



New South Wales

# **State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) 2023**

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) 2023**

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Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Precincts—Regional) Amendment (Activation Precincts) 2023*.

### **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This Policy is repealed at the beginning of the day following the day on which this Policy commences.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] Part 3.3 Activation Precinct certificates

Omit the note under the heading to the Part. Insert instead—

**Note—** Development consent, other than a complying development certificate, must not be granted for development on land in an Activation Precinct unless an Activation Precinct certificate is in force in relation to the development. Under the *Environmental Planning and Assessment Regulation 2021*, section 126, an Activation Precinct certificate must accompany an application for a complying development certificate for development on land in an Activation Precinct.

### [2] Sections 3.9(1), 3.10(1)–(5) and (7), 3.13(1), 3.14(1) and 3.15(1)

Omit “issuing authority” wherever occurring.

Insert instead “Development Corporation”.

### [3] Section 3.9 Applications for Activation Precinct certificates

Omit section 3.9(4).

### [4] Section 3.10 Determination of applications for Activation Precinct certificates

Omit “issuing authority’s” from section 3.10(4B).

Insert instead “Development Corporation’s”.

### [5] Section 3.10(6)

Omit the subsection and the note. Insert instead—

- (6) *State Environmental Planning Policy (Resilience and Hazards) 2021*, sections 3.11, 3.12 and 4.6 apply to an application for an Activation Precinct certificate that relates to complying development in the same way as they apply to an application for development consent.

**Note—** *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapters 3 and 4 apply to development in an Activation Precinct that is not complying development.

### [6] Section 3.11

Omit the section. Insert instead—

#### 3.11 Activation Precinct certificates for complying development involving potentially hazardous or offensive industry

- (1) The Development Corporation must not issue an Activation Precinct certificate that relates to complying development for the purposes of a potentially hazardous industry or potentially offensive industry without the approval of the Planning Secretary.
- (2) The Planning Secretary may grant approval for the purposes of subsection (1) only if satisfied that the development does not pose an unacceptable risk in the locality to human health, life, property or the biophysical environment.
- (3) This section does not affect the issue of an Activation Precinct certificate that relates to development proposed to be carried out with development consent, other than a complying development certificate.
- (4) In this section—  
*potentially hazardous industry* has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3.

*potentially offensive industry* has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3.

**[7] Section 3.12A**

Insert after section 3.12—

**3.12A Requirement for Activation Precinct certificate for development consent**

- (1) Development consent, other than a complying development certificate, must not be granted to development on land in an Activation Precinct unless an Activation Precinct certificate is in force in relation to the development.
- (2) This section does not apply to development on land in—
  - (a) an Activation Precinct carried out by or behalf of a public authority, or
  - (b) the Snowy Mountains Activation Precinct.

**Note—** Under the *Environmental Planning and Assessment Regulation 2021*, section 126, an application for a complying development certificate for development on land in an Activation Precinct must be accompanied by an Activation Precinct certificate.

**[8] Section 3.13 Development near electricity transmission and distribution networks**

Omit “Part 2.3, Division 5 of *State Environmental Planning Policy (Infrastructure) 2007*” from the definition of *electricity supply authority* in section 3.13(2).

Insert instead “*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 5”.

**[9] Section 3.15 Development in rail corridors**

Omit section 3.15(3), definitions of *rail authority* and *rail corridor*.

Insert instead—

*rail authority* for a rail corridor has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 15.

*rail corridor* has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 15.

**[10] Section 3.16 Consultation procedure**

Omit “An issuing authority that is required to consult with a person or body under this Division must”.

Insert instead “If required to consult with a person or body under this Division, the Development Corporation must”.

**[11] Part 3.4, Division 1**

Omit the heading to the Division.

**[12] Schedule 1 Parkes Activation Precinct**

Omit section 11. Insert instead—

**11 Application of Parkes Local Environmental Plan 2012**

- (1) *Parkes Local Environmental Plan 2012*, clauses 2.6(1), 2.7, 2.8 and 5.10 apply to land in the Parkes Activation Precinct in the same way as they apply to land to which that Plan applies.

- (2) 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.

**11A Application of State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2**

- (1) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 applies to land in the Parkes Activation Precinct, subject to the modifications set out in this section.
- (2) The Regional Enterprise zone is taken to be a prescribed zone for the following provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*—
  - (a) section 2.52,
  - (b) sections 2.109 and 2.111,
  - (c) section 2.126, other than section 2.126(3) and (5),
  - (d) section 2.159(4).
- (3) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.159 applies only to land in the Regional Enterprise zone.

**[13] Schedule 1E Complying development—Chapter 3**

Insert after the heading to Part 3—

**Division 1 General**

**[14] Schedule 1E, Part 3, Division 2**

Insert after section 18—

**Division 2 Potential hazardous industry**

**19 Application of Division**

- (1) This Division applies to development for the purposes of a potentially hazardous industry.
- (2) In this Division, a reference to a *Hazardous Industry Planning Advisory Paper* is a reference to the *Hazardous Industry Planning Advisory Papers* published by the Department in January 2011 and available on the Department's website.
- (3) In this Division—  
*potentially hazardous industry* has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3.

**20 Fire safety and hazards**

- (1) At least 1 month before the commencement of building work under the complying development certificate, the following must be provided to the principal certifier—
  - (a) a fire safety study prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 2: Fire Safety Study Guidelines*,
  - (b) a hazard and operability study prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 8: HAZOP Guidelines*,

- (c) a hazard analysis prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 6: Hazard Analysis*.
- (2) The studies and analysis referred to in subsection (1) must be prepared by a person approved by the Planning Secretary.
- (3) Before the commencement of occupation or use of the development, a certificate issued by a person approved by the Planning Secretary must be provided to the principal certifier stating that the development has been constructed in a way that incorporates and complies with the recommendations in the studies and analysis provided to the principal certifier under subsection (1).

## **20 Construction safety**

- (1) At least 1 month before the commencement of building work under the complying development certificate, a construction safety study must be provided to the principal certifier.
- (2) The study must be prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 7: Construction Safety*.
- (3) The development must comply with any recommendations contained in the study.

## **21 Transport of hazardous materials, emergencies and safety management**

- (1) At least 2 months before the commencement of occupation or use of the development, the following must be provided to the principal certifier—
  - (a) detailed information about the arrangements for the transport of hazardous materials involved in the development, prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 11: Route Selection*,
  - (b) an emergency plan prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 1: Emergency Planning*,
  - (c) a safety management system prepared in accordance with the *Hazardous Industry Planning Advisory Paper No 9: Safety Management*.
- (2) No later than 3 months after commencing occupation or use of the development, a report demonstrating how the development complies with the arrangements, plan and system referred to in subsection (1) must be provided to the principal certifier.

## **23 Hazard audits**

- (1) A hazard audit of the development must be provided to the principal certifier no later than—
  - (a) 1 year after the commencement of occupation or use of the development, and
  - (b) every 3 years after the first hazard audit.
- (2) A hazard audit must—
  - (a) be carried out by a person approved by the Planning Secretary, and
  - (b) comply with the *Hazardous Industry Planning Advisory Paper No 5: Hazard Audit Guidelines*.