



New South Wales

State Environmental Planning Policy (Affordable Rental Housing) Amendment (Group Homes) 2012

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*.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Affordable Rental Housing) Amendment (Group Homes) 2012*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of State Environmental Planning Policy (Affordable Rental Housing) 2009

[1] Clause 42 Definitions

Insert in alphabetical order:

permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

transitional group home means a dwelling:

- (a) that is occupied by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

[2] Clause 42 (2)

Insert at the end of the clause:

- (2) In this clause:
 - (a) a reference to *people with a disability* is a reference to people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives, and

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- (b) a reference to *people who are socially disadvantaged* is a reference to:
 - (i) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
 - (ii) people who require protection because of domestic violence or upheaval.

[3] Clause 45 Complying development—group homes

Omit clause 45 (1). Insert instead:

- (1) Development for the purposes of a group home is complying development if:
 - (a) the development does not result in more than 10 bedrooms being within one or more group homes on a site, and
 - (b) the development satisfies the requirements for complying development specified in clauses 1.18 and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (other than clauses 1.18 (1) (h) and 1.19 (6) (b) and the requirement that the development not be in a draft heritage conservation area).

Note. Development specified as complying development under this clause may not be undertaken as complying development if the development is on bush fire prone land—see section 100B of the *Rural Fires Act 1997*.