



New South Wales

State Environmental Planning Policy (Transport and Infrastructure) 2021

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*.

ROB STOKES, MP
Minister for Planning and Public Spaces

Contents

	Page
Chapter 1 Preliminary	
1.1 Name of Policy	3
1.2 Commencement	3
1.3 Definitions	3
1.4 Transferred provisions	3
Chapter 2 Infrastructure	4
Chapter 3 Educational establishments and child care facilities	5
Chapter 4 Major infrastructure corridors	6
Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle	7
Schedules 1–11	8
Schedule 12 Transfer of provisions	9

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Chapter 1 Preliminary

1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

1.2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

1.3 Definitions

In this Policy—

the Act means the *Environmental Planning and Assessment Act 1979*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

1.4 Transferred provisions

The *Interpretation Act 1987*, section 30A is taken to apply to the provisions transferred to this Policy on the commencement of this Policy in the same way as it applies to provisions transferred from a statutory rule to another statutory rule.

Note— The *Interpretation Act 1987*, section 30A provides—

- (a) the transfer of a provision does not affect the operation or meaning of the provision, and
- (b) a transferred provision is to be construed as if it had not been transferred.

Chapter 2 Infrastructure

Editorial note— Schedule 12 transfers certain provisions of *State Environmental Planning Policy (Infrastructure) 2007* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 3 Educational establishments and child care facilities

Editorial note— Schedule 12 transfers certain provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 4 Major infrastructure corridors

Editorial note— Schedule 12 transfers certain provisions of *State Environmental Planning Policy (Major Infrastructure Corridors) 2020* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle

Editorial note— Schedule 12 transfers certain provisions of *State Environmental Planning Policy (Three Ports) 2013* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Schedules 1–11

Editorial note— Schedule 12 transfers certain Schedules from the following environmental planning instruments to this Policy—

- (a) *State Environmental Planning Policy (Infrastructure) 2007*,
- (b) *State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017*,
- (c) *State Environmental Planning Policy (Three Ports) 2013*.

The Schedules will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Schedule 12 Transfer of provisions

1 State Environmental Planning Policy (Infrastructure) 2007

- (1) Transfer *State Environmental Planning Policy (Infrastructure) 2007*, Parts 1–3, other than clauses 1, 3 and 11, to this Policy as Chapter 2, Parts 2.1–2.3.
- (2) Renumber the clauses in Chapter 2 as sections with decimal numbering, commencing with section 2.1.
- (3) Transfer *State Environmental Planning Policy (Infrastructure) 2007*, Schedules 1, 2, 3 and 3A to this Policy as Schedules 1–4.

2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

- (1) Transfer *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, Parts 1–7, other than clauses 1 and 2, to this Policy as Chapter 3, Parts 3.1–3.7.
- (2) Renumber the clauses in Chapter 3 as sections with decimal numbering, commencing with section 3.1.
- (3) Transfer *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, Schedules 1–5 to this Policy as Schedules 5–9.

3 State Environmental Planning Policy (Major Infrastructure Corridors) 2020

- (1) Transfer *State Environmental Planning Policy (Major Infrastructure Corridors) 2020*, clauses 3–12 to this Policy as Chapter 4.
- (2) Renumber the clauses in Chapter 4 as sections with decimal numbering, commencing with section 4.1.

4 State Environmental Planning Policy (Three Ports) 2013

- (1) Transfer the following provisions of *State Environmental Planning Policy (Three Ports) 2013* to this Policy as Chapter 5, Parts 5.1–5.5—
 - (a) Part 1, other than clauses 1, 2, 11(1) and 11A,
 - (b) Part 2, including the Land Use Table,
 - (c) Parts 3–5.
- (2) Renumber the clauses in Chapter 5 as sections with decimal numbering, commencing with section 5.1.
- (3) Transfer *State Environmental Planning Policy (Three Ports) 2013*, Schedules 1 and 2 to this Policy as Schedules 10 and 11.

5 Consequential amendments

- (1) Update all cross-references and provision numbering below the section level in this Policy as required by the transfer of provisions to this Policy.
- (2) Omit each expression specified in Column 1 of the following table wherever occurring in this Policy, other than in Chapter 1 and this Schedule, including definitions, headings and notes and regardless of capitalisation.

Insert instead the expression specified opposite in Column 2, with appropriate capitalisation—

Column 1	Column 2
this Policy	this Chapter
the Policy	this Chapter
this plan	this Chapter
Aims of Policy	Aims of Chapter
Aim of Policy	Aim of Chapter
Aims of plan	Aims of Chapter
Land to which Policy applies	Land to which Chapter applies
Land to which plan applies	Land to which Chapter applies
clause	section
clauses	sections
subclause	subsection
subclauses	subsections

Note— Omit the expressions “clause”, “clauses”, “subclause” and “subclauses” only for a reference to clauses or subclauses of this Policy.

- (3) Despite subsection (2), a reference to “this Policy” or “this plan” in a Schedule of this Policy should be omitted and replaced with a reference to the relevant Chapter of this Policy.
- (4) Subsection (2) does not apply to provisions of a savings or transitional nature.

6 Repeal of environmental planning instruments

The following environmental planning instruments, as amended by this Schedule, are repealed—

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Major Infrastructure Corridors) 2020

State Environmental Planning Policy (Three Ports) 2013

Note— Savings and transitional provisions in the instruments repealed by this section are not transferred to this Policy. They continue to have effect because of the *Interpretation Act 1987*, sections 5(6) and 30(2)(d).

7 Repeal of Schedule

This Schedule is repealed at the beginning of the day after this Policy commences.