



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Bush Fire Response) 2020

under the

Environmental Planning and Assessment Act 1979

Her 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 and Public Spaces

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Bush Fire Response) 2020*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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 (Exempt and Complying Development Codes) 2008

[1] Clause 2.25

Omit the clause. Insert instead—

2.25 Specified development

The following, if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area, is development specified for this code—

- (a) demolition of—
 - (i) development specified as exempt development under this code, or
 - (ii) a building, the structure of which is significantly damaged by a bush fire,
- (b) partial demolition of a building damaged by a bush fire (where the structure of the building is not significantly damaged), only to the extent necessary to make the building safe.

[2] Part 2, Division 1, Subdivision 15AA, heading

Omit “temporary”.

[3] Clause 2.30AA Specified development

Omit “temporary”.

[4] Clause 2.30AB Development standards

Omit “6 months” from clause 2.30AB(a). Insert instead “2 years”.

[5] Clause 2.30AB(d) and (e)

Omit clause 2.30AB(d). Insert instead—

- (d) in the case of a structure that is a fence, gate or other barrier—only be the repairs necessary to ensure the repaired or replaced structure is the same size, in the same location and made with similar materials as the damaged structure, and
- (e) in any other case—only be the repairs necessary to make the building or structure secure and weatherproof and in the case of a dwelling, safe and suitable for habitation but must not include a repair (other than a temporary repair) to a structural element of the building.

[6] Part 2, Division 1, Subdivision 36A

Insert after clause 2.72—

Subdivision 36A Shipping containers (temporary installation and use for storage purposes following a bush fire)

2.72A Specified development

The installation and temporary use of a shipping container for storage purposes on land in any zone is development specified for this code if the land—

- (a) is part of a lot on which a building has been significantly damaged by a bush fire, and
- (b) is in an area declared by an order under section 33 of the *State Emergency and Rescue Management Act 1989* to be an area where a state of emergency in respect of bush fires exists.

2.72B Development standards

The standards specified for that development are that the development must—

- (a) be carried out within 2 years of the declaration being made, and
- (b) be removed no more than 2 years after it is installed, and
- (c) not be used for a purpose other than storage, and
- (d) not result in more than—
 - (i) 1 shipping container on a lot in a residential zone or environmental zone, or
 - (ii) 2 shipping containers on a lot in a rural zone, business zone, industrial zone or special purpose zone, and
- (e) have appropriate foundations and structural support to ensure that it is safe and stable, and
- (f) have a maximum height of 3m, and
- (g) have a maximum length of 12.5m, and
- (h) have a maximum width of 2.5m, and
- (i) be at least 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
- (j) not be installed over any easement, and
- (k) not be installed over drainage pipes or any house drainage pipelines unless access to the inspection openings is maintained at all times.