



STATE ENVIRONMENTAL PLANNING POLICY (ACTIVATION PRECINCTS)  
2020

## Amendment No. 3 - Introduction of Moree Special Activation Precinct

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Discussion Paper

May 2021



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## Have your say

The Department of Planning, Industry and Environment welcomes your feedback on the proposed addition of the Moree Special Activation Precinct to State Environmental Planning Policy (Activation Precincts) 2020.

Your feedback is invited on this *Discussion Paper* for the State Environmental Planning Policy (Activation Precincts) 2020 and the Moree Special Activation Precinct draft Master Plan.

The Department will publish all individual submissions and a consultation summary report once it has assessed and analysed the submissions.

You can view the Discussion Paper (Explanation of Intended Effects), the Moree Special Activation Precinct draft Master Plan and supporting documents at [www.planningportal.nsw.gov.au/MoreeSAP](http://www.planningportal.nsw.gov.au/MoreeSAP)

### To make a submission online please follow the steps below:

- 1) Read our Privacy Statement and decide whether to include your personal information in your submission.
- 2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
  - a) The name of the proposal (Activation Precincts SEPP, Moree Special Activation Precinct draft Master Plan or both)
  - b) A brief statement on whether you support or object to the proposal
  - c) The reasons why you support or object to the proposal
- 3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
- 4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director

Regions, Industry and Key Sites

Department of Planning, Industry and Environment

Locked Bag 5022, Parramatta NSW 2124

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name or other personal identifying details published, please state this clearly at the top of your submission.

To find out more, please visit [www.planningportal.nsw.gov.au/MoreeSAP](http://www.planningportal.nsw.gov.au/MoreeSAP)

# 1. Purpose of this Discussion Paper

The aim of this Discussion Paper is to describe, and provide justification for, a proposed amendment to the *State Environmental Planning Policy (Activation Precincts) 2020* (Activation Precincts SEPP). Specifically, to identify the Moree Special Activation Precinct (shown in Figure 1) and to include provisions for land within that Precinct.

The proposed addition to the Activation Precincts SEPP will “turn off” the *Moree Plains Local Environmental Plan 2011* (**Moree LEP**) for land within the Moree Special Activation Precinct and the Activation Precincts SEPP will become the primary environmental planning instrument for that land. It will establish new land use zones, new controls relating to exempt, complying and designated development and introduce some new streamlined development application processes for land within the Moree Special Activation Precinct.

## 2. The Special Activation Precinct Program

### 2.1 Jobs and economic development in Regional NSW

The NSW Government is committed to supporting economic development and job creation in regional NSW. Regional NSW is one of Australia’s largest and most diverse regional economies, with an array of industries including agriculture, energy and resources, and strong tourism, service and manufacturing sectors.

Across NSW, economic or industry specialisations have arisen from locational or competitive advantages, access to a large, skilled workforce, investment, and/or the ability to co-locate supporting or productive value-add industries or activities.

The purpose of the Special Activation Precincts program is to create streamlined planning pathways to secure investment in catalyst infrastructure and stimulate economic growth.

The creation of the Special Activation Precincts aligns with the existing Department of Planning, Industry and Environment’s Regional Plans and the Department of Premier and Cabinet’s Regional Economic Development Strategies, which set the strategic vision and economic mechanisms for each Functional Economic Region across NSW.

### 2.2 The Special Activation Precinct program

#### 2.2.1 What is a Special Activation Precinct?

Special Activation Precincts are existing or proposed employment precincts in regional NSW that have been identified by the NSW Government as having potential for growth, and where planning and investment will be prioritised.

The Special Activation Precinct program is an important part of the NSW Government’s 20-Year Economic Vision for Regional NSW and will be delivered through the \$4.2 billion Snowy Hydro Legacy Fund.

The Special Activation Precinct consists of five core components:

## KEY ELEMENTS OF A SPECIAL ACTIVATION PRECINCT



The planning process is outlined below:

## Planning Process



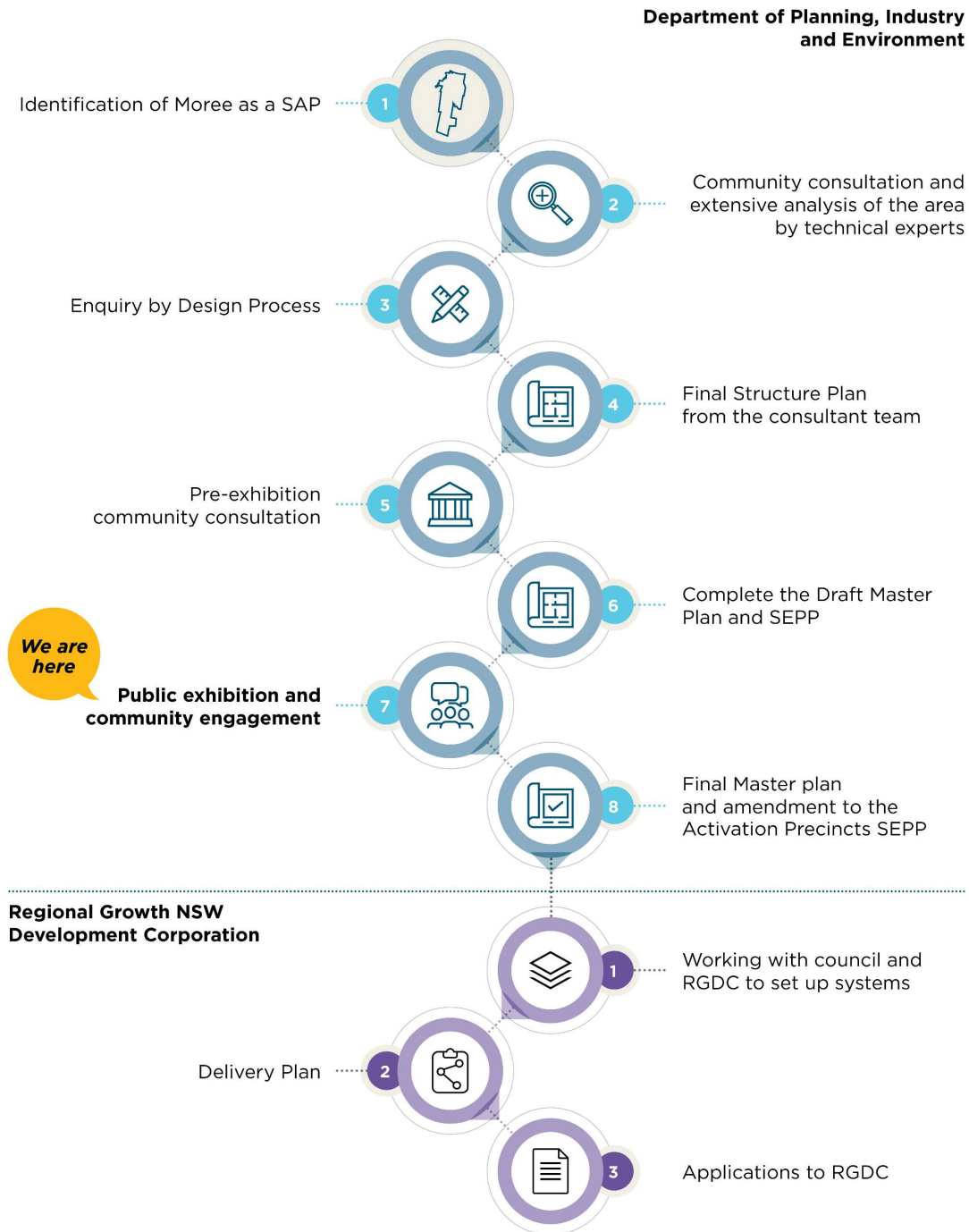
### 2.2.2 The key agencies involved in the Special Activation Precinct program

The Special Activation Precinct Program is a collaboration between the following key agencies:

- The **Department of Regional NSW** who assesses potential sites for inclusion in the program, considers government investment for essential infrastructure to service the Special Activation Precincts.
- The **NSW Department of Planning, Industry and Environment** (the Department) is responsible for the planning of Special Activation Precincts in regional NSW. The Department leads the master planning process, including community and stakeholder engagement, the technical studies required to inform the preparation of a structure plan and development of the simplified planning framework for each Precinct.
- The **Regional Growth NSW Development Corporation** is the agency responsible for delivering and implementing Special Activation Precincts. Regional Growth NSW Development Corporation is working with all levels of Government, the private sector and the community to secure economic development and investment attraction opportunities to these unique areas.



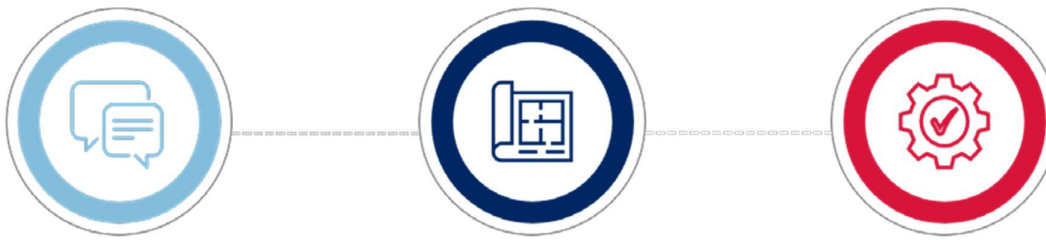
## 2.2.3 Key milestones in the Moree Special Activation Precinct process





## 2.3 The Special Activation Precinct planning framework

There are three key parts to the Special Activation Precinct planning framework:



### State Environmental Planning Policy (Activation Precincts) 2020

- Identifies each Special Activation Precinct.
- Requires that an Activation Precinct Certificate be sought prior to an application for a development, to ensure the development is consistent with the Master Plan and Delivery Plan.
- Provides zoning and land use controls for each Precinct.
- Identifies exempt and complying development pathways for certain development.

### Special Activation Precinct Master Plans

- Prepared by the Department of Planning, Industry and Environment and approved by the Minister.
- Identifies the Vision, Aspirations and Principles for the Precinct.
- Provides more detailed, sub-precinct land use controls where required.
- Identifies Performance criteria at a Precinct-scale for amenity, environmental performance and infrastructure provision.
- Identifies the matters to be addressed as part of the Delivery Plan.

### Special Activation Precinct Delivery Plans

- Prepared by the Regional Growth NSW Development Corporation and approved by the Planning Secretary.
- Identifies development controls.
- Provides detailed strategies and plans for:
  - Aboriginal cultural heritage
  - Environmental protection and management
  - Protection of amenity
  - Infrastructure and services
  - Staging
- Provides procedures for ongoing monitoring and reporting.

## 2.4 The application process

The Activation Precincts SEPP provides for many uses to be Complying Development in each Special Activation Precinct.

Any application for development in a Special Activation Precinct must be accompanied by an Activation Precinct Certificate. Certificates are issued in 30 days or less by Regional Growth NSW (or the Planning Secretary in certain situations) if development is consistent with the Master Plan and Delivery Plan for the proposed Special Activation Precinct. This process creates a strategic gateway to ensure that development is consistent with the provisions and intent of the Master Plan and Delivery Plan, before a development proceeds as an application for Complying Development or a development application.

An Activation Precinct certificate is not required for exempt development as well as development by public authorities apart from those undertaken by the Regional Growth NSW Development Corporation.

Where Regional Growth NSW Development Corporation is the applicant, the issuing authority is the Planning Secretary.

### 3. Proposed addition to the Activation Precincts SEPP – Schedule 2 – Moree

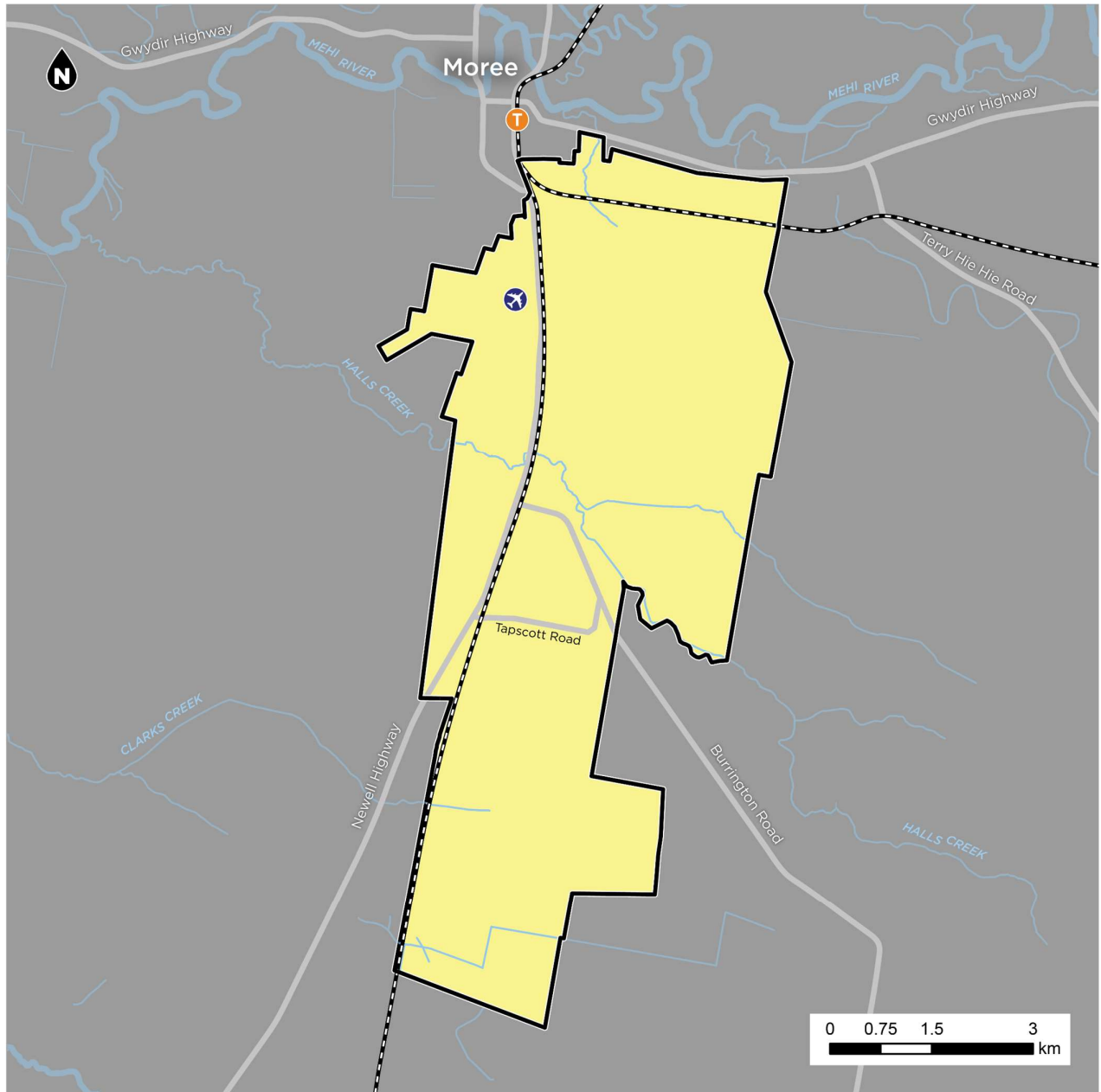
#### 3.1 Area to which the Activation Precincts SEPP applies


It is proposed to amend the Activation Precincts SEPP to introduce a new Schedule 3 for the Moree Special Activation Precinct. This schedule would set out controls that are specific to the Moree Special Activation Precinct.


The Activation Precincts SEPP will “turn off” the Moree LEP for land within the Moree Special Activation Precinct and the Activation Precincts SEPP will be the primary environmental planning instrument for that land.

The land identified as the Moree Special Activation Precinct and the subject of Schedule 3 of the Activation Precincts SEPP is shown in **Figure 1**. The Precinct covers an area of 4,506 ha and is located to the south of the Moree town centre.

Figure 1 – Land application map – Moree Special Activation Precinct



 Special Activation Precinct  
(4,716 ha)

 Land application area

 Moree Regional Airport

 Rail Station

 Railway

 Road

 River/Creek

## 3.2 Land use and zoning

### 3.2.1 Intent of the land use zoning strategy

Currently, land within the Moree Special Activation Precinct is primarily used for industrial and extensive agricultural purposes and is zoned for a mix of Industrial, Commercial, Rural, and Infrastructure land uses (refer **Figure 2**).

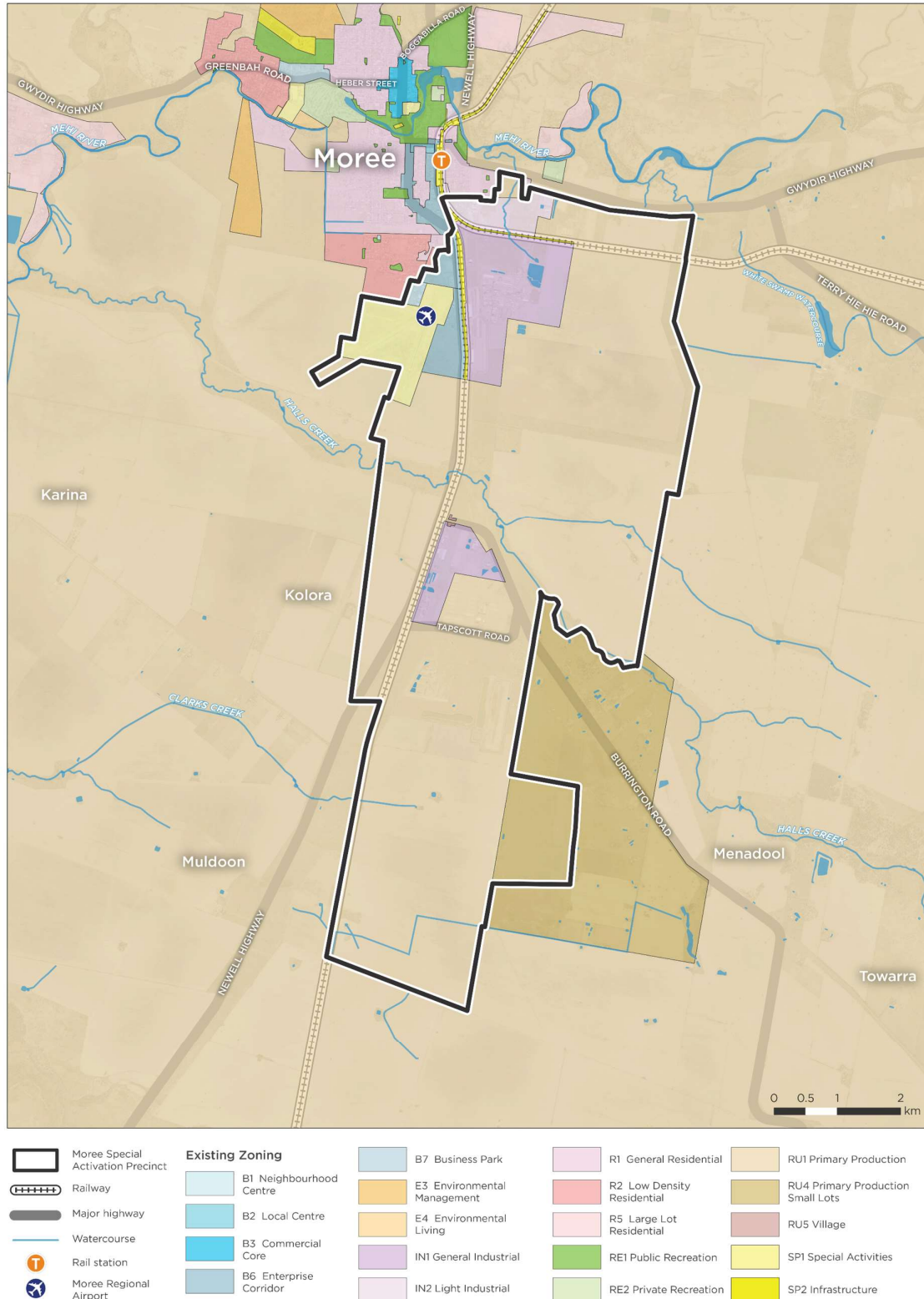


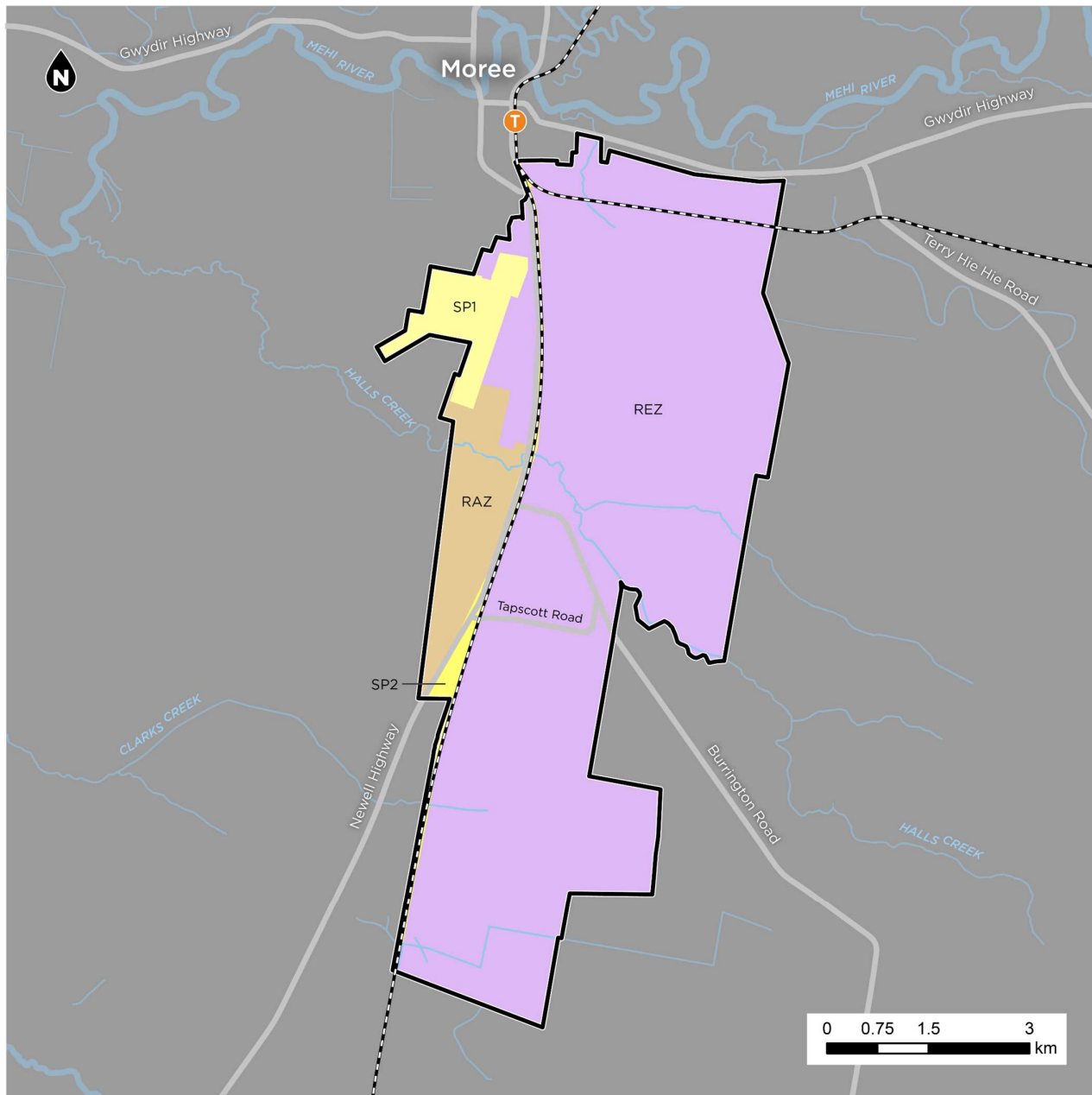
Figure 2 – Current land use zoning

The land use strategy for the Moree Special Activation Precinct (refer **Figure 3**) comprises of:

- The new Regional Enterprise Zone which focusses industrial and employment activity around the existing businesses and development land within the northern commercial zones situated near the Moree Airport and industrial zones to the east of the Newell Highway. The Regional Enterprise Zone also provides opportunities for complimentary businesses to locate near the existing intermodal facility currently zoned for industrial development under the Moree LEP and extends south towards the existing Moree Solar Farm, enabling a broad range of land uses for employment and industrial activities. The Regional Enterprise Zone will apply to a significant area of land, and this is due to accommodating a range of low, medium and high impact uses which can be incorporated within the Regional Enterprise Zone. This has been informed by noise and odour studies.
- The proposed Rural Activity Zone creates a strategic buffer for the core industrial area, to mitigate land use conflict into the future. The intent of the Rural Activity Zone is to ensure that buffers to the existing and proposed land uses are contained within the Moree Special Activation Precinct boundary and prevent the intensification of residential and other incompatible uses in this zone whilst ensuring the zone allows for suitable agricultural and rural uses. The zone boundaries were informed by iterative testing and modelling of industry, noise and air quality and amenity to identify adequate buffers between the Regional Enterprise Zone and nearby rural residential dwellings.
- The existing SP1 Special Activities zone under the Moree LEP 2011 is to be transferred to the Activation Precincts SEPP to ensure the continued operation of the Moree Airport within the boundaries of the Special Activation Precinct. In addition, an SP2 Infrastructure zone is proposed on part of the Travelling Stock Reserve located between the Newell Highway and existing rail line.

The intent of each zone is described in **Table 1**.

Figure 3 – Proposed land use zoning



Special Activation Precinct  
(4,716 ha)



Moree Regional Airport



Rail Station

Railway

Road

River/Creek

**Proposed Zoning**



RAZ Rural Activity Zone



REZ Regional Enterprise Zone



SP1 Special Activities



SP2 Infrastructure

Table 1 – Intent of the zones within the Special Activation Precinct

Zone	Intent of the zone
<b>Regional Enterprise Zone</b>	<ul style="list-style-type: none"> <li>- To accommodate a wide range of industry and employment uses</li> <li>- To provide a suitable location for heavier industries where they can be separated from sensitive uses and impacts can be attenuated.</li> <li>- To give stakeholders certainty about the location of environmental impact-generating activities.</li> <li>- To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way.</li> <li>- To ensure the intended uses are located to optimise access and connectivity to the road and rail.</li> <li>- To provide for recreation opportunities and some appropriate businesses services and amenities in suitable locations.</li> </ul>
<b>Rural Activity Zone</b>	<ul style="list-style-type: none"> <li>- To provide an appropriate location for agricultural and other supporting uses where they can continue to operate in a high amenity, landscaped setting.</li> <li>- To provide a transition from the Regional Enterprise Zone to more sensitive residential and rural zones in the vicinity.</li> <li>- To ensure the protection of the Moree Special Activation Precinct landscape setting and to celebrate its topography and outlooks to and from the Precinct.</li> </ul>
<b>Special Activities SP1</b>	<ul style="list-style-type: none"> <li>- To provide for the continued operation of Moree Regional Airport</li> </ul>
<b>Special Purpose Zone SP2</b>	<ul style="list-style-type: none"> <li>- To complement the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) and continue flexible and adaptive management of public infrastructure land.</li> <li>- To provide general land use map annotations to fit broad infrastructure categories.</li> </ul>



### 3.2.2 New land use terms and definitions

One land use term relating to solar generating farms has been developed for the Moree Special Activation Precinct to allow for the creation of provisions or pathways for specific types of development.

### 3.2.3 Land Use Tables

The following are draft objectives and permitted and prohibited uses for each of the zones within the Moree Special Activation Precinct.

#### **Regional Enterprise Zone**

##### 1. Objectives of the 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.
- To support rural industries and service the broader rural economy

##### 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 item not specified in 2 or 4.

##### 4. Prohibited

Air transport facilities; airport; airstrip; amusement centres; backpackers' accommodation; boat launching ramps; boat sheds; camping grounds; caravan parks; cellar door premises; cemeteries; charter & tourism boating facilities; eco-tourist facilities; entertainment facilities; exhibition homes; exhibition villages; extractive industries; farm stay accommodation; forestry; group homes; group homes (permanent); group homes (transitional); hazardous industries; hazardous storage establishments; heavy industries; heliports; home occupations (sex services); home-based child care; hospitals; hostels; jetties; marinas; markets; moorings; mooring pens; neighbourhood supermarkets; offensive industries; offensive storage establishments; open cut mining; places of public worship; port facilities; residential accommodation; respite day care centres; restricted premises; roadside stalls; rural worker's dwellings; schools; serviced apartments; sex services premises; shop top housing; small bars; tourist and visitor accommodation.

#### **Rural Activity Zone**

##### 1. Objectives of the zone

- To protect the economic activities within the regional enterprise zone
- To minimise conflict between rural land uses and land uses within the regional enterprise zone.
- To provide a rural interface between surrounding land uses.
- To support agricultural /rural uses.

2. Permitted without consent

Building identification signs; business identification signs; environmental protection works; extensive agriculture [e.g. grazing of livestock etc]; home businesses; home occupations; 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; recreation facilities (outdoor); research stations; roads; sewage reticulation systems; signage; water reticulation systems.

4. Prohibited

Any item not specified in 2 or 3.

**SP1 Special Activities Zone**

1. Objectives of the zone

- To provide for special land uses that are not provided for in other zones
- To provide for sites with special natural characteristics 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.

2. Permitted without consent

Roads

3. Permitted with consent

The purpose shown on the 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 Special Purpose Infrastructure Zone**

1. Objectives of the 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

The purpose shown on the 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.

### 3.2.4 Explanation of certain inclusions and exclusions in the Regional Enterprise Zone, Rural Activity Zone and Special Purpose Zone SP1

#### Regional Enterprise Zone

The focus of the Regional Enterprise Zone is to provide for uses that will create a high performing enterprise precinct that leverages the region's existing strengths in agriculture, its strategic location and its access to existing and planned freight infrastructure including Inland Rail. Key uses that will be permitted in the zone in line with this vision include **industrial, manufacturing, freight and logistics and rural industries**.

#### Permitted land uses:

- **Light and general industrial uses** will be permitted in the zone.
- **Potentially hazardous development and potentially offensive industries** are permitted subject to satisfying specific measures to avoid off-site risks or offences to people, property or the environment. SEPP 33 applies to any development which falls under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create an off-site risk or offence to people, property or the environment. Such activities would be defined as potentially hazardous or potentially offensive.
- **Business, commercial and retail uses** will also be permitted within the zone, however the intention is for these types of uses to be located primarily within identified 'nodes' so that they complement and support the primary uses listed above. These nodes will be hubs for the people who work in the precinct to utilise and may contain services like childcare facilities, health services, cafes and supporting amenities and services.
- **Educational establishments and training facilities** will be permitted within this zone to serve as complimentary uses to the primary uses previously described. The Precinct aims to house and support the operation of businesses at the forefront of adopting digital technologies, agribusinesses and advanced manufacturing. Providing the opportunity for associated education and training facilities to ensure the right skills can be developed locally to achieve this is therefore important. Schools will not be permitted in this zone as they are better suited to other zones and centres in the local government area.
- **Solar energy generating facilities** will be permissible as Complying Development in the Regional Enterprise Zone and Rural Activity Zone.
- **Sensitive uses such as hospitals and residences** will not be permitted within this zone as they are not considered to be compatible with some of the permissible industrial uses in the zone and potentially better located in other zones in the local government area.
- **Heavy vehicle driver accommodation** is encouraged as ancillary development for large scale freight transport facilities and truck depots to manage heavy vehicle driver work health and safety consistent with the National Heavy Vehicle Regulator fatigue management framework. To avoid doubt, heavy vehicle driver accommodation for fatigue management is ancillary and complementary to freight transport facility, transport depot or truck depot. Small scale driver fatigue accommodation and services can also be ancillary to highway service stations and service stations. There is a demand for these important facilities in the area which serve to support the safety of drivers.

#### Prohibited land uses:

- **Hazardous and offensive industries** are prohibited land uses within the Special Activation Precincts. These are types of industries that present a risk to life and the environment. Hazardous industrial developments generally are not approved in NSW.

## Rural Activity Zone

The Rural Activity Zone will play an important role in ensuring there is suitable separation between the industrial uses in the Special Activation Precinct and the adjoining residential communities.

### Permitted land uses:

- The key uses within this zone are **low impact types of agricultural uses** (e.g. grazing livestock, bee keeping, farm buildings) and have not altered from those agricultural uses permitted under the Moree LEP.
- Light industrial uses will be permitted in the zone however will need to satisfy the air quality, odour and noise limits that will apply across the Precinct.
- Other uses such as **environmental facilities, community facilities, emergency service facilities and educational establishments** (but not schools) will also be permitted to assist in providing essential facilities in the area.
- **Solar energy farms** will be an important part of the Moree Special Activation Precincts green energy strategy and will be permissible in the Rural Activity Zone.

### Prohibited land uses:

- Land uses that have a medium to high potential for amenity impacts, through factors such as odour and noise generation or visual impacts, will not be permitted in the Rural Activity Zone. This includes more intensive agricultural uses such as poultry farms, feedlots and the cultivation of irrigated crops. It also includes uses such as biosolid treatment facilities, water supply systems, sewerage systems, animal boarding and training establishments, highway service centres and other commercial uses that would generate high levels of traffic.

## 3.2.5 Activation Precinct Certificates

Most development will follow a streamlined process that involves obtaining an Activation Precinct Certificate. Activation Precinct Certificates are required for all development with the exception of uses that have been identified as exempt development (see section 3.2.7 of this discussion paper) or where the development is to be carried out by a public authority (other than Regional Growth NSW Development Corporation).

The purpose of an Activation Precinct Certificate is to ensure that development is consistent with the Activation Precincts SEPP, the Master Plan provisions and the Delivery Plan. The Regional Growth NSW Development Corporation will be responsible for issuing Activation Precinct Certificates unless they are the applicant, in which case the Planning Secretary will be the issuing authority.

Once a Certificate has been issued, relevant approvals must still be obtained. The pathways for consent to be granted are:

- Complying Development under the *Environmental Planning and Assessment Act 1979* through the issuing of a Complying Development Certificate (from the relevant council or an accredited certifier)
- Development Application or State Significant Development application under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- Development without consent under Part 5 of the *Environmental Planning and Assessment Act 1979*, by a public authority.

## 3.2.6 Complying Development

A key objective for all Special Activation Precincts is to create a streamlined planning pathway for types of uses, where the planning and environmental risks can be managed strategically through the Master Plan. The Department needs to be satisfied that any complying development pathway provides the same protections as a development application process would.

Many industrial and employment uses, that would require a development application under the current planning framework, are intended to be undertaken as complying development in the Moree Special Activation Precinct. Complying development will not be advertised and will not require an Environmental Impacts Statement or Statement of Environmental Effects.

The planning framework seeks to provide a comparable level of impact assessment through the following:

- Upfront strategic environmental and planning studies that informs the Master Plan to include measurable criteria for environmental performance and land use controls designed to minimise land use conflict.
- Development standards for Complying Development, including:
  - compliance with the Building Code of Australia
  - not penetrating the Limitation or Operations Surface
  - development in the vicinity of the Moree Meteorological Station
  - not be within the ANEF 20 contour
  - not be for the purpose of remediation work within the meaning of *State Environmental Planning Policy No 55—Remediation of Land*, and
  - not be a major hazard facility as defined by the Work Health and Safety Regulation 2017, and
  - be carried out in accordance with the relevant provisions of the Blue Book, and
  - not be carried out within 1m of any public sewer, if the development comprises the erection of a building, except with the written approval of the authority that has management or control of that sewer, and
  - not involve the removal of asbestos, unless that removal is undertaken in accordance with Code of Practice: How to safely remove asbestos dated August 2019 published by SafeWork NSW published by the WorkCover Authority, and
  - not be located:
    - (i) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the *Pipelines Act 1967*, or
    - (ii) within 20m of the centreline (measured radially) of a relevant pipeline, or within 20m of land the subject of an easement for a relevant pipeline.
  - must be installed in accordance with the manufacturer's specifications, if applicable.
- Maps high value areas, key fish habitats of vegetation and Aboriginal cultural heritage and exclude exempt and complying development in these areas.
- The following development is not recommended to be complying development:
  - Electricity generating works
  - Child care centres
  - Airport activities

It is intended that development on the Moree Regional Airport site will not be complying development and that the consent authority must consider Moree Plains Shire Council's Moree Airport Master Plan prior to issuing development consent.

Processes, approvals and licenses required under other legislation, such as the *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016*, the *Roads Act 1993* and the *Environment Protection and Biodiversity Conservation Act 1999* will continue to be required. Some of the indicative uses that can be undertaken as complying development include agriculture; business premises, commercial premises; freight transport facilities; general industries; highway service centres; industries, resource recovery, rural industries as well as, warehouse or distribution centres.

### **Environmentally sensitive areas**

Environmentally sensitive areas (comprising high value vegetation, key fish habitat, category 2 land under the *Local Land Services Act 2013*, historical heritage and areas of Aboriginal cultural heritage significance) are to be mapped in the Activation Precincts SEPP. Development in these areas will not be complying development, recognising that development assessment in these areas should be subject to a site-specific impact assessment and that the application should be publicly-notified prior to determination.

### Hydrogen energy generating facilities

Development that involves hydrogen represents a significant opportunity for the Moree Special Activation Precinct. Hydrogen development will be a permissible land use (depending on how its defined) within the Regional Enterprise Zone. Hydrogen development may include production, storage and refuelling purposes. Hydrogen development will be a permissible land use (depending on how its defined) within the Regional Enterprise Zone. This includes for production, storage and refuelling purposes.

Hydrogen is a dangerous good (class 2.1 flammable gas) and may be classed as potentially hazardous if the SEPP 33 thresholds are met. Development that is low to medium risk for potentially hazardous development will be permitted as complying development, subject to the Department's concurrence. Development that is deemed a high hazard risk will require a development application.

A recent amendment to the Gas Supply (Safety and Network Management) Regulation 2013, means that hydrogen is now defined as a gas. Therefore, reticulation may be able to be completed under the State Environmental Planning Policy (Infrastructure) 2007.

It is not recommended to include a bespoke hydrogen definition in the Activation Precinct SEPP at this stage as there is currently a NSW Government hydrogen committee who are working on a State wide approach.

### Solar energy farms

Solar energy farms (a type of electricity generating works) will be defined and will be identified as a type of development that could be undertaken as Complying Development in the Regional Enterprise Zone, and the Rural Activity Zone. Electricity generating works are prohibited in the Rural Activity Zone, as such this activity will be permitted as an additional permitted use in the Rural Activity Zone.

### Codes SEPP

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) will no longer apply in the Moree Activation Precinct, with the exception of the following clauses:

#### Regional Enterprise Zone

- Clause 2.6C & 2.6D (Automatic teller machines);
- Clause 2.9 & 2.10 (Awnings, blinds and canopies);
- Clause 2.13 & 2.14 (Barbecues and other outdoor cooking structures);
- Clause 2.20A & 2.20B (Change of use of premises);
- Clause 2.23, 2.23A & 2.24 (Container recycling equipment);
- Clause 2.27 & 2.28 (Driveways and hard stand spaces);
- Clause 2.29 & 2.30 (Earthworks, retaining walls and structural support);
- Clause 2.30A & 2.30B (Evaporative cooling units (roof mounted));
- Clause 2.37 & 2.38 (Fences - business and industrial zones);
- Clause 2.39 & 2.40 (Flagpoles);
- Clause 2.40A & 2.40B (Footpaths—outdoor dining);
- Clause 2.46A & 2.46B (Hot water systems);
- Clause 2.47 & 2.48 (Landscaping structures);
- Clause 2.51 & 2.52 (Minor building alterations - internal);
- Clause 2.54A & 2.54B (Mobile food and drink outlets);
- Clause 2.55 & 2.56 (Pathways and paving);
- Clause 2.61 & 2.62 (Privacy screens);
- Clause 2.63 & 2.64 (Rainwater tanks (above ground));
- Clause 2.65 & 2.66 (Rainwater tanks (below ground));
- Clause 2.71 & 2.72 (Shade structures of canvas, fabric, mesh or the like);
- Clause 2.72A & 2.72B (Shipping containers - temporary installation and use for storage purposes following a bush fire);
- Clause 2.72C & 2.72D (Shipping containers and portable offices – temporary installation and use for existing commercial and industrial purposes);
- Clause 2.75 & 2.76 (Subdivision);
- Clause 2.77 & 2.78 (Sculptures and artworks);
- Clause 2.78E & 2.78F (Waste storage containers);
- Clause 2.79 & 2.80 (Water features and ponds);

- Clause 2.98 & 2.99 (Internal signs);
- Clause 2.100 & 2.101 (Community notice and public information signs);
- Clause 2.102 & 2.103 (Temporary event signs);
- Clause 2.104 & 2.105 (Real estate signs);
- Clause 2.109 & 2.110 (Scaffolding, hoardings and temporary construction site fences);
- Clause 2.111 & 2.112 (Temporary builders' structures);
- Clause 2.117 & 2.118 (Tents or marquees used for filming purposes and private functions);
- Clause 2.119 & 2.120 (Tents, marquees or booths for community events);
- Clause 2.121 & 2.122 (Stages or platforms for private functions); and
- Clause 2.123 & 2.124 (Stages or platforms for community events).

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- Clause 2.27 & 2.28 (Driveways and hard stand spaces);
- Clause 2.29 & 2.30 (Earthworks, retaining walls and structural support);
- Clause 2.30A & 2.30B (Evaporative cooling units (roof mounted));
- Clauses 2.35 & 2.36 (Fences - certain rural zones, environment protection zones)
- Clause 2.47 & 2.48 (Landscaping structures);
- Clause 2.51 & 2.52 (Minor building alterations - internal);
- 2.54A and 2.54B Mobile food and drink outlets;
- Clause 2.55 & 2.56 (Pathways and paving);
- Clause 2.71 & 2.72 (Shade structures of canvas, fabric, mesh or the like);
- Clause 2.72A & 2.72B (Shipping containers - temporary installation and use for storage purposes following a bush fire);
- Clause 2.75 & 2.76 (Subdivision);
- Clause 2.79 & 2.80 (Water features and ponds);
- Clause 2.98 & 2.99 (Internal signs); and
- Clause 2.104 & 2.105 (Real estate signs).

### 3.2.7 Exempt Development

Some types of low impact land uses will be identified as exempt development and will not require any planning or building approval, where they meet the development standards outlined in the Activation Precincts SEPP. A few examples of development that can be exempt development are farm buildings, carports and rainwater tanks.

The list of proposed exempt development for the Moree Special Activation Precinct is contained in **Appendix 1** to this Discussion Paper.

### 3.2.8 Designated Development

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) identifies certain high-impact development (e.g. likely to generate pollution) or development that is in or near an environmentally sensitive area (e.g. a wetland) as 'designated development'. This development is required to be the subject of an Environmental Impact Statement and be public exhibited for a minimum of 28 days.

The potential impacts associated with these high impact development uses were identified and assessed upfront in the Moree Special Activation Precinct technical studies. The impacts have been addressed in the structure plan and/or can be mitigated through relevant performance criteria in the Master Plan for the Moree Special Activation Precinct.

Identified high impact development uses include fertiliser production (such as ammonia), production and storage of farm inputs, pesticide and herbicides; production of grains and pulses and cotton storage; horticultural production; bioenergy; and bitumen production. It is proposed to amend the EP&A Regulation to identify that some land uses will no longer be designated development in the Regional Enterprise Zone so that they can be undertaken as Complying Development. The proposed amendment to the EP&A Regulation will only apply to land located within the Special Activation Precinct boundary.

Turning off designated development will mean that these development types will be complying development



in their entirety and the *State and Environmental Planning Policy (State and Regional Development) 2011* will no longer apply.

The nominated developments will continue to require an EPA licence to operate under the *Protection of the Environment Operations Act 1997* and be subject to the relevant controls under *State Environmental Planning Policy No 33 – Hazardous and Offensive Development* and *State Environmental Planning Policy No 55 – Remediation of Land*.

### 3.2.9 Other licences and approvals

Processes, approvals and licenses required under other legislation, such as the *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016*, *Heritage Act 1977*, *National Parks and Wildlife Act 1974*, *Roads Act* and the *Environment Protection and Biodiversity Conservation Act 1999* will continue to be required.

### 3.2.10 Environmentally sensitive areas

Environmentally sensitive areas within the Moree Special Activation Precinct comprises high value vegetation, historical heritage and areas of Aboriginal cultural heritage. These locations have been mapped and exempt and complying development provisions will not apply to these areas.

### 3.2.11 Protection of Aboriginal cultural heritage

Aboriginal Cultural Heritage sites within the Precinct will be managed in consultation with local Aboriginal representatives. They will be protected, maintained and enhanced to preserve the significance of sites, culturally significant vegetation and artefacts. The Master Plan incorporates Aboriginal planning and design considerations ensuring the Precinct has a sense of place, history and spirit when we pass it onto the next generation.

### 3.2.12 Biodiversity and vegetation

The approach to the protection of biodiversity and vegetation in the Moree Special Activation Precinct has been to survey and map the high value vegetation, and then avoid development in these areas. The only development that will take place in these sensitive areas is for essential infrastructure, like roads and services, and only where it cannot be otherwise avoided.

The Environmentally Sensitive Areas Map in the Activation Precincts SEPP will identify high value vegetation. The function of this plan in the Activation Precincts SEPP is to trigger the need for a permit for tree removal in these areas. Processes, approvals and licenses required under the *Biodiversity Conservation Act 2016* continue to be required. The Department is currently investigating ways that a permit to remove these trees could be required outside of a development application process, to allow for some uses to be undertaken as Complying Development in these areas.

The Master Plan and Delivery Plan aim to avoid significant vegetation and seek to increase tree and vegetation cover across the Special Activation Precinct.

### 3.2.13 Fish habitat

The *Fisheries Management Act 1994* (FM Act) is used to identify 'Key Fish Habitat' areas. The Mehi River, identified as Key Fish Habitat, occurs to the north of the Special Activation Precinct investigation area and Halls Creek located within the SAP investigation area is a tributary of the Mehi River. As such, threatened species, populations and ecological communities under the FM Act have the potential to be present within downstream receiving environments associated with the SAP investigation area.

The potential for the endangered population of Eel-tailed catfish to occur within the SAP investigation area warrants protection through the Activation Precincts SEPP. The Master Plan and Delivery Plan aim to avoid impacts on Halls Creek.

If any temporary in-stream structures are required in waterways during construction, works may be considered 'reclamation work' in accordance with the definition at section 198A of the FM Act. However, section 199 of the FM Act states that an approval is not required for a public authority (ie the Department) to undertake dredging or reclamation work. A public authority is required to give the Minister written notice of the proposed work and consider any matters received from the Minister within 21 days after giving the notice.

### 3.2.14 Category 2 land under *Local Land Services Act 2013*

The categorisation of land under the Land Management Framework determines the native vegetation management options available to landowners. The travelling stock reserves are classified as Category 2, being regulated land which contains native vegetation that may require authorisation from Local Land Services prior to clearing. The Master Plan does not propose to alter the travelling Stock Reserves with the exception of a proposed alignment of Lot 7 DP733851 to facilitate more orderly development for industrial land uses.

The travelling stock reserve within the Precinct boundary has been mapped as PCT 52. Clearing of vegetation on travelling stock reserves and subsequent loss of PCT 52 for precinct development has the potential to impact upon biodiversity values and connectivity within the proposed SAP boundary. Any vegetation clearing within the proposed SAP boundary will require offsets.

### 3.2.15 Flooding

To ensure that flood prone land is maintained for the conveyance of flood water, a new flood map will be adopted for the Moree Special Activation Precinct. Development will not be permitted on flood prone areas.

### 3.2.16 Bushfire

Moree Council maintains a map identifying areas of bushfire prone land in the local government area. The bushfire prone land map is the trigger for the consideration of bush fire protection measures for new development, consistent with Planning for Bush Fire Protection 2019 (NSW Rural Fire Service) and Australian Standard 3959-2009 – Construction of buildings in bush fire prone areas. A bush fire safety authority is to be issued for development specified under Clause 100B(1) of the *Rural Fires Act 1997*.

It is proposed to continue to rely on the existing map for the identification of bushfire risk and application of relevant policies, and not replicate this work in the Activation Precincts SEPP for the Moree Special Activation Precinct.

### 3.2.17 Biophysical Strategic Agriculture Land

Biophysical Strategic Agriculture Land (BSAL) refers to land and water resources that are important on a national and state level for agriculture, particularly (but not exclusively) broadacre cropping across NSW. These lands are naturally capable of sustaining high levels of agricultural productivity. The northern part of the Moree Special Activation Precinct is mapped as BSAL, highlighting the significance of the agricultural land resource in this location.

BSAL assessment requirements are triggered where State Significant mining and coal seam gas (CSG) activities are proposed on rural land. Extractive industries are prohibited in the Moree Special Activation Precinct and the Precinct has been identified as a potential intensive plant agricultural industry cluster.

## 3.3 Infrastructure contributions

Some infrastructure in the Moree Special Activation Precinct will be funded through NSW Government's the Snowy Hydro Legacy Fund. Infrastructure will be funded through a combination of NSW Government funding, Section 7.12 charges and charges associated with the *Water Management Act 2000*, the proceeds of land sales by the Development Corporation and through other potential funding mechanisms, such as a Special Infrastructure Contribution.

### 3.4 Delivery Plans

The Delivery plan is to be prepared by the Regional Growth NSW Development Corporation and be approved by the Planning Secretary. Consistent with the Activation Precincts SEPP, the Delivery Plan may apply to all land or specified land within the Precinct and will contain specific development controls for particular development. The Delivery Plan is to be consistent with the Moree Master Plan.

It is proposed to amend Clause 9 of the Activation Precincts SEPP to require that Delivery Plans are placed on public exhibition prior to finalisation, to allow for the community and agencies to make formal submissions on the details of the Delivery Plan.

### 3.5 Savings and Transitional provision

A savings and transitions provision is proposed for development where a development application has been lodged but not yet determined. This allows for those developments to be determined as per the controls that were in force at the time the development application was lodged.

### 3.6 Existing Use Rights

Existing use rights will prevail for existing development consents and modifications under Section 4.55 of the EP&A Act can still be sought, provided the use is permissible.

Alternatively, proponents can choose to seek a new development consent under the Activation Precinct SEPP.

### 3.7 Airport Safeguarding

Development within the Precinct is not to compromise the operation of Moree Regional Airport. Controls regarding the NASAG framework are contained within the Master Plan.

## 4. Other NSW legislation

The intent is that the following key legislation will continue to apply to the Moree Special Activation Precinct, amongst others:

- *Biodiversity Conservation Act 2016*
- *Civil Aviation Act 1988*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *National Parks and Wildlife Act 1974*
- *Protection of the Environment Operations Act 1997*
- *Water Act 1912*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy No 33—Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55—Remediation of Land*
- *State Environmental Planning Policy No 64—Advertising and Signage*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The Codes SEPP will not apply to Activation Precincts, allowing for the creation of Precinct specific exempt and complying development provisions with the exception of the provisions listed in section 3.2 of this Discussion Paper.

### ***Biodiversity Conservation Act 2016***

The majority of land within the Precinct is identified as Category 1 land which is Exempt land under the *Biodiversity Conservation Act 2016* (BC Act). Land categorised as Category 2 is Regulated land which contains native vegetation that may require authorisation from Local Land Services prior to clearing.

As stated in Section 3.2.12, processes, approvals and licenses required under the BC Act continue to be required.

### ***Civil Aviation Act 1988***

The *Civil Aviation Act 1988* provides a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with emphasis on preventing aviation accidents and incidents. It will continue to apply to Moree Regional Airport and will not be impacted on by the Special Activation Precinct.

### ***Environment Protection and Biodiversity Conservation Act 1999***

Matters of National Environmental Significance (MNES) have been identified in the Precinct. The proposed clearing of MNES to facilitate development will be the subject of an assessment to the Minister for the Environment for assessment.

**Heritage Act 1977**

The *Heritage Act 1977* will continue to apply to development within the Precinct.

**Local Land Services Act 2013**

The majority of land within the Precinct is identified as Category 1 land which is Exempt land under the BC Act and is land where native vegetation can be cleared without approval from Local Land Services under the *Local Land Services Act 2013* (LLS Act).

**National Parks and Wildlife Act 1974**

The *National Parks and Wildlife Act 1974* applies to management of relevant aspects of the Precinct.

**Protection of the Environment Operations Act 1997**

The *Protection of the Environment Operations Act 1997* applies to scheduled activities as listed in Schedule 1 of that policy, some of which are proposed within the Precinct.

**Water Act 1912**

A licence to access groundwater or to sink a bore will require approval under the *Water Act 1912*.

**State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 will not apply to land within the Precinct. Education facilities will be permitted within the Regional Enterprise Zone with the exception of schools, whilst in the Rural Activity Zone, educational establishments and information and education facilities will be permitted.

**State Environmental Planning Policy No 33—Hazardous and Offensive Development (SEPP 33)**

Clause 12 and 13 of SEPP 33 apply to an application for an Activation Precinct Certificate that relates to complying development. This requires a preliminary hazard analysis to be prepared, planning circulars to be considered and land use safety requirements.

Prior to the Activation Precinct Certificate being issued, the development must be identified as either low, medium or high risk by the Department. Potentially hazardous development that is high risk is not to be complying development and will require a development application delegated to the Department, which will be streamlined through not requiring notification. Conditions for complying development will include conditions for low and medium risk development which will include fire safety study, emergency plan etc.

The Delivery Plan must detail how hazard audits and compliance reports for potentially hazardous developments will be conducted. Hazard audits must be conducted every 12 months after the commencement of operation and every three years thereafter.

**State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)**

The planning and development process is subject to the *Environmental Planning and Assessment Act 1979* (EP&A Act), SEPP 55 and the Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land (SEPP 55 Guidelines).

Development for the purpose of remediation cannot be complying development and will be required to be conducted as development without consent or require a development application under SEPP 55. A process for assessing development on contaminated lands is outlined in the Master Plan.

**State Environmental Planning Policy No 64—Advertising and Signage**

All development that meets the criteria of State Environmental Planning Policy No 64—Advertising and Signage will become exempt or complying development under the Activation Precincts SEPP if it satisfies the Master Plan and Delivery Plan.

**State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)**

The Infrastructure SEPP assists the NSW Government, private infrastructure providers, local councils and the communities they support by simplifying the process for providing infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

Provisions within the Infrastructure SEPP will be transferred to Schedule 3 of the Activation Precincts SEPP. As such, it is recommended the following Infrastructure SEPP provisions continue to apply:

### **All zones**

#### Roads and road infrastructure facilities

- Clause 94 development permitted without consent – general
- Clause 95A notification of carrying out of certain development under clause 94 or 95 without consent

### **Regional Enterprise Zone**

#### Data Storage

- Clause 27 development with consent

#### Electricity generating works

- Clause 39 Exempt development for solar energy systems

#### Emergency services facilities and bushfire hazard reduction

- Clause 48 Development permitted without consent

#### Health service facilities

- Clause 58 development permitted without consent

#### Railways and rail infrastructure facilities

- Clause 79 development permitted without consent – rail infrastructure facilities generally.
- Clause 81(a) development permitted with consent

#### Research and monitoring stations

- Clause 91 development permitted with consent
- Clause 92 development permitted without consent

#### Sewerage systems

- Clause 106 development permitted without consent

#### Travelling stock reserves

- Clause 118 Development permitted without consent

#### Water Supply Systems

- Clause 125 development permitted without consent

### **Rural Activity Zone**

#### Research and monitoring stations

- Clause 91 development permitted with consent
- Clause 92 development permitted without consent

#### Emergency services facilities and bushfire hazard reduction

- Clause 48 Development permitted without consent

#### Electricity generating works

- Clause 39 Exempt development for solar energy systems

### **SP1 Special Activities**

#### Air transport facilities

- Clause 22 Development permitted without consent

- Clause 23 Development permitted with consent

### **SP2 Infrastructure Zone**

#### Water Supply Systems

- Clause 125 development permitted without consent

#### Sewerage systems

- Clause 106 development permitted without consent

### **State Environmental Planning Policy (Koala Habitat Protection) 2021**

The *State Environmental Planning Policy (Koala Habitat Protection) 2021* applies to land zoned RU1 Primary Production in the local government area of Moree, or a non-standard (equivalent land use) zone and will continue to apply to land within the Precinct.

### **State Environmental Planning Policy (State and Regional Development) 2011**

Allowing development to be complying development instead of designated development will mean that the State and regionally significant development under the State Environmental Planning Policy (State and Regional Development) 2011 will not apply to these activities and these activities can be undertaken as complying development. This will allow for a streamlined planning pathway.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) and LLS Act regulate clearing in NSW. The Vegetation SEPP applies to certain local government areas and zones. As bespoke zones are being used in the SAP the Vegetation SEPP will not apply and the LLS Act will prevail. To ensure that clearing in the environmentally sensitive areas is adequately managed, the Department is proposing a clause which requires development consent for clearing in environmentally sensitive areas.



## 5. Effect on the Moree Plains Local Environmental Plan 2011

### 5.1 Relationship between the Activation Precincts SEPP and the Moree Plains Local Environmental Plan 2011

As previously outlined in this Discussion Paper, the Activation Precincts SEPP will “turn off” the Moree LEP for land within the Moree Special Activation Precinct boundary (refer **Figure 1**) and the Activation Precincts SEPP will be the primary environmental planning instrument for that land. However, the following clauses are required to continue to apply under the Moree LEP:

- (a) Clause 2.6 Subdivision—consent requirements
- (b) Clause 2.7 Demolition requires development consent
- (c) Clause 2.8 Temporary use of land
- (d) Clause 5.1 Relevant acquisition authority
- (e) Clause 5.8 Conversion of fire alarms
- (f) Clause 5.10 Heritage conservation

There will also be consequential amendments to the Moree LEP 2011 maps to excise the Precinct from the LEP. Consideration may be given to transferring maps relating to airport safeguarding and the Moree Meteorological Station into the Activation Precincts SEPP.

## Appendix 1 – Exempt Development

Development purpose	Development standards
Access ramps	<ul style="list-style-type: none"> <li>Must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water</li> <li>If located on bush fire prone land and less than 5m from a dwelling—must be constructed of non-combustible material.</li> </ul>
Aerials, antennae and communication dishes	<ul style="list-style-type: none"> <li>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>.</li> <li>Must be anchored by a concrete slab or footing designed in accordance with AS 3600:2018, <i>Concrete structures</i>.</li> </ul>
Air-conditioning units	<ul style="list-style-type: none"> <li>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.</li> <li>Must not reduce the existing fire resistance level of a wall.</li> <li>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.</li> </ul>
Bollards	<ul style="list-style-type: none"> <li>Must not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.</li> </ul>
Carport (within the meaning of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> )	<ul style="list-style-type: none"> <li>Must not have a floor area of more than 100 square metres.</li> <li>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>.</li> <li>Must not be located between the building line and the primary road.</li> </ul>
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 within the Moree Activation Precinct in an area declared by an order under section 33 of the <i>State Emergency and Rescue Management Act 1989</i> to be an area where a state of emergency exists	<ul style="list-style-type: none"> <li>Must be carried out within 6 months of the declaration being made.</li> <li>Must not change the configuration of the floor space of the building or structure being repaired.</li> </ul> <p>Must not increase the floor space of the building or structure being repaired.</p>
Farm building (within the meaning of the Standard Instrument) (other than a stock holding yard, grain silo or grain bunker)	<ul style="list-style-type: none"> <li>Must not be used for habitable purposes.</li> </ul>
Stock holding yard	<ul style="list-style-type: none"> <li>Must not be used for habitable purposes.</li> <li>Must not include or comprise a stock and sale yard.</li> <li>Must not be roofed.</li> <li>Must be located at least 10m from any road boundary and at least 200m from any other boundary.</li> <li>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.</li> <li>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.</li> <li>Must be located at least 100m from a waterbody (natural).</li> </ul>
Grain silo or grain bunker	<ul style="list-style-type: none"> <li>Must not be used for habitable purposes.</li> <li>Must be located at least 100m from any dwelling.</li> <li>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.</li> </ul>

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	<ul style="list-style-type: none"> <li>Must be located at least 50m from a waterbody (natural).</li> </ul>
Signage	<ul style="list-style-type: none"> <li>Must be a business identification sign and must not include any advertising of goods, products or services.</li> <li>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.</li> <li>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.</li> <li>Must not obstruct or interfere with any traffic sign.</li> <li>Must not be located on or in, or in relation to, a heritage item and not within a heritage conservation area.</li> <li>Must be erected at right angles to the wall of the building to which it is attached.</li> <li>Must be non-flashing and non-illuminated.</li> <li>Must be constructed of non-reflective materials</li> <li>Maximum area of sign—1.5m<sup>2</sup>.</li> <li>Maximum number of building identification signs—1 per building.</li> <li>Maximum number of business identification signs—1 per business.</li> </ul>
Fuel tanks and gas storage (above ground)	<ul style="list-style-type: none"> <li>Must not be located within the Rural Activity Zone</li> <li>Must not have a capacity of more than— <ul style="list-style-type: none"> <li>(a) for a fuel tank—5,000 L, or</li> <li>(b) for a gas tank—1,000 L.</li> </ul> </li> <li>Must be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary. Must be bunded with the capacity to contain at least 110% of the capacity of the tank. Must be located at least 1m from any registered easement, sewer main or water main. 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>. 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.</li> </ul> <p><b>Note.</b> Other existing legislative requirements still apply in relation to work health and safety issues.</p>
Minor external non-structural building alteration, such as the following— painting, plastering, cement rendering, cladding, attaching fittings or decorative work, the replacement of an external window, glazing areas or a door (other than those on bush fire prone land), the repair to or replacement of a non-structural wall or roof cladding, the installation of a security screen or grill to a door or window or a security door, the repair to or replacement of a balustrade, estumping or repairing structure foundations without increasing the height of the structure.	<ul style="list-style-type: none"> <li>Must not reduce the existing fire resistance level of a wall or roof. 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.</li> <li>Must not affect any existing fire resisting components of the building.</li> <li>Must not involve the use of external combustible cladding.</li> <li>Must not affect the means of egress from the building in an emergency.</li> </ul>
Demolition of development that would be exempt development under this Division if it were being constructed or installed	<ul style="list-style-type: none"> <li>If demolition involves the removal of asbestos, that removal must be undertaken in accordance with Code of Practice: How to safely remove asbestos dated August 2019 published by SafeWork NSW</li> </ul>
Letter boxes	None

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Community use of educational establishments and centre-based child care facilities	An educational establishment or centre-based child care facility (including the site and facilities) may also be used for the physical, social, cultural or intellectual development of the community, whether or not any such use is a commercial use of the land.
Stages or platforms for community events	<ul style="list-style-type: none"> <li>(a) The stage or platform must not have a floor area exceeding 50m<sup>2</sup>,</li> <li>(b) the stage or platform must be located at least 3m from any boundary of the land,</li> <li>(c) the stage or platform must be erected at ground level,</li> <li>(d) the stage or platform must have a height, as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform, not exceeding 2m,</li> <li>(e) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,</li> <li>(f) the community event must take place only during the following periods— <ul style="list-style-type: none"> <li>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</li> <li>(ii) 7.30 am to 12.00 am on Friday or Saturday,</li> <li>(iii) 8.00 am to 8.00 pm on Sunday,</li> </ul> </li> <li>(g) the stage or platform must not be erected on the land for more than 7 days,</li> <li>(h) the stage or platform must not remain on the land for more than 2 days after the event,</li> <li>(i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.</li> </ul>
Stairways	<ul style="list-style-type: none"> <li>(a) The development must be constructed adjacent to a balcony, deck, patio, pergola, terrace or verandah or be located so as to provide external access to a dwelling, and</li> <li>(b) no part of the stairway (excluding handrails) may be more than 1m above the ground level (existing), and</li> <li>(c) the development must be located at least 450mm from each lot boundary, and</li> <li>(d) the development must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and</li> <li>(e) if it is located on bush fire prone land and is less than 5m from a dwelling—the development must be constructed of non-combustible material, and</li> <li>(f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—the development must be located in the rear yard, and</li> <li>(g) the development must be constructed in accordance with AS 1657:2018, <i>Fixed platforms, walkways, stairways and ladders—Design, construction and installation</i>.</li> </ul>
Stock holding yard not used for sale of stock	<ul style="list-style-type: none"> <li>(a) A stock holding yard— <ul style="list-style-type: none"> <li>(i) must be fenced around its perimeter, and</li> <li>(ii) must not be roofed,</li> </ul> </li> <li>(b) any fencing erected in or around the perimeter of the stock holding yard must not be higher than 4.5m above ground level (existing),</li> <li>(c) the development must be located at least 10m from any road boundary and at least 200m from any other boundary,</li> <li>(d) the development 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,</li> <li>(e) the development 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,</li> <li>(f) the development must be located at least 100m from a waterbody (natural).</li> </ul> <p><b>Note—</b> The consent of the appropriate roads authority is required under section 138 of the <a href="#">Roads Act 1993</a> for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.</p>
Temporary builders' structures	<ul style="list-style-type: none"> <li>(a) Be located on the lot in relation to which development consent has been granted, and</li> <li>(b) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and</li> <li>(c) not be used for residential purposes, and</li> <li>(d) be removed from the lot immediately after completion of the works for which the development consent was granted.</li> </ul>
Tents or marquees for filming purposes and private functions	<ul style="list-style-type: none"> <li>(a) for all tents or marquees being used at the same time—the development must not have a total floor area exceeding 200m<sup>2</sup>, if located in a residential zone, or 300m<sup>2</sup>, if located in any other zone,</li> </ul>

	<ul style="list-style-type: none"> <li>(b) if the development is carried out on land used for residential accommodation—each tent or marquee must be located— <ul style="list-style-type: none"> <li>(i) at least 1m from any boundary of the land, and</li> <li>(ii) behind any building setback fixed by an environmental planning instrument or development control plan applying to the land,</li> </ul> </li> <li>(c) if the development is carried out on land not used for residential accommodation—each tent or marquee must be located at least 3m from any boundary of the land,</li> <li>(d) each tent or marquee must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent or marquee, unless it is attached to or abuts a building with no separation,</li> <li>(e) each tent or marquee must be erected at ground level,</li> <li>(f) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road— <ul style="list-style-type: none"> <li>(i) 1 exit if the tent or marquee has a floor area of not more than 25m<sup>2</sup>,</li> <li>(ii) 2 exits if the tent or marquee has a floor area of not more than 100m<sup>2</sup>,</li> <li>(iii) 4 exits in any other case,</li> </ul> </li> <li>(g) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,</li> <li>(h) each tent or marquee must have a width for each exit of at least— <ul style="list-style-type: none"> <li>(i) 850mm if the floor area of the tent or marquee is less than 150m<sup>2</sup>, or</li> <li>(ii) 1m in any other case,</li> </ul> </li> <li>(i) no tent or marquee can have a wall height exceeding 4m,</li> <li>(j) each tent or marquee must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee, not exceeding 6m,</li> <li>(k) no tent or marquee can contain tiered seating,</li> <li>(l) any wedding, private party or other private function must take place only during the following periods— <ul style="list-style-type: none"> <li>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</li> <li>(ii) 7.30 am to 12.00 am on Friday or Saturday,</li> <li>(iii) 8.00 am to 8.00 pm on Sunday,</li> </ul> </li> <li>(m) if the development is carried out for the purposes of a wedding, private party or other private function (unless it is a community event to which Subdivision 7 applies)— <ul style="list-style-type: none"> <li>(i) each tent or marquee must not be erected on the land for more than 7 days, and</li> <li>(ii) the number of days for which a tent or marquee is erected on the land together with the number of days for which tents or marquees have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,</li> </ul> </li> <li>(n) in any other case—each tent or marquee must not remain on the land for more than 2 days after the function or after the completion of the filming at the location,</li> <li>(o) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the function or the filming activities.</li> </ul>
Tents or marquees for community events	<ul style="list-style-type: none"> <li>(a) for all tents and marquees being used at the same time—the development must not have a total floor area exceeding 300m<sup>2</sup>,</li> <li>(b) each tent or marquee must be located at least 3m from any boundary of the land,</li> <li>(c) each tent or marquee must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent, marquee or booth, unless it is attached to or abuts a building with no separation,</li> <li>(d) each tent or marquee must be erected at ground level,</li> <li>(e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road— <ul style="list-style-type: none"> <li>(i) 1 exit if the tent or marquee has a floor area of not more than 25m<sup>2</sup>,</li> <li>(ii) 2 exits if the tent or marquee has a floor area of not more than 100m<sup>2</sup>,</li> <li>(iii) 4 exits in any other case,</li> </ul> </li> <li>(f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,</li> <li>(g) each tent or marquee must have a width for each exit of at least— <ul style="list-style-type: none"> <li>(i) if the floor area of the tent or marquee is less than 150m<sup>2</sup>—850mm, or</li> <li>(ii) in any other case—1m,</li> </ul> </li> </ul>

**Amendment No. 1 - Introduction of Moree Special Activation Precinct**

	<ul style="list-style-type: none"> <li>(h) no tent or marquee can have a wall height exceeding 4m,</li> <li>(i) each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m,</li> <li>(j) no tent or marquee can contain tiered seating,</li> <li>(k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies)—             <ul style="list-style-type: none"> <li>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</li> <li>(ii) 7.30 am to 12.00 am on Friday or Saturday,</li> <li>(iii) 8.00 am to 8.00 pm on Sunday,</li> </ul> </li> <li>(l) each tent, marquee or booth must not remain on the land for more than 7 days after the event,</li> <li>(m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.</li> </ul>
Rainwater tanks (above and below ground)	<ul style="list-style-type: none"> <li>(a) if it is on land other than land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4—             <ul style="list-style-type: none"> <li>(i) (Repealed)</li> <li>(ii) not have a capacity more than 10,000 L, and</li> <li>(iii) be located at least 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing), and</li> </ul> </li> <li>(b) if it is on land in Zone RU1, be located at least 10m from each lot boundary, and</li> <li>(c) be located behind the building line of any road frontage, and</li> <li>(d) not rest on the footings of an existing building for support, and</li> <li>(e) not require cut and fill of more than 1m below or above ground level (existing), and</li> <li>(f) be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, and</li> <li>(g) be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank, and</li> <li>(h) be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it, and</li> <li>(i) 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, and</li> <li>(j) have a sign affixed to it with a statement to the effect that the water in the tank is rainwater, and</li> <li>(k) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.</li> <li>(2) Pumps attached to the development must be housed in an enclosure that is soundproofed.</li> <li>(3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.</li> </ul>
Waste storage containers	<p>The standards specified for that development are that the development must be located in accordance with an approval granted under the <i>Local Government Act 1993</i>.</p>