



New South Wales

State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 692

Clause 1 State Environmental Planning Policy No 5—Housing for Older People or
People with a Disability (Amendment No 3)

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1 Name of this Policy

This Policy is *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 3)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability* is referred to as the Principal Policy.

3 Aims, objectives etc

This Policy aims to allow development under the Principal Policy in the Sutherland Shire area only if the development is carried out by the Department of Housing or a local government or community housing provider, or is carried out on specified land.

4 Land to which this Policy applies

This Policy applies to land within the Sutherland Shire area.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 5)

[1] Clause 4 Where this Policy applies

Insert at the end of the note to clause 4:

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

[2] Clause 28

Insert after clause 27:

28 Development in Sutherland

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

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Schedule 1 Amendments

- (b) a development application made before or after the commencement of this clause that relates to development for which a development consent is granted as referred to in section 80 (4) of the Act.

BY AUTHORITY