



New South Wales

# Environmental Planning and Assessment Amendment (Housing Supply) Regulation 2022

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*.

ANTHONY ROBERTS, MP  
Minister for Planning

## Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2021* to—

- (a) require the name of the registered community housing provider who will manage dwellings used for affordable housing to be specified in a development application for certain development for the purposes of residential flat buildings carried out by or on behalf of a public authority or social housing provider or by certain joint ventures (*relevant development*), and
- (b) extend the period during which a development consent for relevant development is subject to certain conditions, in line with the affordable housing requirements for the development under *State Environmental Planning Policy (Housing) 2021*, section 40.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.12, 4.17(11) and 4.64.

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### 1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Housing Supply) Regulation 2022*.

### 2 Commencement

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

### 3 Amendment of Environmental Planning and Assessment Regulation 2021

#### (1) Section 26, heading

Omit “community housing, boarding houses, co-living housing”.

Insert instead “affordable housing development”.

#### (2) Section 26(1)

Omit the subsection. Insert instead—

(1) A development application for development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1, 2 or 5 applies must specify the name of the registered community housing provider who will manage—

- (a) for development to which Division 1 applies—the affordable housing component, or
- (b) for development to which Division 2 applies—the boarding house, or
- (c) for development to which Division 5 applies—the dwellings used for affordable housing.

#### (3) Section 26(3)

Insert after section 26(2)—

(3) In this section—

***affordable housing component*** has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 21(3).

#### (4) Section 84 Residential flat buildings—social housing providers, public authorities and joint ventures

Omit “10 years” from section 84(4), definition of *relevant period*.

Insert instead “15 years”.