



MEMBER ALERT

Transitional provisions for NSW Housing Code expire today

When introduced in 2009, State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2010 included a transitional period to allow applicants to use either the new SEPP Housing Code or continue to use the local council's complying development code.

The transitional period has been extended a number of times and the most recent deadline was 1 September 2011.

The Department of Planning have advised HIA that the Minister has not extended the transitional period beyond today and instead is seeking public comments on the extension. Arrangements are now being put in place to exhibit the draft SEPP for a 2 week period and the details of the exhibition has not yet been advised, but the indication is by the end of this week or early next.

This means that all complying development applications to any local council in NSW must now meet the requirements of the NSW Housing Code and can no longer rely on the local council's Code.

Members with applications that have been designed to meet Council requirements, rather than the SEPP requirements, and which have not been lodged with council or an accredited certifier before today (1 September 2011) will need to redesign the application to meet the NSW Housing Code or will need to submit a development application with council rather than a complying development certificate.

Alternatively undetermined applications for complying development certificates lodged under Council plans can be held over during this period and determined after the draft SEPP is made. Finally, applicants may re-lodge their complying development certificate applications as development applications with Councils during this period.

Based on the public consultation, the Minister may remake the transitional provisions, however it is unclear at this time whether this will occur. Therefore any members who encounter problems with this change should contact the Department of Planning and Infrastructure Housing Code team on (02) 9228 6157 or codes@planning.nsw.gov.au.

Members can also contact HIA on 1300 650 620 or nsw_planning@hia.com.au for further assistance in relation to these changes.