



New South Wales

State Environmental Planning Policy Amendment (Correctional Facilities) 2016

under the

Environmental Planning and Assessment Act 1979

His 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*.

ROBERT STOKES, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Correctional Facilities) 2016*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

[1] Part 3, Division 2, heading

Insert “and correctional complexes” after “centres”.

[2] Clause 24 Definitions

Omit “or periodic detention centre” from paragraph (a) of the definition of *correctional centre*.

Insert instead “declared under section 225A of that Act”.

[3] Clause 24

Insert in alphabetical order:

correctional complex means any premises declared to be a correctional complex by a proclamation in force under section 224 of the *Crimes (Administration of Sentences) Act 1999*.

[4] Clause 26 Development permitted without consent

Omit clause 26 (d). Insert instead:

- (d) replacement of accommodation, administration or other facilities in a correctional complex, and
- (e) alterations of, or additions to, a correctional complex, and
- (f) construction, maintenance or realignment of security fencing with a height of not more than 12 metres above ground level (existing).

[5] Clauses 26A and 26B

Insert after clause 26:

26A Exempt development

Development for any of the following purposes is exempt development if it complies with clause 20 and is carried out by or on behalf of a public authority within the boundaries of an existing correctional centre:

- (a) demolition of buildings, if the footprint of the building covers an area no greater than 250 square metres,
- (b) at grade car parks,
- (c) outdoor recreational facilities, including playing fields and associated earthworks,
- (d) environmental management works,
- (e) landscaping, including landscape structures or features and irrigation systems (whether or not they use recycled water).

26B Complying development

- (1) Development carried out by or on behalf of a public authority on land within the boundaries of an existing correctional centre is complying development if:
 - (a) the development consists of the replacement of, construction of, or alterations or additions to accommodation, administration or other facilities, and
 - (b) the development complies with this clause and clause 20B (General requirements for complying development), and

- (c) the development does not affect a State or local heritage item, and
 - (d) the centre is not within a heritage conservation area.
- (2) The following are the development standards for complying development under this clause:
- (a) **Building height standard.** The building height of a building must not exceed 12 metres.
 - (b) **Side and rear setback standard.** A building must be located at least 5 metres from any side or rear boundary of the land.

Schedule 2 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

Schedule 1 State significant development—general

Omit clause 16. Insert instead:

16 Correctional centres and correctional complexes

- (1) Development for the purpose of a new correctional centre, or the expansion of an existing correctional complex, that has a capital investment value of more than \$30 million.
- (2) In this clause:
correctional complex means any premises declared to be a correctional complex by a proclamation in force under section 224 of the *Crimes (Administration of Sentences) Act 1999*.