



New South Wales

# **Standard Instrument (Local Environmental Plans) Amendment (Secondary Dwellings) Order 2020**

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 3.20 of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 16th day of December 2020.

By Her Excellency's Command,

ROB STOKES, MP  
Minister for Planning and Public Spaces

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Environmental Planning and Assessment Act 1979

### **1 Name of Order**

This Order is *Standard Instrument (Local Environmental Plans) Amendment (Secondary Dwellings) Order 2020*.

### **2 Commencement**

This Order commences on 1 February 2021 and is required to be published on the NSW legislation website.

## **Schedule 1      Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006**

### **[1]    Clause 1.1 Name of Plan [compulsory]**

Insert at the end of the clause—

**Direction—** If required, an additional name may be added in brackets before the year to distinguish the Plan from another Plan in the same local government area.

### **[2]    Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]**

Omit clause 5.4(9). Insert instead—

#### **(9)    Secondary dwellings on land other than land in a rural zone**

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) [*insert number*]% of the total floor area of the principal dwelling.

### **[3]    Clause 5.5**

Insert after clause 5.4—

#### **5.5    Controls relating to secondary dwellings on land in a rural zone [optional]**

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (i) [*insert number*] square metres,
  - (ii) [*insert number*]% of the total floor area of the principal dwelling, and
- (b) the distance between the secondary dwelling and the principal dwelling must not exceed [*insert number*] metres.

**Direction—** This clause may also be adopted without paragraph (a) or without paragraph (b).