



Draft State Environmental Planning Policy (Infrastructure) 2007 - Review

Lane Cove Council's submission

7 April 2017



Submission on

**Draft State Environmental Planning Policy (Infrastructure) 2007 -
Review**

Lane Cove Council wishes to express its support in principle for the proposed changes to the State Environmental Planning Policy (Infrastructure) 2007, as part of a comprehensive review of the NSW planning system.

The draft Infrastructure SEPP is the result of the NSW Government's SEPP review program which has been undertaken in stages since June 2015.

It is the most frequently used planning instrument when undertaking public infrastructure projects in NSW as it provides assessment pathways for different types of infrastructure.

The proposed changes will either amend existing provisions or insert new provisions in the Infrastructure SEPP. In some cases, the amendments transfer an entire part out of the SEPP to create a new one. This has resulted in minor 'housekeeping' amendments to existing provisions, including renumbering and re-structuring.

Issues of concern are addressed below.

Key Amendments – supported

Council supports the following “key amendments” proposed by the draft SEPP:

Council operational lands

- Extend exempt development and development permitted without consent which Councils can currently undertake on their public [community] reserves to include Council operational Lands.
- Exempt development provisions for operational lands include walking tracks, bicycle-related storage facilities, barriers, ticketing machines, viewing platforms, some sporting facilities etc.
- Development permitted without consent provisions range from roads, cycleways, single storey car parks, recreation areas and recreation facilities (outdoor), information boards, lighting, landscaping, amenities, food preparation facilities, maintenance depots etc.

Police services facilities & police stations

- Allow police services facilities in certain land use zones without consent (e.g. rural, industrial, special purpose and business zones).
- Require development consent for police services facilities in residential zones, RE1 Public Recreation, and others.
- Allow demolition, restoration, and alterations and additions to existing police and emergency services facilities without consent on any land. Will be limited to development for no more than a 10% increase in staff numbers per year.

Commuter hubs

- Permitting certain types of development with consent by any person: such as visitor accommodation above rail stations, retail or business premises on the ground floor or street frontage of multi-level commuter car parks, commuter carparks associated with certain busy bus stops, etc.
- Proposed to allow new exempt development regime to permit minor items, such as ATMs, ticketing machines, etc.
- A new complying development regime for works at existing bus depots.

Sewerage and water lead-in infrastructure

This refers to minor pipeline works used for the collection and transfer of sewage or water from a new development to an existing sewage or water reticulation system.

- New provisions to simplify the assessment and approval process for these.
- Connecting into the existing Sydney water supply and sewerage network to be undertaken as complying development.

- New complying development provisions will assist both private developers and private infrastructure providers.

Other amendments are described as other operational matters or housekeeping amendments. These relate to issues such as protection of Aboriginal sites, heritage items, removal of asbestos, specified noise standards along roads, and similar.

Issues of Concern

Under the Standard Instrument, a 'health services facility' is defined as:

“a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre [commercial premises for out-patients],*
- (b) community health service facilities,*
- (c) health consulting rooms [dwelling with 1-3 professionals],*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.”*

The proposed health services facilities changes to the Draft Infrastructure SEPP would allow:

- Complying development to permit health services facilities buildings within the existing site (max. 12m in height).
- Alterations or additions to health service facilities carried out without development consent.
- An expanded number of developments carried out with consent to service patients or staff or visitors (including residential, child care, commercial, community, etc).
- Development carried out with consent must notify the Council and adjoining occupier and consider any response received.
- Permit health services facilities in additional R2 Low Density Residential and B1 Neighbourhood Centre zones.
- Introduce a new exempt development regime within the boundaries of public and private health services facilities.

While Council can provide in-principle support for most of these proposed changes to development of health services facilities, it raises issue with some items including:

Land Use conflicts

Council's Local Environmental Plan already permits (with consent) 'health consulting rooms' and 'hospitals' in R2 Low Density Residential zones. Both uses are defined as sub-categories of a health services facility under the Standard Instrument.

Comment

Health consulting rooms are defined as being within an existing residential dwelling, these uses do not generally require large scale external alterations and are compatible with low density residential areas. While allowing hospitals in Lane Cove's low density residential areas is the result of existing smaller scale private hospitals, allowing retention of the status quo.

However, as 'health services facilities' is a group term, this would also mean that 'medical centres' would now become a permissible land use in a low density residential zone. This would be in direct conflict with Lane Cove Council's planning policies of confining 'medical centres' to Business zones where they appropriately belong.

Moreover, it would also result in hospitals being permissible in lower scale B1 Neighbourhood Centre zones. Council's Floor Space Ratio and height controls for its business zones set the modest scale planning context based on the centres' hierarchy appropriate to the local context.

Therefore while allowing health consulting rooms would not necessarily create conflicts, allowing hospitals in Council's business zones would. These points will be expanded further in later issues.

Complying commercial buildings

Complying development is proposed to permit health services facilities buildings within the existing site (max. 12m height), including commercial premises, administration buildings and child cares centres.

Comment

As a result of the proposed changes to the Infrastructure SEPP, where hospitals is a permitted land use (in low density residential zones), 12 metre high commercial premises associated with health care would be permissible.

This could have the unintended negative impact of permitting larger scale commercial health facilities in low density residential areas, which would be more appropriate in other larger commercial zones.

Notwithstanding this, allowing 12 metre high commercial premises next to low density residential zones may have the unintended negative impacts of excessive overshadowing, overlooking, bulk and scale, and traffic impacts. These items require an appropriate level of assessment.

Impact on B1 Neighbourhood Centre Zones

As discussed above, all uses defined as Health Services Facilities are to be permitted in B1 Neighbourhood Centres.

Comment

Similar to the impacts on R2 Low Density Residential zones, **allowing hospitals for example in B1 Neighbourhood Centres has the potential to create excessive bulk and scale in what are generally small, local 2-storey centres for neighbourhood shops.** In addition, hospitals have the potential under this Draft SEPP amendment to provide 12 metre high associated commercial buildings with probable adverse impacts on the viability of small shops to compete for land value.

Education provisions (establishments)

- Transfer the provisions for educational establishments into a new stand-alone Educational Establishments and Child Care Facilities SEPP.

Comment

Although Council does not object to the transfer of these provisions from the Infrastructure SEPP into a new SEPP, it does not agree with many of the proposed Draft Education and Child Care SEPP changes.

Council has provided a separate submission on these proposed amendments.

Conclusion

Most of the proposed revisions to the Infrastructure SEPP are considered to be of practical benefit to the timely provision of infrastructure in NSW. However, Council wishes to raise the following matters of concern. These are:

1. Given Council's planning policies, there is potential for land use conflicts to occur.

Allowing larger scale 'medical centres' in R2 Low Density Residential areas maybe out of context with surrounding land uses and be in conflict with Lane Cove's LEP which has confined this use to its Business zones where it is a more appropriate scale of development. Similarly, the amendments would promote larger scale hospitals to compete for land with more appropriate larger scale commercial uses.

2. To permit as complying development the potential construction of 12 metre high commercial premises on sites of health care facilities may have unintended negative impacts in R2 Low Density Residential areas.

There may be excessive overshadowing, overlooking, bulk and scale, and traffic impacts. These premises should more appropriately be limited to larger commercial zones.

3. Related to this, permitting hospitals for example in small scale B1 Neighbourhood Centres would have the potential to intensify land use impacts that may adversely affect precinct amenity and create excessive bulk and scale in what are generally small, local 2 storey centres for neighbourhood shops.