

State Environmental Planning Policy (Transport and Infrastructure) 2021

This document provides information about changes to the Transport and Infrastructure SEPP, which is part of the NSW SEPP consolidation project.

State environmental planning policies (SEPPs) have been consolidated to align with theme-based focus areas to make the planning system more accessible and user-friendly.

Overview

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) consolidates and repeals the provisions of the following 4 SEPPs:

1. *SEPP (Infrastructure) 2007* (Infrastructure SEPP)
2. *SEPP (Educational Establishments and Childcare Facilities) 2017* (Education and Childcare SEPP)
3. *SEPP (Major Infrastructure Corridors) 2020* (Corridor SEPP)
4. *SEPP (Three Ports) 2013* (Three Ports SEPP).

These changes are part of a broader administrative consolidation of SEPPs. Planning Circular PS-21-007 gives an overview of all changes made as part of the SEPP consolidation initiative.

Key changes

No policy changes have been made. The SEPP consolidation does not change the legal effect of the existing SEPPs, with section 30A of the *Interpretation Act 1987* applying to the transferred provisions. The SEPP consolidation is administrative. It and has been undertaken in accordance with section 3.22 of the *Environmental Planning and Assessment Act 1979*.

The Transport and Infrastructure SEPP:

- transfers most existing provisions from the 4 SEPPs being consolidated into chapters 2, 3, 4 and 5. Chapter 1 contains the preliminary information and commencement details
- repeals the 4 SEPPs being consolidated.

Benefits of these changes

Aligning SEPPs with the planning principles focus areas

The SEPP changes are part of a package of reforms to consolidate 45 existing SEPPs into 11 new SEPPs based on the following themed focus areas:

- housing
- transport and infrastructure
- primary production
- biodiversity and conservation
- resilience and hazards
- industry and employment

- resources and energy
- planning systems.

Simplifying the planning system

The SEPP consolidation builds on previous work to simplify, consolidate and reduce the number of SEPPs. The consolidation reflects the NSW Government's commitment to reduce the complexity of the NSW planning system. The changes will simplify and improve the effectiveness and usability of current policies by reducing the number of separate planning instruments.

Provisions of the Transport and Infrastructure SEPP

The Transport and Infrastructure SEPP incorporates provisions from the 4 SEPPs being consolidated as follows:

- 'Chapter 2 – Infrastructure' contains planning rules and controls from the Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.
- 'Chapter 3 – Educational establishments and childcare facilities' contains planning provisions from the Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.
- 'Chapter 4 – Major infrastructure corridors' contains provisions from the Corridor SEPP, including planning controls and reserves land for the protection of 3 corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).
- 'Chapter 5 – Three Ports – Port Botany, Port Kembla and Newcastle' Contains the land-use planning and assessment framework from the Three Ports SEPP for appropriate development at Port Kembla, Port Botany and Port of Newcastle.

Commencement and impacts

The Transport and Infrastructure SEPP will commence on 1 March 2022 and the 4 SEPPs being consolidated will be repealed on the same day.

References in planning legislation and policies to the 4 SEPPs being consolidated will be taken as references to the equivalent provisions in the Transport and Infrastructure SEPP.

The provisions within the repealed SEPPs have been transferred to the Transport and Infrastructure SEPP and the intent and provisions remain largely unchanged. The changes should not impact development application assessment. The new SEPP should be used for new development and rezoning applications.

Savings and transitional provisions from the consolidated SEPPs will not be transferred to the new SEPP. However, all savings and transitional provisions of the repealed SEPPs continue to have effect due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

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