



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2021

under the

Environmental Planning and Assessment Act 1979

, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, and in pursuance of the *Environmental Planning and Assessment Act 1979*, section 3.20, make the following Order.

Dated, this day of 2021.

By Her Excellency's Command,

Minister for Planning and Public Spaces

Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2021

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2021*.

2 Commencement

This Order—

- (a) commences on the day on which *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 3 commences, and
- (b) is required to be published on the NSW legislation website.

public consultation draft

Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

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[1] Clause 1.7 Maps [compulsory]

Omit “official NSW legislation website in connection with this Plan” from the note.
Insert instead “NSW Planning Portal”.

[2] Land Use Table

Omit “*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)” and “*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*” from the Land Use Table, note.

Insert instead “*State Environmental Planning Policy (Housing) 2021*”.

[3] Land Use Table, Direction 5

Insert “Co-living housing;” and “Independent living units;” in alphabetical order.

[4] Land Use Table, Zone R2 Low Density Residential

Omit “Boarding houses;” from item 3.

[5] Clause 4.6 Exceptions to development standards [compulsory]

Insert after clause 4.6(8)(c)—
(caa) clause 5.5.

[6] Dictionary

Omit the definition of *boarding house*. Insert instead—

boarding house means a building that—

- (a) provides residents with a principal place of residence for at least 3 months, and
- (b) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) has rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) is used to provide affordable housing,

but does not include backpackers’ accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

[7] Dictionary

Insert in alphabetical order—

co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

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but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note— Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) housing seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note— Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

[8] Dictionary, definitions of “group home (permanent)” and “group home (transitional)”

Omit “*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5”.

[9] Dictionary, definition of “registered community housing provider”

Insert in alphabetical order—

registered community housing provider has the same meaning as in the *Community Housing Providers (Adoption of National Law) Act 2012*, section 13.

[10] Dictionary, definition of “residential accommodation”

Insert after paragraph (b)—

- (baa) co-living housing,

[11] Dictionary, definition of “residential accommodation”

Insert after paragraph (f)—

- (faa) independent living units,

[12] Dictionary, definition of “residential flat building”

Insert “, co-living housing” after “attached dwelling”.

[13] Dictionary, definition of “secondary dwelling”, note

Omit “clause 5.4”. Insert instead “clauses 5.4 and 5.5”.

[14] Dictionary, definition of “seniors housing”, paragraph (b)

Omit the paragraph. Insert instead—

- (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Part 5, or

[15] Dictionary, definition of “seniors housing”, paragraph (c)

Omit “self-contained dwellings”. Insert instead “independent living units”.