



New South Wales

Environmental Planning and Assessment Amendment (Social Housing) Regulation 2020

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*.

ROB STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* to require the following information to accompany development applications involving the relevant development—

- (a) a statement of verification in relation to the design of a manor house or multi dwelling housing (terraces) to which Part 2, Division 1 (In-fill affordable housing) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the **Policy**) applies,
- (b) evidence or information demonstrating whether development to which Part 3 (Retention of existing affordable rental housing) of the Policy applies is likely to result in the loss of low-rental dwellings during the period commencing 5 years before the day on which the development application is lodged and ending on that day.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.12(9) and 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Social Housing) Regulation 2020*.

2 Commencement

This Regulation commences on 1 February 2021 and is required to be published on the NSW legislation website.

3 Amendment of Environmental Planning and Assessment Regulation 2000

(1) Schedule 1 Forms

Insert after clause 2(1)(o)—

- (p) in relation to development for the purposes of a manor house or multi dwelling housing (terraces) to which Part 2, Division 1 of the ARH SEPP applies—a statement, in the form approved by the Planning Secretary, by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia that—
 - (a) verifies that the designer or person designed, or directed the design of, the development, and
 - (b) addresses how the design is consistent with the relevant design criteria set out in the Low Rise Housing Diversity Design Guide,
- (q) in relation to development referred to in clause 50(1) of the ARH SEPP—evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings on the land to which the application relates during the relevant period, within the meaning of Part 3 of the ARH SEPP.

(2) Schedule 1, clause 2(1A)

Insert after clause 2(1)—

- (1A) In subclause (1)—

ARH SEPP means *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

low-rental dwellings has the same meaning as in Part 3 of the ARH SEPP.

Low Rise Housing Diversity Design Guide has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Codes) 2008*.