



New South Wales

State Environmental Planning Policy (Standard Instrument) Amendment (Miscellaneous) 2010

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*. (S09/01163)

TONY KELLY, MLC
Minister for Planning

State Environmental Planning Policy (Standard Instrument) Amendment (Miscellaneous) 2010

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Standard Instrument) Amendment (Miscellaneous) 2010*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of local environmental plans

1.1 Canada Bay Local Environmental Plan 2008

[1] Clause 1.8 Repeal of other local planning instruments applying to land

Insert “, in relation to the land to which this Plan applies” after “repeal” in clause 1.8 (2A).

[2] Clause 1.9 Application of SEPPs

Omit “clauses 6 and 10” from clause 1.9 (2). Insert instead “clause 6”.

[3] Clause 2.6A Temporary use of land

Omit the clause.

[4] Clause 2.6BB Temporary use of land

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

2010 No 162

State Environmental Planning Policy (Standard Instrument) Amendment
(Miscellaneous) 2010

Schedule 1 Amendment of local environmental plans

- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

[5] **Clause 3.1 Exempt development**

Omit clause 3.1 (3A) (e).

[6] **Schedule 3 Complying development**

Omit the note to Part 2 of Schedule 3, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

1.2 **Goulburn Mulwaree Local Environmental Plan 2009**

[1] **Clause 1.8 Repeal of other local planning instruments applying to land note**

Insert at the end of the note, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

Goulburn Local Environmental Plan 1990.

[2] **Clause 1.8 (2)**

Omit the note to subclause (2).

[3] **Clauses 2.6A and 2.6B**

Omit the clauses.

[4] **Clause 2.6BB Temporary use of land**

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

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- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
 - (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
 - (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
 - (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

[5] Clause 3.1 Exempt development

Omit clause 3.1 (4A).

[6] Clause 3.2 Complying development

Omit clause 3.2 (4A).

[7] Schedule 2 Exempt development

Omit notes 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[8] Schedule 3 Complying development

Omit notes 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

2010 No 162

State Environmental Planning Policy (Standard Instrument) Amendment
(Miscellaneous) 2010

Schedule 1 Amendment of local environmental plans

1.3 Lane Cove Local Environmental Plan 2009

[1] Clauses 1.1A, 2.6A and 2.6B

Omit the clauses.

[2] Clause 2.6BB Temporary use of land

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 12 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

[3] Land Use Table at the end of Part 2

Omit the note under the heading to the Land Use Table, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[4] Clause 3.1 Exempt development

Omit clause 3.1 (4A).

[5] Clause 3.2 Complying development

Omit clause 3.2 (4A).

[6] Schedule 2 Exempt development

Omit notes 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[7] Schedule 3 Complying development

Omit the note to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

1.4 Liverpool Local Environmental Plan 2008

[1] Clause 1.8 Repeal of other local planning instruments applying to land

Omit the note to clause 1.8 (1), as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[2] Clause 1.8 (1)

Insert at the end of the note, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

- (a) *Liverpool Local Environmental Plan 1997,*
- (b) *Liverpool City Centre Local Environmental Plan 2007.*

[3] Clauses 2.6A and 2.6B

Omit the clauses.

2010 No 162

State Environmental Planning Policy (Standard Instrument) Amendment
(Miscellaneous) 2010

Schedule 1 Amendment of local environmental plans

[4] Clause 2.6BB Temporary use of land

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

[5] Land Use Table at the end of Part 2

Omit the note under the heading to the Land Use Table, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[6] Clause 3.1 Exempt development

Omit clause 3.1 (4A).

[7] Clause 3.2 Complying development

Omit clause 3.2 (4A).

[8] Schedule 2 Exempt development

Omit the note to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[9] Schedule 3 Complying development

Omit the notes to Parts 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

1.5 Muswellbrook Local Environmental Plan 2009

[1] Clause 1.8 Repeal of other local planning instruments applying to land

Omit the note to clause 1.8 (1), as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[2] Clause 1.8 (1), note

Insert at the end of the note, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

Muswellbrook Local Environmental Plan 1985.

[3] Clauses 2.6A and 2.6B

Omit the clauses.

[4] Clause 2.6BB Temporary use of land

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

2010 No 162

State Environmental Planning Policy (Standard Instrument) Amendment
(Miscellaneous) 2010

Schedule 1 Amendment of local environmental plans

- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

[5] Land Use Table at the end of Part 2

Omit the note under the heading to the Land Use Table, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[6] Clause 3.1 Exempt development

Omit clause 3.1 (4A).

[7] Clause 3.2 Complying development

Omit clause 3.2 (4A).

[8] Schedule 2 Exempt development

Omit notes 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[9] Schedule 3 Complying development

Omit notes 1 and 2 under the heading to the Schedule, and Note 1 to Part 2 of the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

1.6 Queanbeyan Local Environmental Plan (Googong) 2009

[1] Clauses 1.1A, 2.6A and 2.6B

Omit the clauses.

[2] Clause 2.6BB Temporary use of land

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

2010 No 162

State Environmental Planning Policy (Standard Instrument) Amendment
(Miscellaneous) 2010

Schedule 1 Amendment of local environmental plans

- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

[3] Land Use Table at the end of Part 2

Omit the note under the heading to the Land Use Table, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[4] Clause 3.1 Exempt development

Omit clause 3.1 (4A).

[5] Clause 3.2 Complying development

Omit clause 3.2 (4A).

[6] Schedule 2 Exempt development

Omit notes 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[7] Schedule 3 Complying development

Omit note 1 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

1.7 Wollongong Local Environmental Plan 2009

[1] Clauses 1.1A, 2.6A and 2.6B

Omit the clauses.

[2] Clause 1.8 Repeal of other local planning instruments applying to land

Omit the note to clause 1.8 (1), as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[3] Clause 1.8 (1)

Insert at the end of the note, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

- (a) *Illawarra Planning Scheme Ordinance*,
- (b) *Wollongong City Centre Local Environmental Plan 2007*.

[4] Clause 2.6BB Temporary use of land

Insert after clause 2.6AA, as in force on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*:

2.6BB Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

2010 No 162

State Environmental Planning Policy (Standard Instrument) Amendment
(Miscellaneous) 2010

Schedule 1 Amendment of local environmental plans

[5] Land Use Table at the end of Part 2

Omit the note under the heading to the Land Use Table, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[6] Clause 3.1 Exempt development

Omit clause 3.1 (4A).

[7] Clause 3.2 Complying development

Omit clause 3.2 (4B).

[8] Clause 5.3 Development near zone boundaries

Omit "RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holdings, SP1 Special Activities, SP2 Infrastructure," from clause 5.3 (3) (a).

[9] Clause 5.3 (3) (a1)

Insert after paragraph (a):

- (a1) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Rural Small Holdings, Zone SP1 Special Activities or Zone SP2 Infrastructure, or

[10] Schedule 2 Exempt development

Omit notes 1 and 2 to the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.

[11] Schedule 3 Complying development

Omit notes 1 and 2 to the Schedule and the notes to Parts 1 and 2 of the Schedule, as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2010*.