



Explanation of Intended Effect

*Proposed State Environmental Planning Policy (Infrastructure)
Amendment (Correctional Centres) 2015 to amend the
State Environmental Planning Policy (Infrastructure) 2007*

1.0 Introduction

The following information is provided as an explanation of the intended effect of changes to the *State Environmental Planning Policy (Infrastructure)* that will enable the Department of Justice to provide additional prisoner accommodation and undertake other minor developments at existing correctional centres.

The Infrastructure SEPP already permits certain developments at correctional centres to be undertaken as development with consent (requiring a development application) and development without consent (requiring environmental assessment). To help streamline the development and approvals pathway, it is proposed that the existing provisions in the Infrastructure SEPP that apply to correctional centres works be changed to include new exempt and complying development provisions.

The proposed amendments will permit the construction of additional prisoner accommodation at existing centres and other specified minor developments without the need for full development applications. However, there will still appropriate checks and balances in place to ensure the environment is protected.

Enabling the efficient delivery of prisoner accommodation at existing correctional centres and complexes is considered to be matter of environmental planning significance for the State.

All comments received during exhibition of the material related to the proposed SEPP will be carefully considered to help determine the best assessment and approval pathway for the Department of Justice to make alterations and additions to existing prisons.

2.0 Background

The Department has reviewed the planning framework applying to correctional centres to identify ways to streamline and simplify the planning controls. The current planning controls that apply to correctional centres are:

Planning Control	Description
Local development applications (Part 4 of the EP&A Act) assessed by Council	New prisons and developments at existing sites with a capital investment value of less than \$30 million
State significant development applications (Part 4 of the EP&A Act) assessed by the Department	New prisons and developments at existing sites with a capital investment value of more than \$30 million
Development permitted without consent (environmental assessment under Part 5 of the EP&A Act)	<ul style="list-style-type: none">• Transitional group homes of not more than 5 bedrooms;• Sporting facilities;• Demolition of buildings;• Alterations and additions to accommodation, administration or other facilities provided that it does not result in more than a 10% increase in the number of prisoners or staff.
Complying development	Minor developments permitted by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> such as internal alterations to buildings, earthworks and retaining walls, driveways and the like.
Exempt development	Minor developments permitted by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> such as certain types of signs, access ramps, flagpoles, minor building alterations and the like.

3.0 Proposed SEPP Amendments

The objective of the proposed SEPP is to facilitate the efficient delivery of inmate accommodation at existing correctional facilities in response to the need to increase prisoner bed capacity.

The proposed SEPP amendments are intended to streamline and simplify the planning assessment and approvals regime applying to these correctional facilities by introducing exempt and complying development provisions and expanded provisions for development without consent. The changes are described below:

Planning Control	Description
Local development applications (Part 4 of the EP&A Act) assessed by Council	Amend existing provision to only new prisons with a capital investment value of less than \$30 million
State significant development applications (Part 4 of the EP&A Act) assessed by the Department	Amend existing provision to only new prisons with a capital investment value of more than \$30 million
Development permitted without consent (environmental assessment under Part 5 of the EP&A Act)	As existing, with removal of the 10% cap on increase of prisoners and staff, and a new provision to permit 12m high security fences
Complying development	Maintain the existing provisions in the <i>Exempt and Complying Development Codes SEPP</i> and add the following provision to the Infrastructure SEPP: <ul style="list-style-type: none">The development of new, replacement of, or alterations and additions to accommodation, administration or other facilities provided the development does not affect a heritage item, is set back 5m from a boundary and has a maximum height of 12m.
Exempt development	Maintain the existing provisions in the <i>Exempt and Complying Development Codes SEPP</i> and add the following provisions to the Infrastructure SEPP: <ul style="list-style-type: none">Demolition of buildings less than 250m²;At grade carparks;Outdoor recreational facilities;Environmental management works; andLandscaping.

The proposed SEPP amendments outlined in the table above will permit development providing additional prisoner accommodation at existing centres and other specified minor developments without the need for development applications. However there will be appropriate checks and balances in place with certifiers checking complying development and a rigorous environmental assessment undertaken of those works permitted without consent by or on behalf of the Department of Justice under Part 5 of the EP&A Act.

Proposals for new correctional centres and significant expansion of existing centres with a capital investment value of more than \$30 million will remain as State significant development and those with a capital investment value of less than \$30 million will remain as a local development.

The specific clauses to be amended by the proposed SEPP are outlined in detail below.

Definition

The existing definition (clause 24) of a correctional centre is proposed to be changed to include a definition of a correctional complex, to be consistent with the definition contained in the *Crimes (Administration of Sentences Act 1999)*. A correctional complex is the land area declared to be a correctional centre under the *Crimes (Administration of Sentences Act 1999)*, and a centre is the group of buildings that comprise a particular prison. A correctional complex may contain a number of

correctional centres within the declared area. Refinement of this definition is required to enable the proposed exempt and complying development provisions to be appropriately applied to the complexes and centres.

Development permitted without consent

The existing provision (clause 26) permitting certain developments to be carried out without consent is proposed to be amended to allow additions to existing correctional complexes without a restriction on the number of prisoners to be accommodated or staff to be employed at the site; and to permit the construction of security fencing. The intention of this clause is to permit the expansion of correctional centres within the boundaries of an existing correctional complex, and to permit certain developments at correctional centres that are listed on the State heritage register.

Development permitted without consent does not require a development application but is still required to be thoroughly assessed in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* by the proponent before the development is carried out. This requires a consideration of the impact of the activity on the environment, including considering the impact of the development on the significance of a heritage item where relevant.

Exempt Development

A new clause (clause 26A) is proposed to be inserted into the division to permit certain developments to be undertaken as exempt development within the boundaries of existing correctional centres that do not have heritage significance. The intention of this clause is to permit routine works and minor developments such as the demolition of buildings, landscaping works and recreational facilities to be undertaken rapidly and without the need for planning approval provided the developments meet the applicable development standards. Exempt developments are developments that are not expected to generate significant impacts.

Complying Development – Existing Correctional Centres

A new clause (clause 26B) is proposed to be inserted into the division to permit the construction of additional prisoner accommodation, administration or other facilities to be undertaken as complying development within the boundaries of existing correctional centres that do not have heritage significance.

Complying development are developments that involve larger building works than exempt development and require certification from an accredited professional, but are still considered to be relatively straightforward with minimal impacts. Complying development is a combined planning and construction approval that can be determined through a fast track assessment by an accredited certifier.

State Environmental Planning Policy (State and Regional Development) 2011

A minor amendment to the *State Environmental Planning Policy (State and Regional Development) 2011* is also proposed to ensure that new correctional centres with a capital investment value of more than \$30 million will remain as State Significant Development and subject to a full development application determined by the Department. New correctional centres with a capital investment value of less than \$30 million will continue to be subject to a development application determined by the relevant local council.