



New South Wales

State Environmental Planning Policy Amendment (Miscellaneous) 2024

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*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Miscellaneous) 2024

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Miscellaneous) 2024*.

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This policy is repealed at the beginning of the day following the day on which this policy commences.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 (Housing) 2021

[1] Section 15C Development to which division applies

Insert “or Port Stephens” after “City of Shoalhaven” in section 15C(1)(c)(i).

[2] Section 43

Omit the section. Insert instead—

43 Development permitted without consent

- (1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of—
 - (a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or
 - (b) another relevant authority.
- (2) Development specified in section 42(2) may be carried out without consent if the development is carried out by or on behalf of a relevant authority other than Landcom.

[3] Section 72 Development for the purposes of build-to-rent housing permitted with consent

Insert “of land” after “lot” in section 72(3)(b).

[4] Section 73 Conditions of build-to-rent housing to apply for at least 15 years

Insert “strata” after “separate” in section 73(1)(a).

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

[1] Schedule 1 State significant development—general

Insert after section 26A(1)—

- (1A) In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—
- (a) the development will be carried out on the same land as the existing residential development, and
 - (b) the development will result in—
 - (i) for development on land to which subsection (1)(a)(i) applies—
at least 40 additional dwellings, or
 - (ii) for development on land to which subsection (1)(a)(ii) applies—
at least 20 additional dwellings.

[2] Schedule 1, section 26A(2B)

Insert after section 26A(2A)—

- (2B) Subsection (1A) applies only if the development application for the development is made—
- (a) on or after 2 August 2024, and
 - (b) before 3 August 2025.

[3] Schedule 1, section 26A(3)

Insert in alphabetical order—

existing residential development means residential development in relation to which development consent was granted after 14 December 2021.