

Department of Planning, Housing and Infrastructure

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Protection of the Newcastle Future Infrastructure Corridor

Explanation of Intended Effect of the proposed amendment to State Environmental Planning Policy (Transport and Infrastructure) 2021

March 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

Newcastle Future Infrastructure Corridor

Transport for NSW has released a preferred alignment for the Newcastle Future Infrastructure Corridor for public comment. The exhibition material identifies the preferred location of the Future Infrastructure Corridor within Greater Newcastle. The Future Infrastructure Corridor is located in areas that are anticipated to experience growth and additional development over the coming decades.

Greater Newcastle is regional Australia's global gateway, the second largest city in NSW, and is the key metropolitan hub in the prosperous Hunter Region. There is a compelling need to continue to invest and grow Greater Newcastle as a competitive, connected and attractive city.

Chapter 4 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Transport and Infrastructure SEPP) identifies and protects land for future infrastructure. It is proposed that the Future Infrastructure Corridor is protected under the Transport and Infrastructure SEPP, with new planning controls to protect the land for its future use. This will advise the community of the future location of transport infrastructure and will safeguard the Future Infrastructure Corridor for infrastructure delivery as Greater Newcastle faces change over the coming years.

The design of the future transport infrastructure will be subject to further development assessment under the NSW planning system when it is required to be delivered. This Explanation of Intended Effect describes the proposed protection and subsequent development control changes of the Transport for NSW recommended Future Infrastructure Corridor alignment under the Transport and Infrastructure SEPP.

Corridor Protection

Corridor protection involves the early identification and protection of land for future infrastructure. The term 'protection' refers to a planning intervention (such as a rezoning or application of development controls). With this protection, future delivery of infrastructure is not compromised by land being 'built out' or the alignment no longer being suitable due to incompatible land uses in or around the corridor.

When a Future Infrastructure Corridor is protected, land uses that were permitted under the former zoning remain permissible subject to development consent and consideration of the compatibility of the development with the future infrastructure. Through the development assessment process, corridor protection seeks to manage any new development so that it is compatible with future infrastructure. The intention is to provide greater certainty and enhanced planning outcomes for infrastructure agencies and the community. Protecting a Future Infrastructure Corridor also aims to minimise social disruption when infrastructure is delivered in developed areas.

The process of corridor protection involves collaboration between infrastructure and planning systems to manage land uses around road, rail and other infrastructure to optimise infrastructure use and avoid land use conflicts. Three Future Infrastructure Corridors in Greater Sydney and one in the Hunter Region are already protected under the Transport and Infrastructure SEPP. This Explanation of Intended Effect proposes the protection of the Newcastle Future Infrastructure Corridor under this SEPP in a similar manner to the existing protected corridors in Greater Sydney and the Hunter Region.

Corridor protection is a separate planning phase to infrastructure delivery. The infrastructure delivery phase involves detailed design and engineering work, allowing a detailed assessment of the impacts associated with construction and operation of the infrastructure. The future delivery of infrastructure will be subject to a future development approvals process under the NSW planning system.

About the proposed SEPP amendment

The proposed amendment to the *State Environmental Planning Policy (Transport and Infrastructure) 2021* will:

- Identify the Newcastle Future Infrastructure Corridor to be protected and the land that will be affected
- Reserve land within the Future Infrastructure Corridor for future infrastructure through the rezoning of land
- Change the planning controls that apply to the land within the Future Infrastructure Corridor, including identifying development that will be permissible within the Future Infrastructure Corridor
- Maintain the structural integrity of the land for future infrastructure by requiring additional consideration for certain excavation works on adjacent land
- Identify Transport for NSW as the relevant authority to acquire any land within the Future Infrastructure Corridor, if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

About this Explanation of Intended Effect

This Explanation of Intended Effect sets out the proposed protection of the Future Infrastructure Corridor and identifies the proposed amendments to the Transport and Infrastructure SEPP. This will allow the public to provide feedback and comment on the proposed changes to development controls in and adjacent to the preferred alignment.

Part 1 describes the strategic importance of protecting the Future Infrastructure Corridor for future infrastructure and identifies the proposed Future Infrastructure Corridor alignment as identified by Transport for NSW. Part 2 explains the objectives and the intended effect of the proposed amendments to the Transport and Infrastructure SEPP. The Explanation of Intended Effect also details next steps and provides a draft Transport and Infrastructure SEPP map of the Future Infrastructure Corridor recommended by Transport for NSW.

Part 1 Identifying the Infrastructure corridor for future infrastructure delivery

Protecting land for future transport infrastructure in Newcastle

Greater Newcastle is regional Australia's global gateway, the second largest city in NSW, and is the key metropolitan hub in the prosperous Hunter Region. The Hunter Region is Australia's largest regional economy and drives 28% of regional NSW's total economic productivity. The population of Greater Newcastle is growing, especially in the residential areas of Broadmeadow, Adamstown, Kotara, as well as Charlestown and Glendale. By 2036 approximately 113,000 new residents will call the Lower Hunter and Greater Newcastle home, and it is projected to grow to around 750,000 by 2041, making it home to more people than Tasmania or the Australian Capital Territory. The Greater Newcastle economy is also diversifying from its historical industrial uses and reliance on coal exports to a more knowledge and service-based economy.

There is a compelling need to continue to invest and grow Greater Newcastle as a competitive, connected and attractive city. The NSW Government recognises the region's potential and is investing in growing existing and encouraging new strategic centres, lifestyle precincts and specialist employment industries.

Newcastle Light Rail Stage One was opened in February 2019, which is a key part of the Revitalising Newcastle project delivered by Transport for NSW. The high capacity, frequent and reliable service operates along a 2.7 km route with 6 stops from Newcastle Interchange in Wickham to Newcastle Beach in Newcastle East, connecting key activity precincts and opening up urban renewal opportunities.

The light rail has already delivered catalytic change and re-shaped Newcastle City Centre, enhanced the public domain around the civic, entertainment and tourism precincts, connected the Honeysuckle district with the commercial core and catalysed investment - including at the City Campus of the University of Newcastle.

Stage One's focus on connecting and revitalising the Newcastle City Centre and waterfront has paved the way to extend the public transport network to encourage growth in surrounding precincts.

NSW Government is committed to continued investment in improved transport infrastructure and services in Greater Newcastle. Protection of a corridor to support the growth of public transport in Greater Newcastle is vital to facilitate the delivery of infrastructure when and where it is required.

Redevelopment along the preferred Future Infrastructure Corridor alignment increases the complexity and likely cost of future infrastructure at Newcastle Interchange if corridor protection is not undertaken in the short term to protect a future corridor.

Mixed-use developments along the corridor have potential to generate transit-orientated development opportunities but also potentially constrain a new corridor due to land acquisition costs and construction feasibility of any future mass transit infrastructure.

Protecting land for future infrastructure facilitates delivery in the right place and at the right time to support future jobs and housing. For many projects, corridors that are protected today will facilitate the delivery of infrastructure in 10 to 20+ years. Identifying the location of future infrastructure also enables appropriate land use planning around corridors, equating to a cohesive approach to infrastructure and land use planning.

It is proposed to protect the Newcastle Future Infrastructure Corridor under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. With this, land for future infrastructure is identified as an important asset for Greater Newcastle and is not comprised due to development pressure within the Newcastle area.

The preferred alignment

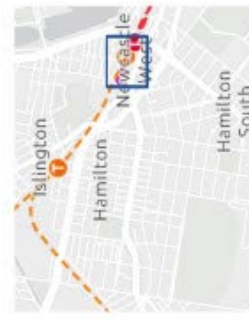
The preferred alignment has been identified by Transport for NSW (Figure 2). Alongside the maps identifying the investigated alignment options, a Strategic Justification report, prepared by Transport for NSW, provides the justification for the identification of the preferred alignment. The report identifies the business need, opportunities and constraints of this area and provides a summary of the strategic planning outcomes.

The preferred alignment for a future Newcastle Future Infrastructure Corridor within Greater Newcastle is in areas anticipated to experience growth and significant development pressure over the coming decade.

Information regarding the alignment can be found on Transport for NSW's website at <https://www.transport.nsw.gov.au/projects/current-projects/newcastle-future-transit-corridor>.

Newcastle Future Transit Corridor Corridor Protection Map

OFFICIAL



0 25 50 Meters
Scale at A4: 1:1,800
Coordinate System: GDA2020 MGA Zone 56

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Figure 2: Preferred corridor alignment (Source: Transport for NSW)

Part 2 Proposed amendments to protect a Newcastle Future Infrastructure Corridor

Purpose

The proposed amendment to Chapter 4 of the Transport and Infrastructure SEPP will identify land required for the future delivery of the Newcastle Future Infrastructure Corridor. The land that will be identified and included in the amendment to the Transport and Infrastructure SEPP are shown in Appendix A of this Explanation of Intended Effect.

Once the Future Infrastructure Corridor is confirmed by Transport for NSW and the amendment to the Transport and Infrastructure SEPP is made, land will be rezoned SP2 Infrastructure – Future Infrastructure Corridor and new planning controls will apply. With these, new development will not inhibit the delivery of the infrastructure in the future.

In doing so, the proposed amendments will apply a land use planning framework that will:

- Identify the land for the future infrastructure
- Allow landowners to continue to use their land as they do now and lodge development applications for uses that are permissible under the zoning in place prior to the application of the SP2 Infrastructure – Future Infrastructure Corridor zone, provided that the proposed development does not compromise or interfere with the future use of the land for infrastructure
- Manage development within the vicinity of the Future Infrastructure Corridor so that future delivery of infrastructure is not compromised, and supportive land uses are encouraged
- Identify the land acquisition authority for land in the Future Infrastructure Corridor.

Proposed Provisions of the Transport and Infrastructure SEPP Amendment

Mapping

Land within the Newcastle Future Infrastructure Corridor is to be identified on a map within the Transport and Infrastructure SEPP as shown in the draft map in Appendix A.

Land zoning

Land within the Newcastle Future Infrastructure Corridor is to be rezoned to SP2 Infrastructure – Future Infrastructure Corridor, as shown in the draft map in Appendix A.

Permissible land uses

Under the proposed amendment, development that is currently permissible on land within the identified future infrastructure corridor will continue to be permitted with consent. For example, works such as residential accommodation will remain permissible where the works were permissible under the previous zoning subject to a requirement for development consent.

However, when assessing a development application for development within the Future Infrastructure Corridor, the consent authority must consider whether the proposed development will compromise, restrict or otherwise prevent the future use of the land for infrastructure.

The proposed amendment will require any development over an estimated development cost of \$200,000 to be subject to concurrence from Transport for NSW. The estimated development cost of a development is defined under the *Environmental Planning and Assessment Regulation 2000* and relates to all project costs, including design and construction. In providing a concurrence, Transport for NSW must consider:

- The nature and context of the proposed development, including the need to carry out the proposed development
- The timing of carrying out the proposed development and the proposed timing for constructing infrastructure
- The likely additional costs of delivering the infrastructure in the future resulting from the carrying out of the proposed development.

Complying development

Under some complying development codes within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), complying development cannot be undertaken on land reserved for a public purpose, such as land within the Future Infrastructure Corridor.

However, Chapter 4 of the Transport and Infrastructure SEPP will provide complying development codes that apply to land identified as a Future Infrastructure Corridor. These codes allow for the streamlining of approvals for minor works where provisions under Chapter 4 of the Transport and Infrastructure SEPP are considered unnecessary and where the works would not threaten the degree of protection over a Future Infrastructure Corridor.

Examples of minor works that can otherwise be undertaken as complying development (subject to the provisions of the Codes SEPP) and would not reduce the degree of protection over the Future Infrastructure Corridor, include the construction of a new awning of an existing shop or the change of use of a temporary development from an approved shop to business premises.

Prohibited development

The proposed amendment will not allow subdivision of land within the Future Infrastructure Corridor as this could hinder infrastructure delivery and increase the number of landowners that will be impacted by the delivery of the future infrastructure. However, changes to property boundaries such as minor corrections to boundary alignments, may still be permitted with consent within and adjacent to the protected infrastructure corridor if Transport for NSW confirms that the changes will not result in any additional landowners being affected by the corridor.

Excavation within and adjacent to the Future Infrastructure Corridor

To protect land in the Future Infrastructure Corridor, the proposed amendment will require the consent authority to refer any development application or modification application to Transport for NSW that involves the penetration of ground to a depth of two or more metres below the existing ground level on land:

- Within a reserved infrastructure corridor; or
- Within 25 metres, measured horizontally, of a reserved infrastructure corridor.

In deciding whether to grant concurrence, Transport for NSW must consider the potential effects of the proposed development on the safety, structural integrity and operation of the future infrastructure. Where appropriate, Transport for NSW may include conditions for excavation similar to those in effect through the Chapter 2 of the Transport and Infrastructure SEPP for rail corridors.

Other Issues

Acquisition authority

Land within the Future Infrastructure Corridor may need to be acquired at some point in the future. The proposed amendment will identify Transport for NSW as the acquisition authority.

Under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, landowners may initiate a request for acquisition in cases of hardship. Any questions regarding land acquisitions, including processes and timeframes, should be directed to Transport for NSW.

Mitigation of potential future noise impacts

To address potential future noise impacts, the assessment of proposals to rezone land surrounding a Future Infrastructure Corridor to a more intense use such as from low density residential to medium density residential, must consider the future transport infrastructure and apply appropriate noise mitigation measures such as acoustic treatments and best practice room layout and building orientation.

The Department of Planning, Housing and Infrastructure is developing a noise policy regarding development within proximity to areas identified as appropriate for future transport infrastructure, and once finalised, will be applied to corridors identified as SP2 Infrastructure – Future Infrastructure Corridor.

Relationship to existing environmental plans and policies

The proposed amendment will supersede relevant controls stipulated in the relevant local environmental plans.

Next Steps

The Department of Planning, Housing and Infrastructure will consider any feedback, comments or submissions provided regarding the proposed amendments to the *State Environmental Planning Policy (Transport and Infrastructure) 2021* received through the exhibition period.

A formal request will be made from Transport for NSW to the Minister for Planning and Public Spaces to protect the Future Infrastructure Corridor.

The Department of Planning, Housing and Infrastructure will consider this request, and provide a recommendation to the Minister, and if appropriate, an amendment to *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

Transport for NSW will then notify relevant landowners of the protection of the Future Infrastructure Corridor.

Any future concerns or questions regarding the acquisition of land or the future infrastructure project will be addressed by Transport for NSW.

Appendix A: Proposed Newcastle Future Infrastructure Corridor Map

