



PLANNING SYSTEM

Local Planning

Circular	PS 11-023
Issued	25 November 2011
Related	PS 09-004; 09-005; PS 09-006, PS 09-012, PS 09-013, PS 09-020, PS 09-021, PS 10-003

Codes SEPP 2008 – Extension of the transition period

The purpose of this circular is to notify councils, accredited certifiers and the community of the commencement of an amendment to the Codes SEPP, which extends the transition period for the operation of local complying development controls.

Introduction to the amendments

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) is an integral component in simplifying the NSW planning system. The Codes SEPP is designed to allow low-impact, low-risk development to be carried out as exempt or complying development across all 152 councils in NSW, subject to compliance with appropriate standards.

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) (No 2) 2011, has now been made to extend the transition period for the operation of local complying development controls.

The transition period for turning off existing local complying development controls has now been extended until each council has made its local environmental plan using the standard instrument.

The amendments also:

- extend the transition period for *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and *State Environmental Planning Policy 60 – Exempt and Complying Development* until 1 September 2012 to allow their continued operation until the commencement of Stage 2 of the Commercial and Industrial Codes and the Advertising and Signage Code;
- remove a minor inconsistency for front setbacks for dwelling houses and ancillary development from roads;
- provide standards requiring windows to have privacy screens for detached studios on rear lanes;
- extend the existing local variation for the Cooma Monaro local government area (LGA) to land that

is now within the Palerang LGA following a recent boundary adjustment between the two LGAs; and

- exclude Kiama and Wyong councils at their request from the transition provision so their local complying development controls no longer apply and only the Codes SEPP applies.

If other councils choose to switch off their local complying development controls before their standard instrument is made, they should contact the department.

Councils will still be able to seek a local variation to complying development controls in the Codes SEPP or include a new complying development type for their local area in the Codes SEPP, after their standard instruments are made.

The Department will make regular calls for these variations and inclusions from councils. In line with current practice an independent panel of experts nominated by the Local Government & Shires Association, the Planning Institute of Australia, industry, and the Department will advise the Minister on the suitability of council submissions for variations or inclusions.

Timing of changes

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) (No2) 2011 was published on the NSW legislation website on 25 November 2011 and commenced on that date.

Further Information

For further information, please contact codes@planning.nsw.gov.au or call the Department of Planning and Infrastructure's Information Centre on Freecall 1300 305 695 or 02 9228 6333.

Note: Department of Planning and Infrastructure circulars are published on the web at <http://www.planning.nsw.gov.au/circulars>

Authorised by:

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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