



New South Wales

State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 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*.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 2011

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 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- (1) This Policy is repealed on the day following the day on which this Policy commences.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

Insert after clause 36 (3) (a):

- (b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or

[2] Clause 36 (3A)

Omit the subclause.

[3] Clause 56

Insert after clause 55:

56 Savings and transitional provisions—site compatibility amendments

Clause 36, as amended by *State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 2011*, applies to a development application for development to which Division 5 of Part 2 applies that was made, but not determined, before the commencement of the amendments.

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:
 - (i) 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
 - (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or

2011 No 385

State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 2011

Schedule 1 Amendments

[2] Clause 24 (4)

Omit the subclause.

[3] Clause 54

Insert after clause 53:

54 Savings and transitional provisions—site compatibility amendments

Clause 24, as amended by *State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 2011*, applies to a development application for development to which that clause applies that was made, but not determined, before the commencement of the amendments.

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:
 - (i) 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
 - (ii) refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or

[2] Clause 57 Development permitted with consent

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

- (a) prevents a consent authority from:
 - (i) 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
 - (ii) refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or

[3] Schedule 5 Savings and transitional provisions

Insert after clause 2:

3 Savings and transitional provisions—site compatibility amendments

Clauses 18 and 57, as amended by *State Environmental Planning Policy (Repeal of Site Compatibility Provisions) 2011*, apply to development applications for development to which those clauses apply that were made, but not determined, before the commencement of the amendments.