

PLANNING SYSTEM

Local planning

Circular	PS 10 - 004
Issued	26 February 2010
Related	PS 09-004; 09-005; PS 09-006, PS 09-012, PS 09-013, PS 09-020 LEP Practice Note PN 09-001.

Codes SEPP 2008 - extension of transitional period

The purpose of this circular is to provide councils, accredited certifiers and the community with advice regarding the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Extension) 2010*. The SEPP extends the transitional provisions allowing the concurrent operation of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and other complying development provisions within environmental planning instruments or development control plans. The extension of the transitional period is for a further 10 months, until 31 December 2010.

Introduction

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the 'Codes SEPP') commenced on 27 February 2009.

The range of development types covered by the Codes SEPP has been expanded a number of times over the last 12 months.

Clauses 1.8 and 1.9 of the Codes SEPP allowed the concurrent operation of existing provisions (either within a development control plan (DCP) or an environmental planning instrument (EPI)) with the Codes SEPP where these planning documents covered the same development type. These provisions were due to sunset on the one year anniversary of the commencement of the Codes SEPP on the 27 February 2010.

To ensure that existing home and business owners are not disadvantaged by the end of the transitional provisions, the transitional period is now extended for a further 10 months. This will provide additional time to ensure that there is no complying development policy gap while the Codes SEPP is expanded to cover additional development types and standards currently covered by existing DCPs and EPIs.

Why the amendments are required

The NSW Government is committed to expanding the uptake of complying development across NSW by shifting the number of low impact and straight forward

development proposals from development applications into applications for complying development certificates.

The exempt and complying development codes are being introduced in stages. Future codes will cover small lots, commercial and industrial stage 2 and rural lots. These codes are planned for release throughout 2010. Alongside the release of new codes, the Codes SEPP continues to be expanded so that the development standards reflect the types of development proposed by homeowners and business owners.

Existing EPIs and DCPs currently cover development types planned to be included in future stages of the Codes SEPP.

There are instances where the same development type is covered in both the Codes SEPP and an EPI/DCP and the EP/DCP may have more generous development standards. Under the original Codes SEPP's transitional provisions, as of the 27 February 2010 these DCP/EPI provisions would have ceased to apply. As not all the codes have been introduced and comprehensive information on the operation of the codes over a full 12 months is not yet available, it was felt prudent to extend the period in which both the Codes SEPP and DCP or EPI based provisions could apply.

Overview of the amendments

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

(Extension) 2010 (the "SEPP amendment") amends the Codes SEPP, to extend the transitional provisions until the 31 December 2010.

From 1 January 2011 only the complying development provisions of the Codes SEPP will apply for development types covered by the Codes SEPP.

Specifically the SEPP amendment extends the end date for the transitional provisions to the 31 December 2010 in Clause 1.8 Relationship with other State environmental planning policies and Clause 1.9 Relationship with local environmental plans and development control plans.

Timing of changes

The SEPP amendment will be gazetted on the 26 February 2010 and will commence immediately.

Further information

Information about the Codes SEPP, including the General Exempt Development Code, General Housing Code, Housing Internal Alterations Code and Commercial and Industrial Code is available on the Department's website at www.planning.nsw.gov.au/housingcode

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

Note: This and other Department of Planning circulars are published on the web at www.planning.nsw.gov.au/planningsystem/practicenotes.

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