



New South Wales

State Environmental Planning Policy Amendment (Miscellaneous) 2023

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 Amendment (Miscellaneous) 2023

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Miscellaneous) 2023*.

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This Policy is repealed at the beginning of the day following the day on which this Policy commences.

4 Maps

The maps adopted by the following are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy—

- (a) *State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 2,
- (b) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.

Schedule 1 Amendment of State Environmental Planning Policy (Biodiversity and Conservation) 2021

Section 13.19 Savings and transitional provision

Insert after section 13.19(2)—

- (3) Subsection (1) does not apply to a development application for development on certified urban capable land that was made, and not finally determined, before 17 August 2022.

Schedule 2 Amendment of State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 3.2 Interpretation

Omit section 3.2(1), definition of *growth centre structure plan*, paragraph (a).

Insert instead—

- (a) for the South West Growth Centre—*A Guide to the South West Growth Area*, published in December 2022 and available on the Department’s website, and

[2] Section 3.2(1), definition of “growth centre structure plan”, paragraph (c)

Omit the paragraph. Insert instead—

- (c) for the Greater Macarthur Growth Area—the following documents—
 - (i) *Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area*, published in November 2018 and available on the Department’s website,
 - (ii) *Greater Macarthur Structure Plan (Land Release Area)*, published in November 2022 and available on the Department’s website,
 - (iii) *Guide to the Greater Macarthur Growth Area*, published in November 2022 and available on the Department’s website.

[3] Section 3.2(3)

Omit the subsection.

[4] Appendix 7 South East Wilton Precinct Plan

Omit “in the manner” from section 1.2(a). Insert instead “generally in the way”.

[5] Appendix 7, section 1.2(c)

Insert “to be generally” after “Precinct”.

[6] Appendix 7, section 1.8A(2) and (3)

Omit the subsections.

[7] Appendix 7, section 5.1A(1)(c)

Insert “generally” before “consistent”.

[8] Appendix 8 North Wilton Precinct Plan

Omit “in the manner” from section 1.2(a). Insert instead “generally in the way”.

[9] Appendix 8, section 1.2(c)

Insert “to be generally” before “consistent”.

[10] Appendix 8, section 5.1A(1)(c)

Insert “generally” before “consistent”.

Schedule 3 Amendment of State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Wilton Town Centre Precinct) 2022

[1] Schedule 1[1], heading

Omit “**Policy**”. Insert instead “**Chapter**”.

[2] Schedule 1[4], Appendix 9 Wilton Town Centre Precinct Plan

Insert “generally” after “occur” in section 1.2(a).

[3] Schedule 1[4], Appendix 9, section 5.1A(1)(c)

Insert “generally” before “consistent”.

Schedule 4 Amendment of State Environmental Planning Policy (Housing) 2021

[1] Section 30 Requirements before carrying out development

Omit section 30(1)(d)(ii). Insert instead—

- (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023.

[2] Section 43 Requirements for carrying out residential development

Omit section 43(1)(f)(ii). Insert instead—

- (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023, and

[3] Section 108C Requirements for carrying out seniors housing

Omit section 108C(1)(e)(ii). Insert instead—

- (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023, and

Schedule 5 Amendment of Kempsey Local Environmental Plan 2013

- [1] Clause 4.2E Erection of dual occupancies (detached) and secondary dwellings on land in certain rural and residential zones**

Omit clause 4.2E(3)(c).

- [2] Clause 5.5 Controls relating to secondary dwellings on land in a rural zone**

Omit clause 5.5(b). Insert instead—

(b) [Not adopted]