

State Environmental Planning Policy No 43—New Southern Railway (1994 EPI 584)

[1994-584]



New South Wales

Status Information

Currency of version

Repealed version for 4 November 1994 to 31 December 2007 (accessed 27 July 2024 at 22:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Policy was repealed by Sch 4 to the [State Environmental Planning Policy \(Infrastructure\) 2007 \(641\)](#) (GG No 185 of 21.12.2007, p 10003) with effect from 1.1.2008.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 43—New Southern Railway*.

2 Aims, objectives etc

(1) This Policy aims:

- (a) to promote the social and economic welfare of the State through the provision of a public transport facility linking Sydney's central business district and Sydney (Kingsford Smith) Airport, and
- (b) to promote the development of Sydney in particular as a world class tourist destination through the provision of such a public transport facility for the use of tourists to and travellers within Australia as well as commuters within the Sydney metropolitan area,

by enabling the construction and operation of the New Southern Railway.

(2) This Policy provides that development for the purpose of the New Southern Railway may be carried out without development consent. Consequently, that development will be environmentally assessed under Part 5 of the *Environmental Planning and Assessment Act 1979*.

3 Definitions

In this Policy:

extractive material means sand, gravel, clay, turf, rock, soil, stone or similar substance.

New Southern Railway means a railway linking the domestic and international terminals at Sydney (Kingsford Smith) Airport with the Sydney Central Business District and the East Hills railway line in the vicinity of Turella, including associated works and facilities such as (but not limited to):

railway tunnels, tracks and lines

signals and signalling equipment

railway stations

station access

ventilation shafts

means of access for emergency purposes

means of access to the site of the railway that are required during the construction process

batching plants

associated construction sites and storage areas, including construction sites and areas for the storage of plant and equipment and the stockpiling of excavated material.

station access is the means by which pedestrians gain access to a railway station from the street, but does not include access that is in a building that is not part of the railway station.

4 Land to which this Policy applies

This Policy applies to the local government areas of the City of Sydney, Botany, Marrickville, Rockdale and the City of South Sydney.

5 Development permissible without development consent

- (1) A person may carry out development for the purpose of the New Southern Railway without development consent.
- (2) A person may carry out development for the purpose of winning or obtaining extractive material without development consent if the extractive material is won or obtained as part of the construction of the New Southern Railway.

6 Development permissible with development consent

- (1) A person may carry out development for retail purposes (including cafes) within a railway station, or station access, that forms part of the New Southern Railway only with the consent of the council for the area within which the development is proposed to be carried out.
- (2) This clause has effect despite clause 5 (1).

7 Relationship to other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning

instrument (including *State Environmental Planning Policy No 31—Sydney (Kingsford Smith) Airport*), this Policy prevails to the extent of the inconsistency.