



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) 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 (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2023

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This Policy is repealed at the beginning of the day following the day on which this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

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

[1] Clause 1.16A

Omit the clause. Insert instead—

1.16A Exempt development on land within 18km of Siding Spring Observatory

- (1) Development on land that is less than 18km from the Siding Spring Observatory is not exempt development for the purposes of this Policy if the development has, or will require, any form of lighting.
- (2) Development specified in Part 2, Division 1, Subdivision 10A, 10B, 27, 27A or 37 on land that is less than 18km from the Siding Spring Observatory is not exempt development for the purposes of this Policy.

**[2] Clauses 1.18(1)(g), 2.73(2), 3B.6(1) and (2)(a), 3C.7(1) and (2)(a), 3D.8(1) and (2)(a),
4A.6(m), 4A.8(e), 5.24A and 5A.6L(1)(a)**

Omit “that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo” wherever occurring.

Insert instead “Dubbo Regional”.

[3] Clause 3.2 Development that is not complying development under this code

Omit clause 3.2(1)(h). Insert instead—

- (h) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the Landslip Risk Map within the meaning of that Plan.

[4] Clauses 3.6 and 3A.38A

Omit the clauses.

[5] Clause 3A.1A

Omit the clause. Insert instead—

3A.1A Development that is not complying development under this code

Development on land identified as susceptible to landslide risk in—

- (a) an environmental planning instrument applying to the land, or
- (b) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the Landslip Risk Map within the meaning of that Plan.

[6] Clause 3B.2 Development that is not complying development under this code

Omit clause 3B.2(j). Insert instead—

- (j) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the Landslip Risk Map within the meaning of that Plan.

[7] Clause 3C.3 Development that is not complying development under this code

Omit clause 3C.3(1)(h). Insert instead—

- (h) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the Landslip Risk Map within the meaning of that Plan.

[8] Clause 4.6B

Insert after clause 4.6A—

4.6B Development standards for land near Siding Spring Observatory

- (1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional, the development standards in this clause also apply in addition to any other development standards.
- (2) Complying development specified for this code may only be carried out if it does not result in a dwelling house in the local government area of—
 - (a) Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional with an outside light fitting other than a shielded light fitting, or
 - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than—
 - (i) 7 shielded outside light fittings that are automatic light fittings, or
 - (ii) 5 shielded outside light fittings that are not automatic light fittings.

[9] Clause 9.3 Development standards for land near Siding Spring Observatory

Omit “or Warrumbungle Shire local government area, or the part of the local government area of Dubbo Regional formerly in the City of Dubbo” from clause 9.3(a).

Insert instead “, Warrumbungle Shire or Dubbo Regional local government area”.

Schedule 2 Amendment of State Environmental Planning Policy (Housing) 2021

[1] Section 59 Development standards for land near Siding Spring Observatory

Omit section 59(1)(d). Insert instead—

(d) Dubbo Regional.

[2] Section 66 Development standards for land near Siding Spring Observatory

Omit section 66(1)(d). Insert instead—

(d) Dubbo Regional.

[3] Schedule 7A Savings and transitional provisions

Insert at the end of the Schedule, with appropriate section numbering—

Development standards for land near Siding Spring Observatory

A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of the *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2023* must be determined as if that Policy had not commenced.