

## Planning Panels and Affordable Housing development over \$5 million

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act), Planning Panels (Sydney or Regional Planning Panels) have jurisdiction to determine development applications that meet relevant criteria in Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

Development applications that have a capital investment value of more than \$5 million for affordable housing purposes meet relevant criteria under the SRD SEPP and are required to be determined by the Planning Panels.

For these applications the Planning Panels must be provided with sufficient information to demonstrate that:

- a) the development or part of it, is for the purpose of affordable housing; and
- b) the CIV of the affordable housing part of the development is over \$5 million.

“Affordable housing” is defined in the EP&A Act as housing for very low-income households, low income households or moderate income households being such households as prescribed by the regulations or as are provided for in an environmental planning instrument.

The development application must set out how the affordable housing is to be restricted to use by households which satisfy the income criteria. Conditions to this effect will likely be imposed on any consent granted for affordable housing development.

Development applications that include an affordable housing component, should clearly identify the CIV that is for the affordable housing component only, including costs which are intimately connected with the provision of affordable housing.

To demonstrate the CIV meets the \$5 million criteria, the Planning Panel should be provided with a cost assessment report prepared by a quantity surveyor that addresses the costs to be included in the CIV under clause 3 of the *Environmental Planning and Assessment Regulation 2000*.

If a Planning Panel does not consider it has sufficient information before it to be satisfied that a development application referred to it meets the criteria under the SRD SEPP it will contact the relevant council to seek further information.

For further information please contact the Planning Panels Secretariat on 02 8217 2060 or at [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)