

1994—No. 584

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 43—NEW
SOUTHERN RAILWAY**

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

ROBERT WEBSTER MLC
Minister for Planning.

Sydney, 2 November 1994.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 43—New Southern Railway.

Aims, objectives etc.

2. (1) This Policy aims:

- (a) to promote the social and economic welfare of the State through the provision of a public transport facility linking Sydney's central business district and Sydney (Kingsford Smith) Airport; and
- (b) to promote the development of Sydney in particular as a world class tourist destination through the provision of such a public transport facility for the use of tourists to and travellers within Australia as well as commuters within the Sydney metropolitan area,

by enabling the construction and operation of the New Southern Railway.

(2) This Policy provides that development for the purpose of the New Southern Railway may be carried out without development consent. Consequently, that development will be environmentally assessed under Part 5 of the Environmental Planning and Assessment Act 1979.

Definitions

3. In this Policy:

“**extractive material**” means sand, gravel, clay, turf, rock, soil, stone or similar substance;

“**New Southern Railway**” means a railway linking the domestic and international terminals at Sydney (Kingsford Smith) Airport with the Sydney Central Business District and the East Hills railway line in the vicinity of Turella, including associated works and facilities such as (but not limited to):

- railway tunnels, tracks and lines
- signals and signalling equipment
- railway stations
- station access
- ventilation shafts
- means of access for emergency purposes
- means of access to the site of the railway that are required during the construction process
- batching plants
- associated construction sites and storage areas, including construction sites and areas for the storage of plant and equipment and the stockpiling of excavated material;

“**station access**” is the means by which pedestrians gain access to a railway station from the street, but does not include access that is in a building that is not part of the railway station.

Land to which this Policy applies

4. This Policy applies to the local government areas of the City of Sydney, Botany, Marrickville, Rockdale and the City of South Sydney.

Development permissible without development consent

5. (1) A person may carry out development for the purpose of the New Southern Railway without development consent.

(2) A person may carry out development for the purpose of winning or obtaining extractive material without development consent if the extractive material is won or obtained as part of the construction of the New Southern Railway.

Development permissible with development consent

6 (1) A person may carry out development for retail purposes (including cafes) within a railway station, or station access, that forms part of the New Southern Railway only with the consent of the council for the area within which the development is proposed to be carried out.

(2) This clause has effect despite clause 5 (1).

Relationship to other environmental planning instruments

7. In the event of an inconsistency between this Policy and another environmental planning instrument (including State Environmental Planning Policy No. 31—Sydney (Kingsford Smith) Airport), this Policy prevails to the extent of the inconsistency.

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