



New South Wales

Environmental Planning and Assessment Amendment (Seniors Housing) Regulation 2007

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to require a development application that relates to development in respect of which a site compatibility certificate by the Director-General of the Department of Planning is required under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* to be accompanied by such a certificate, and
- (b) to prescribe a maximum fee for an application for such a certificate, and
- (c) to require certain conditions imposed on development applications granted under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* to be set out in planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 78A (1) and (9), 137, 149 (2) and 157 (the general regulation-making power).

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Environmental Planning and Assessment Amendment (Seniors Housing)
Clause 1 Regulation 2007

**Environmental Planning and Assessment Amendment
(Seniors Housing) Regulation 2007**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Seniors Housing) Regulation 2007*.

2 Commencement

This Regulation commences on the day on which *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* commences.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

site compatibility certificate has the same meaning as in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

[2] Clause 50 How must a development application be made?

Insert after clause 50 (2):

- (2A) A development application that relates to development in respect of which a site compatibility certificate is required under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* must be accompanied by such a certificate.

[3] Clause 262A

Insert after clause 262:

262A What is the fee for a site compatibility certificate?

- (1) Subject to subclause (2), the maximum fee for an application to the Director-General for a site compatibility certificate is \$250 plus an additional:
- (a) in the case where the proposed development is for the purposes of a residential care facility (within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*)—\$40 per bed in the proposed facility, or
 - (b) in any other case—\$40 per dwelling in the proposed development.
- (2) The fee for an application to the Director-General for a site compatibility certificate must not exceed \$5,000.

[4] Schedule 4 Planning certificates

Insert at the end of the Schedule with appropriate clause number:

Conditions affecting seniors housing

If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a*

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Schedule 1 Amendments

Disability) 2004 with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

BY AUTHORITY
