



---

## PLANNING SYSTEM

---

### State environmental planning policies

---

<b>Circular</b>	PS 09-007
<b>Issued</b>	2 March 2009
<b>Related</b>	PS 08-001

---

# State Environmental Planning Policy (Infrastructure) Amendment (Schools, Affordable Housing and Metro Rail) 2009

This purpose of this circular is to advise of recent amendments to State Environmental Planning Policy (Infrastructure) 2007. The amendments cover provisions applying to schools, affordable rental housing and the proposed metro rail network.

## Introduction

On 20 February 2009, State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) was amended to give immediate effect to changes to the schools provisions under Division 3 (Educational Establishments), affordable rental housing under Division 11 (Housing) and metro rail under Division 15 (Railways).

## Schools

The key school amendments build on the complying development provisions for schools which were added to the Infrastructure SEPP in October 2008. The new amendments to the SEPP ensure:

- a more consistent planning approach for government and non-government schools by extending the zones where government schools are permissible to non-government schools under clause 28. This provision will last for three years.
- that there are common complying development standards for both government and non-government schools under clause 31A.

These amendments will ensure that the NSW planning system supports the Federal Government's incentives package applying to additional infrastructure at government and non-government schools.

## Affordable housing

Provisions already in the Infrastructure SEPP are designed to allow social housing providers to develop affordable housing in accessible locations without the need for a rezoning. Previously the SEPP made multi-dwelling housing provided by a public authority or social housing provider within 800 metres of 18 key metropolitan railway stations permissible with consent (provided the Director General of Planning issued a compatibility certificate).

These provisions have been extended under clause 63A to include residential flat buildings or multi-dwelling housing on land within:

- 800 metres of all rail stations in the Sydney Region
- 400 metres of land in Zone B3 Commercial Core or Zone B4 Mixed Use or in an equivalent zone in 32 nominated major NSW regional cities and towns—Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah-Wyong, Tweed Heads, Wagga Wagga, Warrawong and Wollongong.

Car-parking is not required to be provided in relation to development for housing provided by social housing providers or public authorities under these provisions. This prevents councils from requiring proposals to comply with the councils parking policy or requiring parking provisions beyond those proposed in development applications to avoid unnecessary costs.

Under clause 63D, the amendment also makes residential development by or on behalf of Housing NSW development without consent if it is no more than 8.5 metres high or more than 20 dwellings on a single lot and complies with *Seniors living policy: urban design guidelines for infill development* (Urban Design Advisory Service, Department of Infrastructure, Planning and Natural Resources 2004). (A copy of this guideline is available from the Department of Planning website at <http://www.planning.nsw.gov.au/settingthedirection/housing.asp>.) The provisions also require Housing NSW to consult with the neighbours and the relevant council.

## Metro rail

### Protection of interim corridors

Under Clause 88 of the Infrastructure SEPP, a regime is in place to protect interim rail corridors for new rail proposals in the Sydney CBD and South West Rail Link. This regime provides that where certain development is proposed within or above an identified rail corridor which involves excavation and other works, including those that penetrate the ground to a depth of at least two metres, concurrence of the rail authority is required.

This protection regime has now been extended under clause 88 to the proposed Sydney metro rail network by revising the maps for the interim corridors to add the interim metro corridors. Sydney Metro is identified as the rail authority for the interim metro corridors.

The interim rail corridor maps are available through the website of the Department of Planning at: <http://www.planning.nsw.gov.au/planningsystem/infrastructuresepp.asp>.

Clause 88A applies to land in the City of Sydney and requires that the consent authority must not grant consent to major development within the interim metro corridor if the development would have an adverse affect on the viability of the proposed metro, including by increasing the cost of the developing the proposed metro. In determining whether such development will have an adverse affect the consent authority must obtain a 'certificate' issued by Sydney Metro which certifies whether or not there will be any such adverse affect.

### Access to metro stations

Clause 88B applies to development near proposed metro stations. It requires the consent authority to consider the implications on access to a proposed metro station and the likely increased use of public transport when determining applications for development on land shown on a rail corridors map as 'CBD Metro Station Extent' and land adjacent to such land.

For applications on such land near the proposed Rozelle metro station (clause 88C), the consent authority must refer these applications to Sydney Metro for advice and before determining the application, take into account any advice received from Sydney Metro within 21 days.

### Review provisions

The SEPP amendment also contains a requirement for land in interim rail corridors to be reviewed after 17 February 2010 by the Minister for Planning in consultation with the Minister for Transport. The review will be to assess whether the land in the interim rail corridors should continue to be protected on the basis that the land is required for railway purposes.

## Further information

State Environmental Planning Policy (Infrastructure) 2007, as amended is available on the Parliamentary Counsel's Office website at <http://www.legislation.nsw.gov.au>.

Note: This and other Department of Planning circulars are published on the web at <http://www.planning.nsw.gov.au/planningsystem/practicenotes>.

### Authorised by:

Sam Haddad  
Director-General  
NSW Department of Planning

---

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

**Disclaimer:** While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.