



New South Wales

# **State Environmental Planning Policy (Housing) Amendment (Temporary Housing) 2024**

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*.

PAUL SCULLY, MP  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy (Housing) Amendment (Temporary Housing) 2024**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of policy**

This policy is *State Environmental Planning Policy (Housing) Amendment (Temporary Housing) 2024*.

### **2 Commencement**

This policy commences immediately after the commencement of *State Environmental Planning Policy (Housing) Amendment (Construction Workers Accommodation) 2024* and is required to be published on the NSW legislation website.

### **3 Repeal of policy**

This policy is repealed at the beginning of the day following the day on which this policy commences.

## Schedule 1 Amendment of State Environmental Planning Policy (Housing) 2021

### [1] Section 34 Development to which Division applies

Omit “long-term” from section 34(2), definition of *supportive accommodation*, paragraph (a).

### [2] Section 141B Land to which part applies

Omit section 141B(2), definitions of *flood planning area* and *flood prone land*.

Insert in alphabetical order—

*flood planning area* has the same meaning as in the *Flood Risk Management Manual*.

### [3] Chapter 3 Diverse housing

Insert after Part 13—

## Part 14 Temporary housing

### Division 1 Preliminary

#### 141M Definitions

In this part—

*dwelling* includes a private room, or suite of rooms, in the following—

- (a) a residential care facility,
- (b) tourist and visitor accommodation.

*general requirements*—see section 141O.

*occupation date*, in relation to a dwelling, means the day on which the dwelling is first used as temporary housing for the purposes of this part.

*temporary housing* means a dwelling used by a relevant authority or social housing provider as a place of residence for occupiers on a temporary basis.

#### 141N Object of part

The object of this part is to provide a low-impact pathway for existing accommodation to be re-purposed by a relevant authority or social housing provider as temporary housing.

#### 141O General requirements for temporary housing

- (1) The *general requirements* for temporary housing are as follows—
  - (a) the development must not involve—
    - (i) the erection of a new building, or
    - (ii) alterations of, or additions to, a building, other than alterations or additions that meet the requirements specified in section 141P,
  - (b) the dwelling must have been lawfully used for one of the following purposes at a time before the occupation date—
    - (i) residential accommodation, other than a rural workers’ dwelling,
    - (ii) tourist and visitor accommodation, other than bed and breakfast accommodation or farm stay accommodation,

- (c) the building containing the dwelling must be on land serviced by reticulated water and sewerage systems,
- (d) the relevant authority or social housing provider must give the council for the local government area in which the dwelling is located written notice of the proposed occupation date before the dwelling is used as temporary housing under this part.

#### **141P Alterations or additions**

The requirements for alterations or additions are the following—

- (a) the alteration or addition—
  - (i) must be development specified in the Codes SEPP, Part 8, and
  - (ii) must comply with the development standards in the Codes SEPP, Part 8, Division 2,
- (b) the alteration or addition must not cause the building to contravene the *Building Code of Australia*.

### **Division 2 Exempt development**

#### **141Q Exempt development**

Development for the purposes of temporary housing that is carried out by or on behalf of a relevant authority or social housing provider is exempt development if—

- (a) the development meets the general requirements for temporary housing, and
- (b) the dwelling—
  - (i) is in a class 1a building within the meaning of the *Building Code of Australia*, and
  - (ii) is not occupied by more than a single household at a time, and
  - (iii) is not used for temporary housing after the day that is 5 years from the occupation date.

### **Division 3 Complying development**

#### **141R Complying development**

- (1) Development for the purposes of temporary housing that is carried out by or on behalf of a relevant authority or social housing provider is complying development if—
  - (a) the development is not exempt development, and
  - (b) the development meets the general requirements for temporary housing, and
  - (c) the dwelling is in an existing building that complies with the development standards specified in Schedule 2A.
- (2) The Codes SEPP, section 1.17A(1)(d) does not apply to development under this division.

#### **141S Complying development certificate conditions**

- (1) A complying development certificate for complying development under this division is subject to the following conditions—

- (a) for development that includes alterations or additions—the conditions specified in the Codes SEPP, Schedule 10,
  - (b) the relevant authority or social housing provider that carries out the development must be contactable by the following persons—
    - (i) occupiers of a dwelling occupied for the purposes of temporary housing,
    - (ii) occupiers of the building containing the dwelling,
  - (c) before carrying out the development, the relevant authority or social housing provider must—
    - (i) prepare a plan (a *temporary housing management plan*) of how the temporary housing resulting from the development will be managed that includes the information specified in section 141T(1), and
    - (ii) provide a copy of the plan to the persons specified in section 141T(2), and
  - (d) the dwelling must not be used for the purposes of temporary housing after the day that is 5 years from the proposed occupation date specified in the temporary housing management plan.
- (2) If the development is carried out by a person on behalf of the relevant authority or social housing provider, a reference to *relevant authority* or *social housing provider* in this section is taken to be a reference to the person.

#### **141T Temporary housing management plan**

- (1) A temporary housing management plan must contain the following information—
- (a) the proposed occupation date for each dwelling to be used for temporary housing,
  - (b) the contact details for the relevant authority or social housing provider,
  - (c) the procedure for the making, management and resolution of complaints,
  - (d) on-site safety procedures including fire exits and alarms,
  - (e) if the dwelling is in a building on bush fire prone land or flood prone land—arrangements for emergencies and evacuations.
- (2) The plan must be given to the following persons—
- (a) the council for the local government area in which the temporary housing is located,
  - (b) each occupier of the building containing the temporary housing,
  - (c) if the temporary housing is in a building on bush fire prone land—the NSW Rural Fire Service,
  - (d) if the dwelling is in a building on flood prone land—the State Emergency Service.

#### **[4] Section 150 Aims of chapter**

Insert “, seniors housing in the form of independent living units” after “residential flat buildings” in section 150(b).

#### **[5] Section 155 Maximum building height and maximum floor space ratio**

Insert “an independent living unit or” after “containing” in section 155(3).

**[6] Section 155(4)**

Omit the subsection. Insert instead—

- (4) The maximum floor space ratio for the following in a relevant residential zone or relevant employment zone in a Transport Oriented Development Area is 2:5:1—
  - (a) a residential flat building,
  - (b) a building containing an independent living unit or shop top housing.

**[7] Sections 156(1), 159 and 161**

Insert “, independent living units” after “residential flat buildings” wherever occurring.

**[8] Section 160 Active street frontages**

Insert “and buildings containing independent living units” after “residential flat buildings” in section 160(1).

**[9] Section 160(2)**

Insert “or buildings containing independent living units” after “residential flat buildings”.

**[10] Section 160(4)**

Insert “or a building containing an independent living unit” after “residential flat building”.

**[11] Schedule 2A**

Insert after Schedule 2—

## **Schedule 2A Temporary housing**

section 141R(1)(c)

### **1 Safety and amenity**

- (1) The dwelling must be in a building that meets the following deemed-to-satisfy provisions of the *Building Code of Australia*—
  - (a) Section B (Structure),
  - (b) Section C (Fire Resistance),
  - (c) Section D (Access and Egress),
  - (d) Section E (Services and Equipment),
  - (e) Section F (Amenity).
- (2) The dwelling must be in a building supplied with the following—
  - (a) water,
  - (b) electricity,
  - (c) sewerage and drainage services.

### **2 Bathroom, kitchen and laundry facilities**

- (1) The occupiers of the dwelling must have access to bathroom facilities that—
  - (a) are fitted with a lockable door, and
  - (b) if the bathroom facilities include multiple cubicles for toilets or showers—have a lockable door fitted to each cubicle, and

- (c) if the bathroom facilities are not directly accessible from the dwelling—are within a reasonable distance of the dwelling.
- (2) The occupiers of a dwelling must have access to kitchen and laundry facilities that—
  - (a) are accessible by an occupier at all times, and
  - (b) if the kitchen or laundry facilities are not directly accessible from the dwelling—are within a reasonable distance of the dwelling.
- (3) If the dwelling is in a building that is not a class 1a building within the meaning of the *Building Code of Australia*, each adult occupier must have access to lockable personal storage with—
  - (a) a minimum height of 950mm, and
  - (b) a minimum width of 300mm, and
  - (c) a minimum depth of 450mm.
- (4) To avoid doubt, bathroom, kitchen or laundry facilities may be used by a single household or shared between 2 or more households.

**[12] Schedule 10 Dictionary**

Insert in alphabetical order—

*dwelling*, for Chapter 3, Part 14—see section 141M.

*flood prone land* has the same meaning as in the *Flood Risk Management Manual*.

*general requirements*, for Chapter 3, Part 14—see section 141M.

*occupation date*, for Chapter 3, Part 14—see section 141M.

*temporary housing*, for Chapter 3, Part 14—see section 141M.