



New South Wales

State Environmental Planning Policy Amendment (Exempt Development— Cladding and Decorative Work) 2018

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*.

ANTHONY ROBERTS, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Exempt Development—Cladding and Decorative Work) 2018*.

2 Commencement

This Policy commences on 22 October 2018 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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 State environmental planning policies

1.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause 41

Omit the clause. Insert instead:

41 Exempt development

- (1) Development for the following purposes is exempt development if it is carried out by or on behalf of the Land and Housing Corporation in relation to housing and does not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*):
 - (a) repairs and maintenance work,
 - (b) non-structural renovations and building alterations.
- (2) Development for the purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of the Land and Housing Corporation in relation to housing.

1.2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Schedule 1 Exempt development—general

Omit the matter relating to “Building external alterations including re-cladding roofs or walls” from the column headed **Development standards**.

Insert instead:

- Must involve only repair or renovation, or painting, plastering or other decoration, of building.
- Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building.
- Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).
- Any re-cladding must:
 - (i) not involve structural alterations, and
 - (ii) involve only replacing existing materials with similar materials unless the use of those materials is a breach of these development standards.

1.3 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 1.5 Interpretation—general

Insert in alphabetical order in clause 1.5 (1):

external combustible cladding has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

[2] Clause 2.50B Development standards

Insert after clause 2.50B (f):

- (f1) if the development involves cladding:
 - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and
 - (ii) not involve the use of external combustible cladding, and

[3] Clause 2.54 Development standards

Insert after clause 2.54 (d):

- (d1) if the development involves cladding or is attaching fittings or decorative work:
 - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and
 - (ii) not involve the use of external combustible cladding, and

[4] Clause 2.80A Specified development

Omit clause 2.80A (b). Insert instead:

- (b) non-structural internal or external alterations to an existing lawful boat shed, including painting, plastering or cement rendering,

[5] Clause 2.80B Development standards

Omit clause 2.80B (b). Insert instead:

- (b) if it is for a non-structural internal or external alteration to a boat shed:
 - (i) not affect the load bearing capacity of any component of the boat shed, and
 - (ii) not involve the use of external combustible cladding, and

1.4 State Environmental Planning Policy (Infrastructure) 2007

[1] Clause 70 Exempt development

Insert “, where the alterations do not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*)” after “decorative work” in clause 70 (c) (i).

[2] Schedule 1 Exempt development—general

Omit the matter relating to “Building external alterations including re-cladding roofs or walls” from the column headed **Development standards**.

Insert instead:

- Must involve only repair or renovation, or painting, plastering or other decoration, of building.
- Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building.
- Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).

- Any re-cladding must:
 - (i) not involve structural alterations, and
 - (ii) involve only replacing existing materials with similar materials unless the use of those materials is a breach of these development standards.

1.5 State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007

Schedule 2 Exempt development

Omit clause 8. Insert instead:

8 Maintenance

The carrying out of any development comprised in the repair of deteriorated or damaged material (whether or not in a building) or the replacement of any such material, but only if:

- (a) no wall of a building is wholly replaced, and
- (b) in the case of repairs to, or the partial replacement of, the wall of a building, involving the use of material that differs in nature from the material being repaired or replaced:
 - (i) the repairs extend over no more than 5% of the surface, over any 3 year period, or
 - (ii) the replacement is of no more than 5% of the wall, over any 3 year period, and
- (c) the maintenance does not affect the load-bearing capacity of any load-bearing member of a building, and
- (d) the work does not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).

1.6 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Clause 10 Exempt development

Insert “, where the work does not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*)” after “decorative work)” in clause 10 (3) (d).

1.7 State Environmental Planning Policy (Three Ports) 2013

Schedule 1 Exempt development

Insert “, where the work does not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*)” after “decorative work)” in clause 1 (1) (a).

1.8 State Environmental Planning Policy (Western Sydney Parklands) 2009

[1] Schedule 2 Exempt development

Insert after subclause (1) of the matter under the heading “**Alterations or additions (public buildings)**”:

- (1A) Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).

[2] Schedule 2

Omit subclause (4) of the matter under the heading “**Minor external building alterations (other than a public building)**”.

Insert instead:

- (4) Must not involve the use of external combustible cladding (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).
- (5) Any re-cladding must:
 - (a) not involve structural alterations, and
 - (b) involve only replacing existing materials with similar materials, unless the use of those materials is a breach of subclause (4).