

1991—No. 597

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 32—
URBAN CONSOLIDATION (REDEVELOPMENT OF
URBAN LAND)**

NEW SOUTH WALES



[Published in Gazette No. 159 of 15 November 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning. (S91/06922).

ROBERT WEBSTER
Minister for Planning.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 32—Urban Consolidation (Redevelopment of Urban Land).

Aims and objectives

2. (1) This Policy aims:
- (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development; and
 - (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
 - (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities; and

- (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities; and
 - (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.
- (2) The objectives of this Policy are:
- (a) to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner; and
 - (b) to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:
 - (i) an increase in the availability of housing within a particular locality; or
 - (ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs; and
 - (c) to specify:
 - (i) the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region; and
 - (ii) the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.

Definitions

3. In this Policy:

“dwelling” means a room or suite of rooms capable of being occupied or used as a separate domicile;

“multi-unit housing” means development for residential purposes comprising more than one dwelling;

“related development”, in relation to multi-unit housing, means development which is compatible with development for residential purposes and which would make a contribution to the employment or other opportunities available in the locality in which the development is proposed to be carried out;

“the Act” means the Environmental Planning and Assessment Act 1979;

“urban land” means all land within the State except land which is specified in Schedule 1.

Land to which this Policy applies

4. This Policy applies to all urban land.

Relationship with other environmental planning instruments

5. Subject to section 74 (1) of the Act, in the event of any inconsistency between this Policy and any other environmental planning instrument, whenever made, this Policy prevails to the extent of the inconsistency.

Identification of land for urban consolidation

6. Each council must consider and the Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of this Policy and whether action should be taken to make the land available for such redevelopment.

Implementation of aims and objectives

7. (1) Each council must, when preparing environmental planning instruments or considering development applications relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.

(2) The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.

Criteria for determining regional significance of a site

8. (1) To ensure that the aims and objectives of this Policy are achieved, the Minister will consider whether the redevelopment of any urban land for multi-unit housing and related development is a matter of significance for environmental planning for a region and whether a regional environmental plan should be prepared in accordance with Division 3 of Part 3 of the Act to make the land available for such redevelopment.

(2) The Minister may consider a site as suitable for inclusion in a regional environmental plan referred to in subclause (1) if the Minister is satisfied that the redevelopment of the site would contribute to urban consolidation in a region because:

- (a) the site is in a locality where there are existing public infra-structure, transport and community facilities; and
- (b) the site is close to employment, leisure and other opportunities; and
- (c) the site:
 - (i) has an area of at least 1 hectare and has the potential to create 50 or more dwellings; or
 - (ii) is subject to a proposal which, if carried out, would meet the need for a particular type of housing which, in the opinion of the Minister, is in short supply in that particular locality.

(3) The Minister may consider as a site, land which comprises more than one allotment, including allotments which are in separate ownership and allotments which are adjacent or in close proximity to each other.

(4) Nothing in this clause affects the application or interpretation of a provision of any Act by or under which any function is conferred or imposed on the Minister and the exercise by the Minister of any such function is not to be qualified or otherwise taken to be affected because of this clause.

Land requiring further consideration

9. Without limiting any other function of the Minister, when considering the suitability of land for redevelopment for multi-unit housing and related development under clauses 6 and 8, the Minister may decide that a report should be prepared in respect of the land, dealing with such matters as the Minister may specify, before the Minister determines if the land is suitable to be made available for redevelopment.

Consent authority

10. Where a regional environmental plan has been made in respect of a site to ensure that the aims and objectives of this Policy are implemented, the Minister is to be the consent authority in respect of that site.

Determining development applications

11. In determining an application for consent to development for which the Minister is the consent authority under clause 10, the Minister

must, in addition to the matters listed in section 90 (1) of the Act, consider the following matters:

- (a) the effect of the development on:
 - (i) the existing streetscape; and
 - (ii) the privacy of adjoining landowners; and
 - (iii) the availability of sunlight to adjoining owners; and
- (b) the noise likely to be generated by the development; and
- (c) whether adequate provision can be made for car parking on, access to and servicing of the site.

Advertising of development

12. The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for which the Minister is the consent authority under clause 10 in the same way as those provisions apply to and in respect of designated development.

SCHEDULE 1—LAND TO WHICH THIS POLICY DOES NOT APPLY

(Cl. 3)

Land which, under an environmental planning instrument, is within an area or zone (within the meaning of that instrument) identified in that instrument by any of the following descriptions:

- (a) Coastal protection;
- (b) Environmental protection;
- (c) Escarpment;
- (d) Floodway;
- (e) Natural Hazard;
- (f) Non-urban;
- (g) Rural;
- (h) Rural residential,
- (i) Water Catchment;
- (j) Wetland,

or identified in that instrument by a word or words which is or are cognate with the words used in paragraphs (a)–(j).

NOTE

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SCHEDULE 1—LAND TO WHICH THIS POLICY DOES NOT APPLY
