



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Review) 2017

under the

Environmental Planning and Assessment Act 1979

His 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 (Infrastructure) Amendment (Review) 2017

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Review) 2017*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007—consultation with councils and other public authorities

[1] Clauses 13 (2) (a), 15 (2) (a) and 16 (1) (a)

Insert “(together with a scope of works)” after “carry out the development” wherever occurring.

[2] Clause 14 Consultation with councils—development with impacts on local heritage

Omit clause 14 (1) (a). Insert instead:

- (a) is likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item in a way that is more than minor or inconsequential, and

[3] Clause 14 (2) (b)

Insert “and a scope of works” after “assessment”.

[4] Clause 16 Consultation with public authorities other than councils

Omit clause 16 (2) (a)–(c). Insert instead:

- (a) development adjacent to land reserved under the *National Parks and Wildlife Act 1974* or to land acquired under Part 11 of that Act—the Office of Environment and Heritage,
- (b) development on land in Zone E1 National Parks and Nature Reserves or in a land use zone that is equivalent to that zone—the Office of Environment and Heritage,
- (c) development adjacent to an aquatic reserve or a marine park declared under the *Marine Estate Management Act 2014*—the Department of Industry,

[5] Clause 16 (2) (i)

Insert after clause 16 (2) (h):

- (i) development on land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*—the Mine Subsidence Board.

Schedule 2 Amendment of State Environmental Planning Policy (Infrastructure) 2007—exempt and complying development generally

[1] Part 2, Division 4

Omit note 1. Insert instead:

Note 1. Section 76 of the Act contains requirements applying to exempt development.

[2] Clause 20 General requirements for exempt development

Insert after clause 20 (2) (e):

- (e1) must not involve the demolition of a building or work that is, or is part of, a State or local heritage item, and
- (e2) if it involves the demolition of a building, must be carried out in accordance with Australian Standard AS 2601—2001, *The demolition of structures*, and

[3] Clause 20 (2) (h)

Insert at the end of clause 20 (2) (g):

, and

- (h) must not involve the removal of asbestos, unless that removal is undertaken in accordance with *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority.

[4] Part 2, Division 5

Insert after the heading to the Division:

Note. Clause 1.17A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* contains requirements that must be met for development to be complying development.

[5] Clause 20B General requirements for complying development

Omit clause 20B (2) (b). Insert instead:

- (b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and

Note. Accordingly, development that is permitted to be carried out without consent is not complying development.

[6] Clause 20B (2) (h)

Insert at the end of clause 20B (2) (g):

, and

- (h) not involve the removal of asbestos, unless that removal is undertaken in accordance with *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority.

[7] Clause 20C General conditions of complying development certificates

Omit “Run-off and erosion” from clause 20C (8). Insert instead “Erosion and sediment”.

[8] Clause 20C (8A)–(8D)

Insert after clause 20C (8):

- (8A) If any object (other than an Aboriginal object) having interest due to its age or association with the past is discovered during the course of the work:
- (a) all work must stop immediately, and
 - (b) the Office of Environment and Heritage must be advised of the discovery.

Note. Depending on the nature and significance of the object, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before the work can continue.

- (8B) If any Aboriginal object (including any evidence of habitation or remains) is discovered during the course of the work:
- (a) all work must stop immediately, and
 - (b) the Chief Executive of the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- (8C) Dirt, sand and other materials relating to the construction or other work comprised in the development and loaded on to any vehicles entering or leaving the site must be covered.
- (8D) All vehicles, before leaving the site, must be cleaned of dirt, sand or other materials that have adhered during that construction or other work and could be tracked onto public roads.

[9] Clauses 43 (1) (j), 82 (a), 97 (1) (h), 107 (b) and 112 (b)

Omit the paragraphs.

[10] Clause 70 Exempt development

Omit “, and” from clause 70 (c) (ii).

[11] Clause 70 (c) (iii)

Omit the subparagraph.

[12] Clause 72 Complying development conditions—additional conditions

Omit clause 72 (h).

[13] Schedule 1 Exempt development—general

Omit “AS/NZS 3823.2:2005, *Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standard (MEPS) requirements*” from the matter relating to “Air conditioning units”.

Insert instead “AS/NZS 3823.2:2013, *Performance of electrical appliances—Airconditioners and heat pumps, Part 2: Energy labelling and minimum energy performance standards (MEPS) requirements*”.

[14] Schedule 1 (matter relating to carports)

Omit “Surface area must not exceed 20m²”.

Insert instead “Floor area must not exceed 36m²”.

[15] Schedule 1 (matter relating to carports)

Omit “Height must not exceed 2.4m above ground level (existing)”.

Insert instead “Height must not exceed 3.5m above ground level (existing) and external wall height must not exceed 3m above ground level (existing)”.

[16] Schedule 1 (matter relating to demolition of buildings or structures)

Omit “(unless part of a heritage item or within a heritage conservation area)” from the first column.

Insert instead “(including sheds, kiosks, ceilings, partitions, stairs, ducts, fencing, flagpoles and advertising structures)”.

[17] Schedule 1 (matter relating to demolition of buildings or structures)

Insert before the first bullet point in the second column:

- Building or structure must not be a heritage item or within a heritage conservation area.

[18] Schedule 1 (matter relating to demolition of buildings or structures)

Omit “100m²” from the second column. Insert instead “250m²”.

[19] Schedule 1 (matter relating to fences (other than security fences or fences covered by the Swimming Pools Act 1992))

Omit the second bullet point in the second column. Insert instead:

- Height of boundary fence must not exceed 1.8m above ground level (existing) if behind front building line, or 1.2m if forward of that line, in any of the following land use zones or a land use zone that is equivalent to any of those zones:
 - (i) Zone R1 General Residential,
 - (ii) Zone R2 Low Density Residential,
 - (iii) Zone R3 Medium Density Residential,
 - (iv) Zone R4 High Density Residential,
 - (v) Zone R5 Large Lot Residential,
 - (vi) Zone RU5 Village.

[20] Schedule 1

Insert after the matter relating to “Hoardings”, in the first and second columns respectively:

Investigations (including geotechnical and other testing, surveying and sampling) relating to proposed development or for the purposes of determining the safety or condition of infrastructure

- Must not involve any greater disturbance of the ground or vegetation than is necessary.
- Must not result in an increase in stormwater drainage or run-off from the site concerned,

[21] Schedule 1 (matter relating to scaffolding)

Insert after the second bullet point in the second column:

- Must be in accordance with AS/NZS 1576.1:2010, *Scaffolding, Part 1: General Requirements*.

[22] Schedule 1

Insert the following under the heading **General provisions: signs**, in the first and second columns respectively:

- Existing signs—maintenance, replacement or change in display if existing sign is exempt under this Policy
- Must not involve a change in area, form or shape.

Schedule 3 Amendment of State Environmental Planning Policy (Infrastructure) 2007—air transport facilities

Clause 23 Development permitted with consent

Insert after clause 23 (d):

- (e) tourist and visitor accommodation.

Schedule 4 Amendment of State Environmental Planning Policy (Infrastructure) 2007—electricity generating works or solar energy systems

[1] Clause 33 Definitions

Omit the definition of *waste or resource management facility*. Insert instead:

waste or resource management facility has the same meaning as in the Standard Instrument.

[2] Clause 36 Development permitted without consent

Omit “sewage treatment works” from clause 36 (2).

Insert instead “sewage treatment plants”.

[3] Clause 37 Complying development

Omit clause 37 (2) (e) (i). Insert instead:

- (i) the total area occupied by the system (together with any other ground-mounted solar energy system on the lot concerned) does not exceed 500m², and

[4] Clauses 37 (2) (f) (i) and 39 (3) (f) (i)

Omit “it” wherever occurring. Insert instead “the system”.

[5] Clauses 37 (2) (f) (iii) and (iv) and 39 (3) (f) (ii) and (iii)

Insert “the system” after “zone and” wherever occurring.

[6] Clause 39 Exempt development

Omit clause 39 (3) (e) (i). Insert instead:

- (i) the total area occupied by the system (together with any other ground-mounted solar energy system on the lot concerned) does not exceed 150m², and

[7] Clause 39 (3) (f) (vi)

Omit “development for the purposes of”.

Schedule 5 Amendment of State Environmental Planning Policy (Infrastructure) 2007—electricity transmission or distribution

[1] Clause 40 Definitions

Insert in alphabetical order:

distributor and *transmission operator* have the same meanings as in the *Electricity Supply Act 1995*.

[2] Clause 40, paragraph (b) of definition of “electricity supply authority”

Omit the paragraph. Insert instead:

(b) a transmission operator or distributor that holds a licence under the *Electricity Supply Act 1995*, and

[3] Clause 40, definition of “electricity transmission or distribution network”

Omit the definition. Insert instead:

electricity transmission or distribution network includes the following components:

- (a) above or below ground electricity transmission or distribution lines (including related bridges, cables, conductors, conduits, poles, towers, trenches, tunnels, access structures, access tracks and ventilation structures) and telecommunication facilities that are related to the functioning of the network,
- (b) above or below ground electricity switching stations or electricity substations, feeder pillars or transformer housing, substation yards or substation buildings.

[4] Clause 41 Development permitted without consent

Insert at the end of clause 41 (2) (a) (iii):

, and

- (iv) installation of overhead wires and associated component parts, including support structures, and
- (v) construction of access tunnels or access tracks,

[5] Clause 41 (2) (f)

Omit the paragraph. Insert instead:

- (f) an electricity generating unit to provide temporary support to the network, but only if:
 - (i) the combined capacity of all units at the premises where the unit is located, or is intended to be located, does not exceed 5 megawatts, and
 - (ii) none of the units is operated, or is intended to be operated, for more than 200 hours in any 12 month period.

[6] Clause 42 Notification of certain electricity substation development that may be carried out without consent

Insert “(other than exempt development)” after “development” in clause 42 (1).

[7] Clause 43 Exempt development

Omit clause 43 (1) (b) and (c). Insert instead:

- (b) maintenance of electricity lines or of poles (or associated structures) for electricity lines,
- (c) any of the following if the primary purpose of the development is not to increase the capacity of the network:
 - (i) replacement or re-alignment of electricity lines for conveying electricity at a voltage of 66kV or less,
 - (ii) installation or upgrading of electricity lines for conveying electricity at a voltage of 66kV or less that are above or below ground service lines connecting premises to the network,
 - (iii) replacement of poles with similar sized poles, or of associated support structures, for electricity lines for conveying electricity at a voltage of 66kV or less,
 - (iv) re-alignment of poles, or of associated support structures, for electricity lines for conveying electricity at a voltage of 66kV or less,

[8] Clause 43 (1) (d) (i)

Omit the subparagraph. Insert instead:

- (i) existing plant or equipment in an existing fenced area or in an existing building (including pillars, fuses, control points, switches, regulators and protection equipment, but not including outdoor installation of equipment designed to operate (or convey electricity) at a voltage of more than 66kV),

[9] Clause 43 (1) (d) (iv)

Omit the subparagraph. Insert instead:

- (iv) electrical conductors on existing structures if the primary purpose of the development is not to increase the capacity of the network,

[10] Clause 43 (1) (f) (i)

Omit the subparagraph. Insert instead:

- (i) the primary purpose of the development is not to increase the capacity of the network, and

[11] Clause 43 (1) (g)

Omit the paragraph. Insert instead:

- (g) demolition and removal of electricity works if:
 - (i) the demolition is carried out in accordance with AS 2601—2001, *Demolition of structures*, and
 - (ii) the development is not associated with substations containing equipment designed to operate (or convey electricity) at a voltage of more than 66kV, and
 - (iii) the development will not be carried out on sites where soil is likely to be contaminated,

[12] Clause 43 (1) (k)

Omit the paragraph. Insert instead:

- (k) vegetation management that is in accordance with a tree management plan established under clause 37 of the *Electricity Supply (Safety and Network Management) Regulation 2014*,

Schedule 6 Amendment of State Environmental Planning Policy (Infrastructure) 2007—health services facilities

[1] Clause 56 Definitions

Omit the definition of *health services facility*. Insert instead:

health services facility has the same meaning as in the Standard Instrument.

[2] Clause 56, definition of “prescribed zone”

Insert after paragraph (d):

(d1) R2 Low Density Residential,

[3] Clause 56, definition of “prescribed zone”

Insert after paragraph (g):

(g1) B1 Neighbourhood Centre,

[4] Clause 57 Development permitted with consent

Omit clause 57 (2) and (3). Insert instead:

- (2) Development for any of the following purposes may be carried out by or on behalf of a public authority with consent on State land if the development is carried out within the boundaries of an existing health services facility:
 - (a) health research (or development) industries, including medical research (or development) industries,
 - (b) any of the following premises that service patients or staff of, or visitors to, the health services facility (or staff of, or visitors to, other premises within the boundaries of the facility):
 - (i) centre-based child care facilities,
 - (ii) commercial premises,
 - (iii) community facilities,
 - (iv) information and education facilities,
 - (v) recreation areas, recreation facilities (indoor) or recreation facilities (outdoor),
 - (vi) residential accommodation,
 - (c) a building or place used for the training or education of health and other professionals.
- (3) Consent must not be granted for development of a kind referred to in subclause (2) (b) (other than development for the purposes of a centre-based child care facility) unless the consent authority is satisfied that the Secretary has certified in a site compatibility certificate that, in the Secretary’s opinion, the development is compatible with the surrounding land uses.

[5] Clause 58

Omit the clause. Insert instead:

58 Development permitted without consent

- (1) Any of the following development may be carried out by or on behalf of a public authority without consent on any land if the development is carried out within the boundaries of an existing health services facility:

- (a) the alteration of, or addition to, a building that is a health services facility,
 - (b) development for the purposes of restoring or replacing accommodation or administration facilities,
 - (c) demolition of buildings carried out for the purposes of a health services facility,
 - (d) development for the purposes of a helipad that is a patient transport facility,
 - (e) development for the purposes of car parks to service patients or staff of, or visitors to, the health services facility (or to service staff of, or visitors to, other premises within the boundaries of the facility).
- (2) This clause does not permit the erection of any building that exceeds 12m in height or is located closer than 5m to any property boundary (or an addition to a building resulting in the building exceeding that height or being closer than that distance to any property boundary).

[6] New clauses 58A–58C

Insert after clause 58:

58A Notification of carrying out of certain development without consent

- (1) This clause applies to development carried out by or on behalf of a public authority under clause 58 (1) (other than clause 58 (1) (b) or (c)).
- (2) Before development to which this clause applies is carried out, the person carrying out the development or the public authority concerned must:
 - (a) give written notice of the intention to carry out the development to each of the following:
 - (i) the council for the area in which the relevant land is located (unless the public authority is the council),
 - (ii) the occupiers of any adjoining land, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.
- (3) In this clause, *relevant land* means the land on which the development is proposed to be carried out.

58B Exempt development

- (1) Any of the following development is exempt development if it is carried out within the boundaries of an existing health services facility and complies with clause 20:
 - (a) development for the purposes of roads and cycleways,
 - (b) development for the purposes of information boards and other information facilities (except for visitors' centres),
 - (c) development for the purposes of lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
 - (d) development for the purposes of landscaping, including landscape structures or features (such as art work) and irrigation systems,
 - (e) development for the purposes of maintenance depots used solely for the maintenance of a health services facility (or of any other premises within the boundaries of a health services facility),

- (f) environmental management works,
 - (g) the removal and replacement, or pruning, of a tree if:
 - (i) the tree has been assessed by a Level 5 qualified arborist as posing a risk to human health or safety, or a risk of damage to infrastructure, and
 - (ii) in the case of removal and replacement of a tree, the replacement tree is planted within the boundaries of the health services facility and is capable of achieving a mature height of 3 metres or more.
- (2) In this clause, **Level 5 qualified arborist** means an arborist with a minimum AQF Level 5 in Arboriculture under the Australian Qualifications Framework (within the meaning of section 7 of the *Higher Education Act 2001*).

58C Complying development

- (1) Development for any of the following purposes is complying development if it is carried out within the boundaries of an existing health services facility, and complies with the requirements of this clause and clause 20B:
- (a) a health services facility,
 - (b) a building or place used for the training or education of health and other professionals,
 - (c) commercial premises, providing goods or services to staff or patients of, or visitors to, a health services facility (or to staff of, or visitors to, other premises within the boundaries of a health services facility),
 - (d) any premises to service patients or staff of, or visitors to, a health services facility (or to service staff of, or visitors to, other premises within the boundaries of a health services facility) that consist of an administration building or a car park.
- (2) This clause does not permit the erection of any building that exceeds 12m in height or is located closer than 5m to any property boundary (or an addition to a building resulting in the building exceeding that height or being closer than that distance to any property boundary).
- (3) The footprint of any building demolished under this clause must not exceed 250m².
- (4) Demolition of a building under this clause is not complying development if the building is within a heritage conservation area.

[7] Existing clauses 58A, 58B and 58C

Re-number the clauses as clauses 58G, 58H and 58I, respectively.

Schedule 7 Amendment of State Environmental Planning Policy (Infrastructure) 2007—operational land

Part 3, Division 10A

Insert after Division 10:

Division 10A Operational land

58D Definition

In this Division:

operational land has the same meaning as in the *Local Government Act 1993*.

58E Development permitted without consent

Development for any purpose referred to in clause 65 (3) may be carried out without consent on operational land by or on behalf of a council.

58F Exempt development

- (1) Development for any purpose referred to in clause 66 (1) is exempt development if carried out on operational land by or on behalf of a council.
- (2) Development is exempt development under this clause only if the development:
 - (a) complies with clause 20, and
 - (b) involves no greater disturbance of native vegetation than necessary, and
 - (c) does not result in an increase in stormwater run-off or erosion.

Schedule 8 Amendment of State Environmental Planning Policy (Infrastructure) 2007—public authority precincts

Clause 58B Exempt development (renumbered as clause 58H by Schedule 6 [7])

Omit clause 58B (1) (b). Insert instead:

- (b) recreation facilities (outdoor), other than grandstands,

Schedule 9 Amendment of State Environmental Planning Policy (Infrastructure) 2007—parks and other public reserves

[1] Clause 65 Development permitted without consent

Insert “or acquired under Part 11 of that Act,” after “*National Parks and Wildlife Act 1974*,” in clause 65 (1) (a).

[2] Clause 65 (1) (b)

Insert “or an aquatic reserve” after “marine park”.

[3] Clause 65 (1) (c)

Omit the paragraph.

[4] Clause 65 (2) (d)

Omit the paragraph. Insert instead:

- (d) on land that is a Crown reserve—by or on behalf of a reserve trust that is constituted in respect of the reserve, the Minister administering the *Crown Lands Act 1989* or the Lands Administration Ministerial Corporation,

[5] Clause 65 (2A)

Insert after clause 65 (2):

- (2A) A reference in subclause (2) (d) to a Crown reserve is a reference to a reserve within the meaning of Part 5 of the *Crown Lands Act 1989* (other than a reserve that is under the control of a council under section 48 of the *Local Government Act 1993*). To avoid doubt, a reference in that paragraph to a reserve trust that is constituted in respect of a reserve includes a reference to a reserve trust whose affairs are managed by a council.

[6] Clause 65 (3)

Omit the subclause. Insert instead:

- (3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:
 - (a) development for any of the following purposes:
 - (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
 - (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,
 - (iii) visitor information centres, information boards and other information facilities,
 - (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
 - (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,
 - (vi) amenities for people using the reserve, including toilets and change rooms,

- (vii) food preparation and related facilities for people using the reserve,
- (viii) maintenance depots,
- (b) environmental management works,
- (c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area) so long as the footprint of the building covers an area no greater than 250 square metres.

Note. The term **building** is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.

[7] Clause 66

Omit the clause. Insert instead:

66 Exempt development

- (1) Development for any of the following purposes that is carried out in the prescribed circumstances is exempt development:
 - (a) construction or maintenance of:
 - (i) walking tracks, raised walking paths (including boardwalks), ramps, stairways or gates, or
 - (ii) bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities (except for bicycle paths), or
 - (iii) handrail barriers or vehicle barriers, or
 - (iv) ticketing machines or park entry booths, or
 - (v) viewing platforms with an area not exceeding 100m², or
 - (vi) sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or
 - (vii) play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence, or
 - (viii) seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures,
 - (b) routine maintenance of playing fields and other infrastructure, including landscaping,
 - (c) routine maintenance of roads that provide access to or within those playing fields, including landscaping.
- (2) Development is carried out in the *prescribed circumstances* if the development is carried out:
 - (a) on land referred to in clause 65 (1) by or on behalf of a public authority, or
 - (b) on land referred to in clause 65 (2) (a) or (b) by or on behalf of the Centennial Park and Moore Park Trust or the Parramatta Trust, as the case may be, or
 - (c) in connection with a public reserve (other than a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*) by or on behalf of a public authority, or

- (d) on land that is a reserve within the meaning of Part 5 of the *Crown Lands Act 1989* by or on behalf of:
 - (i) a reserve trust constituted in respect of the reserve, or
 - (ii) the Minister administering that Act or the Lands Administration Ministerial Corporation, or
 - (iii) a council having control of the reserve under section 48 of the *Local Government Act 1993*.
- (3) Development is exempt development under this clause only if the development:
 - (a) complies with clause 20, and
 - (b) involves no greater disturbance of native vegetation than necessary, and
 - (c) does not result in an increase in stormwater run-off or erosion.

Schedule 10 Amendment of State Environmental Planning Policy (Infrastructure) 2007—port, wharf or boating facilities

[1] Clause 67 Definitions

Omit the definitions of *facilities*, *freight*, *port facilities* and *wharf or boating facilities*.

Insert in alphabetical order:

port facilities has the same meaning as in the Standard Instrument.

wharf or boating facilities has the same meaning as in the Standard Instrument.

[2] Clause 67, definition of “Port Corporation”

Omit the definition.

[3] Clause 68 Development permitted without consent

Omit clause 68 (1) (a). Insert instead:

- (a) by or on behalf of the Newcastle Port Corporation or Roads and Maritime Services without consent on land in a prescribed zone or (providing the development is directly related to an existing port facility) on any other land, or

[4] Clause 68 (2)

Omit “or on unzoned land”.

[5] Clauses 68 (3) and 69 (2)

Omit “a Port Corporation” wherever occurring.

Insert instead “the Newcastle Port Corporation”.

[6] Clause 68 (5)

Omit “navigation facilities”. Insert instead “navigation and emergency response facilities”.

[7] Clause 68 (5) (a) and (b)

Omit the paragraphs. Insert instead:

- (a) construction works (including dredging or land reclamation, if the dredging or land reclamation is required for the construction of those facilities),
- (b) routine maintenance works (other than maintenance that is exempt development),

[8] Clause 68 (6) and (7)

Insert after clause 68 (5):

- (6) In this clause, a reference to development for the purpose of port facilities also includes a reference to any of the following if carried out in connection with port facilities:
 - (a) dredging, or bed profile levelling, of existing navigation channels,
 - (b) dredging, or bed profile levelling, so as to create new navigation channels.

- (7) In this clause, a reference to development for the purpose of navigation and emergency response facilities, wharf or boating facilities or associated public transport facilities for a public ferry wharf also includes a reference to dredging, or bed profile levelling, of existing navigation channels, if that dredging or levelling is:
- (a) carried out for safety reasons, or
 - (b) carried out in connection with any such facilities that, at the time of the dredging or levelling, exist.

[9] Clause 69 Development permitted with consent

Omit clause 69 (1). Insert instead:

- (1) The erection or use of a structure (within an existing port facility or public ferry wharf) that is associated with retail premises, business premises or industrial premises that are not directly related to the operation of the port or wharf may be carried out by any person with consent on land in a prescribed zone or on unzoned land.

[10] Clause 69 (2)

Omit “(other than subdivision referred to in clause 68)”.

[11] Clause 69 (3)–(5)

Omit clause 69 (3). Insert instead:

- (3) Dredging may be carried out by any person with consent on any land.
- (4) Development for the purpose of a facility for maintaining vessels may be carried out by any person with consent on land in a prescribed zone or on unzoned land.
- (5) Nothing in this clause requires a person to obtain consent for development of any kind that the person is permitted by clause 68 or 70 to carry out without consent.

[12] Clause 70 Exempt development

Omit “land at a port facility at a designated port managed by a Port Corporation or Roads and Maritime Services”.

Insert instead “land in the area of a port that is managed by the Newcastle Port Corporation, or is vested in Roads and Maritime Services,”.

[13] Clause 70 (d)–(d2)

Omit clause 70 (d). Insert instead:

- (d) demolition of a building:
 - (i) that has a gross floor area of not more than 500m², or
 - (ii) the erection of which is exempt development under this Policy,
Note. The term **building** is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.
- (d1) minor installations for securing or accessing vessels (such as bollards, ladders, ramps, gantries, railings and mooring points), including the removal of those installations,
- (d2) minor installations for protecting wharves or vessels (such as cathodic protection systems and fenders), including the removal of those installations,

[14] Clause 70 (f)

Omit the paragraph. Insert instead:

- (f) a flagpole that:
 - (i) has a height above ground level (existing) of not more than 30m or (if attached to or mounted on a building) extends not more than 10m above the highest point of the roof of the building, and
 - (ii) is located no closer than 20m from any boundary of a property on which residential accommodation is located, and
 - (iii) does not display any commercial advertisements for or about anything other than the Newcastle Port Corporation (in the case of the area of a port managed by it) or any business operating in that area,

[15] Clause 70 (h)–(k1)

Omit clause 70 (h)–(k). Insert instead:

- (h) paving, or an at-grade car park (including access to or from the car park), that:
 - (i) is ancillary or incidental to a lawful use of the land, and
 - (ii) is designed so that any surface water run-off is directed to a stormwater management system or landscaped area,
- (h1) landscaping, including landscape structures or features (such as art work),
 - (i) marking out of roads,
 - (j) structures for external lighting if:
 - (i) any obtrusive effects of the external lighting (if new) are controlled in accordance with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
 - (ii) the structures have a height above ground level (existing) of not more than 35m or (if attached to or mounted on a building) do not extend more than 10m above the highest point of the roof of the building,
- (k) pedestrian ramps, pathways or stairways (other than escalators or travelators),
- (k1) escalators, or travelators, that are designed to ensure that any noise emitted by them does not exceed 5dB(A) above ambient background noise level (as measured at any adjoining property boundary),

[16] Clause 70 (n)

Omit the paragraph. Insert instead:

- (n) hoardings or scaffolding in the circumstances specified in Schedule 1,

[17] Clause 70 (o1) and (p)

Omit clause 70 (p). Insert instead:

- (o1) safety or security barriers, including jersey barriers, earth berms and bollards,
- (p) traffic monitoring and security cameras and other facilities for tracking vessels or trucks, port navigation or security (including radar, communication or microwave receivers and the like),

[18] Clause 70 (t)

Omit the paragraph. Insert instead:

- (t) without limiting paragraph (q), (r) or (s), a change in the display on, or the maintenance or replacement of, an existing sign that does not involve a change in the area, form or shape of the sign,

[19] Clause 70 (w)–(z2)

Insert after clause 70 (v):

- (w) minor vegetation management carried out for the purpose of maintaining the security or safety of the designated port concerned and that involves no more disturbance of vegetation than is necessary for that purpose,
- (x) investigations of the physical properties of soil, rock or seabed (including geotechnical and other testing, surveying and sampling to investigate those physical properties),
- (y) movable plant and equipment,
- (z) a port facility, in the circumstances specified in clause 21 of Schedule 1 to *State Environmental Planning Policy (Three Ports) 2013* (relating to the change of use of port facilities) if the facility is not and, before the change of use, was not a petroleum terminal,
- (z1) washbays,
- (z2) rainwater or grey water tanks used by any business at the designated port that, together with any other rainwater or grey water tanks used by the business, have a total storage capacity of not more than 20,000 litres of water.

[20] Clause 71 Complying development

Omit “land in the area of a port managed by a port corporation” from clause 71 (1).

Insert instead “land in the area of a port that is managed by the Newcastle Port Corporation, or is vested in Roads and Maritime Services,”.

[21] Clause 71 (1) (a)

Omit “or alteration of a building (being office premises or a shed, garage or kiosk)”.

Insert instead “, or alteration (including internal alteration) of, a building”.

[22] Clause 71 (1) (b) and (c)

Omit the paragraphs. Insert instead:

- (b) a new building that:
 - (i) has a gross floor area of not more than 500m² or is not more than 1 storey high, and
 - (ii) has a height above ground level (existing) of not more than 12m, and
 - (iii) except in the case of a security booth, is erected no closer than 1m from any adjoining property boundary (unless the adjoining property is owned or managed by the Port Corporation), and
 - (iv) in the case of food premises, including a canteen or kiosk, is designed, constructed and fitted-out in accordance with Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*,

- (c) demolition, carried out in accordance with Australian Standard AS 2601—2001, *The demolition of structures*, of a building:
 - (i) that has a gross floor area not exceeding 2,000m², or
 - (ii) the erection of which is complying development under this clause,

[23] Clause 71 (1) (h) (ii)

Omit the subparagraph. Insert instead:

- (ii) comply with the relevant requirements of AS 1940—2004, *The storage and handling of flammable and combustible liquids* and Australian and New Zealand Standard AS/NZS 1596:2008, *The storage and handling of LP Gas*,

[24] Clause 71 (1) (i) (ii)

Omit the subparagraph. Insert instead:

- (ii) comply with the relevant requirements of Australian Standard AS 1940—2004, *The storage and handling of flammable and combustible liquids*,

[25] Clause 71 (1) (k)

Omit the paragraph.

[26] Clause 72 Complying development certificate conditions—additional conditions

Omit clause 72 (c) (i) and (ii). Insert instead:

- (i) before any form work below any ground floor slab or any addition to the ground floor slab, for a new building or addition is completed or (if there is no such form work) before the concrete is poured for the ground floor slab or addition to the ground floor slab—a survey certificate showing the location of the proposed new building or addition relative to the property boundaries,
- (ii) at the completion of the lowest floor of any building or any addition to the lowest floor—a survey certificate confirming that the levels correspond to the levels shown on the plans in respect of which the complying development certificate is issued,

[27] Clause 72 (i)

Omit the paragraph. Insert instead:

- (i) following removal of any friable asbestos from the site, a certificate from a suitably qualified person must be provided to the principal certifying authority certifying that no such asbestos remains on site and a copy of the certificate must be forwarded, before any other work begins, to the following:
 - (i) the Newcastle Port Corporation if the land is in the area of a port managed by it,
 - (ii) Roads and Maritime Services if the land is in the area of a port vested in it,
 - (iii) the Department of Planning and Environment,
 - (iv) the council.

Schedule 11 Amendment of State Environmental Planning Policy (Infrastructure) 2007—public administration buildings and buildings of the Crown

[1] Clause 77 Development permitted without consent

Omit clause 77 (1) (a). Insert instead:

- (a) alterations of or additions to a public administration building,

[2] Clause 77A

Insert after clause 77:

77A Exempt development

Any of the following development is exempt development if the development complies with clause 20:

- (a) development for the purposes of landscaping in the grounds of a public administration building, including landscape structures or features (such as art work),
- (b) use of a building as a public administration building following a change of use of the building as commercial premises.

Schedule 12 Amendment of State Environmental Planning Policy (Infrastructure) 2007—railways

[1] Clause 78 Definitions

Omit the definitions of *rail authority for an interim rail corridor* and *Sydney Metro* from clause 78 (1).

[2] Clause 78 (1)

Omit the definition of *rail authority for the rail corridor*. Insert instead:

rail authority for a rail corridor means:

- (a) in relation to a rail corridor that is vested in or owned by ARTC or is the subject of an ARTC arrangement—the chief executive officer of ARTC, and
- (b) in relation to a rail corridor that is vested in or owned by RailCorp—the Chief Executive of RailCorp, and
- (c) in relation to any other rail corridor—the Secretary of the Department of Transport.

[3] Clause 78 (1), definition of “rail infrastructure facilities”

Omit paragraph (g). Insert instead:

- (g) facilities for the assembly, maintenance and stabling of rolling stock, and
- (g1) facilities for the dismantling and stabling of rolling stock taken out of service, and

[4] Clause 78 (1), definition of “rail infrastructure facilities”

Insert at the end of paragraph (j):

- and
- (k) buildings for or related to railway purposes,

[5] Clause 79 Development permitted without consent—railways and rail infrastructure facilities generally

Omit clause 79 (2) (a) (i). Insert instead:

- (i) temporary crushing plants, or temporary concrete batching plants, that are in or adjacent to a rail corridor and used solely in connection with the construction of a railway, and

[6] Clause 79 (2) (a) (v)

Insert “temporary” before “facilities”.

[7] Clause 81 Development permitted with consent

Omit clause 81 (b) and (c). Insert instead:

- (b) any of the following in a rail corridor if the development is carried out wholly or partly above a railway station:
 - (i) residential accommodation,
 - (ii) tourist and visitor accommodation,
 - (iii) retail premises,
 - (iv) business premises,

- (c) retail or business premises in a railway complex, including the following such premises that are:
 - (i) below a railway complex but above ground (for example, at Circular Quay),
 - (ii) in areas of the railway complex used by commuters to gain access to station platforms,
- (c1) retail or business premises in a transport interchange (other than an at-grade transport interchange) if the premises are located on the ground floor of the interchange or have street frontage,
- (c2) retail or business premises in a car park intended for use by commuters (other than an at-grade car park) if the premises are located on the ground floor of the car park or have street frontage,

[8] Clause 81 (2)

Insert at the end of clause 81:

- (2) Nothing in this clause requires a public authority to obtain consent for development that is permitted without consent by clause 79.

[9] Clause 82 Exempt development—public authorities

Omit “and maintenance” from clause 82 (g). Insert instead “, maintenance or replacement”.

[10] Clause 82 (h)

Insert “, replacement” after “maintenance”.

[11] Clause 82 (i)

Omit the paragraph. Insert instead:

- (i) reconstruction, maintenance or replacement of culverts or drains,

[12] Clause 82 (k)

Omit the paragraph. Insert instead:

- (k) installation, maintenance or replacement of:
 - (i) temporary structures, or temporary signs, associated with alternative transport arrangements necessitated by rail track work or railway maintenance, or
 - (ii) other signs that comply with any relevant requirements of AS 1319—1994, *Safety signs for the occupational environment* and AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

[13] Clause 82 (2)

Insert at the end of clause 82:

- (2) For the purposes of this clause, development carried out by or on behalf of a lessee or licensee of ARTC or Transport for NSW is taken to be carried out by or on behalf of ARTC or Transport for NSW if the development is required or authorised to be carried out by the lease or licence.

[14] Clause 82A

Insert after clause 82:

82A Exempt development—any persons

Any of the following development is exempt development if the development complies with clause 20:

- (a) development for the purposes of automatic teller machines, coffee carts or vending machines that are on station platforms or in areas of a railway complex used by commuters to gain access to station platforms,
- (b) the use of a room for the purposes of business premises, office premises, a community facility, a shop or a public administration building, including any non-structural alterations to the room for those purposes, if the room:
 - (i) was formerly used for railway purposes, and
 - (ii) is located on a station platform or in areas of a railway complex used by commuters to gain access to station platforms, and
 - (iii) is 200m² or less in area.

[15] Part 3, Division 15, Subdivision 2

Omit the heading to the Subdivision and the note. Insert instead:

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements

[16] Clauses 84 (2) (a) and (3), 85 (2) (a) and 86 (2) (a)

Omit “the chief executive officer of the rail authority” wherever occurring.

Insert instead “the rail authority”.

[17] Clauses 84 (4) and 86 (4)

Omit “chief executive officer” wherever occurring. Insert instead “rail authority”.

[18] Clause 84 (5)

Omit the subclause. Insert instead:

- (5) The consent authority may grant consent to development to which this clause applies without the concurrence of the rail authority for the rail corridor if 21 days have passed since the consent authority gave notice under subclause (2) (a) and the rail authority has not granted or refused to grant concurrence.

[19] Clause 85 Development adjacent to rail corridors

Omit “immediately” from clause 85 (1).

[20] Clause 85 (3)

Insert after clause 85 (2):

- (3) Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the *Road Transport Act 2013*.

[21] Clause 86 Excavation in, above, below or adjacent to rail corridors

Insert “, below” after “within” in clause 86 (1) (a).

[22] Clause 86 (1) (b1)

Insert after clause 86 (1) (b):

- (b1) within 25m (measured horizontally) of the ground directly below a rail corridor, or

[23] Clause 86 (3)

Omit the subclause. Insert instead:

- (3) Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the rail authority for the rail corridor to which the development application relates.

[24] Clause 86 (5)

Omit the subclause. Insert instead:

- (5) The consent authority may grant consent to development to which this clause applies without the concurrence of the rail authority concerned if:
 - (a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or
 - (b) in any other case, 21 days have passed since the consent authority gave notice under subclause (2) (a) and the rail authority has not granted or refused to grant concurrence.

[25] Clause 88 Development within or adjacent to interim rail corridor

Omit “in the area marked” wherever occurring in clause 88 (1) (a) and (b).

Insert instead “on the land shown as”.

[26] Clause 88 (4)–(6)

Omit “the chief executive officer of the relevant rail authority” wherever occurring.

Insert instead “the relevant rail authority”.

[27] Clause 88 (6) (a) and (b)

Omit “chief executive officer” wherever occurring. Insert instead “relevant rail authority”.

[28] Clause 88 (8)

Insert after clause 88 (7):

- (8) In this clause:
 - rail authority* for an interim rail corridor means:
 - (a) in relation to the Interim Metro Corridor—the Secretary of the Department of Transport, and
 - (b) in relation to the Interim Rail Link Corridor—the Chief Executive of RailCorp.

[29] Clause 88A Major development within Interim Metro Corridor

Omit “Sydney Metro” wherever occurring in clause 88A (2) (a), (4) and (5).

Insert instead “the Secretary of the Department of Transport”.

[30] Clause 88A (2) (b)

Omit “Sydney Metro”. Insert instead “that Secretary”.

[31] Clauses 88C and 89

Omit the clauses.

Schedule 13 Amendment of State Environmental Planning Policy (Infrastructure) 2007—sewerage systems

[1] Clause 105 Definitions

Omit the definitions of *biosolids treatment facility*, *sewage reticulation system*, *sewage treatment plant*, *sewerage system* and *water recycling facility*.

Insert in alphabetical order:

biosolids treatment facility, *sewage reticulation system*, *sewage treatment plant*, *sewerage system* and *water recycling facility* have the same meanings as in the Standard Instrument.

[2] Clause 106 Development permitted with or without consent

Omit clause 106 (1)–(3). Insert instead:

- (1) Development is carried out in the *prescribed circumstances* if the development:
 - (a) is carried out by or on behalf of a public authority, or
 - (b) consists of the construction or operation of water industry infrastructure and, under the *Water Industry Competition Act 2006*, a network operator's licence is required before the development may be carried out.
- (2) Development for the purpose of sewage treatment plants or biosolids treatment facilities may be carried out without consent on land in a prescribed zone in the prescribed circumstances.
- (2A) In any other circumstances, development for the purpose of sewage treatment plants or biosolids treatment facilities may be carried out with consent on land in a prescribed zone.
- (3) Development for the purpose of water recycling facilities may be carried out without consent on land in a prescribed zone in the prescribed circumstances.
- (3A) In any other circumstances, development for the purpose of water recycling facilities may be carried out with consent if:
 - (a) the land on which the development is carried out is in a prescribed zone, or
 - (b) the development is ancillary to an existing land use.
- (3B) Development for the purpose of sewage reticulation systems may be carried out without consent on any land in the prescribed circumstances.
- (3C) In any other circumstances, development for the purpose of sewage reticulation systems may be carried out with consent on any land.
- (3D) Development for the purpose of water recycling facilities or sewage reticulation systems may be carried out on land reserved under the *National Parks and Wildlife Act 1974* only if the development is authorised by or under that Act.

[3] Clause 106 (5) (b)

Insert “, including reservoirs,” after “storage”.

[4] Clause 106 (5) (i)

Insert after clause 106 (5) (h):

- (i) maintenance depots.

[5] Clause 106 (6)

Insert after clause 106 (5):

- (6) In this clause, *network operator's licence* and *water industry infrastructure* have the same meanings as in the *Water Industry Competition Act 2006*.

[6] Clause 107 Exempt development

Omit clause 107 (c) (viii). Insert instead:

- (viii) maintenance or replacement of sewerage system components that does not increase capacity (or increases capacity only to a minimal extent),

Schedule 14 Amendment of State Environmental Planning Policy (Infrastructure) 2007—State sport and recreation centres

Part 3, Division 19A

Insert after Division 19 of Part 3:

Division 19A State sport and recreation centres

109A Definition

In this Division:

State sport and recreation centre means the land identified as the subject land on the following maps:

- (a) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Berry Land Application Map,
- (b) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Borambola Land Application Map,
- (c) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Broken Bay Land Application Map,
- (d) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Jindabyne Land Application Map,
- (e) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Lake Ainsworth Land Application Map,
- (f) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Lake Burrendong Land Application Map,
- (g) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Lake Keepit Land Application Map,
- (h) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Milson Island Land Application Map,
- (i) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Myuna Land Application Map,
- (j) State Environmental Planning Policy (Infrastructure) 2007 Sports and Recreation Sydney Academy Land Application Map.

109B Development permitted with or without consent

- (1) Development for any of the following purposes may be carried out by or on behalf of the State Sporting Venues Authority with consent on land comprised in a State sport and recreation centre:
agriculture, animal boarding or training establishments, backpackers' accommodation, bed and breakfast accommodation, boat launching ramps, boat sheds, camping grounds, community facilities, entertainment facilities, farm stay accommodation, function centres, information and education facilities, kiosks, markets, medical centres, public administration buildings, recreation facilities (indoor), recreation facilities (major), recreation facilities (outdoor), restaurants or cafes, take away food or drink premises, water recreation structures
- (2) Nothing in subclause (1) requires consent to be granted for the carrying out of development on land comprised in a State sport and recreation centre if that

development could, but for that subclause, be carried out on the land without consent.

- (3) Development for any of the following purposes may be carried out by or on behalf of the State Sporting Venues Authority without consent on land comprised in a State sport and recreation centre:
environmental facilities, recreation areas

Schedule 15 Amendment of State Environmental Planning Policy (Infrastructure) 2007—stormwater management systems

[1] Clause 110 Definition

Insert “harvesting,” after “detention,” in paragraph (a) of the definition of *stormwater management system*.

[2] Clause 111 Development permitted without consent

Insert after clause 111 (2) (c):

- (d) buildings, including buildings containing amenities for staff, that have a height of not more than 12m above ground level (existing).

Note. The term *building* is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.

[3] Clause 111A

Insert after clause 111:

111A Development permitted with consent

Development for the purpose of a stormwater management system may be carried out by any person with consent on any land.

[4] Clause 112 Exempt development

Omit “and complies with clause 20 if the development involves no greater soil or vegetation disturbance than necessary and does not involve any increase in stormwater drainage or run-off from the site concerned”.

[5] Clause 112 (2)

Insert at the end of clause 112:

- (2) Development is exempt development under this clause only if the development:
 - (a) complies with clause 20, and
 - (b) involves no greater soil or vegetation disturbance than necessary, and
 - (c) does not involve any increase in stormwater drainage or run-off from the site concerned.

Schedule 16 Amendment of State Environmental Planning Policy (Infrastructure) 2007— telecommunications and other communication facilities

[1] Part 3, Division 21

Omit the note to the Division. Insert instead:

Note. The installation of telecommunications facilities identified as low impact facilities by a determination made under clause 6 (3) of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth may be exempt under that Schedule from State laws.

[2] Clause 113 Definitions

Omit “*Radiocommunications (Electromagnetic Radiation—Human Exposure) Standard 2003*” from the definition of ***Electromagnetic Radiation Standard***.

Insert instead “*Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2014*”.

[3] Clause 113, definition of “Low-Impact Facilities Determination”

Omit the definition.

[4] Clause 113

Omit the definition of ***Mobile Phone Networks Code***. Insert in alphabetical order:

Mobile Phone Base Station Code means the code published by Communications Alliance Ltd entitled C564:2011 *Mobile Phone Base Station Deployment*.

[5] Clause 113, definition of “Radiation Protection Standard”

Omit “*Maximum Exposure Levels to Radiofrequency Fields—3 kHz to 300 GHz (2002)*”.

Insert instead “*Maximum Exposure Levels to Radiofrequency Fields—3 kHz to 300 GHz (2002, Radiation Protection Series No 3, as republished in 2016)*”.

[6] Clauses 116 (1) (f), 116A (2) (e) and 116B (b) (ii)

Omit “Networks” wherever occurring. Insert instead “Base Station”.

[7] Clauses 116 (1) (h) and 116A (2) (f)

Omit “and the *Airports (Protection of Airspace) Regulations 1996*” wherever occurring.

Insert instead “, *Airports (Protection of Airspace) Regulations 1996* or *Defence (Areas Control) Regulations 1989*”.

Schedule 17 Amendment of State Environmental Planning Policy (Infrastructure) 2007—travelling stock reserves

[1] Clause 117

Omit the clause. Insert instead:

117 Definitions

In this Division:

local board means a local board established under Division 2 of Part 3 of the *Local Land Services Act 2013*.

travelling stock reserve has the same meaning as in the *Local Land Services Act 2013*.

[2] Clauses 118 (1) and 119

Omit “rural lands protection board” wherever occurring. Insert instead “local board”.

Schedule 18 Amendment of State Environmental Planning Policy (Infrastructure) 2007—waste or resource management facilities

[1] Clause 120 Definitions

Omit the definitions of *resource recovery facility*, *waste disposal facility*, *waste or resource management facility* and *waste or resource transfer station*.

Insert in alphabetical order:

resource recovery facility, *waste disposal facility*, *waste or resource management facility* and *waste or resource transfer station* have the same meanings as in the Standard Instrument.

[2] Clause 121AA

Insert after clause 121:

121AA Exempt development

- (1) Any of the following development is exempt development if the development is in connection with a waste or resource management facility:
 - (a) emergency works to protect a waste or resource management facility,
 - (b) development for the purposes of routine maintenance or associated landscaping works, including the following:
 - (i) works carried out to maintain access tracks,
 - (ii) removal of litter or debris from stormwater quality control systems,
 - (c) development for the purposes of investigations (including geotechnical and other testing, surveying and sampling) in the circumstances specified in Schedule 1,
 - (d) internal alterations to buildings in the circumstances specified in Schedule 1, but only if the alterations do not increase the capacity of the facility (or increase the capacity only to a minimal extent),
 - (e) demolition and replacement of weighbridges,
 - (f) installation of shelters over weighbridges,
 - (g) demolition and replacement of storage sheds.
- (2) Development is exempt development under this clause only if the development:
 - (a) complies with clause 20, and
 - (b) involves no greater soil or vegetation disturbance than necessary, and
 - (c) does not involve any increase in stormwater drainage or run-off from the site concerned.

[3] Clause 122 Additional permitted uses—Castlereagh Liquid Waste Disposal Depot

Omit clause 122 (2). Insert instead:

- (2) Development for any of the following purposes may be carried out by any person without consent on the depot site:
 - (a) monitoring or mitigating pollution as a result of the operation of the depot,
 - (b) rehabilitation of land.

[4] Clause 122 (3) (a)

Omit the paragraph.

Schedule 19 Amendment of State Environmental Planning Policy (Infrastructure) 2007—water supply systems

[1] Clause 124

Omit the clause. Insert instead:

124 Definitions

In this Division:

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) RU4 Primary Production Small Lots,
- (d) IN1 General Industrial,
- (e) IN3 Heavy Industrial,
- (f) SP1 Special Activities,
- (g) SP2 Infrastructure.

water reticulation system, water storage facility, water supply system and water treatment facility have the same meanings as in the Standard Instrument.

[2] Clause 125 Development permitted without consent

Omit clause 125 (2) and (3). Insert instead:

- (2) Development for the purpose of water storage facilities may be carried out without consent if it is carried out by or on behalf of:
 - (a) any public authority on land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone SP1 Special Activities, Zone SP2 Infrastructure or an equivalent land use zone, or
 - (b) Water NSW on land within the Sydney catchment area within the meaning of the *Water NSW Act 2014*.
- (3) A reference in subclause (2) to development for the purpose of water storage facilities, includes a reference to development for any of the following purposes:
 - (a) catchment management works,
 - (b) recreation areas associated with a water storage facility.
- (3A) Development for the purpose of water treatment facilities may be carried out by or on behalf of a public authority without consent on land in a prescribed zone.

[3] Clause 125 (5) (l) and (m)

Insert after clause 125 (5) (k):

- (l) schemes for the reuse of water treatment residuals,
- (m) maintenance depots.

[4] Clause 126 Development permitted without consent—desalination plants

Omit “(as declared to be a critical infrastructure project by Schedule 5 to *State Environmental Planning Policy (Major Projects) 2005*)” from clause 126 (a).

[5] Clause 126A

Insert after clause 126:

126A Development permitted with consent

- (1) Development for the purpose of water reticulation systems may be carried out by any person with consent on any land.
- (2) Development for the purpose of water treatment facilities may be carried out by any person with consent on land in a prescribed zone.
- (3) Nothing in this clause requires a public authority to obtain consent for development that is permitted without consent by clause 125.

[6] Clause 127 Exempt development

Omit clause 127 (b).

[7] Clause 127 (j)

Omit the paragraph. Insert instead:

- (j) maintenance of access tracks or fire trails (including access tracks along or to corridors, pipelines or other infrastructure),

[8] Clause 127 (l)–(m2)

Omit clause 127 (l) and (m). Insert instead:

- (l) alterations to existing enclosures or buildings (but not alterations involving additional pump station equipment),
- (m) maintenance or replacement of components of water supply systems that does not increase capacity (or increases capacity only to a minimal extent),
- (m1) any of the following in relation to water meters:
 - (i) installation of water meters having a height, width and depth no greater than 1.2m, 300mm and 1.5m, respectively,
 - (ii) installation of bollards (to protect water meters from vehicles) having a height no greater than 1.2m,
 - (iii) maintenance or decommissioning of water meters,
- (m2) any of the following in relation to telemetric equipment that is associated with dams, weirs or reservoirs:
 - (i) installation of telemetric equipment having a width and height no greater than 600mm and 2m, respectively,
 - (ii) maintenance or decommissioning of telemetric equipment,

[9] Clause 127 (n) (iv)

Insert at the end of clause 127 (n) (iii):

- or
- (iv) slope stability works,

Schedule 20 Amendment of State Environmental Planning Policy (Infrastructure) 2007—special provisions

Clauses 130–132

Omit clauses 130 and 131. Insert instead:

130 Complying development—connections to Sydney and Hunter water supply and sewerage

- (1) Development (including any associated earthworks or demolition) involved in installing a pipeline is complying development if the pipeline:
 - (a) connects to a relevant utility operator's water reticulation system and supplies water to land on which the whole or part of the development is carried out, or
 - (b) connects to a relevant utility operator's sewage reticulation system and collects and conveys sewage from land on which the whole or part of the development is carried out.
- (2) Development is complying development under this clause only if:
 - (a) the development complies with clause 20B (General requirements for complying development), and
 - (b) the development is carried out by a person who is neither a relevant utility operator nor acting on behalf of a relevant utility operator, and
 - (c) the pipeline is:
 - (i) no more than 375mm in diameter and no more than 1km in length, and
 - (ii) if more than 500m in length—installed no more than 6m below ground level (existing), and
 - (d) the land on which the development is carried out is not an environmentally sensitive area within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (3) In this clause:
relevant utility operator means the Sydney Water Corporation or the Hunter Water Corporation.

131 Complying development certificate—additional conditions for connections to Sydney and Hunter sewerage and water supply

- (1) A complying development certificate for development referred to in clause 130 is subject to the conditions specified in this clause (in addition to the conditions set out in clause 20C).
- (2) **Compliance with requirements of the Sydney Water Corporation or the Hunter Water Corporation**
Any relevant requirements of the Sydney Water Corporation or the Hunter Water Corporation in relation to the development must be complied with.
- (3) **Notification of adjoining owners**
The person having the benefit of the complying development certificate must give at least 7 days' notice in writing of the intention to commence the works to the owner or occupier of any dwelling that is situated within 20m of the lot on which the works will be carried out.

(4) **Earthworks**

If any earthworks are carried out:

- (a) those earthworks (including any structural support, or other related structure for the purposes of the development) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (b) those earthworks (including any structural support, or other related structure for the purposes of the development) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (c) any excavation must be carried out in accordance with *Excavation Work, Code of Practice* (ISBN 978 0 642 78544 2), published in March 2015 by Safe Work Australia, and
- (d) any fill brought to the site must contain only virgin excavated natural material (within the meaning of Schedule 1 to the *Protection of the Environment Operations Act 1997*).

(5) **Demolition**

Any demolition work must be carried out in accordance with Australian Standard AS 2601—2001, *The demolition of structures*.

132 Dog-proof fences in Western Division of State

- (1) Development on prescribed land for the purpose of an existing dog-proof fence, including any of the following development, may be carried out by any person without consent:
 - (a) maintenance or reconstruction of such a fence,
 - (b) the laying of a clay surface alongside the fence to stabilise it and any associated excavation of earth.
- (2) In this clause:
 - dog-proof fence*, *Queensland Border Fence* and *South Australian Border Fence* have the same meanings as in the *Border Fence Maintenance Act 1921*.
 - prescribed land* means land in the Western Division that is in the vicinity of the Queensland Border Fence or the South Australian Border Fence.
 - Western Division* has the same meaning as in the *Crown Lands Act 1989*.

Schedule 21 Amendment of State Environmental Planning Policy (Infrastructure) 2007—miscellaneous and general

[1] Clause 5 Interpretation—general

Omit “for the purpose of maintaining or restoring infrastructure facilities or equipment in order to ensure public safety or to protect buildings or the environment due to” from the definition of *emergency works* in clause 5 (2).

Insert instead “carried out in response to”.

[2] Clause 5 (2), definition of “emergency works”

Omit “or arson” from paragraph (c). Insert instead “, arson or a pollution incident”.

[3] Clause 5 (2)

Insert in alphabetical order:

Lighting for Roads and Public Spaces Standard means the following Australian and New Zealand Standards:

- (a) AS/NZS 1158.0:2005, *Lighting for roads and public spaces, Part 0: Introduction*,
- (b) AS/NZS 1158.1.1:2005, *Lighting for roads and public spaces, Part 1.1: Vehicular traffic (Category V) lighting—Performance and design requirements*,
- (c) AS/NZS 1158.1.2:2010, *Lighting for roads and public spaces, Part 1.2: Vehicular traffic (Category V) lighting—Guide to design, installation, operation and maintenance*,
- (d) AS/NZS 1158.2:2005, *Lighting for roads and public spaces, Part 2: Computer procedures for the calculation of light technical parameters for Category V and Category P lighting*,
- (e) AS/NZS 1158.3.1:2005, *Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements*,
- (f) AS/NZS 1158.4:2009, *Lighting for roads and public spaces, Part 4: Lighting of pedestrian crossings*,
- (g) AS/NZS 1158.5:2007, *Lighting for roads and public spaces, Part 5: Tunnels and underpasses*,
- (h) AS/NZS 1158.6:2010, *Lighting for roads and public spaces, Part 6: Luminaires*.

maintenance includes repair.

[4] Clause 5 (3) (e)

Omit the paragraph. Insert instead:

- (e) investigations (including geotechnical and other testing, surveying and sampling),

[5] Clauses 9 (1) (e) (iii), 43 (1) (d) and (f), 54 (1) (a) and (2), 82 (d), 97 (1) (c), 107 (c) (iii), 112 (d), 127 (f)–(h) and (m) and 129 (2B) (paragraph (b) of the definition of “new coastal protection works”)

Omit “, repair” wherever occurring.

[6] Clause 18 Additional uses of certain State land permitted

Omit clause 18 (1)–(3). Insert instead:

- (1) In this clause, *prescribed State land* means State land that is:
 - (a) not subject to a standard local environmental plan made as provided by section 33A (2) of the Act, and
 - (b) not zoned for conservation purposes under an environmental planning instrument, and
 - (c) not a forestry area within the meaning of the *Forestry Act 2012*, and
 - (d) not reserved under the *National Parks and Wildlife Act 1974*, and
 - (e) not reserved under the *Crown Lands Act 1989* for a public purpose that, in the opinion of the Secretary, is an environmental protection or nature conservation purpose.
- (2) Development on land for a purpose that is permitted without consent by the zoning of that land may be carried out without consent on adjacent land that is prescribed State land despite any local environmental plan applying to that adjacent land.

Note. This subclause and subclause (3) apply whether or not the land to which the relevant zoning applies and the adjacent State land (or former State land) are subject to the same environmental planning instruments.
- (3) Development on land for a purpose that is permitted with consent by the zoning of that land may be carried out with consent on adjacent land, despite any local environmental plan applying to that adjacent land, if:
 - (a) there is a valid site compatibility certificate applying to the development, and
 - (b) the adjacent land was prescribed State land when the Secretary issued the certificate.
- (3A) However, subclause (3) does not apply in relation to the development if the adjacent land concerned is no longer prescribed State land because it is:
 - (a) a forestry area within the meaning of the *Forestry Act 2012*, or
 - (b) reserved under the *National Parks and Wildlife Act 1974*, or
 - (c) reserved under the *Crown Lands Act 1989* for a public purpose that, in the opinion of the Secretary, is an environmental protection or nature conservation purpose.

[7] Clause 18 (5)

Omit the subclause.

[8] Clause 19 Site compatibility certificates

Omit “14 days” from clause 19 (6) (a). Insert instead “21 days”.

[9] Clauses 23 Development permitted with consent

Omit “, maintenance and repair” from clause 23 (c). Insert instead “and maintenance”.

[10] Clauses 42 (1) (c) and 114 (8)

Insert “or State significant infrastructure” after “applies” wherever occurring.

- [11] Clauses 43 (1) (d) (ii) and 97 (1) (c) (x)**
Omit “AS/NZS 1158:2007, *Lighting for Roads and Public Spaces*” wherever occurring.
Insert instead “the Lighting for Roads and Public Spaces Standard”.
- [12] Clauses 43 (1) (e), 54 (2) (d) and (e), 79 (2) (c), 97 (1) (g), 107 (e) (iii), 112 (e) (iii) and 127 (n) (iii)**
Omit “or repair” wherever occurring.
- [13] Clause 51 Definition**
Omit the note to the definition.
- [14] Clause 54 Exempt development**
Omit “repairs or minor alterations to” from clause 54 (2) (d) (ii).
Insert instead “maintenance of, or minor alterations to,”.
- [15] Clause 82 Exempt development**
Omit “repair” from clause 82 (b). Insert instead “maintenance”.
- [16] Clauses 87 (1) (a) and (3) and 102 (1) (a) and (3)**
Omit “a building for residential use” wherever occurring.
Insert instead “residential accommodation”.
- [17] Clauses 87 (3) (a) and (b) and 102 (3) (a) and (b)**
Omit “building” wherever occurring. Insert instead “residential accommodation”.
- [18] Clauses 107 (a), 112 (a) and 127 (a) and Schedule 1 (matter relating to hoardings and to scaffolding)**
Omit “or repairs” wherever occurring.
- [19] Clauses 107 (c) (i), 112 (c) (i) and 127 (d)**
Omit “improvement devices” wherever occurring. Insert instead “control systems”.
- [20] Clause 107 Exempt development**
Omit clause 107 (d). Insert instead:
(d) installation or maintenance of a cathodic protection system or trunk drainage channel pipeline marker,
- [21] Clause 110 Definition**
Omit “devices” from paragraph (b) of the definition of *stormwater management system*.
Insert instead “systems”.
- [22] Clause 112 Exempt development**
Omit clause 112 (d). Insert instead:
(d) installation, maintenance or replacement of a cathodic protection system or trunk drainage channel pipeline marker,

[23] Clause 127 Exempt development

Omit clause 127 (g). Insert instead:

- (g) installation or maintenance of a trunk drainage channel pipeline marker,

[24] Schedule 5 Savings and transitional provisions

Insert at the end of the Schedule, with appropriate clause numbering:

Application of amendments made by State Environmental Planning Policy (Infrastructure) Amendment (Review) 2017

The amendments made to this Policy by *State Environmental Planning Policy (Infrastructure) Amendment (Review) 2017* do not apply to:

- (a) development for which an application for development consent was lodged, or the carrying out of development that was commenced, before the commencement of those amendments, or
- (b) an activity under Part 5 of the Act that a determining authority commenced to consider before the commencement of those amendments.

Schedule 22 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.20A Specified development

Insert “public administration building” at the end of the matter relating to Category 1 in
Columns 1 and 2 of the Table.

Schedule 23 Amendment of Ryde Local Environmental Plan 2014

[1] Schedule 3 Complying development

Omit “(When this Plan was made this Part was blank)” from Part 1. Insert instead:

1 Riding for the disabled centre at 118–120 Culloden Road, Marsfield

- (1) The following development for the purposes of a horse riding facility for people with disabilities, on the land known as 118–120 Culloden Road, Marsfield (being Lots 652 and 653, DP 752035):
 - (a) erection or alteration of, or addition to, a single unenclosed covered arena structure if, following the development:
 - (i) the structure has a total area, inside the structure, of not more than 1,600m², and
 - (ii) the structure is located no closer than 9m from any boundary of the site, and
 - (iii) the roof of the structure is less than 8.2m in height, with support poles of less than 6m in height, and is constructed of non-reflective material,
 - (b) erection or alteration of, or addition to, a single building for use as office premises if, following the development:
 - (i) the footprint of the built area of the office premises, at ground level (finished), is less than 220m², and
 - (ii) the premises have no more than 2 storeys, and
 - (iii) the external walls and roof of the premises are constructed of non-reflective material,
 - (c) erection or alteration of, or addition to, horse yards and stables if, following the development:
 - (i) the horse yards have a total area of not more than 3,150m², and
 - (ii) the area of each horse yard is not more than 330m², and
 - (iii) each horse yard is located no closer than 9m from any boundary of the site, and
 - (iv) each stable is located no closer than 25m from any boundary of the site, and
 - (v) each stable is 1 storey only, and
 - (vi) the external walls and roof of the horse yard and stables are constructed of non-reflective material,
 - (d) development for the purposes of a car park if, following the development, the car park is situated at ground level and not enclosed.
- (2) Must comply with the waste management and minimisation and stormwater management requirements under the *City of Ryde Development Control Plan 2014*, as in force on the insertion of this clause by *State Environmental Planning Policy (Infrastructure) Amendment (Review) 2017*.
- (3) Buildings must be constructed in accordance with Australian Standard AS 3959—2009, *Construction of buildings in bushfire-prone areas*.

[2] Schedule 3, Part 2

Insert after the clause headed “General conditions”:

Riding for disabled centre at 118–120 Culloden Road, Marsfield

- (1) To control dust emissions from the site, suitable screens or barricades must be erected prior to any demolition, excavation or building work.
- (2) Trees on the site must be protected during any construction work.
- (3) There must be no more than 10 horses and 10 stables at the horse riding facility.
- (4) The horse riding facility (apart from any office premises) may operate only between 7.30 am and 5.00 pm.
- (5) The office premises may operate only between 7.30 am and 10.00 pm.