

State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) (2002 EPI 337)

[2002-337]



New South Wales

Status Information

Currency of version

Historical version for 31 July 2009 to 13 July 2017 (accessed 26 December 2024 at 23:08)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**

[State Environmental Planning Policy \(Affordable Rental Housing\) 2009 \(364\)](#) (LW 31.7.2009), Sch 3.3 [2]-[4] (not commenced — to commence on the commencement of Sch 3.1 [6] to the [Environmental Planning and Assessment Amendment Act 2008 No 36](#))

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) Amendment](#)

[\(Miscellaneous and Affordable Housing\) 2017 \(270\)](#) (not commenced — to commence on 14.7.2017)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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1 Name of Policy

This Policy is *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*.

2 Commencement

This Policy commences on 1 June 2002.

3 Aim of Policy

- (1) The aim of this Policy is to insert revised affordable housing provisions into environmental planning instruments for land:
 - (a) within the Ultimo-Pyrmont Precinct of City West and subject to *Sydney Regional Environmental Plan No 26—City West*, and
 - (b) within the City of Willoughby and subject to *Willoughby Local Environmental Plan 1995*, and
 - (c) at Green Square and subject to *South Sydney Local Environmental Plan 1998*, because of the expiry of savings made by the *Environmental Planning and Assessment Amendment (Affordable Housing) Act 2000*.
- (2) This Policy:
 - (a) identifies that there is a need for affordable housing in the local government areas within which that land is situated, and
 - (b) describes the kinds of households for which affordable housing may be provided, and
 - (c) makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

4 Definitions

In this Policy:

Greater Metropolitan Region means the land declared to be the Greater Metropolitan Region by order published in Government Gazette No 142 of 11 October 1991 at page 8758.

the Act means the [Environmental Planning and Assessment Act 1979](#).

5 Application of Policy

This Policy applies only to a development application made after the commencement of this Policy.

6 Land to which Policy applies

This Policy applies to land within the Greater Metropolitan Region.

7 Relationship to other environmental planning instruments

(1) If any other environmental planning instrument, whether made before or after this Policy, contains provisions that are inconsistent with this Policy, this Policy prevails to the extent of the inconsistency, subject to section 36 (4) of the Act.

(2) (Repealed)

8 Definition of “affordable housing”

For the purposes of the definition of **affordable housing** in section 4 (1) of the Act, very low income households, low income households and moderate income households are those whose gross incomes fall within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:

Very low income household	less than 50%
Low income household	50 or more but less than 80%
Moderate income household	80–120%

9 Identification of need for affordable housing

Pursuant to section 94F (1) of the Act, this Policy identifies that there is a need for affordable housing in each of the following local government areas within the Greater Metropolitan Region:

City of South Sydney

City of Sydney

City of Willoughby

Leichhardt

10 Requirement for imposition of section 94F conditions

Pursuant to section 94F (3) (a) of the Act, the following requirement is prescribed with respect to the imposition of conditions under section 94F of the Act on development consents:

A consent authority is to have regard to the affordable housing principles set out in Schedule 2 before imposing such a condition.

Schedule 1 (Repealed)

Schedule 2 Affordable housing principles

(Clause 10)

- 1** Where any of the circumstances described in section 94F (1) (a), (b), (c) or (d) of the Act occur, and a regional environmental plan or local environmental plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
- 2** Affordable housing is to be created and managed so that a socially diverse residential population representative of all income groups is developed and maintained in a locality.
- 3** Affordable housing is to be made available to a mix of very low, low and moderate income households.
- 4** Affordable housing is to be rented to appropriately qualified tenants and at an appropriate rate of gross household income.
- 5** Land provided for affordable housing is to be used for the purpose of the provision of affordable housing.
- 6** Buildings provided for affordable housing are to be managed so as to maintain their continued use for affordable housing.
- 7** Rental from affordable housing, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), is generally to be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing.
- 8** Affordable housing is to consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the vicinity.