



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) Amendment 2024

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*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Transport and Infrastructure) Amendment 2024

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment 2024*.

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This policy is repealed at the beginning of the day following the day on which this policy commences.

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

[1] Section 2.124D Exempt development—certain premises

Omit section 2.124D(b) and (c). Insert instead—

- (b) the unit is installed—
 - (i) in or adjacent to a parking space associated with a building, or
 - (ii) in relevant premises and adjacent to an area where a motor vehicle may lawfully be parked, and

[2] Section 2.124D(2)

Insert at the end of the section—

- (2) In this section—
 - relevant premises* means the following—
 - (a) a bus depot,
 - (b) a car park,
 - (c) a car washing facility,
 - (d) a highway service centre,
 - (e) a public administration building,
 - (f) a road maintenance depot,
 - (g) a service station.

[3] Section 2.126 Development permitted with or without consent

Omit “and, under the *Water Industry Competition Act 2006*, a network operator’s licence” from section 2.126(1)(b).

Insert instead “, within the meaning of the *Water Industry Competition Act 2006*, and a scheme approval under that Act”.

[4] Section 2.126(11)

Omit the subsection.

[5] Section 3.34 Interpretation

Insert in alphabetical order in section 3.34(1)—

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

relevant preschool means a centre-based child care facility that provides only preschool care for children who are 3–5 years of age.

[6] Section 3.39 Existing and approved schools—exempt development

Insert after section 3.39(1)(i)—

- (i1) for a government school—the use of existing facilities or buildings for the purposes of a relevant preschool that provides preschool care for no more than 50 children,

[7] Section 3.40 Existing and approved schools—complying development

Insert after section 3.40(1)(a)(vii)—

- (viiia) for a government school—a building to be used for the purposes of a relevant preschool,

[8] Section 3.40(2A)

Insert after section 3.40(2)—

- (2A) The use of existing facilities or buildings of a government school for the purposes of a relevant preschool that provides preschool care for 50 or more children is complying development if the development complies with this section.

[9] Section 3.40(8)

Insert after section 3.40(7)—

- (8) The reference to an existing condition of a development consent that relates to student or staff numbers in subsection (7) does not include children attending or staff of a relevant preschool.

[10] Schedule 6 Complying development in schools—Chapter 3

Omit “(Sections 39(3) and 40(2)(e))”. Insert instead “sections 3.40(5) and 3.41(2)(e)”.

Schedule 2 Amendment of other State environmental planning policies

2.1 State Environmental Planning Policy (Planning Systems) 2021

Schedule 1 State significant development—general

Omit “a capital investment value” from section 26A(1)(a).

Insert instead “an estimated development cost”.

2.2 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

Section 2.8 Development for which Minister is consent authority under the Act, Part 4

Omit “a capital investment value” from section 2.8(5B).

Insert instead “an estimated development cost”.

2.3 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

Sections 4.19 and 4.20, notes

Insert “or *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 3.18” after “clause 1.19” wherever occurring.

2.4 State Environmental Planning Policy (Sustainable Buildings) 2022

[1] Section 4.2 Savings and transitional provisions

Omit “30 June 2024” from section 4.2(2). Insert instead “30 September 2024”.

[2] Section 4.2(4)

Omit “1 July 2024”. Insert instead “1 October 2024”.