



New South Wales

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

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

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

2 Commencement

- (1) This Policy commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 3 commences on 31 March 2022.

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This Policy is repealed on the day following the day on which this Policy commences.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 the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy—

- (a) *State Environmental Planning Policy (Activation Precincts) 2020*,
- (b) *Wagga Wagga Local Environmental Plan 2010*,
- (c) *Moree Plains Local Environmental Plan 2011*.

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

[1] Schedule 1 Parkes Activation Precinct

Insert after clause 1—

1A Consent authority in Regional Enterprise Zone

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

[2] Schedule 1, clause 6(4), definition of “thermal treatment”

Omit “but does not include incineration”.

[3] Schedule 1, clause 9(1)

Insert “2.74A, 2.74B,” after “2.54B,”.

Schedule 2 Amendment of State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021

[1] Clause 2 Commencement

Omit clause 2(3). Insert instead—

- (3) Schedules 1[15] and 2 commence on 31 March 2022, except as provided by subclause (4).
- (4) Schedule 1[15], to the extent that it inserts Schedule 3, commences on the day on which *State Environmental Planning Policy (Activation Precincts) Amendment (Moree) 2021* is published on the NSW legislation website.

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

Insert “2.74A, 2.74B,” after “2.71–2.72D,” in Schedule 2, clause 8(1)(a), to be inserted by Schedule 1[15].

[3] Schedule 1[15]

Omit the Table from Schedule 2, clause 12(1). Insert instead—

Table					
Suburb	Item name	Address	Property description	Significance	Item No
Bomen	Bomen railway station	46 Dampier Street	Lot 3, DP 852602	State	11
Bomen	Bomen stationmaster’s residence	58 Dampier Street	Lot 1, DP 830096	Local	12
Brucedale	Brucedale Hall and tennis courts	1 Brucedale Drive and 1575 Olympic Highway	Lot 12, DP 751422; Lot 7003, DP 1068668	Local	13
Brucedale	Hopevale	1365 Olympic Highway	Lot 1, DP 747583	Local	16
Brucedale	2WG Radio broadcasting facility	1430 Olympic Highway	Lot 1, DP 374504	Local	17
Brucedale	Postal receiving office (former) and “Devonhurst” farm shed	1554 and 1556 Olympic Highway	Lot 336, DP751422; Lot 335, DP751422	Local	18
Brucedale	Holy Family Chapel	1555 Olympic Highway	Lot 431, DP 751422	Local	15
Brucedale	Brucedale Public School (former)	1563 Olympic Highway	Lot 433, DP 751422	Local	14

[4] Schedule 1[15]

Omit “81(a)” from Schedule 2, clause 14(2)(a). Insert instead “81(1)(a)”.

[5] Schedule 1[15]

Insert “—Parkes and Wagga Wagga Activation Precincts only” after “Stock holding yard” in Schedule 3.

[6] Schedule 1[15]

Omit “Wagga Wagga Activation Precinct only” from the matter relating to “Signage” in Schedule 3.

Insert instead “Wagga Wagga and Moree Activation Precincts only”.

[7] Schedule 1[15]

Omit the matter relating to “Stairways” from Schedule 3.

[8] Schedule 1[15]

Insert “—Parkes and Wagga Wagga Activation Precincts only” after “Rainwater tanks (above and below ground)” in Schedule 3.

Schedule 3 Amendment of State Environmental Planning Policy (Activation Precincts) 2020—commencing on 31 March 2022

Schedule 2A

Insert after Schedule 2, to be inserted by *State Environmental Planning Policy (Activation Precinct) Amendment (Wagga Wagga) 2021*, Schedule 1[15]—

Schedule 2A Moree Activation Precinct

Part 1 Declaration and zoning

1 Declaration of Moree Activation Precinct

The land shown as Moree Activation Precinct on the State Environmental Planning Policy (Activation Precincts) 2020 Moree Activation Precinct Land Application Map is declared to be the Moree 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 Moree Activation Precinct are as follows—

Regional Enterprise Zone

Rural Activity Zone

SP1 Special Activities Zone

SP2 Infrastructure Zone

4 Zoning of land within Moree Activation Precinct

For the purposes of this Schedule, land is within the zones shown on the State Environmental Planning Policy (Activation Precincts) 2020 Moree 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 encourage the development of industry leading renewable energy generation and resource and waste management.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm Buildings; Home businesses; Home industries; Home occupations; Roads

3 Permitted with consent

Centre-based child care facilities; Hotel or motel accommodation; Any other development not specified in item 2 or 4; Any other development that is ordinarily incidental or ancillary to development for a purpose permitted with consent

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Hazardous storage establishments; Heavy industries; Helipads; Home occupations (sex services); Home-based child care; Hospitals; Jetties; Marinas; Markets; Mooring pens; Moorings; Neighbourhood supermarkets; Offensive storage establishments; Open cut mining; Places of public worship; Port facilities; Residential accommodation; Respite day care centres; Restricted premises; Roadside stalls; Schools; Sex services premises; Small bars; Tourist and visitor accommodation

Rural Activity Zone

1 Objectives of zone

- To provide a transition between rural and urban land uses.
- To support agricultural and rural land uses.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home businesses; Home industries; Home occupations; Roads

3 Permitted with consent

Agriculture; Car parks; Community facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Industrial training facilities; Information and education facilities; Light industries; Recreation areas; Recreational facilities (outdoor); Research stations; Sewage reticulations systems; Signage; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To provide for sites with special natural characteristics that are not provided for in other zones.

2 Permitted without consent

Roads

3 Permitted with consent

Aquaculture; The purpose shown on the State Environmental Planning Policy (Activation Precincts) 2020 Moree 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

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

Aquaculture; Roads

3 Permitted with consent

The purpose shown on the State Environmental Planning Policy (Activation Precincts) 2020 Moree 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

Part 2 Exempt and complying development

Division 1 General

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

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

7 Complying development

- (1) Development that is permitted with development consent on land in the Moree 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 Moree 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 the sewer, and
 - (j) not involve the removal of asbestos, unless the 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 Moree 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, 2.37–2.40B, 2.47, 2.48, 2.51, 2.52, 2.54A–2.56, 2.61–2.66, 2.71–2.72D, 2.74A, 2.74B, 2.75–2.78, 2.78E–2.80, 2.98–2.105, 2.108–2.112 and 2.117–2.124,
 - (b) for land in the Rural Activity Zone—clauses 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.
- (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 Moree 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 the 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 Moree Activation Precinct Environmentally Sensitive Areas Map, and
 - (c) it is not 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) it meets the relevant provisions of the *Building Code of Australia*, and
 - (e) it complies with *State Environmental Planning Policy (Infrastructure) 2007*, clause 20(2)(a)–(f).

Part 3 Miscellaneous

9 Preservation of trees and vegetation

- (1) The objectives of this clause are as follows—
 - (a) to preserve the amenity of the Moree 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 Moree 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.

10 Application of Moree Plains Local Environmental Plan 2011

Moree Plains Local Environmental Plan 2011, clauses 2.6–2.8, 5.1, 5.8, 5.10 and 7.3–7.5 apply to land in the Moree Activation Precinct in the same way as they apply to land to which that Plan applies.

11 Application of State Environmental Planning Policy (Infrastructure) 2007

- (1) The Infrastructure SEPP applies to land in the Moree Activation Precinct, subject to the modifications set out in this clause.
- (2) The following zones in the Moree Activation Precinct are taken to be prescribed zones for the purposes of the specified provisions of the Infrastructure SEPP—
 - (a) the Regional Enterprise Zone for clauses 27, 48(1), 81(1)(a), 91, 92(1), 106 and 125(3A),
 - (b) the Rural Activity Zone for clauses 48(1), 91 and 92(1),
 - (c) all zones for clauses 94(1A) and 95A.

- (3) The Infrastructure SEPP, clause 39(1), (2) and (3)(f)(ii) and (iii) does not apply to land in the Moree Activation Precinct.
- (4) For the purposes of the Infrastructure SEPP, clause 125(2)(a), the Regional Enterprise Zone and the Rural Activity Zone are taken to be an equivalent land use zone.
- (5) In this clause—
Infrastructure SEPP means *State Environmental Planning Policy (Infrastructure) 2007*.

12 Application of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, clauses 45(7) and 52(7) do not apply to land in the Moree Activation Precinct.

13 Existing development applications

A development application for development on land in the Moree 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.