



THE LAW SOCIETY
OF NEW SOUTH WALES

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15 June 2012

Policy, Planning Systems and Reform
Department of Planning and Infrastructure
GPO BOX 39
SYDNEY NSW 2001

Email: housingpolicy@planning.nsw.gov.au

Dear Sir/Madam,

Draft State Environmental Planning Policy (Affordable Rental Housing) Amendment (Group Homes) 2012 (draft SEPP)

I am writing to you at the request of the Law Society's Environmental Planning and Development Committee (Committee).

The Committee has responsibility to consider and deal with any matters relating to, or associated with, environmental planning and development law, and to advise the Council of the Law Society on all issues relevant to that area of practice. Membership of the Committee is drawn widely from experienced professionals whose expertise has been developed variously in representing the interests of local government, government instrumentality, corporate and private clients.

The Committee appreciates the opportunity to comment on the draft SEPP and strongly endorses the process of public exhibition of draft State Environmental Planning Policies as well as any new proposed regulations and legislation.

Commencement

The Committee notes that the draft SEPP provides for its commencement on the day on which it is published on the NSW legislation website. As a matter of principle, the Committee considers it preferable for stakeholders to be given at least some notice of such commencement.

Clause 45 Complying development - group homes

Clause 45(1)(a) provides that development for the purposes of a group home is complying development if:

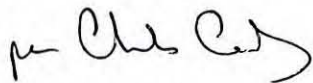
"(a) the development does not result in more than 10 bedrooms being within one or more group homes on a site..".

The Committee considers that the limit of ten bedrooms is excessive, as depending on the size of the bedrooms this may result in there being upwards of twenty or more disadvantaged persons housed in the premises. The test in clause 45(1)(a) should be whether the development does not result in facilities for occupation by more than ten adults. This upper limit on the number of adult occupants would both better protect neighbourhood amenity and the welfare and amenity of the persons in the group home. The limit on adult occupants should not unduly restrict the availability of group homes that cater for "accompanying family" where the home caters for victims of domestic violence.

The object of the policy is to enable disadvantaged persons to live in the community rather than institutional care facilities. If the group homes are too big it is difficult to resist the temptation for the community and occupants to regard the group home as an institution rather than as part of the local community.

If you have any queries about this submission, please contact in the first instance Liza Booth, Policy Lawyer, Environmental Planning and Development Committee by telephone on (02) 9926 0212 or by email to liza.booth@lawsociety.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Justin Dowd", written in a cursive style.

Justin Dowd
President