



New South Wales

# **State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008**

under the

**Environmental Planning and Assessment Act 1979**

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008*.

### **2 Aims of Policy**

The aims of this Policy are:

- (a) to extend the categories of development in government educational establishments that may be carried out without the need for development consent, and
- (b) to identify certain types of development as exempt development when carried out in existing non-government educational establishments, and
- (c) to identify certain types of development as complying development when carried out in existing schools and TAFE establishments, and
- (d) to specify the conditions for that complying development, and
- (e) to clarify other matters relating to development in connection with schools.

### **3 Land to which Policy applies**

This Policy applies to the State.

### **4 Amendment of State Environmental Planning Policy (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 27 Definitions**

Insert in alphabetical order in the clause:

*government school* has the same meaning as it does in the  
*Education Act 1990*.

*non-government school* has the same meaning as it does in the  
*Education Act 1990*.

*TAFE establishment* has the same meaning as it does in the  
*Technical and Further Education Commission Act 1990*.

**[2] Clause 29 Development permitted without consent**

Insert at the end of clause 29 (1) (a) (vi):

or

(vii) a toilet block,

**[3] Clause 29 (3)**Insert “, if the classroom is located more than 5m from any property boundary”  
after “located”.**[4] Clause 31 Exempt development**

Insert at the end of the clause:

(2) Development for a purpose specified in Schedule 1 that is carried  
out by a person other than a public authority is exempt  
development if:

(a) it is carried out on land within the boundaries of an existing  
educational establishment, and

(b) it meets the development standards for the development  
specified in Schedule 1, and

(c) it complies with clause 20 (2) (Exempt development).

**Note.** Clause 20 (1) covers development carried out by or on behalf of a  
public authority.

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Schedule 1 Amendments

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### [5] Clauses 31A–31C

Insert after clause 31:

#### 31A Complying development—government schools and TAFE establishments

- (1) Development carried out by or on behalf of a public authority on land within the boundaries of an existing government school or TAFE establishment is complying development if:
  - (a) it is carried out for the purpose of the construction of, or alterations or additions to, any of the following:
    - (i) a library or an administration building,
    - (ii) a gym, indoor sporting facility or hall,
    - (iii) a classroom, lecture theatre, laboratory, trade or training facility,
    - (iv) a tuckshop, cafeteria, bookshop or child care facility to provide for students or staff (or both),
    - (v) a car park, and
  - (b) it complies with the requirements of this clause.
- (2) To be complying development, the development must:
  - (a) be permissible, with consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) not be carried out within 1m of any public sewer except with the written approval of the authority that has management or control of the main.

**Note.** Section 76A of the Act also provides that certain development cannot be complying development.
- (3) Development is not complying development if it can be carried out on the land without consent.

**Note.** Clause 29 sets out the types of development that may be carried out by or on behalf of a public authority in connection with existing educational establishments without consent.
- (4) The following are the development standards for complying development under this clause:
  - (a) **Building height standard.** The building height of a building must not exceed 12m.
  - (b) **Side and rear setback standard.** A building must be located at least 5m from any side or rear boundary of the land.

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- (c) **Materials standard.** Any new external walls or roof of a building must be constructed of non-reflective material.
  - (d) **Noise standard.** A building to be used for the purpose of a gym, indoor sporting facility or hall that is located less than 20m from a common boundary with land zoned residential must be designed to meet the acoustic performance elements contained in item 11.05.e of the State government publication *School Facilities Standards—Design Standard—Version 1/09/2006*.
  - (e) **Overshadowing standard.** A building must not overshadow any adjoining residential property so that:
    - (i) solar access to any habitable room on the adjoining property is reduced to less than the minimum level (being 2 hours of solar access between 9 am and 3 pm at the winter solstice) or is reduced in any manner (if solar access to any habitable room on the adjoining property is already below the minimum level), or
    - (ii) solar access to the principal private open space of the adjoining property is reduced to less than the minimum level (being 3 hours of solar access to not less than 50% of that principal private open space between 9 am and 3 pm at the winter solstice) or is reduced in any manner (if solar access to the principal private open space of the adjoining property is already below the minimum level).

### 31B Complying development—non-government schools

- (1) Development carried out on land within the boundaries of an existing non-government school is complying development if:
  - (a) it is carried out for the purposes of the construction of, or alterations or additions to, any of the following:
    - (i) a library or an administration building,
    - (ii) a classroom, lecture theatre, laboratory, trade or training facility,
    - (iii) a tuckshop, cafeteria, bookshop or child care facility to provide for students or staff (or both),
    - (iv) a car park, and
  - (b) it complies with the requirements of this clause.
- (2) To be complying development, the development:
  - (a) must be permissible, with consent, in the zone in which it is carried out, and

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### Schedule 1 Amendments

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- (b) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (c) must, if undertaken on unsewered land, have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system, and
- (d) must not be carried out within 1m of any public sewer except with the written approval of the authority that has management or control of the main.

**Note.** Section 76A of the Act also provides that certain development cannot be complying development.

- (3) Development is not complying development if it can be carried out on the land without consent.

**Note.** Clause 29 (3) allows certain development to be carried out in connection with an existing non-government school without consent.

- (4) The following are the development standards for complying development under this clause:
  - (a) **Building height standard.** The building height of a building must not exceed 6.5m.
  - (b) **Side and rear setback standard.** A building must be located at least 5m from any side or rear boundary of the land.
  - (c) **Materials standard.** Any new external walls or roof of a building must be constructed of non-reflective material.

### 31C Complying development certificates

A complying development certificate for development that is complying development under this Division is subject to the following conditions:

- (a) development must be carried out in accordance with the plans and specifications to which the complying development certificate relates,
- (b) any demolition work must be carried out in accordance with *AS 2601—2001 The Demolition of Structures*, published by Standards Australia on 13 September 2001,
- (c) run-off and erosion controls must be implemented in accordance with the plans to which the complying development certificate relates (before any disturbance to the soil at the site) and maintained throughout the period of the works,

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- (d) any removal or lopping of vegetation must be carried out in accordance with State government publication *School Facilities Standards—Landscape Standard—Version 22* (March 2002),
  - (e) development must be carried out in accordance with all relevant requirements of the Blue Book,
  - (f) building materials and equipment must be stored wholly within the work site,
  - (g) work must be carried out only between 7 am and 7 pm, Monday to Friday, and between 8 am and 4 pm on a Saturday,
  - (h) work must not be carried out on a Sunday or public holiday,
  - (i) before a building is occupied, a certificate of compliance, if required, must be obtained from the local water supply and sewer authority.