



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Change of Use) 2022

under the

Environmental Planning and Assessment Act 1979

His Honour the Administrator, 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 (Change of Use) 2022

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 (Change of Use) 2022*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

4 Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021

(1) Section 2.70 Exempt development

Insert after section 2.70(1)(j)—

(k) temporary structures.

(2) Section 2.74 Exempt development

Insert at the end of section 2.74(1)(a)(ix)—

or

(x) temporary structures,

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 2.20A Specific development

Insert after **Category 3** in the Table—

Category 4

entertainment facility

information and education facility

Category 5

food and drink premises

shop

Category 4

shop

Category 5

entertainment facility

information and education facility

[2] Clause 2.20B Development standards

Omit “, other than a complying development certificate,” wherever occurring in clause 2.20B(2) and (3)(a).

[3] Clause 2.20B(4)

Insert after clause 2.20(3)—

- (4) The following are also development standards for a change of use referred to in clause 2.20A, Table, Category 5—
- (a) the premises must have a floor area of no more than 300m²,
 - (b) the maximum number of persons permitted in the new use is 1 person per square metre of floor area,
 - (c) a sign must be displayed in a prominent position of the new use stating the maximum number of persons,
 - (d) if the current use is a shop, the new use must not be licensed premises within the meaning of the *Liquor Act 2007*,
 - (e) the new use must comply with *Environmental Planning and Assessment Regulation 2021*, section 72 as if the new use were an entertainment venue subject to a development consent.

[4] Clause 2.30AD Development standards

Omit “, other than a complying development certificate,” from clause 2.30AD(1)(b).

[5] Schedule 8 Conditions applying to complying development certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code

Omit “*Environmental Planning and Assessment Regulation 2000*, Schedule 3A” from clause 26, note.

Insert instead “*Environmental Planning and Assessment Regulation 2021*, section 72”.