



New South Wales

State Environmental Planning Policy Amendment (Miscellaneous) 2018

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) 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Miscellaneous) 2018*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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

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

[1] Clause 1.19 Land on which complying development may not be carried out

Omit clause 1.19 (3). Insert instead:

- (3) Subclause (2) ceases to have effect:
 - (a) on 30 November 2018 in relation to land in the local government area of Lake Macquarie and identified on State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Lake Macquarie Complying Development Land Map (SEPP_ECD_4650_LCD_002_20130730) specified in Schedule 5, and
 - (b) on 30 November 2021 in relation to land in the local government area of Mosman and identified on any map specified in Schedule 5.

[2] Clause 3B.63 Deferred application of Part to land in certain local government areas

Omit clause 3B.63 (3). Insert instead:

- (3) This clause ceases to have effect on:
 - (a) in relation to land in a deferred area in the local government area of City of Ryde—1 July 2020, and
 - (b) in relation to other land in a deferred area—1 July 2019.

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

[1] Clause 25 Application for site compatibility certificate

Omit clause 25 (5) (c). Insert instead:

- (c) in relation to an application that applies to land in respect of which a site compatibility certificate has previously been issued (the *previously certified land*) and other land (the *additional land*)—is of the opinion that:
 - (i) the additional land (independently of the previously certified land) adjoins land zoned primarily for urban purposes or subclause (5A) applies, and
 - (ii) if a site compatibility certificate was issued in respect of the previously certified land on the basis that the land adjoined land zoned primarily for urban purposes—the previously certified land continues to adjoin land zoned primarily for urban purposes.

[2] Clause 25 (5A)

Omit “subclause (5) (c) (iv)”. Insert instead “subclause (5) (c)”.

[3] Clause 54A Savings and transitional provisions—State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment 2018

Insert after clause 54A (2):

- (3) A reference in clause 24 (as amended by the Policy referred to in subclause (1)) to the relevant panel extends to the Planning Secretary in respect of a current site compatibility certificate issued before 1 October 2018.

1.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 67A Application of Division

Omit the clause. Insert instead:

67A Application of Division

This Division does not apply to land within the Lease Area within the meaning of *State Environmental Planning Policy (Three Ports) 2013*.