



New South Wales

Environmental Planning and Assessment Amendment (Temporary Housing) 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 objects of this regulation are to provide that—

- (a) an application for a complying development certificate for development for the purposes of temporary housing must be accompanied by a copy of the most recent fire safety statement for the building in certain circumstances, and
- (b) the *Environmental Planning and Assessment Act 1979* (***the Act***), section 7.32 applies to a development application to carry out development in the City of Sydney local government area.

This regulation is made under the Act, including Division 4.5 and sections 4.64, 7.32 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 (Temporary Housing) Regulation 2024*.

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 2021

[1] Section 127A

Insert after section 127—

127A Complying development involving temporary housing

- (1) An application for a complying development certificate for development for the purposes of temporary housing must be accompanied by a copy of the most recent fire safety statement for the building containing the dwelling if—
 - (a) the building is a class 1b or class 2–9 building, and
 - (b) the fire safety schedule for the building specifies at least 1 essential fire safety measure, and
 - (c) the building was not erected by or on behalf of the Crown or by or on behalf of a person prescribed by the regulations made under the Act, section 6.9(2)(b)(iii).

- (2) In this section—

essential fire safety measure has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

fire safety statement has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

[2] Section 137 Compliance with Building Code of Australia

Omit section 137(6), definition of *fire safety requirement*.

[3] Section 222B

Insert after section 222A—

222B Affordable housing in City of Sydney—the Act, s 7.32(1)(d)

The Act, section 7.32 applies to a development application to carry out development in the City of Sydney local government area.

[4] Schedule 7 Dictionary

Insert in alphabetical order—

fire safety requirement has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

temporary housing has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 14.