



New South Wales

State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) 2022

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*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) 2022*.

2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

4 Repeals

The following environmental planning instruments are repealed—

- (a) *State Environmental Planning Policy (Activation Precincts) Amendment (Wagga Wagga) 2021*,
- (b) *State Environmental Planning Policy (Activation Precincts) Amendment (Moree) 2021*.

5 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 (Precincts—Regional) 2021*,
- (b) *Parkes Local Environmental Plan 2012*.

Schedule 1 Amendment of State Environmental Planning Policy (Precincts—Regional) 2021

[1] Section 3.2 Definitions

Insert in alphabetical order in section 3.2(1)—

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.

[2] Section 3.4 Relationship with other environmental planning instruments

Insert after section 3.4(2)—

- (3) *State Environmental Planning Policy (Planning Systems) 2021*, Chapter 2 does not apply to land within an Activation Precinct.

[3] Section 3.10 Determination of applications for Activation Precinct certificates

Omit section 3.10(4). Insert instead—

- (4) Before determining an application, the issuing authority may request that an applicant—
 - (a) modify the application to make it consistent with the master plan and delivery plan for the land, or
 - (b) provide additional information about the development that the issuing authority considers necessary to properly consider the application.
- (4A) The request must specify a reasonable period within which the applicant must modify the application or provide the information.
- (4B) The period between the issuing authority's request and the earlier of the following is not to be counted towards the 30-day period specified in subsection (2)—
 - (a) the day on which the applicant modifies the application or provides the information,
 - (b) the day on which the applicant notifies the issuing authority that the applicant will not modify the application or provide the information,
 - (c) the end of the period specified under subsection (4A).

[4] Schedule 1 Parkes Activation Precinct

Insert “Landscaping material supplies;” after “Kiosks;” in item 3 of the matter relating to the Regional Enterprise Zone in the Land Use Table.

[5] Schedule 1, section 6 Solar energy farms

Omit section 6(2).

[6] Schedule 1, section 9 Complying development

Omit section 9(2). Insert instead—

- (2) Despite subsection (1), development for the purposes of electricity generating works, other than solar energy farms, is not complying development.

[7] Schedule 1, section 9(3)(b)

Omit the paragraph.

[8] Schedule 1, section 9(3)(d)

Omit “*State Environmental Planning Policy No 55—Remediation of Land*”.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4*”.

[9] Schedule 1, section 9(4) and (5)

Insert after section 9(3)—

- (4) To be complying development, the development must not be carried out on land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Parkes Activation Precinct Environmentally Sensitive Areas Map unless—
 - (a) the development is for the purposes of environmental protection works or recreation areas, or
 - (b) if the development involves the clearing of native vegetation—development consent has been obtained in accordance with section 12.
- (5) To be complying development, the development must not involve development that requires development consent under *Parkes Local Environmental Plan 2012*, clause 5.10, as it applies under this Schedule, section 13.

[10] Schedule 1, section 10 Exempt development

Omit “Schedule 3” wherever occurring. Insert instead “Schedule 1C”.

[11] Schedule 1, section 12 Preservation of trees and vegetation

Omit “*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*” from section 12(5).

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2*”.

[12] Schedule 1, section 13 Application of provisions of other environmental planning instruments

Omit “and 2.8” from section 13(1). Insert instead “, 2.8 and 5.10”.

[13] Schedule 1, section 13

Insert after section 13(1)—

- (1A) A reference in *Parkes Local Environmental Plan 2012*, clause 5.10 to the consent authority is to be read as a reference to the consent authority for the Parkes Activation Precinct.

[14] Schedules 1A–1C

Insert after Schedule 1—

Schedule 1A Wagga Wagga Activation Precinct

Part 1 Declaration and zoning

1 Commencement

This Schedule commences on 31 March 2022.

2 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.

3 Consent authority in Regional Enterprise Zone

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

4 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

5 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.

6 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, Chapter 3 or this Schedule, 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 section is subject to the other provisions of this Policy, Chapter 3 and this Schedule.

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

7 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 this Part.

8 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 section.
- (2) Despite subsection (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) not be for the purpose of remediation work within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4, and
 - (c) not be carried out in a pipeline corridor, and
 - (d) not be a major hazard facility, and
 - (e) be carried out in accordance with the relevant provisions of the Blue Book, and
 - (f) be installed in accordance with the manufacturer’s specifications, if applicable, and
 - (g) 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
 - (h) 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) To be complying development, the development must 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 unless—
- (a) the development is for the purposes of environmental protection works or recreation areas, or
 - (b) if the development involves the clearing of native vegetation—development consent has been obtained in accordance with section 12.
- (5) To be complying development, the development must not involve development that requires development consent under *Wagga Wagga Local Environmental Plan 2010*, clause 5.10, as it applies under this Schedule, section 13.
- (6) In this section—
- Blue Book** has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- major hazard facility** has the same meaning as in the *Work Health and Safety Regulation 2017*.

Division 2 Exempt development

9 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, 2.74, 2.74B, 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 (Transport and Infrastructure) 2021*, section 2.20(2)(a)–(f).
- (3) Development specified in Schedule 1C is exempt development if—
- (a) it meets the standards specified for the development in Schedule 1C, 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 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 (Transport and Infrastructure) 2021*, section 2.20(2)(a)–(f).

Part 3 Miscellaneous

10 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.

11 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 section has effect despite anything to the contrary in the Land Use Table or other provision of this Schedule.

12 Preservation of trees and vegetation

(1) The objectives of this section 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 section 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 section applies without development consent.
- (4) Development consent under subsection (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 (Biodiversity and Conservation) 2021*, Chapter 2 does not apply to land to which this section applies.

13 Heritage conservation

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

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

Suburb	Item name	Address	Property description	Significance	Item No
Bruce Dale	Postal receiving office (former) and “Devonhurst” farm shed	1554 and 1556 Olympic Highway	Lot 336, DP751422; Lot 335, DP751422	Local	18
Bruce Dale	Holy Family Chapel	1555 Olympic Highway	Lot 431, DP 751422	Local	15
Bruce Dale	Bruce Dale Public School (former)	1563 Olympic Highway	Lot 433, DP 751422	Local	14

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

14 Application of Wagga Wagga Local Environmental Plan 2010

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

15 Application of State Environmental Planning Policy (Transport and Infrastructure) 2021

- (1) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 applies to land in the Wagga Wagga Activation Precinct, subject to the modifications set out in this section.
- (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 *State Environmental Planning Policy (Transport and Infrastructure) 2021*—
- the Regional Enterprise Zone for sections 2.31, 2.92, 2.94(1)(a) and 2.126,
 - the Regional Enterprise and Rural Activity Zones for sections 2.52(1), 2.105 and 2.106(1),
 - all zones for sections 2.110(2) and 2.112.
- (3) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.41(1), (3) and (4)(f)(ii) and (iii) does not apply to land in the Wagga Wagga Activation Precinct.
- (4) For the purposes of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.159(2)(a), the Regional Enterprise and Rural Activity Zones are taken to be an equivalent land use zone.

16 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 1B Moree Activation Precinct

Part 1 Declaration and zoning

1 Commencement

This Schedule commences on 31 March 2022.

2 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.

3 Consent authority in Regional Enterprise Zone

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

4 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

5 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.

6 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, Chapter 4 or this Schedule, 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 section is subject to the other provisions of this Policy, Chapter 4 and this Schedule.

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

7 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 this Part.

8 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 section.
- (2) Despite subsection (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) not be for the purpose of remediation work within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4, and
 - (c) not be carried out in a pipeline corridor, and
 - (d) not be a major hazard facility, and
 - (e) be carried out in accordance with the relevant provisions of the Blue Book, and
 - (f) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (g) 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
 - (h) 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) To be complying development, the development must 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 unless—
 - (a) the development is for the purposes of environmental protection works or recreation areas, or
 - (b) if the development involves the clearing of native vegetation—development consent has been obtained in accordance with section 10.
- (5) To be complying development, the development must not involve development that requires development consent under *Moree Plains Local Environmental Plan 2011*, clause 5.10, as it applies under this Schedule, section 11.

- (6) In this section—
Blue Book has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
major hazard facility has the same meaning as in the *Work Health and Safety Regulation 2017*.

Division 2 Exempt development

9 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 (Transport and Infrastructure) 2021*, section 2.20(2)(a)–(f).
- (3) Development specified in Schedule 1C is exempt development if—
- (a) it meets the standards specified for the development in Schedule 1C, 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 (Transport and Infrastructure) 2021*, section 2.20(2)(a)–(f).

Part 3 Miscellaneous

10 Preservation of trees and vegetation

- (1) The objectives of this section 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 section 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 section applies without development consent.
- (4) Development consent under subsection (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 (Biodiversity and Conservation) 2021*, Chapter 2 does not apply to land to which this section applies.

11 Application of Moree Plains Local Environmental Plan 2011

- (1) *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.
- (2) A reference in *Moree Plains Local Environmental Plan 2011*, clauses 5.10 and 7.3–7.5 to the consent authority is to be read as a reference to the consent authority for the Moree Activation Precinct.

12 Application of State Environmental Planning Policy (Transport and Infrastructure) 2021

- (1) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 applies to land in the Moree Activation Precinct, subject to the modifications set out in this section.
- (2) The following zones in the Moree Activation Precinct are taken to be prescribed zones for the purposes of the specified provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*—
 - (a) the Regional Enterprise Zone for sections 2.31, 2.51(1), 2.94(1)(a), 2.105, 2.106(1), 2.126 and 2.159(4),
 - (b) the Rural Activity Zone for sections 2.52(1), 2.105 and 2.106(1),
 - (c) all zones for sections 2.109(2) and 2.111.

- (3) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.41(1), (3) and (4)(f)(ii) and (iii) does not apply to land in the Moree Activation Precinct.
- (4) For the purposes of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.159(2)(a), the Regional Enterprise Zone and the Rural Activity Zone are taken to be an equivalent land use zone.
- (5) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 3.41(7) and 3.48(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.

Schedule 1C 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 100m².</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>

Development purpose	Development standards
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>
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	<p>Must not be used for habitable purposes.</p>
Stock holding yard—Parkes and Wagga Wagga Activation Precincts only	<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>

Development purpose	Development standards
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>
Signage—Wagga Wagga and Moree Activation Precincts 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>

Development purpose	Development standards
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>
Minor external non-structural building alteration, including the following—	<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>
(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.	

Development purpose	Development standards
Rainwater tanks (above and below ground)—Parkes and Wagga Wagga Activation Precincts only	<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>
Demolition of development that would be exempt development under this Policy, Chapter 3 if it were being constructed or installed	<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>
Letter boxes	

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.