



New South Wales

# **State Environmental Planning Policy (Infrastructure) Amendment 2018**

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*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **State Environmental Planning Policy (Infrastructure) Amendment 2018**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment 2018*.

### **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- (1) This Policy is repealed on the day following the day on which this Policy commences.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—preliminary and savings and transitional provisions**

**[1]    Clause 2 Aim of Policy**

Insert at the end of clause 2 (f):

, and

- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

**[2]    Clause 5 Interpretation—general**

Omit “this Policy” from the definition of *Blue Book* in clause 5 (2).

Insert instead “*State Environmental Planning Policy (Infrastructure) Amendment 2018*”.

**[3]    Clause 5 (2), definition of “consent authority”, note**

Omit the note.

**[4]    Clause 5 (2), definition of “heritage significance”**

Insert “architectural,” after “archaeological,”.

**[5]    Clause 5 (2)**

Insert in alphabetical order:

*waste* has the same meaning as in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

**[6]    Clause 5 (3) and (4)**

Omit “lopping” wherever occurring. Insert instead “pruning”.

**[7]    Clause 7A**

Insert after clause 7:

**7A    Preconditions to carrying out certain development**

For the purposes of this Policy, and despite any other provision of this Policy, development that is subject to a precondition that must be satisfied before it may be carried out without development consent is not development that may be carried out without development consent under this Policy until the precondition is satisfied.

**[8]    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 2018**

The amendments made to this Policy by *State Environmental Planning Policy (Infrastructure) Amendment 2018* 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 2 Amendment of State Environmental Planning Policy (Infrastructure) 2007—consultation

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

Omit “State heritage item” from clause 14 (1) (a). Insert instead “State heritage item,”.

**[2] Clause 15AA**

Insert after clause 15:

**15AA Consultation with State Emergency Service—development with impacts on flood liable land**

- (1) A public authority, or a person acting on behalf of a public authority, must not carry out development on flood liable land that may be carried out without development consent under a relevant provision unless the authority or person has:
  - (a) given written notice of the intention to carry out the development (together with a scope of works) to the State Emergency Service, and
  - (b) taken into consideration any response to the notice that is received from the State Emergency Service within 21 days after the notice is given.
- (2) Any of the following provisions in Part 3 is a *relevant provision*:
  - (a) Division 1 (Air transport facilities),
  - (b) Division 2 (Correctional centres and correctional complexes),
  - (c) Division 6 (Emergency services facilities and bush fire hazard reduction),
  - (d) Division 10 (Health services facilities),
  - (e) Division 14 (Public administration buildings and buildings of the Crown),
  - (f) Division 15 (Railways),
  - (g) Division 16 (Research and monitoring stations),
  - (h) Division 17 (Roads and traffic),
  - (i) Division 20 (Stormwater management systems).
- (3) This clause does not apply in relation to the carrying out of minor alterations or additions to, or the demolition of, a building, emergency works or routine maintenance.
- (4) In this clause, *flood liable land* means land that is susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the manual entitled *Floodplain Development Manual: the management of flood liable land* published by the New South Wales Government and as in force from time to time.

**[3] Clause 15A Consultation with councils—development with impacts on certain land within the coastal zone**

Omit “Development to which this clause applies is exempt development if it is carried out by a public authority, or a person acting on behalf of a public authority, and the authority or person has:” from clause 15A (2).

Insert instead “A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies, which this Policy provides may be carried out without development consent, unless the authority or person has:”.

### **Schedule 3 Amendment of State Environmental Planning Policy (Infrastructure) 2007—Crown lands**

**[1] Clauses 5 (2) (definition of “State land”), 18 (1) (e) and (3A) (c) and 132 (2) (definition of “Western Division”)**

Omit “*Crown Lands Act 1989*” wherever occurring.

Insert instead “*Crown Land Management Act 2016*”.

**[2] Clause 64 Definitions**

Insert in alphabetical order:

*Crown land manager* has the same meaning as in the *Crown Land Management Act 2016*.

*Crown managed land* has the same meaning as in the *Crown Land Management Act 2016*.

*Ministerial Corporation* has the same meaning as in the *Crown Land Management Act 2016*.

*Secretary* has the same meaning as in the *Crown Land Management Act 2016*.

**[3] Clause 65 Development permitted without consent**

Omit clause 65 (2) (d). Insert instead:

- (d) on Crown managed land, by or on behalf of:
  - (i) the Secretary, or
  - (ii) a Crown land manager of the land (or an administrator of the manager), or
  - (iii) the Ministerial Corporation, or
  - (iv) the Minister administering the *Crown Land Management Act 2016*,

**[4] Clause 65 (2)**

Insert “or in accordance with the *Local Government Act 1993* in relation to Crown managed land managed by a council” after “in relation to the land”.

**[5] Clause 65 (2A)**

Omit the subclause.

**[6] Clause 66 Exempt development**

Omit “a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*” from clause 66 (2) (c).

Insert instead “Crown managed land”.

**[7] Clause 66 (2) (d)**

Omit the paragraph. Insert instead:

- (d) on Crown managed land, by or on behalf of:
  - (i) the Secretary, or
  - (ii) a Crown land manager of the land (or an administrator of the manager), or
  - (iii) the Ministerial Corporation, or

- (iv) a council having control of the land under section 48 of the *Local Government Act 1993*, or
- (v) the Minister administering the *Crown Land Management Act 2016*.

## **Schedule 4 Amendment of State Environmental Planning Policy (Infrastructure) 2007—exempt and complying development generally**

**[1] Clause 5 Interpretation—general**

Insert “and the placement of survey marks,” after “surveying” in clause 5 (3) (e).

**[2] Clause 20A Exempt development carried out by public authorities for purposes in Schedule 1**

Insert at the end of the clause:

- (3) Any other provision of this Policy prevails over Schedule 1 to this Policy to the extent of any inconsistency.

**[3] Clause 20B General requirements for complying development**

Insert after clause 20B (2) (c):

- (c1) must be carried out in accordance with the relevant provisions of the Blue Book, and

**[4] Clause 20C General conditions of complying development certificates**

Insert after clause 20C (7):

- (7A) If works involve the demolition of a building, demolition must be carried out in accordance with Australian Standard AS 2601—2001, *The demolition of structures*.

**[5] Clause 116A Complying development**

Omit clause 116A (2) (b).

**[6] Schedule 1 Exempt development—general**

Omit “Car parks” from the first column.

Insert instead “Car parks—at grade car parks only”.

**[7] Schedule 1 (matter relating to car parks)**

Insert after the second bullet point in the second column:

- Must not exceed 200 spaces for a site with access to any road or 50 spaces for a site with access to a classified road or to a road that connects to a classified road (if the access is within 90m of that connection, measured along the alignment of the connecting road).

**[8] Schedule 1 (matter relating to hoardings)**

Insert before the first bullet point in the second column:

- Must be in accordance with AS 4687—2007, *Temporary fencing and hoardings*.

**[9] Schedule 1 (matter relating to investigations)**

Insert “and the placement of survey marks,” after “surveying” in the first column.



**[10] Schedule 1 (matter relating to investigations)**

Insert “system development or” after “for the purposes of” in the first column.

## **Schedule 5      Amendment of State Environmental Planning Policy (Infrastructure) 2007—air transport facilities**

### **Clause 23**

Omit clauses 21 and 23. Insert in appropriate order:

#### **23      Development permitted with consent**

Development for any of the following purposes may be carried out with consent on land within the boundaries of an existing air transport facility if the development is ancillary to the air transport facility:

- (a) passenger transport facilities,
- (b) facilities for the receipt, forwarding or storage of freight,
- (c) hangars for aircraft storage or maintenance,
- (d) commercial premises,
- (e) industries,
- (f) recreation areas, recreation facilities (indoor) or recreation facilities (outdoor),
- (g) residential accommodation,
- (h) tourist and visitor accommodation.

## **Schedule 6      Amendment of State Environmental Planning Policy (Infrastructure) 2007—correctional centres and correctional complexes**

**[1]    Clause 25 Development permitted with consent**

Insert “or within the boundaries of an existing correctional complex” after “zone” in clause 25 (1).

**[2]    Clause 25 (2)**

Omit the subclause.

**[3]    Clause 25 (3) (e) and (f)**

Omit the paragraphs. Insert instead:

- (e) group homes,
- (f) health services facilities,

**[4]    Clause 26**

Omit the clause. Insert instead:

**26    Development permitted without consent**

- (1) Development for any of the following purposes 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 correctional centre:
  - (a) replacement of buildings,
  - (b) alterations of, or additions to, a correctional centre,
  - (c) demolition of buildings.
- (2) Development for any of the following purposes 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 correctional complex:
  - (a) transitional group homes that each contain not more than 5 bedrooms and accommodate fewer residents than the number equal to the number calculated by multiplying the number of bedrooms in the home by 2,
  - (b) sporting facilities or additions to sporting facilities, if the development does not involve clearing of more than 2 hectares of native vegetation,
  - (c) demolition of buildings,
  - (d) replacement of accommodation, administration or other facilities in a correctional complex,
  - (e) alterations of, or additions to, a building within a correctional complex,
  - (f) construction or realignment of security fencing with a height of not more than 12 metres above ground level (existing),
  - (g) ancillary facilities, such as car parks, storage buildings, facilities used for the purpose of educating prisoners, administration buildings, utilities and gate houses, if any such facility does not exceed 1 storey and is setback at least 5 metres from any boundary with a residential zone and at least 1 metre from any other zone boundary.
- (3) Development for any of the following purposes may be carried out by or on behalf of a public authority without consent on land identified on the Correctional Centres Map:

- (a) correctional centres, if the land is identified as “Centre” on the Correctional Centres Map,
  - (b) ancillary facilities, such as car parks, storage buildings, facilities used for the purpose of educating prisoners, administration buildings, utilities and gate houses, provided any such facility is erected within the boundaries of a correctional complex.
- (4) In this clause, *Correctional Centres Map* means the State Environmental Planning Policy (Infrastructure) 2007 Correctional Centres Map.

**[5] Clause 26A Exempt development**

Insert after clause 26A (e):

- (f) emergency or maintenance works in relation to security fences.

**[6] Clause 26B Complying development**

Omit “and” where secondly occurring in clause 26B (1) (b).

**[7] Clause 26B (1) (c) and (d)**

Omit the paragraphs.

## **Schedule 7      Amendment of State Environmental Planning Policy (Infrastructure) 2007—electricity generating works, transmission or distribution**

### **[1]    Clause 34 Development permitted with consent**

Omit clause 34 (1). Insert instead:

- (1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land:
  - (a) in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,
  - (b) in any other case—any land in a prescribed rural, industrial or special use zone.

### **[2]    Clause 43 Exempt development**

Insert after clause 43 (1) (k):

- (k1) vegetation management that is exempted under clauses 24 and 35 (4) of Schedule 5A to the *Local Land Services Act 2013*,
- (k2) vegetation management that is carried out on category 1-exempt land (within the meaning of section 60D of the *Local Land Services Act 2013*),

### **[3]    Clause 43 (2)**

Insert “, (k1) or (k2)” after “(k)”.

### **[4]    Clause 43 (3)**

Insert after clause 43 (2):

- (3) To be exempt development, the development specified in subclause (1) (k), (k1) and (k2) must be carried out in a manner that minimises the risk of soil erosion.

## **Schedule 8      Amendment of State Environmental Planning Policy (Infrastructure) 2007—emergency services facilities and bush fire hazard reduction**

### **[1]    Clause 46 Definitions**

Omit the definitions of *bush fire hazard reduction work*, *Bush Fire Management Committee* and *emergency services organisation*.

Insert in alphabetical order:

*bush fire hazard reduction work* has the same meaning as in the *Rural Fires Act 1997*.

*bush fire management plan* has the same meaning as in the *Rural Fires Act 1997*.

*designated fire trail* has the same meaning as in the *Rural Fires Act 1997*.

*Fire Trail Standards* means the Fire Trail Standards under section 62K of the *Rural Fires Act 1997*.

*police station* means a building or place that is used in connection with the provision of police services to the public by the NSW Police Force and may include custodial facilities or premises used for a local area command function.

### **[2]    Clause 46, definition of “emergency services facility”**

Omit “emergency services by an emergency services organisation”.

Insert instead “services by an emergency services organisation, including a police station and related training facilities”.

### **[3]    Clause 47 Development permitted with consent**

Omit “or the NSW Rural Fire Service” from clause 47 (2).

Insert instead “, the NSW Rural Fire Service or the NSW Police Force”.

### **[4]    Clause 48**

Omit the clause. Insert instead:

#### **48    Development permitted without consent**

- (1) Development for the purpose of an emergency services facility may be carried out by or on behalf of a public authority (other than the NSW Rural Fire Service) without consent in a prescribed zone.
- (2) Development for the purpose of an ambulance facility may be carried out by or on behalf of a public authority without consent on any land if the facility is a single storey building that provides parking for no more than 2 ambulances.
- (3) Development for any of the following purposes may be carried out by or on behalf of an emergency services organisation without consent on any land:
  - (a) the replacement or alteration of, or an addition to, an existing emergency services facility,
  - (b) the restoration of an emergency services facility due to damage,
  - (c) the demolition of an emergency services facility.
- (4) Development to which this clause applies may only be carried out on land reserved under the *National Parks and Wildlife Act 1974* if it is authorised by or under that Act.

- (5) This clause does not permit the erection of any building that exceeds 12m in height or that 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) Before development to which this clause applies is carried out, the proponent of the development must:
  - (a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the proponent is that council) and to the occupiers of adjoining land, and
  - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.
- (7) Development for the purpose of bush fire hazard reduction work may be carried out by any person without consent on any land that is not within the coastal wetlands and littoral rainforests area if the development is consistent with the applicable bush fire management plan or the direction or agreement relating to the applicable designated fire trail.
- (8) In this clause, *coastal wetlands and littoral rainforests area* has the same meaning as in section 6 of the *Coastal Management Act 2016*, but does not include land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*).

**[5] Clause 48A Exempt development**

Omit clause 48A (1). Insert instead:

- (1) Development for any of the following purposes is exempt development if the development complies with clause 20 and is consistent with the applicable bush fire management plan or the direction or agreement relating to the applicable designated fire trail:
  - (a) maintaining fire trails, or installing or maintaining gates and associated structures on such trails, if the development is consistent with the Fire Trail Standards and does not result in any change in the alignment of fire trails,
  - (b) maintaining asset protection zones or installing or maintaining gates and associated structures on such zones, if the development is consistent with the NSW Rural Fire Service’s publication *Standards for Asset Protection Zones* published on the website of the NSW Rural Fire Service and does not result in any change in the alignment of asset protection zones.
- (1A) Clause 20 (2) (g) does not apply to the development referred to in subclause (1) if the vegetation concerned is pruned or removed only so far as generally corresponds to the existing alignment of the formed fire trail or asset protection zone.
- (1B) Development for any of the following purposes is exempt development if the development complies with clause 20:
  - (a) a hose drying rack, if the height of the rack does not exceed 1.5 metres,
  - (b) a standby power generator for use by the NSW Rural Fire Service, if the generator is insulated to ensure that noise levels will not exceed 35dB(A) from outside the generator housing,

- (c) a toilet facility to be used in connection with a fire station, if the facility comprises a standard flushing toilet connected to a public sewer, or an on-site effluent disposal system or temporary chemical closet approved under the *Local Government Act 1993*,
- (d) new or replacement paving, if any surface water run-off is directed to a stormwater management system, the work involves no greater soil or vegetation disturbance than necessary and does not involve a new connection with a public road.

**[6] Clause 48B Development on certain coastal wetlands land**

Insert “(other than establishing or maintaining a fire trail)” before “may be carried out by” in clause 48B (2).

**[7] Clause 48B (3) (a)**

Omit “bush fire risk management plan under the *Rural Fires Act 1997*”.

Insert instead “bush fire management plan or any direction or agreement relating to the applicable fire trail”.

**[8] Clause 48B (3) (b)**

Omit the paragraph. Insert instead:

- (b) the development complies with the Fire Trail Standards, and

**[9] Clause 75A**

Insert after clause 75:

**75A Clauses 76 and 77 not applicable to police stations**

Clauses 76 and 77 do not apply to development for the purpose of police stations within the meaning of Division 6 of Part 3.



## **Schedule 9 Amendment of State Environmental Planning Policy (Infrastructure) 2007—pipelines**

### **[1] Part 3, Division 9**

Renumber Division 9 as Division 12A and transfer after Division 12. Renumber clauses 53 and 54 as clauses 66A and 66B.

### **[2] Part 3, new Division 12A (as renumbered by item [1])**

Omit the heading to Division 12A. Insert instead:

#### **Division 12A Pipelines and pipeline corridors**

### **[3] Part 3, new Division 12A (as renumbered by item [1]), Subdivision 2**

Omit Subdivision 2. Insert instead:

#### **Subdivision 2 Development adjacent to pipeline corridors**

##### **66C Determination of development applications**

- (1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must:
  - (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and
  - (b) take those risks into consideration, and
  - (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and
  - (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.
- (2) Land is in a *pipeline corridor* for the purposes of this clause if the land is located:
  - (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the *Pipelines Act 1967*, or
  - (b) within 20m of the centreline (measured radially) of a relevant pipeline, or
  - (c) within 20m of land the subject of an easement for a relevant pipeline.
- (3) The following pipelines for gas, or for petroleum or other liquid fuels, are *relevant pipelines* for the purposes of this clause:
  - (a) the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the *Pipelines Act 1967*,
  - (b) the Clyde to Gore Bay pipeline.

## **Schedule 10 Amendment of State Environmental Planning Policy (Infrastructure) 2007—health services facilities**

### **[1] Clause 58 Development permitted without consent**

Omit clause 58 (1) (d). Insert instead:

- (d) development for the purposes of patient transport facilities, including helipads and ambulance facilities,

### **[2] Clause 58C Complying development**

Insert after clause 58C (1) (d):

- (e) demolition of buildings.

### **[3] Clause 58C, note**

Insert at the end of the clause:

**Note.** Certain development on bush fire prone land (such as a hospital) is not complying development (see section 100B of the *Rural Fires Act 1997*).

## **Schedule 11 Amendment of State Environmental Planning Policy (Infrastructure) 2007—parks and other public reserves**

**[1] Clause 65 Development permitted without consent**

Insert after clause 65 (3) (a) (viii):

- (ix) portable lifeguard towers,

**[2] Clause 65 (3) (c)**

Omit “so long as the footprint of the building covers an area no greater than 250 square metres”.

**[3] Clause 66 Exempt development**

Insert at the end of clause 66 (1) (a) (viii):

or

- (ix) portable lifeguard towers if the footprint of the tower covers an area no greater than 20 square metres,

## **Schedule 12 Amendment of State Environmental Planning Policy (Infrastructure) 2007—port, wharf or boating facilities**

**[1] Clause 67A**

Omit the clause. Insert instead:

**67A Application of Division**

This Division applies to development on land to which *State Environmental Planning Policy (Three Ports) 2013* applies, other than land within the Lease Area (within the meaning of that Policy).

**[2] Clause 68 Development permitted without consent**

Omit clause 68 (2). Insert instead:

- (2) The following development may be carried out by or on behalf of a public authority without consent on any land:
- (a) development for the purposes of navigation and emergency response facilities,
  - (b) environmental management works associated with a port facility or a wharf or boating facility,
  - (c) emergency works associated with a navigation and emergency response facility or a port facility.

**[3] Clause 68 (5) (b)**

Omit “(other than maintenance that is exempt development)”.

**[4] Clause 70 Exempt development**

Omit clause 70 (f) (iii). Insert instead:

- (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 Roads and Maritime Services (in the case of the area of a port vested in it) or any business operating in those areas,

**[5] Clause 70 (z)**

Omit the paragraph. Insert instead:

- (z) a port facility, but only 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), and the maintenance of a port facility if:
- (i) the facility is not a petroleum terminal, and
  - (ii) the facility was not, before the change of use, a petroleum terminal, and
  - (iii) the maintenance work does not involve dredging or bed profile levelling, and
  - (iv) the maintenance work involves no greater waterway bed, soil or vegetation disturbance than necessary,

**[6] Clause 70 (z3) and (z4)**

Insert after clause 70 (z2):

- (z3) maintenance, removal and replacement of moorings and navigation marks if:
  - (i) they are not located in a marine park or aquatic reserve (within the meaning of the *Marine Estate Management Act 2014*), and
  - (ii) they are not moved to a different location, and
  - (iii) the work involves no greater waterway bed, soil or vegetation disturbance than necessary,
- (z4) emergency works to protect port facilities, navigation facilities, wharf or boating facilities, the environment or the public, but only if the work involves no greater waterway bed, soil or vegetation disturbance than necessary.

## **Schedule 13 Amendment of State Environmental Planning Policy (Infrastructure) 2007—public administration buildings**

### **[1] Clause 77 Development permitted without consent**

Insert after clause 77 (1) (c):

- (d) replacement of a public administration building if the height of the building does not exceed 12 metres and the setback is at least 5 metres.

### **[2] Clause 77A Exempt development**

Insert at the end of the clause:

**Note.** Subdivision 10A of Division 1 of Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* contains provisions relating to a change of use from a public administration building to business premises, office premises, shops and kiosks.

## **Schedule 14 Amendment of State Environmental Planning Policy (Infrastructure) 2007—railways**

### **[1] Clause 79 Development permitted without consent—rail infrastructure facilities generally**

Insert after clause 79 (2):

- (3) Development for the following purposes may be carried out by or on behalf of a rail authority for a rail corridor without consent on land in a prescribed zone:
  - (a) any of the following if the development is carried out in a car park intended for use by commuters that is owned, leased, managed or controlled by a rail authority:
    - (i) vehicle share car parking,
    - (ii) vehicle hire,
    - (iii) vehicle servicing and cleaning,
  - (b) markets if the development is carried out on land used for the purpose of a railway station or on any land that is owned, leased, managed or controlled by a rail authority no more than once per calendar month.

### **[2] Clause 84 Development involving access via level crossings**

Omit “that is in the vicinity of the development” from clause 84 (1) (c).

Insert instead “as a result of the development”.

### **[3] Clause 85 Development adjacent to rail corridors**

Insert at the end of clause 85 (1) (c):

, or

- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

**Note.** Clause 45 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

## **Schedule 15 Amendment of State Environmental Planning Policy (Infrastructure) 2007—research and monitoring stations**

### **Clause 92A Exempt development**

Omit “a prescribed zone”.

Insert instead “Zone E1 National Parks and Nature Reserves or a prescribed zone or on land  
acquired under Part 11 of the *National Parks and Wildlife Act 1974*”.



## Schedule 16 Amendment of State Environmental Planning Policy (Infrastructure) 2007—roads and traffic

**[1] Part 3, Division 17, Subdivision 1, heading**

Omit the heading. Insert instead:

### **Subdivision 1 Roads and road infrastructure facilities**

**[2] Clause 93 Definitions**

Omit the definitions of *AS 1428.2* and *STA*. Insert in alphabetical order:

*accredited bus service operator* means a person who is:

- (a) accredited under Division 1 of Part 2 of the *Passenger Transport Act 1990* to carry on a public passenger service, within the meaning of that Act, by means of a bus, or
- (b) accredited under Part 2 of the *Passenger Transport Act 2014* to operate a public passenger service, within the meaning of that Act, by means of a bus.

*AS 1428* means the following publications:

- (a) Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work*,
- (b) Australian Standard AS 1428.2—1992, *Design for access and mobility, Part 2: Enhanced and additional requirements—Buildings and facilities*,
- (c) Australian and New Standard AS/NZS 1428.4.1:2009, *Design for access and mobility, Part 4.1: Means to assist the orientation of people with vision impairment—Tactile ground surface indicators*,
- (d) Australian Standard AS 1428.5—2010, *Design for access and mobility, Part 5: Communication for people who are deaf or hearing impaired*.

*bus depot* means premises used for the servicing, repair, garaging or parking of buses.

*regular bus service* means a public passenger service (within the meaning of the *Passenger Transport Act 2014*) that is conducted by bus according to regular routes and timetables and does not include a tourist service or a community transport service (within the meaning of the *Passenger Transport Act 2014*).

**[3] Clause 93, definition of “road infrastructure facilities”**

Omit “within the meaning of the *Passenger Transport Act 1990*” wherever occurring in paragraphs (a1) and (a2).

**[4] Clause 93, definition of “road infrastructure facilities”**

Omit paragraph (b). Insert instead:

- (b) bus depots, and
- (c) bus stops and bus shelters, and
- (d) traffic control facilities (within the meaning of Part 6 of the *Transport Administration Act 1988*), RMS road safety training facilities and safety works, and

- (e) premises used for the purposes of testing and inspecting heavy vehicles (within the meaning of the *Road Transport Act 2013*) under the RMS Heavy Vehicle Authorised Inspection Scheme.

**[5] Clause 94 Development permitted without consent—general**

Insert after clause 94 (1):

- (1A) Development for any of the following purposes may be carried out by or on behalf of a public authority without consent on land in a prescribed zone:
  - (a) bus depots,
  - (b) permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities).

**[6] Clause 94 (2) (c)**

Insert “narrowing,” after “widening,”.

**[7] Clause 95A**

Insert after clause 95:

**95A Notification of carrying out of certain development under clause 94 or 95 without consent**

- (1) This clause applies to development that may be carried out by or on behalf of a public authority without consent under clause 94 or 95 for any of the following purposes:
  - (a) car parks intended for use by commuters using regular bus services,
  - (b) bus depots,
  - (c) permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities).
- (2) Before development to which this clause applies is carried out on land, the public authority concerned must:
  - (a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the public authority is that council) and to the occupiers of adjoining land, and
  - (b) take into consideration any response to the notice that is received within 21 days after giving the notice.

**[8] Clause 96 Development permitted with consent**

Omit “(other than development referred to in clause 94 (1) or 95)” from clause 96 (1).

**[9] Clause 96 (2) and (3)**

Omit clause 96 (2). Insert instead:

- (2) Development for any of the following purposes may be carried out by any person with consent on land in a prescribed zone:
  - (a) car parks intended for use by commuters using regular bus services,
  - (b) bus depots,
  - (c) permanent road maintenance depots and associated infrastructure (such as garages, sheds, tool houses, storage yards, training facilities and workers' amenities),

- (d) retail or business premises in a car park (other than an at-grade car park) that is intended for use by commuters using regular bus services, but only if the premises are located on the ground floor of the car park or have street frontage,
  - (e) retail or business premises in a public transport interchange (other than an at-grade interchange) on a route used to convey passengers by means of regular bus services, but only if the premises are located on the ground floor of the interchange or have street frontage.
- (3) Nothing in this clause requires a public authority to obtain consent for development that is permitted without consent by clause 94, 95 or 97.

**[10] Clause 97 Exempt development**

Insert “or the Minister responsible for Crown roads (within the meaning of the *Roads Act 1993*)” after “a public authority” in clause 97 (1).

**[11] Clause 97 (1) (a) and (b)**

Omit the paragraphs.

**[12] Clause 97 (1) (c) (xiv)**

Insert after clause 97 (1) (c) (xiii):

- (xiv) public transport information display and ticketing systems,

**[13] Clause 97 (1A)–(1D)**

Insert after clause 97 (1):

- (1A) The construction of bus stops or bus shelters (including the construction or installation of any associated kerbs, access paths or ramps, lighting or signage) carried out by or on behalf of a public authority, or an accredited bus service operator providing regular bus services at those stops or shelters, is exempt development if:
  - (a) the development complies with clause 20, and
  - (b) the stops or shelters:
    - (i) have a height above the footpath of not more than 3.2 metres, and
    - (ii) have only non-reflective finishes, and
    - (iii) do not obstruct the line of sight of vehicular traffic or pedestrian traffic, and
  - (c) the design of any associated kerbs, access paths and ramps, lighting and signage is in accordance with AS 1428 and the Disability Standards.
- (1B) The display of commercial advertisements on bus stops or bus shelters is not exempt development under this clause.
- (1C) Development for the purposes of maintaining bus stops or bus shelters (including maintaining any associated kerbs, access paths or ramps, lighting or signage) by or on behalf of a public authority, or an accredited bus service operator providing regular bus services at those stops or shelters, is exempt development if the development:
  - (a) complies with clause 20, and
  - (b) does not involve giving the shelter or stop a reflective finish, and
  - (c) does not cause the design of any associated kerbs, access paths or ramps, lighting or signage to be inconsistent with AS 1428 or the Disability Standards.

- (1D) Without limiting clause 20A, development for a purpose specified in Schedule 1 is exempt development if the development:
- (a) is carried out by or on behalf of an accredited bus service operator providing a regular bus service, and
  - (b) is carried out on land within the boundaries of an existing bus depot, and
  - (c) meets the development standards for the development specified in Schedule 1, and
  - (d) complies with clause 20.

**[14] Clauses 97A and 97B**

Insert after clause 97:

**97A Complying development**

Development on land within the boundaries of an existing bus depot is complying development if it is carried out by or on behalf of a public authority, or an accredited bus service operator who is operating a regular bus service, complies with clause 20B and consists of:

- (a) the addition to or alteration of office premises, a shed, a garage or a kiosk in existence before the commencement of this clause, but only if, on completion of the addition or alteration:
  - (i) the gross floor area of the office premises, shed, garage or kiosk is not more than 25% greater than it was immediately before the commencement of this clause, and
  - (ii) the height of the office premises, shed, garage or kiosk is not more than 12m above ground level (existing), and
  - (iii) the office premises, shed, garage or kiosk is located no closer than 5m from any adjoining property boundary, or
- (b) the erection of a canteen, or kiosk, for the use of employees, but only if the canteen or kiosk:
  - (i) has a gross floor area of not more than 100m<sup>2</sup>, and
  - (ii) has a height of not more than 12m above ground level (existing), and
  - (iii) is designed, constructed and fitted-out in accordance with Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*, and
  - (iv) is located no closer than 5m from any adjoining property boundary, or
- (c) the erection of an amenity facility (such as a toilet block or showers) for the use of employees, but only if the facility:
  - (i) has a gross floor area of not more than 100m<sup>2</sup>, and
  - (ii) has a height of not more than 10m above ground level (existing), and
  - (iii) is located no closer than 5m from any adjoining property boundary, or
- (d) the demolition of any of the following buildings:
  - (i) a building having a gross floor area of not more than 250m<sup>2</sup>,
  - (ii) a building the erection of which is exempt development under this Policy,

- (iii) a building the erection of which is complying development under this clause, or
  - (e) the erection of a fence or a gate (including a security boom gate) having a height of not more than 5m above ground level (existing), or
  - (f) the erection of a building consisting of a switch room, security booth, shed or the like, but only if:
    - (i) the gross floor area of the building is not more than 500m<sup>2</sup>, and
    - (ii) the building is 1 storey high, and
    - (iii) the height of the building is not more than 12m above ground level (existing), and
    - (iv) the building is located no closer than 5m from any adjoining property boundary, or
  - (g) the erection of a rainwater or grey water tank having a storage capacity of not more than 20,000 litres of water, or
  - (h) the installation or replacement of paving, but only if:
    - (i) any uncontaminated stormwater that traverses the new paving is directed to a stormwater management system, and
    - (ii) in a case where it is proposed that there be any fuel stored or any refuelling on the paved area—the paved area is bunded so that any fuel spilled on the paved area is contained.
- Note.** The relevant water supply authority should be contacted in relation to any controls on the disposal of contaminated liquids.

#### **97B Complying development certificate conditions—additional conditions**

A complying development certificate for development referred to in clause 97A is subject to the following conditions (in addition to the conditions set out in clause 20C):

- (a) suitable screens or barricades must be erected prior to any demolition, excavation or building work in order to control dust emissions from the site,
- (b) in the case of development referred to in clause 97A (b), (c) or (f)—the principal certifying authority for the development must be given the following survey certificates prepared by a registered land surveyor:
  - (i) before any form work below the ground floor slab is completed or (if there is no such form work) before the concrete is poured for the ground floor slab—a survey certificate showing the location of the proposed building relative to the property boundaries,
  - (ii) on completion of 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.

#### **[15] Clause 99 Highway service centres in road corridors**

Omit “tollway or national highway”. Insert instead “main road or tollway”.

#### **[16] Clause 99 (2)**

Insert at the end of the clause:

- (2) In this clause, *freeway*, *main road* and *tollway* have the same meanings as in the *Roads Act 1993*.

**[17] Clause 100 Development on proposed classified road**

Omit “\$150,000” from clause 100 (1) (b). Insert instead “\$185,000”.

**[18] Clause 101 Development with frontage to classified road**

Insert “and safe” after “where practicable” in clause 101 (2) (a).

**[19] Clause 102 Impact of road noise or vibration on non-road development**

Omit “40,000” from clause 102 (1). Insert instead “20,000”.

**[20] Clause 103 Excavation in or immediately adjacent to corridors**

Insert after clause 103 (1) (f):

- (g) the Gore Hill Freeway,
- (h) the Western Distributor,
- (i) Southern Cross Drive,
- (j) the Cahill Expressway,
- (k) General Holmes Drive,
- (l) the Hume Motorway,
- (m) the M1 Pacific Motorway,
- (n) the M2,
- (o) the M4,
- (p) the M5,
- (q) the M4–M5 link,
- (r) the M7,
- (s) NorthConnex,
- (t) the Sydney Harbour Tunnel,
- (u) the King Georges Road Interchange,
- (v) the Pacific Highway.

**[21] Clause 104 Traffic-generating development**

Insert “(except as provided by paragraph (b))” after “road” in clause 104 (2) (a).

**[22] Clause 104 (2A)**

Insert after clause 104 (2):

- (2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has:
  - (a) given written notice of the intention to carry out the development to RMS in relation to the development, and
  - (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.

**[23] Part 3, Division 17, Subdivision 3**

Insert after Subdivision 2:

**Subdivision 3 Facilities for electric vehicles**

**104A Premises used for recharging or exchanging batteries**

Development for the purpose of premises used for recharging or exchanging the batteries of electric vehicles may be carried out by any person with consent on any of the following land adjoining a public road:

- (a) land in a prescribed zone,
- (b) land on which there is an existing service station, highway service centre or car washing facility.

**104B Exempt development**

The erection of an electric vehicle charger is exempt development if the erection of the charger complies with clause 20 and the charger:

- (a) is for the private non-commercial use of an owner or occupier of the premises where it is erected, or
- (b) is located in compliance with AS/NZS 60079.10.1, *Explosive gas atmospheres* in an existing:
  - (i) car park, or
  - (ii) bus depot, or
  - (iii) road maintenance depot, or
  - (iv) service station, highway service centre or car washing facility.

**[24] Schedule 2 Railways, roads and associated projects**

Omit the matter relating to item 3 (Lane Cove Tunnel). Insert instead:

**3 Lane Cove Tunnel**

Dual road tunnels that generally follow the alignment of Epping Road from just east of the intersection of Epping Road and Mowbray Road West to the Gore Hill Freeway, east of the Pacific Highway.

**[25] Schedule 2**

Insert at the end of the Schedule:

**11 Gore Hill Freeway**

A 3.5km long freeway consisting mainly of a 6-lane dual carriageway (2 x 3 lanes each) linking Warringah Freeway, Cammeray to Reserve Road, Artarmon.

**12 Western Distributor**

A 2.3km long roadway consisting of a 6-lane dual carriageway (2 x 3 lanes each) linking Glebe Arterial Road, Pymont to Bradfield Highway at the Sydney Harbour Bridge.

**13 Southern Cross Drive**

A 5.02km long roadway consisting mainly of a 6-lane dual carriageway (2 x 3 lanes each) linking General Holmes Drive, Mascot to Darling Street, Eastlakes.

**14 Cahill Expressway**

A 1.68km long roadway consisting mainly of a 4-lane dual carriageway (2 x 2 lanes each) linking the Cross City Tunnel, Sydney to Bradfield Highway at the Sydney Harbour Bridge.

**15 General Holmes Drive**

A 4.4km long roadway consisting mainly of a 6-lane dual carriageway (2 x 3 lanes each) linking Bestic Street, Brighton-Le-Sands to Botany Road, Mascot.

**16 Hume Motorway**

A motorway from South Western Freeway, Edmondson Park via Mittagong Bypass and Berrima Bypass to Mereworth Road Interchange at Medway Rivulet via divided carriageway road, including Marulan Bypass, Goulburn Bypass, Cullerin Range deviation and Gunning Bypass, Yass Bypass, Bowning Bypass, Bookham Bypass and Jugiong Bypass, continuing via Gundagai Bypass, Tarcutta Bypass, Holbrook Bypass and the Albury-Wodonga Freeway to the Victorian State border.

**17 M1 Pacific Motorway**

A mainly divided motorway from Pennant Hills Road, Wahroonga to John Renshaw Drive, Beresfield, including a connection to NorthConnex at Wahroonga.

**18 M2**

A 20km motorway linking the Lane Cove Tunnel in Lane Cove to the M7 in Baulkham Hills, including a connection to NorthConnex.

**19 M4**

A transport system comprising the following:

- (a) a motorway from Russell Street, Emu Plains to the new widened motorway at Parramatta,
- (b) the new widened motorway at Parramatta to Homebush (changed from 3 to 4 lanes in each direction),
- (c) a 6.5km (of which 5.5km is underground) motorway connecting the new widened motorway at Homebush with connections to the M4–M5 link.

**20 M5**

A transport system comprising the following:

- (a) a motorway comprising twin 2-lane tunnels linking the M5 South-West at Beverly Hills to General Holmes Drive, Mascot,
- (b) duplicated M5 East from King Georges Road Interchange upgrade at Beverly Hills to a new interchange at St Peters with 9km twin underground motorway tunnels (including underground connection points for the M4–M5 link and the proposed F6 extension) from Kingsgrove to St Peters Interchange, with connections to Alexandria and Mascot and connections to the proposed Sydney Gateway and M4–M5 link,
- (c) a 20km motorway comprising twin 3-lane carriageways linking the M7 in Prestons to the M5 East at King Georges Road, Beverly Hills.



**21 M4–M5 Link**

A 9.2km underground tunnel motorway connecting from Haberfield to St Peters Interchange with connections to the Rozelle interchanges, Western Harbour Tunnel, New M4, New M5 and the future Sydney Gateway.

**22 M7**

A 40km motorway comprising twin 2-lane carriageways linking the M2 in Baulkham Hills to the M5 South-West in Prestons, including a connection to the M4.

**23 NorthConnex**

A 9km twin tunnel linking the M1 Pacific Motorway at Wahroonga to the Hills M2 at West Pennant Hills.

**24 Sydney Harbour Tunnel**

A 2.7km motorway comprising twin 2-lane carriageways beneath Sydney Harbour linking the Cahill Expressway at Sydney to the Warringah Freeway at North Sydney.

**25 King Georges Road Interchange**

The interchange between the M5 West and the M5 East at Beverly Hills.

**26 Pacific Highway**

A highway from Maitland Road, Hexham via Raymond Terrace Bypass Freeway, Karuah Bypass Freeway, Bulahdelah Freeway, Taree Bypass Freeway, Coopernook Bypass, Moorland Bypass, Kew Bypass, Telegraph Point, Kempsey, Frederickton, Clybucca, Eungai Creek, Warrell Creek, Macksville, Urunga, Bonville Bypass, Coffs Harbour, Woolgoolga, South Grafton, Ulmarra, Cowper Bypass, Tyndale Bypass, Woodburn, Wardell, Ballina, Bangalow Bypass, Brunswick-Yelgun Freeway, Yelgun-Chinderah Freeway, Chinderah Bypass, Tweed Heads Bypass and Tugun Bypass Freeway to the Queensland border.

**[26] Schedule 3**

Omit the Schedule. Insert instead:

**Schedule 3 Traffic-generating development to be referred to Roads and Maritime Services**

(Clause 104)

**Note.** The development specified in Column 1 may involve the erection of new premises or an enlargement or extension of existing premises. If the development involves an enlargement or extension of existing premises, the relevant size or capacity specified in the table is the additional (rather than the total) size or capacity of the premises as a result of the enlargement or extension.

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b>   |
|--|--|---|
| <b>Purpose of development</b>  | <b>Size or capacity—site with access to a road (generally)</b>   | <b>Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</b> |
| Airports or heliports  | Any size or capacity   | Any size or capacity  |
| Car parks (whether or not ancillary to other development)  | 200 or more car parking spaces   | 50 or more car parking spaces   |
| Commercial premises (other than premises specified elsewhere in this table)                          | 10,000m <sup>2</sup> in gross floor area   | 2,500m <sup>2</sup> in gross floor area   |
| Food and drink premises (other than take away food and drink premises with drive-through facilities) | Car parking for 200 or more motor vehicles   | 300m <sup>2</sup> in gross floor area   |
| Freight transport facilities   | Any size or capacity   | Any size or capacity  |
| Hospitals  | 200 or more beds   | 100 or more beds  |
| Industry   | 20,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area | 5,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area   |
| Liquid fuel depots   | 8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area  | 8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area   |
| Residential accommodation  | 300 or more dwellings  | 75 or more dwellings  |
| Service stations without heavy vehicle refuelling or maintenance services                            |  | Any size or capacity  |
| Service stations with heavy vehicle refuelling or maintenance services                               | Any size or capacity   | Any size or capacity  |
| Shops  | 2,000m <sup>2</sup> in gross floor area  | 500m <sup>2</sup> in gross floor area   |
| Subdivision of land  | 200 or more allotments where the subdivision includes the opening of a public road                         | 50 or more allotments   |
| Take away food and drink premises with drive-through facilities                                      | 200 or more motor vehicles per hour  | Any size or capacity  |
| Transport depots   | 8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area  | 8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area   |
| Warehouse or distribution centres  | 8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area  | 8,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area   |
| Waste or resource management facilities  | Any size or capacity   | Any size or capacity  |

| <b>Column 1</b>               | <b>Column 2</b>  | <b>Column 3</b>   |
|-------------------------------|--|---|
| <b>Purpose of development</b> | <b>Size or capacity—site with access to a road (generally)</b> | <b>Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</b> |
| Any other purpose             | 200 or more motor vehicles per hour                            | 50 or more motor vehicles per hour  |

---

## **Schedule 17 Amendment of State Environmental Planning Policy (Infrastructure) 2007—sewerage systems**

**[1] Clause 106 Development permitted with or without consent**

Insert after clause 106 (5) (c):

- (c1) sewage or effluent treatment systems, including artificial wetlands,

**[2] Clause 107 Exempt development**

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

- (i) removal of litter, silt or debris from any part of the sewerage system,

**[3] Clause 107 (c) (v)**

Omit the subparagraph. Insert instead:

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

**[4] Clause 107 (e) (iv)**

Insert at the end of clause 107 (e) (iii):

- or
- (iv) slope stability works,

## **Schedule 18 Amendment of State Environmental Planning Policy (Infrastructure) 2007—stormwater management systems**

### **Clause 112 Exempt development**

Omit clause 112 (1) (c) (i). Insert instead:

- (i) removal of litter, silt or debris from any part of the stormwater management system,

## **Schedule 19 Amendment of State Environmental Planning Policy (Infrastructure) 2007— telecommunications**

### **Schedule 3A Exempt and complying development in relation to telecommunications facilities**

Insert after the matter relating to item 19 in Part 1:

- |     |   |       |  |
|-----|---|-------|--|
| 19A | Decommission of telecommunications facility | 19A.1 | The decommissioning must be carried out by or on behalf of a public authority.   |
|     |   | 19A.2 | The facility must not be located on environmentally sensitive land or on land within Zone E1 or an equivalent land use zone. |
|     |   | 19A.3 | The site must be restored to at least the same condition that it was in before the facility was constructed.                 |

## **Schedule 20 Amendment of State Environmental Planning Policy (Infrastructure) 2007—water supply systems**

**[1] Clause 127 Exempt development**

Omit clause 127 (d). Insert instead:

(d) removal of litter, silt or debris from any part of the water supply system,

**[2] Clause 127 (l)**

Omit “(but not alterations involving additional pump station equipment)”.