



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) Amendment (Miscellaneous) (No 2) 2022

under the

Environmental Planning and Assessment Act 1979

His Honour the Administrator, 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 (Transport and Infrastructure) Amendment (Miscellaneous) (No 2) 2022

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Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Miscellaneous) (No 2) 2022*.

2 Commencement

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

3 Repeal of Policy

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

4 Maps

The maps adopted by *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Section 2.91 Definitions

Omit section 2.91(1), definition of *rail corridors map*, paragraph (b). Insert instead—

- (b) State Environmental Planning Policy (Transport and Infrastructure) 2021—Interim Rail Corridor—Sydney Metro West.

[2] Section 2.95 Exempt development—public authorities

Insert after section 2.95(1)—

- (1A) The use of a railway station room for the purposes of commercial premises, community facilities or public administration buildings is exempt development if the development—
 - (a) is carried out by or on behalf of a public authority, and
 - (b) complies with section 2.20, and
 - (c) does not affect the load-bearing capacity of a load-bearing component of the building in which the room is located.
- (1B) If the room is used for the purposes of food and drink premises, the room must be designed, constructed and fitted-out in accordance with Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*, published in February 2004.

[3] Section 2.95(3)

Insert after section 2.95(2)—

- (3) In this section—
 - railway station room* means a room that—
 - (a) is located on a station platform or in an area of a railway complex used by commuters to access station platforms, and
 - (b) was previously used for railway purposes.

[4] Section 2.95, note

Insert at the end of the section—

Note— See also section 2.21 in relation to exempt development carried out by public authorities for purposes specified in Schedule 1.

[5] Sections 2.96 and 2.96A

Omit section 2.96. Insert instead—

2.96 Exempt development

Development for the purposes of automatic teller machines, coffee carts or vending machines is exempt development if—

- (a) the development complies with section 2.20, and
- (b) is located on station platforms or in areas of a railway complex used by commuters to access station platforms.

2.96A Complying development

- (1) The use of a railway station room for the purposes of commercial premises, community facilities or public administration buildings is complying development if the development—
 - (a) complies with section 2.22, and
 - (b) does not affect the load-bearing capacity of a load-bearing component of the building in which the room is located.
- (2) If the development involves internal alterations, the alterations must not involve structural alterations.
- (3) If the room is used for the purposes of food and drink premises, the room must be designed, constructed and fitted-out in accordance with Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*, published in February 2004.
- (4) In this section—

railway station room means a room that—

 - (a) is located on a station platform or in an area of a railway complex used by commuters to access station platforms, and
 - (b) was previously used for railway purposes.

[6] Section 2.141 Development permitted without consent

Omit section 2.141(2)(a)(ii). Insert instead—

- (ii) the occupiers of land adjoining the proposed development, and

[7] Section 2.141(2A)

Insert after section 2.141(2)—

- (2A) Subsection (2)(a)(ii) does not apply if the proposed development will be located more than 2km from the boundary of the adjoining land.