



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) Amendment (Moorebank Freight Intermodal Precinct) 2022

under the

Environmental Planning and Assessment Act 1979

His Honour the Administrator, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Transport and Infrastructure) Amendment (Moorebank Freight Intermodal Precinct) 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Moorebank Freight Intermodal Precinct) 2022*.

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This Policy is repealed at the beginning of the day after the day on which all the provisions of this Policy have commenced.

Schedule 1 Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Chapter 6

Insert after Chapter 5—

Chapter 6 Moorebank Freight Intermodal Precinct

Part 6.1 Preliminary

6.1 Definitions

(1) In this Chapter—

appropriate fill means—

- (a) virgin excavated natural material within the meaning of the *Protection of the Environment Operations Act 1997*, Schedule 1, or
- (b) fill that is re-used in accordance with an excavated natural material exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, Part 9.

freight intermodal facility means a building or place used in connection with the carrying of freight and persons by rail for business or commercial purposes and includes the following—

- (a) rail sidings,
- (b) facilities for the embarkation or disembarkation of passengers,
- (c) facilities for the loading or unloading of freight, receiving and processing freight, land transport and storage facilities,
- (d) administration and operations buildings and facilities,
- (e) communication, security and safety facilities,
- (f) utilities and services, road and rail infrastructure, pipelines and car parks.

freight support facility means a building or place used for the purposes of commercial premises or light industry in connection with a freight intermodal facility.

Height of Buildings Map means the State Environmental Planning Policy (Transport and Infrastructure) 2021 Moorebank Freight Intermodal Precinct Height of Buildings Map.

heritage item means a heritage item identified in an environmental planning instrument applying to the land.

Moorebank Freight Intermodal Precinct or **Precinct** means the land identified as the Moorebank Freight Intermodal Precinct on the State Environmental Planning Policy (Transport and Infrastructure) 2021 Moorebank Freight Intermodal Precinct Land Application Map.

Precinct facilities means the following in the Precinct—

- (a) freight intermodal facilities,
- (b) freight support facilities,
- (c) warehouse or distribution centres.

(2) Words and expressions used in this Chapter have the same meaning as they have in the standard instrument set out at the end of the *Standard Instrument*

(Local Environmental Plans) Order 2006, unless otherwise defined in this Chapter.

6.2 Land to which Chapter applies

This Chapter applies to the Moorebank Freight Intermodal Precinct.

6.3 Relationship with other environmental planning instruments

- (1) This Chapter prevails to the extent of any inconsistency between this Chapter and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) This Chapter does not restrict or prohibit the carrying out of development on land to which this Chapter applies that is permitted to be carried out with or without development consent, or that is exempt or complying development, under—
 - (a) Chapter 2, or
 - (b) another environmental planning instrument.

6.4 Maps

- (1) A reference in this Chapter to a named map adopted by this Chapter is a reference to a map by that name—
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the instruments when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map and a reference in this Chapter to the named map is a reference to the relevant part or aspect of the single map.
- (3) The maps adopted by this Chapter must be kept electronically and made available for public access in accordance with arrangements approved by the Minister.

Part 6.2 Exempt and complying development

6.5 Exempt development

- (1) Development specified in Schedule 12 is exempt development if the development complies with—
 - (a) the requirements of this Part, and
 - (b) the development standards specified in Schedule 12.
- (2) To be exempt development, the development—
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must be installed in accordance with the manufacturer's specifications, if applicable, and

- (d) must not involve the removal or pruning of a tree or other vegetation that requires a permit, approval or development consent, unless the removal or pruning is carried out in accordance with the permit, approval or development consent, and
Example— A permit or approval may be required under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 or other legislation.
- (e) must not be carried out on land—
 - (i) that is, or on which there is, a State Heritage item, to the extent the land is described and mapped on the State Heritage Register under the *Heritage Act 1977*, or
 - (ii) subject to an interim heritage order under the *Heritage Act 1977*.
- (3) Subsection (2)(e) does not apply if the development is subject to an exemption under the *Heritage Act 1977*, section 57(2) or (3).
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or 2–9 is exempt development if—
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) A heading to a section in Schedule 12 is part of the Schedule.
- (6) In this section—
State Heritage item means an item listed on the State Heritage Register under the *Heritage Act 1977*.

6.6 Complying development

- (1) Development specified in Schedule 13 is complying development if the development complies with—
 - (a) the requirements of this Part, and
 - (b) the development standards specified in Schedule 13.
- (2) To be complying development, the development must—
 - (a) be permissible with development consent under an environmental planning instrument applying to the land on which the development is carried out, and
 - (b) meet the relevant provisions of the *Building Code of Australia*, and
 - (c) before the complying development certificate is issued, have written consent from the relevant roads authority, if required by the *Roads Act 1993*—
 - (i) for each opening of a public road required by the development, and
 - (ii) to operate or store machinery, materials or waste required by the development on a road or footpath reserve, and
 - (d) not be potentially hazardous industry or potentially offensive industry, within the meaning of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3, and
 - (e) if it is likely to affect a heritage item—involve no more than minimal impact on the heritage significance of the item, and

- (f) not be carried out on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.
- (3) A complying development certificate for development specified in Schedule 13, Part 1 is subject to the conditions specified in Schedule 13, Part 2.
- (4) A heading to a section in Schedule 13 is part of the Schedule.

6.7 Conditions of applicable development consents

- (1) To be exempt or complying development, the development must not contravene a condition of a development consent, other than a complying development certificate, that applies to the land on which the development is carried out relating to the following—
 - (a) noise,
 - (b) air, soil or water quality,
 - (c) road upgrades,
 - (d) environmentally sustainable development,
 - (e) pest and weed control,
 - (f) construction and operations,
 - (g) biodiversity,
 - (h) landscaping,
 - (i) erosion and sediment control,
 - (j) environmental management,
 - (k) stormwater and drainage,
 - (l) bush fire risk management,
 - (m) contamination and remediation,
 - (n) hazards and risks,
 - (o) waste management,
 - (p) emergency response.
- (2) This section does not apply to a condition of a development consent that limits development on the land to the use permitted by the development consent.

Part 6.3 Height of buildings

6.8 Height of buildings

The height of a building erected as exempt or complying development under this Chapter must not exceed the maximum height shown for the land on the Height of Buildings Map.

6.9 Additional height for warehouse or distribution centres in “Area A”

- (1) A building erected as complying development under Schedule 13, section 2 on land identified as “Area A” on the Height of Buildings Map may have a building height of up to 45m.
- (2) Subsection (1) applies if—
 - (a) no more than 40% of the footprint of the building exceeds the maximum height shown for the land on the Height of Buildings Map, and

- (b) the part of the building with a height exceeding the maximum height shown for the land on the Height of Buildings Map is located on the eastern side of the land.

Part 6.4 Impact of development on traffic

6.10 Applications for traffic certificates

- (1) A person who proposes to carry out development specified in Schedule 13, sections 1–3 on land in the Precinct may, with the consent of the owner of the land, apply to the Planning Secretary for a traffic certificate for the development.
- (2) An application must—
 - (a) be in the form approved by the Planning Secretary, and
 - (b) be submitted on the NSW planning portal, and
 - (c) be accompanied by the fee prescribed by the regulations, and
 - (d) include the following information—
 - (i) the name and address of the applicant,
 - (ii) the address, and particulars of title, of the subject land,
 - (iii) a description of the development,
 - (iv) the gross floor area of proposed warehouse or distribution centres,
 - (v) data about heavy vehicle traffic in the Precinct over the previous 6 weeks,
 - (vi) the impact of the development on heavy vehicle traffic in the Precinct.

6.11 Determination of applications for traffic certificates

- (1) The Planning Secretary must determine an application for a traffic certificate for development by issuing or refusing to issue a certificate.
- (2) The Planning Secretary may issue a traffic certificate for development if satisfied that the development will not have an unacceptable impact on the safe and efficient operation of the surrounding road network.
- (3) The Planning Secretary must not issue a traffic certificate for development for the purposes of warehouse or distribution centres if the development will result in the gross floor area of all buildings used for warehouse or distribution centres in the Precinct exceeding 850,000m².
- (4) In deciding whether to issue a traffic certificate, the Planning Secretary must consider the number of heavy vehicles using the Precinct each day.
- (5) Before determining an application for a traffic certificate for development, the Planning Secretary may request that an applicant provide additional information about the development that the Planning Secretary considers necessary to properly consider the application.
- (6) A traffic certificate remains in force for 12 months after it is issued.

[2] Schedule 1, heading

Omit “general”. Insert instead “Chapter 2”.

[3] Schedule 2, heading

Insert “—Chapter 2” after “project”.

[4] Schedule 3, heading

Omit “Transport for NSW”. Insert instead “TfNSW—Chapter 2”.

[5] Schedule 4, heading

Insert “—Chapter 2” after “facilities”.

[6] Schedule 5, heading

Omit “general”. Insert instead “Chapter 3”.

[7] Schedule 6, heading

Omit the heading. Insert instead—

Schedule 6 Complying development in schools—Chapter 3

[8] Schedule 7, heading

Omit the heading. Insert instead—

Schedule 7 Complying development in universities and TAFEs—Chapter 3

[9] Schedule 8, heading

Omit the heading. Insert instead—

Schedule 8 Design quality principles in schools—Chapter 3

[10] Schedule 9, heading

Insert “—Chapter 3” after “provisions”.

[11] Schedules 10 and 11, headings

Insert “—Chapter 5” after “development” wherever occurring.

[12] Schedule 12

Insert after Schedule 11—

Schedule 12 Exempt development—Chapter 6

section 6.5

Note— Exempt development may be carried out without the need for development consent under the Act. Exempt development is not exempt from an approval, licence, permit or authority that is required under another Act. Adjoining owners’ property rights and the common law still apply.

1 Alterations to buildings

(1) Building alterations consisting of any of the following—

- (a) non-structural alterations to the exteriors of buildings, if the work does not involve the use of external combustible cladding,

Example— Painting, plastering, cement rendering, cladding, attaching fittings and decorative work.

- (b) work involving the removal of lead,
 - (c) work involving the removal of asbestos or asbestos cement if the removal complies with *How to Safely Remove Asbestos: Code of Practice* published by Safe Work Australia in July 2020,
 - (d) the construction or installation of mechanical plant or an air conditioning unit.
- (2) Interior alterations to a building that do not—
- (a) cause the load bearing capacity of a component of the building to be exceeded, or
 - (b) detrimentally affect the operational effectiveness of the fire safety measures for the building.
- (3) In this section—
- external combustible cladding* has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

2 At-grade car parks

- (1) The construction or installation of an at-grade car park.
- (2) The car park must be designed in accordance with one of the following—
 - (a) AS 1428.1:2021, *Design for access and mobility, Part 1: General requirements for access—New building work*,
 - (b) AS 1428.2—1992, *Design for access and mobility, Part 2: Enhanced and additional requirements—Buildings and facilities*,
 - (c) AS 1428.3—1992, *Design for access and mobility, Part 3: Requirements for children and adolescents with physical disabilities*,
 - (d) AS/NZS 1428.4.1:2009, *Design for access and mobility, Part 4.1: Means to assist the orientation of people with vision impairment—Tactile ground surface indicators*,
 - (e) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*,
 - (f) AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*.
- (3) The car park must be—
 - (a) paved with concrete or bituminous surfaces, and
 - (b) designed and constructed to drain surface water run-off to—
 - (i) a stormwater drainage system, or
 - (ii) a landscaped area.
- (4) If the car park requires the removal of a tree with a diameter of more than 40cm at a height of 1.5m above ground level (existing), the tree must be replaced by at least 2 new trees of a local native species with a pot size of at least 200L.

3 Change of use for freight support facilities

- (1) The change of use from a lawful use for the purposes of a freight support facility to another kind of use for the purposes of a freight support facility.
- (2) The land on which the development is carried out must—
 - (a) be suitable for the new use, and

- (b) not be on contaminated land within the meaning of the Act, Schedule 6.
- (3) The new use must not—
 - (a) result in a change of building classification under the *Building Code of Australia*, or
 - (b) increase the level of fire hazard arising from the use of a building, or
 - (c) involve alterations to a building classified under the *Building Code of Australia*, other than alterations that are exempt development under this Schedule.

4 Demolition

- (1) Demolition of a building or work in accordance with AS 2601—2001, *The demolition of structures*.
- (2) This section does not apply to demolition of the following—
 - (a) bulk liquid storage tanks that have been used to store dangerous goods or combustible liquids,
 - (b) pipelines that have been used to carry dangerous goods or combustible liquids,
 - (c) liquefied petroleum gas storage tanks that together have a capacity to store more than 3 tonnes of gas at the same time, or
 - (d) a heritage item.

5 Driveways

- (1) The construction or installation of a driveway that is ancillary or incidental to a lawful use on the land on which the development is carried out.
- (2) The driveway must be designed in accordance with AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle activities*.

6 Emergency works

- (1) Maintenance or restoration of Precinct facilities and emergency services equipment for the purposes of ensuring public safety or protecting buildings or the environment as a result of—
 - (a) a sudden natural event, including a storm, flood, tree fall, bush fire or land slip, or
 - (b) an accident, equipment failure or structural collapse, or
 - (c) damage caused by vandalism or arson.
- (2) The development must not, except to the extent necessary to carry out the development—
 - (a) disturb soil or vegetation, or
 - (b) affect the heritage value of a heritage item.

7 Fences or gates

- (1) The construction or installation of a fence or gate, including a security boom gate.
- (2) The fence or gate must be constructed of low reflective, factory pre-coloured materials.
- (3) The fence or gate must not have a height of more than 5m.

8 Flagpoles

- (1) The construction or installation of a flagpole.
- (2) The flagpole must not be located within 20m of a boundary of a property that is used for residential purposes.
- (3) The flagpole must not display a commercial advertisement for anything other than a business located on the site.

9 Hail netting

- (1) The construction or installation of hail netting.
- (2) The netting must—
 - (a) not have a height above ground level (existing) of more than 12m, and
 - (b) be dark in colour.

10 Investigations

- (1) Surveying works and works for the purposes of investigating the physical properties of soil or rock, including geotechnical investigations and sediment sampling.
- (2) The development must not disturb soil or vegetation, except to the extent necessary to carry out the development.

11 Landscaping

The construction or installation of landscaping works and landscaping structures, including landscaping works and landscaping structures used for drainage.

12 Lighting

- (1) The construction or installation of lighting, including structures for external lighting.
- (2) All new external lighting must—
 - (a) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (b) be mounted, screened and directed to not create a nuisance or light spill onto land outside the Precinct.

13 Maintenance and repair

- (1) The maintenance, repair or replacement of fittings, fixtures and infrastructure in relation to development for the purposes of Precinct facilities.
- (2) The development must not involve excavation works, except to the extent necessary to carry out the maintenance, repair or replacement.

14 Moveable plant and equipment

The installation and maintenance of moveable plant and equipment.

15 Paving

- (1) The construction or installation of paving, including maintenance and repair of paving.
- (2) The paving must be designed and constructed—
 - (a) to withstand the loads for which it will be used, and

- (b) to drain surface water run-off to—
 - (i) a stormwater drainage system, or
 - (ii) a landscaped area.

16 Pedestrian ramps, paths and mechanical and non-mechanical stairways

The construction or installation of pedestrian ramps, paths and mechanical and non-mechanical stairways.

17 Preloading works

- (1) Preloading works for compression of soil before construction.
- (2) The development must not—
 - (a) disturb soil or vegetation, except to the extent necessary to carry out the development, or
 - (b) damage adjoining buildings or structures on the land or an adjoining lot, or
 - (c) redirect the flow of surface water onto an adjoining lot.
- (3) Fill brought to the site must be appropriate fill.

18 Pollution control facilities, work health and safety measures and environmental protection works

The construction or installation of facilities and works for the purposes of pollution control, work health and safety measures and environmental protection works, including facilities and works associated with the following—

- (a) liquefied petroleum gas storage tanks or fuel storage tanks,
- (b) noise walls,
- (c) environmental monitoring stations,
- (d) stormwater treatment.

19 Railway tracks

The construction or installation of railway tracks, including signals and sidings, and maintenance and replacement works.

20 Reefer points

The construction or installation of reefer points for refrigerated containers.

21 Retaining walls

- (1) The construction or installation of a retaining wall.
- (2) The wall must not retain fill of a height more than 2m above ground level (existing).
- (3) The excavation must not exceed a depth below ground level (existing) of 1m.
- (4) The wall must comply with the following—
 - (a) AS 3700:2018, *Masonry structures* and AS 3700:2018 Sup 1:2020, *Masonry structures—Commentary (Supplement 1 to AS 3700:2018)*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*, and AS/NZS 1170.1 Supp 1:2002, *Structural design actions—Permanent, imposed and other actions—Commentary (Supplement to AS/NZS 1170.1:2002)*,

(c) if the structure is made of timber—AS 1720.1—2010, *Timber structures, Part 1: Design methods*.

(5) The wall must be designed to manage the natural flow of stormwater or surface water run-off.

22 Road and rail infrastructure—minor maintenance, repairs and works

Minor maintenance, minor repairs and other minor works to roads and rail infrastructure.

23 Roads—marking out

The marking out of roads, including the marking out of parking areas, queuing areas and pedestrian crossings.

24 Safety or security barriers

The construction, installation or removal of safety or security barriers, including jersey barriers, earth berms and bollards.

25 Satellite dishes

The construction or installation of radio or satellite communication dishes for the purposes of—

- (a) receiving television or radio signals, or
- (b) use in connection with community band or two-way radio.

26 Scaffolding

- (1) The construction, installation or removal of a scaffold or hoarding.
- (2) The development must—
 - (a) comply with AS/NZS 1576.1:2019, *Scaffolding, Part 1: General requirements*, and
 - (b) be removed as soon as practicable without compromising public health or safety.

27 Security and monitoring cameras and other devices

The construction or installation of security cameras and other devices, including radar, communication devices and microwave receivers for the purposes of monitoring traffic or tracking trucks or for security purposes.

28 Signage

- (1) Signage other than advertising structures.
- (2) A sign must comply with—
 - (a) AS 1319—1994, *Safety signs for the occupational environment*, and
 - (b) AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*.

29 Signage—changes and maintenance and repair

A change to the display on an existing sign or the maintenance or repair of an existing sign.

30 Subdivision

The subdivision of land if the size of each resulting lot is not less than 2,000m².

31 Switch rooms and security booths

- (1) The erection of a switch room or security booth.
- (2) The building must not have a gross floor area of more than 500m².

32 Temporary structures

The construction, installation or removal of a temporary structure, if the structure is used for a period of not more than 12 months in total.

33 Temporary uses of land

- (1) The temporary use of land in connection with a freight intermodal facility for a maximum period of 182 days, whether or not consecutive, in any period of 12 months.
- (2) The use must not—
 - (a) prejudice the subsequent carrying out of development on land in the Precinct, or
 - (b) adversely impact on adjoining land or the amenity of the neighbourhood, or
 - (c) adversely impact on environmental attributes or features of the land, or
 - (d) increase the risk of natural hazards that may affect the land.

34 Truck marshalling area

- (1) The construction or installation of a truck marshalling area.
- (2) The truck marshalling area must—
 - (a) be paved with concrete or bituminous surfaces, and
 - (b) be designed and constructed to contain leaks and spillages so they do not enter a stormwater drainage system or contaminate land, and
 - (c) comply with AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*.

35 Truck and train weighbridges

The construction or installation of a truck or train weighbridge.

36 Utilities and service facilities

- (1) The construction or installation of a utility or service facility, including—
 - (a) pipelines, other than pipelines used to carry dangerous goods or pipelines that are the subject of a licence under the *Pipelines Act 1967*, and
 - (b) stormwater drainage.
- (2) An overhead structure used to support a pipeline must be at a height that provides adequate clearance for road or rail traffic below the structure.

37 Vegetation management

- (1) Minor vegetation management for the purposes of maintaining the security or safety of the Precinct
- (2) The development must not disturb vegetation more than is necessary for those purposes.

38 Washbays

The construction or installation of washbays for cleaning vehicles and equipment.

39 Water tanks

- (1) The construction, installation or removal of a rainwater tank or grey water tank.
- (2) The tank must—
 - (a) not have a capacity of more than 20,000 tonnes of water, and
 - (b) be the same colour as the surrounding development or a neutral colour.

Schedule 13 Complying development—Chapter 6

section 6.6

Part 1 Complying development

1 Freight intermodal facilities and freight support facilities

Erection or use of a building for the following purposes—

- (a) freight intermodal facilities,
- (b) freight support facilities, other than—
 - (i) the erection or use of a building of a kind that is not within a building classification under the *Building Code of Australia*, or
 - (ii) designated development.

2 Warehouse or distribution centres

- (1) Erection or use of warehouse or distribution centres, if the gross floor area of all buildings used for warehouse or distribution centres in the Precinct does not exceed 850,000m².
- (2) If a building used for a warehouse or distribution centre has a height of more than 21m, the following apply—
 - (a) the visual impact of the building must be minimised,
 - (b) the building must be oriented to the street and the principal form must follow the boundary orientation,
 - (c) the design of the building must add visual interest through the building structure, facade design and signage integration,
 - (d) existing native trees within the setback of the building must be retained as an integral component of the site's landscaping, to protect local flora habitats,
 - (e) landscaping must—
 - (i) be included around the building or on the site boundaries, and
 - (ii) establish a distinctive entry to the site,
 - (f) native species of trees must be planted at 3m intervals along the landscaped areas at the side and rear boundaries,
 - (g) the trees in paragraph (f) must be capable of achieving—
 - (i) a height of at least 8m and a crown of 4m at maturity, and

- (ii) a crown of at least 2m within 2 years of the occupation of the development,
- (h) construction materials must be robust and durable,
- (i) light coloured materials with a high total solar reflectance must be used for roofing to reduce heat loading,
- (j) the colour and materials used in the building must provide a continuity along frontages,
- (k) the reflectivity of the glazing of the building must not exceed 20%,
- (l) the signage on the building must be designed to avoid clutter.

3 Change of use for freight support facilities

- (1) The change of use from a lawful use for the purposes of freight support facilities to another kind of use for the purposes of freight support facilities.
- (2) The land on which the development is carried out must be suitable for the new use.
- (3) If the new use results in an increase in the level of fire hazard arising from the use of a building, appropriate fire safety measures for the increased level of fire hazard must be implemented.

Note— Certain changes of use for freight support facilities are exempt development under this Policy, Chapter 6 and Schedule 12.

4 Awnings or canopies

- (1) The construction or installation of an awning or canopy.
- (2) The development must not—
 - (a) result in an increase to the gross floor area of a building, or
 - (b) reduce the existing level of access to a building by people with a disability.
- (3) The awning or canopy must not be—
 - (a) less than 2.7m above ground level (existing) at any point, or
 - (b) more than 3m in depth measured horizontally from the facade of the building, or
 - (c) closer than 450mm to the edge of a kerb or alignment of a path or road on which vehicles travel.

5 Bridges used for purposes other than roads

The construction or installation of a bridge used for a purpose other than a road.

6 Conveyor systems

- (1) The construction or installation of a conveyor system.
- (2) An overhead structure that supports a conveyor system must be constructed to provide adequate clearance for traffic below the structure.

7 Cranes

The installation of a rail-mounted crane, fixed crane or crane rails for a rail-mounted crane.

8 Dry bulk storage silos

The construction or installation of a dry bulk storage silo that is not used for the storage of dangerous goods.

9 Emergency services equipment

- (1) The construction or installation, including upgrading and replacing, of emergency services equipment, including the following—
 - (a) fire systems,
 - (b) pumphouses,
 - (c) fire water tanks,
 - (d) other essential fire safety facilities.
- (2) The development must not—
 - (a) reduce the level of fire safety of a building, or
 - (b) detrimentally affect the structural integrity of a building, or
 - (c) alter or extend an existing fire sprinkler system of a building that is unsuitable for the level of fire hazard arising from the use of the building.
- (3) Subsection (2)(c) does not apply to an alteration or extension that is for the purposes of, or includes, upgrading the fire sprinkler system so that it is suitable for the level of fire hazard arising from the use of the building.

10 Importation and placement of fill

- (1) The use of up to 2,300,000m³ of fill that is compacted.
- (2) The fill must be appropriate fill.
- (3) No more than 22,000 tonnes of fill may be delivered to land in the Precinct in a 24-hour period.
- (4) The fill must not be stored on contaminated land within the meaning of the Act, Schedule 6.
- (5) Despite subsection (4), the fill may be stored on land referred to in the *Environmental Planning and Assessment Regulation 2021*, section 129(2) if the remediation works specified in a statement under that Regulation, section 129(5) have been carried out.

11 Food and drink premises

Food and drink premises to provide for persons working in the Precinct with—

- (a) a gross floor area of not more than 1,250m², and
- (b) food preparation areas that comply with AS 4674—2004, *Design, construction and fit-out of food premises*.

12 Loaders, unloaders and cargo handling facilities

The construction or installation of a loader or unloader and associated cargo handling facilities.

13 Retaining walls

- (1) The construction of a retaining wall with a height of not more than 6m above ground level (existing).
- (2) The wall must comply with the following—

- (a) AS 3700:2018, *Masonry structures* and AS 3700:2018 Sup 1:2020, *Masonry structures—Commentary (Supplement 1 to AS 3700:2018)*,
- (b) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*, and AS/NZS 1170.1 Supp 1:2002, *Structural design actions—Permanent, imposed and other actions—Commentary (Supplement to AS/NZS 1170.1:2002)*,
- (c) if the structure is made of timber—AS 1720.1—2010, *Timber structures, Part 1: Design methods*.

Part 2 Complying development certificate conditions

14 Hours of construction work

Construction may be carried out only between 7.00am and 5.00pm Monday to Saturday, unless construction cannot be heard at the nearest residence.

15 Dust emissions

To control dust emissions from the site, suitable measures must be taken to suppress dust or mitigate the effect of dust emissions prior to demolition, excavation or building work.

16 Earthworks

- (1) Earthworks, including a structural retaining system or other related structure, must not—
 - (a) cause a danger to life or property or damage to any adjoining buildings or structures on the land comprising the lot on which the earthworks are carried out or to any building or structure on land comprising an adjoining lot, or
 - (b) redirect the flow of any surface or ground water, or cause sediment to be transported, onto an adjoining property.
- (2) Excavated soil found to be contaminated, as classified under guidelines made under the *Contaminated Land Management Act 1997*, must be—
 - (a) removed from the site in accordance with any requirements of the *Protection of the Environment Operations Act 1997*, or
 - (b) appropriately remediated or managed on site.
- (3) Fill brought to the site must be appropriate fill.
- (4) Excavation must be carried out in accordance with *Excavation Work: Code of Practice*, published by SafeWork NSW in January 2020.

17 Development on land containing containment cell

- (1) This section applies to complying development carried out on land containing a containment cell if the development is likely to—
 - (a) cause the cell to be breached or otherwise damaged, or
 - (b) reduce the effectiveness of the cell.
- (2) A plan that provides for the following must be prepared and approved by a site auditor before the development commences—
 - (a) the management of the construction process relating to a breach of or damage to the containment cell, including how exposed contaminated material will be dealt with,

- (b) the process for reinstating the containment cell before the development is completed.
- (3) The plan, including the reinstatement of the containment cell, must be complied with.
- (4) The land on which the development is carried out must not be used for the purpose of the development unless—
 - (a) a site audit report and site audit statement are obtained from a site auditor before the development is completed, and
 - (b) the report and statement indicate that the site is suitable for the intended use.
- (5) In this section—
site audit report, *site audit statement* and *site auditor* have the same meaning as in the *Contaminated Land Management Act 1997*.

18 Survey certificate required if building close to lot boundary

- (1) This section applies to complying development that consists of the erection of a building that will be located less than 3m from a lot boundary.
- (2) A survey certificate must be provided to the principal certifying authority—
 - (a) before form work below a ground floor slab is carried out, or
 - (b) if there is no form work below a ground floor slab—before concrete is poured for a ground floor slab or foundations.
- (3) The survey certificate must—
 - (a) be prepared by a registered land surveyor under the *Surveying and Spatial Information Act 2002*, and
 - (b) show the location of the building relative to the boundaries of the lot.

19 Engineering certificate required for certain development

- (1) This section applies to development specified in sections 1, 2, 4–9, 12 and 13.
- (2) A certificate by a qualified engineer must be provided to the principal certifying authority, before the principal certifying authority carries out the final inspection, certifying that the development has satisfactory design and structural integrity.

20 Emergency facilities

Fire watch measures must be implemented during a period in which work on existing alarm signalling equipment results in a loss of a monitoring service.

Schedule 2 Amendment of State Environmental Planning Policy (Biodiversity and Conservation) 2021

[1] Section 11.8 Planning control table

Omit item 2 from the table. Insert instead—

2 AQUACULTURE

Definition

Aquaculture within the meaning of the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006* (the **Standard Instrument**).

Planning control

Development consent not required for oyster aquaculture that is permitted without development consent under the Standard Instrument, clause 5.19(6).

Development consent required for all other aquaculture.

Specific matters for consideration

The likely direct, indirect and cumulative environmental impact of related activities, including—

- (a) the coating of fishing accessories with protective finishes, and
- (b) the transport and cleaning of cages, racks and other accessories.

Whether the proposal includes adequate measures for the disposal of waste.

The potential for adverse environmental impacts arising from damage to facilities or equipment associated with the proposal and caused by flooding, stormwater or erosion.

[2] Schedule 1, heading

Insert “—Chapter 3” after “species”.

[3] Schedule 2, heading

Insert “—Chapter 4” after “areas”.

[4] Schedule 2, item (5)(d)

Omit “Schedule 2”. Insert instead “Schedule 6.”.

[5] Schedule 3, heading

Insert “—Chapter 4” after “species”.

[6] Schedule 6, heading

Insert “—Chapter 9” after “heritage”.

[7] Schedule 7, heading

Insert “—Chapter 9” after “prohibited”.

[8] Schedule 9, heading

Omit the heading. Insert instead—

Schedule 9 Maps for Chapter 10

[9] Schedule 10, heading

Insert “—Chapter 10” after “development”.

[10] Schedule 11, heading

Insert “—Chapter 10” after “items”.

[11] Schedule 11

Omit “(Dictionary)”. Insert instead “Schedule 12, definition of *heritage item*”.

[12] Schedule 12 Dictionary for Chapter 10

Omit “Schedule 4” from the definition of heritage item, paragraph (a)(ii).

Insert instead “Schedule 11”.