



New South Wales

State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021

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 (Activation Precincts) Amendment (Wagga Wagga) 2021

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021*.

2 Commencement

- (1) This Policy commences on the day on which it is published on the NSW legislation website, except as provided by subclauses (2) and (3).
- (2) Schedule 1[2] commences on 16 July 2021.
- (3) Schedules 1[15] and 2 commence on 31 December 2021.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

4 Maps

The maps adopted by *State Environmental Planning Policy (Activation Precincts) 2020* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Activation Precincts) 2020

[1] Clause 4 Definitions

Insert in alphabetical order in clause 4(1)—

pipeline corridor means land that is within—

- (a) the licence area of a relevant pipeline, or
- (b) 20 metres of the centreline, measured radially, of a relevant pipeline, or
- (c) 20 metres of land the subject of an easement for a relevant pipeline.

relevant pipeline means a pipeline for gas or petroleum or other liquid fuels under the *Pipelines Act 1967* with the following licence numbers—

- (a) for land in the Parkes Activation Precinct—licence number 25,
- (b) for land in the Wagga Wagga Activation Precinct—licence numbers 19 and 23.

[2] Clause 9 Delivery plans for Activation Precincts

Insert after clause 9(5)—

- (5A) Before a delivery plan is approved by the Planning Secretary, the Development Corporation must—
 - (a) seek and consider submissions from the public on a draft delivery plan, by publishing the draft on the Development Corporation’s website for at least 28 days, and
 - (b) provide the Planning Secretary with a written response to any submissions received.

[3] Part 3, Division 1

Insert after the heading to Part 3, after the Note—

Division 1 General

[4] Clause 12A

Insert after clause 12—

12A Activation Precinct certificates for complying development involving potentially hazardous or offensive industry

- (1) This clause applies to an application for an Activation Precinct certificate that relates to complying development for the purposes of a potentially hazardous industry or potentially offensive industry.
- (2) If the Development Corporation is the issuing authority in relation to an application to which this clause applies, the Development Corporation must not issue an Activation Precinct certificate without the approval of the Planning Secretary.
- (3) The Planning Secretary may grant approval for the purposes of subclause (2) only if satisfied that the development does not pose an unacceptable risk in the locality to human health, life, property or the biophysical environment.
- (4) This clause does not affect the issue of an Activation Precinct certificate that relates to development proposed to be carried out with development consent.
- (5) In this clause—

potentially hazardous industry and *potentially offensive industry* have the same meanings as in *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.

[5] **Part 3, Division 2**

Insert after clause 13—

Division 2 Consultation for certain development

14 Development near electricity transmission and distribution networks

- (1) The issuing authority must not issue an Activation Precinct certificate for the following development unless the issuing authority has consulted the electricity supply authority for the area in which the development is to be carried out—
 - (a) development that involves the penetration of ground within 10 metres of—
 - (i) an underground electricity power line, or
 - (ii) an electricity distribution pole, or
 - (iii) any part of an electricity tower,
 - (b) development on land—
 - (i) within or immediately adjacent to an easement for electricity purposes, or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5 metres of an exposed overhead electricity power line.
- (2) In this clause—

electricity supply authority has the same meaning as in Part 3, Division 5 of *State Environmental Planning Policy (Infrastructure) 2007*.

15 Development in pipeline areas

- (1) The issuing authority must not issue an Activation Precinct certificate for development on land within the measurement length of a relevant pipeline unless the issuing authority—
 - (a) has consulted the operator of the relevant pipeline, and
 - (b) is satisfied that the development will adequately deal with potential risks to the integrity of the pipeline.
- (2) In this clause—

measurement length has the same meaning as in Australian and New Zealand Standard AS/NZS 2885.1:2018, *Pipelines—Gas and liquid petroleum, Part 1: Design and construction*.

16 Development in rail corridors

- (1) The issuing authority must not issue an Activation Precinct certificate for the following development unless the issuing authority has consulted the rail authority for the rail corridor—
 - (a) development that involves—
 - (i) a new level crossing, or
 - (ii) the conversion into a public road of a private access road across a level crossing, or

- (iii) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing,
 - (b) development on land that is in or adjacent to a rail corridor if the development—
 - (i) is likely to have an adverse effect on rail safety, or
 - (ii) involves the placing of a metal finish on a structure in a rail corridor used by electric trains, or
 - (iii) involves the use of a crane in air space above a rail corridor, or
 - (iv) is located within 5 metres of an exposed overhead electricity power line that is used for railways or rail infrastructure facilities,
 - (c) development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land—
 - (i) within, below or above a rail corridor, or
 - (ii) within 25 metres, measured horizontally, of a rail corridor, or
 - (iii) within 25 metres, measured horizontally, of the ground directly below a rail corridor, or
 - (iv) within 25 metres, measured horizontally, of the ground directly above an underground rail corridor.
- (2) Land is adjacent to a rail corridor for the purpose of subclause (1)(b) even if it is separated from the rail corridor by a road or road related area.
- (3) In this clause—

level crossing means a level crossing over railway lines.

rail authority for a rail corridor has the same meaning as in *State Environmental Planning Policy (Infrastructure) 2007*, Part 3, Division 15.

rail corridor has the same meaning as in *State Environmental Planning Policy (Infrastructure) 2007*, Part 3, Division 15.

road related area has the same meaning as in the *Road Transport Act 2013*.

17 Consultation procedure

An issuing authority that is required to consult with a person or body under this Division must—

- (a) within 2 days of receiving an application for an Activation Precinct Certificate, give written notice of the application to the person or body, and
- (b) consider any submissions received from the person or body within 14 days of giving the written notice to the person or body.

[6] Schedule 1 Parkes Activation Precinct

Omit “State Environmental Planning Policy (Activation Precincts) 2020 Land Application Map” and “State Environmental Planning Policy (Activation Precincts) 2020 Land Zoning Map” wherever occurring.

Insert instead “State Environmental Planning Policy (Activation Precincts) 2020 Parkes Activation Precinct Land Application Map” and “State Environmental Planning Policy (Activation Precincts) 2020 Parkes Activation Precinct Land Zoning Map”, respectively.

[7] Schedule 1, Land Use Table, SP2 Infrastructure Zone, item 2

Omit “Nil”. Insert instead “Roads”.

[8] Schedule 1, Land Use Table, SP2 Infrastructure Zone, item 3

Omit “Roads;”.

[9] Schedule 1, clause 8(3)(e)

Insert at the end of clause 8(3)(d)—

, and

(e) not be carried out in a pipeline corridor.

[10] Schedule 1, clause 9(3)

Omit “the following Table” and “the Table”. Insert instead “Schedule 3”.

[11] Schedule 1, clause 9(3)(c)

Insert at the end of clause 9(3)(b)—

, and

(c) it meets the relevant provisions of the *Building Code of Australia*.

[12] Schedule 1, clause 9(3), Table

Omit the Table.

[13] Schedule 1, clause 10A

Insert after clause 10—

10A Preservation of trees and vegetation

- (1) The objectives of this clause are as follows—
 - (a) to preserve the amenity of the Parkes Activation Precinct through the preservation of trees and vegetation,
 - (b) to promote the conservation of native vegetation,
 - (c) to minimise the impact of development on native vegetation.
- (2) This clause applies to land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Parkes Activation Precinct Environmentally Sensitive Areas Map.
- (3) A person must not clear native vegetation on land to which this clause applies without development consent.
- (4) Development consent under subclause (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing—
 - (a) there is no reasonable alternative available to the disturbance of the native vegetation, and
 - (b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and
 - (c) the disturbance of the native vegetation will not increase salinity, and
 - (d) native vegetation inadvertently disturbed for the purposes of construction will be reinstated where possible on completion of construction, and
 - (e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and

- (f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.
- (5) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* does not apply to land to which this clause applies.

[14] Schedule 1, clause 11(1)

Omit “2.2–2.4.”.

[15] Schedules 2 and 3

Insert after Schedule 1—

Schedule 2 Wagga Wagga Activation Precinct

Part 1 Declaration and zoning

1 Declaration of Wagga Wagga Activation Precinct

The land shown as Wagga Wagga Activation Precinct on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Land Application Map is declared to be the Wagga Wagga Activation Precinct.

2 Consent authority in Regional Enterprise Zone

The Planning Secretary is the consent authority for development on land in the Regional Enterprise Zone.

3 Land use zones

The land use zones in the Wagga Wagga Activation Precinct are as follows—
Regional Enterprise Zone
Rural Activity Zone
SP2 Infrastructure Zone
RE1 Public Recreation Zone
E2 Environmental Conservation Zone

4 Zoning of land within Wagga Wagga Activation Precinct

For the purposes of this Schedule, land is within the zones shown on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Land Zoning Map.

5 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone—
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.

- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in relation to land in the zone.
- (3) In the Land Use Table at the end of this Part—
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include, despite any definition in this Policy, a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the zone.
- (4) This clause is subject to the other provisions of this Policy.

Land Use Table

Regional Enterprise Zone

1 Objectives of zone

- To encourage regional enterprise and innovation in industry, environmental management and performance and in urban and industrial design.
- To effectively manage land uses of varying intensities or environmental sensitivities, and to minimise the risk of conflict associated with incompatible land uses.
- To provide opportunities for regional economic development and employment.
- To attract industries that would contribute to and benefit from being close to major freight transport networks.
- To protect and enhance the local character of the precinct and contribute to the surrounding environment and its amenity.
- To encourage the development of industry leading renewable energy generation and resource and waste management.

2 Permitted without consent

Environmental protection works; Home businesses; Home occupations;
Roads

3 Permitted with consent

Centre-based child care facilities; Liquid fuel depots; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Dairies (restricted); Eco-tourist facilities; Early education and care facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Heavy industrial storage establishments; Heavy industries; Helipads; Home industries; Home occupations (sex services); Hospitals; Jetties; Marinas; Markets; Mooring pens; Moorings; Neighbourhood supermarkets; Open cut mining; Places of public worship; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite

day care centres; Restricted premises; Roadside stalls; Schools; Sex services premises; Small bars; Tourist and visitor accommodation; Water recreation structures

Rural Activity Zone

1 Objectives of zone

- To provide a transition between rural and urban land uses.
- To protect and enhance the rural character of Wagga Wagga Activation Precinct and contribute to the surrounding environment and its amenity.
- To provide a buffer between future residential and employment growth areas.
- To support agricultural and rural land uses.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Roads

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Car parks; Community facilities; Educational establishments; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Industrial training facilities; Information and education facilities; Kiosks; Recreation areas; Research stations; Rural supplies; Sewerage systems; Signage; Water supply systems

4 Prohibited

Biosolids treatment facilities; Intensive livestock agriculture; Schools; Sewage treatment plants; Water recycling facilities; Any other development not specified in item 2 or 3

SP2 Infrastructure Zone

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

Aquaculture; Flood mitigation works; The purpose shown on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

RE1 Public Recreation Zone

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the natural environment generally and to assist in ensuring that areas of high ecological, scientific, cultural or aesthetic values are maintained or improved.

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

Aquaculture; Community facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Research stations; Sewage reticulation systems; Signage; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

E2 Environmental Conservation Zone

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To provide for cultural activities that promote recognition of country and appreciation of the natural environment, consistent with the protection of those values.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Oyster aquaculture; Recreation areas; Research stations; Roads; Sewage reticulation systems; Water reticulation systems

4 Prohibited

Business premises; Hotel or motel accommodation; Multi dwelling housing; Pond-based aquaculture; Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 2 Exempt and complying development

Division 1 General

6 Exempt and Complying Development SEPP does not apply to land in Wagga Wagga Activation Precinct

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply to land in the Wagga Wagga Activation Precinct, except as provided by clause 8.

7 Complying development

- (1) Development that is permitted with development consent on land in the Wagga Wagga Activation Precinct is complying development if the development is carried out in compliance with the development standards specified in this clause.
- (2) Despite subclause (1), development for the following purposes is not complying development—
 - (a) electricity generating works, other than solar energy farms,
 - (b) centre-based child care facilities.
- (3) To be complying development, the development must—
 - (a) meet the relevant provisions of the *Building Code of Australia*, and
 - (b) in the case of development other than for the purposes of environmental protection works or recreation areas—not be carried out on land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Environmentally Sensitive Areas Map, and
 - (c) not be carried out on land on which a heritage item or Aboriginal object is located or land in a heritage conservation area or Aboriginal place of heritage significance, and
 - (d) not be for the purpose of remediation work within the meaning of *State Environmental Planning Policy No 55—Remediation of Land*, and
 - (e) not be carried out in a pipeline corridor, and
 - (f) not be a major hazard facility, and
 - (g) be carried out in accordance with the relevant provisions of the Blue Book, and
 - (h) be installed in accordance with the manufacturer’s specifications, if applicable, and
 - (i) if the development comprises the erection of a building—not be carried out within 1 metre of a public sewer except with the written approval of the authority that has management or control of that sewer, and
 - (j) must not involve the removal of asbestos, unless that removal is undertaken in accordance with *How To Safely Remove Asbestos: Code of Practice*, ISBN 978 0 642 33317 9, published by Safe Work Australia in July 2020.
- (4) In this clause—

Blue Book has the same meaning as in *State Environmental Planning Policy (Infrastructure) 2007*.

major hazard facility has the same meaning as in the *Work Health and Safety Regulation 2017*.

solar energy farm means a photovoltaic or concentrated solar power electricity generating system that—

- (a) is located on ground level and is ground-mounted, and
- (b) has a capacity to generate 1 megawatt or more.

Division 2 Exempt development

8 Exempt development

- (1) The following provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* apply to land in the Wagga Wagga Activation Precinct—
 - (a) for land in the Regional Enterprise Zone—clauses 2.6C, 2.6D, 2.9, 2.10, 2.13, 2.14, 2.20A, 2.20B, 2.23–2.24, 2.27–2.30, 2.30A, 2.30B, 2.37, 2.38, 2.39–2.40B, 2.46A, 2.46B, 2.47, 2.48, 2.51, 2.52, 2.54A–2.56, 2.61, 2.62, 2.71–2.72D, 2.75–2.78, 2.78E–2.80, 2.98–2.105, 2.109–2.112 and 2.117–2.124,
 - (b) for land in the RE1 Public Recreation Zone—clauses 2.57 and 2.58,
 - (c) for land in the Rural Activity Zone—clauses 2.9–2.14, 2.27–2.30, 2.30A, 2.30B, 2.35, 2.36, 2.46A–2.48, 2.51, 2.52, 2.54A–2.56, 2.71–2.72B, 2.75, 2.76, 2.79, 2.80, 2.98, 2.99, 2.104 and 2.105,
 - (d) for land in the Rural Activity Zone but only in relation to existing residential premises—clauses 2.17, 2.18, 2.21, 2.22, 2.39, 2.40, 2.42A, 2.42B, 2.57–2.62, 2.69, 2.70, 2.73 and 2.74.
- (2) Development specified in those clauses is exempt development if—
 - (a) it is exempt development for the purposes of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
 - (b) it is not on land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Environmentally Sensitive Areas Map, and
 - (c) it complies with *State Environmental Planning Policy (Infrastructure) 2007*, clause 20(2)(a)–(f).
- (3) Development specified in Schedule 3 is exempt development if—
 - (a) it meets the standards specified for that development in Schedule 3, and
 - (b) it is not on land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Environmentally Sensitive Areas Map, and
 - (c) it meets the relevant provisions of the *Building Code of Australia*.

Part 3 Miscellaneous

9 Controls relating to miscellaneous permissible uses

(1) Industrial retail outlets

If development for the purpose of an industrial retail outlet is permitted under this Schedule, the retail floor area must not exceed whichever is the lesser of the following areas—

- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet,
- (b) 400 square metres.

(2) **Kiosks**

If development for the purpose of a kiosk is permitted under this Schedule, the gross floor area must not exceed 20 square metres.

(3) **Neighbourhood shops**

If development for the purpose of a neighbourhood shop is permitted under this Schedule, the retail floor area must not exceed 100 square metres.

(4) **Artisan food and drink industries**

If development for the purpose of an artisan food and drink industry is permitted under this Schedule, the floor area used for retail sales, not including any cafe or restaurant area, must not exceed whichever is the lesser of the following areas—

- (a) 30% of the gross floor area of the industry,
- (b) 400 square metres.

10 Additional permitted uses

(1) Development for the following purposes is permitted with development consent on land identified as “C” on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Additional Permitted Uses Map—

- (a) light industries,
- (b) general industries,
- (c) storage premises,
- (d) self-storage units
- (e) hardware and building supplies,
- (f) landscaping material supplies,
- (g) plant nurseries,
- (h) industrial retail outlets,
- (i) wholesale supplies.

(2) Development for the purposes of solar energy farms is permitted with development consent on land in the Rural Activity Zone identified as “A” or “B” on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Additional Permitted Uses Map.

(3) However, development for the purpose of solar energy farms is not permitted on land in the Rural Activity Zone identified as “A” if the area of the land on which the development is proposed to be carried out exceeds 35 hectares.

(4) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Schedule.

(5) In this clause—

solar energy farm has the same meaning as in clause 7.

11 Preservation of trees and vegetation

(1) The objectives of this clause are as follows—

- (a) to preserve the amenity of the Wagga Wagga Activation Precinct through the preservation of trees and vegetation,
 - (b) to promote the conservation of native vegetation,
 - (c) to minimise the impact of development on native vegetation.
- (2) This clause applies to land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Environmentally Sensitive Areas Map.
- (3) A person must not clear native vegetation on land to which this clause applies without development consent.
- (4) Development consent under subclause (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing—
- (a) there is no reasonable alternative available to the disturbance of the native vegetation, and
 - (b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and
 - (c) the disturbance of the native vegetation will not increase salinity, and
 - (d) native vegetation inadvertently disturbed for the purposes of construction will be reinstated where possible on completion of construction, and
 - (e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and
 - (f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.
- (5) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* does not apply to land to which this clause applies.

12 Heritage conservation

- (1) Clause 5.10 of *Wagga Wagga Local Environmental Plan 2010* applies to the heritage items specified in the following Table in the same way as it applies to heritage items under that Plan—

Table

Suburb	Item name	Address	Property description	Significance	Item No
Bomen	Bomen Railway Station	46 Dampier Street	Lot 3, DP 852602	State	I8
Bomen	Bomen Stationmaster's Residence	58 Dampier Street	Lot 1, DP 830096	Local	I9
Brucedale	Brucedale Hall and Tennis Courts	1 Brucedale Drive and 1575 Olympic Highway	Lot 12, DP 751422; Lot 7003, DP 1068668	Local	I23

Suburb	Item name	Address	Property description	Significance	Item No
Brucevale	Hopevale	1365 Olympic Highway	Lot 1, DP 747583	Local	I26
Brucevale	Holy Family Chapel	1555 Olympic Highway	Lot 431, DP 751422	Local	I25
Brucevale	Brucevale Public School (former)	1563 Olympic Highway	Lot 433, DP 751422	Local	I24

- (2) A reference in clause 5.10 of *Wagga Wagga Local Environmental Plan 2010* to the consent authority is to be read as a reference to the consent authority for the Wagga Wagga Activation Precinct.

13 Application of Wagga Wagga Local Environmental Plan 2010

Clauses 2.6–2.8, 5.1, 5.8 and 5.11 of *Wagga Wagga Local Environmental Plan 2010* apply to land in the Wagga Wagga Activation Precinct in the same way as they apply to land to which that Plan applies.

14 Application of State Environmental Planning Policy (Infrastructure) 2007

- (1) The Infrastructure SEPP applies to land in the Wagga Wagga Activation Precinct, subject to the modifications set out in this clause.
- (2) The following zones in the Wagga Wagga Activation Precinct are taken to be a prescribed zone for the purposes of the specified provisions of the Infrastructure SEPP—
- the Regional Enterprise Zone for clauses 27, 79, 81(a) and 106,
 - the Regional Enterprise and Rural Activity Zones for clauses 48, 91 and 92,
 - all zones for clauses 94 and 95A.
- (3) For the purposes of clause 39(3) of the Infrastructure SEPP, the Regional Enterprise and Rural Activity Zones are taken to be prescribed rural, industrial or special use zones.
- (4) For the purposes of clause 125(2)(a) of the Infrastructure SEPP, the Regional Enterprise and Rural Activity Zones are taken to be equivalent land use zones.
- (5) In this clause—
Infrastructure SEPP means *State Environmental Planning Policy (Infrastructure) 2007*.

15 Existing development applications

A development application for development on land in the Wagga Wagga Activation Precinct that was lodged before the land was part of that Precinct and that has not been finally determined is to be determined as if this Schedule had not commenced.

Schedule 3 Exempt development

Development purpose	Development standards
Access ramps	<p>Must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water.</p> <p>If located on bush fire prone land and less than 5m from a dwelling—must be constructed of non-combustible material.</p>
Aerials, antennae and communication dishes	<p>Must resist loads in accordance with AS/NZS 1170.0:2002, <i>Structural design actions, Part 0: General Principles</i> and AS/NZS 1170.2:2011, <i>Structural design actions, Part 2: Wind actions</i>.</p> <p>Must be anchored by a concrete slab or footing designed in accordance with AS 3600:2018, <i>Concrete structures</i>.</p>
Air-conditioning units	<p>Must be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road.</p> <p>Must not reduce the existing fire resistance level of a wall.</p> <p>Must be designed so as not to operate during peak time at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary.</p>
Bollards	<p>Must not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.</p>
Carport, within the meaning of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	<p>Must not have a floor area of more than 100 square metres.</p> <p>Must not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the <i>Roads Act 1993</i>.</p> <p>Must not be located between the building line and the primary road.</p>
Emergency services facilities—Wagga Wagga Activation Precinct only	<p>Must be carried out by or on behalf of the NSW Rural Fire Service.</p> <p>Must not be constructed or installed on or in a heritage item, heritage conservation area, land on which an Aboriginal object is located or land at or below the flood planning level.</p> <p>Must be located on land in the Rural Activity Zone.</p> <p>Must not have an area of more than 140m².</p> <p>Must not exceed a height of 5m above ground level (existing).</p> <p>Must be located at a distance of at least 20m from the primary road frontage and at least 10m from each other lot boundary.</p> <p>Must not be constructed or installed within 50m of a dwelling.</p> <p>Must be located at least 50m from a natural waterbody.</p> <p>To the extent it is comprised of metal components—must be constructed of low reflective materials and designed and constructed in accordance with a professional engineer’s specifications.</p> <p>If it is located on bush fire prone land—must be constructed in accordance with <i>Planning for Bush Fire Protection</i>, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in November 2019.</p>

Development purpose	Development standards
Emergency work and repairs, consisting of the repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in land in the Activation Precinct in an area declared by an order under the <i>State Emergency and Rescue Management Act 1989</i> , section 33 to be an area where a state of emergency exists	<p>Must be carried out within 6 months of the declaration being made.</p> <p>Must not change the configuration of the floor space of the building or structure being repaired.</p> <p>Must not increase the floor space of the building or structure being repaired.</p>
Farm building, other than a stock holding yard, grain silo or grain bunker	Must not be used for habitable purposes.
Stock holding yard	<p>Must not be used for habitable purposes.</p> <p>Must not include or comprise a stock and sale yard.</p> <p>Must not be roofed.</p> <p>Must be located at least 10m from any road boundary and at least 200m from any other boundary.</p> <p>Must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot.</p> <p>Must be located at least 6m from any other farm building, including any farm building that is a grain silo or grain bunker, on the landholding or on an adjoining landholding.</p> <p>Must be located at least 100m from a waterbody (natural).</p>
Grain silo or grain bunker	<p>Must not be used for habitable purposes.</p> <p>Must be located at least 100m from any dwelling.</p> <p>Must be located at least 6m from any other farm building, including any farm building that is a stock holding yard, on the landholding or on an adjoining landholding.</p> <p>Must be located at least 50m from a waterbody (natural).</p>
Signage—Parkes Activation Precinct only	<p>Must be a business identification sign and must not include advertising of goods or services.</p> <p>Must have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land.</p> <p>Must be approved under section 138 of the <i>Roads Act 1993</i>, if the sign or part of the sign projects over a public road, including a footway.</p> <p>Must not obstruct or interfere with a traffic sign.</p>

Development purpose	Development standards
Signage—Wagga Wagga Activation Precinct only	<p>Must be a business identification sign or a building identification sign and not include advertising of goods or services.</p> <p>Must have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land.</p> <p>Must be approved under section 138 of the <i>Roads Act 1993</i>, if the sign or part of the sign projects over a public road, including a footway.</p> <p>Must not obstruct or interfere with a traffic sign.</p> <p>Must be erected at right angles to the wall of the building to which it is attached.</p> <p>Must not be illuminated or flashing.</p> <p>Must be constructed of non-reflective materials.</p> <p>Must not be more than 1.5m² in area.</p> <p>Must not result in more than one building identification sign for the building.</p> <p>Must not result in more than one business identification sign for a business.</p> <p>Must not be located on or in a heritage item or heritage conservation area.</p>
Stairways	<p>Must be constructed in accordance with AS 1657:2018, <i>Fixed platforms, walkways, stairways and ladders—Design, construction and installation</i>.</p> <p>If it is located on bush fire prone land and is less than 5m from a dwelling—must be constructed of non-combustible material.</p>
Fuel tanks and gas storage (above ground)	<p>Must not have a capacity of more than—</p> <ul style="list-style-type: none"> (a) for a fuel tank—5,000 L, or (b) for a gas tank—1,000 L. <p>Must be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary.</p> <p>Must be bunded with the capacity to contain at least 110% of the capacity of the tank.</p> <p>Must be located at least 1m from any registered easement, sewer main or water main.</p> <p>For a fuel tank—must be constructed of prefabricated metal, be freestanding and installed in accordance with the requirements of AS 1940:2017, <i>The storage and handling of flammable and combustible liquids</i>.</p> <p>For a gas tank—must be designed and constructed in accordance with the requirements of AS/NZS 1596:2014, <i>The storage and handling of LP Gas</i> by a professional engineer.</p> <p>Note. Other existing legislative requirements still apply in relation to work health and safety issues.</p>

Development purpose	Development standards
<p>Minor external non-structural building alteration, including—</p> <ul style="list-style-type: none"> (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work, (b) the replacement of an external window, glazing areas or a door, other than those on bush fire prone land, (c) the repair to or replacement of a non-structural wall or roof cladding, (d) the installation of a security screen or grill to a door or window or a security door, (e) the repair to or replacement of a balustrade, (f) restumping or repairing structure foundations without increasing the height of the structure. 	<p>Must not reduce the existing fire resistance level of a wall or roof.</p> <p>If located on bush fire prone land, must be adequately sealed or protected to prevent the entry of embers and must use equivalent or improved quality materials.</p> <p>Must not affect any existing fire resisting components of the building.</p> <p>Must not involve the use of external combustible cladding.</p> <p>Must not affect the means of egress from the building in an emergency.</p>
<p>Rainwater tanks (above and below ground)</p>	<p>Must not have a capacity of more than 25,000 litres.</p> <p>Must be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank.</p> <p>Must be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank.</p> <p>Must be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it.</p> <p>Must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners.</p> <p>Must have a sign affixed to it with a statement to the effect that the water in the tank is rainwater.</p> <p>If reticulated water is provided to the lot—must not be interconnected with any system supplying drinking water to the lot unless it complies with the Council’s requirements.</p>
<p>Demolition of development that would be exempt development under this Policy if it were being constructed or installed</p>	<p>If demolition involves the removal of asbestos, that removal must be undertaken in accordance with <i>How To Safely Remove Asbestos: Code of Practice</i>, ISBN 978 0 642 33317 9, published by Safe Work Australia in July 2020.</p>
<p>Letter boxes</p>	

Schedule 2 Amendment of Wagga Wagga Local Environmental Plan 2010

Schedule 5 Environmental heritage

Omit the matter relating to items I8, I9, I23, I26, I25 and I24 from Part 1.