



Ref: BH:SM170120

20 January 2017

Director Environment and Building Policy  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Director,

**Public exhibition of draft Coastal Management SEPP**

Essential Energy welcomes the opportunity to provide feedback on the draft Coastal Management State Environmental Planning Policy (**Coastal Management SEPP**). Essential Energy's submission on the Coastal Management SEPP concerns its relationship with State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**).

Essential Energy's activities, in particular the ongoing maintenance and repair of existing infrastructure, have been well supported by the Infrastructure SEPP.

The provisions of the Infrastructure SEPP that permit development for the purpose of routine maintenance and emergency works, will prevail over certain provisions of the draft Coastal Management SEPP. In particular such activities will continue to be permitted without consent under the Infrastructure SEPP, despite any requirement to obtain development consent in clause 11 of the Coastal Management SEPP.

Essential Energy is concerned, however, that the exclusions from the requirement to obtain consent, will not extend to the management of identified safety risks that pose minimal risk of harm to coastal wetland or littoral rainforest mapped areas, such as the erection of hazard warning signs at powerline waterway crossings.

While some of Essential Energy's activities to manage public safety will fall within the definition of "emergency works" under the Infrastructure SEPP, warning signs ensuring boats navigate safely at powerline waterway crossings might be more appropriately characterised as "navigation and emergency response facilities" as defined in clause 67 of the Infrastructure SEPP. Those facilities can be carried out by public authorities without development consent on any land under clause 68(2) of the Infrastructure SEPP.

Essential Energy submits that Schedule 3, clause 3.4[1] of the Coastal Management SEPP should be amended so that development for the purposes of "navigation and emergency response facilities" permitted under clause 68(2) of the Infrastructure SEPP are also excluded from the requirement to obtain consent under the Coastal Management SEPP. This amendment will allow minor disturbance of vegetation for the installation, replacement or maintenance of navigational devices, such as hazard warning signs, without the need for development consent (and an EIS for designated development).


It will also be clear that new signs can be installed, without the need to obtain development consent, as these are sometimes required in areas where signs were not previously erected due to the changes in the level of risk of existing waterway crossings.

Essential Energy considers that the suggested changes to the Coastal Management SEPP will ensure that it, and other public authorities (such as port authorities and other authorities managing land adjacent to coastal waterways), can continue to carry out activities to manage public safety and

protect important infrastructure facilities, provided that those activities will cause minimal environmental harm. Essential Energy considers that its submission is consistent with the intent of the proposed amendment to clause 8 of the Infrastructure SEPP.

Essential Energy would be pleased to assist with any further assistance or queries the Department may have with respect to Essential Energy's comments. If you require any additional information, please do not hesitate to contact Brett Hayward – Network Environmental Manager (02) 6589 8020 or [brett.hayward@essentialenergy.com.au](mailto:brett.hayward@essentialenergy.com.au).

Yours sincerely



Steve Mercer  
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