



New South Wales

# **State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Bush Fire Response) (No 2) 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

## **State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Bush Fire Response) (No 2) 2020**

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Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Bush Fire Response) (No 2) 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- (1) This Policy is repealed on the day following the day on which this Policy commences.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**

### **Part 2, Division 1, Subdivision 36B**

Insert after clause 2.72B—

### **Subdivision 36B Shipping containers and portable offices (temporary installation and use for existing commercial and industrial purposes)**

#### **2.72C      Specified development**

The installation and temporary use of a shipping container or portable office on land in a business zone or industrial 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.

#### **2.72D      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 a commercial or industrial purpose for which a building, significantly damaged by a bush fire, on the lot was lawfully used in the 12 months immediately before the building was significantly damaged by the bush fire, and
- (d) have appropriate foundations and structural support to ensure that it is safe and stable, and
- (e) if it is a shipping container—
  - (i) have a maximum length of 12.5m, and
  - (ii) have a maximum height of 3m, and
  - (iii) have a maximum width of 2.5m, and
- (f) if it is a portable office—
  - (i) have a maximum area of 36m<sup>2</sup>, and
  - (ii) have a maximum height of 3m, and
- (g) be at least 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
- (h) be located at a distance from each lot boundary of at least—
  - (i) if the adjoining lot is used for a residential purpose—5m, or
  - (ii) if the adjoining lot is not used for a residential purpose—1m, and
- (i) not result in more than—
  - (i) 2 shipping containers installed on the lot, or
  - (ii) 2 portable offices installed on the lot, or
  - (iii) 1 shipping container and 1 portable office installed on the lot, and

- (j) not affect the means of egress from any building in an emergency, and
- (k) be installed so that roof water is disposed of without causing a nuisance to adjoining owners, and
- (l) not be installed over any easement, and
- (m) not be installed over drainage pipes or any house drainage pipelines unless access to the inspection openings is maintained at all times, and
- (n) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer.

**Note.** The *Food Act 2003*, and the regulations under that Act, may contain additional requirements in relation to premises used by a food business in connection with the handling of food intended for sale.