



New South Wales

# **State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Wilton Growth Area) 2022**

under the

Environmental Planning and Assessment Act 1979

Her 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 (Wilton Growth Area) 2022**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Wilton Growth Area) 2022*.

### **2 Commencement**

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

### **3 Maps**

The maps adopted by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

### **4 Repeal of Policy**

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

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

### **[1]    Clause 1.12 Variations to certain codes**

Omit “described or otherwise identified on a map specified in Column 1 of the Table to Schedule 3, in the manner described opposite that land in Column 2” from clause 1.12(2).

Insert instead “specified in Schedule 3 in the way described in the Schedule”.

### **[2]    Schedule 3 Complying development codes—variations**

Insert before the table—

## **Part 1    General**

### **[3]    Schedule 3, Parts 2 and 3**

Insert at the end of the Schedule—

## **Part 2    South East Wilton Precinct Stage 1**

### **1    Land to which Part applies**

This Part applies to land identified as Stage 1 South East Wilton on the Wilton Greenfield Housing Code Variation Area Map.

### **2    Definition**

In this Part—

*Wilton Greenfield Housing Code Variation Area Map* means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wilton Greenfield Housing Code Variation Area Map.

### **3    Variations**

(1) The Greenfield Housing Code is varied in its application to the land to which this Part applies as set out in this clause.

(2) **Clause 3C.2 Development that is complying development under this code**

Omit clause 3C.2(3)(a). Insert instead—

(a) the lot must be identified as Stage 1 South East Wilton on the Wilton Greenfield Housing Code Variation Area Map,

## **Part 3    South East Wilton Precinct (other than Stage 1) and North Wilton Precinct**

### **1    Land to which Part applies**

This Part applies to land identified as Low Density Residential on the Wilton Greenfield Housing Code Variation Area Map, other than land identified by blue cross-hatching.

### **2    Definition**

In this Part—

***Wilton Greenfield Housing Code Variation Area Map*** means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wilton Greenfield Housing Code Variation Area Map.

### 3 Variations

- (1) The Greenfield Housing Code is varied in its application to the land to which this Part applies as set out in this clause.
- (2) **Clause 3C.2 Development that is complying development under this code**  
 Omit clause 3C.2(3)(a). Insert instead—
  - (a) the lot must be—
    - (i) identified as Low Density Residential on the Wilton Greenfield Housing Code Variation Area Map, other than land identified by blue cross-hatching, and
    - (ii) created by a plan of subdivision lodged or registered after the Neighbourhood Plan process under the development control plan applying to the land has been completed.
- (3) **Clause 3C.2(3)(c)**  
 Omit “6m”. Insert instead “8m”.
- (4) **Clause 3C.2(3)(h)**  
 Omit “6m”. Insert instead “8m”.
- (5) **Clause 3C.3 Development that is not complying development under this code**  
 Omit “6–10m” from the table to clause 3C.3(e). Insert instead “8–10m”.
- (6) **Clause 3C.11 Minimum setbacks and maximum height and length of boundary walls**  
 Omit the table to clause 3C.11(1). Insert instead—

Lot size	Minimum setback of building line from primary road	Minimum setback of articulation zone from primary road
>200m <sup>2</sup>	4.5m	3m

- (7) **Clause 3C.11(2)**  
 Insert “that is detached” after “dwelling house”.
- (8) **Clause 3C.11(2), table**  
 Omit the table. Insert instead—

Lot width at the building line	Side A	Side B
8m or more but less than 9m	900mm	900mm
9m or more but less than 12.5m	900mm	900mm
12.5m or more but less than 15m	900mm	900mm
15m or more	900mm	1.5m

- (9) **Clause 3C.11(3)**  
 Insert “that is detached” after “dwelling house”.

- (10) **Clause 3C.11(3), table**  
 Omit the table. Insert instead—

<b>Lot width at the building line</b>	<b>Side A</b>	<b>Side B</b>
8m or more but less than 9m	900mm	900mm
9m or more but less than 12.5m	900mm	900mm
12.5m or more but less than 15m	900mm	900mm
15m or more	900mm	2.5m

- (11) **Clause 3C.11(3A) and (3B)**  
 Insert after clause 3C.11(3)—

(3A) **Side setbacks—dwelling constructed on boundary**

The ground level of a dwelling house and any attached development, other than a garage to which subclause (4) applies, constructed on a boundary, must have—

- (a) the setback from one side boundary as shown under “Side A” in the following table, and
- (b) a minimum setback from the other side boundary as shown under “Side B” in the following table.

<b>Lot width at the building line</b>	<b>Side A</b>	<b>Side B</b>
8m or more but less than 9m	0m	1.2m
9m or more but less than 12.5m	0m	900mm
12.5m or more but less than 15m	0m	900mm

**Note—** Clause 3C.3 provides the erection of a building over a registered easement is not complying development under this code.

(3B) **Side setbacks upper level—dwelling constructed on boundary**

The upper level of a dwelling house and any attached development, other than a garage, constructed on a boundary must have—

- (a) a minimum setback from the “Side A” boundary referred to in subclause (3A)(a), as shown under “Side A” in the following table, and
- (b) a minimum setback from the “Side B” boundary referred to in subclause (3A)(b), as shown under “Side B” in the following table in relation to that lot.

<b>Lot width at the building line</b>	<b>Side A</b>	<b>Side B</b>
8m or more but less than 9m	1.2m	1.2m
9m or more but less than 12.5m	1.5m	900mm
12.5m or more but less than 15m	1.5m	900mm

(12) **Clause 3C.11(4)**

Omit the table. Insert instead—

<b>Lot width at the building line</b>	<b>Minimum side setback</b>
8m or more but less than 9m	0m from the “Side A” and “Side B” boundaries referred to in subclause (2)(a) and (b) for a maximum length of 6.5m
9m or more but less than 12.5m	0m from the “Side A” boundary for a maximum length of 6.5m, and 900mm from the “Side B” boundary
12.5m or more but less than 15m	900mm from the “Side A” boundary for a maximum length of 6.5m
15m or more	900mm from the “Side A” boundary for a maximum length of 6.5m

(13) **Clause 3C.11(6), table**

Omit the table. Insert instead—

<b>Lot width at the building line</b>	<b>Maximum length of built to boundary wall</b>
8m or more but less than 9m	15m or 50% of the depth of the lot, whichever is the lesser
9m or more but less than 12.5m	11m or 50% of the depth of the lot, whichever is the lesser
12.5m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length

(14) **Clause 3C.11(7)**

Omit “3m”. Insert instead “4.5m”.

(15) **Clause 3C.11(8)**

Omit the table to clause 3C.11(8). Insert instead—

<b>Lot width at the building line</b>	<b>Minimum setback from secondary road boundary</b>
8m or more but less than 9m	1m

Lot width at the building line	Minimum setback from secondary road boundary
9m or more	2m

- (16) **Clause 3C.11(12)**  
 Omit “3m”. Insert instead “4.5m”.
- (17) **Clause 3C.13 Other development standards for attached garages**  
 Omit “7m” from clause 3C.13(1). Insert instead “8m”.
- (18) **Clause 3C.13(2)**  
 Omit the subclause.
- (19) **Clause 3C.13(6), table**  
 Omit the table. Insert instead—

Lot width at the building line	Minimum setback from rear boundary
8m or more but less than 9m	0m
9m or more but less than 12.5m	0m
12.5m or more but less than 15m	0m for a maximum of 6.5m of the length of the rear boundary
15m or more	0m for a maximum of 9m of the length of the rear boundary

- (20) **Clause 3C.14B**  
 Insert after clause 3C.14A—

**3C.14B Roof material solar absorptance rating**

- (1) This clause applies to a lot that is—
- identified as Low Density Residential on the Wilton Greenfield Housing Code Variation Area Map, other than land identified by blue cross-hatching, and
  - created by a plan of subdivision lodged or registered after the Neighbourhood Plan process under the development control plan applying to the land has been completed.
- (2) The roofing material for a dwelling house and attached development must be of a colour that has a solar absorptance of 0.7 or less.
- (3) In this clause—  
*solar absorptance*, of roofing material, means the total incident solar radiation that is absorbed by the roofing material.
- (21) **Clause 3C.15 Minimum landscaped area**  
 Omit clause 3C.15(1), table. Insert instead—

Lot area	Minimum landscaped area
200m <sup>2</sup> –270m <sup>2</sup>	15% of lot area

<b>Lot area</b>	<b>Minimum landscaped area</b>
>270m <sup>2</sup> –375m <sup>2</sup>	20% of lot area
>375m <sup>2</sup> –450m <sup>2</sup>	25% of lot area
>450m <sup>2</sup> –650m <sup>2</sup>	30% of lot area
>650m <sup>2</sup> –750m <sup>2</sup>	35% of lot area
>750m <sup>2</sup>	40% of lot area

- (22) **Clause 3C.16 Building design**  
 Omit “3m” from 3C.16(3). Insert instead “4.5m”.
- (23) **Clause 3C.19 Car parking and vehicle access requirements**  
 Omit clause 3C.19(1)(a).
- (24) **Clause 3C.19(6), table**  
 Omit “7m”. Insert instead “8m”.
- (25) **Clause 3C.19(7)**  
 Omit the subclause. Insert instead—  
 (7) The maximum width of all driveways measured at the boundary to which the front of the dwelling house faces is 3m.
- (26) **Clause 3C.19A**  
 Insert after clause 3C.19—
- 3C.19A Dwelling houses near rail and major roads corridors**
- (1) This clause applies to development for the purposes of a dwelling house on land within 60m of a rail or major road corridor identified on the Wilton Rail and Major Roads Corridor Map.
- (2) A certifier must not issue a complying development certificate for development to which this clause applies unless the certifier is satisfied appropriate measures will be taken to ensure the noise generated by rail or major roads corridors does not result in LAeq levels greater than—
- (a) in a bedroom of the dwelling house—LAeq 35 dB(A) between 10pm and 7am, and
- (b) anywhere else in the dwelling house, other than a garage, kitchen, bathroom or hallway—LAeq 40 dB(A) at all times.
- (3) In this clause—  
*Wilton Rail and Major Roads Corridor Map* means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008—Wilton Rail and Major Roads Corridor Map.
- (27) **Clause 3C.24 Minimum setbacks and maximum height and length of built to boundary walls**  
 Omit “6m–18m” from the table to clause 3C.24(2). Insert instead “8m–18m”.
- (28) **Clauses 3C.24(3)(b)**  
 Omit “at least 6m, but not more than”.



(29) **Clause 3C.24(6), table**

Omit the table. Insert instead—

<b>Lot width at the building line</b>	<b>Maximum length of built to boundary wall</b>
8m or more but less than 9m	20m or 50% of the depth of the lot, whichever is the lesser
9m or more but less than 12.5m	15m or 50% of the depth of the lot, whichever is the lesser
12.5m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length

(30) **Clause 3C.28 Other development standards for detached studios**

Omit “6m–18m” from the table to clause 3C.28(4). Insert instead “8m–18m”.

(31) **Clause 3C.28(6)(b)**

Omit “at least 6m, but not more than”.

(32) **Clause 3C.29A**

Insert after clause 3C.29—

**3C.29A Roof material solar absorptance rating**

- (1) This clause applies to a lot that is—
  - (a) identified as Low Density Residential on the Wilton Greenfield Housing Code Variation Area Map, other than land identified by blue cross-hatching, and
  - (b) created by a plan of subdivision lodged or registered after the Neighbourhood Plan process under the development control plan applying to the land has been completed.
- (2) The roofing material for detached development must be of a colour that has a solar absorptance of 0.7 or less.
- (3) In this clause—  
*solar absorptance*, of roofing material, means the total incident solar radiation that is absorbed by the roofing material.

(33) **Clause 3C.30 Minimum landscaped area**

Omit clause 3C.30(1), table. Insert instead—

<b>Lot area</b>	<b>Minimum landscaped area</b>
200m <sup>2</sup> –270m <sup>2</sup>	15% of lot area
>270m <sup>2</sup> –375m <sup>2</sup>	20% of lot area
>375m <sup>2</sup> –450m <sup>2</sup>	25% of lot area
>450m <sup>2</sup> –650m <sup>2</sup>	30% of lot area
>650m <sup>2</sup> –750m <sup>2</sup>	35% of lot area
>750m <sup>2</sup>	40% of lot area