



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Associated Public Transport Facilities) 2009

under the

Environmental Planning and Assessment Act 1979

Her 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* in accordance with the recommendation made by the Minister for Planning.

ANTHONY KELLY, MLC
for Minister for Planning

State Environmental Planning Policy (Infrastructure) Amendment (Associated Public Transport Facilities) 2009

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Associated Public Transport Facilities) 2009*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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

[1] Clause 5 Interpretation—general

Insert in alphabetical order in clause 5 (2):

associated public transport facilities for a railway station, public ferry wharf or road means such of the following as are integrated or associated with the station, wharf or road:

- (a) car parks intended for use by commuters,
- (b) public transport interchanges (being locations intended for use by commuters to transfer between and to different kinds of public transport such as buses, trains and ferries),
- (c) bus bays (being locations that are set aside for buses to stop or park for the purpose of picking up and setting down passengers),
- (d) bus layovers.

bus layover means a location set aside for buses to park during periods between bus journeys.

Note. Bus layovers may (but need not) have amenities for bus drivers to use during periods between bus journeys.

railway station includes any station for a metro railway (within the meaning of the *Transport Administration Act 1988*).

[2] Clause 6

Omit the clause. Insert instead:

6 Interpretation—references to equivalent land use zones

- (1) A reference in this Policy to a land use zone that is equivalent to a named land use zone is a reference to a land use zone under an environmental planning instrument that is not made as provided by section 33A (2) of the Act:
 - (a) that the Director-General has determined under clause 1.6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is a land use zone in which equivalent land uses are permitted to those permitted in that named land use zone, or
 - (b) if no such determination has been made in respect of the particular zone, that is a land use zone in which (in the opinion of the relevant authority) equivalent land uses are permitted to those permitted in that named land use zone.

2009 No 434

State Environmental Planning Policy (Infrastructure) Amendment
(Associated Public Transport Facilities) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

- (2) An assessment made by a relevant authority under subclause (1) (b) applies only in respect of the particular development that is proposed to be carried out and more than one such assessment may be made in respect of the same land use zone.
- (3) In this clause, *relevant authority* means:
- (a) the public authority proposing to carry out the development, or on whose behalf the development is proposed to be carried out, or
 - (b) if the development is to be carried out by or on behalf of a person other than a public authority, the Director-General.

Note. Land use zones that are named in this Policy are those set out in the standard instrument.

[3] Clause 68 Development permitted without consent

Insert after clause 68 (4):

- (4A) Development for the purposes of associated public transport facilities for a public ferry wharf may be carried out by or on behalf of a public authority without consent on any land. However, such development 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.

[4] Clause 68 (5)

Omit “or wharf or boat facilities”.

Insert instead “, wharf or boating facilities or associated public transport facilities for a public ferry wharf”.

[5] Clause 78 Definitions

Omit paragraph (f) of the definition of *rail infrastructure facilities* in clause 78.

Insert instead:

- (f) associated public transport facilities for railway stations, and

[6] Clause 93 Definitions

Insert after paragraph (a) of the definition of *road infrastructure facilities* in clause 93:

- (a1) associated public transport facilities for roads used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*, and

- (a2) bus layovers that are integrated or associated with roads (whether or not the roads are used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*), and