New South Wales

State Environmental Planning Policy (Housing) Amendment (Group Homes) 2025

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

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1 Name of policy

This policy is *State Environmental Planning Policy (Housing) Amendment (Group Homes) 2025*.

2 Commencement

This policy commences on the day on which it is 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This policy is repealed at the beginning of the day following the day on which this policy commences.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 15C Development to which division applies

Insert after section 15C(3), definition of ***relevant zone***, paragraph (a)—

(a1) Zone E2 Commercial Centre,

[2] Section 42 Development to which division applies

Omit section 42(1)(a). Insert instead—

(a) the development—

(i) is permitted with development consent on the land under Chapter 5, Chapter 6 or another environmental planning instrument, or

(ii) will be carried out—

(A) by the Land and Housing Corporation or the Aboriginal Housing Office, and

(B) on land within an accessible area and within the Six Cities Region, and

(C) in a relevant residential zone, within the meaning of Chapter 5, and

[3] Section 61 Development in prescribed zones

Omit "being within 1 or more group homes" from section 61(1)(a)(i).

[4] Section 62 Determination of development applications

Omit the section.

[5] Section 64 Complying development

Omit section 64(1) and (2). Insert instead—

(1) The following development is complying development—

(a) development for the purposes of a group home if the development—

(i) does not result in more than 10 bedrooms on a site, and

(ii) satisfies the requirements for complying development specified in the Codes SEPP, clauses 1.18 and 1.19, other than clauses 1.18(1)(h), 1.19(1)(b) and 1.19(5), and

(iii) is not in a draft heritage conservation area, and

(iv) meets the development standards set out in Schedule 2, or

(b) the change of use of a lawfully constructed class 1a building within the meaning of the *Building Code of Australia* to a group home if the development—

(i) does not involve any alterations or additions to a building, and

(ii) does not result in more than 10 bedrooms on a site, and

(iii) satisfies the requirements for complying development specified in the Codes SEPP, clause 1.18, other than clauses 1.18(1)(c3) and 1.18(1)(h), or

(c) the change of use of a lawfully constructed class 1a building to a group home if the development—

(i) does not result in more than 10 bedrooms on a site, and

(ii) satisfies the requirements for complying development specified in the Codes SEPP, clauses 1.18 and 1.19, other than clause 1.18(1)(h), and

(iii) meets the development standards set out in Schedule 2, or

(d) the change of use of a building being lawfully used as residential accommodation, other than a building used as rural worker's dwellings, to a group home if the development—

(i) is carried out by or on behalf of a relevant authority, and

(ii) satisfies the requirements for complying development specified in the Codes SEPP, clause 1.18, other than clause 1.18(1)(h), and

(iii) does not involve the erection of a new building or an increase in the footprint of the building, and

(iv) does not involve any alteration or additions to the building other than the following—

(A) alterations and additions carried out under the Codes SEPP, Part 4,

(B) alterations and additions carried out under the Codes SEPP, Part 8.

(1A) The Codes SEPP, clause 1.17A(1)(d) does not apply to development carried out under subsection (1)(b).

(1B) The Codes SEPP, sections 4.2(a), 4.4(1)(a), 4.4B(1)(a) and 8.3(f)(i) do not apply to alterations or additions to a building associated with development carried out under subsection (1)(d).

(1C) The Codes SEPP, section 1.17A(1)(d) does not apply to development carried out under subsection (1)(d) unless the development involves alterations or additions specified in subsection (1)(d).

(2) A complying development certificate is taken to satisfy a requirement of an environmental planning instrument or tree preservation order for a consent, permit or approval to remove a tree or other vegetation if the tree or other vegetation—

(a) would prevent the complying development from being carried out, and

(b) is not required to be retained under a condition of a development consent applying to the land, and

(c) is not listed on a register of significant trees kept by the council, and

(d) will be within 3m of any building that has an area of more than $25m^2$, and

(e) has a height less than—

(i) for development under subsection (1)(a)—8m, or

(ii) for development under subsection (1)(b), (1)(c) or (1)(d)—6m.

[6] Section 64, note

Insert after section 64(3)—

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

[7] Sections 66A and 66B

Insert after section 66—

66A No subdivision of group homes

Despite the provisions of another environmental planning instrument, development consent must not be granted to the subdivision of group homes.

66B Change of use as exempt development

(1) The change of use of a lawfully constructed dwelling to a group home is exempt development if—

(a) the dwelling is occupied by a single household under a tenancy arrangement administered by a relevant authority, or

(b) no more than 5 bedrooms in the dwelling are occupied by children or young people receiving out-of-home care.

(2) In this section—

out-of-home care has the same meaning as in the *Children and Young Persons (Care and Protection) Act 1998*, Chapter 8.

[8] Section 74 Non-discretionary development standards—the Act, s 4.15

Insert "at least" before "0.2" in section 74(2)(d)(i).

[9] Section 74(2)(d)(ii)

Insert "at least" before "0.5".

[10] Section 87 Additional floor space ratios

Omit section 87(2). Insert instead—

(2) Development consent may be granted for development to which this section applies if the site area of the development is at least 1,500m^2, and the development will result in a building with one or more of the following—

(a) a maximum permissible floor space ratio plus—

(i) for development involving independent living units—up to an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or

(ii) for development involving a residential care facility—up to an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or

(iii) for development involving independent living units and residential care facilities—up to an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, or

(b) a height of not more than 3.8m above the maximum permissible building height.

[11] Section 90 Subdivision

Omit "has been" in section 90(1). Insert instead "is".

[12] Section 90(1A)

Insert after section 90(1)—

(1A) Development consent for the subdivision of land may be granted at any time, including before the development under this part is carried out.

[13] Section 141D Definitions

Omit the definition of ***approved electricity infrastructure development***.

Insert in alphabetical order—

relevant electricity infrastructure development means electricity infrastructure development that is either—

(a) State significant development for which a development application has been made, or

(b) State significant infrastructure for which an application for the Minister's approval has been made.

[14] Section 141D, definition of "construction workers accommodation"

Omit "ancillary" from paragraph (b). Insert instead "related".

[15] Section 141D, definition of "construction workers accommodation"

Omit "approved" from paragraph (b)(i). Insert instead "relevant".

[16] Section 141D, definition of "construction workers accommodation"

Omit "consent has been granted" from paragraph (b)(ii).

Insert instead "a development application has been made".

[17] Section 141D, definition of "construction workers accommodation"

Omit "that has been approved" from paragraph (b)(iii).

Insert instead "for which an application for the Minister's approval has been made".

[18] Section 141D, definition of "electricity infrastructure development"

Omit "carried out". Insert instead "associated with development".

[19] Section 141D, definition of "relevant construction worker"

Omit "approved" from paragraph (a). Insert instead "relevant".

[20] Section 141D, definition of "relevant construction worker"

Omit "consent has been granted" from paragraph (b).

Insert instead "a development application has been made".

[21] Section 141D, definition of "relevant construction worker"

Omit "that has been approved" from paragraph (c).

Insert instead "for which an application for the Minister's approval has been made".

[22] Section 141F Construction workers accommodation permitted with development consent

Omit the section. Insert instead—

141F Construction workers accommodation permitted with development consent

(1) Development for the purposes of construction workers accommodation is permitted with development consent on land to which this part applies that is—

(a) in a residential zone, or

(b) in another zone, other than the following zones, but only if the consent authority is satisfied it is appropriate in the circumstances—

(i) Zone RU3 Forestry,

(ii) a recreation zone,

(iii) a conservation zone,

(iv) a waterway zone.

(2) For subsection (1)(b), in determining whether development for the purposes of construction workers accommodation is appropriate in another zone, the consent authority must have regard to the Guidelines.

(3) Subsection (1) does not apply unless the consent authority is satisfied that the development—

(a) will be carried out by or on behalf of a public authority, or

(b) the development is related to—

(i) relevant electricity infrastructure development to which a development consent or approval of the Minister is in force, or

(ii) State significant development specified in *State Environmental Planning Policy (Planning Systems) 2021*, Schedule 1, sections 5, 7, 17, 18 or 19 for which consent has been granted, or

(iii) State significant infrastructure specified in *State Environmental Planning Policy (Planning Systems) 2021*, Schedule 3, sections 1, 2, 3, 4 or 5 that has been approved.

[23] Schedule 2 Complying development—group homes

Omit "boundary with a primary road of at least 12m" from section 2(c).

Insert instead "minimum lot width at the front building line of 12m".

[24] Schedule 2, section 3(2)

Omit the subsection. Insert instead—

(2) Subsection (1) does not apply to a lot that is less than the minimum lot size for the erection of a dwelling house under an environmental planning instrument applying to the land.

[25] Schedule 2, section 8

Omit "A group home, other than a group home on a battle-axe lot".

Insert instead "A building used for the purposes of a group home that is directly adjacent to a road and not situated on a battle-axe lot".

[26] Schedule 2, section 10(2)(b)

Omit the paragraph. Insert instead—

(b) in relation to a group home or an ancillary structure—

(i) with a building height greater than 3.8m and up to 4.5m—3m from the rear boundary, or

(ii) with a building height greater than 4.5m—3m plus an amount that is 3 times the additional building height above 4.5m, up to a maximum setback of 8m.

[27] Schedule 2, section 10(3)

Omit the subsection. Insert instead—

(3) Despite subsection (2), if the lot has a rear boundary with a lane, the building may be erected within 0.9m of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

[28] Schedule 2, section 12

Omit the section. Insert instead—

12 Application of setbacks

(1) A group home or an attached ancillary structure must have a setback of at least 3m from a boundary with a public reserve.

(2) This schedule, section 10(1) and (2) do not apply to the following—

(a) downpipes,
(b) driveways,
(c) electricity or gas meters,
(d) fascias,
(e) gutters,
(f) light fittings,
(g) pathways and paving,
(h) access ramps to the ground floor,
(i) fences.

(3) This schedule, section 10(1) and (2) do not apply to the following if they are at least 450mm from the relevant boundary—

(a) aerials,
(b) antennae,
(c) awnings,
(d) chimneys,
(e) cooling or heating appliances,
(f) eaves,
(g) flues,
(h) pipes,
(i) privacy screens,
(j) rainwater tanks not more than 1.8m in height,
(k) structures associated with the provision of a utility service.

(4) This schedule, sections 6 and 7 do not apply to the following—

(a) access ramps to the ground floor,
(b) building elements that are permitted within a primary or secondary articulation zone,
(c) driveways,
(d) pathways and paving,
(e) retaining walls.

(5) The setback from a rear boundary required under this schedule, section 10 does not apply to a lot that has only 3 boundaries, disregarding the boundary of an access lane if the lot is a battle-axe lot.

[29] Schedule 2, section 15

Omit the section. Insert instead—

15 Landscaped area

(1) The site area on which the erection of, or alterations or additions to, a group home or an ancillary structure is carried out must have a landscaped area.

(2) The landscaped area must—

(a) be at least 20% of the site area, and

(b) have minimum dimensions of 1.5m, and

(c) be located so that at least part of the mandatory landscaped area is located behind the building line to the primary road and that part comprises at least 10% of the site area.

[30] Schedule 2, section 16

Omit "ground level (existing)" from section 16(a). Insert instead "ground level (finished)".

[31] Schedule 2, section 16(b)

Omit "4m wide". Insert instead "3m wide and 3m long".

[32] Schedule 2, section 20

Omit sections 20 and 21. Insert instead—

20 Earthworks, retaining walls and structural support

(1) Excavation for the purposes of group homes must not exceed a maximum depth, measured from ground level (existing), of—

(a) if located not more than 1m from any boundary—1m, and

(b) if located more than 1m but not more than 1.5m from any boundary—2m, and

(c) if located more than 1.5m from any boundary—3m.

(2) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subsection (1) if a professional engineer has certified the depth of the excavation.

(3) Despite subsections (1) and (2), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).

(4) Fill must not exceed a maximum height, measured from ground level (existing), of 1m.

(5) Despite subsection (4), the height of fill is not limited if the fill is contained—

(a) wholly within the footprint of a group home, attached development or detached development, or

(b) by a drop edge beam.

(6) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a group home or any attached

development or detached development is limited to 50% of the landscaped area of the lot.

(7) The ground level (finished) of the fill must not be used to measure the height of any group home or any attached development or detached development under this code.

(8) Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that—

(a) a professional engineer has certified as structurally sound, including in relation to, but not limited to, the ability to withstand the forces of lateral soil load, and

(b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and

(c) has adequate drainage lines connected to the stormwater drainage system for the site, and

(d) does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and

(e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and

(f) has been installed in accordance with any manufacturer's specifications, and

(g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.

[33] Schedule 2, sections 22–24

Omit the sections. Insert instead—

22 Drainage

All stormwater collected as a result of the erection of, or alterations or additions to, a group home or an ancillary structure must be directed by a gravity fed or charged system to—

(a) a public drainage system, or

(b) an inter-allotment drainage system, or

(c) an on-site disposal system.

Note— All stormwater drainage systems and connections to public drainage systems or inter-allotment drainage systems must either be approved under the *Local Government Act 1993*, section 68 or comply with the requirements for the disposal of stormwater contained in the development control plan that is applicable to the land.

23 Swimming pools

(1) A swimming pool must be for private use and associated with a group home.

(2) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.

(3) The pump must be—

(a) housed in a soundproofed enclosure, and

(b) located more than 450mm from each lot boundary.

(4) A heat pump water heater must be designed so as not to operate—

(a) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, and,

(b) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.

(5) Coping around a swimming pool must not be more than—

(a) 1.4m above ground level (existing), and

(b) 300mm wide if the coping is more than 600mm above ground level (existing).

(6) Decking around a swimming pool must not be more than 600mm above ground level (existing).

(7) A swimming pool must be located behind the building line of the group home.

(8) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.

(9) The minimum setback for a swimming pool from a secondary road is the setback of group homes from secondary roads.

(10) Despite subsections (7) and (8), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area the swimming pool must be located—

(a) behind the building line of the group home that is adjacent to the rear boundary of the lot, and

(b) no closer to each side boundary than the group home.

Note— A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

24 Fences

(1) A fence may be erected on a lot used for the purposes of group homes if it is not constructed or installed—

(a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or

(b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.

(2) A fence erected behind the building line on a lot must—

(a) not be higher than 1.8m above ground level (existing), and

(b) not incorporate barbed wire in its construction or be electrified, and

(c) if it includes an entrance gate—not have a gate that opens outward, and

(d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and

(e) if it is on a sloping site and stepped to accommodate the fall in the land—be no higher than 2.2m above ground level (existing) at each step, and

(f) be designed so as not to restrict the flow of any floodwater.

(3) A fence erected forward of the building line on a lot must—

(a) not be higher than 1.2m above ground level (existing), and

(b) not incorporate barbed wire in its construction or be electrified, and

(c) if it includes an entrance gate—not have a gate that opens outward, and

(d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and

(e) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above that height being no more than 350mm wide with a minimum aperture of 25mm, and

(f) be designed so as not to restrict the flow of any floodwater.

(4) Despite subsection (2)(a), any fence located in the setback area of a primary or secondary road must not be higher than 1.2m above ground level (existing).

(5) A fence erected on bush fire prone land must be constructed of non-combustible material.

(6) A requirement in subsection (2)(f) or (3)(f) is satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirement is satisfied.

[34] Schedule 2, section 26

Omit the section. Insert instead—

26 Setbacks of group homes and ancillary structures from protected trees

(1) A structure resulting from development for the purposes of group homes must be at least 3m from each protected tree on the lot and an adjoining lot, measured from the base of the trunk of the tree.

(2) Despite subsection (1), the following may be located within 3m of a protected tree if works do not involve excavation or fill of more than 150mm below or above ground level (existing)—

(a) an access ramp,

(b) a driveway, pathway or paving,

(c) an awning, blind or canopy,

(d) a fence, screen, or child-resistant barrier associated with a swimming pool or spa pool.

[35] Schedule 10 Dictionary

Insert in alphabetical order—

building line has the same meaning as in the Codes SEPP, clause 1.5.

development consent has the same meaning as in the Codes SEPP, clause 1.5.

heritage conservation area has the same meaning as in the Codes SEPP, clause 1.5.

primary road has the same meaning as in the Codes SEPP, clause 1.5.

protected tree has the same meaning as in the Codes SEPP, clause 1.5.

secondary road has the same meaning as in the Codes SEPP, clause 1.5.

setback has the same meaning as in the Codes SEPP, clause 1.5.