished by the site owner as part of the redevelopment.

Temporary use of vacant land

In this hypothetical scenario, Alpha Council owns a plot of operational land that is currently vacant. Like many parts of the State, there is a shortage of housing in Alpha LGA.

Beta Housing, a registered CHP, approaches Alpha Council with a proposal. Beta Housing would like to use the vacant land to provide residential accommodation to women over 50 who are experiencing, or are at risk of, homelessness in the local area. The development will take the form of a boarding house made up of:

- four micro dwellings that will be built on site and each provide a bed, kitchenette and bathroom for one, and
- a central building that will include a communal living area and laundry.

Beta Housing will manage the development, and will partner with Gamma Services, who will provide residents with counselling and other support services off site.

Alpha Council has chosen to adopt clause 2.8 of the Standard Instrument LEP, which enables residential accommodation to be provided on vacant operational land in certain circumstances for up to 5 years – with development consent.

Beta Housing lodges a development application. In the development application, they demonstrate that the proposed development:

- Won't prevent future development of the land – and will leave the site in better condition than before the temporary use is carried out. The site currently contains overgrown vegetation and disused piles of road base. Beta Housing undertakes to leave the ground completely cleared of all structures and debris, and neatly mown, at the end of the 5 years
- Will not result in any unreasonable impacts on adjoining land, or on the amenity of the neighbourhood. The development will house only 4 women and will be actively managed – and the presence of the women on site is likely to discourage the young people who currently tend to congregate at the site to drink and smoke.
- Will not increase the risk of flood or bushfire on the land, or adversely impact any environmental features of the land as the site was long ago cleared of all natural vegetation.

Beta Housing includes a plan of management with its application, which makes clear that a staff member of Beta Housing will be on call 24/7 to occupants of the site and any neighbours with questions or concerns. The contact number for this staff member will be provided to adjacent neighbours and included in signage in each dwelling on site.

The development application is determined by a local planning panel in accordance with the council's conflict of interest policy and the legislative requirements, and the development is given consent.

The buildings are constructed on site in accordance with the consent and used for the intended purpose. At the end of the 5 years, Beta Housing removes the buildings and leaves the site clean and tidy.

Alpha Council and Beta Housing work together to secure long term accommodation for the women before the 5-year expiry.

Appendix 3. Content of plans of management

It is proposed that plans of management for TSA be required to address the following:

- Which legislative or regulatory framework applies to the accommodation and the name and contact details of the entity responsible for overseeing that framework (for example, *Residential Tenancies Act 2010* or *Boarding Houses Act 2012*).
- How eligibility for the accommodation will be determined.
- Whether support will be provided on-site or on call.
- What measures will be taken to minimise unreasonable impacts to the habitable areas of adjoining properties, including the management of communal open spaces and noise impacts.
- How concerns or complaints from occupants and neighbours can be raised (including how the 24-hour contact details of the staff member who will be on-site or on call will be made available to occupants and neighbours), and how concerns or complaints will be addressed.
- Car parking arrangements and vehicle use.
- Waste management, waste use minimisation, recycling and waste collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles.
- How external security matters (including, but not limited to, lighting, surveillance or security camera systems, fencing and secure gates) will be managed.

Appendix 4. Proposed reforms to the accessibility and usability standards for independent living units

Table 2 below outlines potential changes to the existing accessibility and usability standards to demonstrate the intent of the proposed reforms. Text removed is shown in ~~red with a strike through~~ and new text in **bold** (headings excepted).

The final version of the standards may differ from the potential changes outlined below following consideration of stakeholder feedback and formal legislative drafting.

Table 2. Proposed changes for independent living units

Existing Provision	Potential change	Rationale
Part 5 Housing for seniors and people with a disability – Division 6 Design principles		
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.	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, safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The term ‘attractive’ is subjective and open to interpretation. Removing this term may improve consistency in the development assessment process.
Schedule 4 Standards concerning accessibility and usability for hostels and independent living units		
Part 1 Standards applying to hostels and independent living units		
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	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	Changes are proposed to remove the lighting specifications for pathways as lighting technology has advanced substantially with the introduction of LED lighting.

Existing Provision	Potential change	Rationale
<p>4 Letterboxes</p> <p>Letterboxes –</p> <p>(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</p> <p>(b) must be lockable, and</p> <p>(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.</p>	<p>4 Letterboxes</p> <p>(1) Letterboxes –</p> <p>(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</p> <p>(b) must be lockable, and</p> <p>(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.</p> <p>(2) At least 20% of the letterboxes must be more than 600mm and less than 1100mm above the finished floor level.</p>	<p>The proposed changes are designed to improve the accessibility of letterbox facilities of independent living units by specifying that a minimum amount (i.e., 20%) of letterboxes must be provided within the minimum height range specified.</p> <p>This change will ensure that suitable access is provided for those residents with reduced mobility.</p>
<p>5 Private car accommodation</p> <p>If car parking (not being car parking for employees) is provided –</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and</p> <p>(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</p> <p>(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.</p>	<p>5 Private car accommodation</p> <p>If car parking (not being car parking for employees) is provided –</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and</p> <p>(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</p> <p>(a) For resident car parking attached to an independent living unit – car parking spaces, or at least 1 space where 2 or more are provided, must comply with the following –</p> <p>(i) be at least 3.8m wide and 5.4m in length, and</p> <p>(ii) have a minimum vertical clearance of 2.5m, and</p> <p>(iii) have a maximum grade of 1:40.</p> <p>(b) For resident car parking spaces provided in communal car parks –</p> <p>(i) if 10 or more car parking spaces, not including car parking spaces for employees, are</p>	<p>Feedback from industry indicates that the current resident car parking design requirements are out-of-date, do not reflect the resident mobility profile or the design and functionality of independent living units.</p> <p>The proposed changes seek to:</p> <ul style="list-style-type: none"> • acknowledge resident mobility requirements (i.e., specifying a minimum provision of accessible parking spaces as opposed to all spaces), and • better account for developments that include independent living units with dedicated car parking spaces (e.g. garage or car port) by allowing the provision of a 3.8m wide space rather than requiring all spaces to comply with AS 2890.6.

Existing Provision	Potential change	Rationale
	<p>provided — at least 10% of the spaces must comply with the requirements for parking for persons with a disability set out in AS/NZS 2890.6, and</p> <p>(ii) if fewer than 10 car parking spaces, not including car parking spaces for employees, are provided — at least 1 of the spaces must comply with the requirements, and</p> <p>(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.</p>	
<p>6 Accessible entry</p> <p>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.</p>	<p>6 Accessible entry</p> <p>Every entry At least one entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with AS 1428.1. clauses 4.3.1 and 4.3.2 of AS 4299.</p>	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.</p>
<p>7 Interior: general</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p>	<p>7 Interior: general</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to on both sides of at least one internal doorways in the following areas must comply with AS 1428.1:</p> <p>(a) the kitchen,</p> <p>(b) the laundry,</p> <p>(c) at least 1 bathroom,</p> <p>(d) at least 1 bedroom,</p> <p>(e) the main living area,</p> <p>(f) any required private open space area,</p> <p>(g) at least 1 toilet.</p>	<p>Changes are proposed to subsection (3) to improve the application of the internal circulation space requirements, particularly for independent living units provided over multiple levels and to minimise misinterpretation with section 17.</p> <p>Some interpretations are leading to all internal doorways being designed to comply with AS 1428.1, even when those spaces (e.g., above the ground floor) may not be accessible to all resident occupants.</p>
<p>8 Bedroom</p>	<p>8 Bedroom</p> <p>(1) At least one bedroom within each dwelling must have —</p>	<p>Changes are proposed to update bedroom requirements by removing outdated telecommunication fixture specifications and</p>

Existing Provision	Potential change	Rationale
<p>At least one bedroom within each dwelling must have —</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows —</p> <p>(i) in the case of a dwelling in a hostel — a single-size bed,</p> <p>(ii) in the case of an independent living unit — a queen-size bed, and</p> <p>(b) a clear area for the bed of at least —</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(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</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	<p>(a) an area sufficient to accommodate a wardrobe and a queen size bed bed sized as follows —</p> <p>(i) — in the case of a dwelling in a hostel — a single-size bed,</p> <p>(ii) in the case of an independent living unit — a queen-size bed, and</p> <p>(b) a clear area for the bed of at least —</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(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</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p> <p>(2) Circulation space to an internal doorway in the main bedroom must be clear of the area designated for a bed under subsection (1)(b).</p>	<p>to further clarify that circulation spaces provided to the bedroom must be sufficient to enable person requiring the use of a wheelchair to enter the room, turn and then approach the door to access the handle to exit the room.</p>
<p>9 Bathroom</p> <p>(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 —</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p>	<p>9 Bathroom</p> <p>(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 —</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing and tapware, that would allow, either immediately or in the future, with all setout and clearances in accordance that comply with AS 1428.1, or where accordance is able to be achieved</p>	<p>The proposed changes aim to provide clearer guidance surrounding minimum bathroom requirements, but to include more flexibility by removing the specificity for power outlet locations and by enabling the provision of a bathroom either on the main entry level or on a floor serviced by a lift.</p> <p>Consideration is also being giving to better clarify the minimum requirements for slip-resistant floor surfaces to improve compliance certainty for industry and consent authorities</p>

Existing Provision	Potential change	Rationale
<p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future –</p> <ul style="list-style-type: none"> (i) a grab rail, (iii) portable shower head, (iv) folding seat, <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subsection (1)(c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>through replacement of the washbasin (without change of location) and tapware,</p> <p>(c) a shower that complies with circulation and falls to flooring and drainage, and mixer tap location in accordance with AS 1428.1, except that the following must be accommodated either immediately or in the future —. The shower compartment must be constructed of solid masonry, or have framing suitably reinforced so as to be capable of accepting the following fixtures, readily installed in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> i. a grab rail, ii. portable shower head, iii. folding seat, iv. a shower seat, v. a vertical support rail, <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet in an accessible location in accordance with AS 1428.1 beside the mirror.</p> <p>(2) Subsection (1)(c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>under this section and section 11 Surface finishes.</p>
<p>10 Toilet</p> <p>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.</p>	<p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the following requirements for sanitary facilities of AS 4299:</p> <p>(a) water closet pan installed to the corner of the room with centreline setout in accordance with AS 1428.1,</p>	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.</p> <p>The proposed expansion of this standard aims to provide improved clarity regarding the design requirements for the main toilet.</p> <p>It is also proposed to provide greater flexibility by enabling the provision of a toilet either on</p>

Existing Provision	Potential change	Rationale
	<p>(b) water closet pan specification and installation in accordance with AS 1428.1 (or a replacement of the water closet only in its current location, in the future, as the only allowable adaptation to achieve the requirements of this standard),</p> <p>(c) circulation around the water closet pan that complies with AS 1428.1 (except that a shower screen designed for removal for future accessibility under clause 9 may be located within the required circulation zone at the outset),</p> <p>(d) the wall construction of the compartment must be capable of accepting the following fixtures in the future, readily installed in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> (i) grab back (ii) rest rails. 	<p>the main ground floor or on a floor serviced by a lift.</p>
<p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p>	<p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 1428.1. AS 4299.</p>	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.</p>
<p>13 Ancillary items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p>	<p>13 Ancillary items</p> <p>Switches, power points and controls and power points must be provided in accordance with AS 1428.1. AS 4299.</p>	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.</p> <p>The introduction of ‘controls’ is proposed to better reflect updated telecommunication and intercom devices being delivered as part of independent living unit housing.</p>
<p>Part 2 Additional standards for independent living units</p>		
<p>15 Living room and dining room</p> <p>(1) A living room in an independent living unit must have —</p>	<p>15 Living room and dining room</p> <p>(1) A living room in an independent living unit have —</p>	<p>Changes are proposed to update living and dining room design requirements by removing minimum illumination requirements and</p>

Existing Provision	Potential change	Rationale
<p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	<p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telecommunications outlet telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux</p>	<p>updating the reference for telecommunication fixture specifications.</p> <p>Technology improvements in lighting design, including the introduction of LED lighting, removes the requirement for minimum lighting specifications to be stipulated.</p>
<p>16 Kitchen</p> <p>A kitchen in an independent living unit must have –</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299 –</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5(a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets –</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>	<p>16 Kitchen</p> <p>A kitchen in an independent living unit must have –</p> <p>(a) a circulation space: in accordance with clause 4.5.2 of AS 4299, and:</p> <p>(i) of at least 1,200mm, and</p> <p>(ii) that is capable of being increased to 1,550mm, and</p> <p>(b) a circulation space in the kitchen area and associated entries at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant provisions of AS 1428.1 subclauses of clause 4.5 of AS 4299 –</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length, that are located clear of obstructions for users, and where any cabinetry that is provided below the work surface may be removed to enable wheelchair access, that comply with clause 4.5.5(a),</p> <p>(ii) a lever tap set, a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven that is side hinged to suit an adjacent work surface, and installed at a height between 600mm and 1,100mm above the finished floor level (see clause 4.5.8), and</p> <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and</p>	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 where appropriate.</p> <p>The proposed allowance for the provision of 1,200mm between benches provides industry with design flexibility by being able to cater for ambulant residents, but still ensuring the kitchen layout is capable of being modified to achieve compliance with 1,550mm to cater for a person requiring use of a wheelchair for mobility.</p> <p>Other proposed changes also seek to introduce greater guidance and flexibility for kitchen fixtures and fittings.</p> <p>Improved clarification is also proposed to be introduced for kitchen fitting design requirements to ensure designs better cater for the range of mobility of their residents.</p>

Existing Provision	Potential change	Rationale
	<p>towards the bottom of overhead cupboards, All operable cabinetry shall be of a type that includes, or allows, the installation of "D" pull handles, located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) At least one general power outlets at least one of which is a double general power outlet within 300 millimetres of the front of a work surface. and</p> <p>(i) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>	
<p>17 Access to kitchen, main bedroom, bathroom and toilet</p> <p>In a multi-storey independent living unit, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	<p>17 Access to kitchen, main bedroom, bathroom, and toilet, living area and private open space</p> <p>In an independent living unit, the kitchen, main bedroom, bathroom, and toilet, living area and private open space must be located on the main entry level or a floor serviced by a private compliant lift.</p>	<p>Section 17 is proposed to be amended to specify the minimum access requirement for each of the main living areas of an independent living unit.</p> <p>Flexibility is also proposed to be introduced by enabling the provision of these living areas over multiple levels either on the main entry level or on a floor serviced by a lift.</p> <p>It is proposed to define ‘compliant lift’ to mean:</p> <p>compliant lift means a lift that –</p> <ul style="list-style-type: none"> (a) meets the relevant provisions of the Building Code of Australia, and (b) is not a stairway platform lift, and (c) is internally accessible.
<p>19 Laundry</p> <p>An independent living unit must have a laundry that has –</p> <ul style="list-style-type: none"> (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 	<p>19 Laundry</p> <p>An independent living unit must have a laundry at main entry level, or a level serviced by a private compliant lift, that has –</p> <ul style="list-style-type: none"> (a) where the laundry is contained within a separate room – circulation spaces on both sides of internal and external doors that comply with AS 	<p>Changes are proposed to clarify the circulation space requirements for laundries by specifying the requirement for both internal and external door approaches having to comply with AS 1428.1</p> <p>Changes are also proposed to provide flexibility regarding the location of laundry facilities to improve compliance certainty for</p>

Existing Provision	Potential change	Rationale
<p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p>	<p>1428.1, and a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) where the laundry is contained within one or more cupboards – all operable cabinetry shall be of a type that includes, or allows in the future, the installation of "D" pull handles, located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(c) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(d) a clear space in front of appliances of at least 1,300 1,500 millimetres, and</p> <p>(e) a slip-resistant floor surface, and</p> <p>(f) an accessible path of travel to any clothes line provided in relation to the dwelling.</p>	<p>industry and consent authorities under this section.</p>
<p>21 Garbage</p> <p>A garbage storage area must be provided in an accessible location.</p>	<p>21 Garbage</p> <p>A garbage storage area must be provided in an accessible location in accordance with AS 1428.1.</p>	<p>Changes are proposed to improve accessibility design outcomes for independent living unit garbage storage areas by requiring these spaces to be designed in accordance with AS 1428.1.</p>