



New South Wales

Environmental Planning and Assessment Amendment (Build-to-rent Housing) Regulation 2021

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 prescribe conditions of a development consent involving the use of a building as build-to-rent housing.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.17(11) 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 (Build-to-rent Housing) Regulation 2021*.

2 Commencement

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

Schedule 1 **Amendment of Environmental Planning and Assessment Regulation 2000**

Clause 98F

Insert after clause 98E—

98F Conditions relating to development involving use of buildings as build-to-rent housing

- (1) For the purposes of section 4.17(11) of the Act, the requirements set out in this clause are prescribed as conditions of development consent for development permitted under Part 2, Division 6A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- (2) During the relevant period—
 - (a) the development must contain at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and
 - (b) for development on land in Zone B3 Commercial Core—any building to which the development relates must not be subdivided into separate lots, and
 - (c) for development on land in another zone—the tenanted component of the development must not be subdivided into separate lots, and
 - (d) the tenanted component of the development—
 - (i) must be owned and controlled by 1 person, and
 - (ii) must be operated by 1 managing agent, who provides on-site management.
- (3) In this clause—

relevant period means—

 - (a) for development on land in Zone B3 Commercial Core—for the period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or
 - (b) for development on other land—for a period of 15 years commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates.

tenanted component has the same meaning as in clause 41A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.