

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 25—
RESIDENTIAL ALLOTMENT SIZES AND DUAL
OCCUPANCY SUBDIVISION (AMENDMENT No. 4)**

NEW SOUTH WALES



[Published in Gazette No. 60 of 19 May 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

CRAIG KNOWLES MP
Minister for Urban Affairs and Planning.

Sydney, 16 May 1995.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 25—Residential Allotment Sizes and Dual Occupancy Subdivision (Amendment No. 4).

Principal Policy

2. State Environmental Planning Policy No. 25—Residential Allotment Sizes and Dual Occupancy Subdivision is referred to in this Policy as the Principal Policy.

Aims, objectives etc.

3. (1) This Policy aims to encourage urban consolidation only in localities in which it can be supported by adequate infrastructure and which have accessibility to transport and services by removing State-wide provisions:

- (a) which allow town houses and villa houses; and
- (b) which allow subdivision of dual occupancy developments.

- (2) The strategy by which those aims are intended to be achieved is:
- (a) to repeal provisions of the Principal Policy which allow subdivisions creating separate land titles for dwellings resulting from dual occupancy development; and
 - (b) to repeal State Environmental Planning Policy No. 28—Town Houses and Villa Houses which allowed the development of town houses and villa houses and their subdivision; and
 - (c) to amend Sydney Regional Environmental Plan No. 12—Dual Occupancy so as to confirm that it does not suspend prohibitions on subdivision in local environmental plans.

Land to which this Policy applies

4. This Policy applies to the State.

Relationship to other environmental planning instruments

5. This Policy:

- (a) amends the Principal Policy as set out in clause 7; and
- (b) amends Sydney Regional Environmental Plan No. 12—Dual Occupancy as set out in clause 8; and
- (c) repeals State Environmental Planning Policy No. 28—Town Houses and Villa Houses.

Inconsistency with other environmental planning instruments

6. In the event of an inconsistency between this Policy and another environmental planning instrument made before the date on which this Policy was published in the Gazette, this Policy prevails to the extent of the inconsistency.

Amendment of the Principal Policy

7. The Principal Policy is amended:

- (a) by omitting from clause 1 the words “and Dual Occupancy Subdivision”;
- (b) by omitting the definition of “dual occupancy development” in clause 2 (1);
- (c) by omitting clause 2 (4);
- (d) by omitting Parts 3 (Subdivision for Dual Occupancy) and 4 (Subsequent Development of Land Subdivided in Accordance with Part 3);
- (e) by omitting Schedule 3 (Land to Which Part 4 Applies).

Amendment of Sydney Regional Environmental Plan No. 12—Dual Occupancy

8. Sydney Regional Environmental Plan No. 12—Dual Occupancy is amended:

- (a) by inserting at the end of clause 6 (2) the following words:

This subclause does not apply so as to affect the application of a limitation or restriction on subdivision in an environmental planning instrument.

- (b) by omitting clause 13 (2) and by inserting instead the following subclause:

(2) Nothing in this plan allows the subdivision of an allotment of land on which development has been carried out in accordance with this plan.

Savings and transitional provisions

9. (1) In this clause:

“**commencement day**” means the day on which this Policy is published in the Gazette;

“**preserved development**” means:

- (a) dual occupancy development the subject of a development consent granted before the commencement day as the result of a development application made on or after 1 January 1992 and that has been, or may be, carried out in accordance with that consent; or
- (b) town house or villa house development the subject of a development consent granted before the commencement day that has been, or may be, carried out in accordance with that consent; or
- (c) dual occupancy development, or town house or villa house development, the subject of a development application made before 8 May 1995 that is determined on or after the commencement day by the granting of development consent, unconditionally or subject to conditions.

(2) A development application for consent to dual occupancy development, or town house or villa house development, made before 8 May 1995 that has not been finally determined before the commencement day may be determined and have effect as if this Policy had not been made. For the purposes of this subclause, a development application is finally determined when no appeal, or no further appeal, may be made against the determination.

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(3) A development application made on or after the commencement day for consent to subdivide land on which preserved development has been, or may be, carried out may be determined and has effect as if this Policy had not been made.

(4) Any other development application relating to dual occupancy development, or town house or villa house development, must be determined so as to give effect to the provisions of this Policy.

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