



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) Amendment (No 2) 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 (No 2) 2024

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1 Name of policy

This policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (No 2) 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This policy is repealed at the beginning of the day following the day on which this policy commences.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 1.3 Definitions

Insert in alphabetical order—

Division 5.1 assessment guidelines for environmental factors means the *Guidelines for Division 5.1 assessments—Consideration of environmental factors for health services facilities and schools* published by the Department in October 2024.

SCPP—new health services facilities and schools means the *Stakeholder and Community Participation Plan for New Health Services Facilities and Schools* published by the Department in October 2024.

[2] Section 2.52 Development permitted without consent

Omit “if the facility is a single storey building that provides parking for no more than 2 ambulances” from section 2.52(2).

[3] Section 2.52(6A)

Insert after section 2.52(6)—

- (6A) Despite subsection (5), development for the purposes of an ambulance facility carried out by or on behalf of the Ambulance Service of NSW may result in a building with a height of more than 12m.

[4] Section 2.59 Definitions

Insert in alphabetical order—

community participation plan means the *Community Participation Plan* published by Health Infrastructure in October 2024.

design guide means the *Design Guide for Health* published by the Government Architect in April 2023.

new health services facility means a health services facility erected on a site—

- (a) in a prescribed zone, and
(b) on which there is no existing health services facility.

[5] Section 2.59, definition of “prescribed zone”, paragraphs (t) and (u)

Omit “Centre” from paragraph (t). Insert instead—

Centre,

- (u) the following zones under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4—
(i) Enterprise Zone,
(ii) Mixed Use Zone.

[6] Section 2.61, heading

Insert “—existing health services facilities” after “without consent”.

[7] Section 2.61(1)(e)

Omit the paragraph. Insert instead—

- (e) development for the purposes of any of the following that service patients or staff of, or visitors to, the health services facility, or other premises within the boundaries of the facility—

- (i) car parks,
- (ii) centre-based child care facilities,
- (iii) commercial premises,
- (iv) community facilities,
- (v) information and education facilities,
- (vi) recreation areas, recreation facilities (indoor) or recreation facilities (outdoor),
- (vii) residential accommodation,
- (f) development for the purposes of health research (or development) industries, including medical research (or development) industries,
- (g) development for the purposes of high technology industry for an industrial activity that involves biological, pharmaceutical, medical or paramedical systems, goods or components,
- (h) development for the purposes of a building or place used for the training or education of health and other professionals.

[8] Section 2.61(2) and (3)

Omit the subsections. Insert instead—

- (2) Development must not be carried out under this section unless—
 - (a) the public authority is satisfied that appropriate consultation has been undertaken having regard to—
 - (i) the SCPP—new health services facilities and schools, and
 - (ii) the community participation plan, and
 - (b) the public authority has considered the design guide, and
 - (c) the development will not involve more than 30,000m² of gross floor area on the site being created or affected.

[9] Section 2.61A

Insert after section 2.61—

2.61A Development permitted without consent—new health services facilities

- (1) Development for the purposes of new health services facilities may be carried out without consent on land in a prescribed zone if—
 - (a) the development is carried out by or on behalf of a public authority, and
 - (b) the combined gross floor area of buildings resulting from the development is not more than 2,500m².
- (2) Development must not be carried out under this section unless—
 - (a) the public authority is satisfied that appropriate consultation has been undertaken having regard to—
 - (i) the SCPP—new health services facilities and schools, and
 - (ii) the community participation plan, and
 - (b) the public authority has considered the design principles set out in the design guide.

[10] Section 2.62, heading

Omit “without consent”. Insert instead “under section 2.61(1)”.

[11] Section 2.62A

Insert after section 2.62—

2.62A Notification of carrying out of development under section 2.61A

- (1) This section applies to development permitted under section 2.61A.
- (2) Before development to which this section applies is carried out, the public authority must—
 - (a) give written notice of the intention to carry out the development to—
 - (i) if the public authority is not the relevant council—the relevant council, and
 - (ii) Transport for NSW, and
 - (b) consider any response to the notice that is received within 28 days after the notice is given.
- (3) The notice must include—
 - (a) the information required by the SCPP—new health services facilities and schools, and
 - (b) the information required by the Division 5.1 assessment guidelines for environmental factors, and
 - (c) the information required by the community participation plan.
- (4) If notice of the intention to carry out development is given under this section to the relevant council or Transport for NSW—
 - (a) notice is not required to be given under sections 2.10–2.15 to the relevant council or Transport for NSW, and
 - (b) for notice required to be given under sections 2.10–2.15 to another authority—a reference to 21 days in the section is taken to be a reference to 28 days.
- (5) The public authority must also give written notice of the intention to start work at least 2 days before the work starts to—
 - (a) the occupiers of any dwelling located within 20m of the site boundary of the proposed development, and
 - (b) if the public authority is not the relevant council—the relevant council.
- (6) If the development is carried out by a person on behalf of the public authority, a reference to **public authority** in this section is taken to be a reference to the person.
- (7) In this section—

relevant council means the council for the area in which the development is proposed to be carried out.

[12] Section 2.63A Exempt development—COVID-19 pandemic response

Omit the section.

[13] Section 3.3 Interpretation

Omit “subject to any other law,” from section 3.3(3)(f).

[14] Section 3.19 Land on which complying development may not be carried out—bush fire prone land

Insert at the end of the section—

Note— Development to which the *Rural Fires Act 1997*, section 100B(1) applies is not complying development under this chapter.

[15] Section 3.34 Interpretation

Insert in alphabetical order in section 3.34(1)—

approved government school means a school that is—

- (a) an approved school, and
- (b) a government school.

design guide means the *Design Guide for Schools* published by the Government Architect in May 2018.

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

stakeholder and community participation plan means the *Stakeholder and Community Participation Plan* published by the Department of Education in October 2024.

[16] Section 3.34(1), definition of “prescribed zone”, paragraphs (t) and (u)

Omit “Living.” from paragraph (t). Insert instead—

Living,

- (u) the following zones under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*—
 - (i) Employment
 - (ii) Tourism,
 - (iii) Urban,
 - (iv) 1 Urban Development.

[17] Section 3.37, heading

Omit “Schools”. Insert instead “Existing or approved government schools”.

[18] Section 3.37(1)

Insert “government” after “approved”.

[19] Section 3.37(1)(a)

Omit “, more than 5 metres from any property boundary with land in a residential zone and more than 1 metre from any property boundary with land in any other zone, of”.

Insert instead “of any of the following”.

[20] Section 3.37(1)(a)(i)–(vi)

Omit the paragraphs. Insert instead—

- (i) a library or an administration building,
- (ii) a portable classroom, including a modular or prefabricated classroom,
- (iii) a permanent classroom,
- (iv) a kiosk or shop selling school-related goods to students and staff, such as books, stationery or school uniforms,
- (v) a cafeteria or canteen carried out in accordance with AS 4674—2004 *Design, construction and fit-out of food premises*,
- (vi) a car park,
- (vii) a building to be used for the purposes of a relevant preschool,

- (viii) a hall with an associated covered outdoor learning area or kiosk,
- (ix) a sporting field or any type of court used for sports that uses synthetic turf,

[21] Section 3.37(1)(f)

Omit “item).” from section 3.37(1)(e). Insert instead—

item),

- (f) if the land is in a prescribed zone—construction, operation or maintenance of a building associated with the operation of the school.

[22] Section 3.37(2)

Omit section 3.37(2) and (3). Insert instead—

- (2) A building resulting from development carried out under subsection (1)(a) or (f) must not have a height of more than the greater of—

- (a) the maximum height permitted for a building under an environmental planning instrument applying to the land on which the development is proposed to be carried out, or
- (b) 4 storeys.

[23] Section 3.37(4)

Omit “car parking.”

[24] Section 3.37(4)

Omit “, landscaping or student or staff numbers.”

Insert instead “or landscaping.”

[25] Section 3.37(5A)

Insert after section 3.37(5)—

- (5A) A public authority, or a person acting on behalf of a public authority, must not carry out development under this section unless the authority or person has considered the following—
 - (a) the design quality of the development, evaluated in accordance with the design quality principles set out in Schedule 8,
 - (b) the design principles set out in the design guide.

[26] Section 3.37(7)

Omit the subsection.

[27] Section 3.38, heading

Omit “**without consent**”. Insert instead “**under section 3.37**”.

[28] Section 3.37A

Insert after section 3.37—

3.37A New government schools—development permitted without consent

- (1) Development for the purposes of a government school may be carried out by or on behalf of a public authority without consent on land—
 - (a) in a prescribed zone, and

- (b) on which there is no existing or approved school.
- (2) A building resulting from development carried out on land under this section must not have a height of more than the greater of—
 - (a) the maximum height permitted for a building under an environmental planning instrument applying to the land, and
 - (b) 4 storeys.
- (3) Development must not be carried out under this section unless—
 - (a) the public authority is satisfied that appropriate consultation has been undertaken having regard to—
 - (i) the SCPP—new health services facilities and schools, and
 - (ii) the *stakeholder and community participation plan*, and
 - (b) the public authority has considered—
 - (i) the design quality of the development, evaluated in accordance with the design quality principles set out in Schedule 8, and
 - (ii) the design principles set out in the design guide.
- (4) In this section—
government school includes a relevant preschool.

3.38A Notification of carrying out of development under section 3.37A

- (1) This section applies to development permitted under section 3.37A.
- (2) Before development to which this section applies is carried out, the public authority must—
 - (a) give written notice of the intention to carry out the development to—
 - (i) if the public authority is not the relevant council—the relevant council, and
 - (ii) Transport for NSW, and
 - (b) consider any response to the notice that is received within 28 days after the notice is given.
- (3) A notice given under subsection (2)(a) must include—
 - (a) the information required by the SCPP—new health services facilities and schools, and
 - (b) the information required by the Division 5.1 assessment guidelines for environmental factors, and
 - (c) the information required by the stakeholder and community participation plan.
- (4) If notice of the intention to carry out development is given under this section to the relevant council or Transport for NSW—
 - (a) notice is not required to be given under sections 3.8–3.10 or 3.12 to the relevant council or Transport for NSW, and
 - (b) for notice required to be given under sections 3.8–3.10 or 3.12 to another authority—a reference to 21 days in the section is taken to be a reference to 28 days.
- (5) The public authority must also give written notice of the intention to start work at least 2 days before the work starts to—
 - (a) the occupiers of any dwelling located within 20m of the site boundary of the proposed development, and

- (b) if the public authority is not the relevant council—the relevant council.
- (6) If the development is carried out by a person on behalf of the public authority, a reference to **public authority** in this section is taken to be a reference to the person.
- (7) In this section—
relevant council means the council for the area in which the development is proposed to be carried out.

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

Insert after section 3.39(1)(a)—

- (a1) an awning or canopy associated with a sporting field or any type of court used for sport,

[30] Section 3.39(1)(g)

Omit the paragraph. Insert instead—

- (g) a sporting field or any type of court used for sport, other than a sporting field or court that uses synthetic turf,

[31] Section 3.39(1)(i1)

Omit “for a government school—”.

[32] Section 3.39(1)(j)

Omit “, workshop or storage shed”. Insert instead “or workshop”.

[33] Section 3.39(1)(m) and (n)

Omit section 3.39(1)(m). Insert instead—

- (m) demolition of buildings or structures that are not a State or local heritage item or within a heritage conservation area if—
 - (i) the demolition is carried out in accordance with AS 2601–2001, *The demolition of structures*, and
 - (ii) the demolition covers an area of 250m² or less,
- (n) bike parking and bike storage.

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

Omit “for a government school—” from section 3.40(1)(a)(viiia).

[35] Section 3.40(1)(a)(viib)

Insert after section 3.40(1)(a)(viiia)—

- (viib) for a non-government school—a car park,

[36] Section 3.40(1)(viii)

Omit the paragraph. Insert instead—

- (viii) demolition of buildings or structures that are not a State or local heritage item or within a heritage conservation area if—
 - (A) the demolition is carried out in accordance with AS 2601–2001, *The demolition of structures*, and
 - (B) the demolition covers an area of more than 250m²,

[37] Section 3.40(2A)

Omit “of a government school” from section 3.40(2A).

[38] Section 4.5 Maps

Omit “person making the instrument” from section 4.5(1)(b). Insert instead “Minister”.

[39] Schedule 5 Exempt development—Chapter 3

Insert “and any associated chair hoist” after “Access ramps”.

[40] Schedule 5

Insert after the matter relating to “Building external alterations including re-cladding roofs or walls”—

- | | |
|---|--|
| Building external alterations—the enclosure of balconies and walkways | <ul style="list-style-type: none">• Must not increase the building envelope.• Must not result in an enlargement or extension of the building or an increase in the load bearing capacity of any load-bearing component of the building. |
|---|--|

[41] Schedule 5

Omit the matter relating to “Demolition of buildings or structures that are not a heritage item or within a heritage conservation area and the erection of which is exempt development under Chapter 2”.

Insert instead—

- | | |
|---|---|
| Demolition of buildings or structures that are not a heritage item or within a heritage conservation area | <ul style="list-style-type: none">• Must be carried out in accordance with AS 2601–2001, <i>Demolition of structures</i>.• Must not cover an area of more than 250m². |
|---|---|

[42] Schedule 5

Omit the first bullet point from the matter relating to “Fences—erection of security fences”.

[43] Schedule 8

Omit the schedule. Insert instead—

**Schedule 8 Design quality principles in schools—
Chapter 3**

sections 3.35(3), 3.36(6)(a), 3.37(5A)(a), 3.37A(3), 3.45(3)(b)(i) and 3.52(3)

1 Responsive to context

Schools should be designed to respond to and enhance the positive qualities of their surroundings.

In designing built forms and landscapes, consideration should be given to a Country-centred approach and respond to site conditions such as orientation,

topography, natural systems, Aboriginal and European cultural heritage and the impacts of climate change.

Landscapes should be integrated into the overall design to improve amenity and to help mitigate negative impacts on the streetscape and neighbouring sites.

2 Sustainable, efficient and resilient

Good school design combines positive environmental, social and economic outcomes and should align with the principles of caring for Country.

Schools should be designed to be durable and resilient in an evolving climate.

Schools and their grounds should be designed to minimise the consumption of energy, water and other natural resources and reduce waste.

3 Accessible and inclusive

School buildings and grounds should be welcoming, easy to navigate and accessible and inclusive for people with differing needs and abilities.

Schools should be designed to respond to the needs of children of different ages and developmental stages, foster a sense of belonging and seek to reflect the cultural diversity of the student body and community.

Schools should be designed to enable sharing of facilities with the community and to cater for activities outside of school hours.

4 Healthy and safe

Good school design should support wellbeing by creating healthy internal and external environments.

The design should ensure safety and security within the school boundaries, while maintaining a welcoming address and accessible environment.

In designing schools, consideration should be given to connections, transport networks and safe routes for travel to and from school.

5 Functional and comfortable

Schools should have comfortable and engaging spaces that are accessible for a wide range of formal and informal educational and community activities.

In designing schools, consideration should be given to the amenity of adjacent development, access to sunlight, natural ventilation, proximity to vegetation and landscape, outlook and visual and acoustic privacy.

Schools should include appropriate indoor and outdoor learning and play spaces, access to services and adequate storage.

6 Flexible and adaptable

In designing schools, consideration should be given to future needs and take a long-term approach that is informed by site-wide strategic and spatial planning.

Good design for schools should deliver high environmental performance and ease of adaptation, and maximise multi-use facilities.

Schools should be adaptable to evolving teaching methods, future growth and changes in climate, and should minimise the environmental impact of the school across its life cycle.

7 Visual appeal

School buildings and their landscape settings should be aesthetically pleasing by achieving good proportions and a balanced composition of built and natural elements.

Schools should be designed to respond to and have a positive impact on streetscape amenity and the quality and character of the neighbourhood.

The identity and street presence of schools should respond to the existing or desired future character of their locations.

The design of schools should reflect the school's civic role and community significance.

Schedule 2 Amendment of other environmental planning instruments

2.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Section 1.8 Relationship with other State environmental planning policies

Insert after section 1.8(5)—

- (5A) If this policy and *State Environmental Planning Policy (Transport and Infrastructure) 2021* specify the same development as either exempt or complying development, State Environmental Planning Policy (Transport and Infrastructure) 2021 prevails to the extent of any inconsistency.

[2] Section 1.17A Requirements for complying development for all environmental planning instruments

Insert after section 1.17A(2)—

- (2A) Despite subclause (1)(d), development is complying development if the development—
- (a) meets the requirements and standards specified by *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 10 or Part 3.4, and
 - (b) is exempt or has been granted an exemption under the *Heritage Act 1977*, section 57(1A), (2) or (3).

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

[1] Sections 3.7(1)(b) and 4.8(1)(b)

Omit “persons making the instruments” wherever occurring. Insert instead “Minister”.

[2] Section 6.50 Land below the PMF level

Insert after section 6.50(3)—

- (3A) Subsection (3) does not apply to the erection of a building, or the carrying out of a work, for the purposes of educational establishments.