



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) 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 (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2017

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2017*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 1.17 What development is complying development?

Insert after clause 1.17 (1):

Note. Development referred to in clause 2A.1 is also complying development for the purposes of this Policy.

[2] Clause 2.28 Development standards

Omit “driveway or hardstand areas” from clause 2.28 (g).

Insert instead “driveways or hard stand spaces”.

[3] Clause 2.56 Development standards

Omit “hardstand areas” from clause 2.56 (b) (ii). Insert instead “hard stand spaces”.

[4] Part 2A

Insert after Part 2:

Part 2A Transitional development under former General Housing Code and related provisions

**2A.1 Housing that would have been complying development under repealed
General Housing Code continues to be complying development**

(1) Development specified for the General Housing Code as repealed by *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017* is also complying development for the purposes of this Policy if the development would have been complying development under this Policy as in force immediately before the repeal of that Code.

(2) Development carried out under this clause is taken (except for the purposes of clause 1.17) to be carried out under a complying development code to be known as the Transitional Housing Code.

Note. The relevant version of the General Housing Code (now known as the Transitional Housing Code) is the historical version in force from 5 August 2016 to 13 July 2017.

**2A.2 Housing that would have been complying development under certain other
repealed provisions continues to be complying development**

Development that would have been complying development under any of the following environmental planning instruments immediately before the amendment of that instrument by *State Environmental Planning Policy Amendment (Miscellaneous) 2017* is taken to be complying development under that instrument:

- (a) *Ku-ring-gai Local Environmental Plan 2015*,
- (b) *Liverpool Local Environmental Plan 2008*,
- (c) *Sutherland Shire Local Environmental Plan 2015*.

2A.3 Part ceases to have effect on 13 July 2019

This Part ceases to have effect on 13 July 2019.

[5] Clause 3.9 Maximum gross floor area of all buildings

Omit the table to clause 3.9 (1). Insert instead:

Lot area	Maximum GFA
200m ² –250m ²	78% of lot area
>250m ² –300m ²	75% of lot area
>300m ² –350m ²	235m ²
>350m ² –450m ²	25% of lot area + 150m ²
>450m ² –560m ²	290m ²
>560m ² –600m ²	25% of lot area + 150m ²
>600m ² –740m ²	335m ²
>740m ² –900m ²	25% of lot area + 150m ²
>900m ² –920m ²	380m ²
>920m ² –1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²

[6] Clause 3.12 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house

Omit “an existing” from clause 3.12 (1). Insert instead “a”.

[7] Clause 3.12, note 3

Insert “, deck, patio, terrace or verandah” after “balcony”.

[8] Clause 3.13 Minimum landscaped area

Omit clause 3.13 (1). Insert instead:

- (1) The minimum landscaped area that must be provided on a lot is shown in the following table:

Lot area	Minimum landscaped area
200m ² –300m ²	10% of lot area
>300m ² –450m ²	15% of lot area
>450m ² –600m ²	20% of lot area
>600m ² –900m ²	30% of lot area
>900m ² –1,500m ²	40% of lot area
>1,500m ²	45% of lot area

[9] Clause 3.14 Building design

Omit “or (f)” from clause 3.14 (5). Insert “, (f) or (g)”.

[10] Clause 3.19 Maximum gross floor area of all buildings on lot

Omit the table to clause 3.19 (1). Insert instead:

Lot area	Maximum GFA
200m ² –250m ²	78% of lot area
>250m ² –300m ²	75% of lot area
>300m ² –350m ²	235m ²
>350m ² –450m ²	25% of lot area + 150m ²
>450m ² –560m ²	290m ²
>560m ² –600m ²	25% of lot area + 150m ²
>600m ² –740m ²	335m ²
>740m ² –900m ²	25% of lot area + 150m ²
>900m ² –920m ²	380m ²
>920m ² –1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²

[11] Clause 3.21 Minimum setbacks and maximum height and length of built to boundary walls

Omit the table to clause 3.21 (8). Insert instead:

Lot area	Minimum setback from rear boundary
200m ² –900m ²	0.9m
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

[12] Clause 3.27 Minimum landscaped area

Omit clause 3.27 (1). Insert instead:

- (1) The minimum landscaped area that must be provided on a lot is shown in the following table:

Lot area	Minimum landscaped area
200m ² –300m ²	10% of lot area
>300m ² –450m ²	15% of lot area
>450m ² –600m ²	20% of lot area
>600m ² –900m ²	30% of lot area
>900m ² –1,500m ²	40% of lot area
>1,500m ²	45% of lot area