



New South Wales

State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023*.

2 Commencement

This policy commences on 1 October 2023 and is required to be 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This policy is repealed at the beginning of the day following the day on which this policy commences.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 Savings

A development application made but not finally determined before the commencement of this policy must be determined as if this policy had not commenced.

Schedule 1 Amendment of certain standard local environmental plans

Amendment of clause 6.1 in certain standard local environment plans

Omit “special contributions area (as defined by section 7.1 of the Act)” wherever occurring in the following local environmental plans, clause 6.1—

Albury Local Environmental Plan 2010

Ballina Local Environmental Plan 2012

Bathurst Regional Local Environmental Plan 2014

Bellingen Local Environmental Plan 2010

Bogan Local Environmental Plan 2011

Clarence Valley Local Environmental Plan 2011

Coffs Harbour Local Environmental Plan 2013

Corowa Local Environmental Plan 2012

Cowra Local Environmental Plan 2012

Forbes Local Environmental Plan 2013

Gilgandra Local Environmental Plan 2011

Glen Innes Severn Local Environmental Plan 2012

Goulburn Mulwaree Local Environmental Plan 2009

Great Lakes Local Environmental Plan 2014

Greater Taree Local Environmental Plan 2010

Griffith Local Environmental Plan 2014

Kempsey Local Environmental Plan 2013

Lithgow Local Environmental Plan 2014

Liverpool Plains Local Environmental Plan 2011

Moree Plains Local Environmental Plan 2011

Murray Local Environmental Plan 2011

Muswellbrook Local Environmental Plan 2009

Nambucca Local Environmental Plan 2010

Orange Local Environmental Plan 2011

Port Macquarie-Hastings Local Environmental Plan 2011

Singleton Local Environmental Plan 2013

Tamworth Regional Local Environmental Plan 2010

Tweed Local Environmental Plan 2014

Wagga Wagga Local Environmental Plan 2010

Wentworth Local Environmental Plan 2011

Wingecarribee Local Environmental Plan 2010

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

Schedule 2 Other amendments to environmental planning instruments

2.1 Ballina Local Environmental Plan 2012

Clause 6.1 Arrangements for designated State public infrastructure

Insert after clause 6.1(4)—

- (5) In this clause—
- designated State public infrastructure* means public facilities or services of the following kinds to the extent the facilities or services are provided or financed by the State—
- (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) rail infrastructure and land,
 - (d) regional parks and public space,
 - (e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

2.2 Blacktown Local Environmental Plan 2015

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.3 Byron Local Environmental Plan 1988

Clause 99 Arrangements for designated State public infrastructure

Omit “special contributions area (as defined by section 93C of the Act)” from clause 99(4).

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

2.4 Camden Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “clauses 6.1, 6.2 and” from clause 4.6(8)(ca). Insert instead “clause 6.2 or”.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.5 Campbelltown Local Environmental Plan 2015

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Clause 7.25, heading

Omit “Concurrence of Planning Secretary—”. Insert instead “Development on land at”.

[4] Clause 7.25(2)–(4)

Omit the subclauses. Insert instead—

- (2) Development consent must not be granted to the development unless a development control plan has been prepared for the land.

[5] Dictionary

Omit the definition of *designated State public infrastructure*.

2.6 Canada Bay Local Environmental Plan 2013

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(cb). Insert instead—

- (cb) clause 6.10,

[2] Clauses 6.9 and 8.2

Omit the clauses.

[3] Clause 6.10 Public utility infrastructure

Insert in alphabetical order in clause 6.10(3)—

intensive urban development area means the land identified as “Intensive Urban Development Area” on the Intensive Urban Development Area Map.

[4] Dictionary

Omit the definitions of *designated State public infrastructure* and *special contributions area*.

2.7 Central Coast Local Environmental Plan 2022

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Concurrence of Planning Secretary—urban release areas

Omit the clause.

2.8 Cessnock Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.9 Cumberland Local Environmental Plan 2021

Clause 6.20 Development of land at 1 Crescent Street, Holroyd—general

Omit clause 6.20(3), (4) and (6).

2.10 Dubbo Regional Local Environmental Plan 2022

Clause 6.1 Concurrence of Planning Secretary

Omit “special contributions area to which a determination under the Act, section 7.23 applies” from clause 6.1(4)(a).

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

2.11 Gloucester Local Environmental Plan 2010

Clause 6.3 Industrial release area—satisfactory arrangements for the provision of State and regional roads

Omit “special contributions area (as defined by section 7.1 of the Act)” from clause 6.3(1).

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

2.12 Hawkesbury Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit “5.13A or” from clause 4.6(8)(ca).

[2] Part 5A Urban release areas

Omit the part.

[3] Clause 6.8 Arrangements for designated State public infrastructure

Omit the clause.

[4] Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Public utility infrastructure

- (1) Development consent must not be granted to development on land identified as “Urban Release Area” on the Urban Release Area Map unless the consent authority is satisfied that—
 - (a) the public utility infrastructure essential for the development is available, or
 - (b) adequate arrangements have been made to ensure the infrastructure will be available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing public utility infrastructure.

- (3) In this clause—
public utility infrastructure includes infrastructure for the following—
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

[5] Dictionary

Omit the definitions of *designated State public infrastructure*, *public utility infrastructure* and *urban release area*.

2.13 Hornsby Local Environmental Plan 2013

[1] Clause 7.1 Definitions

Omit the definition of *designated State public infrastructure*.

[2] Clause 7.3 Concurrence of Planning Secretary required

Omit the clause.

2.14 Inner West Local Environmental Plan 2022

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(cb) and (cc).

[2] Clauses 6.28, 6.29 and 8.6

Omit the clauses.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.15 Kiama Local Environmental Plan 2011

Clause 7.2 Concurrence of Planning Secretary

Omit the clause.

2.16 Lake Macquarie Local Environmental Plan 2004

[1] Clause 62 Public infrastructure in urban release areas

Omit clause 62(1), (2), (4), (4A), (5) and (8), definition of *designated State public infrastructure*.

[2] Clauses 79, 100 and 126

Omit the clauses.

2.17 Lake Macquarie Local Environmental Plan 2014

[1] Clause 4.6 Exceptions to development standards

Omit “, 6.1” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.18 Liverpool Local Environmental Plan 2008

[1] Clause 4.6 Exceptions to development standards

Omit “6.4,” from clause 4.6(8)(ca).

[2] Clause 6.1 Aims of Part

Omit clause 6.1(b).

[3] Clauses 6.3 Application of Part

Omit “, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 7.1 of the Act)”.

[4] Clauses 6.4, 7.1A and 7.36

Omit the clauses.

[5] Dictionary

Omit the definition of *designated State public infrastructure*.

2.19 Maitland Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “clauses 6.1 or” from clause 4.6(8)(ca). Insert instead “clause”.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.20 Narrabri Local Environmental Plan 2012

Dictionary

Omit the definition of *designated State public infrastructure*.

2.21 Newcastle Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit “8.1 or” from clause 4.6(8)(ca).

[2] Clause 8.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.22 North Sydney Local Environmental Plan 2013

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(cc).

[2] Part 6 Additional local provisions

Omit Division 3.

2.23 Parramatta Local Environmental Plan 2023

[1] Clauses 6.14, 7.27 and 8.11

Omit the clauses.

[2] Clause 9.5

Omit the clause. Insert instead—

9.5 Concurrence of Planning Secretary

- (1) Development consent must not be granted to development for the purposes of residential accommodation in Melrose Park North or Melrose Park South that will result in more than 11,000 dwellings in the Melrose Park Precinct unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must—
 - (a) consider the nature, scale and location of the development in relation to existing and proposed road and public transport infrastructure in the area, and
 - (b) consult the public authorities the Planning Secretary considers relevant to the development.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

[4] Dictionary, definition of “Intensive Urban Development Area Map”

Omit the definition.

2.24 Penrith Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.25 Port Stephens Local Environmental Plan 2013

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.26 Queanbeyan-Palerang Regional Local Environmental Plan 2022

Clause 6.1 Concurrence of Planning Secretary

Omit “special contributions area to which a determination under the Act, section 7.23 applies” from clause 6.1(6)(a).

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

2.27 Ryde Local Environmental Plan 2014

[1] Clauses 6.10 and 6.11

Omit the clauses.

[2] Dictionary

Omit the definition of *Designated State Public Infrastructure Map*.

2.28 Shellharbour Rural Local Environmental Plan 2004

Clause 81 Zone IN2 Light Industrial—satisfactory arrangements for the provision of regional transport infrastructure and services

Omit the clause.

2.29 Shoalhaven Local Environmental Plan 2014

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.30 Singleton Local Environmental Plan 1996

Clauses 14B(1) and 39A(4)

Omit “special contributions area (as defined by section 93C of the Act)” wherever occurring.

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

2.31 State Environmental Planning Policy Amendment (Redfern–North Eveleigh Paint Shop Sub-precinct) 2023

[1] Schedule 1 Amendment of Sydney Local Environmental Plan 2012

Omit item [1], proposed subclauses (2)–(4). Insert instead—

- (2) Development consent must not be granted to development in the Sub-precinct unless the consent authority has considered the *Design Guide—Redfern—North Eveleigh Paint Shop Sub-precinct* published by the Department in February 2023.

[2] Schedule 1[1], proposed subclause (6)

Omit “subclause (5)(a)–(d)”. Insert instead “subclause (3)(a)–(d)”.

[3] Schedule 1[1], proposed subclause (7)

Omit “subclause (5)(h) or (i)”. Insert instead “subclause (3)(h) or (i)”.

[4] Schedule 1[1], proposed subclause (11), definition of “designated State public infrastructure”

Omit the definition.

[5] Schedule 1[1], proposed subclauses (5)–(11)

Renumber the proposed subclauses as subclauses (3)–(9).

2.32 State Environmental Planning Policy (Industry and Employment) 2021

[1] Section 2.26 Exceptions to development standards

Omit “2.28 or” from section 2.26(7)(b).

[2] Section 2.28 Industrial Release Area—satisfactory arrangements for the provision of regional transport infrastructure and services

Omit the section.

[3] Schedule 4 Dictionary for Chapter 2

Omit the definition of *Industrial Release Area Map*.

2.33 State Environmental Planning Policy (Precincts—Central River City) 2021

Appendix 4 State significant precinct—Sydney Olympic Park site

Omit section 35.

2.34 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

Appendix 8 Stage 1 Bays West Precinct

Omit section 11.

2.35 State Environmental Planning Policy (Precincts—Regional) 2021

[1] Appendix 4 State significant precinct—Rise Bilambil Heights site

Omit “special contributions area (as defined by section 7.1 of the Act)” from section 15(1).
Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.

[2] Appendix 5 State significant precinct—Calderwood site

Omit section 30.

[3] Schedule 10 Dictionary for Chapter 5

Omit the definition of *designated State public infrastructure*.

2.36 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Sections 4.48, 5.38B, 5.39 and 6.66 and Appendix 10, section 6.3

Omit the sections.

[2] Section 6.4 Interpretation and application of this Chapter

Omit “Schedule 1” from section 6.4(1). Insert instead “Schedule 7”.

[3] Appendix 7, section 4.6(8)(d) and Appendix 8, section 4.6(8)(d)

Omit “6.2 or” wherever occurring.

[4] Appendix 7, Part 6, Appendix 8, Part 6 and Appendix 9, Part 6

Omit the parts.

[5] Appendix 9 Wilton Town Centre Precinct Plan

Omit section 4.6(8)(d).

[6] Appendix 10 Appin (Part) Precinct Plan

Omit section 6.4(4).

[7] Schedule 7 Definitions

Omit the definition of *designated State public infrastructure*.

2.37 Strathfield Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

[2] Part 7 Intensive urban development areas

Omit the part.

2.38 Sutherland Shire Local Environmental Plan 2006

[1] Clause 72 Exceptions to development standards

Omit “, 80” from clause 72(7)(c).

[2] Clause 80 Arrangements for designated State public infrastructure

Omit the clause.

2.39 Sydney Local Environmental Plan 2012

[1] Clause 6.45 Waterloo Metro Quarter—general

Omit “or clause 6.46” from clause 6.45(4).

[2] Clause 6.46 Waterloo Metro Quarter—State public infrastructure

Omit the clause.

[3] Clauses 6.61(1) and 6.67(1)

Omit “NSW Planning Portal” wherever occurring. Insert instead “NSW planning portal”.

[4] Clause 6.62 Concurrence of Planning Secretary

Omit clause 6.62(2)–(5). Insert instead—

- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the *Pymont Peninsula Infrastructure Delivery Plan* published by the Department on 29 July 2022 and available on the NSW planning portal.

2.40 The Hills Local Environmental Plan 2019

[1] Clause 4.6 Exceptions to development standards

Omit “6.2 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Definitions

Omit the definition of *designated State public infrastructure*.

[3] Clauses 6.2, 7.20, 7.23 and 7.24

Omit the clauses.

[4] Clause 7.22 Development at 25–31 Brookhollow Avenue, Norwest

Omit clause 7.22(2) and (3). Insert instead—

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the number of car parking spaces provided will not exceed the following—
- (a) for hotel or motel accommodation—1 space for every 4 rooms,
 - (b) for commercial premises—1 space for every 100m² of gross floor area,
 - (c) for retail premises—1 space for every 60m² of gross floor area.

[5] Clause 7.25 Development at 21–23 Lexington Drive, Bella Vista

Omit clause 7.25(2)–(4). Insert instead—

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the number of car parking spaces provided for commercial premises will result in—
- (a) at least 1 space for every 60m² of gross floor area, and
 - (b) no more than 1 space for every 40m² of gross floor area.

[6] Clause 7.26 Development at 14–16 Brookhollow Avenue, Norwest

Omit clause 7.26(2)–(4). Insert instead—

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the number of car parking spaces provided for commercial premises will result in—
- (a) at least 1 space for every 100m² of gross floor area used for commercial premises, and
 - (b) no more than 1 space for every 75m² of gross floor area used for commercial premises.

2.41 Tweed Local Environmental Plan 2000

Clause 53D Specific provisions for Terranora Urban Release Area E

Omit “within a special contributions area within the meaning of Division 6 of Part 4 of the Act” from clause 53D(6)(a).

Insert instead “in a region within the meaning of the Act, Division 7.1, Subdivision 4”.

2.42 Wollondilly Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “, 6.1” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.43 Wollongong Local Environmental Plan 2009

[1] Clause 4.6 Exceptions to development standards

Omit “, 6.1” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Dictionary

Omit the definition of *designated State public infrastructure*.

2.44 Yass Valley Local Environmental Plan (Parkwood) 2020

Clause 6.2 Arrangements for designated State public infrastructure

Omit “special contributions area (as defined by section 7.1 of the Act)” from clause 6.2(4).

Insert instead “region within the meaning of the Act, Division 7.1, Subdivision 4”.