



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Educational Establishments) 2009

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* in accordance with the recommendation made by the Minister for Planning. (S09/01229)

KRISTINA KENEALLY, MP
Minister for Planning

State Environmental Planning Policy (Infrastructure) Amendment (Educational Establishments) 2009

under the

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Educational Establishments) 2009*.

2 Commencement

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

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

[1] Clause 28 Development permitted with consent

Insert after clause 28 (1B):

- (1C) Development for a purpose specified in clause 31A (1) may be carried out by any person with consent on land on which there is an existing school or TAFE establishment.

[2] Clause 29 Development permitted without consent

Omit “an outdoor learning or play area or” from clause 29 (1) (a) (v).

[3] Clause 29

Insert at the end of clause 29 (1) (a) (vii):

or

- (viii) if the development is on bush fire prone land or if the educational establishment is, or contains, a heritage item—an outdoor learning or play area and associated awnings or canopies,

[4] Clause 31A Complying development—existing schools and TAFE establishments

Omit clause 31A (1) (a) (v). Insert instead:

- (v) a hall with associated covered outdoor learning area or tuck shop,
- (vi) if the development is not on bush fire prone land or if the educational establishment is not, or does not contain, a heritage item—an outdoor learning or play area and associated awnings or canopies,
- (vii) a car park, and

[5] Clause 31A

Insert after clause 31A (1):

- (1A) Development carried out by or on behalf of any person on land within the boundaries of an existing school or TAFE establishment is complying development if the development is an alteration or addition referred to in subclause (1) and is carried out for the purposes of a change of use from an existing use to another use specified in that subclause.

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[6] Clause 31A

Omit clause 31A (3), including the note to the subclause.

[7] Schedule 1 Exempt development—general

Insert “(except for an educational establishment) after “20m²” in the matter relating to Awnings, canopies, pergolas and storm blinds.