



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) Amendment (No 3) 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 3) 2024

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1 Name of policy

This policy is *State Environmental Planning Policy (Transport and Infrastructure) Amendment (No 3) 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This policy is repealed at the beginning of the day following the day on which this policy commences.

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 2.3 Interpretation—general

Insert in alphabetical order in section 2.3(2)—

Coastal Wetlands and Littoral Rainforests Area Map has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2.

[2] Section 2.7 Relationship to other environmental planning instruments

Insert “(2A),” after “subsections” in section 2.7(2).

[3] Section 2.7(2)(a)–(e)

Omit section 2.7(2)(a) and (b). Insert instead—

- (a) *State Environmental Planning Policy (Resilience and Hazards) 2021*, sections 2.7, 2.8 and 2.16,
- (b) *State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 2,
- (c) *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*, Chapter 2,
- (d) *State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 2,
- (e) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 2.

[4] Section 2.7(2A)

Insert after section 2.7(2)—

- (2A) Sections 2.44A, 2.80A, 2.93A, 2.110A, 2.126A, 2.137A and 2.159A prevail over *State Environmental Planning Policy (Resilience and Hazards) 2021*, section 2.7 to the extent of an inconsistency.

[5] Section 2.7(3)

Omit the subsection. Insert instead—

- (3) Section 2.54 prevails over *State Environmental Planning Policy (Resilience and Hazards) 2021*, sections 2.7 and 2.8 to the extent of an inconsistency.

[6] Section 2.7(4) and section 2.44(2)(b), note

Omit “clauses 10 and 11 of *State Environmental Planning Policy (Coastal Management) 2018*” wherever occurring.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021*, sections 2.7 and 2.8”.

[7] Section 2.7(5)

Insert “(2A),” after “subsection”.

[8] Section 2.14 Consultation with councils—development with impacts on certain land within the coastal zone

Omit “*State Environmental Planning Policy (Coastal Management) 2018*” from section 2.14(3), definition of *certified coastal management program*.

Insert instead “*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2*”.

[9] Section 2.44, heading, section 2.80, heading and section 2.159, heading

Insert “—general” after “consent” wherever occurring.

[10] Section 2.44A

Insert after section 2.44—

2.44A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to development that is—
 - (a) on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map, and
 - (b) for the following purposes—
 - (i) above or below ground electricity transmission or distribution lines,
 - (ii) telecommunication facilities that are related to the functioning of an electricity transmission or distribution network.
- (2) Development to which this section applies may be carried out by or on behalf of an electricity supply authority or a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation from coastal wetlands or littoral rainforest, and
 - (b) the electricity supply authority or public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,
 - (v) installing supporting posts for a gate on an existing fence,
 - (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[11] Section 2.52 Development permitted without consent

Omit “*Coastal Wetlands and Littoral Rainforests Area Map* (within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*)” from section 2.52(9).

Insert instead “Coastal Wetlands and Littoral Rainforests Area Map”.

[12] Section 2.54 Development on certain coastal wetlands land

Omit “*Coastal Wetlands and Littoral Rainforests Area Map* within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*” from section 2.54(1).

Insert instead “Coastal Wetlands and Littoral Rainforests Area Map”.

[13] Section 2.78, heading

Omit the heading. Insert instead—

2.78 Interpretation

[14] Section 2.78(2)–(4)

Insert at the end of the section—

- (2) In sections 2.80 and 2.80A, a reference to development for the purposes of port facilities, navigation and emergency response facilities, wharf or boating facilities or associated public transport facilities for a public ferry wharf includes a reference to the operation of the facilities and to development for the following purposes if the development is carried out in connection with the facilities—
 - (a) construction works, including dredging or land reclamation, if the dredging or land reclamation is required for the construction of the facilities,
 - (b) routine maintenance works,
 - (c) environmental management works,
 - (d) alteration, demolition or relocation of a local heritage item,
 - (e) alteration or relocation of a State heritage item.
- (3) In sections 2.80 and 2.80A, a reference to development for the purposes of port facilities includes a reference to development for the following purposes if the development is carried out in connection with port facilities—
 - (a) dredging, or bed profile levelling, of existing navigation channels,
 - (b) dredging, or bed profile levelling, to create new navigation channels.
- (4) In sections 2.80 and 2.80A, a reference to development for the purposes of navigation and emergency response facilities, wharf or boating facilities or associated public transport facilities for a public ferry wharf includes a reference to development for the purposes of dredging, or bed profile levelling, of existing navigation channels, if the dredging or levelling is carried out—
 - (a) for safety reasons, or
 - (b) in connection with existing navigation and emergency response facilities, wharf or boating facilities or associated public transport facilities for a public ferry wharf.

[15] Section 2.80(7)–(9)

Omit the subsections.

[16] Section 2.80A

Insert after section 2.80—

2.80A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.
- (2) Development for the purposes of port facilities or wharf or boating facilities may be carried out by or on behalf of a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation from coastal wetlands or littoral rainforest, and
 - (b) the public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,
 - (v) installing supporting posts for a gate on an existing fence,
 - (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[17] Section 2.81 Development permitted with consent

Insert “, 2.80A” after “2.80” in section 2.81(5).

[18] Section 2.91, heading

Omit the heading. Insert instead—

2.91 Interpretation

[19] Section 2.91(3)

Insert after section 2.91(2)—

- (3) In sections 2.92 and 2.93A, a reference to development for the purposes of a railway or rail infrastructure facilities includes a reference to the operation of a railway and to development for the following purposes if the development is carried out in connection with a railway or rail infrastructure facilities—
 - (a) construction works, whether or not in a heritage conservation area, including—

- (i) temporary crushing plants, or temporary concrete batching plants, that are in or adjacent to a rail corridor and used solely in connection with the construction of a railway, and
 - (ii) track support earthworks, and
 - (iii) alteration, demolition or relocation of a local heritage item, and
 - (iv) alteration or relocation of a State heritage item, and
 - (v) temporary buildings, or temporary facilities for the management of railway construction, that are in or adjacent to a rail corridor,
- (b) emergency works or routine maintenance works,
Note— See section 2.7(4) regarding emergency works and routine maintenance works on land to which *State Environmental Planning Policy (Resilience and Hazards) 2021*, sections 2.7 and 2.8 apply.
- (c) maintenance of an existing rail infrastructure facility,
 - (d) environmental management works.

[20] Section 2.92 Development permitted without consent—rail infrastructure facilities generally

Omit section 2.92(2).

[21] Section 2.93A

Insert after section 2.93—

2.93A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.
- (2) Development for the purposes of railways or rail infrastructure facilities may be carried out by or on behalf of a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation from coastal wetlands or littoral rainforest, and
 - (b) the public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,

- (v) installing supporting posts for a gate on an existing fence,
- (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[22] Section 2.94 Development permitted with consent

Insert “and 2.93A” after “2.92” in section 2.94(2).

[23] Section 2.108, heading

Omit the heading. Insert instead—

2.108 Interpretation

[24] Section 2.108(2)

Insert at the end of the section—

- (2) In sections 2.109, 2.110A and 2.112, a reference to development for the purposes of road infrastructure facilities includes a reference to development for the following purposes if the development is carried out in connection with a road or road infrastructure facilities—
 - (a) construction works, whether or not in a heritage conservation area, including—
 - (i) temporary buildings or facilities for the management of construction, if they are in or adjacent to a road corridor, and
 - (ii) creation of embankments, and
 - (iii) extraction and stockpiling of extractive materials if—
 - (A) the extraction and stockpiling are ancillary to road construction, or
 - (B) the materials are used solely for road construction and the extraction and stockpiling take place in or adjacent to a road corridor, and
 - (iv) temporary crushing or concrete batching plants, if they are used solely for road construction and are on or adjacent to a road corridor, and
 - (v) temporary roads that are used solely during road construction,
 - (b) emergency works or routine maintenance works,
Note— See section 2.7(4) regarding emergency works and routine maintenance works on land to which *State Environmental Planning Policy (Resilience and Hazards) 2021*, sections 2.7 and 2.8 apply.
 - (c) alterations or additions to an existing road, such as widening, narrowing, duplication or reconstruction of lanes and changing the alignment or strengthening of the road,
 - (d) environmental management works, if the works are in or adjacent to a road corridor.

[25] Section 2.109 Development permitted without consent—general

Omit section 2.109(3).

[26] Section 2.110A

Insert after section 2.110—

2.110A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.
- (2) Development for the purposes of roads or road infrastructure facilities may be carried out by or on behalf of a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation from coastal wetlands or littoral rainforest, and
 - (b) the public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,
 - (v) installing supporting posts for a gate on an existing fence,
 - (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[27] Section 2.111

Omit “or 2.110” wherever occurring. Insert instead “, 2.110 or 2.110A”.

[28] Section 2.112 Development permitted with consent

Insert “, 2.110A” after “2.110” in section 2.112(3).

[29] Section 2.123 Definitions

Omit the definition of *advertising-enabled EV charging unit*. Insert instead—

advertising-enabled EV charging unit—

- (a) means an EV charging unit that includes a screen or other display capable of displaying advertisements, and
- (b) includes an advertisement displayed on the screen or other display.

[30] Section 2.124, heading

Insert “electricity supply authorities and” before “public authorities”.

[31] Section 2.124

Insert “an electricity supply authority or” before “a public authority” wherever occurring.

[32] Section 2.124(c) and (d)

Omit the paragraphs. Insert instead—

- (c) the unit is not installed on, or attached to, an existing building other than—
 - (i) an electricity substation that is part of an electricity transmission or distribution network, or
 - (ii) an electricity or lighting pole that is part of an electricity transmission or distribution network and to which a transformer is not attached, or
 - (iii) street furniture, and
- (d) for a unit that is not installed on, or attached to, an existing building—the unit is installed—
 - (i) if installed near a kerb—at least 30cm behind the face of the kerb, or
 - (ii) otherwise—at least 1m from a public road, and

[33] Section 2.124(h1)

Insert after section 2.124(h)—

- (h1) for an advertising-enabled EV charging unit—the unit is not installed on land in a residential zone, and

[34] Sections 2.124(i), 2.124D(1)(h), 2.124E(h) and 2.124F(i)

Omit “the screen” wherever occurring. Insert instead “each screen”.

[35] Section 2.124A Development permitted with consent—generally

Omit “hydrant.” from section 2.124A(1)(b). Insert instead—

- hydrant, and
- (c) for an advertising-enabled EV charging unit—
 - (i) the unit is not installed on land in a residential zone, and
 - (ii) each screen or display of the unit—
 - (A) complies with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (B) if illuminated—is not animated, flashing or moving.

[36] Section 2.124D(1)(g1)

Insert after section 2.124D(1)(g)—

- (g1) for an advertising-enabled EV charging unit—the unit is not installed on land in a residential zone, and

[37] Section 2.124E(g) and (g1)

Omit section 2.24E(g). Insert instead—

- (g) when the charging cables of the unit are fully contained within the unit, no part of the unit extends onto or above a public road, and
- (g1) for an advertising-enabled EV charging unit—the unit is not installed on land in a residential zone, and

[38] Section 2.124F

Insert “an electricity supply authority or” after “on behalf of”.

[39] Section 2.124F(h1)

Insert after section 2.124F(h)—

- (h1) for an advertising-enabled EV charging unit—the unit is not installed on land in a residential zone, and

[40] Section 2.126A

Insert after section 2.126—

2.126A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.
- (2) Development for the purposes of sewage reticulation systems may be carried out by or on behalf of a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation on coastal wetlands or littoral rainforests, and
 - (b) the public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,
 - (v) installing supporting posts for a gate on an existing fence,
 - (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[41] Section 2.136, heading

Omit the heading. Insert instead—

2.136 Interpretation

[42] Section 2.136(2)

Insert at the end of the section—

- (2) In sections 2.137 and 2.137A, a reference to development for the purposes of stormwater management systems includes a reference to development for the following purposes if the development is carried out in connection with a stormwater management system—

- (a) construction works,
- (b) routine maintenance works, including maintenance dredging to remove sediment build-up in a stormwater canal or at exit points into natural waterways if the sediment build-up affects the efficiency of the stormwater management system,
- (c) environmental management works,
- (d) buildings, including buildings containing amenities for staff, that have a height of no more than 12m above ground level (existing).

[43] Sections 2.137 and 2.137A

Omit section 2.137. Insert instead—

2.137 Development permitted without consent—general

Development for the purposes of stormwater management systems may be carried out by or on behalf of a public authority without development consent.

2.137A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.
- (2) Development for the purposes of stormwater management systems may be carried out by or on behalf of a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation from coastal wetlands or littoral rainforest, and
 - (b) the public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,
 - (v) installing supporting posts for a gate on an existing fence,
 - (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[44] Section 2.159A

Insert after section 2.159—

2.159A Development permitted without consent—coastal wetlands and littoral rainforest

- (1) This section applies to land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.
- (2) Development for the purposes of water supply systems may be carried out by or on behalf of a public authority without development consent if—
 - (a) the development does not involve the clearing of native vegetation from coastal wetlands or littoral rainforest, and
 - (b) the public authority is satisfied the development—
 - (i) includes adequate measures to minimise adverse impacts on coastal wetlands or littoral rainforest, and
 - (ii) is not likely to significantly impact the biophysical, hydrological or ecological integrity of coastal wetlands or littoral rainforest, and
 - (iii) is not likely to significantly impact the quantity and quality of surface and ground water flows to and from coastal wetlands, and
 - (c) the development does not involve earthworks other than earthworks that are ancillary to the following development—
 - (i) geotechnical testing and sampling that involves a drill hole with a diameter of no more than 120mm,
 - (ii) surveying and the placement of survey marks,
 - (iii) boring or directional drilling that does not disturb the surface of coastal wetlands or littoral rainforest and that involves a drill hole with a diameter of no more than 1,800mm,
 - (iv) replacing an electricity pole with a new pole with a diameter of no more than 1,200mm,
 - (v) installing supporting posts for a gate on an existing fence,
 - (vi) creating a trench to lay an electricity line to connect 2 connection points that are no more than 100m apart.

[45] Section 2.161 Development permitted with consent

Insert “or 2.159A” after “2.159” in section 2.161(3).

[46] Section 3.46 Universities—development permitted with consent

Omit section 3.46(6). Insert instead—

- (6) Development for the following purposes may be carried out with development consent on land within the boundaries of an existing university—
 - (a) centre-based child care facilities,
 - (b) high technology industries.

[47] Section 3.47 Universities—development permitted without consent

Omit “1 storey” from section 3.47(1)(a)(vi). Insert instead “2 storeys”.

[48] Section 3.47(1)(a)(x)

Omit “February 2004,” from section 3.47(1)(a)(ix). Insert instead—

- February 2004, or
- (x) a high technology industry, other than a data centre, that is not more than 2 storeys high,

[49] Section 6.11 Determination of applications for traffic certificates

Omit “850,000m²” from section 6.11(3). Insert instead “1,220,000m²”.

[50] Schedule 5 Exempt development—Chapter 3

Omit “Chapter 2” wherever occurring. Insert instead “Chapter 3”.

[51] Schedule 13 Complying development—Chapter 6

Omit “850,000m²” from section 2(1). Insert instead “1,220,000m²”.