



New South Wales

# **State Environmental Planning Policy (Infrastructure) Amendment (Dog-Proof Fences) 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*.

ROB STOKES, MP  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy (Infrastructure) Amendment (Dog-Proof Fences) 2020**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Dog-Proof Fences) 2020*.

### **2 Commencement**

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

### **3 Repeal of Policy**

This Policy is repealed on the day following the day on which this Policy commences.

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

### [1] Part 3, Division 3A

Insert after Division 3—

### Division 3A Dog-proof fences in Western Division of State

#### 28 Definitions

In this Division—

*border fence* means the Queensland Border Fence, the South Australian Border Fence and an extended border fence.

*dog-proof fence, Queensland Border Fence* and *South Australian Border Fence* have the same meanings as in the *Border Fence Maintenance Act 1921*.

*extended border fence* means a dog-proof fence that is an extension of the Queensland Border Fence or the South Australian Border Fence.

*relevant land* means land in the Western Division that is along and in the vicinity of the borders between New South Wales and South Australia and New South Wales and Queensland and includes land in the vicinity of the Queensland Border Fence or the South Australian Border Fence.

*Western Division* has the same meaning as in the *Crown Land Management Act 2016*.

#### 29 Development permitted without consent

- (1) Development for the following purposes may be carried out by any person without development consent on relevant land—
  - (a) maintenance or reconstruction of a border fence,
  - (b) the laying of a clay surface alongside a border fence to stabilise it and any associated excavation.
- (2) Development for the purposes of the construction of an extended border fence may be carried out by or on behalf of a public authority without development consent on relevant land.

#### 30 Exempt development

- (1) Development on relevant land in connection with a dog-proof fence for the following purposes is exempt development—
  - (a) emergency repairs,
  - (b) installation, maintenance or removal of gates, signage or wires.
- (2) Development is exempt development under this clause only if the development—
  - (a) complies with clause 20, and
  - (b) involves no greater disturbance to the ground or native vegetation than necessary, and
  - (c) does not disturb any ground or native vegetation that is more than 8 metres from the dog-proof fence.

### [2] Clause 132 Dog-proof fences in Western Division of State

Omit the clause.