



New South Wales

State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) (No 2) 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) (No 2) 2022

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) (No 2) 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This Policy is repealed at the beginning of the day following the day on which this Policy commences.

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

[1] Section 3.2 Definitions

Omit “by this Chapter” from section 3.2(1), definition of *Activation Precinct*.

Insert instead “in a Schedule made under this Chapter”.

[2] Section 3.2(1)

Insert in alphabetical order—

Blue Book has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

Codes SEPP means *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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

[3] Section 3.2(3)

Omit the subsection. Insert instead—

- (3) A reference to this Chapter includes a reference to a Schedule made under this Chapter.

[4] Section 3.5 Maps

Insert after section 3.5(5)—

- (6) A map referred to in a Schedule made under this Chapter is taken to be a map adopted by this Chapter.

[5] Chapter 3, Part 3.4

Insert after Chapter 3, Part 3.3—

Part 3.4 Complying development

Division 1 Preliminary

3.17 Application of Codes SEPP

The Codes SEPP does not apply to land in an Activation Precinct, except as otherwise provided by this Chapter.

Note— Certain provisions of the Codes SEPP relating to exempt development apply to Activation Precincts. See the Schedules made under this Chapter.

3.18 Complying development

- (1) Development that is permitted with development consent on land in an Activation Precinct is complying development if the development is carried out in compliance with—
- (a) the requirements of this Part, and
 - (b) the development standards specified in Schedule 1E, Parts 1 and 2.
- (2) Despite subsection (1), development for the following purposes is not complying development—
- (a) electricity generating works, other than solar energy farms,

- (b) for the Wagga Wagga and Moree Activation Precincts—centre-based child care facilities.

3.19 General requirements for complying development

- (1) To be complying development, the development must—
 - (a) meet the relevant provisions of the *Building Code of Australia*, and
 - (b) be carried out in accordance with the relevant provisions of the Blue Book, and
 - (c) be installed in accordance with the manufacturer’s specifications, if applicable.
- (2) To be complying development, the development must not—
 - (a) be for the purposes of a remediation work within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4, or
 - (b) involve a major hazard facility, or
 - (c) involve the removal of asbestos, unless the removal is undertaken in accordance with *How to Safely Remove Asbestos: Code of Practice*, published by Safe Work Australia in July 2020, or
 - (d) involve development that requires development consent under clause 5.10 of the local environmental plan that applies to the Activation Precinct.
- (3) To be complying development, the development must not be carried out—
 - (a) in a pipeline corridor, or
 - (b) for development involving the erection of a building—within 1m of a public sewer except with the written approval of the authority that manages or controls the sewer.
- (4) To be complying development in the Parkes or Snowy Mountains Activation Precinct, the development must not be carried out on land—
 - (a) on which a heritage item or Aboriginal object is located, or
 - (b) in a heritage conservation area or Aboriginal place of heritage significance.
- (5) Subsection (4) does not apply to Lot 6, DP 239537, Jindabyne Foreshore Park in the Snowy Mountains Activation Precinct.
- (6) To be complying development in the Snowy Mountains Activation Precinct, the development must not be designated development.

3.20 Complying development in environmentally sensitive areas

- (1) To be complying development, the development must not be carried out on—
 - (a) land identified as an “environmentally sensitive area” on—
 - (i) the State Environmental Planning Policy (Activation Precincts) 2020 Parkes Activation Precinct Environmentally Sensitive Areas Map, or
 - (ii) the State Environmental Planning Policy (Activation Precincts) 2020 Wagga Wagga Activation Precinct Environmentally Sensitive Areas Map, or
 - (iii) the State Environmental Planning Policy (Precincts—Regional) 2021 Snowy Mountains Activation Precinct Environmentally Sensitive Areas Map, or

- (b) land identified as an “environmental conservation area” on the State Environmental Planning Policy (Activation Precincts) 2020 Moree Activation Precinct Environmental Conservation Areas Map.
- (2) Subsection (1) does not apply to development for the purposes of environmental protection works or recreation areas.
- (3) Subsection (1) does not apply to development involving the clearing of native vegetation if development consent has been obtained for the clearing in accordance with the following provisions—
 - (a) for the Parkes Activation Precinct—Schedule 1, section 10A,
 - (b) for the Wagga Wagga Activation Precinct—Schedule 1A, section 12,
 - (c) for the Moree Activation Precinct—Schedule 1B, section 10,
 - (d) for the Snowy Mountains Activation Precinct—Schedule 1D, section 11.

3.21 Complying development certificate conditions

A complying development certificate for complying development under this Chapter is subject to—

- (a) the conditions specified in Schedule 1E, Part 3, and
- (b) the conditions specified in the following provisions of the Codes SEPP—
 - (i) for complying development in the Snowy Mountains Activation Precinct—Schedule 6,
 - (ii) for complying development other than in the Snowy Mountains Activation Precinct—Schedule 6, clause 6,
 - (iii) for complying development involving subdivision—Schedule 6B,
 - (iv) Schedule 8, other than clauses 11 and 24B,
 - (v) for complying development involving demolition—Schedule 9.

[6] Schedules 1, 1A, 1B and 1D

Insert after the headings to Schedules 1, 1A, 1B and 1D—

section 3.2(1), definition of “Activation Precinct”

[7] Schedule 1 Parkes Activation Precinct

Omit “**and complying**” from Part 3, heading.

[8] Schedule 1, Part 3, Division 1

Omit the Division.

[9] Schedule 1, Part 3, Division 2

Omit the heading to the Division.

[10] Schedule 1A Wagga Wagga Activation Precinct

Omit “**and complying**” from Part 3, heading.

[11] Schedule 1A, Part 3, Division 1

Omit the Division.

- [12] **Schedule 1A, Part 3, Division 2**
Omit the heading to the Division.
- [13] **Schedule 1B Moree Activation Precinct**
Omit “**and complying**” from Part 2, heading.
- [14] **Schedule 1B, Part 2, Division 1**
Omit the Division.
- [15] **Schedule 1B, Part 2, Division 2**
Omit the heading to the Division.
- [16] **Schedule 1D Snowy Mountains Activation Precinct**
Omit “**and complying**” from Part 2, heading.
- [17] **Schedule 1D, Part 2, Division 1**
Omit the Division.
- [18] **Schedule 1D, Part 2, Division 2**
Omit the heading to the Division.
- [19] **Schedule 1E**
Insert after Schedule 1D—

Schedule 1E Complying development—Chapter 3

sections 3.18 and 3.21

Part 1 General development standards

1 Stormwater management systems

- (1) This section applies to development involving building work.
- (2) A stormwater management system must be installed before building work commences.
- (3) The stormwater management system must—
 - (a) be designed by a suitably qualified person, and
 - (b) be approved by the Development Corporation, and
 - (c) be constructed in accordance with AS/NZS 3500.3:2021, *Plumbing and drainage, Part 3: Stormwater drainage*, and
 - (d) have a system capacity designed in accordance with—
 - (i) *Australian Rainfall and Runoff: A Guide to Flood Estimation*, 4th edition, published by the Commonwealth of Australia in 2019, and
 - (ii) *Managing Urban Stormwater—Council Handbook*, published by the Environment Protection Authority in 1997.

2 Flood planning areas

- (1) This section applies to development carried out in a flood planning area.

- (2) The development must have a minimum floor level no lower than the floor levels specified in a development control plan or delivery plan that applies to the land.
- (3) Subsection (2) does not apply if a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering jointly certify that the part of the development at or below the floor levels required under subsection (2)—
 - (a) is constructed of flood compatible materials, and
 - (b) is able to withstand a 1% annual exceedance probability flood event without significant damage.
- (4) Words used in this section have the same meaning as in the *Floodplain Development Manual*, published by the NSW Government in April 2005, unless otherwise defined.
- (5) In this section—
professional engineer has the same meaning as in the *Building Code of Australia*.

3 Construction environmental management plans

- (1) Building work must be carried out in accordance with a plan that ensures appropriate environmental management practices are followed during construction (a **construction environmental management plan**).
- (2) A construction environmental management plan must deal with the following matters—
 - (a) the location of, and materials to be used for, safety fencing and hoardings,
 - (b) ensuring public safety while the building work is carried out,
 - (c) pedestrian and vehicular access,
 - (d) construction activity zones,
 - (e) construction traffic management,
 - (f) the protection of trees on site,
 - (g) the carrying out of bulk earthworks,
 - (h) the location of site storage areas and sheds,
 - (i) the equipment to be used to carry out the building work,
 - (j) dust, noise and vibration measures,
 - (k) the location of temporary toilets.
- (3) The construction environmental management plan must be submitted to the Development Corporation and the principal certifier at least 2 days before building work commences on the site.
- (4) The construction environmental management plan must be prepared by a suitably qualified person.
- (5) The construction environmental management plan must be kept on site while building work is carried out.

4 Access by emergency services

Access to and around the development for emergency services vehicles must be maintained.

5 Cleaning up liquid spills

Liquid spills must be cleaned up with absorbent materials and must not drain into the stormwater system.

6 Earthworks

- (1) Earthworks, including a structural retaining system or other related structure, for the purposes of the development must not—
 - (a) cause danger to life or property, or
 - (b) cause damage to an adjoining building on the lot on which the earthworks are carried out, or
 - (c) cause damage to a building on an adjoining lot, or
 - (d) redirect the flow of surface or ground water onto an adjoining property, or
 - (e) cause sediment to be transported onto an adjoining property.
- (2) The earthworks must preserve topsoil on site for reuse.
- (3) Excavated material removed from the site must be disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.
- (4) Excavation must be carried out in accordance with *Excavation Work: Code of Practice*, published by Safe Work Australia in October 2018.
- (5) Fill brought to the site must contain only—
 - (a) virgin excavated natural material within the meaning of the *Protection of the Environment Operations Act 1997*, Schedule 1, or
 - (b) fill reused in accordance with an excavated natural material exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, Part 9.

Part 2 Development standards for certain types of complying development

7 Solar energy farms

- (1) This section applies to development for the purposes of solar energy farms.
- (2) The development must—
 - (a) be designed, constructed and maintained to reduce the impact of the development on surface water, flooding and ground water at the site, and
 - (b) be designed, constructed and maintained to avoid erosion at the site, and
 - (c) minimise the risk of fire, including in relation to managing vegetation.
- (3) If the development is carried out on bush fire prone land, the development must conform to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.
- (4) In this section—

Planning for Bush Fire Protection means the document entitled *Planning for Bush Fire Protection*, ISBN 978 0 646 99126 9, published by the NSW Rural Fire Service in November 2019.

8 Driveways, hardstand areas, pathways and paved areas

- (1) This section applies to the construction or installation of the following—
 - (a) a pathway or paved area,
 - (b) a driveway associated with access to a hardstand area, carport, loading bay or garage,
 - (c) a hardstand area, whether open or part of a carport.
- (2) The development must—
 - (a) not interfere with the functioning of existing drainage fixtures or flow paths, and
 - (b) not require a cut or fill of more than 2m below or above ground level (existing).
- (3) A driveway or hardstand area must—
 - (a) be constructed in accordance with—
 - (i) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* or AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*, and
 - (ii) *RMS Australian Standard Supplements, Australian Standard—AS2890, Parking Facilities, Parts 1–6*, issued by Transport for NSW, and
 - (b) be designed to allow all vehicles to turn around within the site and exit in a forward direction, and
 - (c) be designed and certified by a professional engineer within the meaning of the *Building Code of Australia*.
- (4) A hardstand area must be—
 - (a) associated with a driveway, and
 - (b) located at least 3m from a boundary that adjoins a residential zone.
- (5) A pathway or paved area used for pedestrian access must be designed and constructed in accordance with AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work*.

9 Awnings and canopies

- (1) This section applies to the construction or installation of an awning or canopy.
- (2) The awning or canopy must be certified by a qualified engineer as having a satisfactory design.

10 Emergency services equipment

- (1) This section applies to the construction, installation, upgrade or replacement 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 unless the alteration or extension is for the purposes of, or includes, the upgrade of the fire sprinkler system so it is suitable for that level of fire hazard.

11 Road and rail terminal facilities

- (1) This section applies to the erection of terminal facilities for the unloading, loading or discharge of freight carried by road or rail, including a dump station or rail loading gantry crane.
- (2) The facility must be certified by a qualified engineer as having a satisfactory design and structural integrity.

Part 3 Complying development certificate conditions

12 Notice to Development Corporation

- (1) The person having the benefit of the complying development certificate must notify the Development Corporation at least 2 days before each of the following—
 - (a) the commencement of the building work authorised by the certificate,
 - (b) the commencement of the occupation or use of the development,
 - (c) the end of the occupation or use of the development.
- (2) The waste management plan required for demolition work under the Codes SEPP, Schedule 9, clause 3, as applied by this Policy, section 3.21, must be provided to the Development Corporation at least 2 days before demolition work commences.

13 Garbage and waste storage

- (1) A garbage and waste storage area for recyclable and non-recyclable waste and receptacles for the waste must be provided as part of the development.
- (2) The garbage and waste storage area must—
 - (a) be screened, and
 - (b) not be located in a landscaped area, driveway, turning area, truck standing area or car parking area.
- (3) All waste must be stored in the garbage and waste storage area.
- (4) All waste must be classified in accordance with the *Waste Classification Guidelines, Part 1: Classifying Waste*, published by the Environment Protection Authority in November 2014.

14 Adjoining buildings

- (1) Before commencing demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- (2) The report must be prepared by a suitably qualified engineer.
- (3) If the person preparing the report does not have access to the building for the purposes of an inspection, the report may be prepared from an external inspection.

15 Hours for construction work

- (1) Construction work may be carried out—
 - (a) between 7am and 6pm on Monday to Friday, and
 - (b) between 8am and 1pm on Saturday.
- (2) Construction work must not be carried out on a Sunday or public holiday.
- (3) Construction work may be carried out outside the hours specified in subsections (1) and (2) if the construction work generates noise no louder than—
 - (a) 5dB(A) above the rating background level at any adjoining residence, in accordance with the *Interim Construction Noise Guideline*, published by the Department of Environment and Climate Change in July 2009, or
 - (b) the noise management levels specified in Table 3 of the guideline at other sensitive receivers.
- (4) This section does not apply to the delivery of materials if prior approval has been obtained from the NSW Police Force or another relevant public authority.
- (5) This section does not apply to construction works carried out—
 - (a) in an emergency, or
 - (b) to avoid loss of life or property, or
 - (c) to prevent environmental harm.

16 Vibration

Building work, subdivision work and demolition work must comply with—

- (a) DIN 4150-3:2016-12, *Vibration in Buildings—Part 3: Effects on Structures*, and
- (b) *Assessing Vibration: A Technical Guideline*, published by the Department of Environment and Conservation in February 2006.

17 Emergency facilities

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

18 Bridges, cranes, ship loaders and other transport infrastructure

- (1) This section applies to development that consists of the construction or installation of the following—
 - (a) a bridge used for a purpose other than a road,
 - (b) a rail-mounted crane, crane rails for a rail-mounted crane or a fixed crane,
 - (c) a ship loader or unloader,
 - (d) a cargo handling facility,
 - (e) a dry bulk storage silo,
 - (f) a road or rail terminal facility,
 - (g) a stacker, reclaimer or stacker-reclaimer,
 - (h) a wharf or berthing infrastructure,
 - (i) a conveyor system.

- (2) A certificate by a qualified engineer must be provided to the principal certifier, before the principal certifier carries out the final inspection, certifying that the item—
 - (a) has been installed in accordance with the design specifications certified by a qualified engineer, and
 - (b) is structurally adequate.