

7 April 2017

Director of Industry and Infrastructure Policy
NSW Department of Planning and Environment
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Draft Infrastructure SEPP

Dear Sir/Madam

Thank you for the opportunity to make a submission on the draft Infrastructure SEPP.

The following submission has been prepared by Council officers and has not been adopted by Council.

General Comments

While Council supports the review of the Infrastructure SEPP to assist in simplifying the infrastructure approval process, it is paramount that appropriate levels of environmental assessment (ie. Part 4 and Part 5 of the Environmental Assessment Act) and notification requirements are not compromised. The Government must ensure that the SEPP does not lessen the value of environmental assessment and appropriate notification / consultation with the community in relation to development.

Exclusions – Exempt and Complying Development Heritage and Contamination.

Identifying exclusions relating to exempt and complying development is considered inconsistent throughout the SEPP. For example some divisions identify Heritage Items as an exclusion where other divisions are directed to refer to Clause 1.17A of the Exempt and Complying Development Codes SEPP 2008.

To ensure consistency and to clearly identify what the exclusions are in relation to Exempt and Complying development, it is recommended that this be clearly set out at the beginning of the Infrastructure SEPP this will avoid certain exclusions being overlooked such as heritage and contamination.

Further, in relation to Heritage as an item of exclusion, some divisions identify “Heritage Items” only or “Heritage buildings” while other divisions identify “Heritage conservation

Areas” only. Once again, the SEPP needs to be consistent regarding what is considered as an exclusion and to clearly identify this.

It is noted that demolition of buildings has been updated to exempt development in some divisions such as Port, Wharf or Boating Facilities. This is a concern considering possible contamination of these buildings. It is recommended that demolition of buildings is not considered as exempt development in these areas.

Comments on Part C: Proposed Key Amendments

Health Service Facilities

While it would be advantageous in many respects to reduce timeframes and lower costs for the delivery of health care facilities, it is important to consider the social impacts beforehand and mitigate any negative impacts. Guidelines on how to assess social impacts and mitigate negative social impacts should be communicated to developers.

Allowing Helipads as permitted without development consent is not supported. Allowing this type of land use as permitted without consent has the potential to cause a number of impacts on the surrounding area such as amenity and noise particularly considering the proposed expansion of Health Service Facilities to additional zones.

Allowing residential accommodation within the boundary of a Health Service Facility to be permitted with consent rather than ‘multi dwelling housing’ is not supported. Residential accommodation incorporates all types of residential accommodation that are not appropriate and should not be considered within the boundary of a Health Service Facility.

Police Service Facilities

There is concern with expanding Police Service Facilities to Rural, Industrial and Special Use Zones. Please consider whether these zones are appropriate as these zones are not usually in central locations and or easily accessible to the community at large. Police Service Facilities need to be accessible to the community thus being suited to central locations in local areas.

As acknowledged in the Draft Infrastructure SEPP review, police service facilities in certain land use zones without consent could potentially lead to a range of negative impacts. The draft review documentation stated that the NSW Police Force will need to avoid development at police stations that will result in any significant adverse effect on the amenity of the locality, including impacts on traffic, parking and noise. It is unclear how this will be enforced and monitored.

Lead-in water and sewerage infrastructure

With allowing additional works as complying development, it is important that Council is notified of any proposed infrastructure works to ensure that there is no conflict with Council’s forward planning and capital works programs.

Commuter Hubs

Including tourist and visitor accommodation with consent above railway stations provides opportunity for railway stations to become activated, increase public surveillance and provide multi-uses to transport users. Having accommodation at railway stations may also provide alternative accommodation choices for people who experience unexpected delays or are waiting to catch a later connecting train.

Further, including retail and business premises with consent as may also provide opportunity for railway stations to become activated, increase public surveillance and provide multi-uses to transport users.

Comments on Part D: Proposed operational and housekeeping amendments***Part 3 – Division 1 - Air Transport Facilities***

Including tourist and visitor accommodation with development consent within the boundaries of an Air Transport Facility is supported as this will provide accessible accommodation alternative for travellers.

Division 2 – Correctional Centres

Expanding provisions relating to development without consent on 'any land' for Existing Correctional Centres only is supported, however, there should be no expanding this provision to new correctional centres on any land.

Division 5 – Electricity transmission or distribution networks.

While additional works are being included as development permitted without consent and other maintenance works are being proposed as exempt, the notification process to affected landowners should not be compromised.

Roads and Traffic – Division 17

With allowing additional works as complying, it is important that Council is notified of any proposed infrastructure works to ensure that there is no conflict with Council's forward planning and capital works programs.

Should you have any enquiries regarding this letter, please contact Cheryl Lappin, Acting Group Manager City Strategy on 4221 6127.

Yours sincerely



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