



New South Wales

# **State Environmental Planning Policy Amendment (Miscellaneous) 2017**

under the

**Environmental Planning and Assessment Act 1979**

His 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*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **State Environmental Planning Policy Amendment (Miscellaneous) 2017**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Miscellaneous) 2017*.

### **2 Commencement**

This Policy commences on the day on which *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017* commences and is required to be 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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 environmental planning instruments**

### **1.1 Bankstown Local Environmental Plan 2015**

#### **Clause 1.8B Amendment of SEPP applying to land**

Omit the clause.

### **1.2 Ku-ring-gai Local Environmental Plan 2015**

#### **Schedule 3 Complying development**

Omit “General Housing Code under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, other than clauses 3.9, 3.10, 3.11 and 3.24” from subclause (1) of the matter relating to Dwelling houses in Zone E4 Environmental Living in Part 1.

Insert instead “Housing Code under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, other than clauses 3.9, 3.13 and 3.20”.

### **1.3 Liverpool Local Environmental Plan 2008**

#### **Schedule 3 Complying development**

Omit “in clause 3.25 of” from subclause (29B) in the matter relating to Dwelling houses in Zones R1, R2, R3 and R4 on a property that is equal to or greater than 400m<sup>2</sup> and less than 450m<sup>2</sup>.

Insert instead “it has in”.

### **1.4 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

#### **[1] Schedule 3 Complying development codes—variations**

Omit the matter in Column 2 relating to Bankstown. Insert instead:

The Housing Code is varied in its application by inserting the following after clauses 3.9 (2) and 3.19 (2):

- (3) However, the total floor area of a dwelling house, detached studio, basement and any secondary dwelling on a lot must not be more than 50% of the area of the lot.

#### **[2] Schedule 3**

Omit the matter in Column 2 relating to Fairfield City. Insert instead:

The Housing Code is varied in its application by omitting clauses 3.16 (1) (a) and (4) and 3.23 (3).

#### **[3] Schedule 3**

Omit the matter relating to Holroyd City.

**[4] Schedule 3**

Insert in appropriate order:

**Cumberland/Parramatta (formerly Holroyd City)**

All of the land in the local government areas of Cumberland and City of Parramatta that was formerly within Holroyd City The Housing Code is varied in its application by omitting clauses 3.16 (1) (a) and (4) and 3.23 (3).

**[5] Schedule 3**

Omit the matter in Column 2 relating to Port Macquarie-Hastings. Insert instead:

The Housing Code is varied in its application as follows:

- (a) by omitting clause 3.10 (1),
- (b) by omitting the table to clause 3.10 (3) and inserting instead:

<b>Lot size</b>	<b>Minimum setback from primary road</b>
less than or equal to 300m <sup>2</sup>	3m
>300m <sup>2</sup>	4.5m

- (c) by omitting the table to clause 3.10 (4) and inserting instead:

<b>Lot width at the building line</b>	<b>Building height at any point</b>	<b>Minimum required setback from each side boundary</b>
6m–10m	0m–5.5m	900mm
6m–10m	>5.5m–8.5m	(building height–5.5m) ÷ 4 + 0.9m
>10m	0m–4.5m	900mm
>10m	>4.5m–8.5m	(building height–4.5m) ÷ 4 + 0.9m

**[6] Schedule 3**

Omit the matter in Column 2 relating to Riverstone Scheduled Lands. Insert instead:

The Housing Code is varied in its application by inserting the following after clause 3.1 (1):

- (1A) However, development referred to in subclause (1) (a) is only complying development under this code if it is carried out on a lot created in accordance with the provisions of Appendix 4 (Alex Avenue and Riverstone Precinct Plan 2010) to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

**[7] Schedule 3**

Omit the matter in Column 2 relating to Tamworth Regional. Insert instead:

The Housing Code is varied in its application by omitting the table to clause 3.10 (4) and inserting instead:

Lot width at the building line	Building height at any point	Minimum required setback from each side boundary
6m–10m	0m–5.5m	900mm
6m–10m	>5.5m–8.5m	(building height–5.5m) ÷ 4 + 0.9m
>10m	0m–4.5m	900mm
>10m	>4.5m–8.5m	(building height–4.5m) ÷ 4 + 0.9m

**[8] Schedule 3**

Omit the matter in Column 2 relating to Wingecarribee. Insert instead:

The Housing Code is varied in its application as follows:

- (a) by inserting “–4,000m<sup>2</sup>” after “>1,500m<sup>2</sup>” in the first column of the table to clause 3.10 (3),
- (b) by inserting in appropriate order in the table to clause 3.10 (3):

>4,000m <sup>2</sup>	15m
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- (c) by inserting after clause 3.10 (4):

(4A) Despite the table to subclause (4), if the lot has an area of at least 4,000m<sup>2</sup> the minimum required setback from each side boundary is 7.5m.

- (d) by inserting “–4,000m<sup>2</sup>” after “>300m<sup>2</sup>” in the first column of the table to clause 3.13 (1),
- (e) by inserting in appropriate order in the table to clause 3.13 (1):

>4,000m <sup>2</sup>	75% of lot area
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**1.5 State Environmental Planning Policy (Western Sydney Parklands) 2009**

**Schedule 2 Exempt development**

Omit “clause 2.30 (b)–(g), (h1) and (j)” from subclause (2) of the matter relating to Earthworks and retaining walls.

Insert instead “clause 2.30 (a), (b), (d)–(f) and (h)”.

**1.6 Sutherland Shire Local Environmental Plan 2015**

**Schedule 3 Complying development**

Omit “Clause 3.36C (2)–(6)” from clause 11. Insert instead “Clause 3.5”.