



New South Wales

Environmental Planning and Assessment Amendment (Transport Oriented Development) Regulation 2024

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*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this regulation is to impose conditions on development consent for affordable housing provided in residential flat buildings and shop top housing in Transport Oriented Development Areas under *State Environmental Planning Policy (Housing) 2021*, Chapter 5.

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1 Name of regulation

This regulation is the *Environmental Planning and Assessment Amendment (Transport Oriented Development) Regulation 2024*.

2 Commencement

This regulation commences on 13 May 2024.

Schedule 1 **Amendment of Environmental Planning and Assessment Regulation 2021**

Section 86A

Insert after section 86—

86A Residential flat buildings and shop top housing in Transport Oriented Development Areas

- (1) This section applies to development permitted under *State Environmental Planning Policy (Housing) 2021*, Chapter 5 to which that policy, section 156 applies.
- (2) It is a condition of the development consent that before the issue of an occupation certificate for the development—
 - (a) a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
 - (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
 - (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.
- (3) It is a condition of the development consent that—
 - (a) the gross floor area required to be used for affordable housing under *State Environmental Planning Policy (Housing) 2021*, section 156 must be used for affordable housing in perpetuity, and
 - (b) the affordable housing must be managed by a registered community housing provider in perpetuity, and
 - (c) notice of a change in the registered community housing provider who manages the affordable housing must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
 - (d) the registered community housing provider who manages the affordable housing must apply the Affordable Housing Guidelines.