



New South Wales

# State Environmental Planning Policy Amendment (Exemptions) 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 (Exemptions) 2024**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of policy**

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

### **2 Commencement**

This policy commences as follows—

- (a) for Schedule 5.2—immediately after the commencement of *State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024*,
- (b) otherwise—on the day on which this policy is published on the NSW legislation website.

### **3 Repeal of policy**

This policy is repealed at the beginning of the day after all the provisions of this policy have commenced.

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

### **Part 6.6 Miscellaneous**

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

#### **Exemptions for Accelerated TOD Precincts**

- (1) Sections 6.54, 6.55 and 6.56 do not apply to development for the purposes of residential accommodation, or a mixed use development that includes development for the purposes of residential accommodation, on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.
- (2) This section does not apply in relation to—
  - (a) a development application made, but not finally determined, before the commencement of this section, or
  - (b) a development application made on or after 30 November 2027.
- (3) In this section—

*Accelerated Transport Oriented Development Precincts Rezoning Areas Map* has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

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

**[1] Section 15C Development to which division applies**

Insert after section 15C(2)—

- (2A) This division does not apply to development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.

**[2] Schedule 2 Complying development—group homes**

Omit “AS/NZS 2890.6” from section 19. Insert instead “AS/NZS 2890.1”.

**[3] Schedule 7A Savings and transitional provisions**

Omit section 2(1)(c).

**[4] Schedule 7A**

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

**Exemptions for Accelerated TOD Precincts**

- (1) Sections 30, 38(2)(a), 43A, 96(2) and 108C do not apply in relation to development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.
- (2) Subsection (1) does not apply in relation to—
  - (a) a development application made, but not finally determined, before the commencement of this section, or
  - (b) a development application made on or after 30 November 2027.
- (3) An amendment made to this policy, section 15C by *State Environmental Planning Policy Amendment (Exemptions) 2024* does not apply in relation to a development application made, but not finally determined, before the commencement of the amendment.

**[5] Schedule 10 Dictionary**

Insert in alphabetical order—

*Accelerated Transport Oriented Development Precincts Rezoning Areas Map* means the State Environmental Planning Policy (Housing) 2021 Accelerated Transport Oriented Development Precincts Rezoning Areas Map.

## **Schedule 3      Amendment of State Environmental Planning Policy (Planning Systems) 2021**

### **Schedule 2 State significant development—identified sites**

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

#### **Development in Accelerated TOD Precincts**

- (1) Development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, if the development has an estimated development cost of more than \$60 million.
- (2) A mixed use development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map that includes development for the purposes of residential accommodation, if the part of the development that is for the purposes of residential accommodation has an estimated development cost of more than \$60 million.
- (3) This section does not apply in relation to a development application made on or after 30 November 2027.
- (4) In this section—  
*Accelerated Transport Oriented Development Precincts Rezoning Areas Map* has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

## **Schedule 4      Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021**

### **Section 2.122A**

Insert after section 2.122—

#### **2.122A      Traffic-generating development—exemption for Accelerated TOD Precincts**

- (1) Section 2.122 does not apply to development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.
- (2) This section does not apply in relation to—
  - (a) a development application made, but not finally determined, before the commencement of this section, or
  - (b) a development application made on or after 30 November 2027.
- (3) In this section—

*Accelerated Transport Oriented Development Precincts Rezoning Areas Map* has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

## Schedule 5 Amendment of local environmental plans

### 5.1 Ryde Local Environmental Plan 2014

#### [1] Clause 1.8A Savings provision relating to development applications

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

An amendment made to clause 6.13 by *State Environmental Planning Policy Amendment (Exemptions) 2024* does not apply in relation to—

- (a) a development application made, but not finally determined, before the commencement of the amendment, or
- (b) a development application made on or after 30 November 2027.

#### [2] Clause 6.13 Design excellence

Insert after clause 6.13(6)—

(6A) Subclause (5) also does not apply if—

- (a) the development is on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, and
- (b) the development is for the purposes of residential accommodation or is a mixed use development involving residential accommodation, and
- (c) the Planning Secretary certifies in writing that the development meets the criteria set out in the *Transport Oriented Development Design Competition Exemption Pathway Advisory Note* published by the Department in November 2024, and
- (d) a design review panel reviews the development, and
- (e) the consent authority takes into account the advice of the design review panel.

#### [3] Dictionary

Insert in alphabetical order—

*Accelerated Transport Oriented Development Precincts Rezoning Areas Map* has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

### 5.2 The Hills Local Environmental Plan 2019

#### [1] Clause 1.8A Savings provisions relating to development applications

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

An amendment made to clause 8.6 by *State Environmental Planning Policy Amendment (Exemptions) 2024* does not apply in relation to—

- (a) a development application made, but not finally determined, before the commencement of the amendment, or
- (b) a development application made on or after 30 November 2027.

#### [2] Clause 8.6 Design excellence in Bella Vista and Kellyville Station Precincts

Insert after clause 8.6(6)—

(7) Subclause (5)(b) also does not apply if—

- (a) the development is on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, and
- (b) the development is for the purposes of residential accommodation or a mixed use development involving residential accommodation, and
- (c) the Planning Secretary certifies in writing that the development meets the criteria set out in the *Transport Oriented Development Design Competition Exemption Pathway Advisory Note* published by the Department in November 2024, and
- (d) a design review panel reviews the development, and
- (e) the consent authority takes into account the advice of the design review panel.

**[3] Dictionary**

Insert in alphabetical order—

*Accelerated Transport Oriented Development Precincts Rezoning Areas Map* has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.