



New South Wales

# Environmental Planning and Assessment Amendment (Affordable Housing Statutory Condition) Bill 2024

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* to impose a condition requiring an affordable housing component for development for residential accommodation that will result in 10 or more dwellings.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## Schedule 1      **Amendment of Environmental Planning and Assessment Act 1979 No 203**

**Schedule 1[1]** removes the requirement for a State environmental planning policy to identify a need for affordable housing within an area prior to a condition being imposed requiring land or money to be contributed for affordable housing.

**Schedule 1[2] and [3]** make consequential amendments.

**Schedule 1[4]** sets out a proposed statutory condition that applies to development for the purposes of residential accommodation resulting in 10 or more dwellings. The proposed condition requires 20% of the residential floor space of the development to be used for affordable housing. The proposed condition does not apply to development carried out by or on behalf of the Aboriginal Housing Office, the Land and Housing Corporation or a registered community housing provider.



New South Wales

# Environmental Planning and Assessment Amendment (Affordable Housing Statutory Condition) Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Environmental Planning and Assessment Amendment (Affordable Housing Statutory Condition) Bill 2024**

No. \_\_\_\_\_, 2024

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### **A Bill for**

An Act to amend the *Environmental Planning and Assessment Act 1979* to impose a condition requiring an affordable housing component for development for residential accommodation that will result in 10 or more dwellings.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

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*Clerk of the Parliaments*

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

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This Act is the *Environmental Planning and Assessment Amendment (Affordable Housing Statutory Condition) Act 2024*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	1
		2
<b>[1]</b>	<b>Section 7.32 Conditions requiring land or contributions for affordable housing</b>	3
	Omit “within an area if a State environmental planning policy identifies that there is a need for affordable housing within the area and” from section 7.32(1).	4
	Insert instead “if”.	5
		6
<b>[2]</b>	<b>Section 7.32(1)(a) and (b) and (4)</b>	7
	Omit “within the area” wherever occurring.	8
<b>[3]</b>	<b>Section 7.32(3)(c)(i)</b>	9
	Omit “in the area”.	10
<b>[4]</b>	<b>Section 7.32A</b>	11
	Insert after section 7.32—	12
<b>7.32A</b>	<b>Prescribed condition—affordable housing</b>	13
(1)	This section applies to development for the purposes of residential accommodation that will result in 10 or more dwellings.	14
(2)	It is a condition of the development consent that 20% of the residential floor space of the development will be used for affordable housing.	15
(3)	It is a condition of the development consent that 20% of the residential floor space of the development will be used for affordable housing.	16
(3)	This section does not apply to development carried out by or on behalf of the following—	17
(a)	the Aboriginal Housing Office,	18
(b)	the Land and Housing Corporation,	19
(c)	a registered community housing provider.	20
(4)	In this section—	21
	<i>Aboriginal Housing Office</i> means the Aboriginal Housing Office constituted by the <i>Aboriginal Housing Act 1998</i> .	22
	<i>Land and Housing Corporation</i> means the New South Wales Land and Housing Corporation constituted by the <i>Housing Act 2001</i> .	23
	<i>registered community housing provider</i> has the same meaning as in the <i>Community Housing Providers (Adoption of National Law) Act 2012</i> , section 13.	24
	<i>residential floor space</i> means the combined gross floor area of the parts of the buildings resulting from the development that will be used for residential accommodation.	25
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