



New South Wales

State Environmental Planning Policy Amendment (Site Compatibility Certificates) 2011

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

TONY KELLY, MLC
Minister for Planning

State Environmental Planning Policy Amendment (Site Compatibility Certificates) 2011

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Site Compatibility Certificates) 2011*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 Amendments

1.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

[1] Clause 36 Development may be carried out with consent

Omit clause 36 (3) (b).

[2] Clause 36 (3A)

Insert after clause 36 (3):

- (3A) A consent authority must take into account the aims of this Policy when determining whether to grant consent to development to which this Division applies.

1.2 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

[1] Clause 24 Site compatibility certificates required for certain development applications

Omit clause 24 (3) (a). Insert instead:

- (a) prevents a consent authority from granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or

[2] Clause 24 (4)

Insert after clause 24 (3):

- (4) A consent authority must take into account the aims of this Policy when determining a development application to which this clause applies.

1.3 State Environmental Planning Policy (Infrastructure) 2007

[1] Clause 18 Additional uses of certain State land permitted

Omit clause 18 (4) (a). Insert instead:

- (a) prevent a consent authority from granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or

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[2] Clause 57 Development permitted with consent

Omit clause 57 (4) (a). Insert instead:

- (a) prevents a consent authority from granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or